

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Planning Committee

The meeting will be held at **6.00 pm** on **5 January 2023**

**Council Chamber, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Qaisar Abbas, Daniel Chukwu, Steve Liddiard, Susan Little and Elizabeth Rigby

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>3 Declaration of Interests</b>	
<b>4 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting</b>	
<b>5 Planning Appeals</b>	<b>5 - 10</b>

## **6 Public Address to Planning Committee**

The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

<b>7</b>	<b>22/01241/FUL - The Hollies Rectory Road Orsett Essex RM16 3EH (Deferred)</b>	<b>11 - 32</b>
<b>8</b>	<b>21/01812/FUL - Land Adjacent And To The Rear Of The George And Dragon East Tilbury Road Linford Essex (Deferred)</b>	<b>33 - 106</b>
<b>9</b>	<b>19/01556/OUT - Kings Farm Parkers Farm Road Orsett Essex RM16 3HX</b>	<b>107 - 160</b>
<b>10</b>	<b>22/01513/FUL - Thurrock Lawn Tennis Club Montgomery Close Grays Essex RM16 2RL</b>	<b>161 - 174</b>
<b>11</b>	<b>22/01402/HHA - 182 Sewell Close Chafford Hundred Grays Thurrock RM16 6BU</b>	<b>175 - 182</b>

### **Queries regarding this Agenda or notification of apologies:**

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **21 December 2022**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

#### **Advice Regarding Public Attendance at Meetings**

If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.

Hand sanitiser will also be available at the entrance for your use.

#### **Recording of meetings**

This meeting will be live streamed with the recording available on the Council's webcast channel.

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

#### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities. If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee. The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, smartphone or tablet.

- You should connect to TBC-GUEST
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

## How to view this agenda on a tablet device



You can view the agenda on your [iPad](#) or [Android Device](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

<b>5 January 2023</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Mark Bradbury, Director of Place		

## Executive Summary

This report provides Members with information with regard to planning appeal performance.

### 1.0 Recommendation(s)

#### 1.1 To note the report.

### 2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

### 3.0 Appeals Lodged:

#### 3.1 Application No: 22/00080/FUL

Location: Valmar Store, 50 Valmar Avenue, Stanford-Le-Hope  
SS17 0NF

Proposal: (Retrospective) Erection of structure to front of shop to provide covered shopping area.

- 3.2 **Application No: 22/00016/FUL**  
Location: 41 Southend Road, Stanford-Le-Hope SS17 0PQ  
Proposal: Proposed replacement dwelling house towards the rear of existing development site.
- 3.3 **Application No: 22/00665/FUL**  
Location: 7 Blackmore Close, Grays, Essex RM17 6EB  
Proposal: (Retrospective) Re-positioning of shed and erection of new picket fence panel over existing brick wall along with change of use of land to residential curtilage with levelling and hard surfacing
- 3.4 **Application No: 22/01098/PHA**  
Location: 65 Feenan Highways, Tilbury, Essex, RM18 8ET  
Proposal: Rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 3 metres and eaves height of 3 metres.
- 3.5 **Application No: 22/00740/HHA**  
Location: 96 Hamble Lane, South Ockendon, Essex, RM15 5HP  
Proposal: Two storey side extension.
- 3.6 **Application No: 22/00882/HHA**  
Location: 1 Kershaw Close, Chafford Hundred, Grays, Essex RM16 6RN  
Proposal: Loft conversion and two storey side extension.

#### 4.0 Appeals Decisions:

The following appeal decisions have been received:

- 4.1 **Application No: 21/02093/CLOPUD**  
Location: 68 Purfleet Road, Aveley, South Ockendon RM15 4DR  
Proposal: Single storey side extension.  
Appeal Decision: Appeal allowed



- 4.1.2 The appeal related to a proposed single storey side extension, not more than 4m in height, submitted under a Lawful Development Certificate (LDC) application. The main issue, according to the Inspector, was whether the decision to refuse to grant the LDC was well-founded.
- 4.1.3 The primary issue relating to the assessment of the lawful status of the proposal related to the height of the proposed eaves, versus the height of the eaves of the existing dwelling. The Council considered that as the eaves height of the proposed side extension would be higher than the eaves of a single storey rear element, the proposal would fail to be lawful as Permitted Development (PD).
- 4.1.4 The Inspector considered that as the proposed eaves height related to a side extension, and the eaves height which was higher on the existing building related to the rear elevation, that the measurement which would apply, would relate to the side elevation only. Given the side elevation eaves are two storey in height, then there would be no conflict with respect to Class A.1 d).
- 4.1.5 The Inspector considered the rear extension was not the same part of the building as the location of the proposed side extension, and therefore concluded that the development would be lawful.
- 4.1.6 The full appeal decision can be found online.

**4.2 Application No: 21/00243/FUL**

Location: Wick Place Cottage, Brentwood Road, Bulphan, Essex RM14 3TJ

Proposal: Demolition of existing outbuildings, replacement of former smithy to create new dwelling and erection of new dwelling, including associated development and access.

Appeal Decision: Appeal Dismissed

Costs Decision: Appeal Dismissed

**Planning Matters**

- 4.2.1 The Inspector considered the main issues in this appeal related to be whether the proposal would be inappropriate development in the Green Belt; whether the proposal would be contrary to the purposes of including land within the Green Belt; and, if inappropriate, whether the proposal

would be clearly outweighed by other considerations so as to amount to Very Special Circumstances necessary to justify the development.

- 4.2.2 The Inspector noted the open nature of the northern half of the site where the new dwellings would be located, and considered that, ' the introduction of built form in an undeveloped part of the site would mean the proposal would have a greater visual impact on the openness of the Green Belt... [and] ...having regard to the spatial and visual impact the development would undoubtedly have a greater impact on the openness of the Green Belt than the existing development'. The Inspector therefore found the proposal would be inappropriate development contrary to PMD6 and the NPPF.
- 4.2.3 The Inspector also agreed with the Council with respect to the proposal conflicting with the third purpose of including land within the Green belt, in that, 'the development would represent encroachment of built development into the countryside to the east of the road', contrary to paragraph 138 (c) of the NPPF.
- 4.2.4 Turning to the Appellant's case for justifying the development, the Inspector agreed with the Council with respect to its assessment of the Appellant's Permitted Development fall-back position, commenting that while it is a material consideration he only gave it limited to moderate weight in assessing it as a factor. The Inspector also attributed limited to moderate weight to the benefit provided from the proposal to the local housing supply.
- 4.2.5 With respect to the Appellant's proposed reinstatement of the former smithy building, the Inspector commented, 'although reference is made to the 'reinstatement' of the smithy, what is proposed is essentially a new dwelling incorporating features reminiscent of the former building.' and the Inspector advised the design and appearance of the scheme carried no weight in favour of the proposal.
- 4.2.6 Finally, the Inspector concluded that the proposal would be inappropriate development, harmful given the reduction in openness and the encroachment of built development into the countryside. Advising that substantial weight must be given cumulatively to this harm. The appeal was dismissed.

#### Costs

- 4.2.7 The Appellant also submitted an appeal claim for costs against the Council. The Appellant's claim was that the Council had caused time delays in not provided them with a copy of the appeal questionnaire in as timely a fashion as expected within the appeal timetable. However, the Inspector commented that the questionnaire was ultimately sent to the Appellant and that there is no evidence to support the position that this led to any delay in

issuing a decision, nor that the Council did not engage appropriately with the Appellant. The Inspector concluded that while the Council should have adhered to the Planning Inspectorate set timetable, the delay did not lead to any unnecessary cost. The appeal was dismissed.

4.2.8 The full appeal decisions can be found online.

## 5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	7	3		2	1	7	5	11	3				39
No Allowed	4	1		0	0	5	0	4	2				16
% Allowed	57.1%	33.3%	0	0%	0%	71.4%	0%	36.3%	66.6%				41%

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

## 6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

## 7.0 Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

## 8.0 Implications

### 8.1 Financial

Implications verified by: **Laura Last**  
**Management Accountant**

There are no direct financial implications to this report.

### 8.2 Legal

Implications verified by: **Mark Bowen**  
**Interim Deputy Monitoring Officer**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably. Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due

### 8.3 Diversity and Equality

Implications verified by: **Natalie Smith**  
**Strategic Lead Community Development and Equalities**

There are no direct diversity implications to this report.

### 8.4 Other implications (where significant) – i.e., Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

None.

### 9.0. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

### 10. Appendices to the report

- None

# Agenda Item 7

Planning Committee 5 January 2023	Application Reference: 22/01241/FUL
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<b>Reference:</b> 22/01241/FUL	<b>Site:</b> The Hollies Rectory Road Orsett Essex RM16 3EH
<b>Ward:</b> Orsett	<b>Proposal:</b> Proposed replacement dwelling and relocation of existing swimming pool

Plan Number(s):		
Reference	Name	Received
2121. 10C	Proposed Site Layout	9th September 2022
2121. 10D	Location Plan	9th September 2022
2121. 17A	Proposed Elevations, Sections and Roof Plan	9th September 2022
2121. 18A	Proposed Elevations and Floor Plans	9th September 2022
2121. 19	Existing Elevations and Floor Plans	9th September 2022
2121. 20	CGI View Plan	9th September 2022
2121. 21	CGI View Plan	9th September 2022
2121. 22	CGI View Plan	9th September 2022
LS6022/1	Topographical Survey	9th September 2022

The application is also accompanied by:  Simon Burke Design LTD, Design and Access Statement dated April 2022	
<b>Applicant:</b> Mr And Mrs M Watts	<b>Validated:</b> 9 September 2022  <b>Date of expiry:</b> 9 <sup>th</sup> January 2023 <b>(Extension of time agreed with applicant)</b>
<b>Recommendation:</b> Refusal	

## 1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 1<sup>st</sup> December 2022 Members of the Planning Committee were unable to reach a decision in voting on the application due to the number of members at the meeting. As a consequence, the decision was made to was defer the application in order for Members to take consider the application at the next available Planning Committee in January 2023.

1.2 A copy of the report presented to the November Committee meeting is attached.

## **2.0 UPDATE AND CONCLUSIONS**

2.1 Other than the Member's site visit taking place on 23<sup>rd</sup> November 2022, there have been no changes to circumstances since the previous Planning Committee meeting and no further submissions. Any further updates will be provided verbally at the meeting.

2.2 For the same reasons as set out before and as set out in the appended report, the proposal is considered unacceptable.

## **3.0 RECOMMENDATION**

3.1 Refuse for the reasons in the original report, appended.

<b>Reference:</b> 22/01241/FUL	<b>Site:</b> The Hollies Rectory Road Orsett Essex RM16 3EH
<b>Ward:</b> Orsett	<b>Proposal:</b> Proposed replacement dwelling and relocation of existing swimming pool

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<b>Applicant:</b> Mr And Mrs M Watts	<b>Validated:</b> 9 September 2022  <b>Date of expiry:</b> 5 December 2022 ( <b>Extension of time agreed with applicant</b> )
<b>Recommendation:</b> Refusal	

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 16<sup>th</sup> November 2022 Members of the Planning Committee voted to defer the application in order for Members to undertake a site visit. The site visit took place on 23 November 2022.
- 1.2 A copy of the report presented to the November Committee meeting is attached.

**2.0 UPDATE AND CONCLUSIONS**

- 2.1 Other than the site visit taking place, there have been no changes to circumstances since the previous Planning Committee meeting and no further submissions. Any further updates will be provided verbally at the meeting.
- 2.2 For the same reasons as set out before and as set out in the appended report, the proposal is considered unacceptable.

**3.0 RECOMMENDATION**

- 3.1 Refuse for the reasons in the original report, appended.



<b>Reference:</b> 22/01241/FUL	<b>Site:</b> The Hollies Rectory Road Orsett Essex RM16 3EH
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2121. 21	CGI View Plan	9th September 2022
2121. 22	CGI View Plan	9th September 2022
LS6022/1	Topographical Survey	9th September 2022

The application is also accompanied by:	
Simon Burke Design LTD, Design and Access Statement dated April 2022	
<b>Applicant:</b> Mr And Mrs M Watts	<b>Validated:</b> 9 September 2022 <b>Date of expiry:</b> 21 November 2022 ( <b>Extension of time agreed with applicant</b> )
<b>Recommendation:</b> Refusal	

This application has been Called In for determination by the Council's Planning Committee by Cllrs D Arnold, , R Gledhill, B Johnson, J Halden and , B Maney for a wider discussion as to the merits of the proposals.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks to demolish the existing two storey dwelling and replace it with a two-storey contemporary style dwelling that would appear key-shaped in its footprint. The replacement dwelling would have a substantial footprint and would feature an integral garage which would accommodate off street parking for 4 vehicles, along with an annexe for family members to be located at first floor level within one of the proposed wings of the dwelling.
- 1.2 The existing swimming pool is to be relocated as part of the proposal, and two existing outbuildings are to be removed.

## 2.0 SITE DESCRIPTION

- 2.1 The application site hosts a late twentieth century, traditional two storey dwelling that is of a brick and tile finish. The site is accessed via a gravel access road located between the listed Whitmore Arms Public house to the south of the site and The Larches the immediate north and west. Rozen House is also sited along the northern boundary of the site. Located upon the eastern boundary of the site are open fields. The existing dwelling is set back from Rectory Road and has limited view from the highway.
- 2.2 The application site is located within the Orsett Conservation Area, with the existing dwelling and half of the rear garden area lying within the Conservation Area boundaries. The most easterly half of the rear garden area lies outside the boundaries of the Conservation Area and falls within the Metropolitan Green Belt.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
83/00701/FUL	Two Houses and Garages Including Private Drive Access. Amended Plans Received 1.11.83. Drawing No. 2001-1A. LB/THU/16/83	Approved
83/00701/LB	Two Houses and Garages Including Private Drive Access. Amended Plans Received 1.11.83. Drawing No. 2001-1A. LB/THU/16/83	Consent Granted
85/00714/OUT	3 houses and 3 garages.	Refused
94/00220/FUL	Single storey extension	Approved
95/00001/FUL	Two storey front extension	Approved
95/00173/FUL	Two storey side extension	Approved

95/00593/FUL	Erection of stables on land adj to 'THE HOLLIES'	Refused
97/00387/FUL	Two storey front extension	Approved
03/00721/FUL	Conservatory to flank	Approved
06/01147/LDC	Use of the land edged red on plan 656.102 as residential garden to the property known as The Hollies for more than ten years	Lawful
10/00850/TPO	5 x - Sycamore - Fell	No Objection
11/00457/HHA	Demolition of existing conservatory and erection of replacement single storey extension with balcony above	Approved
15/00556/HHA	Proposed removal of existing conservatory and replacement with a single storey garden room to rear.	Approved
15/01391/TPOCA	T1-T5 Prunus, T6 Sorbus, T11 Birch, T2 Holly, T10 Bay T6-T9 Prunus - Remove all	No Objection
16/01551/TPOCA	Remove T1 [Silver Birch], T2 [Oak], T3 [Red Maple] T4 [Acer Negundo] to ground level and cut back overhanging branches of T5 [Leyandi], T6 [Leyandi] and T7 [Ash]	No Objection
22/00614/FUL	Proposed replacement dwelling and relocation of existing swimming pool	Withdrawn

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, a public site notice erected nearby the site and a press notice. No letters have been received in relation to the proposal.

#### ARCHAEOLOGICAL ADVISOR:

No objections, subject to specific archaeological conditions including trial trenching and excavation conditions.

#### ENVIRONMENTAL HEALTH:

No objections subject to a condition in relation to the submission of a CEMP and

hours of construction.

#### HERITAGE ADVISOR:

The proposals would fail preserve or enhance the character and appearance of the Orsett Conservation Area, contrary to Section 72(1) to the Planning (Listed Buildings and Conservation Areas) Act 1990. There will be less than substantial harm caused to the significance of the heritage asset.

#### HIGHWAYS:

No objections subject to a condition in relation to the submission of a Construction Environment Management Plan

#### LANDSCAPE AND ECOLOGY:

No objections, subject to landscape and tree protection conditions.

## 5.0 POLICY CONTEXT

### National Planning Guidance

#### National Planning Policy Framework

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, 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<sup>2</sup>; or
  - ii 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.

<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five

year supply of deliverable housing sites ...

- <sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

5.2 The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 16. Conserving and Enhancing the Historic Environment

#### Planning Policy Guidance

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Use of planning conditions

#### **Local Planning Policy**

##### Thurrock Local Development Framework (as amended) 2015

5.4 The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

#### Overarching Sustainable Development Policy:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### Spatial Policies:

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt

#### Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment

#### Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy

#### Thurrock Local Plan

- 5.5 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

## Thurrock Design Strategy

- 5.6 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

### **6.0 ASSESSMENT**

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development and impact upon the Green Belt
- II. Design, Layout and Impact upon the Conservation Area
- III. Provision of a Suitable Living Environment
- IV. Impact upon Neighbouring Amenity
- V. Parking, access, traffic and highway impacts
- VI. Other matters

#### **I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT**

- 6.2 The boundary of the residential area (which coincides with the eastern boundary of the Orsett Conservation Area) and the Metropolitan Green Belt is halfway within the site along a north-south axis, with the eastern half of the site falling within land designated as Metropolitan Green Belt. The proposed replacement dwelling would be located east of the existing dwelling and half of the proposed replacement dwelling would fall within the Green Belt. As such, the proposal would fall to be considered as development falling within the Green Belt, as well as within the Orsett Conservation Area.

- 6.3 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

- 6.4 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.5 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 147 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 148 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.6 Paragraph 149 (d) is specifically relevant to this proposal: *149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- 6.7 Policy PMD6 (2)(i) of the Core Strategy allows for the replacement of residential dwellings within the Green Belt subject to the replacement dwelling not being materially larger than the original building.
- 6.8 The proposal is intended as a replacement dwelling for residential use and is to be occupied by a single household, which is of the same use as the dwelling as existing. The proposal would thereby comply with the first part of Paragraph 149 (d) of the NPPF.
- 6.9 The key consideration of the proposal is if the replacement dwelling would be materially larger than the one it is to replace. What is meant by material is not defined and therefore has to be considered on a case-by-case basis. In this instance, the assessment needs to be based on a quantitative and qualitative exercise.



- 6.10 The proposal involves the demolition of the existing residential dwelling that sits to the west of the site, outside the Green Belt, and is considered to be of a staggered L-shape build. The existing dwelling benefits from two modest outbuildings located within the rear of the site that are to be removed as part of the proposal. The replacement dwelling is to be erected and located further central and eastwards within the site and would be a building featuring multiple wings and is considered to be sprawling in its nature and layout.
- 6.11 With respect to the quantitative assessment, the existing dwelling has a footprint of 232.80sqm, the replacement dwelling would have a footprint of 444.32sqm, the proposal would have a footprint that measures 211.52sqm larger than that of the existing dwelling. Whilst it is noted that the two existing outbuildings at the site are to be removed, the proposal would still result in an overall increase of footprint of 144.92sqm which equates to 61% of additional footprint. In conjunction with the increase in footprint the proposal would result in an increase in both volume and the massing of the building. As a result the proposed building is substantially larger than the existing dwelling on site as can be clearly seen in the table below.

	Existing Dwelling	Proposed Dwelling	Increases Relative to Original/Existing	% increase to Original/Existing
Footprint	232.80m <sup>2</sup>	444.32m <sup>2</sup>	+211.52m <sup>2</sup>	+61%
Floorspace	312.48m <sup>2</sup>	676.04m <sup>2</sup>	+363.56m <sup>2</sup>	+73.5%
Volume	1,144.78m <sup>3</sup>	2,829.22m <sup>3</sup>	1684.44m <sup>3</sup>	84.77%

- 6.12 Factoring in the qualitative assessment of the replacement, the proposed dwelling would be taller and significantly wider and would have a substantial overall length and width with the dwelling separated into three distinct wings. The proposed key-shaped layout of the dwelling means that it would have an overall maximum width of 30.9m. The central wing would have an overall depth of approximately 20m and the wing providing the garaging and annexe having an overall depth of approximately 19m. The staggered and sprawling layout of the proposal would in qualitative terms result in the replacement building being significantly materially larger than the one it replaces.
- 6.13 The relocation of the swimming pool is also proposed. It is noted that the existing swimming pool already falls within the Green Belt. With limited development above ground, the proposed relocation of the pool is considered to pose a limited impact upon the openness of the Green Belt.

- 6.14 As a result of the above it is considered that the proposal would be materially larger than the existing dwelling on the site and unequivocally have a greater impact upon the openness of the Green Belt. Therefore the proposal would not fall within any of the exceptions to inappropriate development in the Green Belt. The proposal would comprise inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.
- 6.15 Consequently, the proposal comprises of inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it.

- 6.16 As established above, the proposed replacement dwelling would be significantly larger than the existing or original buildings at the site and would be located further east into the site and closer to the undeveloped part of the overall site and, therefore, cause a reduction of openness. Whilst the height of the proposed dwelling would not exceed that of what is existing the increase of the depth and overall length of the dwelling from 14.3m and 25.28m to 31.81m and 28.38m in footprint would amplify the harm caused in this respect. The harm to openness caused by the proposal should be found unacceptable and afforded substantial weight.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the Very Special Circumstances necessary to justify inappropriate development

- 6.17 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances

which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being ‘very special circumstances’. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

- 6.18 With regard to the NPPF, paragraph 147 states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 148 goes on to state that, when considering any planning application, local planning authorities *“should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.19 Whilst the planning application has been accompanied by a Planning Statement the applicant has not advanced any factors to provide Very Special Circumstances in relation to the proposal. Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt.
- 6.20 Nether the less, whilst no factors have been submitted, a summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	None provided	No weight
Reduction in the openness of the Green Belt	Substantial		
Conflict with a number of the purposes of including land in the Green Belt – purposes (c) and (e)	Substantial		

- 6.21 It is considered that the applicant has not advanced any factors which would cumulatively amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the

assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

## II. DESIGN, LAYOUT AND IMPACT UPON THE CONSERVATION AREA

- 6.22 The application site lies on the east side of Rectory Road. Whilst there is a variety of properties within the locality it is considered that it is a character of these properties that they appear to be of a traditional design due to their use of external finishes and fenestration. It is also noted that the dwellings are predominantly detached and typically of a similar scale, mass and footprint.
- 6.23 The application site lies partially within Orsett Conservation Area, with the existing building lying within the Conservation Area boundary. The building dates from the late twentieth century and has subsequently had further additions, the scale, mass and materials of the existing are considered to be in keeping with the character and appearance. The site also benefits from trees located within the site, all of which are mature specimens. The Landscape and Ecology Advisor has advised that the proposal would not result in any adverse effects upon these trees as long as appropriate measures are followed to prevent disturbance to their roots during construction, these details and protection measures would be secured via a condition if the application were being favourably recommended.
- 6.24 The existing dwelling represents a footprint of 232.80sqm, the replacement dwelling would represent a footprint of 444.32sqm, the proposal would have a footprint that measures 212.62sqm larger than that of the existing dwelling. The proposal has been designed such that it would be sprawling in nature occupying a larger proportion of the site.
- 6.25 It is considered that the proposed dwelling would, by virtue of the irregular shape, use of wings and sprawling layout, be unduly large and significantly exceed what can be considered to be proportionate to the plot it would sit within and when viewed within the wider context of the area. It is considered that the overall scale of the development is further exacerbated in visual terms due to the use of external finishes which are not typically found within the locality, including the Conservation Area. As a result of this, and the building being of wholly different appearance, the proposal would be jarringly at odds with the character and appearance of the other buildings within the locality in the Orsett Conservation Area. The building would show minimal regard to the scale or appearance of the surrounding built form and would not show adequate regard to the character and appearance of the area. Whilst concerns with regards to the scale of the proposal were expressed with the applicant and a reduction in size requested, no revised plans have been submitted

to the Council.

- 6.26 The concerns regarding the design, scale, mass, layout and appearance of the dwelling upon the Conservation Area were first highlighted by the Heritage Advisor during the previous planning application. The Heritage Advisor was consulted in relation to the proposal and considers that the proposal, even though set back behind The Larches and The Whitmore Arms Public House would still be visible from Rectory Road. Public Footpath 103 runs outside the southern boundary of the garden of the application site.
- 6.27 The Heritage Advisor drew attention to the previous withdrawn submission (22/00614/FUL) in which the exact same development was proposed, it was advised that their comments submitted to the Council in relation to that proposal were still relevant to the current proposal. It was considered by the Heritage Advisor that the proposal in its current form is not in keeping with that of the area. Whilst the proposed dwelling would fall deeper into the site, it would still be located on the edge of the Conservation Area and form part of its setting. The scale and massing are a significant increase to the existing and, along with the contemporary design and external finishes, the proposal largely due to the overall design would draw the eye when compared to what is currently existing at the site which is considered by the Heritage Advisor as inappropriate to the area. The buildings visual impact would also be amplified particularly in the winter months from Rectory Road, due to the gap in the road from the public house car park. In addition views of the site can be partially afforded by the public footpath located to the southern boundary of the site, it is also noted that during the winter months that these views would also be amplified.
- 6.28 The applicant had suggested that the proposal could be set back further within the site, however the Heritage Advisor considered that this would not solve the issue entirely. Upon final consideration the Heritage Advisor identified that the proposal would result in harm to the significance of the conservation area, as an area of special interest arising from its village settlement character.
- 6.29 Therefore, the proposal would be unacceptable and contrary to Policies CSTP22, CSTP23, CSTP24, PMD2 and PMD4 of the Core Strategy and Policies for Management of Development 2015. The proposal would also be contrary to the guidance contained within the NPPF and the Council's Design Guidance SPD.

### III. PROVISION OF A SUITABLE LIVING ENVIRONMENT

- 6.30 It is considered that sufficient private amenity is to be provided for the proposed dwellinghouse. The proposed dwelling would have a suitable internal living arrangement and provide sufficient light and outlook to habitable rooms. Therefore,

the proposed dwelling would provide a suitable level of amenity for future occupiers.

#### IV. IMPACT UPON NEIGHBOURING AMNEITY

- 6.31 The application site as existing is sited such that it is accessed via a gravel access road located between The Whitmore Arms Public house to the south of the site and The Larches the north of the site, it is also noted that the Rozen House is sited along the northern boundary of the site. Located upon the eastern boundary of the site are open fields.
- 6.32 The proposed dwelling would be set considerably further east within the site than the existing dwelling, and such that it would now be located 23.7m from the shared boundary with The Larches and would result in no detrimental impact upon this neighbour. The proposal would be sited behind the principal elevation of Rozen House and orientated so that it would not be likely to result in any unacceptable overbearing impact or loss of privacy. The roof lights in the flank of the roof slope providing the proposed annexe would be unlikely to result in any significant loss of privacy to this neighbour.
- 6.33 A balcony is proposed to be located to the first-floor rears of each of the proposed wings of the replacement dwelling. The views afforded from these balconies would be directed towards the rear garden of the application site, as such they would not result in a level of harm that would be to the detriment of neighbouring properties amenities.
- 6.34 Given the close proximity of the application site to residential dwellings, if a favourable recommendation were being made, then a condition would be recommended to restrict the hours of construction in order to protect the amenities of these neighbouring properties. A condition would also be recommended such that a Construction Environmental Management Plan be submitted and agreed with the LPA prior to the commencement of works which shall detail noise control and dust control measures in order to minimise the impact of the development on neighbouring properties.
- 6.35 The proposal would, therefore, subject to appropriate conditions comply with Policy PMD1 with regard to neighbour amenity impacts.

#### V. PARKING, ACCESS, TRAFFIC AND HIGHWAYS IMPACTS

- 6.36 Policy PMD8 requires all development to provide a sufficient level of parking. The application site as existing benefits from 4 bedrooms and has substantial off-street parking via the existing vehicle access and driveway. This same access would

continue to provide ample off-street parking and the Council's Highways Officer has raised no objections to the proposal subject to a Construction Environmental Management Plan (CEMP) condition. It is considered that both adequate parking and access is to be provided and the proposal would comply with the criteria in Policies PMD2 and PMD8 of the Core Strategy and guidance in the NPPF.

## VI. OTHER MATTERS

- 6.37 The Archaeology Advisor has commented that the Historic Environment Record shows that the proposed development lies within an area of known cropmarks identified from aerial photography. These cropmarks, identified to the east of the proposed development, are extensive. They show rectilinear features, sub-rectangular enclosures, ring-ditches, double ditches, pits, and some elements that have been interpreted as part of a henge monument.
- 6.38 These cropmarks are clear indicators of multi-phase settlement activity and are thought to range in date from the Prehistoric to the Roman period (EHER 5191). Specifically, a collection of linear cropmarks forming an enclosure appear to project into the proposed development site. The Archaeology Advisor considers that it is clear that the site has the potential to contain archaeological settlement remains associated with this multi-phase cropmark complex and has consequently recommended that any favourable recommendation includes relevant conditions relating to appropriate trial trench and excavation. Subject to these conditions there would be no objections with respect to archaeological impacts.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for development in the Green Belt and whether there are any factors or benefits which clearly outweigh harm such that the VSC necessary for a departure from normal policy to be justified exist.
- 7.2 The proposal is inappropriate development in the Green Belt, would lead to the loss of openness and would cause harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. No matters have been put forward that would outweigh this significant harm.
- 7.3 In addition, the proposal would, by reason of its siting, footprint, layout, height, scale and use of external finishes, appear poorly related to the character and development pattern of the area which is harmful to the character and appearance of the Orsett Conservation Area. The proposal would result in harm to the significance of the Conservation Area, as an area of special interest arising from its village settlement character.

## 8.0 RECOMMENDATION

### 8.1 Refuse for the following reasons:

- 1 The proposal would, by reason of its siting, scale, layout, mass, height and footprint, represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. No very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by any other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.
- 2 The proposal by reason of its siting, footprint, layout, scale, height, massing and use of external finishes, would appear poorly related to the character and development pattern of the area which is harmful to the character and appearance of the Orsett Conservation Area. The application is therefore contrary to policies CSTP22, CSTP23, CSTP24 and PMD4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

### **Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:**

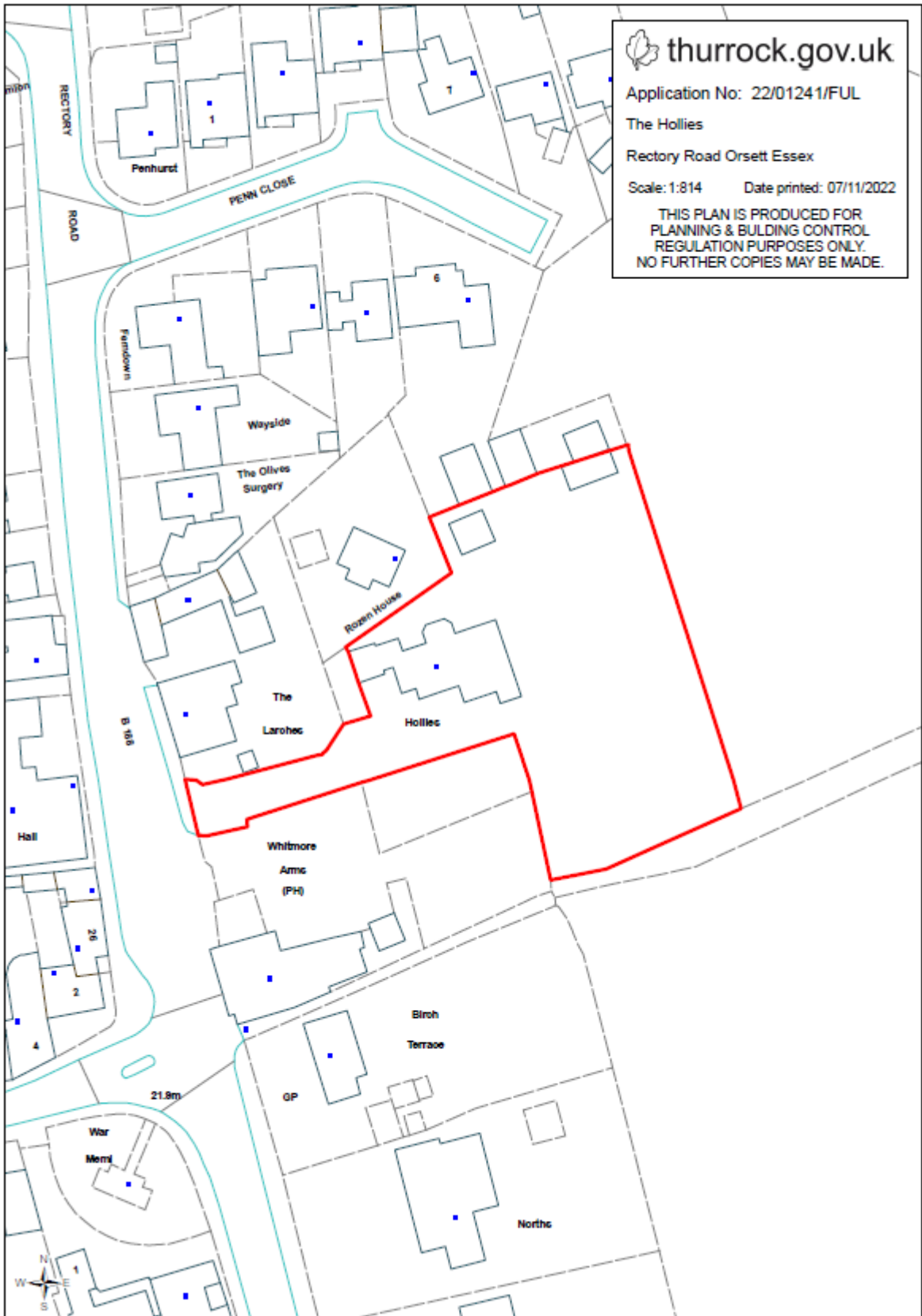
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)





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# Agenda Item 8

Planning Committee: 5 January 2023	Application Reference: 21/01812/FUL
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<b>Reference:</b> 21/01812/FUL	<b>Site:</b> Land adjacent and to the rear of The George and Dragon East Tilbury Road Linford Essex
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Detailed planning application for the construction of 230 affordable dwellings with associated parking, access, landscaping, open space and infrastructure.

<b>Plan Number(s)</b>		
Reference	Name	Received
1352-EWK-001 P02	Proposed Levels Strategy Sheet 1 of 2	10th November 2021
1352-EWK-002 P02	Proposed Levels Strategy Sheet 2 of 2	10th November 2021
1352-EWK-003 P02	Proposed Earthworks Contours Sheet 1 of 2	10th November 2021
1352-EWK-004 P02	Proposed Earthworks Contours Sheet 2 of 2	10th November 2021
1352-EWK-005 P02	Proposed Earthworks Cut and Fill Analysis Sheet 1 of 2	10th November 2021
1352-EWK-006 P02	Proposed Earthworks Cut and Fill Analysis Sheet 2 of 2	10th November 2021
7079-PL-01H	Proposed Site Layout	27th January 2022
7079-PL-02H	Constraints Plan	27th January 2022
7079-PL-03A	Existing Site Layout (Site Survey)	21st October 2021
7079-PL-04C	Boundaries Plan	27th January 2022
7079-PL-05C	Character Areas	27th January 2022
7079-PL-06C	Parking Provision	27th January 2022
7079-PL-07C	Storey Heights Plan	27th January 2022
7079-PL-08C	Dwelling Size Plan	27th January 2022
7079-PL-09C	Materials Plan	27th January 2022
7079-PL-10C	Roof Pitches	27th January 2022
7079-PL-11C	Waste Collection Strategy	27th January 2022
7079-PL-12C	EV Charging Plan	27th January 2022
7079-PL-13A	Location Plan	21st October 2021
7079-PL-20C	House Type – Holt. Plans and Elevations 01	27th January 2022
7079-PL-21C	House Type – Holt. Plans and Elevations 02	21st October 2021

7079-PL-22B	House Type – Holt. Plans and Elevations 03	21st October 2021
7079-PL-23C	House Type – Holt. Plans and Elevations 04	27th January 2022
7079-PL-24C	House Type – Holt. Plans and Elevations 05	27th January 2022
7079-PL-25C	House Type – Cardingham. Plans and Elevations 01	27th January 2022
7079-PL-26C	House Type – Cardingham. Plans and Elevations 01	27th January 2022
7079-PL-27C	House Type – Cardingham. Plans and Elevations 03	27th January 2022
7079-PL-28C	House Type – Cardingham. Plans and Elevations 04	27th January 2022
7079-PL-29C	House Type – Cardingham. Plans and Elevations 05	27th January 2022
7079-PL-30B	House Type Dallington 11 deg pitch. Plans and Elevations 01	27th January 2022
7079-PL-31A	House Type Dallington 11 deg pitch. Plans and Elevations 02	21st October 2021
7079-PL-32B	House Type Dallington Gable. Plans and Elevations 01	21st October 2021
7079-PL-34C	House Type Dallington 30 deg pitch. Plans and Elevations 01	27th January 2022
7079-PL-35C	House Type Dallington 30deg pitch. Plans and Elevations 02	27th January 2022
7079-PL-36B	House Type Dallington 30deg pitch. Plans and Elevations 02	21st October 2021
7079-PL-37C	House Type Dallington 30-35deg pitch. Plans and Elevations 04	27th January 2022
7079-PL-38B	House Type Dallington 30 deg pitch – Plans and Elevations 06	27th January 2022
7079-PL-39B	House Type Rockingham – Plans and Elevations 01	21st October 2021
7079-PL-40C	House Type Rockingham – Plans and Elevations 02	27th January 2022
7079-PL-50A	Street Elevations Sheet 1	27th January 2022
7079-PL-51A	Street Elevations Sheet 2	27th January 2021
7079-PL-52A	Street Elevations Sheet 3	27th January 2021
7079-PL-60F	Apartment Block A. Proposed Floor Plans – Sections	28th October 2021

7079-PL-61E	Apartment Block A. Proposed Elevations	28th October 2021
7079-PL-62F	Apartment Block B. Proposed Floor Plans – Sections	28th October 2021
7079-PL-63E	Apartment Block B. Proposed Elevations	28th October 2021
7079-PL-100	Cycle Store	21st October 2021
7079-PL-101	Bus Stop/Shelter	21st October 2021
7079-PL-42	House Type Holt 30-40 Deg Hipped Roof – Plans and Elevations 06	27th January 2022
7079-PL-43	House Type Holt 30-35 Deg Hipped Roof – Plans and Elevations 07	27th January 2022
7079-PL-44	House Type Dallington 30-35 Deg pitch – Plans and Elevations 06	27th January 2022
7079-PL-45	House Type Dallington 30-35 Deg pitch – Plans and Elevations 07	27th January 2022
1352-D-001 Revision P05	Drainage Strategy	21 <sup>st</sup> October 2021
1352-D-003 Revision P02	Drainage Strategy	28 <sup>th</sup> October 2021

- The application is also accompanied by:
- Affordable Housing Statement (Dated January 2022)
  - Affordable Housing Mix Email (Dated 25 May 2022)
  - Agricultural Considerations Report (Dated March 2022)
  - Agricultural Land Response Letter (Dated 10 August 2022)
  - Air Quality Assessment (Dated October 2021)
  - Application Form
  - Arboricultural Implications Report (Dated October 2021)
  - Archaeological Desk-Based Assessment (Dated 30 September 2021)
  - Design and Access Statement (Dated 11 October 2021)
  - Design Addendum (Received January 2022)
  - Ecological Assessment (Dated October 2021)
  - Energy Statement (Dated October 2021)
  - Flood Risk Assessment (Dated January 2022)
  - Foundation Depths Sheets 1 and 2
  - Ground Investigation Report (Dated July 2021)
  - Health Impact Assessment (Dated October 2021)
  - Landscape and Visual Impact Assessment (Dated October 2021)
  - Noise Assessment (Dated October 2021)
  - Planning Statement (Dated October 2021)
  - Preliminary Risk Assessment (Dated October 2021)
  - Preliminary Tree Survey Schedule (Dated March 2021)

<ul style="list-style-type: none"> <li>- Residential Framework Travel Plan (Dated October 2021)</li> <li>- Sequential and Exceptions Test Report (January 2022)</li> <li>- Shadow Habitat Regulations Assessment (Dated October 2021)</li> <li>- Statement of Community Involvement (Dated October 2021)</li> <li>- Sustainability Statement (Dated October 2021)</li> <li>- Transport Assessment (Dated October 2021)</li> <li>- Transport Assessment Addendum (Dated January 2022)</li> <li>- Transport Note (Dated January 2022)</li> <li>- Tree Constraints Plan (Dated March 2021)</li> <li>- Utilities Statement (Dated September 2021)</li> </ul>	
<b>Applicant:</b> Estates and Agency Strategic Land LLP	<b>Validated:</b> 22 October 2021  <b>Date of expiry:</b> 9 January 2023 (Agreed extension of time)
<b>Recommendation:</b> Refuse planning permission	

## 1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 16 November 2022 Members considered a report assessing the above proposal. The report recommended that planning permission be refused for two reasons. These are set out below:

1. *The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes a), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).*
  
2. *The proposals, by reason of the use of standard house types, the layout, the mix of proposed character areas the differing scale and heights of the proposed built form would fail to deliver the high-quality place required by national and*

*local planning policies and would not reflect the character and appearance of the area, taking account the site's countryside location. The proposal is not well-designed and fails to reflect government guidance on design also failing to establish or maintain a strong sense of place. The proposals are therefore contrary to Part 12 of the NPPF and Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.*

- 1.2 A copy of the report presented to the November Committee meeting is attached as an appendix.
- 1.3 At the November Committee Members were minded to grant planning permission for the proposed development based on the following reasons:
- a) the scheme would provide 100% affordable housing (AH);
  - b) the Council is unable to demonstrate a 5-year housing land supply (+ 20% buffer) and the scheme would contribute to the delivery of new housing;
  - c) the scheme would provide for local transport upgrades;
  - d) the scheme would deliver low carbon and 'zero bill' development; and
  - e) the scheme would have an accelerated implementation period of 18 months.
- 1.4 In accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer's recommendation. This report also assesses the reasons formulated by the Committee and sets out the current position regarding heads of terms for any potential s106 agreement and planning conditions.

## **2.0 FACTUAL UPDATES**

- 2.1 At the meeting on 16 November 2022 it was verbally reported by Officers that four late letters of representation had been received following the publication of the agenda. These letters, two of which are from local addresses and the other two with no address provided, raise objections to the application on the following grounds:
- highways safety;
  - traffic congestion;
  - increased pressure on local infrastructure; and
  - potential for surface water flooding.

- 2.2 At the Committee meeting it was also verbally reported that the applicant had submitted a 'Stage 1 Road Safety Audit Addendum' for the proposed highway works and bus lay-by associated with the development.
- 2.3 Reference was made to the term 'Zero Bill Home' in November and the applicant has provided a definition of this term as follows:
- these homes will not be connected to the gas supply network;
  - the homes will be provided with battery storage, air source heat pumps and photo voltaic panels; and
  - the housebuilder (Ilke Homes) has a partnership agreement with Octopus Energy meaning that occupiers will not receive an energy bill for at least 5 years.
- 2.4 It was previously reported that the financial contribution required to mitigate the impacts of the development of local nursery, primary and secondary school place provision was £1,828,739.34. This figure was reported incorrectly. Instead, the correct figure should have been £3,078,524.18, which comprises of £1,952,838.18 for primary education and £1,125,686.00 for secondary education. This figure was incorrectly calculated due to an administrative error that based the scheme on 35% affordable housing provision (the base policy position) as opposed to being 100% affordable housing.
- 2.5 The applicant has also formally submitted a draft Unilateral Undertaking (UU) (or deed) under s106 of the Town and Country Planning Act 1990 which would bind those parties with a legal interest in the site to perform enforceable obligations, but does not require the Council to sign the deed. The Heads of Terms of this deed are detailed from part 5 of this report.

### **3.0 PLANNING ASSESSMENT & LEGAL IMPLICATIONS**

- 3.1 As required by the Constitution, an outline of the implications of making a decision contrary to the Officer recommendation is provided below. The recommended reasons for refusal from the 16 November 2022 Planning Committee report is set out in italics below, with the implications considered subsequently.

#### **3.2 REASON 1: PRINCIPLE OF DEVELOPMENT AND HARM TO THE GREEN BELT (GB)**

- 1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within*



*the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes a), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).*

## REASON 2: DESIGN

*2. The proposals, by reason of the use of standard house types, the layout, the mix of proposed character areas the differing scale and heights of the proposed built form would fail to deliver the high quality place required by national and local planning policies and would not reflect the character and appearance of the area, taking account the site's countryside location. The proposal is not well-design and fails to reflect government guidance on design also failing to establish or maintain a strong sense of place. The proposals are therefore contrary to Part 12 of the NPPF and Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.*

### 3.3 Assessment of the November 2022 Committee's reasons for being minded to grant permission

The following list of reasons were raised by Members as reasons to approve the application and these are considered in more detail below to assess whether these comprise the VSC necessary for approving inappropriate development in the GB. The reasons are:

- a) the scheme would provide 100% affordable housing (AH);
- b) the Council is unable to demonstrate a 5-year housing land supply (+ 20% buffer) and the scheme would contribute to the delivery of new housing;
- c) the scheme would provide for local transport upgrades;
- d) the scheme would deliver low carbon and 'zero bill' development; and
- e) the scheme would have an accelerated implementation period of 18 months.

### 3.4 Reason a): the scheme would provide 100% AH

For the avoidance of doubt 'AH' includes a range of housing products and is

defined in the NPPF (2021) as:

*“Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

*(a) Affordable housing for rent;*

*(b) Starter homes;*

*(c) Discounted market sales housing; and*

*(d) Other affordable routes to home ownership (e.g. shared ownership)”.*

All of the proposed 230 dwellings would be ‘affordable housing’ and the applicant’s draft UU confirms that 172 dwellings (75%) will be ‘Intermediate Housing’ (i.e. affordable home ownership) and 58 dwellings (25%) will be ‘Affordable Rent’. Core Strategy policy CSTP2 (Provision of Affordable Housing) firstly seeks a minimum provision of 35% affordable housing on qualifying sites. The 100% affordable housing provision as proposed is clearly the maximum which can be achieved on any site. CSTP2 also seeks an affordable housing mix of 70% affordable rent and 30% intermediate (i.e. definition (d) above). However, as noted at paragraph no. 6.28 of the November 2022 report, as the proposal delivers 100% AH more intermediate and affordable rent dwellings would be provided via the proposals than would be delivered by a policy compliant 35% AH provision. It is also worth noting that (according to the Council’s website) 64 AH units were completed in 2021/22 representing 24.7% of the total of target 259 annual completions on large housing site of more than 10 dwellings. In this context the delivery of 230 AH dwellings on a single site represents a substantial contribution towards the delivery of AH.

3.5 The weight to be attributed to any material consideration, such as provision of AH, is a matter for the Planning Committee as decision taker. Officers concluded in the November 2022 Committee report that ‘significant’ positive weight should be given to the delivery of 100% AH. On further consideration of recent major applications for residential development in the Green Belt it is apparent that ‘significant’ weight has been applied to policy compliant proposals for 35% AH provision. As referred to in the verbal update by Officers, as the absolute maximum of 100% AH would be secured by this proposal, it is concluded that the weight attributed to the delivery of AH should be increased to ‘very significant’. Members indicated that ‘very significant’ weight should be attached to this benefit. Officers conclude that it is reasonable to reach this conclusion.

3.6 Reason b): the Council is unable to demonstrate a 5-year housing land supply (+ 20% buffer) and the scheme would contribute to the delivery of new housing

The lack of a 5-year housing land supply (+ 20% buffer) is not disputed and is

recognised by the November 2022 Committee report. The most recently Council-published position statement for housing land supply is out of date, though it is accepted that the current figure is less than the 2.5 to 2.7 years supply published in 2016. An updated 5-year housing land supply figure in preparation and, if available, will be confirmed to the Committee.

3.7 The more recently published 2021 Housing Delivery Test measurement for Thurrock confirms the following:

No. of homes required			Total no. of homes required	No. of homes delivered			Total no. of homes delivered	Housing Delivery Test 2021 measurement
2018-19	2019-20	2020-21		2018-19	2019-20	2020-21		
1169	1068	764	3001	408	558	493	1459	49%

The above data confirms that less than half of the new housing required for the Borough between 2018-19 and 2020-21 has been delivered.

3.8 The November 2022 Committee report placed ‘significant’ positive weight on this factor in the planning balance. As above, the weight to be attributed to the scheme’s contribution towards new housing delivery is a matter for the Planning Committee as decision taker. Therefore, whether ‘very significant’ positive weight applies is for Members to decide. However, it is clear that there has been a longstanding under-supply of new housing in Thurrock over a number of years.

3.9 Reason c): the scheme would provide for local transport upgrades

The previous Committee report referred to a financial contribution of £100,000 to provide an adverse weather cover on the platforms at East Tilbury railway station. The draft UU confirms this sum of money which is defined as a contribution “*towards the upgrading of East Tilbury Station and to be spent by the Council in consultation with the West and East Tilbury and Linford Community (WELCOM) Forum*”. The applicant’s agent has advised that the north-bound platform at the station does not currently have any shelter for travellers and the contribution could provide such a feature.

3.10 It is notable that there are limited passenger facilities at the station: the train operating company (C2C) has confirmed that the station facilities comprise step free access and wi-fi availability only. However, whilst C2C have confirmed their support, upgrades at East Tilbury station have not been identified on the Council’s Infrastructure Requirements List and would ordinarily be a matter for the train

operator and / or Network Rail to address. This factor has to be balanced against the fact that the site is located in very close proximity to the station such that this benefit is genuinely site-specific and could not easily be replicated on other Green Belt sites.

- 3.11 The previous report to Planning Committee concluded that limited positive weight should be afforded to this benefit. Members indicated that 'moderate' weight should be placed on this factor. In light of the analysis above it is for the Committee to decide the weight which should be attributed to this factor in the planning balance.

- 3.12 Reason d): the scheme would deliver low carbon and 'zero bill' development

Paragraph numbers 6.38-9 of the November report explained that the modular construction method proposed delivers some inherent advantages in terms of reductions in carbon emissions. However, unlike the Ilke Homes development at Stanford-le-Hope (currently under construction), the report noted that there were no proposed measures over and above the applicable standards for environmental sustainability. This resulted in limited weight being placed on this benefit. However, Members were verbally advised at the November meeting that the housebuilder had committed to provide 25% of the dwellings (58 units) as 'Zero Carbon / Zero Bills Homes'.

- 3.13 The draft UU provided by the applicant addresses this benefit and defines 'Zero Carbon Homes' as dwellings with net zero annual regulated operational carbon emissions. 'Zero Bills Homes' is also defined by the UU as per the wording at paragraph no. 2.3 above. Given this commitment Members were verbally advised at the previous meeting that more than limited weight should be applied to this benefit. The Committee could legitimately conclude that moderate positive weight could be applied to this factor.

- 3.14 Reason e): the scheme would have an accelerated implementation period of 18 months

As this is an application seeking full planning permission, if permission were to be granted, subject to compliance with the requirements of any pre-commencement planning conditions, construction could in theory proceed promptly. Members will be aware that outline planning permissions require approval of both reserved matters and pre-commencement planning conditions before development can commence. It is also relevant that the applicant has drafted a UU, which if legally robust, could be completed quicker than conventional 'two-sided' s106 legal agreements. Finally, the modular construction method proposed by Ilke Homes results in a faster build-out rate compared to traditional housebuilders.

- 3.15 The applicant has provided a draft planning condition which requires that the

development must be commenced within 18 months of the grant of planning permission, rather than the standard 3 years. Advice in National Planning Practice Guidance advises that

*“The local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. For example, a shorter time period may be appropriate where it would encourage the commencement of development ... The national planning policy framework encourages local planning authorities to consider imposing a shorter time period to ensure that proposals for housing development are implemented in a timely manner”.*

3.16 However, a condition requiring that the development shall be completed within a specified time limit could not be used as it would not meet the relevant tests set out at paragraph no. 56 of the NPPF. Consequently it is considered that only ‘limited’ positive weight should be placed on this benefit.

3.17 The November 2022 Committee report (at paragraph no.6.46) set out the summary of the balancing GB balancing exercise which must be undertaken, including the Officer view of the various weights to be attached to material considerations. In light of the analysis above, an update to the table is provided below:

<b>Summary of GB harm and other considerations promoted as clearly outweighing harm such that VSC exist</b>				
<b>Harm</b>	<b>Weight</b>	<b>Factors / benefits promoted by the applicant</b>	<b>Original Weighting</b>	<b>Updated Weighting</b>
Inappropriate development in the GB	Substantial	<i>Delivery of 100% affordable housing</i>	Significant Weight	Very Significant Weight
Reduction of the openness of the GB	Substantial	<i>Transport upgrades to the existing station environment in East Tilbury and facilitating modal shift towards sustainable forms of transport.</i>	Limited Weight	Limited Weight

Conflict (to varying degrees) with a number of the purposes of including land in the GB – purposes a, c and e.	Substantial	<i>Positively responding to the lack of 5-year housing land supply</i>	Significant Weight	Very Significant Weight
		<i>Low carbon development</i>	Limited Weight	Moderate Weight
		<i>Connectivity enhancements to the wider country park setting.</i>	Moderate Weight	Moderate Weight
		<i>Ecological and Biodiversity Enhancements</i>	No Weight	No Weight
		<i>Accelerated build programme to respond to immediate housing shortfall</i>	Limited Weight	Limited Weight
		<i>Thurrock is a National Growth Area and has Freeport Status</i>	No Weight	No Weight

3.18 As above, it is for the Committee as the decision taker to (i) agree the weight allocated to the individual factors / benefits (ii) the cumulative weight which the factors / benefits accrue and (iii) whether individually or collectively the factors / benefits clearly outweigh the harm to the GB and any other harm. It must be remembered that the previous report identified a second reason for refusal based upon design quality. At the previous meeting Members referred to the standard housing types which are a defining feature of the Bata housing to the south of the railway line and drew a comparison between the modular housing proposed and the Bata estate. Ultimately the Committee need to conclude whether (i) the design quality of the development is of a sufficiently high quality; and (ii) if the development falls below the benchmark of ‘high quality’, whether the benefits of the scheme outweigh the harm. In assisting the Committee to reach a conclusion on this point it is useful to refer to paragraph no. 130 of the NPPF which states:

*“Planning policies and decisions should ensure that developments:*

*(a) will function well and add to the overall quality of the area, not just for the short*

*term but over the lifetime of the development;*

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) are 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);*
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users 49 ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

3.19 If the resolution to grant permission contrary to recommendation is maintained by the Committee, all harm must be considered. In these circumstances Members need to be satisfied that the factors / benefits described above clearly outweigh harm to the GB, as well as any other harm including possible lack of design quality.

**4.0 POTENTIAL S106 AGREEMENT ‘HEADS OF TERMS’ & PLANNING CONDITIONS**

4.1 As noted above, the applicant has now produced a draft UU which commits to the following planning obligations:

<b>Description</b>	<b>Trigger</b>	<b>Amount</b>
<p><u>Affordable Housing</u></p> <p>The scheme will be 100% affordable. The mix to comprise of:                      7 x 1-bedroom;                      87 x 2-bedroom;                      84 x 3-bedroom; and                      52 x 4-bedroom.</p>	N/A	N/A

Description	Trigger	Amount
<p>172 units (75%) provided as 'Intermediate Housing 58 units (25%) provided as 'Affordable Rent'</p>		
<p><u>Education</u></p> <p>Financial contributions of:</p> <p>£1,952,838.18 to mitigate the impact of the development on local primary school provision</p> <p>£1,125,686.00 to mitigate the impact of the development on local secondary school provision</p>	<p>To pay to the Council 50% of the Education Contribution prior to Commencement of the Development</p> <p>Not to allow nor permit Commencement of the Development until 50% of the Education Contribution has been paid to the Council</p> <p>To pay to the Council the remaining 50% of the Education Contribution prior to first Occupation of any of the Dwellings</p>	<p>Total: £3,078,524.18</p>
<p><u>East Tilbury Railway Station Upgrades</u></p> <p>Upgrades to the station environment in accordance with Thurrock Council Infrastructure Requirements List</p>	<p>Not to allow nor permit Commencement of the Development until 50% of the Station Contribution has been paid to the Council</p> <p>To pay to the Council the remaining 50% of the Station Contribution prior to first Occupation of any of the Dwellings</p> <p>The contribution will be spent in consultation with the West &amp; East Tilbury and Linford Community (WELCOM) Forum and</p>	<p>Total: £100,000.00</p>



Description	Trigger	Amount
	Thurrock Council (Regeneration).	
<p><u>Sustainable Travel Enhancements</u></p> <p>This will consist of improvements to the cycle storage, bus shelter, bus lay-by and public electric vehicle charging points.</p>	Prior to occupation of the first residential dwelling.	Section 278 Agreement
<p><u>Safeguarded Bridge Land</u></p> <p>To facilitate future pedestrian connectivity to the local area and public open spaces, the scheme will include the safeguarding of land for potential future provision of a footbridge over the rail lines by Thurrock Council.</p>	The safeguarded land will be managed and maintained for 20 years by a management company. The land will be safeguarded prior to commencement on site and the establishment of a management company to manage and maintain the public areas within the Site will be secured through a planning condition.	Land
<p><u>Healthcare</u></p> <p>The scheme will include the provision of a financial contribution towards the enhancement and expansion of NHS Services within the local area.</p>	<p>To pay to the Council 50% of the Health Contribution prior to Commencement of the Development</p> <p>Not to allow nor permit Commencement of the Development until 50% of the Health Contribution has been paid to the Council</p> <p>To pay to the Council the remaining 50% of the Health Contribution prior</p>	£90,600.00

Description	Trigger	Amount
	to first Occupation of any of the Dwellings	
<p><u>Linford Woods Connection</u></p> <p>Works to include construction a new footbridge from the Site into Linford Wood and undertaking path improvement works within the wood to ensure that they are readily useable by the public</p>	<p>Payment will be made prior to occupation of the 115th dwelling.</p>	<p>£80,000.00</p>
<p><u>RAMS</u></p> <p>The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the “Essex coast RAMS” or the Strategy) aims to deliver the mitigation necessary to avoid significant adverse effects from ‘in-combination’ impacts of residential development that is anticipated across Essex; thus protecting the Habitats (European) sites on the Essex coast from adverse effect on site integrity.</p>	<p>Payable on the commencement of works.</p>	<p>£29,279.00</p>
<p><u>Trim Trail</u></p> <p>The scheme will include a minimum of 12 pieces of outdoor equipment.</p>	<p>The Applicant will not commence Development until details of the Outdoor Equipment to provide a trim-trail route and its location have been submitted to and approved by the Council. The Applicant not to Occupy more than fifty per cent (50%) of the Residential Units until the approved Outdoor</p>	<p>£35,000.00</p>

Description	Trigger	Amount
	Equipment has been provided and installed by the Owner at its own expense within the approved location within the Open Space.	
<p><u>Defibrillator</u></p> <p>The WELCOM Forum have requested the provision of a defibrillator within immediate proximity to the railway station.</p>	Upon completion of the development.	£5,000.00
<p><u>Public Realm</u></p> <p>Towards community facilities and/or public realm in the East Tilbury/Linford area</p>	Payable prior to first occupation of the 115 <sup>th</sup> dwelling	£225,000.00
<p><u>Monitoring Fee</u></p> <p>The revenue generated from this fee will be used towards S106 administration and monitoring purposes only.</p>	<p>Payable on the commencement of works.</p> <p>The owner shall notify the Council of commencement, compliance related matters and completion of development</p>	£5,000.00
<p><u>Indexation</u></p> <p>Means linked to upwards or downwards movements in the Index between the date hereof and the date that payment falls</p>	<p>The Contributions(s) shall be Index Linked from the date of the Planning Permission to the date of payment.</p> <p>The RAMS contribution shall be Index Linked by reference to the Retail Prices (RPI) using the indexing factor for March of the year of payment</p>	

Description	Trigger	Amount
	<p>(C+B) x A= D where:                      A = the amount of the relevant Contribution                      B = the last figure published in the CPI prior to the date of this Deed;                      C = the last figure published in the CPI prior to the date the payment falls due (or the actual payment, if later); and                      D = the recalculated Contribution amount in pounds sterling applying under this Deed</p>	

4.2 As noted earlier in this report, the applicant’s UU is in effect a ‘one-sided’ s106 legal agreement which places enforceable obligations on those parties with an interest in the site, but does not place obligations on the local planning authority. Paragraph number 57 of the NPPF refers to planning obligations and states that they:

*“must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*

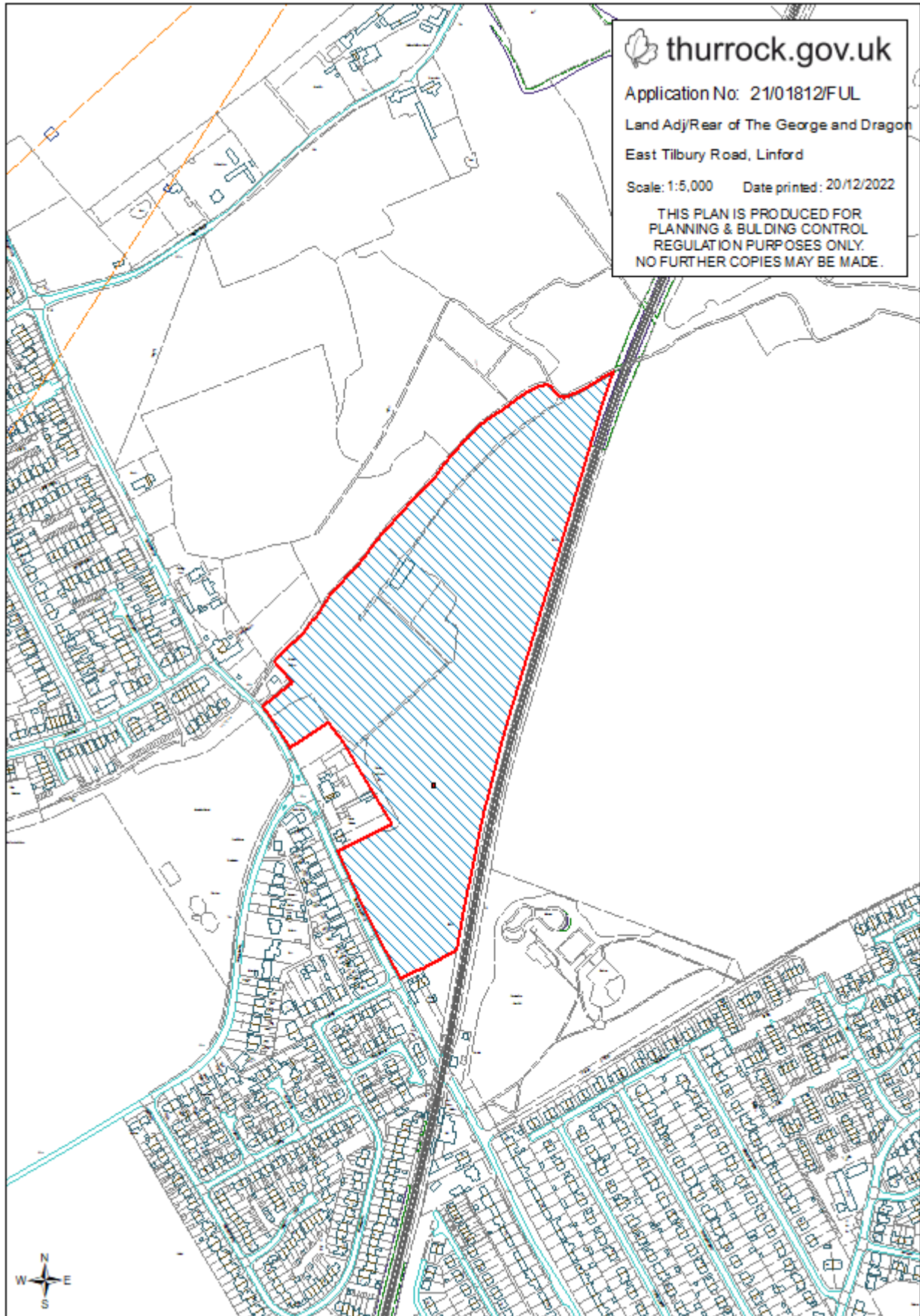
4.3 In this case although the obligations in the table above are offered unilaterally by the applicant, the NPPF paragraph no. 57 tests are still of relevance. It is debatable whether the financial contributions offered towards a defibrillator and public realm would meet these tests. In deciding whether the planning obligations are factors which weigh in favour of the development Members of the Planning Committee must also bear in mind which of the obligations offered provide mitigation for the impacts generated by the proposals and which are benefits meeting the NPPF tests.

4.4 To assist the Committee (in the event that the resolution to grant permission is confirmed), the following topics would form the basis of planning conditions to be attached to any grant of planning permission:

1. Time limit for commencement;
2. Accordance with submitted plans;
3. Details of finishing materials;
4. Secure by Design measures;
5. Details of boundary treatments;
6. Details of landscaping;
7. Details /retention of Trim Trail / outdoor exercise equipment;
8. Landscape management;
9. Details of external lighting;
10. Restricted use of secondary access;
11. Travel Plan;
12. Provision / retention of parking provision;
13. Electric charging points for vehicles;
14. Provision of estate roads / footpaths;
15. Construction Environment Management Plan;
16. Network Rail safeguarding conditions;
17. Foul water drainage scheme;
18. Archaeological investigation conditions;
19. Noise insulation; and
20. Surface water drainage scheme.

## **5.0 OVERALL CONCLUSIONS**

- 5.1 As required by the Constitution, the implications of the Committee approving this application, which is a departure from national and local planning policies, are set out above. This report goes on to analyse the five reasons for approving the application, contrary to Officer recommendation, provided by the November Committee. These reasons to a degree reflect the benefits of the scheme promoted by the applicant. It is for the Committee to decide the weight to be given to the material considerations and benefits, both individually and cumulatively. Members of the Committee must also recognise the harm to the Green Belt, and allocate that harm 'substantial' weight in the planning balance. After weighing harm to the Green Belt (and any other harm) it is for the Committee to determine whether harm is 'clearly outweighed' such that the VSC for approving inappropriate development exist.



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<p><b>Reference:</b> 21/01812/FUL</p>	<p><b>Site:</b> Land adjacent and to the rear of The George and Dragon PH East Tilbury Road Linford Essex</p>
<p><b>Ward:</b> East Tilbury</p>	<p><b>Proposal:</b> Detailed planning application for the construction of 230 affordable dwellings with associated parking, access, landscaping, open space and infrastructure.</p>

<b>Plan Number(s)</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
1352-EWK-001 P02	Proposed Levels Strategy Sheet 1 of 2	10th November 2021
1352-EWK-002 P02	Proposed Levels Strategy Sheet 2 of 2	10th November 2021
1352-EWK-003 P02	Proposed Earthworks Contours Sheet 1 of 2	10th November 2021
1352-EWK-004 P02	Proposed Earthworks Contours Sheet 2 of 2	10th November 2021
1352-EWK-005 P02	Proposed Earthworks Cut and Fill Analysis Sheet 1 of 2	10th November 2021
1352-EWK-006 P02	Proposed Earthworks Cut and Fill Analysis Sheet 2 of 2	10th November 2021
7079-PL-01H	Proposed Site Layout	27th January 2022
7079-PL-02H	Constraints Plan	27th January 2022
7079-PL-03A	Existing Site Layout (Site Survey)	21st October 2021
7079-PL-04C	Boundaries Plan	27th January 2022
7079-PL-05C	Character Areas	27th January 2022
7079-PL-06C	Parking Provision	27th January 2022
7079-PL-07C	Storey Heights Plan	27th January 2022
7079-PL-08C	Dwelling Size Plan	27th January 2022
7079-PL-09C	Materials Plan	27th January 2022
7079-PL-10C	Roof Pitches	27th January 2022
7079-PL-11C	Waste Collection Strategy	27th January 2022
7079-PL-12C	EV Charging Plan	27th January 2022
7079-PL-13A	Location Plan	21st October 2021
7079-PL-20C	House Type – Holt. Plans and Elevations 01	27th January 2022
7079-PL-21C	House Type – Holt. Plans and Elevations 02	21st October 2021

7079-PL-22B	House Type – Holt. Plans and Elevations 03	21st October 2021
7079-PL-23C	House Type – Holt. Plans and Elevations 04	27th January 2022
7079-PL-24C	House Type – Holt. Plans and Elevations 05	27th January 2022
7079-PL-25C	House Type – Cardingham. Plans and Elevations 01	27th January 2022
7079-PL-26C	House Type – Cardingham. Plans and Elevations 01	27th January 2022
7079-PL-27C	House Type – Cardingham. Plans and Elevations 03	27th January 2022
7079-PL-28C	House Type – Cardingham. Plans and Elevations 04	27th January 2022
7079-PL-29C	House Type – Cardingham. Plans and Elevations 05	27th January 2022
7079-PL-30B	House Type Dallington 11 deg pitch. Plans and Elevations 01	27th January 2022
7079-PL-31A	House Type Dallington 11 deg pitch. Plans and Elevations 02	21st October 2021
7079-PL-32B	House Type Dallington Gable. Plans and Elevations 01	21st October 2021
7079-PL-34C	House Type Dallington 30 deg pitch. Plans and Elevations 01	27th January 2022
7079-PL-35C	House Type Dallington 30deg pitch. Plans and Elevations 02	27th January 2022
7079-PL-36B	House Type Dallington 30deg pitch. Plans and Elevations 02	21st October 2021
7079-PL-37C	House Type Dallington 30-35deg pitch. Plans and Elevations 04	27th January 2022
7079-PL-38B	House Type Dallington 30 deg pitch – Plans and Elevations 06	27th January 2022
7079-PL-39B	House Type Rockingham – Plans and Elevations 01	21st October 2021
7079-PL-40C	House Type Rockingham – Plans and Elevations 02	27th January 2022
7079-PL-50A	Street Elevations Sheet 1	27th January 2022
7079-PL-51A	Street Elevations Sheet 2	27th January 2021
7079-PL-52A	Street Elevations Sheet 3	27th January 2021
7079-PL-60F	Apartment Block A. Proposed Floor Plans – Sections	28th October 2021



7079-PL-61E	Apartment Block A. Proposed Elevations	28th October 2021
7079-PL-62F	Apartment Block B. Proposed Floor Plans – Sections	28th October 2021
7079-PL-63E	Apartment Block B. Proposed Elevations	28th October 2021
7079-PL-100	Cycle Store	21st October 2021
7079-PL-101	Bus Stop/Shelter	21st October 2021
7079-PL-42	House Type Holt 30-40 Deg Hipped Roof – Plans and Elevations 06	27th January 2022
7079-PL-43	House Type Holt 30-35 Deg Hipped Roof – Plans and Elevations 07	27th January 2022
7079-PL-44	House Type Dallington 30-35 Deg pitch – Plans and Elevations 06	27th January 2022
7079-PL-45	House Type Dallington 30-35 Deg pitch – Plans and Elevations 07	27th January 2022
1352-D-001 Revision P05	Drainage Strategy	21 <sup>st</sup> October 2021
1352-D-003 Revision P02	Drainage Strategy	28 <sup>th</sup> October 2021

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| <p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Affordable Housing Statement (Dated January 2022)</li> <li>- Affordable Housing Mix Email (Dated 25 May 2022)</li> <li>- Agricultural Considerations Report (Dated March 2022)</li> <li>- Agricultural Land Response Letter (Dated 10 August 2022)</li> <li>- Air Quality Assessment (Dated October 2021)</li> <li>- Application Form</li> <li>- Arboricultural Implications Report (Dated October 2021)</li> <li>- Archaeological Desk-Based Assessment (Dated 30 September 2021)</li> <li>- Design and Access Statement (Dated 11 October 2021)</li> <li>- Design Addendum (Received January 2022)</li> <li>- Ecological Assessment (Dated October 2021)</li> <li>- Energy Statement (Dated October 2021)</li> <li>- Flood Risk Assessment (Dated January 2022)</li> <li>- Foundation Depths Sheets 1 and 2</li> <li>- Ground Investigation Report (Dated July 2021)</li> <li>- Health Impact Assessment (Dated October 2021)</li> <li>- Landscape and Visual Impact Assessment (Dated October 2021)</li> <li>- Noise Assessment (Dated October 2021)</li> <li>- Planning Statement (Dated October 2021)</li> <li>- Preliminary Risk Assessment (Dated October 2021)</li> <li>- Preliminary Tree Survey Schedule (Dated March 2021)</li> </ul> |
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<ul style="list-style-type: none"> <li>- Residential Framework Travel Plan (Dated October 2021)</li> <li>- Sequential and Exceptions Test Report (January 2022)</li> <li>- Shadow Habitat Regulations Assessment (Dated October 2021)</li> <li>- Statement of Community Involvement (Dated October 2021)</li> <li>- Sustainability Statement (Dated October 2021)</li> <li>- Transport Assessment (Dated October 2021)</li> <li>- Transport Assessment Addendum (Dated January 2022)</li> <li>- Transport Note (Dated January 2022)</li> <li>- Tree Constraints Plan (Dated March 2021)</li> <li>- Utilities Statement (Dated September 2021)</li> </ul>	
<p><b>Applicant:</b> Estates and Agency Strategic Land LLP</p>	<p><b>Validated:</b> 22 October 2021</p> <p><b>Date of expiry:</b> 17 November 2022 (extension of time requested)</p>
<p><b>Recommendation:</b> Refuse planning permission</p>	

This application has been called in to be determined by the Planning Committee by Cllrs Sammons, Mayes, Spillman, Muldowney and Massey in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) on the grounds of loss of Green Belt, highway safety, traffic generation, adequacy of turning and road access.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 Full planning permission is sought for the development of the site to provide 230 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

1.2 The key elements of the proposals are set out in the table below:

<b>Site Area</b>	9.43 hectares					
<b>Height</b>	Up to 3-storey for houses and up to 3-storey for flats					
<b>Units</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>TOTAL</b>
	Houses	0	75	84	52	211
	Flats	7	12	0	0	19
	<b>TOTAL</b>	<b>7</b>	<b>87</b>	<b>84</b>	<b>52</b>	<b>230</b>
<b>Affordable Housing</b>	100% Affordable. 75% intermediate housing and 25% affordable rented.					
<b>Car Parking</b>	Flats: 1 space per flat Houses: 2 spaces per flat					

	Total allocated and Part M4(3) parking spaces: 442 spaces (Average of 1.92 per unit) Total Visitor: 48 spaces (Average of 0.2 per unit) Total: 483
<b>Cycle Parking</b>	Number of spaces not clarified but cycle parking would be provided for each unit and a communal facility is proposed.
<b>Amenity Space</b>	50sq.m to 157sq.m for houses 7sq.m for flats along with access to shared amenity space
<b>Density</b>	24.4 units per ha.

- 1.3 Key elements of the proposed development are explained further below:
- 1.4 **Demolition:** The proposal would result in the demolition of the existing structures on site which comprise a redundant agricultural building at the central part of the site.
- 1.5 **Access and Transport:** The site would be accessed from Princess Margaret Road with a dedicated right turn lane to be provided to assist access for north-bound traffic. This vehicle access would provide the primary vehicle access into the site and would lead to an estate road that would serve all of the dwellings within the development.
- 1.6 The estate road would feature a main spine road passing through the centre of the site and with 'off-shoots' leading to and forming further roads that would run around the perimeter of the part of the site that would be built upon. The exceptions would be one short mews towards the north of the developed area which would lead to 7 dwellings and a smaller mews court accessed from the western perimeter road which would serve two pairs of semi-detached dwellings. The two perimeter roads are shown to be a shared surface road and so would be of different character to the main spine road and the secondary roads that would be more central to the residential development, featuring footpaths to both sides. A central 'green street' would feature a grass verge at one side, planted with trees, which would separate the road from a footpath at that same side. A verge would also be provided to the west side of the spine road and intermittently at other areas of the site.
- 1.7 At the north west corner of the would be a second access that would provide a pedestrian and cycle access whilst also being an emergency access. A further pedestrian entrance is also proposed at the north west corner of the site which would lead to the pedestrian route that would run throughout the part of the site which would feature no built form.

- 1.8 A bus stop is proposed at the front of the site in a position that has been slightly amended during the course of consideration of the application. The bus stop would be located to the south of the proposed vehicle access into the site. A cycle rack for the users of East Tilbury station is proposed at the south of the site.
- 1.9 Land at the south-east edge of the site is demarcated as being reserved for a future footing/base for a potential railway footbridge. A footbridge is not proposed as part of the application, but this matter will be discussed further below.
- 1.10 A pedestrian crossing within Princess Margaret Road is also proposed.
- 1.11 **Layout:** 13 dwellings, arranged as semi-detached pairs and terraces of three dwellings, would face Princess Margaret Road with car parking provided within dedicated areas to the rear. A terrace of 4 dwellings would be located to the north of those properties, with the end-dwelling facing Princess Margaret Road to the west and the others facing north, towards a shared parking area.
- 1.12 2 flat blocks would be provided to the west of the estate road, one on the land to the side of the abovementioned terrace and the other to the rear of the properties of 1 and 2 Monks Cottages, Princess Margaret Road.
- 1.13 With the exception of the 11 dwellings that would face the mews courts that are described above, all other dwellings would be arranged to face the estate roads. All dwellings would be arranged in semi-detached pairs or terraces of not more than 4 dwellings.
- 1.14 The applicant has advanced the case that the development would be laid out in 5 distinct character areas. These areas are referred to as the 'rural edge', the 'site gateway', the 'central avenue', the 'green link' and the 'eastern corridor'. The applicant has also identified that two 'squares would be provided within the development which would create a focal point which some of the dwellings around the main spine road would be orientated towards.
- 1.15 At the west and north of the site would be a large area of open space that would incorporate footpaths and an attenuation basin. A pumping station is also proposed at the northern part of the site. A link towards Linford Woods is also shown and will be discussed further below.
- 1.16 **Scale:** The development would feature 2 and 3 storey houses, ranging in height between 7 and 11.6m. The lowest dwellings would feature pitched roofs with an 11 degree pitch. All other properties would have roof pitches of between 30 and 45 degrees. The flat blocks would feature flat roofs and be built to heights of 9.5 and 9.6m.

- 1.17 The majority of the three storey dwellings would be located along the eastern corridor of the site and within the two stretches of the main spine road leading through the development.
- 1.18 **Design and Appearance:** As set out above, the applicant has advanced the proposal on the basis that the development would feature 5 different character areas and has indicated that the dwellings in each character area would be designed to reflect the area that they would be located in. Overall this results in the dwellings within the eastern corridor and parts of the central avenue being taller and the dwellings featuring subtle differences in terms of materials, fenestration and roof pitches. The materials proposed to be used would include red and buff brickwork, render, black timber cladding and grey and red/orange roof tiles. Windows, doors and rainwater goods would be provided in uPVC.
- 1.19 The buildings would be built using a modular construction system involving the part assembly of dwellings off-site which the applicant has identified can substantially reduce build times.
- 1.20 **Parking:** Each dwelling would be served by two parking spaces provided either as in-tandem spaces to the side of the dwellings, in a 90 degree arrangement to the front of dwellings or within parking areas close to the dwellings. Parking for flats would be provided at a rate of 1 space per flat in similar arrangements to the dwellings. 48 visitor spaces are proposed. Each dwelling would be served by one parking space with an electric charging point.
- 1.21 **Landscaping and Open Space:** The land at the north and west of the site is not to be built upon, some of which is included within Flood Zones 2 and 3. The proposal is to utilise this land as open space as set out above. This would feature a trim trail and natural play facilities, details of which would need to be provided in further detail under the terms of conditions if the application were to be approved.
- 1.22 Within the built upon area of the site, the proposal would feature trees along the estate roads and verges as set out above. At the east boundary of the site, adjacent to the railway line, the applicant is proposing to provide earth bunds which would be planted with native thickets and tree species.
- 1.23 **Amenity space:** Each house would have a private garden ranging between 50 and 150 sq.m in area. Each flat would have a balcony or patio area measuring 7 sq.m in size and access to a shared amenity space.

- 1.24 **Surface Water Drainage:** The surface water management strategy is to provide a series of wildlife ponds at the north west boundary of the site and a large attenuation basin at the north of the site.
- 1.25 **Energy and Sustainability:** The proposal would include a range of measures including energy efficient design features and low energy fittings. The use of photovoltaic equipment is also set out within the Energy Statement but not shown on the submitted elevations.

## 2.0 SITE DESCRIPTION

- 2.1 The site measures 9.43 hectares and is located to the eastern side of Princess Margaret Road and East Tilbury Road, including the land surrounding and to the rear of the George and Dragon Public House and 1 and 2 Monks Cottages, Princess Margaret Road. The site also includes two stretches of the public highway including the land between the roundabout at the north end of Princess Margaret Road and the water course to the side of the pumping station that abuts the site. The other section of highway land within the site is a longer stretch between St Cleres Cottages and Monks Cottages.
- 2.2 The C2C railway line is located to the east of the site with East Tilbury railway station approximately 130m walking distance from the nearest part of the site. A recreation ground (south of Siddons Close) is located opposite the northern part of the site and residential properties are located to the south of the site and opposite (west) of the majority of the site. The site currently features a redundant agricultural building at the central part of the site but is otherwise free from built form and is generally flat, agricultural land. The Agricultural Land Classification maps produced at a large scale for strategic use by Natural England suggests that land within the site is classified as Grade 2 (very good) and Grade 3 (good to moderate). At the time of a site visit in August 2021 the site did not appear to be in use for any agricultural purpose.
- 2.3 The nearest current bus stops to the site are opposite the parade of shops within Linford to the north, and to the south of the level crossing, all being approximately 250 to 300 metres from the closest pedestrian entrances to the site.
- 2.4 The site lies within the Metropolitan Green Belt and the northern part of the site is located within Flood Zones 2 and 3 (medium and high risk). Linford Wood Local Wildlife Site is located a short distance to the north of the site. The site is within the 'buffer zones' drawn around high pressure underground gas pipelines in the local area.

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

<u>Application Ref.</u>	<u>Description</u>	<u>Decision</u>
88/00699/OUT	Outline planning permission to allow the erection of a single storey residence.	Refused
91/00036/FUL	Replace gate	Approved
92/00643/FUL	Proposed cattle barn and hay store	Approved
95/00371/FUL	New agricultural barn for use as storage for hay and cattle feed	Refused
96/00004/LDC	Agricultural building for storage of hay straw and cattle feed	Refused
16/01475/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion: Proposed development of up to 200 dwellings with associated access and open space.	EIA Required
21/00781/SCR	Request for an Environmental Impact Assessment (EIA) screening opinion: Residential-led development of the 9.5 hectare site to provide up to 230 dwellings, with associated access, landscaping and open space provision.	EIA Not Required

N.B. – in 2016 a Screening Opinion pursuant to the EIA Regulations was issued by the LPA advising that a development of up to 200 dwellings would require Environmental Impact Assessment. Subsequently, a separate Screening Opinion was issued advising that a development of up to 230 dwellings would not require Environmental Impact Assessment. These different decisions were due largely to a difference in the way that ‘cumulative’ impact is defined in the updated 2017 Town and Country Planning (Environmental Impact Assessment) Regulations.

### 4.0 CONSULTATION AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The application has been advertised as a major development and as a departure from

the Development Plan. 289 letters of representation were received in response to this application. 287 of those representations objected on the following grounds:

- additional traffic during and post construction, particularly given the location relative to the level crossing, the increased use of the level crossing as a result of increased freight movements and the existing traffic witnessed within the locality;
- additional traffic impact would restrict emergency services throughout the area;
- inadequate parking proposed;
- unsafe access to the site;
- local roads inadequate to serve additional development in terms of capacity and condition;
- the position of the proposed bus stop would cause congestion;
- the proposed access would not be effective;
- traffic assumptions made by the applicant are inaccurate;
- a bridge over the level crossing should be provided (for vehicles rather than pedestrians);
- cumulative impact with other housing developments;
- cumulative impact with other land uses such as East Tilbury Quarry and the Lower Thames Crossing;
- insufficient infrastructure;
- insufficient education facilities to accommodate additional population;
- insufficient health facilities to accommodate additional population;
- insufficient shops in the location to serve the additional population;
- insufficient community facilities and playing/sports facilities following the loss of tennis courts and a swimming pool;
- insufficient sewerage and drainage infrastructure to serve the proposed development;
- noise impact of additional traffic in addition to noise from existing road traffic and trains, public house, kennels and other noise generating uses nearby;
- noise impact and general upheaval during construction period;
- inappropriate development in the Green Belt;
- loss of wildlife;
- effect on views;
- inadequate public consultation prior to the submission of the application;
- the proposal consisting of affordable housing should be given little weight;
- development excessive in the context of the small settlements of Linford and East Tilbury which are overcrowded;
- air pollution will be worsened;
- the development will cause additional health impacts for local residents;
- increased pollution (unspecified pollution) and litter;
- increased localised flooding;



- site at risk of flooding due to presence of pumping station;
- the development would not reflect the character of the area and be visually unacceptable;
- the provision of three storey blocks of flats is not reflective of the locality;
- the absence of a footbridge means people do not walk within the area;
- affordable housing will not serve local residents or be genuinely affordable;
- development will worsen existing refuse collection problems;
- the future occupiers will be undesirable residents;
- objection raised to the sale of alcohol and the crime rates within the area;
- the proposal would cause a loss of privacy and overlooking;
- impact on residents of adjacent care home;
- the developer's intention is to make a profit;
- the proposal would be contrary to the intentions of COP26 and would not include adequate energy generation or usage reduction features;
- other approved developments have not been completed;
- the site should be used to provide a school or playing fields;
- the development would not reduce dependency on cars;
- there would not be a safe route from the development to schools;
- developments should be directed towards previously developed land;
- loss or reduction of internet services;
- the development will put a strain on electricity and gas supplies; and
- regard should be had to an Institute for Public Policy Research document relating to fairness and opportunity.

Within the objections that were received, some objectors acknowledged certain benefits of the proposal including:

- support the provision of amenity space within the proposal;
- support the tidying of waste ground; and
- support the creation of jobs.

One letter of support was received which supported the proposal on the following grounds:

- creation of jobs;
- improved landscaping and amenity space is proposed;
- tidying waste ground;
- housing is needed;
- schools in the wider area will be able to accommodate the additional population; and
- the existing traffic situation will be improved when East Tilbury Quarry is not

operational.

One comment was received from a person who neither objected to nor supported the proposal but set out a number of the points set out above.

The following consultation replies have been received:

#### 4.3 ANGLIAN WATER:

No objection. However, the discharge rate of 10.7 l/s set out within the drainage strategy is considered excessive and it is therefore requested that a condition is imposed to require an alternative drainage strategy to be agreed.

#### 4.4 EDUCATION:

No objection, subject to a financial contribution of £1,828,739.34 towards nursery, primary and secondary education provision to mitigate the impact of the development on local schools (Infrastructure Requirement List refs. 0039, 0040 0045, 0046, 0072, 0331 and 0427).

#### 4.5 ENVIRONMENT AGENCY:

No objection, subject to the local planning authority undertaking the sequential and exception tests. The response sets out that the development would include a finished floor level that would be adequate to ensure that there is safe refuge in the event of a flood event. However, it is also set out that the site is protected by flood defences.

#### 4.6 ENVIRONMENTAL HEALTH:

No objection, subject to conditions regarding the provision of noise mitigation, the development being undertaken in accordance with contamination recommendations and a Construction Environmental Management Plan being submitted and agreed.

#### 4.7 ESSEX POLICE ARCHITECTURAL LIAISON OFFICER:

Recommend that the proposal seeks to achieve relevant Secure by Design accreditation.

#### 4.8 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection, subject to a condition being imposed to require trial trenching and excavation and any necessary mitigation.

#### 4.9 FLOOD RISK MANAGER:

No objection, subject to a condition relating to the submission and agreement of an altered surface water drainage scheme.

#### 4.10 THURROCK HIGHWAYS:

The majority of findings of the updated Transport Assessment are now agreed, however concerns still remain concerning the impact on the extended highway network and access to the remainder of East Tilbury. Nevertheless, these concerns are not sufficient to justify refusing the application on highways grounds.

The car parking figures provided are in line with the Council's parking standards. This development proposal should contribute towards improvement measures at local road junctions to mitigate the impact on the network.

If the local planning authority are minded to approve this application, subject to the outcome of the road safety audit, then a number of suggested planning conditions and s106 obligations would need to be considered.

#### 4.11 NATIONAL HIGHWAYS:

No objection.

#### 4.12 HOUSING:

The application is supported on the grounds that the proposal is to provide 100% affordable housing, which could be built quickly and would be energy efficient. Further details are considered to be required in relation to parking allocation, compliance with lifetime homes and wheelchair accessible standards and grounds maintenance.

#### 4.13 LANDSCAPE AND ECOLOGY ADVISOR:

The Shadow Habitat Regulations Assessment was assessed and elements of it were not considered to be acceptable. A Habitat Regulations Assessment has been undertaken and it has been found that additional mitigation is required including a RAMS tariff contribution and the provision of a link into Linford Woods Local Nature Reserve.

In relation to ecology, the site is considered to be species poor and unsympathetically managed. It was found that the site is not suitable for roosting

bats and only likely to be the subject of low levels of bat foraging but there is an opportunity to improve the value of the site in these respects. A mitigation strategy is considered to be required in relation to reptile species which are present at the site and a condition is recommended to ensure that a Landscape and Ecology Management Plan is submitted and agreed in order to deliver habitat enhancements.

Only one tree of more than low quality would be lost as a result of the proposal and so the effect of the development on trees would not be significant. A detailed landscaping scheme should be secured through the use of a condition.

With respect to the landscape impact of the development, it is considered that the development would have some adverse effect on the landscape character of the area, but that these effects would not be significant. It is also suggested that the visual effect of the development would not be significant due to the limited number of public viewpoints from where the development would be seen.

Overall, on balance no objection is raised.

#### 4.14 NATURAL ENGLAND:

It was initially advised that a Habitat Regulations Assessment (HRA) was required and needed to be undertaken by the local authority. This has subsequently been undertaken and, subject to all the relevant mitigation measures being secured, Natural England are satisfied that the likely significant effect of the development on European Designated Sites would be mitigated.

#### 4.15 NETWORK RAIL:

No objection.

#### 4.16 NHS ENGLAND:

No objection, subject to a financial contribution of £90,600 to mitigate impact of the proposal on local healthcare services (Infrastructure Requirement List ref. 0374)

#### 4.17 TRAVEL PLAN CO-ORDINATOR:

No objection, subject to the need for a travel plan and an associated monitoring fee of £525 per annum for a minimum of five years.

## URBAN DESIGN OFFICER:

4.18 The application is not supported as it represents unplanned development in the Green Belt that would cause the loss of farmland and might miss an opportunity with respect to place making and infrastructure. In relation to design, concerns are raised in the following areas:

- the proposal is of low density and is not efficient use of land;
- the proposal is a generic suburban scheme that lacks in place making vision and design aspiration;
- it is not considered that the local vernacular has been studied sufficiently and this has led to a proposal that could be provided anywhere;
- the proposal has not been the subject of a Design Review;
- the sprawling layout lacks positive urban characterisation and/or genuine landscape characterisation;
- streets are dominated by car parking and are regimented lines of narrow-fronted standard house types;
- the dwellings are standard house types that lack architectural variety and feature a number of details that are not considered to be suitable;
- the proposal does not respond to its context sufficiently;
- vehicle traffic would take priority throughout the site and therefore discourage walking and cycling and, whilst shared spaces are proposed, they do not feature sufficient traffic calming measures; and
- the lack of a footbridge over the railway line as part of the proposal misses the opportunity that exists.

In response to amendments to the design of the proposals (following the comments above), updated comments from the Urban Design Officer maintain an object to the proposals as follows:

- design is generic and unrelated to positive aspects of the local context;
- design fails to display positive urban characteristics and landscape characterisation;
- 3-storey buildings appear excessive and poorly related to existing 2-storey development;
- Standardised design and lack of quality.

#### 4.19 C2C:

C2C are supportive of the proposed upgrades to East Tilbury station and confirm that a shelter to the station platforms would improve the overall station experience.

#### 4.20 HEALTH AND SAFETY EXECUTIVE (HSE):

Advise against the granting of planning permission as the development is located within the consultation distances of major hazard pipelines. However, a Pipeline Reassessment document produced by the HSE and dated January 2022 confirms that, due to the pipeline wall thickness and depth of cover, the consultation distance is substantially reduced and would not impact on the proposed built development.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published in July 2021 and sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, 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<sup>2</sup>; or
  - ii 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.

<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

<sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 2. Achieving sustainable development;
- 4. Decision-making;
- 5. Delivering a sufficient supply of homes;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable communities;
- 11. Making effective use of land;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land;
- 14. Meeting the challenge of climate change, flooding and coastal change;
- 15. Conserving and enhancing the natural environment;
- 16. Conserving and enhancing the historic environment;

## 5.2 Planning Policy Guidance (PPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality
- Design
- Determining a planning application
- Environmental Impact Assessment
- Green Belt
- Historic environment
- Housing needs of different groups
- Housing supply and delivery
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Rural housing
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability

### 5.3 Local Planning Policy Thurrock Local Development Framework

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)

#### SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP3 (Sustainable Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)



- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

#### 5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document [SPD] which supports policies in the adopted Core Strategy.

### 6.0 **ASSESSMENT**

#### 6.1 Procedure:

With reference to procedure, this application has been advertised as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.

6.2 The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.3 The material considerations for this application are as follows:

- I. Principle of the development and the impact upon the Green Belt;
- II. Housing land supply, need, mix and affordable housing;
- III. Landscape and visual impact, design and layout and impact upon the area;
- IV. Open space, landscaping and amenity space;
- V. Access, traffic impact, and parking;
- VI. Flood risk and surface water drainage;
- VII. Ecology and biodiversity;
- VIII. Air quality;
- IX. Noise;
- X. Effect on neighbouring properties;
- XI. Energy and sustainable buildings;
- XII. Viability and planning obligations;
- XIII. Loss of Agricultural Land; and
- XIV. Other matters.

6.4 I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT (GB)

As the site is located within the GB policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *'maintain the purpose function and open character of the Green Belt in Thurrock'*, and policy PMD6 states that the Council will *'maintain, protect and enhance the open character of the Green Belt in Thurrock'*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB in accordance with the requirements of the NPPF.

6.5 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to the GB and that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.

6.6 In terms of GB policy it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the GB;
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the 'Very Special Circumstances' necessary to justify inappropriate development.

6.7 1. Whether the proposals constitute inappropriate development in the GB;

Paragraph 147 of the NPPF defines 'inappropriate development' as harmful, by definition, to the GB and should not be approved except in very special circumstances.

- 6.8 Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate development, although paragraphs 149 and 150 identify limited 'exceptions' where development in the GB is not inappropriate, subject to certain key considerations. None of those exceptions listed in paragraphs 149 and 150 are applicable to this proposal.
- 6.9 In stating the above, it is noted that the proposed dwellings would not replace existing buildings of comparable scale and would not represent limited infill. The former use of the site and the buildings were for agriculture and, as such, the proposal would not represent the redevelopment of previously developed land and, in any case, the proposal would have a greater impact or cause substantial harm to openness, as will be set out below. Furthermore, although promoted as affordable housing, the housing would not represent "*limited affordable housing for local community needs under policies set out in the development plan.*" All other exceptions are too far removed from this proposal to require comment.
- 6.10 Similarly, none of the exceptions set out within Policy PMD6 would be applicable in respect of the erection of dwellings at the site.
- 6.11 For these reasons, the proposed erection of 230 dwellings at the site constitutes inappropriate development in the GB. Paragraph 7.9 of the applicant's Planning Statement indicates that this fact is not disputed.
- 6.12 Developments associated with the provision of public open space within the site would not be inappropriate development as one of the exceptions within the NPPF enables "*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.*" Similarly, engineering operations occurring in relation to the provision of the surface water drainage features would accord with one of the exceptions. However, these elements of the proposal would not be reason to reach a different conclusion in respect of all other elements of the proposal, which is for a residential development. This clearly demonstrates that the proposal is inappropriate development with reference to both national and local planning policies for the GB.

6.13 2. The effect of the proposals on the open nature of the GB and the purposes of including land within it;

Having determined that a residential development at the application site represents inappropriate development in the GB, it is necessary to consider the impact of the proposal upon the open nature of the GB and the purposes of including land within it. It is also necessary to consider whether there is any other harm (NPPF para. 148)

6.14 The five purposes of the GB

Paragraph 138 of the NPPF sets out the five purposes which the GB serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from 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.

In response to each of these five purposes:

6.15 *a. to check the unrestricted sprawl of large built-up areas*

The site is located in a semi-rural location with existing development nearby. "Large built-up areas" is not defined, but it is considered that East Tilbury can be deemed to represent a large urban area. Conversely, Linford can only be considered to be a small area of buildings and not a large urban area. Although the site is separated from parts of East Tilbury by the railway line, the boundary of the settlement defined within the development plan extends along the opposite side of Princess Margaret Road. This proposal could be viewed as an extension of the urban area of East Tilbury / Linford and, as such, is considered to represent the unrestricted sprawl of the large built-up area, albeit to a relatively contained extent. Whilst the applicant's Landscape Visual Impact Assessment (LVIA) suggests that the site makes a weak contribution to this GB purpose, this view is not shared by Officers and it is considered that the site being at the fringe of East Tilbury / Linford results in the development representing the sprawl of the settlement. Accordingly, the proposal would be contrary to this purpose of the GB and it is considered that the substantial harm that would be caused to the GB should be afforded substantial weight.

6.16 *b. to prevent neighbouring towns from merging into one another*

The site is in a semi-rural location which separates East Tilbury from Linford. Although this would reduce the distinction between the two settlements, it is not considered that Linford can be considered a town and, as a gap would be retained between settlements, the proposal would not represent the merging of towns so there is no harm to this GB purpose.

6.17 *c. to assist in safeguarding the countryside from encroachment*

The largely undeveloped nature of the site enables it to be viewed as part of the countryside rather than as part of an urban area. The site represents the buffer at the edge of the developed area of East Tilbury and, as such, plays a defining role in where the countryside begins. The erection of 230 dwellings on this land would represent the encroachment of the settlement of East Tilbury into the countryside. As with a) above, it is not agreed that the site makes a weak contribution to the safeguarding of the countryside, on the contrary the site represents the point where the settlements make way to the countryside and therefore the site is part of the countryside. Although the area of developments is contained to a degree by the railway line, it is considered that the proposal would be contrary to this purpose of the GB and it is considered that the significant harm that would be caused to the GB should be afforded substantial weight.

6.18 *d. to preserve the setting and special character of historic towns*

Although East Tilbury and the surrounding area has a number of heritage assets, they are not considered to be grounds to consider that the proposal would detract from the setting or special character of a historic town. There is no harm to this purpose of including land in the GB.

6.19 *e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

In policy terms, the development could occur in the urban area and does not assist in urban regeneration. In principle there is no spatial imperative why GB land is required to accommodate the proposal and it is considered that the proposal would conflict with this purpose by providing an alternative to the use of derelict of urban land.

6.20 In light of the above analysis, it is considered that the proposals would conflict with a number of the purposes of including land in the GB.

## 6.21 Impact upon the Openness of the Green Belt

As noted above, paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. This is an application seeking full planning permission and the proposals would comprise a substantial amount of new built development in an area which is currently predominantly open. Consequently, there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

6.22 It is considered that the proposed development would have a substantial impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of the development and the resulting built volume. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be many decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with residential properties. This activity would also impact negatively on the openness of the GB. The site currently features a single building which is a minor intrusion on what is otherwise an entirely open parcel of land within the GB.

6.23 A total of 230 dwellings would entirely change the sense of openness at the site. Although some land would not be built upon, the effect of the development on the openness of the GB at this site would be substantial to the extent that the built form would largely dominate the site. The majority of the site could no longer be considered to be open and, as such, the effect on the openness of the GB would be substantially harmful.

6.24 Whether the harm to the GB is clearly outweighed by other considerations, so as to amount to the Very Special Circumstances necessary to justify the development

The NPPF sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the GB. 'Very Special Circumstances' will not exist unless the potential harm to the GB by

reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.25 The applicant has set out the following matters that could be considered to represent Very Special Circumstances, each of which will be considered in turn below:

- A. *Delivery of 100% affordable housing*
- B. *Transport upgrades to the existing station environment in East Tilbury and facilitating modal shift towards sustainable forms of transport.*
- C. *Positively responding to the lack of 5-year housing land supply*
- D. *Low carbon development*
- E. *Connectivity enhancements to the wider country park setting.*
- F. *Ecological and Biodiversity Enhancements*
- G. *Accelerated build programme to respond to immediate housing shortfall*
- H. *Thurrock is a National Growth Area and has Freeport Status*

6.26 A. *Delivery of 100% affordable housing*

The application has been submitted on the basis that all 230 dwelling would be affordable, in excess of the 35% requirement for affordable housing that is set out within adopted Core Strategy Policy CSTP2. The application has also been accompanied with an Affordable Housing Statement in which the applicant identifies that between 2003 and 2021, affordable housing delivery has been below this policy requirement. That Statement also identifies three examples (09/00091/TTGOUT, 09/50045/TTGOUT and 19/01058/OUT) where the Council or the Planning Inspectorate found that the benefits of schemes providing affordable housing outweighed harm to the GB with very significant weight being afforded to the benefit of providing affordable housing. Furthermore, the Statement identifies several appeal decisions from outside of Thurrock where Planning Inspectors have given affordable housing significant, very significant or very substantial weight.

6.27 Policy CSTP2 sets out a preferred mix for affordable housing, with a clear focus towards smaller properties. This states that 40% should be one bedroom, 35% should be 2 bedroom, 15% should be 3 bedroom and 10% should be 4 bedroom. The 2017 South Essex SHMA Addendum also identified that the greatest need was for 1 bedroom properties (44%), with a lesser need for 2 bedroom properties (22%) and 3 bedroom properties (36%). In their comments on the application, whereby it

is highlighted that they have discussed the mix with the applicant and found it acceptable, the Council's Housing Team also state that the priority groups for rehousing shows a requirement for new affordable housing with 58% being 1 bed, 33% being 2 bed, 7% being 3 bed and 2% being 4+ bedrooms. The proposal therefore does not reflect this mix as the proposal overly provides on 3 and 4 bedroom units, which would represent more than half of the proposed development mix (60% of the development).

- 6.28 The Council's Housing Team also identifies that at least 70% of the total residential units should be provided as affordable rented accommodation. In this regard, the applicant has confirmed in an email dated 8<sup>th</sup> June 2022 that 75% would be intermediate ownership homes and 25% would be shared rented. Whilst the mix does not reflect the preference of the Council's Housing Team, as the scheme would consist of entirely affordable housing, more intermediate and affordable rented units would be provided than if a scheme was proposed that provided a policy compliant mix of 35% affordable housing. Moreover, the applicant has identified that the Council has only delivered Affordable Rent properties in a three year period up to 2020 and no Intermediate Rent properties and, as such, the proposed mix redresses the Borough wide balance within recent developments.
- 6.29 In this regard, it is noted that the Council's Housing Team have supported the proposal and that it would be possible to secure the tenure mix through planning obligations.
- 6.30 For these reasons, the provision of affordable housing can be supported and the units proposed would contribute towards meeting a substantial need for affordable housing. However, 81 of these units should be provided as a result of a residential development of this scale in any event to meet with policy CSTP2 requirements. In support of this consideration, the applicant has provided a letter from the Guinness Partnership (registered housing provider) expressing interest in the site. Accordingly there is no reason to believe that the proposals would not be unattractive to a potential affordable housing provider.
- 6.31 The applicant has identified several examples of where the Council afforded very significant weight to the provision of AH and several appeal decisions have been brought to the Council's attention where the provision of AH has outweighed other factors including impacts on the GB. However, it is the case that the amount of weight to be attributed to any material consideration is a matter for the decision taker and it is not the case that the weight afforded in one circumstance should necessarily be replicated in another. Nevertheless, it is concluded that the weight which can be attributed to the provision of AH as a factor towards a Very Special Circumstance is considered significant in this case.



6.32 *B. Transport upgrades to the existing station environment in East Tilbury and facilitating modal shift towards sustainable forms of transport.*

The applicant has indicated that a financial contribution of £100,000 will be made to facilitate the provision of an adverse weather cover on the station platform at East Tilbury. However, whilst the railway line operator C2C have no objections to this provision if there was a need for adverse cover this would have been provided by the rail operator or Network Rail in the past, or even in the future. Upgrades at East Tilbury station have not been identified on the Council's Infrastructure Requirements List. In these circumstances, the weight which the provision of adverse weather cover for the station platform is somewhat limited, although it is recognised that this benefit is genuinely site-specific and could not easily be replicated on other GB sites. The applicant has also indicated that land within the site would be reserved for a pedestrian footbridge (as shown on the site layout plan) and has been receptive to the suggestion from the Local Highway Authority that a financial contribution is made towards the provision of the footbridge. Nevertheless draft heads of terms for a s106 agreement which have been progressed with the applicant on a 'without prejudice' basis does not refer to a financial contribution, only the safeguarding of land. If the applicant is only safeguarding land it does raise the question over who would fund a future footbridge in this location. The Council's Infrastructure Requirements List identifies the need for a ramped bridge but does not identify its location, presumably closer to the existing level crossing than the land offered as the Council's Highway Officer has questioned the location for a such a bridge, which would be remote from the station and not easily accessible for crossing the railway. Instead, the Council's Highway Officer suggests a contribution to improve pedestrian and cycle accessibility at the level crossing would be preferred and this therefore limits the case for this footbridge as a factor towards a Very Special Circumstance and questions whether such a footbridge would be deliverable. Furthermore, the submitted plans show the provision of a bus stop and a publicly available cycle store.

6.33 At paragraph 110, the NPPF states that it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location. Therefore, given that the development is well positioned to utilise existing transport connections, it should be expected that the development would take the opportunities that are available. Complying with this aim is not unusual or special, it is simply the development meeting an expectation of the NPPF.

6.34 For a planning obligation to be able to be afforded weight as a reason to grant planning permission, it must meet the tests of being necessary to make the development acceptable, directly related to the development and fairly and

reasonably related in scale and kind to the development. Similarly, conditions can only be imposed that are necessary, relevant to the development permitted and reasonable in all other respects. If obligations are not compliant with the tests set out above, they should not be sought. For reasons set out elsewhere in this report, it is considered that the contributions and provisions meet the tests of conditions and planning obligations. However, as a matter of judgement it is considered that these suggested improvements can only be given limited weight in terms of representing a factor towards Very Special Circumstances.

6.35 C. *Positively responding to the lack of 5-year housing land supply*

The Council's position in relation to the supply of housing is such that paragraph 11d) (the 'tilted balance') of the NPPF states that, in many circumstances, permission for development should be granted unless 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. However, one of the instances where this does not apply is where the application of policies in the NPPF that protect areas or assets of particular importance (such as the GB) provides a clear reason for refusing the development proposed. As set out above, the application of GB policies give a clear reason for the refusal of the application. Therefore, paragraph 11d) of the NPPF is not applicable.

6.36 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm to constitute the very special circumstances justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a recent Green Belt appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that "*even so, unmet need on its own, is highly unlikely to amount to very special circumstances*". Accordingly, the benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.

6.37 However, weight can still be afforded to the provision of housing which would assist in the Council moving towards meeting identified housing targets. Accordingly, the matter of housing delivery and the number of houses proposed contributes towards very special circumstances and should be afforded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the Very Special Circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

6.38 D. Low carbon development

The applicant indicates that the modular form of construction would reduce the carbon footprint and energy usage of the construction process. It has also been indicated that PV panels will be provided within the development, although such provisions have not been shown on the submitted plans. Furthermore, the efficiencies set out in the description of the proposal above would also be of benefit in this regard, these include high levels of insulation, a suitable balance of glazing to provide light but avoid overheating, measures to minimise heat loss, LED lighting to reduce energy consumption, openable windows and mechanical ventilation where necessary and high specification heating controls. It is stated that this will achieve an overall CO<sup>2</sup> reduction of 37.7% compared to building regulations. However, unlike the Ilke Homes currently under construction at Stanford-le-Hope, there is no commitment in the proposals to a high proportion of 'zero energy bills' dwellings (i.e. dwellings which are off-grid for gas and rely on renewable energy and battery storage technology). This limits the positive weight which can be given to this consideration, although it is accepted that the modular method of construction offers benefits over traditional building methods in terms of environmental sustainability.

6.39 At paragraph 152, The NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate. Accordingly, it is considered that a development being acceptable in these respects should be encouraged in all cases. Whilst this might not always be achieved within developments, it is considered that the proposal being acceptable or complying with national and local policies in these respects is not a significant benefit of the proposal and the provision of low carbon and renewable energies is a policy requirement. As such, this should be afforded limited weight as a Very Special Circumstance.

6.40 E. Connectivity enhancements to the wider country park setting

The applicant identifies that the Essex Wildlife Trust Thameside Nature Discovery Park is located to north-east of the site. However, whilst it is accepted that this Park is reasonably close to the site, there is a railway line preventing direct access to the facility and, as such, the benefits arising from the proposal are no more than minimal.

6.41 Moreover, whilst Linford Woods (Local Nature Reserve) are close to the site and a link to this is being sought as set out below, this is being sought on the basis that it is necessary to make the development acceptable having regard to the Habitat Regulations. As this is a provision that is mitigating the effect of the development, it is considered that any additional benefit that might arise would only be that which

would be achieved by other residents of East Tilbury and some residents within Linford having an easier access to those woods. This is a benefit, but only moderate weight can be attached to this factor as a Very Special Circumstance.

6.42 F. Ecological and Biodiversity Enhancements

Paragraph 174 of The NPPF states that all developments should achieve a net-gain in terms of biodiversity. Policy PMD7 also states that the Council will seek to achieve net gains in biodiversity where such gains would be possible. The applicant's submissions identify that mitigation would address the effect of the development and in the Planning Statement, most of the benefits cited in this regard are comparable to those set out at E, above. As it is considered that the applicant should be expected to achieve ecological and biodiversity enhancements in order to comply with national and local planning policies, it is not considered that this is a benefit of the proposal that should be afforded any weight as a Very Special Circumstance.

6.43 G. Accelerated build programme to respond to immediate housing shortfall

The applicant sets out that the development can be built in half the time of a conventional housing development due to the proposed modular construction technique and has also stated that they would be willing to agree to a 18 month commencement period rather than the standard three years. However, whilst the first implementation of the permission can be controlled, the subsequent completion rate could not be controlled by a condition. Moreover, it is considered that the accelerated construction period can only be considered as a temporary benefit and can only be afforded limited weight as a consequence. As a condition relating to the speed of delivery would be unenforceable, there is no way that this element of the proposal can be guaranteed. Accordingly, this should be afforded no more than a limited weight as a Very Special Circumstance.

6.44 H. Thurrock is a national growth area and has Freeport status

The applicant considers that these aspects can be afforded some positive weight. However, as this is equally true for any development within Thurrock, it is considered that this should not be afforded weight as a very special circumstance.

6.45 GB Conclusion

As set out above, the proposal would represent inappropriate development, would cause a harmful loss of openness and would be contrary to three of the purposes of

including land in the GB. The NPPF requires that all harm to the GB is afforded substantial weight. The applicant has promoted various material considerations that it is suggested should carry positive weight in favour of the proposal which have been considered above.

6.46 A brief summary of the weight which has been placed on the various GB considerations is provided below;

<b>Summary of GB harm and other considerations promoted as clearly outweighing harm such that VSC exist</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors promoted by the applicant</b>	<b>Weight</b>
Inappropriate development in the GB	Substantial	<i>Delivery of 100% affordable housing</i>	Significant weight
Reduction of the openness of the GB	Substantial	<i>Transport upgrades to the existing station environment in East Tilbury and facilitating modal shift towards sustainable forms of transport.</i>	Limited weight
Conflict (to varying degrees) with a number of the purposes of including land in the GB – purposes a, c and e.	Substantial	<i>Positively responding to the lack of 5-year housing land supply</i>	Significant weight
		<i>Low carbon development</i>	Limited weight
		<i>Connectivity enhancements to the wider country park setting.</i>	Moderate weight
		<i>Ecological and Biodiversity Enhancements</i>	No weight
		<i>Accelerated build programme to respond to</i>	Limited weight

		<i>immediate housing shortfall</i>	
		<i>Thurrock is a National Growth Area and has Freeport Status</i>	No weight

6.47 As ever, in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and it is for the Committee to judge:

- i. the weight to be attributed to these factors; and
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combines at this location to comprise ‘very special circumstances’.

6.48 Where a proposal represents inappropriate development the applicant must demonstrate considerations which clearly outweigh the harm to the GB in order for Very Special Circumstances to exist.. Members of the Planning Committee are reminded of the content of NPPF paragraph 148 which states:

*“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 (emphasis added) outweighed by other considerations.”*

6.49 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for Very Special Circumstances to exist. If the balancing exercise is finely balanced, then Very Special Circumstances will not exist. In this instance it is considered that the applicant has not advanced factors which would amount to the Very Special Circumstances necessary to outweigh the harm that would result by way of inappropriateness and the other harm identified in the assessment. Therefore, the proposal is clearly contrary to policies CSSP4 and PMD6 of the adopted Core Strategy and the National Planning Policy Framework. Notwithstanding the GB considerations detailed above, which are of paramount importance in this case, it is also necessary to consider the relevant material planning considerations set out below. The assessment of other matters (below) is without prejudice to the conclusions reached regarding GB issues.

## 6.50 II. HOUSING LAND SUPPLY, NEED, MIX AND AFFORDABLE HOUSING

The proposal is for residential development and there is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of paragraph 74 of the NPPF.

- 6.51 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest (May 2016) Strategic Housing Marketing Assessment (SHMA) and the update Addendum (May 2017). The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom apartments.
- 6.52 The proposal would provide 230 dwellings and the dwelling mix would result in 211 houses (2, 3 and 4 bedroom units) and 19 flats (1 and 2 bedroom units). Although this does not accurately reflect the need that is identified in the SHMA Addendum, there is still a need for all of these dwelling types and, therefore, the proposal is considered to be acceptable in this respect.
- 6.53 With regard to affordable housing, policy CSTP2 requires 35% of the development to be allocated for affordable housing. The application is proposing all 230 dwellings to be affordable housing units. Whilst the applicant's 'Affordable Housing Statement' (January 2022) stated that all dwellings would be provided as shared-ownership, it has subsequently been confirmed that 75% will be in intermediate ownership and 25% will be affordable rented. The Council's Housing Officer supports the provision being offered subject to the affordable housing being secured through a planning obligation. The proposal is therefore considered to exceed the policy requirement and the benefit of this is discussed as far as relevant above in section A of the Very Special Circumstance considerations.
- 6.54 III. LANDSCAPE AND VISUAL IMPACT, DESIGN AND LAYOUT AND IMPACT UPON THE AREA

Policy CSTP22 requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'* with proposals needed to be considered where their character is a 'rural landscape' and within the 'Green Belt'. Policy PMD2 states *'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'*. Paragraph 126 of the NPPF 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.”*

- 6.55 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. This provides a means of bringing forward development proposals which involve understanding the place, working with site features, making connections and building in sustainability.
- 6.56 In terms of understanding the place, the key features of the site and the locality have been discussed further above and have also been set out by the applicant within their submissions. The applicant has also provided, within the Design and Access Statement Addendum, an assessment of other dwelling types within the locality and the layout of the existing built form of Linford and East Tilbury. This also reflects that changes have been made to the design of some of the dwellings since the application was initially submitted, with some of the dwellings featuring hipped roofs instead of gables and slightly amended detailing to the elevations.
- 6.57 In terms of layout, it is considered that the proposal responds to the features of the area in some respects, with the points of access into the site linking to existing road features, the built area being on the ground at lowest flood risk and the arrangement of dwellings at the eastern edge of the site correlating with the constraints imposed by the railway line. Moreover, the building line of the dwellings at the front of the site would show sufficient regard to the varied building line of the other built form at the east side of Princess Margaret Road. Although the dwellings on plots 3-6 are turned 90 degrees from the road, the dwelling on plot 3 would have a frontage to Princess Margaret Road which would ensure that the layout in this location of the site is acceptable. The majority of the layout within the site also enables most dwellings to face a highway and this minimises the amount of inactive frontage that would exist and ensures that there is some visual interest along most sections of the public domain, particularly at the road junctions within the development.
- 6.58 The applicant's assessment of built form within the wider area correctly identifies areas of strictly aligned, repetitively designed dwellings and areas of more loosely arranged dwellings of varied appearance, such as that which exists along Princess Margaret Road. This proposal includes both approaches and, as such, falls between the two differing approaches that are common within the locality. It is noted that this is part of the applicant's approach of creating different character areas within the development and, whilst the intention of this is noted, it is considered that the inclusion of numerous character areas would make the scheme have a somewhat inconsistent appearance as a whole. The development would not



add to the overall quality of the area as required by the NPPF.

- 6.59 The impression of the development being inconsistent would be exaggerated by the differing heights and scale of the built form. In terms of height of built form, the proposal is varied with a mixture of two and three-storey development, with this mix being emphasised further by some of the two-storey buildings having very shallow pitched roofs and some of the three-storey buildings having steeper pitched roofs. These extremes show little regard to the surrounding area as there are no three-storey buildings within the immediate vicinity of the site and, whilst there are flat roofed buildings within East Tilbury, there appear to be no examples of shallow 11 degree pitched roof buildings. Again, whilst this approach intends to create differing character areas within the development, it is considered that within a development of this size, this has the effect of the development appearing inconsistent and confused. The provision of two flat blocks of substantially contrasting scale and proportions to the other built form around it is also considered to result in that part of the development contrasting significantly with its surroundings. Whilst it is noted that a reasonable assessment of the surrounding context has been provided, it is not considered that the proposed development has responded to its surroundings.
- 6.60 The proportions of the tall, narrow three-storey dwellings results in an appearance substantially at odds with most of the other built form within the site and, likewise, the squat appearance of the dwellings with deep, shallow pitched roofs would be at odds with their surroundings. As a result, there would be pockets within the development where the built form would not have a cohesive appearance. It is considered that this is symptomatic of there being too many character areas within a development of this size. Whilst the approach might work within much larger developments, having such small areas with contrasting built form causes the development to appear as a collection of parts and, as such, is not considered to be of the high quality design sought by both local and national planning policies.
- 6.61 It is noted that the modular buildings will inevitably limit the design process to some degree, but it is not considered that this construction technique should be reason to support a development that does not reflect the context or opportunities of this site. This is particularly the case given that the site is of heightened prominence due to its positioning on a key route into East Tilbury, which would also be visible from the countryside beyond the site.
- 6.62 The Council's Urban Design Officer initially identified that insufficient regard has been had to the local context and that the proposal relates poorly to the surrounding area, being an 'anywhere' development that shows insufficient regard to local vernacular. It was also identified that some of the detailing proposed was

unacceptable. Since those comments were made there have been alterations to the design of some of the dwellings with hipped roofs introduced to dwellings at junctions and alterations to the fenestration and detailing of some of the dwellings. Whilst these alterations are noted, it is not considered that they address the concerns set out above and the Council's Urban Design Officer has set out that the built form would be poorly proportioned, the layout would include visually too many gaps between buildings and the 3 storey height is unnecessary in the proposed suburban density, particularly as the equivalent accommodation could be better integrated into the development in a manner that would be beneficial in design and layout terms. The proposal is not therefore well design and fails to reflect government guidance on design as set out in the NPPF.

- 6.63 In terms of the impact on the wider area, it is noted that the visual effect of the development would be limited to a relatively localised area due to the topography which includes higher ground to the north. The site is part of the Linford/Buckingham Hill Urban Fringe character area as set out within The Council's Landscape Capacity Assessment (2005). This sets out that the key characteristics of this area include its urban/rural fringe character, but most features that contribute to the overall character of this area are not found at the application site. However, that assessment does identify that a feature of the area that is desirable to safeguard is the wedge of farmland between the eastern edge of Linford and the railway line.
- 6.64 The development would be clearly visible in views from that higher ground, particularly from the existing approach to Linford Woods. There would also be partially obscured views from the open areas at the opposite side of the railway line and the recreation ground opposite the site and from Princess Margaret Road. However, the topography and the landscaping features of the surrounding area ensures that the effect would be localised and the effect on the wider landscape would be limited. This view is shared by the Council's Landscape and Ecology Advisor. On this basis, whilst the proposal would encroach into the countryside and cause a loss of openness as set out above in respect of the effect on the Green Belt, it is accepted that the visual impact on the landscape would be relatively minor and the harm caused in this respect would be outweighed by the benefits of providing housing.
- 6.65 Overall, whilst being acceptable in some respects, the proposed development is not considered to represent high quality design and, as such, would be contrary to policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the Thurrock Design Strategy SPD and the NPPF.
- 6.66 IV. OPEN SPACE, LANDSCAPING AND AMENITY SPACE

The proposal would be served by a large area of open space as described above. This would be available for use by residents of the site and the wider area and would include footpaths and informal play facilities in the form of a natural play features such as timber play structures, boulders, logs and mounds. Given the scale of the development and the availability of further children's play space and open space within the immediate vicinity of the site, it is considered that the proposal would be well served by public open space.

6.67 In terms of landscaping, there are few trees within the site and those that do exist are mostly at the edges of the site. A total of 14 trees would be removed to enable the development and the submitted Arboricultural Implications Assessment identifies that, other than one Category B Ash Tree, all of those that would be removed are considered to be of limited value. The Council's Landscape and Ecology Advisor agrees with this assessment and it is also agreed that there is substantial scope to provide replacement tree planting throughout the site and, as such, it is considered that the proposal would be able to mitigate the loss of the existing trees and undeveloped land through the provision of usable open space and replacement soft landscaping that would be of increased amenity value.

6.68 Adequate private amenity space would be provided for all dwellings within the development, with the gardens ranging from 50 to 157 square metres which is considered proportionate to the size of the dwellings. The arrangement of the dwellings and the provision of boundary treatments would ensure that the space would enjoy sufficient privacy to be usable in all cases. All of the proposed flats would be provided with either a ground floor patio area, or a private balcony of 7 sq.m in area. This arrangement would ensure usable private amenity space for occupiers of the proposed flats.

6.69 V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

#### Access and Accessibility

As set out above, a primary vehicle access is proposed to link to Princess Margaret Road located approximately half-way between Monks Cottages and St. Cleres Cottages. Proposed works in the highway would include a right-turn lane into the site at this location. The development would also feature a pedestrian, cycle and emergency access at the northern stretch of the site frontage. A Road Safety Audit has been undertaken and, subject to minor details being addressed, it has been found that the access would be safe.

6.70 The most recent consultation comments from the Highways Officer confirm that the majority of findings in the applicant's Transport Assessment are agreed. However,

there remain residual issues regarding potential impact on the East Tilbury Road / Princess Margaret Road / Muckingford Road junction and the interaction of the development with the level crossing. However, it is considered that these matters can be adequately addressed through mitigation in the form of conditions and contributions to junction works and it is noted that these matters have not led to an objection being raised by the Highway Authority.

#### 6.71 Traffic Impact

The Highways Officer considers that the development proposals should contribute towards improvement measures at local junctions in order to mitigate impact on the road network. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In order to justify planning obligations to meet these tests the Council has an Infrastructure Requirement List (IRL) which identifies a range of physical, social and green infrastructure projects which would engage dependent on the nature of a development proposal and its location. The IRL currently identifies the following transportation projects which would be relevant to a residential development of this size in East Tilbury:

- Level crossing vehicular bypass (IRL-0073);
- Ramped bridge and lift (IRL-0074);
- Walton Hall – Quiet Lane Project (IRL-0077);
- Cross Keys junction improvement (IRL-0078);
- A128 / A13 junction improvement (IRL-0377); and
- Average speed camera system East Tilbury Road / Muckingford Road / Princess Margaret Road (IRL-0482).

- 6.72 The response from the Highways Officer does not identify any specific IRL project(s) for which a contribution is sought but instead seeks mitigation via a contribution to improve pedestrian and cycle accessibility at the level crossing and that there would need to be clear justification under the Highway Act for the inclusion of the proposed zebra crossing in East Tilbury Road, which would need to be subject to a s278 legal agreement under the Highway Acts. Consequently, it is

considered that subject to agreed developer contributions the proposals could be acceptable with regard to the surrounding road network in regard to policies PMD9 and PMD10, and paragraph 110 of the NPPF.

#### 6.73 Accessibility

The site is very well located with respect to the existing train station at East Tilbury and the bus stops that are set out above. A further bus stop is also proposed at the frontage of the site. The no.374 bus route passes the front of the site providing a Monday to Saturday service with 8 buses Monday to Friday and 4 buses on Saturdays. The main entrance to the site is approximately 400 metres from the shops at Linford and 800 metres from the shopping facilities, library and Village Hall at East Tilbury. East Tilbury Primary School is also within 1km of the site. Although there are some severance issues caused by the level crossing, it is considered that the site is well located with respect to existing facilities.

#### 6.74 Parking and Travel Plan

The Council's Parking Design and Development Standards (2022) define locations as being either high, medium or low accessibility. High accessibility locations are described as within 1km walking distance of a railway station and within an existing or proposed controlled parking zone (CPZ). The site is not located within a CPZ. However, given the proximity to East Tilbury railway station, it is considered that the either the medium or high accessibility standards would be applicable and as such a car parking provision of between 1 - 1.5 spaces per flat and between 1.5 – 2 spaces per house plus visitor spaces would be appropriate. Car parking at a rate of 2 spaces per house, 1 space per flat and 48 visitor spaces is being proposed and, whilst this represents an overprovision in a high accessibility location which might undermine the intention of promoting sustainable transport to some degree, it is not considered that the provision of car parking would result in harm that would justify the refusal of the application. It is noted that many representations have set out that there would be a perceived lack of car parking but, for the reasons set out above, this is not considered to be the case.

6.75 The proposed development would give rise to the need for a residential Travel Plan to promote sustainable modes of transport to accord with policy PMD10 and paragraph 113 of the NPPF. The applicant's Residential Framework Travel Plan identifies that each resident would be provided with a Travel Information Pack that will include details of car sharing and car clubs. The Council's Travel Plan Co-ordinator raises no objection subject to the need for further details within the travel plan and an associated monitoring fee of £525 per annum for a minimum of five years, which could be secured through a planning obligation.

## 6.76 VI. FLOOD RISK AND SURFACE WATER DRAINAGE

The application site is located partly within Flood Zones 1, 2 and 3, with the southern portion of the site at lowest risk from flooding (Zone 1) and the northern portion at the highest risk (Zone 3). Although the undeveloped northern part of the site is within Zone 3, elements of the built residential development are located within the high risk flood zone. Albeit the high risk area benefits from flood defences. Consequently, as residential uses are classified as 'more vulnerable' to flooding, the development is required to pass the sequential and exception tests. The aim of the sequential test is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test

### 6.77 Sequential Test

It is the local authority's role to undertake the Sequential Test and to assist with this work the applicant has submitted a 'Sequential and Exceptions Test Report' (January 2022). This report considers all sites in the Borough of a similar size to the application site (i.e. capable of accommodating 150 dwellings or more) which were identified in the Council's LDF Site Specific Allocations and Policies Issues and Options consultation (2013), which no longer forms part of the current LDF Core Strategy and Policies for Management of Development and therefore cannot be given any weight. Nevertheless a total of 25 sites have been identified, however none of these potential alternative sites are at both a lower risk of flooding and are reasonably available. It is considered that the Borough-wide approach adopted in the applicant's report is reasonable and that the 2013 consultation is the most recent site-specific consultation undertaken by the Council. PPG advises that when applying the sequential test the local planning authority should take a pragmatic approach on the availability of alternative sites. Accordingly it is considered that the sequential test is passed in this case.

### 6.78 Exception Test

After application of the sequential test, the exception test applies and comprises two parts:

- a) whether the wider sustainability benefits of the proposal outweigh the flood risk; and

b) whether the proposal would be safe for its lifetime without causing increase flood risk elsewhere and where possible will reduce flood risk overall.

- 6.79 In relation to the wider sustainability benefits (part a), giving equal weight to all the benefits of the proposal that have been set out elsewhere in this report, it is considered that the risk of flooding is clearly outweighed by the benefits to the wider community that would result from the provision of 230 affordable dwellings and all of the associated provisions that are set out above.
- 6.80 In relation to the safety of the development (part b), the proposal has been assessed by the Environment Agency and the Council's Flood Risk Manager and both have raised no objection to the proposal on the basis of its safety from flooding. The proposed dwellings would include safe refuge above the area of the site that is at risk of flooding and it has been demonstrated that the proposal would not cause an increased risk of flooding off-site.
- 6.81 For these reasons, it is considered that the proposal passes the sequential and exception tests and, therefore, accords with Policy PMD 15 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF in this regard.

#### Other Flood Risk Matters

- 6.82 The Flood Risk Manager initially noted that, due to the constraints of the railway line and the Gobions sewer (main river), the proposed attenuation basin may have reduced capacity in an extreme event. Communal rainwater harvesting was therefore promoted as a mechanism to reduce pressure on the basin. It has subsequently been agreed that the proposal can be found acceptable subject to a condition requiring a surface water strategy to be submitted and agreed.
- 6.83 VII. ECOLOGY AND BIODIVERSITY

The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). The Council's Landscape and Ecology Advisor has stated that the site falls within the 'Zone of Influence' of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site. The local planning authority is therefore required to undertake a Habitat Regulations Assessment to understand the impact.

6.84 *Habitats Regulations Assessment*

In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard to any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 63 of the Habitats Regulations requires, inter-alia, that:

*Before deciding to give any permission for a plan which:*

- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site*

*The competent authority must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.*

6.85 The table below is the Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained in the table below, with the local planning authority’s response to each stage:

Stage	LPA response
<p>Stage 1 is the Screening Assessment</p>	<p>The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify:</p> <ul style="list-style-type: none"> <li>• new dwellings of 1+ units (excludes replacement dwellings and extensions)</li> <li>• houses of Multiple Occupancy (HMOs)</li> <li>• residential care homes and residential institutions (excluding nursing homes)</li> <li>• residential caravan sites (excludes holiday caravans and campsites)</li> <li>• Gypsies, travellers and travelling show people plots</li> </ul> <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects.</p>



	<p>Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features have been identified as being a variety of bird species.</p>
<p>Stage 2 is the Appropriate Assessment</p>	<p>If the proposal is not within or directly adjacent to the above European designated site. A proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation has been secured in the 'Summary' section below. Provided this mitigation is secured it can be concluded that this planning application will not have an adverse effect on the integrity of the above European site from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.</p>
<p>Summary of the Appropriate Assessment</p>	<p>The application would result in a net increase of 230 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p>The application is for a net increase of 230 units. The site is not within or adjacent to the SPA. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy. The current tariff is £127.30 per unit; therefore the financial contribution should be £29,279.00</p> <p>Additional bespoke mitigation will be delivered on site in accordance with Natural England guidance dated 16<sup>th</sup> August 2018. The scheme will provide an area of publicly accessible informal semi-natural open space to the north and west of the new residential development. This will include open grassland, with new tree and scrub planting, wetland features and a large attenuation basin. A footpath will run through the open space and will link to a pedestrian crossing providing a safe connection to the existing open space to the west of Princess Margaret Road. A new pedestrian bridge and path will be provided linking into the Linford Wood LNR on the northwest site boundary. The new link into the Local Nature Reserve which will include</p>

	<p>appropriate path improvements through the woodland will create a circular walk available for dog walking more than 2.7km. The open space on site will be maintained by the management company set up as part of this scheme. It is considered that these measures will provide the necessary additional alternative recreation opportunities required to reduce the recreational visits adjacent to the SPA.</p>
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6.86 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Natural England have been sent the Habitats Regulation Assessment in response to their consultation response and are satisfied with its content but the responsibility lies with the Council as the competent authority. If the application were to be recommended for approval the proposed development would require the mitigation identified within the Assessment that is set out above. In that scenario, subject to the mitigation measures being secured, it would be possible for the local planning authority to determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects. However, as the recommendation below is to refuse planning permission, it is not necessary to include a separate recommendation to address the Habitats Regulations.

6.87 On Site Ecological Assessment

Core Strategy Policy PMD7 requires *‘development proposals to incorporate biodiversity or geological features into the design as far as possible’* and *‘where it can be demonstrated that this is not possible, and there is no suitable alternative site available for the development, developers will be required to show that their proposals would mitigate any loss of biodiversity or geological interest’*. Up to date national planning policies in the NPPF (paragraph no. 174) require that planning decisions contribute to and enhance the natural and local environment by (inter-alia):

- Minimising impacts on and providing net gains for biodiversity.

6.88 The applicant’s Ecological Report identifies that the site is of limited ecological value but does identify the presence of hedgerows and trees that offer some nesting and foraging opportunities for birds and suitable foraging and navigational resources for bats. It is also identified that the site is used by Water Voles and has low populations of protected Common Lizards, Grass Snakes, Slow Works and Adders.

6.89 The Council's Landscape and Ecology Advisor generally agrees with these findings and highlights that a Construction Environmental Management Plan should be provided to protect animals that might use the site during construction. It is also advised that a 2 metre buffer should be provided beside the stream at the edge of the site to ensure the protection of Water Voles and that a Reptile Mitigation Strategy should be submitted and agreed under the terms of a condition. A Landscape and Ecology Management Plan is also considered to be necessary.

6.90 On this basis, subject to the imposition of conditions, it is concluded that the effect of the proposal on ecology and biodiversity would be able to be mitigated and it would be possible to secure enhancements within the landscaping that is proposed at the site. The proposal would, therefore, accord with Policy PMD7 and the NPPF in this regard.

#### 6.91 VIII. AIR QUALITY

There are no Air Quality Management Areas in the vicinity of the site and the potential traffic generated by the development will be unlikely to result in any significant impact or exceedance of UK Air Quality Objectives. It is noted that a number of objections have identified concerns in relation to air pollution but in this case, noting the findings of the applicant's Air Quality Assessment and the view of the Council's Environmental Health Officer, it is not considered that there would be grounds to refuse this application on the basis of the impact on air quality having regard to policy PMD1 and the NPPF.

#### 6.92 IX. NOISE

The railway line, the roads of the area, the George and Dragon Public House and an adjacent kennels have all been identified as potential sources of noise that could affect the living conditions of future occupiers. In this regard, the applicant's Noise Assessment identifies that, subject to the provision of mitigation measures including bunds at the railway line frontage of the site and the use of glazing and ventilation of a higher acoustic standard in identified locations, the effect of these local noise sources can be mitigated for future occupiers of the dwellings. This assessment is agreed by the Council's Environmental Health Officer and as such, it is considered that it would be possible to provide suitable living conditions for future occupiers in terms of noise.

#### 6.93 X. EFFECT ON NEIGHBOURING PROPERTIES

The properties of nos. 1 to 3 St Cleres Cottages are located to the south of the site. The submitted plans show that the closest proposed dwelling would be 12 metres

from the boundary of the application site that is adjacent to those cottages and 18 metres from the rear elevation of the dwellings at those sites. It is the front elevation of those dwellings that would face the side elevation of the closest dwelling at the application site. Therefore, as a result of the layout and orientation of the dwellings at the site, the proposal would not cause a material loss of light, privacy or outlook at the neighbouring properties to an extent that would justify the refusal of the application.

- 6.94 The dwellings of 1 and 2 Monks Cottages are located to the north of the proposed dwellings that would front Princess Margaret Road. The front elevation of the terraced dwellings on plots 3 to 6 would be 24 metres from the side elevation of 2 Monks Cottages and therefore the proposal would not have an unacceptable effect on the light received in that property or the outlook it enjoys. Likewise, as Flat Block B would be 30 metres from that dwelling, it would not have an unacceptable effect in those respects. In terms of overlooking, the terraced dwellings and the part of Flat Block B that would be adjacent to that terrace would be two-storey in height and 18 metres from the boundary of the neighbouring dwelling. The three-storey part of Block B would be 13 metres from the shared boundary and orientated towards the dwelling rather than the garden. As a result of this relationship, there would be an increase of overlooking of the neighbouring property. However, the associated loss of privacy would be limited due to the separation distance and the orientation of the proposed buildings and, as such, the effect on living conditions would not be harmful to an extent that would justify the refusal of the application.
- 6.95 There are 17 properties between Halt Drive and the roundabout at the north end of Princess Margaret Road, all of which would have a view towards the proposed dwellings at the application site to varying degrees. The front of the dwellings at the application site would be a minimum of 29 metres from the closest dwellings opposite the site and as a result, the development would not cause an unacceptable loss of light, privacy or outlook.
- 6.96 Although these properties and others within the vicinity of the site would be likely to experience some additional activity, given that the surrounding roads are already well used it is not considered that the additional activity would be at a level that would cause material harm to the living conditions of existing residents.
- 6.97 For these reasons, the proposal would not result in demonstrable harm to neighbouring residential amenity to an extent that the proposal would conflict with policy PMD1 or the NPPF.

## 6.98 XI. ENERGY AND SUSTAINABLE BUILDINGS

The application is accompanied by both an Energy Statement and a Sustainability Statement. The headlines from both of these documents conclude that the development has the potential to achieve a minimum 37.7% reduction in carbon dioxide over the Part L:2013 Building Regulations through measures comprising:

- high levels of building fabric insulation to minimise heat loss;
- a balanced proportion of façade glazing to ensure natural daylight provision without increasing overheating risk;
- high levels of air tightness to reduce heat loss through infiltration;
- the use of accredited construction details to minimise heat loss through thermal bridging;
- low energy LED lighting to minimise artificial lighting energy consumption;
- openable windows provided for all residential units to enable a natural ventilation strategy, with a number of dwellings identified as being at risk of elevated internal noise levels to be provided with mechanical ventilation with heat recovery to provide fresh air without the need to open windows;
- high specification of heating controls to ensure operational efficiency; and
- employment of rooftop photovoltaic (PV) technology to provide low carbon electricity on-site.

6.99 Subject to suitable planning conditions, it is considered that the proposals would be compliant with Core Strategy policies PMD12 and PMD13.

## 6.100 XII. VIABILITY AND PLANNING OBLIGATIONS

Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

6.101 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements

can be sought. In September 2019 the pooling restrictions were removed through the updated Community Infrastructure Levy Regulations but the Council continues to maintain the Infrastructure Requirement List (IRL) to provide an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.

6.102 Through the consultation process and assessment of this application the proposed development requires the following planning obligations:

- on-site affordable housing;
- contributions to mitigate highways impacts;
- RAMS contribution;
- contribution to mitigate impacts on primary healthcare;
- contributions to mitigate impacts on education provision; and
- Travel Plan monitoring fees

6.103 Without prejudice to the recommendation below, a draft s106 agreement has been progressed between the Council's and the applicant's respective legal teams. This agreement addresses provision of affordable housing (although a Registered Provider has not yet been identified) as well as financial contributions and the safeguarding of land within the site as a potential landing point for a pedestrian crossing over the railway line.

6.104 XIII. LOSS OF AGRICULTURAL LAND

6.105 The site is identified as Grade 2 and 3 agricultural land within the national Agricultural Land Classification. The applicant has also highlighted that Natural England's predictive mapping of best and most versatile land reflects this by identifying that there is a high likelihood that the southern part of the site is best and most versatile land and a low likelihood that the northern part of the site is. From this basis, the applicant's Agricultural Considerations report has estimated that 7.5 hectares of the 9.43 hectare site is likely to be of better quality.

6.106 Policy CSTP21 states that "The Council will promote the appropriate management and conservation of agricultural land and soil to address the changing climatic and economic environment anticipated in the future" going on to also state that "development of the best and most versatile land (DEFRA Grades 1, 2 and 3) will not be supported except in exceptional circumstances" The policy states that

developers will need to demonstrate that there is no suitable site in a sustainable location on land of poorer agricultural quality or that alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.

- 6.107 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land. It also states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 6.108 The applicant's submissions undertake no assessment of the value of other sites or their constraints and does not comprehensively demonstrate that there are no suitable sites available in a sustainable location that consist of poorer quality land. However, whilst there are areas of agricultural land of lower quality throughout the wider area, it is considered very unlikely that sufficient land of a lower quality exists to meet the housing requirements of the Council which is also of comparable sustainability in terms of location relative to public transport and accessibility to facilities and services. Accordingly, it is considered that the proposal accords with that element of the policy requirement.
- 6.109 It is noted that the applicant has identified that the site has not been farmed for at least 20 years and no evidence has been identified that contradicts this claim. Accordingly, there are minimal economic or other benefits arising from the site containing the best and most versatile land and, as such, its loss cannot be considered to be significant. Although there are not considered to be exceptional circumstances that would justify the loss of agricultural land, weighing in favour of the proposal is the Council's position in respect of the supply of housing land and the benefits that have been set out elsewhere in this report. From this basis, it is considered that any harm caused by the non-significant loss of agricultural land is minimal and would be outweighed by the benefits arising from the proposal.

#### 6.110 XIV. OTHER MATTERS

The Council's Archaeology Advisor raises no objections subject to a condition requiring trial trenching to be undertaken. The site is also near to a listed building at Smithy Cottage. However, it is not considered that the proposal would harm the setting of that listed building due to the separation between the proposed built form and that building. The proposal would therefore not conflict with Policy PMD4.

- 6.111 With respect to contamination, the applicant has provided a Preliminary Risk Assessment and a Ground Investigation Report which have both been assessed by the Council's Environmental Health Officer and been found to be acceptable. From this basis, subject to the imposition of conditions requiring the implementation of the recommendations within those reports, no objection should be raised to the proposal on the grounds of contamination.
- 6.112 The site is located within the consultation distances drawn around a high pressure underground gas pipeline located to the west of the site. The proposal has therefore been subject to the HSE's web-app which has generated a consultation response of 'advise against' the granting of planning permission. As the pipeline is an asset of Cadent Gas, this company have been contacted for a consultation response. Nevertheless a Pipeline Reassessment report (referred to above) has been produced by the HSE which confirms that the pipeline depth and wall thickness results in a much reduced constraint. No objection is raised on this basis.

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

- 7.1 The proposal represents inappropriate development in the GB that would be harmful by definition, would cause substantial harm to the openness of the GB and would conflict to varying degrees with three of the five purposes of including land in the GB. Benefits would arise from the proposal including, but not limited to, a contribution of 230 houses towards the supply of housing and the supply of affordable housing, public transport infrastructure, a link to Linford Woods and the other benefits that have been discussed above. However, these are not considered to represent material considerations of sufficient weight to clearly outweigh substantial weight that should be afforded to the harm caused to the GB and the other harm mentioned above. Those material considerations do not, therefore, represent the Very Special Circumstances necessary to justify inappropriate development in the GB. As a matter of judgement, it is considered that the proposals are therefore contrary to the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF. Furthermore, it is considered that the proposal would not represent high quality design and, as such would be contrary to Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

## **8.0 RECOMMENDATION**

- 8.1 Refuse planning permission for the following reasons:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development



Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes a), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

2. The proposals, by reason of the use of standard house types, the layout, the mix of proposed character areas the differing scale and heights of the proposed built form would fail to deliver the high quality place required by national and local planning policies and would not reflect the character and appearance of the area, taking account the site's countryside location. The proposal is not well-design and fails to reflect government guidance on design also failing to establish or maintain a strong sense of place. The proposals are therefore contrary to Part 12 of the NPPF and Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

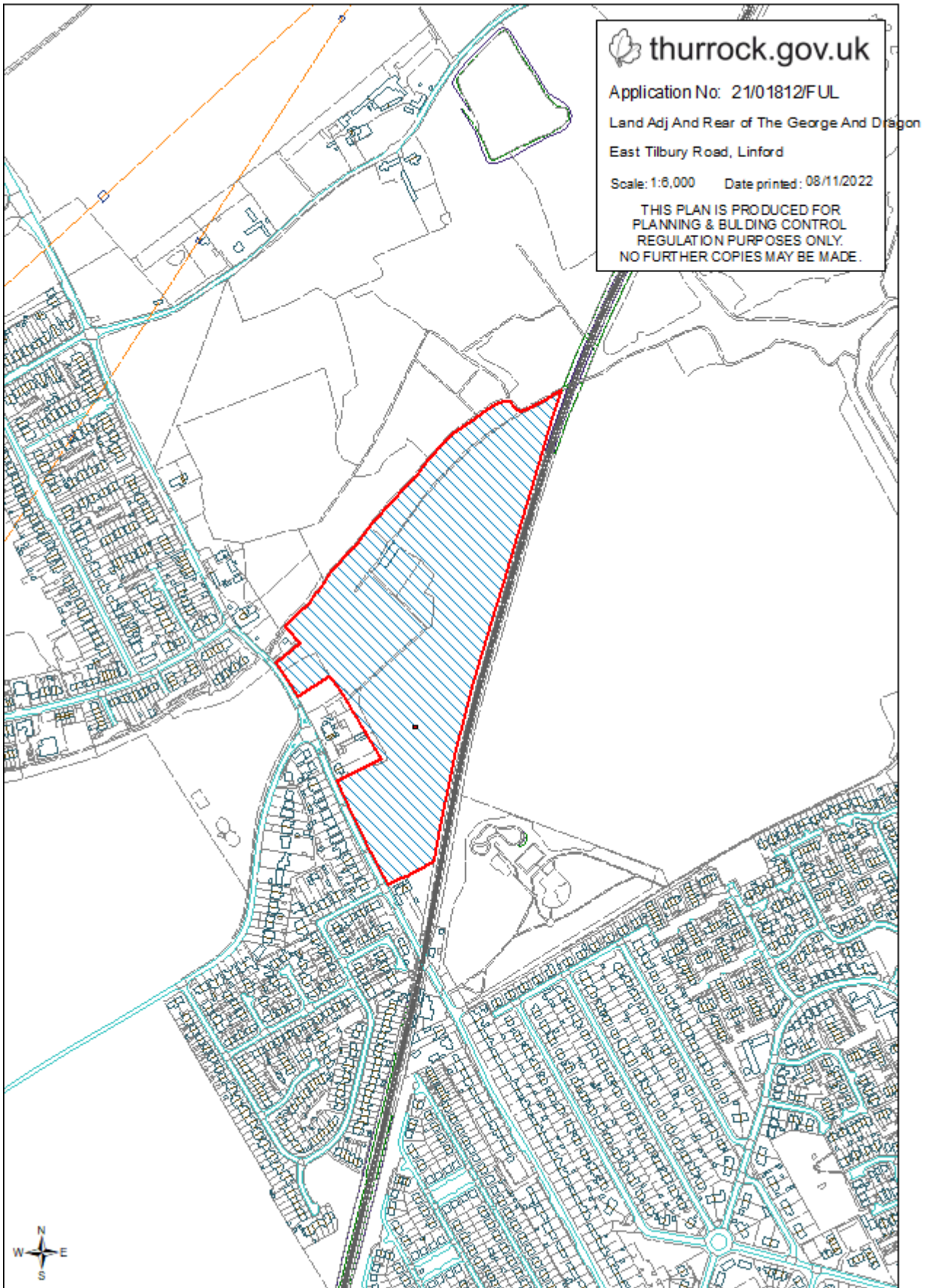
#### Positive and Proactive Statement

The local planning authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>





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# Agenda Item 9

Planning Committee 5 January 2023	Application Reference: 19/01556/OUT
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<b>Reference:</b> 19/01556/OUT	<b>Site:</b> Kings Farm / Thurrock Airfield Parkers Farm Road Orsett RM16 3HX
<b>Ward:</b> Orsett	<b>Proposal:</b> Application for outline planning permission with all matters reserved apart from access: Proposed mixed use development comprising up to 750 no. residential dwellings, medical facility, retail and commercial units.

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
LP001	Location Plan	20 July 2021
RS-1493-01	Topographical Plan	15 October 2019
MP0001 Rev F	Illustrative Masterplan	20 July 2021
MP0007	Indicative CGIs	20 July 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>• Planning Statement (July 2021)</li> <li>• Design and Access Statement (July 2021)</li> <li>• Health Impact Assessment May 2021)</li> <li>• Biodiversity Net Gain Report (April 2021)</li> <li>• Utilities Feasibility Report (January 2021)</li> <li>• Cover letter (July 2021)</li> <li>• Legal opinion (September 2019)</li> <li>• Environmental Statement (ES) including -             <ul style="list-style-type: none"> <li>○ Contamination Phase I Report (within ES document)</li> <li>○ Landscape Strategy (within ES document)</li> <li>○ Flood Risk Assessments (within ES document)</li> <li>○ Phase I Contamination Report</li> <li>○ Transport Assessment</li> <li>○ Transport Assessment Addendum</li> <li>○ Framework Travel Plan (within ES document)</li> </ul> </li> </ul>	
<b>Applicant:</b> Grasslands Ltd	<b>Validated:</b> 19 July 2021 <b>Date of expiry:</b>

	9 January 2023 (Extension of time)
<b>Recommendation:</b> Refuse planning permission	

This application is scheduled for determination by the Planning Committee because the application is considered to have significant policy or strategic implications and constitutes a departure from the Development Plan (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council's constitution).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks outline planning permission for a mixed use development comprising up to 750 no. residential dwellings, medical facility, retail and commercial units. Specifically, a mixed residential and commercial development of up to 750 dwellings, 1,000 sq.m floorspace of Class A1 (according to the application form), however, the illustrative masterplan and the planning statement refer to a 0.5ha area to the south-west of the application site being reserved for 1,000 sq.m of shops, commercial uses and medical facility.
- 1.2 Planning permission is sought, in respect of details, solely for access. Other details of appearance, landscaping, layout and scale of the development have been reserved for future approval (as reserved matters) if outline planning permission is granted.
- 1.3 While not included in the description of development, the illustrative masterplan shows that all existing buildings would be demolished and the mobile home removed from the application site, as well as the removal of the tarmac from the airstrip.
- 1.4 Permission is sought for "up to 750 new dwellings"; as such, while not overt, this figure should be viewed as a maximum; indeed, the revised illustrative masterplan shows only 669 dwellings. Any reserved matters application will confirm how many dwellings are to be provided, nonetheless this cannot exceed any maximum number approved at Outline stage.
- 1.5 An indicative layout has been provided on the illustrative masterplan. Whilst this detail is not for consideration at this stage, it does indicate that a layout could come forward at the reserved matters stage which provides 669 dwellings across the site, together with retail and employment uses including a medical facility. The indicative general layout also shows that a pond could be provided as part of any detailed drainage plans (SuDS).

- 1.6 The proposal indicates that of the up to 750 total dwellings, 487 would be “market” dwellings with 263 provided as “social”; i.e. 35% of the total would be affordable housing. The illustrative masterplan (for 669 dwellings) also proposes to provide the policy-compliant 35% affordable dwellings and is indicated to provide:

<u>House Type</u>	<u>No.</u>	<u>%</u>
1-bed flat	106	16
2-bed flat	80	12
2-bed FOG*	33	5
2-bed house	125	19
3-bed house	223	33
4-bed house	102	15

\*FOGs (Flats over garages)

- 1.7 The affordable housing is not identified to be split between, for example shared-ownership and social/affordable rent. The details submitted do not show whether any affordable dwellings would be provided as either first homes or starter homes. The submission does not specifically indicate how the affordable homes would be allocated across the sizes of dwellings proposed although the Design and Access Statement (DAS) and Planning Statement does indicate that the affordable housing would be “provided and dispersed throughout this mix” (see above).

Access

- 1.8 This is the only matter for detailed consideration at this stage. The application proposes that the sole vehicular access to the residential uses on-site would be from a brand-new access direct from the A128 to the east of the application site. The existing access onto Parkers Farm Road from the west would be closed and the residential curtilage of Kings Farm would be severed from its current direct access to the airfield/air strip such that its own vehicle accesses onto Parkers Farm Road would similarly no longer be available.
- 1.9 It is proposed on the illustrative masterplan that a substantial highway control feature would be provided in the form of a road realignment and a formal roundabout junction on the A128. This would require some loss of land from within the application site to highway land. There would be no vehicle access onto Parkers Farm Road to the west. It is proposed to provide an emergency access from the commercial area (indicatively located at the south-eastern part of the site) directly onto the A128, south of the proposed roundabout in case the sole access/roundabout is compromised/out of action. It is proposed that there is a pedestrian/cycle access to Parkers Farm Road. Indicatively vehicle access is shown to the north across the Mardyke tributary onto a current agricultural field.

- 1.10 Internal access is shown on the masterplan drawing to connect to the proposed A128 access via an entrance limb (main access point) and then a circular loop with spurs/cul-de-sacs which could access all of the dwellings and the proposed shops/commercial uses and medical centre. The illustrative masterplan indicates that the commercial uses would be located at the front of the site (south-eastern-most point) such that it would be clearly visible from the A128, albeit not directly accessed, it would be accessed via the first turning south off the main access road. Albeit that the plans also show an emergency vehicle point onto the A128 to the south of, and parallel to, the main access close to the proposed non-residential uses.
- 1.11 The illustrative masterplan shows pedestrian footways throughout the application site and the Landscape Strategy suggests that there would be cycleways/paths also.

#### Groundworks

- 1.12 Although landscaping is a matter of detail reserved for future approval (if outline planning permission is granted), flood mitigation / alleviation works are proposed which would include the re-profiling of ground levels. Flood compensation storage would be increased in the form of a new pond. The illustrative masterplan shows the new pond to be located to the north-west of the application site; although the Landscaping Strategy also shows a possible non-SuDS pond to the east of the site.

#### Landscaping

- 1.13 Although details of landscaping are reserved for future approval and there is limited soft landscaping within the site apart from grass which could be retained; the Landscaping Scheme proposes to not remove any existing boundary landscaping, except to provide the vehicle and cycle/pedestrian accesses. The submitted Landscape Strategy drawing indicates that there is intended to be a buffer of soft landscaping around a core where the housing would be provided. Such buffer would include a new woodland to the entrance from the A128: the wide, landscaping buffer is also shown to provide cycle paths and public open space (including equipped play areas)/habitat areas. Within the housing/buildings areas it is illustrated that a range of hard and soft landscape treatments could be utilised, including other public open space and hedgerow walkways.

#### Layout

- 1.14 While not for consideration at this stage, one indication of the way the site (with 669 dwellings) could be laid out is shown on the indicative masterplan (referred to above). The indicative plans show in terms of the core area of residential



development that it could potentially comprise flatted blocks, terraced houses, FOG (flats above garages) and detached houses. The proposed commercial/medical development is indicated to the south-eastern part of the site in a separated 0.5 ha zone, adjacent to the A128 with flats above.

### Scale

- 1.15 While again not for consideration at this stage, an indication of the scale of the development is provided on submitted illustrative masterplan drawings for 669 dwellings which list up to 4-bed houses and flats which could be up to three-storeys high. Apart from the overall floorspace of 1,000 sq.m, there is no clarification of the scale of the proposed commercial development, however, the Design and Access Statement indicates that flats may be provided above shops etc. within two- or three-storey buildings. No parameter plans have been submitted for consideration at the outline stage.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a roughly rectangular-shaped parcel of land, extending to approximately 31.2 hectares in area from the A128 to its east and Parkers Farm Road, Orsett to its west. The land currently comprises a private airfield with a tarmac air strip (approved in 2007) surrounded by grass (kept mowed). A grassed air strip runs alongside the tarmac air strip and a grassed cross-strip has appeared in later aerial photographs (crossing the tarmac air strip). To the south-west of the site is an Aero services building which provides maintenance/repair services. Most planes are parked outside to the immediate east/NE of the Aero services building where there are also there are a few buildings providing storage for equipment, together with a small, possibly “mess” building.
- 2.2 Beyond the aero services building (to its west) is an area of hardstanding used as a car park for approximately 15 cars; to the north of which is a mobile home. The only vehicle access point is to the west of the Aero services building onto Parkers Farm Road
- 2.3 The site is generally flat/level and low-lying within Flood Zone 1. A tributary of the Mardyke runs along the northern boundary of the application site. Details submitted indicate that the site does have some surface and ground level flooding issues associated with pluvial (rain) events.
- 2.4 The application site forms part of the Metropolitan Green Belt (MGB/GB). The northern boundary of the application site forms part of the external boundary of the Thames Chase Forest area.

- 2.5 The site is surrounded by open fields, many in agricultural use, with sporadic farm and other houses including Kings Farm itself, Greysteads and The Paddocks to the north of Kings Farm fronting to Parkers Farm Road and a public house “Dog and Partridge” is located to the south-eastern just outside of the application site on the A128. Along the A128 are some commercial sites; including directly to the north of the application site, on the other side of the ditch (Mardyke), which includes a residential property (El Toro).
  
- 2.6 The nearest settlements are Bulphan and Orsett. Bulphan, a village, lies to the north of the application site around 1km away and Orsett, a larger village, lies to the south, some 3km away.
  
- 2.7 The A128 which runs along the eastern boundary of the application site is a two-way carriageway borough distributor road. Parkers Farm Road to the west is a single carriageway road. Neither the A128 nor Parkers Farm Road have any footpaths at this point. There is a public bridleway (no. 178) running just outside and parallel to the southern boundary of the application site which connects Parkers Farm Road to the A128. There are no cyclepaths within the vicinity of the application site. There are no bus stops in the vicinity of the application site, although routes run north/south along the A128 – the 475 and 265.
  
- 2.8 Apart from the vehicle access onto Parkers Farm Road, there is an unused gate onto the A128 and another unused gate onto the public bridleway. There appear to be grass/soft features either side of each of these gates.
  
- 2.9 To the south-east of the application site on the opposite side of the A128 at Ongar Hall are two, Grade II Listed Buildings – the Hall itself and its Barn.

**3.0 RELEVANT HISTORY**

The planning history at the application site is extensive and varied. Prior to the airfield, the land was in agricultural use with Kings Farm containing a dwelling fronting onto Parkers Farm Road. The 2007 applications below were submitted following the service of Enforcement Notices. Relevant applications are as follows:

<u>Application Reference</u>	<u>Description of Proposal</u>	<u>Decision</u>
07/00201/FUL	Use for stationing of mobile home for ancillary staff (retrospective)	Approved 02.03.09
07/00202/FUL	Change of use to include land to north of house as domestic curtilage	Approved 22.06.09
07/00203/FUL	Hardsurfacing of grassed runway	Approved 20.07.09

07/00204/FUL	Retention of hard surfaced area and existing hangar building used in association with Kings Farm.	Approved 03.03.09
08/00799/LDC	Unrestricted occupancy of main dwelling and residential curtilage as shown hatched black on the plan dated 8th October 2008.	Deemed lawful 08.10.08
09/00191/FUL	Amended 07/00204/FUL - Retention of hard surfaced area and existing hangar building used in association with Kings Farm.	Approved 28.05.09
09/00193/FUL	Retention of hard surfaced area and existing hangar building used in association with Kings Farm	Approved 20.07.09
14/00364/FUL	Extension to existing aircraft maintenance hanger	Refused 30.05.14
14/00938/FUL	Extension to aero services hangar	Approved 29.09.14
19/01557/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Application for outline planning permission with all matters reserved apart from access for a proposed mixed-use development comprising 750 no. residential dwellings, medical facility, retail and commercial units.	EIA Required 15.10.19
20/00186/SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed application for outline planning permission with all matters reserved apart from access for a mixed-use development comprising 750 no. residential dwellings, medical facility, retail and commercial units together with ancillary development.	Advice given (as to the contents of the Environmental Statement to be submitted) 12.03.20

It should be noted that in approving (planning application ref. 07/00203/FUL), for the hard-surfacing of the then grass runway, Members considered that *“the overriding very special circumstances in the opinion of the Committee, were that this was an established airfield, the inclusion of a hard-standing runway would not undermine the openness of the greenbelt and would not detract from the local landscape policies and their importance...”*

## 4.0 CONSULTATIONS AND REPRESENTATIONS

### 4.1 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters occupiers, press advert and site notices. The application has been advertised as a departure from the Development Plan, a major development and as being accompanied by an Environmental Statement.

### 4.2 Eighty-two (82) individual letters have been received objecting to the application (including from Dunton Community Forum). The following matters of concern have been raised:

- unsafe / inadequate access/es
- increased traffic congestion particularly around proposed roundabout
- pollution and impact on air quality
- harm to amenity
- increased noise
- loss of airfield facility
- loss of Green Belt; reduce width of GB to be unacceptably narrow
- even if the site has some development, it shouldn't be fully developed
- it would be twice as big as Bulphan
- urban sprawl
- change the character of the area from rural to suburban
- unsustainable and remote location
- scale and height of development would be out of character in a rural area
- flooding, particularly surface flooding
- impact on ecological interests; and
- adverse impact on existing limited infrastructure inc. schools and connectivity

One letter has been received supporting the proposal subject to hedging being retained/improved along the boundary with the bridlepath and existing drainage

pipes under the airfield being retained/replaced to ensure that the farmers field can drain into the Mardyke.

#### 4.3 CONSULTATION RESPONSES:

Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

#### 4.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections subject to conditions being attached to any grant of planning permission.

#### 4.5 ANGLIAN WATER:

No objections, confirm that they have assets in or in close proximity of the application site, indicate that wastewater treatment centre has capacity. Recommend a number of conditions/informatives relating to foul water drainage.

#### 4.6 NATURAL ENGLAND

No objections, note the site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

#### 4.7 LANDSCAPE/ECOLOGY ADVISOR

##### Landscape

Proposal would have an adverse effect on the local landscape character including for residents in Bulphan and surrounding lanes and for users of the public rights of way.

##### Ecology

The proposal would be likely to have an adverse in-combination effect on the integrity of the Thames Estuary and Marshes SPA.

#### 4.8 ENVIRONMENTAL HEALTH:

No objections subject to condition.

**4.9 NHS:**

The location of the health centre is isolated for users off site and therefore it is recommended a developer contribution of £387,400 should be secured through a S106 agreement to help mitigate the impact of the development should planning permission be granted for additional provision off site.

**4.10 ESSEX COUNTY FIRE & RESCUE SERVICES:**

No response received.

**4.11 ESSEX POLICE:**

Require the scheme adopts Secured by Design (SbD) principles

**4.12 ESSEX & SUFFOLK WATER:**

No response received.

**4.13 HIGHWAYS ENGLAND:**

Holding objection until 20<sup>th</sup> December 2022 that permission is not granted. Insufficient information has been submitted to make a fully informed recommendation on whether the proposal would adversely impact on high level roads (A1089 and the A13 is needed). HE is yet to be satisfied that the proposals would not affect the safety, reliability and/or operation of the Strategic Road Network (SRN)

N.B. – this response recommends that the Council does not grant planning permission in this time period. It does not restrict planning permission being refused.

**4.14 ENVIRONMENT AGENCY:**

No objections.

**4.15 EDUCATION:**

A financial contribution of £7,608,716.79 will be required from the developer to mitigate the impact of the development on the provision of nursery, primary and secondary education.

**4.16 HOUSING:**

No objection in principle, details provided on preference for split between unit types on site.

#### 4.17 PUBLIC HEALTH (THURROCK COUNCIL):

The proposal is too early, and the area lacks suitable facilities, considers the applicant should engage with the Local Plan process.

#### 4.18 HIGHWAYS:

Recommend refusal on the following basis:

- Some of the data assumptions are incorrect
- Lack of detail to show that a new roundabout on the A128/Brentwood Road can meet highway safety standards for both existing and proposed users
- There are no cycle or pedestrian links from/to the application site and none are proposed to connect the site to services - neither Parkers Farm Road nor the A128 have footpaths or cycle paths.
- The site is remote from shops and services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF,
- Concern regarding layout of roads within the application site as to whether they can accommodate larger vehicles turning

#### 4.19 URBAN DESIGN:

Recommend refusal on the following grounds:

- Unplanned incremental erosion of the Green Bel
- Landscape and visual impact
- A lack of local amenities, employment and public transport accessible by active travel (considering existing and proposed accessible provision)
- Reliance of private car due to location
- The site is close enough to Bulphan that it would significantly erode its rural setting but at the same time not close enough to provide an easily walkable (combined) settlement which promotes community cohesion and maximises local walkable amenities

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework (NPPF)

The NPPF was first published on 27<sup>th</sup> March 2012. The NPPF was revised in July 2018 and February 2019. It was revised again on 20<sup>th</sup> July 2021. The 2021 NPPF

sets out the Government's planning policies. It is a material consideration in any decision on planning applications. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision-taking this means:

- “c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>8</sup>, 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<sup>7</sup>; or*
  - ii 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.*

**Footnotes:**

*7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt (GB), Local Green Space (LGS), an Area of Outstanding Natural Beauty (AONB), a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.*

*8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*

Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 (that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise; also known as “the primacy of the Development Plan” or “Plan-led system”) and s.70 of the Town and Country Planning Act 1990 (as amended) that the Framework is a material consideration in making planning decisions.

The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:



2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well-designed place
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural environment

The newest version of the NPPF (2021) post-dates the adopted 2015 Core Strategy and Development Management Policies such that where there is conflict with the NPPF, the NPPF policies will carry greater weight as a material consideration in any planning decisions.

## 5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which included a list of the previous planning policy guidance (PPG/PPS) documents cancelled when the NPPF was launched. The NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Climate change
- Design: process and tools
- Determining a planning application
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy; and
- Travel Plans, Transport Assessment and Statements

The NPPG is a rolling guidance note which is updated on a sporadic basis. Some parts of the NPPG remain as originally written, whereas other parts of it have been amended as and when changes mean that the guidance would be out of date otherwise. For example, when the NPPF was revised, the introduction of Design Codes and to reflect the new Biodiversity Net Gain requirements.

### 5.3 Local Planning Policy: Thurrock Local Development Framework (LDF) (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (Core Strategy) in 2011. A Focussed Review of the Core Strategy was, following examination by the Planning Inspectorate, adopted on 28<sup>th</sup> February 2015. The following 2015 Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

- OSDP1: (Promotion of Sustainable Growth and Regeneration in Thurrock).

Spatial Policies:

- CSSP1: Sustainable Housing and Locations
- CSSP2: Sustainable Employment Growth
- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt; and
- CSSP5: Sustainable Greengrid.

Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP8; Vitality and Viability of Centres
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP12: Education and Learning
- CSTP13: Emergency and Utilities
- CSTP15: Transport in Greater Thurrock
- CSTP16: National/Regional Transport Networks
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

- CSTP24: Historic Assets and Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Infrastructure Provision.

#### Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD14: Carbon Neutrality
- PMD15: Flood Risk Assessment; and
- PMD16: Developer Contributions

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document; The responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

#### 5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy 2015.

### 6.0 **ASSESSMENT**

6.1 As outline planning permission is sought a detailed analysis of design issues, layout and impact on residential amenity is not considered specifically at this stage.

6.2 The assessment below therefore covers the following areas:

- I. Principle of the development and impact on the Green Belt
- II. Other principle matters
- III. Traffic Impact, Access and Parking
- IV. Impact on Ecology and Biodiversity
- V. Ground Contamination
- VI. Noise and Air Quality
- VII. Energy and Sustainability
- VIII. Flood Risk and Site Drainage
- IX. Heritage Assets - Archaeology and Historic Buildings
- X. Planning Obligations

#### I. PRINCIPLE OF DEVELOPMENT AND IMPACT ON THE GREEN BELT

6.3 The main issue for consideration in this case is the assessment of compliance with planning policies for, and impact on, the Green Belt. In relation to the housing, retail, employment and community uses being proposed, the application site is not allocated for any of these uses and must therefore be considered as windfall housing, retail/town centre uses outside the designated retail hierarchy, employment uses outside any designated employment area and community uses out with an existing community. These aspects will be addressed in more detail below.

6.4 In relation to Green Belt, under this heading it is necessary to consider the following key questions:

- i. *whether the proposals constitute inappropriate development in the Green Belt;*
- ii. *the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it*
- iii. *whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations with either singly or cumulatively amount to the very special circumstances (VSC) necessary to justify inappropriate*

*development in the Green Belt.:*

Whether the proposals constitute inappropriate development in the GB

6.5 The application site is located wholly within an area of Green Belt (defined in the Core Strategy). Therefore, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting Green Belt land).

6.6 Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts and states that:

***“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.***

6.7 With regard to proposals affecting Green Belts, paragraph 147 states that:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (vsc)”.*

6.8 Paragraph 148 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the Green Belt and that vsc will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.9 With reference to proposed new buildings in the Green Belt, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- 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 GB 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 GB than the existing development; or*
- *not cause substantial harm to the openness of the GB, 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.*

6.10 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (2015) is consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the Green Belt. In order to implement this policy, the Council will:

- maintain the permanence of the boundaries of the Green Belt;
- resist development where there would be any danger of coalescence; and
- maximise opportunities for increased public access, leisure and biodiversity.

6.11 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets, as appropriate, the requirements of the NPPF.

6.12 The applicants indicate, by way of a legal opinion submitted with the application, that they consider that the existing airfield is previously developed land in the Green Belt. The use of Green Belt land for airfield is ordinarily an inappropriate use, nonetheless, the aerodrome has existed for some time, albeit that planning records indicate that a large agricultural store was constructed under agricultural permitted development allowances and an application for a farm manager's office was submitted in 1989 (albeit later withdrawn).

6.13 By 2004 (when Enforcement Notices were issued in relation to some activities at the airfield) and later, in 2007 planning applications were submitted including to tarmac the airstrip, enable an extension to an existing hangar building and, in relation to Farm House, enable the extension of the house to include a private hangar and also to have the hangar and apron certified as part of a residential curtilage. The applicant's agent for the 2007 applications at that time confirmed that the site was a mixed use of residential and aerodrome (in the same ownership) and that this was therefore a sui-generis planning unit. By 2021 when this current application was validated, the use as an airstrip with some ancillary buildings and outside plane parking had been long established; the house, while its hangar has

been included within the domestic curtilage, continues to have no boundary treatment with the adjoining airfield.

- 6.14 Notwithstanding that the site may be previously developed land (PDL), the NPPF clarifies that any redevelopment of such PDL shall only be to the same extent to which it currently affects openness.  
Green Belt - Openness
- 6.15 Openness is identified in the NPPF as one of the Green Belt's essential characteristics.
- 6.16 As noted above paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
- 6.17 Given that some development has taken place with planning permission, the site can be considered to be previously developed land (PDL). However, by their very nature, aerodromes require no built form around any landing/take-off strip which might interfere with aircraft safety and very limited tree/hedge or other above ground planting. The airfield is therefore a ground/"0" level facility with a limited tarmac area and otherwise mown grass. It is therefore considered to be open, contributing heavily to the reasons for keeping this land within the Green Belt. In considering the application for the tarmac surface of the airstrip, Members specifically resolved to approve the scheme on the grounds that it had no impact on openness. In addition, the site forms, apart from some ancillary development (the hangar), part of a larger area of openness.
- 6.18 In relation to openness, planes taking off and landing do so within very limited time frames and in this case with no flood-lighting or control tower, only normally in daylight hours. This is similar to any road at ground level which is used only for passing/re-passing where there is no impact on openness when not in fleeting use (clearly bridges and tunnels are engineering earthworks and development of themselves but a small aerodrome such as this does not make use of such large engineered forms).
- 6.19 The Council's Green Belt Assessment (undertaken in January 2019 as a document to support the emerging Local Plan) identifies that the aerodrome lies in Area 14. In considering Area 14, the assessment indicates that it has "fundamental importance to the Green Belt and therefore low suitability for development". This stemmed from it assisting in safeguarding the countryside from encroachment by development, one of the purposes of including land within the Green Belt. As a result, it was concluded that Area 14 and the aerodrome located within it was right to continue to

form part of the Green Belt as it met the fundamental purposes of keeping the countryside open.

- 6.20 Even though the site may be considered to be PDL, and its redevelopment may not of itself be inappropriate development in the Green Belt, the NPPF caveats the level of redevelopment of PDL in the Green Belt to only that area which is not currently open (that any redevelopment does not have an impact on openness greater than currently – NPPF paragraph no. 149 (g)).
- 6.21 As a flat/ground level feature, the runway and grassed taxiways and plane parking areas are not considered to be above ground development and do not of themselves have any material impact on openness of the airfield site or the Green Belt. The hangar and storage buildings to the south-west together with the mobile home do have an above-ground impact on openness, as do the storage buildings, also to the south-west of the application site.
- 6.22 As the proposal is for the whole airfield to be built on/provided with urban features such as houses, shops and other commercial development, with associated features clearly the proposals to construct up to 750 dwellings and 1,000 sq.m. of shops and other commercial floorspace are not limited development but represent a large-scale mixed use development. Built development is proposed to extend over the full extent of the existing airfield, including the areas where only ground level works/landscaping is currently situated. Such provision of extensive built form would be alien in the current open landscape.
- 6.23 The proposal would result effectively in a new urban settlement which would encroach onto open land resulting in significant change to the Green Belt. This proposal therefore represents an ad-hoc approach to development which is not supported by the planning process. The more appropriate way for a development of this type to come forward would be through the Local Plan process, as part of a considered approach. Which if successful would allow for the boundaries of the Green Belt to be amended in a planned for approach, not in this ad hoc manner, where a large open space fortuitously exists.
- 6.24 The proposal would clearly and profoundly impact on the openness/open character of the existing application site and, as such, would significantly impact on the openness of the Green Belt. This would have an adverse impact on the purposes of including the application site within the Green Belt which is to prevent the encroachment of development into the countryside.
- 6.25 The suggestion by the applicant that this site would be one of many sites which could then come forward spreading north towards Bulphan (all utilising the proposed new access onto the A128) raises the concern that this would result in



urban sprawl over a significantly larger area, if a precedent is set though approving development at the application site. While no other proposal is with the Council currently and each case must be considered on its own planning merits, the suggestions in the Design and Access Statement and on the illustrative masterplan to provide vehicle accesses across the northern boundary raises this as a wider concern relating to the harm associated with allowing unconsidered, uncoordinated, ad hoc, unplanned development in the Green Belt.

- 6.26 The proposals would comprise a substantial amount of new built development in an area which is currently open, except for a hangar and some storage buildings to the south-westerly corner. Advice published in NPPG (2021) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;
  - the duration of the development, and its remediability; and
  - the degree of activity likely to be generated, such as traffic generation.
- 6.27 It is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the external footprint/envelope of development and building volume. The intended permanency of the development would therefore impact upon openness permanently.
- 6.28 The overall impression of the proposal is that the current open mainly grassed site would largely be replaced by urbanisation. There is currently a high level of visual connection with the wider GB when viewed from outside the site from glimpses passing in a car along the A128 to the east and from fields to the north, west and south of the application site. The appeal site therefore comprises open green land that has some visual connection to the wider area of Green B. In any event the development itself would fundamentally change the visual appearance of the site. This is because the buildings would be clearly visible above boundary hedging/gates etc., in particular from surrounding roads, public footpath/bridleways to the south and to a degree from public footpaths on elevated ground to the east of the application site
- 6.29 The overall housing layout shows closely grouped houses. Within this context the proposed waterbody and open spaces would have little meaningful function in terms of retaining openness in Green Belt terms. It is therefore considered that there would be very significant harm to the visual and spatial aspects of Green Belt openness.

- 6.30 In summary, the residential and commercial development would diminish openness (as a spatial concept) on the site itself. The indicative layout suggests that the majority of the site which lies both within and surrounded by Green Belt would experience a clear loss of openness. Therefore, with regard to the site as a whole, the proposal would result in harm to openness as a spatial concept. Furthermore, the introduction of built form in an undeveloped part of the site would mean the proposal would also have a greater visual impact on the openness of the Green Belt.
- 6.31 Due to its impact on openness of the Green Belt, the proposal would therefore be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the NPPF, as detailed above, and Policies CSSP4 and PMD6 of the Core Strategy 2015

#### Green Belt Purposes

- 6.32 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a) to check the unrestricted sprawl of large built-up areas
  - b) to prevent neighbouring towns from 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.

- 6.33 The effect these proposals would have on the Green Belt purposes is considered below:

- 6.34 *a) to check the unrestricted sprawl of large built-up areas*

This is not relevant to this proposal which would not be on the edge of any large built-up areas.

- 6.35 *b) to prevent neighbouring towns merging into one another*

While the proposal would lie to the south of Bulphan, this is not relevant to this proposal as it would not merge with any other settlements.

- 6.36 *c) to assist in safeguarding the countryside from encroachment*

The application site forms part of the Bulphan fen area and clearly in part of the open countryside in the area. There would be a significant encroachment in the countryside as a result of the proposals.

6.37 *d) to preserve the setting and special character of historic towns*

The proposal would not be located sufficiently close to any existing historic towns such that there would be no specifically adverse impact on them.

6.38 *e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land).*

If large areas of the Green Belt are made available for new communities of 750 dwellings with ancillary shops and employment areas, this would not assist in the recycling of derelict and other urban land in existing urban areas in the Borough.

6.39 In conclusion under the headings (i) and (ii) it is concluded that the current proposals would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with Green Belt purposes (c) and (e). In accordance the NPPF substantial weight should be afforded to this harm to the GB.

### **Very Special Circumstances**

6.40 Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities “*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

6.41 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise very special circumstances, either singly or in combination. However, some interpretation of possible VSCs has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create a VSC (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.

6.42 In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites could be used on different cases leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Provision within the site to meet national standards (such as the Internal Space Standards) or the minimum policy requirements, such as the provision of public open space or provision of housing, will not normally be a very special circumstance of itself. Mitigation measures

designed to reduce the impact of a proposal (such as SuDS features and realignment of a road to accommodate a roundabout which only benefits the proposed development) are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-maker.

6.43 While not overt the Planning Statement and additional representations submitted by the applicant to accompany the application sets out the applicant's case for VSC under the following main headings:

1. Provision of new market and affordable housing
2. Provision of connectivity improvements
3. Provision of new, public open space
4. Provision of new employment units
5. Provision of medical centre and shops and
6. Early delivery of development

6.44 1. Provision of new market and affordable housing

Under this heading the applicant refers to the following factors:

- Core Strategy policy CSSP1 (Sustainable Housing and Locations) recognises that it will be necessary for the Council to release land from the Green Belt to meet housing need
- The Council's draft Local Plan Issues and options (Stage 2) consultation states that (i) the Council will have to consider releasing land from the Green Belt to accommodate new homes and supporting facilities (page 33) and (ii) the Council considers that given the acute shortage of land currently identified as being available to meet housing need over the plan period the exceptional circumstances required by the NPPF to justify some changes to Green Belt boundaries can be clearly demonstrated (page 50)
- the current NPPF places greater emphasis on ensuring a sufficient supply of new housing and introduces a Housing Delivery Test (paragraph 75)
- there is a considerable historic shortfall in meeting the Borough's housing targets and there is a significant shortfall in meeting the five-year supply
- the South Essex Strategic Housing Market Assessment (2016) refers to an annual objectively assessed need of between 919 and 973 dwellings per annum and an affordable housing need of 555 dwellings per annum
- the application site is deliverable and proposes policy compliant affordable housing (35%), i.e., min 234 dwellings. The site could help to meet affordable housing need ahead of the anticipated timeframe for the Local Plan.

For the above reasons the applicant considers that the provision of market and affordable housing should be given very significant weight. The applicant also points out that while the vsc should not relate to new housing provision *alone*, Government advice is that housing provision can form part of the vsc to justify inappropriate development in the Green Belt when this benefit is considered alongside one or more other benefits.

Consideration

- 6.45 The adopted Core Strategy (2015) sets out the Council's targets for the delivery of new dwellings. National planning policy as expressed at paragraph 59 of the NPPF states that (inter-alia) in order to support the Government's objective of significant boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 6.46 Paragraph 73 of the NPPF goes on to state that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 6.47 The most recent published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). his statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of date*". The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (Bata Fields, Arisdale Avenue, West Thurrock Green etc.). Although the current supply figure is in the process of being updated, it is common ground with the applicant that supply is less than the five year (+20%) requirement.
- 6.48 A five-year housing land supply cannot be currently demonstrated. A 2.5-2.7 years supply was previously considered by a Planning Inspector as a "*serious shortfall*" when considered against the NPPF objective of boosting significantly the supply of housing.

- 6.49 In a recent local Appeal Decision (APP/M1595/W/21/3285432 Greenwise Nurseries, Vange dated 28.10.22) the Planning Inspector noted that *“the Council does not have a five-year supply of housing sites in place. Paragraph 11d)i of the Framework indicates that the application of polices in the Framework that protect areas or assets of particular importance provide a clear reason for refusing a proposed development. Footnote 7 that corresponds to paragraph 11d)i lists land designated as Green Belt amongst those that are of particular importance. Even if the shortfall in housing land supply is acute, this substantially reduces the weight that can be given to the development’s contrition to housing land supply. I, therefore, give such housing contribution very little weight.”*
- 6.50 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm such as to constitute a VSC justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revisions of the NPPF (2019 and 2021) do not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, an appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that *“even so, unmet need on its own, is highly unlikely to amount to vsc”*.
- 6.51 The proposal, while contributing to an identified affordable housing need re-using previously developed land (pdl), would *cause substantial harm to the openness of the Green Belt* and would therefore, in accordance with NPPF paragraph 149 (g) second part, be inappropriate development in the green belt as it would have a greater impact on the openness of the Green Belt than the existing development. In relation to the provision of affordable housing to meet an identified need, the proposal would cause substantial harm to the openness of the green belt and 2/3rds of the housing would be for market housing (rather than affordable housing) which would not contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 6.52 While the scheme is in outline, and it is not clarified which part(s) of the site would provide the 35% affordable housing as opposed to the 65% of the dwellings which would be for market sales; notwithstanding, to provide 232 affordable dwellings would be highly likely to cover upto a third of the 31.2 ha site, i.e., around 10 hectares of land in the Green Belt. The affordable housing would not however be provided without being ancillary to the market housing element and therefore the site is not solely for affordable housing.
- 6.53 A recent Planning Inspector’s decision (Greenwise) concluded that as *“to the development’s contribution to housing land supply. I, therefore, give such housing contribution very little weight.”* That view was expressed in relation to a scheme for 60 dwellings. It is considered that with up to 750 dwellings proposed here that the

weight to be attached would be more than at that other site, and in accordance with other such schemes it is considered the provision of new dwellings would attract “significant weight” in the Green Belt balance.

## 2. Provision of connectivity improvements

- 6.54 The applicants indicate in their submission (in particular in the Transport Assessment Addendum) that the site’s connectivity can be improved by:
- 1) Rerouting of a bus route to come into the application site from the A128
  - 2) The provision of a travel plan which would include a car share scheme
  - 3) The provision of footways and cycleways within the application site and along the A128 to the extent of the application’s frontage onto the A1284)
  - 4) The provision of a new footpath/footway and realignment of Parkers Farm Road/Church Road with a 2m wide footway to provide access to the Bulphan infant/junior School
  - 5) The provision of additional access points onto the public bridleway to the south of the application site
  - 6) The provision of accesses (vehicle/pedestrian/cycle) to the north of the application site to extend to Bulphan to the north, via a proposed urban extension to Bulphan.
  - 7) The use of part of a cycle route (identified as part of a leisure ride) along Parkers Farm Road for access to senior schools and neighbouring villages via lower-level rural roads.

## Consideration

- 6.55 The site is remote and new connections would be needed. While the proposals to improve connectivity would appear to seek a good level of connectivity, they rely on others to either provide services (bus providers and the Council), rely on others to provide the land (for the pedestrian footway along Parkers Farm Road/Church Road and links to the north) or require planning permission (the pedestrian footway involves engineering earthworks; and further residential development to the north). None of these appears to be arrangements which are agreed in advance and therefore there is some concern that such provision will not be made or may only be agreed in part.
- 6.56 The applicants suggest that other landowners will all agree to the use of their land and that the Highway Authority (HA) will agree to the realignment of Parkers Farm

Road through a S106 legal agreement. At this stage, there is no written confirm from either other owners or the HA that this is a scheme which would be supported, indeed, the HA has raised concerns. The site currently is only accessed by private vehicles (car and airplanes). It is considered that the connectivity of the site would increase, however with no confirmation that the plans outside the site would materialise, the connectivity would be likely to remain poor and, as such, that the connectivity proposals would carry limited weight.

### 3. Provision of new public open space

- 6.57 While layout and landscaping are reserved matters, the illustrative masterplan indicates that a large green space would be provided to the front (East) of the application site onto the A128 with other smaller spaces internally provided as urban spaces. The illustrative masterplan also shows areas of landscaping, habitat creation and ponds / waterways providing flood attenuation and ecological interest which are identified in the applicant's submitted Landscaping Scheme and Ecological mitigation scheme. The public open space is cited as a recreational resource which would support the objectives of NPPF.

### Consideration

- 6.58 At the outset it should be borne in mind that that the application seeks outline planning permission with the matters of layout and landscaping reserved for subsequent approval. Accordingly, the various site / master plan and landscape scheme/parameter plans submitted to support the application should be considered as illustrative only and representing one possible way in which the development might be accommodated on the site. Nevertheless, the indicative layout accompanying the submission shows an area adjacent to the A128 which would be provided as public open space, located to the north-east of the proposed loop road. The size of this POS is not identified and differs from the size shown on the indicative landscape plan (which appears slightly larger).
- 6.59 Although the indicated North-Eastern POS area would be free from built development and partly open, it is important to note that this open space is proposed to perform a number of functions. It is proposed to introduce woodland into this area (a mainly alien feature in a fenland landscape) in part as a visual and screening buffer from the noise and traffic activity associated with the busy and fast (50 miles per hour) A128 and the noise and activity associated with the traffic relating to the only vehicle access proposed into/out of the large housing estate proposed. It is likely that additional noise will be created by vehicles braking, queuing/idling and speeding up while negotiating the proposed new roundabout. It is also intended to provide new habitat as part of the submitted Ecological Mitigation Strategy.



- 6.60 In the north-western corner of the site, an open area (c.2.2Ha in extent) is indicated to provide a flood storage area, close to Parkers Farm Road and existing residential properties. The Flood Risk Assessment (FRA) proposes an area for the compensatory storage of floodwater located to the north-west. This area would be lowered to create an attenuation 'basin'. There would be times of the year when the basin is occupied in full or in part with water, thereby diminishing its utility as public open space. Even in a potential prolonged period of dry weather when the margins of the basin would be dry, public access to this space would still be limited. For these reasons, this part of the site would have limited value as public open space.
- 6.61 It is recognised that the proposed illustrative public space at the entrance of the site would be usable by members of the public who currently live elsewhere in the Borough albeit that it would not be very obvious to people outside the site itself. Notwithstanding, it would require users from around the area to cross open green belt land either by car along the A128 or walking along the existing public footpaths or on Parkers Farm Road to enter the urbanized area before accessing the urban POS. While it is considered that the new POS would provide some level of amenity, it would be of limited benefit to the wider public due to its remote/unsustainable location.
- 6.62 The largest area labelled public open space is the proposed wooded belt which is situated close to the busy A128. This would take significant time to develop (as trees are rarely planted as mature), and it is unclear how welcoming and attractive this area would be for recreational purposes. An area is shown in the northwest corner of the site as the proposed SUDS location; however it is not clear if this would have any function as an open space. A narrow 'central spine' is proposed which is shown as a linear cycleway adjacent to a swale and narrow verges. The precedent images for the landscaping associated with the narrow perimeter path network do not correspond to the limited areas that have been shown on the master plan. It is not clear how attractive these would be for recreational use.
- 6.63 The indicative layout of the development suggests other areas of open space within the site, however these spaces are limited in size (such as the hedge walkways) and are otherwise incidental (grass verges/areas around car parks) to the residential and commercial development. Consequently, these areas do not contribute to meaningful public open space provision.
- 6.64 The exact type and quantity of open space may be capable of meeting the requirements, however without more specific proposals it is unclear whether the Open Space requirements would be met. In addition, where any open space will serve an ecological or flooding mitigation function as well as recreational function it

is not considered that it would provide Public Open Space; the provision of new public open space will need to meet policy requirements and would result in solely mitigating the impact of the proposal; it should therefore be should be given very limited weight.

#### 4. Provision of new employment units

- 6.65 Employment Land and Units are normally comprised of Class B1, B2 and B8 uses. The applicants indicate that 1,000 sq.m of floorspace would be provided for a variety of uses such as A1 (shops), B-uses and a D-Use (medical facility). The applicants have not provided a breakdown of the uses such that, although all will provide an element of employment, the suggested 50 full-time and 50 part-time jobs (as indicated on the application form) cannot be verified. The illustrative masterplan does indicate that a 0.5ha area would be devoted to these mixed uses but it is unclear how much would fall within the B-type uses and could be considered to be employment land/uses as a result.

#### Consideration

- 6.66 The economic benefits of the proposals, through the provision of jobs in shops, possible offices and other business uses and a medical centre have not been fully detailed.
- 6.67 There is no evidence that additional employment land is needed in this area so this factor has limited weight. In any event, there is no calculation as to whether 50 full time and 50 part time jobs would be provided or whether they would provide sufficient employment opportunities for around 3,000 new inhabitants of the proposed settlement.
- 6.68 The Thurrock Employment Land Availability Assessment (2017) identifies a need for a more varied 'offer' in terms of industrial and commercial floorspace is already known. For the reasons set out, this factor attracts only limited weight.

#### 5. Provision of Medical Centre and Retail

- 6.69 The applicants indicate that the provision of shopping/other uses and a medical centre would support the community proposed, as part of a settlement.

#### Consideration

- 6.70 For reasons already given above, the provision of shops and other commercial uses and a medical centre would provide to a degree for the proposed residents. It is also possible that such ancillary services would provide for other existing

residents. However, the proposals are not well defined in the proposal and the medical centre are not a requirement in policy terms nor from the viewpoint of the NHS. It is considered that while they would provide ancillary services, their remote location would also be likely to attract mainly private vehicle traffic while being inappropriate development in the Green Belt of themselves. It is not considered that any weight should be given to this factor.

#### 6. Early Delivery of the Scheme

- 6.71 The applicants indicate that the scheme has attracted a number of developers and that they can move forward towards an early delivery of the scheme once outline permission is received. Information provided by the applicants suggests a 5-10 delivery time period (say 2027-2032); albeit that there is no actual delivery timeline provided or phased delivery.

#### Consideration

- 6.72 While it is positive to hear that there are developers interested, no details of which developers or timetabling for the submission of reserved matters or commencing development/completing development have been submitted. It may be that development would come forward relatively quickly at the application site given its currently open and undeveloped nature provides a virtual “clean slate” for development. While the bringing forward of any approval in a timely manner is welcomed, it is not clarified how this scheme would be brought forward more quickly than any other scheme with this starting point such that it is not considered a particular benefit of itself. This could be given some weight if the timing is exceptional but in lieu of there being limited details of timings identified, this factor attracts only very limited weight.
- 6.73 Green Belt Conclusions (recap):

It is concluded that the proposals comprise inappropriate development with reference to paragraph 147 of the NPPF. Consequently, the whole scheme would be inappropriate development which would be harmful by definition with reference to paragraph 147. The proposals would reduce the openness of the Green Belt on the site as a result of the construction of the residential and commercial buildings and associated development; it would also increase the amount of land forming the public highway. The proposals would materially reduce openness, giving rise to significant harm. With reference to the purposes of the Green Belt defined by NPPF paragraph 138, the current scheme would result in encroachment and loss of open/undeveloped green belt land contrary to Green Belt purposes c) and e). In accordance with NPPF paragraph 149 “substantial” weight should be given to this harm.

6.74 With reference to the applicant’s case for VSC, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

<b>Brief Summary of Green Belt Harm and Case for VSC</b>			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as VSC</u>	<u>Weight</u>
Inappropriate development	Substantial	provision of new market and affordable housing	Significant
		Provision of new affordable housing at 35% of the total	
Reduction in the openness of the GB		Provision of connectivity improvements	Limited
Conflict with GB purposes (c) and (e)		Provision of new, public open space	Limited
		Provision of new employment units	Limited
		Flood risk alleviation	Limited
		Compliance with Core Strategy strategic policy / objectives	No weight

6.75 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by the benefits of the development must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and some conflict with the purposes of the GB. Several factors have been promoted by the applicant as comprising the VSC necessary to outweigh the harm so as to enable the approval of inappropriate development and it is for the Committee to judge

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise ‘VSC’.

6.76 Members of the Planning Committee are reminded of the content of NPPF paragraph 148 which states:

*“VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) outweighed by other considerations.”*

- 6.77 A decision dismissing an appeal against the refusal of a continuing care retirement centre in the West Midlands GB (APP/Q4625/W/19/3237026) addressed the GB balancing exercise and concluded:

*“When drawing this together, it is my judgement that the other considerations advanced by the appellants would result in a very finely balanced decision. However, for VSC to exist, the other considerations would need to clearly outweigh the substantial harm to the GB by reason of inappropriateness, openness and purposes of the GB ... In other words, for the appeal to succeed, the overall balance would have to favour the appellants’ case, not just marginally, but decisively.”*

- 6.78 Therefore, and although every case must be considered on its own merits, the benefits of the proposals must clearly or decisively outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist.
- 6.79 In this case, it is considered that the benefits of the proposals do not clearly outweigh the Green Belt harm due to inappropriate development or the other harm identified. And, as a consequence Very special circumstances (VSCs) do not exist which outweigh the harm identified.

## II. OTHER PRINCIPLE MATTERS

- 6.80 The site is not allocated for either housing/commercial or retail development, as such, the proposals are considered as windfall housing and an out of town / location for main town centre uses.

### Housing

- 6.81 Development Management Policy PMD6 (Development in the Green Belt) allows some residential development as per the requirements of paragraph 149 of the NPPF.
- 6.82 While the proposal is for a mixed-use development providing ancillary shops and employment for the proposed 750 households (the size of a larger new village), it is not considered that this is a location which is sustainable for these uses. The proposed shops and employment uses appear to be simply ‘added on’ to try to ameliorate the remote location of the site and day-to-day sustainability issues relating to the existing distances to existing settlements and services, the lack of

public transport, footpath and cycle path accessibility to existing shops and services.

- 6.83 As such the proposal represents a partly self-contained/isolated new settlement (albeit that the level of retail/employment is unlikely to be sufficient for the number of new occupiers and there is no school or other community facilities, bar the medical centre, to be provided). There is no policy in the Core Strategy which promotes a separate new settlement on Green Belt land in this location. While there is no specific policy relating to new settlements in the district, this relatively isolated location would be likely to result in an increase in car-borne traffic as proposed community and other facilities would be limited and occupiers would need to travel down the A128 which has no footpaths and very limited bus services/no bus stops to access higher level services and facilities. The NHS has not identified a need for a medical facility at the site such that this part of the proposal is not required in planning terms.
- 6.84 Policy CSTP1 of the Core Strategy does not predict or promote any developments of this type in this area. As such, the proposed 750 dwellings would be windfall development. As the proposal would provide housing “en bloc” it would not represent the usual small site nature of windfall housing, often on a site/sites which becomes available after the larger site allocations have been made.
- 6.85 It is acknowledged that the Council has yet to identify site allocations following adoption of the Core Strategy in 2015. However, work is progressing (via the new Local Plan) and there is some background evidence of both need and land availability:
- 6.86 The Housing Land Availability Assessment (produced by David Lock Associates as part of the evidence base for the new Local Plan in October 2017) indicates in relation to site ORS\_57 (the number allocated to the application site, including Kings Farm) that it is not a suitable site for development, mainly due to the Green Belt constraint on development but also as it has a Flood Zone 2 area adjacent to its western boundary, that it is likely to be Best and Most Versatile Agricultural land and as it is located more than 40 minutes from existing facilities meaning that walking and cycling opportunities are limited.
- 6.87 It is noted that some Green Belt may need to be declassified by changing Green Belt boundaries to meet housing needs through the new Local Plan, however, submitting a planning application in advance of such careful decisions being made does not of itself mean that such applications should necessarily succeed.

### Retail

- 6.88 Core Strategy Policy CSTP7 identifies the existing retail hierarchy comprising Lakeside regional centre, Grays town centre, local and neighbourhood centres. Bulphan is not identified within the retail hierarchy.
- 6.89 Policy CSTP8 (Vitality and viability of existing centres) states that the Council will maintain and promote the retail function of existing centres and will aim to guide and encourage development to existing centres and that it will also resist proposals for main town centre uses (such as retail) in out of town locations where other locations are available.
- 6.90 Retail policy CSTP8 indicates that new retail development should be located in existing retail areas to provide for the hierarchy of existing settlement patterns where they are in the most sustainable locations – near to railway stations and bus stations. The proposal would provide 1,000 sq.m of retail floorspace (as indicated on the application form; albeit that the illustrative masterplan indicates that this may be split to provide other uses such as commercial and a medical centre). It also needs to be noted that the Transport Assessment Addendum of April 2022 indicates that the retail/commercial floorspace would be 4,200sq.m; as this has not been split and differs from the planning application, it is not clear if the proposed retail element would be above the NPPF trigger for a Retail Impact Assessment – see below.
- 6.91 The NPPF requires that for retail and leisure development outside town centres a 2,500 sq.m floorspace threshold is used as a trigger to undertake an impact assessment. As there is no clarity in the submission about how much retail floorspace would be provided, the impact assessment (which may be required) has not been undertaken. It is not possible to quantify the proposal's impact on existing centres within the hierarchy. Notwithstanding, even at 1,000 sq.m this is a significant amount of retail floorspace proposed outside the current retail hierarchy and would, as a minimum provide a parade of shops (and/or a larger store).
- 6.92 While any shops, commercial and other facilities could cater for the proposed occupiers of the 750 dwellings (a population size likely to be in the order of 1,500 – 2,500 people), shops here could be an attractor for others living locally in existing villages and remote dwellings (often farmhouses) as well as passing trade from the A128. Therefore, not only would there be limited public transport but it is likely that such retail provision in this remote location in open countryside would attract high numbers of private vehicle transport journeys; away from the established town/village centres affecting their vitality and viability to a degree.
- 6.93 It is therefore considered that the proposal is likely to have an adverse impact on existing urban centres identified within the retail hierarchy contrary to Policy CSTP7 and CSPT8 of the Core Strategy 2015.

### Employment Uses

- 6.94 Overall Employment Policy CSSP2 identifies Key Strategic Economic Hubs. The application site is not located in one or near one.
- 6.95 CSTP6 (Strategic employment locations) states that *where proposals for new economic development are proposed outside the Primary and Secondary Industrial and Commercial areas, the Council will make an assessment against the following criteria: (i) Compatibility with uses in the area surrounding the proposal and potential impacts on those uses and (ii) Capacity and impact on the road network and access by sustainable modes of transport.*
- 6.96 It is not clear from the application form whether any employment use (original Use Class B1, B2, B8) would be included. However, the supporting documentation does refer to some of the 1,000 sq.m of “other” floorspace identified on the layout plans in the south-eastern corner as being for employment and the application form does indicate that some 50 full-time and 50 part-time jobs would be created.
- 6.97 Whilst this is positive in some respects, the large amount of new floorspace proposed may not provide the jobs for the community in the way intended, contrary to Policy CSTP6 and could lead to increase use of the highway and incompatible uses contrary to Policy CSTP6.

### Community Facilities inc. Medical Centre

- 6.98 Policy CSTP10 (Community Facilities) states that the Council will promote provision of new community facilities on sites for new development where they meet an identified need.
- 6.99 Policy CSTP11 (Health Provision) states the Council will work with partners to deliver “III. Health care facilities that are located according to need, and which are accessible to all people in the Borough, including by public transport, cycling or walking and IV. Health care facilities that meet existing and future community needs, including those needs arising from the new housing and employment that will be developed in the Borough over the lifetime of the plan.”
- 6.100 The size of the proposal at up to 750 dwellings is large enough, and far enough away from other towns/villages as to require other ancillary services such as indoor community space for example multi-purpose community use floorspace. None is proposed.



- 6.101 The proposal does seek to provide one facility - a Health Centre. Again, there is no indication of a size on the application form albeit that it could be included within the 1,000 sq.m of non-residential floorspace. The Transport Assessment Addendum of April 2022 suggests that the Health Centre would be 1,500 sq.m on its own – but this figure is incompatible with the information provided on the submitted application form.
- 6.102 The NHS have responded to consultation to indicate that having viewed the Health Impact Assessment that *“The population arising from the development alone would generate the need for 128.5m<sup>2</sup> of additional primary healthcare floorspace, which is much smaller than the minimum size of 750m<sup>2</sup> needed for a facility to be viable.” Therefore the NHS consider that “A new larger facility within the site could provide additional capacity to address the deficit in capacity currently experienced at existing surgeries. However, the location is isolated from existing communities. A short-term subsidy is proposed to extend an existing bus service, but it is likely that most staff and patients would rely on private cars to access the site rather than sustainable or active means of transport.” They conclude that “A financial contribution of £387,400 towards the extension of capacity at existing premises would be a more acceptable form of mitigating the impacts of this development.”*
- 6.103 While the NHS indicate that there is a need for increased medical services provision to cover the population proposed by the application, they consider that the amount of floorspace included in the Transport Assessment Addendum would be double that required to be viable but also significantly above that needed by the proposed population. The NHS have identified that existing facilities would need to be improved to cater for the need arising.
- 6.104 The applicant has, with other developers/landowners indicated that they are hopeful that this application site forms part of a wider new settlement which would extend between the airfield and Bulphan; it seems that the idea to provide a medical centre is partly with this proposed larger settlement in mind, albeit that there are no other current planning applications submitted. There are no proposals with the Council for the wider removal of Green Belt land to provide a new settlement which could raise sufficient demand for such a separate facility. It is in any event, premature to consider a wider scheme which has not been subject to the high-level scrutiny required by the NPPF through Local Plan Policy consideration.
- 6.105 It is therefore considered that a contribution towards medical provision is needed. While “on-site” provision can reduce car travel for those living on site, providing medical facilities in a remote location is likely to increase distance travelled by private vehicles (for both staff and patients) which is not sustainable and not therefore something that the NHS requests and it may attract further visits from residents from other areas, resulting in increased traffic and vehicle movements. It

is therefore considered that a contribution towards medical provision is needed, secured through a legal agreement would be appropriate if planning permission is forthcoming.

Conclusion on other matters of Principle;

- 6.106 The analysis in the paragraphs above concludes that the residential and commercial development is inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 143). Consequently, it is a straightforward matter to conclude that the proposals for extensive redevelopment, residential and commercial development constitute inappropriate development in the Green Belt which is unacceptable in principle.
- 6.107 It is also considered for the reasons details above that commercial and/or retail uses would be likely to be undesirable on this site, at any of the scales variously promoted though the application and that the on-site medical provision would likely be in excess of the requirements of the development. Therefore, the commercial uses would also be harmful as being outside designated settlements and likely to result in more movements to and from the site, reducing sustainability and increasing vehicle movements.

### III. HIGHWAYS & TRAFFIC CONSIDERATIONS

- 6.108 The planning application is accompanied by a Transport Assessment Addendum (TAA) and a Travel Plan. Although this is an application for outline planning permission, details of access (i.e. accessibility to and within the site in terms of the positioning and treatment of circulation routes) are for consideration as part of this submission.
- 6.109 Policy PMD9 (Road Network Hierarchy) of the Core Strategy indicates that the Council will not only give permission for new access where there is no possibility of safe access being taken from an existing or proposed lower category road and that all new accesses or improved access on any category of road would only be allowed where they do not compromise highways or pedestrian safety, the free flow of traffic and do not impact on the street scene or amenity.
- 6.110 The A128 at the eastern boundary of the site is a 'Level 1 Strategic Non-Trunk' road. One point of access for vehicles is proposed to serve the whole development. Firstly, to serve the proposed residential development, the A128 would be re-aligned and a full roundabout is proposed to be provided. A series of lower category roads along a loop would penetrate through the site to serve the proposed dwellings. The main entrance from the roundabout would be for two-way traffic.

- 6.111 The access to the commercial area (as shown on the illustrative masterplan) just inside the site to the south, would be provided at the end of a short section of link road with parking and turning areas serving the proposed retail, commercial and medical centre uses only.
- 6.112 It is also proposed that an emergency vehicle access would be provided onto the A128; the illustrative masterplan shows that this would be to the south of the roundabout close to the shops and other commercial uses and accessed north of the car park areas. Albeit illustrative, the Masterplan shows this route as single carriageway. No specific details such as visibility splays etc have been provided for this access onto the A128.

Strategic Road Network:

- 6.113 As the site is located adjacent to the A128 and because traffic associated with the development could impact upon the (national) Strategic Road Network (SRN) at the A1089 and A13 via the proposed new junction, National Highways (NH) has been consulted on the proposals. In responding to the originally submitted TA, a number of queries were raised by NH. Responding to a subsequent revision to the TA, NH have maintained their concerns regarding the possible impact on the SRN by retaining their holding objection. NH therefore comment that the applicants have not provided sufficient justification that the higher order roads including the A13 and A1089 would not be adversely impacted by the proposal and retain a holding objection. This does not preclude a refusal being recommended but it does mean that more work would be required by the applicants to overcome the concerns expressed. Notwithstanding, the applicants have now had two opportunities to overcome the NH concerns and have not provided sufficient justification to outweigh the possible harm to traffic movement on the transport network. This is not something that can be resolved later by attaching conditions.
- 6.114 The Council's Highway Officers have responded that they are concerned regarding the provision of an access at this point on the A128. Their concerns are in relation to the data submitted being either out of date, missing or missing the required information:
- the applicant has not proved that a new roundabout on the A128/Brentwood Road which is a Level 1 Strategic Non-Trunk Road can meet highway safety standards for both existing and proposed users;
  - neither Parkers Farm Road nor the A128 have footpaths or cycle paths;
  - the site is remote from shops and services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF, Chapter 9, as it does not promote sustainable transport as a whole;

- the proposed roundabout has not been agreed and tracking details together with a Stage I Safety Audit are needed; the remote nature of the site means that higher than normal levels of car trips would be expected for the up to 750 new dwellings which might have up to 3 cars each (to meet parking standards);
- concern regarding indicative layout of roads within the application site as to whether they can accommodate larger vehicles turning; and
- this proposal is considered contrary to Core Strategy policies CSTP14/15/16.

### Connectivity

- 6.115 The Planning Statement and Design and Access Statement (DAS) indicates that pathways and cycleways would be provided throughout the application site area with access onto Parkers Farm Road to the west of the application site. The scheme also proposes that there would be pedestrian access to the south onto the east/west Public Right of Way and footways are shown either side of the A128 to the extent of the application site.
- 6.116 There are no existing pedestrian footpaths to either side of Parkers Farm Road/Church Road north up to houses in Bulphan, nor designated cyclepaths. Parkers Farm Road is a quieter, single carriageway rural road with links to both a bridleway and public footpaths in the locality including the one (PRoW) directly to the south of the application site, nonetheless Parkers Farm Road's use is currently limited as there are few residential properties fronting onto it.
- 6.117 The Council's Highway Officers have indicated the site is remote from shops and services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF, Chapter 9, as it does not promote sustainable transport as a whole.
- 6.118 If the nearest primary school (located in Bulphan) were to have capacity (or capacity could be increased), then there may be around 175 additional under 11-year olds needing to use the Parkers Farm Road to walk/cycle to/from school. This is not considered likely to occur, such that occupiers of the new development would be highly likely to rely on private car use.
- 6.119 The applicant's Transport Assessment Addendum (TAA) indicates that Parkers Farm Road/Church Road 'could be provided with a new 2m wide footpath to the eastern side up to Bulphan's existing footpath network where a non-controlled crossing would be provided to enable users to cross to the existing footpath on the western side of the road'. There is no controlled crossing point on Fen Lane near the school. The plans in the TAA show a footpath to link into the application site at the north-westernmost point at the back of the SuDS feature crossing over into a neighbouring field and the Mar Dyke (main river) before running west to exit onto

Parkers Farm Road. The details would involve engineering earthworks to realign Parkers Farm Road to the west and recut the existing ditch on the eastern side, some of which would then provide a culvert for the water flow. The plans show new vehicle passing points and a formalisation of kerb upstands to the new footpath. The footpath scheme would involve the removal of a number of boundary trees/shrubs and/or the removal/cutting back of existing field boundary hedging.

- 6.120 It should be noted that the suggested footpath or road realignment works are not included within the application site's red line and that the indicated works are outside of the applicant's control. It is considered that planning permission would be required for the engineering earthworks proposed, and that none of the land-owners affected have been formally notified of the footpath and realigning and possible footway provision on Parkers Farm Road/Church Road, except as a possible S278 highway scheme. The applicant indicates they have separately contacted any owners and that they are willing to allow the footpath/footpath/realigned road to cross over their land such that they proposed this can be agreed to via a S106 legal agreement. As these proposed works are outside the scope of the current planning application, the impact along Parkers Farm Road/Church Road has not been assessed as part of this current application, nonetheless the proposal would alter the road such that it would have a greater area of hardstanding and formal curbing/footway such that it would have a more urban appearance/function.
- 6.121 The TAA does not provide any details of a segregated cycle path to either Parkers Farm Road or the A128. The TAA indicates that new pedestrian paths would be provided to the east/A128 along the site boundary only, nonetheless there are no current footpaths on either side of the A128 to link to.
- 6.122 While Parkers Farm Road/Church Road do connect with the Primary School in Bulphan about 1.3km away (further for properties further to the east of the application site), the nearest Secondary School is either in South Ockendon or Corringham / Stanford-le-Hope. It is proposed that an existing bus route could be diverted into the application site and that the applicants are prepared to support this financially for a limited period. However, the current time-table is very limited such that it is unclear if all school children could or would use the bus to get to/from school, particularly if that requires a connecting bus on their journey. The long-term viability of this proposal is questionable.
- 6.123 The Council's Highways Officer has also considered the content of the revised TAA and considers that the applicant has not proved that a new roundabout on the A128/Brentwood Road can meet highway safety standards (Stage 1 Safety Audit) for existing and proposed users, that there are no cycle or pedestrian links from/to the application site and none are proposed to connect the site to services etc.

Neither Parkers Farm Road nor the A128 have footpaths or cycle paths and the site is remote from shops and services and public transport and would rely almost entirely on private vehicles.

- 6.124 It is therefore considered that the scheme does not represent a sustainable development with good connectivity, even with the public transport and walking/cycling measures proposed. In particular, there are limited facilities in the existing settlement which could be reached on foot and children would have limited opportunities to either walk/cycle or use public transport to access relatively distant secondary schools, meaning that most journeys will be made by private vehicles such that it does not comply with NPPF, Chapter 9, as it does not promote sustainable transport as a whole. Overall this proposal is contrary to Policies CSTP16 and PMD9 of the Core Strategy and relevant criteria of the NPPF in relation to sustainable highways development.

### Car Parking

#### Parking - Residential

- 6.125 Policy PMD8 requires that development be carried out in accordance with adopted standards. While this is essentially a consideration as to whether the details (normally submitted at reserved matters stage) are sufficient to meet car parking standards, it is appropriate at the outline stage to consider how many parking spaces will be needed for cars, vans, taxis, shared transport (e.g. car club), mopeds, motorbikes, cycles including kids, cargo etc., scooters and other motorised transport such as electric vehicles for old/infirm (otherwise known as motorised scooters) for the quantum of floorspace and size of dwellings proposed.
- 6.126 For dwellings the 2022 Parking Design and Development Standards require a minimum of 2 car parking spaces for houses and up to 1 parking spaces per flat (dependant on size). Given the site's remote location, if the development were to proceed, reliance on private vehicles would be high and the remote nature of the site means that higher than normal levels of car trips would be expected for the up to 750 new dwellings which might have a minimum of 2 car parking spaces each (to meet parking standards). In addition, the Highways Officer indicates that 2% of spaces if provided should have Electric Vehicle (EV) Charging provision.

#### Parking - Other uses

- 6.127 While details have not been provided and there is no confirmed breakdown in the planning application form nor in an overarching supporting document (Planning Statement or Design and Access Statement) of how much floorspace would be allocated to each use, the original planning application indicates that there would be

1,000 sq.m. in retail use. The Transport Assessment, without explanation as to where the figures are taken from, indicates that it has assumed that there would be 4,500 sq.m of retail uses and 1,500 sq.m of medical facility floorspace. Given that these figures are not submitted across the suite of planning application documents but only in a later supporting document relating to transport issues, it is not clear that these would be applicable at the reserved matters stage.

- 6.128 It is not possible to identify at the outline stage how much parking provision would be needed for the non-residential uses as there is insufficient/conflicting information so to determine how many would be needed.
- 6.129 Notwithstanding, the details submitted under the reserved matters submissions should meet parking standards as prescribed. A suitable condition could be attached to any planning approval. Nevertheless, as set out above, given the remote location of the site and very limited public transport and walking / cycling availability, occupiers and users of the proposed non-residential floorspace would be heavily reliant on private car journeys.

#### IV. ECOLOGICAL CONSIDERATIONS AND BIODIVERSITY

- 6.130 The site does not form part of any statutory site of designated ecological interest. A Landscape and Ecology Plan accompanies the current application which provides mitigation measures for protected species on the site, mitigation for loss of habitats and additional enhancements.
- 6.131 The habitat survey confirms that most of the site comprises species-poor grassland with features such as hedges, longer grass and ditches confined to the boundaries. The protected species assessment and additional surveys recorded badger activity, foraging bats, nesting birds and 3 species of reptiles mainly confined to the site boundaries. Fifteen breeding territories for skylark were recorded within the main site. The invertebrate assessment did not consider the site offered important habitat features for invertebrates. The ecological assessment has been undertaken in accordance with good practice guidance. The effects have been assessed as mainly minor adverse at a site level which is considered appropriate. There would be potential to mitigate these effects through carefully designed mitigation.
- 6.132 The site is within the Essex Coast RAMS zone of influence (ZOI) and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. The scheme is for more than 100 units therefore a separate Habitat Regulations Assessment (HRA) is required to consider what additional mitigation is required above the standard tariff payment to deliver the measures to address direct and in-combination effects of recreational disturbance on SPA.

- 6.133 A HRA has been submitted with the application. The Stage 2 – Appropriate Assessment scopes out likely significant effects on the Thames Estuary and Marshes Special Protection Area (SPA) arising from direct habitat loss or physical damage to habitats that support qualifying species, or other impacts, including hydrological damage, pollution or physical disturbance, during construction due to the distance between the development site and SPA. Breeding and wintering birds surveys undertaken at the site did not record significant numbers of birds associated with the Thames Estuary and Marshes SPA and Ramsar on the development site. It is concluded that the site does not provide supporting habitat to the SPA and is not functionally linked to it. The Council's Landscape and Ecology Advisor considers that these conclusions are appropriate. As a result, the likely significant effects will relate solely to recreational pressures.
- 6.134 The Statement to inform a HRA sets out a recreational disturbance mitigation package. The financial contribution is based on a total of 669 units although it is noted that the proposal is for up to 750 dwellings. The figure of 669 has been used for the HRA; however, the tariff to be paid would be dependent on actual number of units permitted at reserved matters (if outline permission were to be granted). A contribution will be needed towards the SPA/Ramsar to ensure that additional recreational activity arising from the new occupiers is mitigated, together with an improved on-site mitigation package at the reserved matters stage.
- 6.135 The figure of 669 has been used for the HRA; however, the tariff to be paid would be dependent on actual number of units permitted at reserved matters. The current tariff is £137.71 per dwelling.
- 6.136 In addition, the public open space provision that has been proposed as part of this scheme as meeting the requirement for the need to provide high quality, informal semi-natural areas. These features are considered to be of limited value for recreational users. It is not considered that there is scope to provide sufficient land within the application site to provide high quality, informal semi-natural areas.
- 6.137 Based on the concerns identified above regarding the adequacy of the proposed mitigation within its HRA the Council's Ecology Advisor advises the HRA is not currently sufficient to confirm that the proposal would not have any adverse in-combination effects on the integrity of the Thames Estuary and Marshes SPA.
- 6.138 Planning conditions could be used to secure augmented mitigation measures and consequently there are no objections to the proposals on ecological grounds at this stage providing the off-site contribution could form part of a S106 legal agreement and further measures could be integrated at the reserved matters submission stage.



## V. GROUND CONTAMINATION:

- 6.139 A Phase I Desk-top Contamination assessment has been submitted with the application which concludes that due to the nature of the use (airfield and previously agriculture) that there is limited likelihood of contamination.
- 6.140 The Environmental Protection Officer has reviewed the submitted Phase I Desk-top Assessment and concluded that a Phase II Contaminated Land assessment will be needed via a suitably worded condition.

## VI. NOISE AND AIR QUALITY:

- 6.141 There is no noise assessment submission. The main noise (apart from the current aircraft noise itself) is from traffic using the A128. The Environmental Protection Officer has written to advise in relation to occupational noise (for potential future residents) that, depending on the layout design, a traffic noise survey may be required. Some noise protection measures to some habitable rooms to achieve the required good internal noise standards: with reference to BS8233:2014 Sound Insulation and Noise Reduction for Buildings – Code of Practice may be required if the survey proves it necessary. Also, dependant of the final design, mitigation measures for the amenity areas may be necessary with regard to achieving the recommended noise levels with reference to Outdoor Living Areas: in the WHO - Guidelines for Community Noise. A noise assessment could be submitted with the reserved matters submission(s) if outline permission were to be granted.
- 6.142 The Council's Environmental Protection Officer confirms that there are no air quality issues arising from the proposed development, the closest Air Quality Management Areas being located to the west within Grays and east at Tilbury.
- 6.143 A revised Construction Environmental Methodology Plan (CEMP) and a full noise assessment with mitigation measures would need to be submitted with the reserved matters application(s), if outline permission were to be granted.
- 6.144 Planning conditions could be used to secure the proposed mitigation measures and consequently there are no objections to the proposals on noise or air quality grounds.

## VII: ENERGY/SUSTAINABILITY/MITIGATING CLIMATE CHANGE

- 6.145 While many measures will need to be fully incorporated at the reserved matters submissions stage, the applicants have submitted details relating to energy saving and CO2 emissions as follows:

*“The development may be designed through appropriate measures (such as solar energy / photovoltaic panels and other means) to comply with the Council’s target for 15%\* clean energy can also be satisfied at the same time, in line with CSPMD Policy PMD13 (Decentralised, Renewable and Low Carbon Energy Generation). In addition, the site’s size and configuration allow for a layout to be employed that would feature a substantial proportion of south facing homes, to benefit from passive solar gain and accordingly a source of clean energy, plus energy efficiency.”*

- 6.146 Core Strategy Policy CST25 (addressing climate change) states, amongst others, that the Council will require climate change adaptation measures and technology to be considered from the outset in any development proposal including reduction of emissions, renewable and low carbon technologies, passive design, recycling and waste minimisation, and through the application of green infrastructure techniques.
- 6.147 Additionally, Policy CST26 (energy regeneration) states that the Council will look to encourage opportunities to generate energy from non-fossil fuel and low-carbon sources amongst other methods.
- 6.148 The proposal is in outline and much detail is therefore missing at this stage. Nonetheless with this type of “blank sheet” scheme it is considered that it could be augmented such that it could be capable of meeting climate change mitigation and low energy policies of the Core Strategy and DM Policies Local Plan (2015) and relevant paragraphs of the NPPF (2021); notwithstanding, as no specific commitment has been made by the applicants at the outline stage, suitable conditions would need to be attached to any approval requiring that details are submitted at the reserved matters stage to meet policy requirements.

#### VIII FLOOD RISK & SITE DRAINAGE:

##### 6.149 Tidal/River flooding:

The site is located in the low probability flood risk area (Zone 1). The site and surrounding areas benefit from tidal defences on the banks of the River Thames. These tidal defences protect the site and surrounding land to a 1 in 1,000 year flood event standard. The tributary of the Mar Dyke running along the northern boundary of the application site is a ‘main river’, as defined by the Environment Agency (EA), albeit a small tributary at this point. There is a small area of Flood Zone 2 to the west of the application site however no Flood Risk Zone 3 within the application site boundaries or in the immediate surrounding area.

6.150 While the application site is not within Flood Risk Zones 2 or 3, it is a large residential development (with some other proposed uses) such that a Flood Risk Assessment (FRA) has been submitted. The applicant's FRA indicates that, as the area is prone to surface water flooding, it will be necessary to incorporate a SuDS compliant strategy to prevent any increased risk of on or off-site flooding; that the size of the attenuation features (assuming no infiltration) would need to be as shown on the submitted plans, and that the floor levels of the proposed dwellings should be set 225mm above ground level.

6.151 Surface Water flooding:

The application site is located in an area of fen land. Apart from the Mar Dyke Main River to the northern boundary, there is also a ditch located to the eastern side of the application site beyond the A128 and there is a large pond to the north beyond the tributary. Due to its low-lying nature, many objectors have indicated that the application site does flood/suffer from water pooling when there is heavy rainfall and is one reason for the landing strip to have a slightly raised solid tarmac-ed surface. In addition, the farmer who owns a field to the south of the application site has indicated that water from his field flows into underground pipes heading north across the application site and discharging into the Mar Dyke Tributary.

6.152 The EA's Surface Water flood maps shows some potential for flooding, mainly to the west/north of the application site but also running across the site from south-west to north-east. The highest level flood risk is to the north-west and south-west with mid/low across the full extent of the application site.

Detailed Flood Risk Mitigation Measures

6.153 The existing topography of the site and surrounding areas is generally flat and low lying. In order to address potential surface water flood risk issues surface water attenuation storage would be provided on-site through the formation of an intermittent pond to the north-western corner where levels would be reduced to form this basin. It is proposed additionally to provide ponds across the site as well as a linear water feature; it is not clear however if these would be needed to provide additional SuDS features.

6.154 Flood storage compensation, maintenance of the storage area, finished floor levels, resistance and resilience measures and safe access could be designed-in to incorporate climate change allowances at the reserved matters stage.

6.155 The Environment Agency have indicated that they have no concerns relating to flooding. Notwithstanding, it is considered that the proposal could be provided in detail at the reserved matters stage such that it could be designed to mitigate any

fluvial related flooding. Therefore, subject to relevant planning conditions requiring further details to be provided at the reserved matters stage, it is not considered that there are flood risk objections to the overall strategy for the proposed development. Drainage issues could be covered by a condition if permission were to be granted.

## IX. HERITAGE ASSETS - ARCHAEOLOGY AND HISTORIC BUILDINGS

- 6.156 Core Strategy Policy PMD4 on Historic Environment indicates that the Council will seek to preserve historic buildings and assets.

### Archaeology

- 6.157 The Council's Historic Environment Advisor indicates that the Historic Environment Record shows the proposed development lies within an area of known archaeological deposits south of the medieval village of Bulphan. The area around Bulphan contains a number of medieval moated sites, of 15th-18th century date, indicative of a dispersed settlement pattern. One of these is located north west of the proposed development at Martins Farm (EHER 5216). Recent assessment of cartographic evidence indicates the presence of a property within the development area on the 1777 map. The surroundings are characterised by areas of Fen and Heath, notably at Bulphan and Orsett. Excavations at Bulphan Fen identified extensive archaeology including Romano-British burials and paleo-environmental remains (EHER 5215). Prehistoric features have been excavated south of the proposed development as part of the Horndon to Barking Gas Pipeline (EHER 16871). Other features are likely to be present within the proposed development. A condition could be attached to any approval for trial trenching and recording, as appropriate.
- 6.158 A condition to undertake necessary trial trenching and recording should therefore be attached to any approval. Due to its nature, there would need to be a pre-commencement condition.

### Historic Buildings

- 6.159 There are historic buildings to the south east of the application site, however, given that no historic building would be directly affected by the proposed development it is not considered that any issues arise. This may need to be revisited if a significantly different scheme (to the illustrative masterplan) were to be submitted at the reserved matters stage such that this is provisional on the development being well contained and screened within the existing boundaries of the application site.

## X. PLANNING OBLIGATIONS

6.160 A number of consultees responses refer to the need to provide works and/or contributions towards facilities which would be needed due to the development. Such measures would need to be included in a S106 Legal agreement under the following Heads of Terms (should planning permission be forthcoming):

- Provision of Affordable Housing (35%)
- Highway Works (new junction, footways etc.)
- Ecological Mitigation on identified protected sites – 750 x £137.71 (2022/23 tariff) = £103,282.50 (based on no of dwellings, this may need to be re-calculated once the reserved matters are submitted)
- Medical care provision (off site) - £387,400.00 – Peartree Surgery & Orsett Surgery
- Education provision - £7,608,716.79
- Landscape maintenance plan (more than 5 years)

6.161 The above are requirements in relation to Policies in the Core Strategy including Policy PMD16 (developer contributions).

## **7.0 CONCLUSIONS AND REASONS FOR REFUSAL**

7.1 The principal issue for consideration is whether the proposals accord with planning policies for the Green Belt. In light of the assessment above, it can be concluded that the scheme represents development which is “by definition” harmful to the Green Belt and the purposes of including land within the Green Belt. The development would also result in harm to the openness of the Green Belt. The proposal therefore constitutes inappropriate development which does not accord with Policies of the Thurrock Core Strategy (2015) nor does it accord with the relevant Green Belt sections of the NPPF (2021) (Part 13).

7.2 The substantial provision of residential development proposed together with ancillary development including shops, possible other employment uses and a medical centre on this remote/isolated application site would result in a significant increase in private vehicle travel in the locality resulting in unsustainable development likely to add to climate change concerns as well as significant connectivity issues.

7.3 Significant harm is also identified to the existing visual amenities of the fen landscape caused by the loss of openness and the harm to the existing verified fen character of the landscape in which the application site is located.

- 7.4 Insufficient information has been submitted to determine whether the proposal would have any adverse impact on the national road network, local issues including the substantial increase in the use of an existing busy road (the A128) is considered to result in harm to the use of the current network, notwithstanding that the scheme proposes a large roundabout on the distributor road.
- 7.5 While some benefits are identified by the applicant, it is not considered that they, either singly or cumulatively, clearly outweigh the identified harm such that Very Special Circumstances exist to warrant a departure from the Core Strategy or the NPPF.
- 7.6 The significant harm to the Green Belt is the principal issue of paramount importance in the consideration of this case. This harm is not clearly outweighed by benefits and there are no material considerations which would indicate that a decision should be made otherwise than in accordance with the adopted Local Plan. Consequently it is recommended that planning permission is refused for the reasons set out below.

## 8.0 RECOMMENDATION

- 8.1 The Committee is recommended to **Refuse** planning permission for the following reasons:
1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt.

By reason of the scheme being for a large housing estate with ancillary urban-led development, the proposals are considered to constitute inappropriate development with reference to paragraph 149 (inappropriate buildings – shops, services and a medical centre) and 149 g) (inappropriate buildings – dwellings - due to harmful impact on openness) of the NPPF. The proposals would also be contrary to purposes c) and e) of the five Green Belt purposes, which are that the proposal would not assist in safeguarding the countryside from encroachment (c) and not assist in urban regeneration, by encouraging the recycling of derelict land (e and would, by definition be harmful to the Green Belt.

The identified harm to the Green Belt and other harm identified is not clearly outweighed by other considerations, either singly or in combination, such as to amount to the very special circumstances required to justify inappropriate

development in the green belt. The proposals are therefore contrary to Part 13, paragraphs 138, 148 and 149 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

- 2 The proposals would, by reason of the combination of the high number, scale, density, proposed storey-heights and the extent/spread of proposed dwellings and other built forms across the majority of the 31.2 ha application site, result in harm to openness and permanence which are the essential characteristics of Green Belts, contrary to paragraph 137 of the NPPF and CCSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
- 3 The proposal would result in a large urban settlement which would be harmful to the existing/established visual and landscape characteristics of the fen countryside contrary to Policy CSTP18 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

The proposal would, by reason of the proposed retail, employment uses and the medical centre in this remote/unsustainable location, result in an unsustainable pattern of development which would cause an unacceptable increase in private vehicle traffic contrary to modal shift expectations, in particular along the A128, cause some loss of vitality and viability of the retail hierarchy's existing town centre uses and facilities particularly in Bulphan and Orsett and not meet the Borough's identified medical facility needs, contrary to paragraphs 142 and 143 of the NPPF and Policies CSSP1, CSTP6, CSTP8 and CSTP11 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

- 5 Insufficient information has been submitted as to whether the proposal would adversely impact on the strategic road network (A1089 and A13 ); as such, National Highways and the local planning authority is not satisfied on the basis of the current submission that the proposals would not adversely affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111) and highway safety concerns are raised in relation to the local road network contrary to Policies CSTP16 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
- 6 The proposed mitigation measures in the Travel Plan and Transport Assessment Addendum are not, due to their reliance on other landowners and the Council making the provision outside the application site boundary, of sufficient robustness to provide adequate connectivity to existing services such as to overcome the

shortcomings associated with the site's remote/unsustainable location, contrary to Policies CSTP15 and CSTP33 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

#### Positive and Proactive Statement

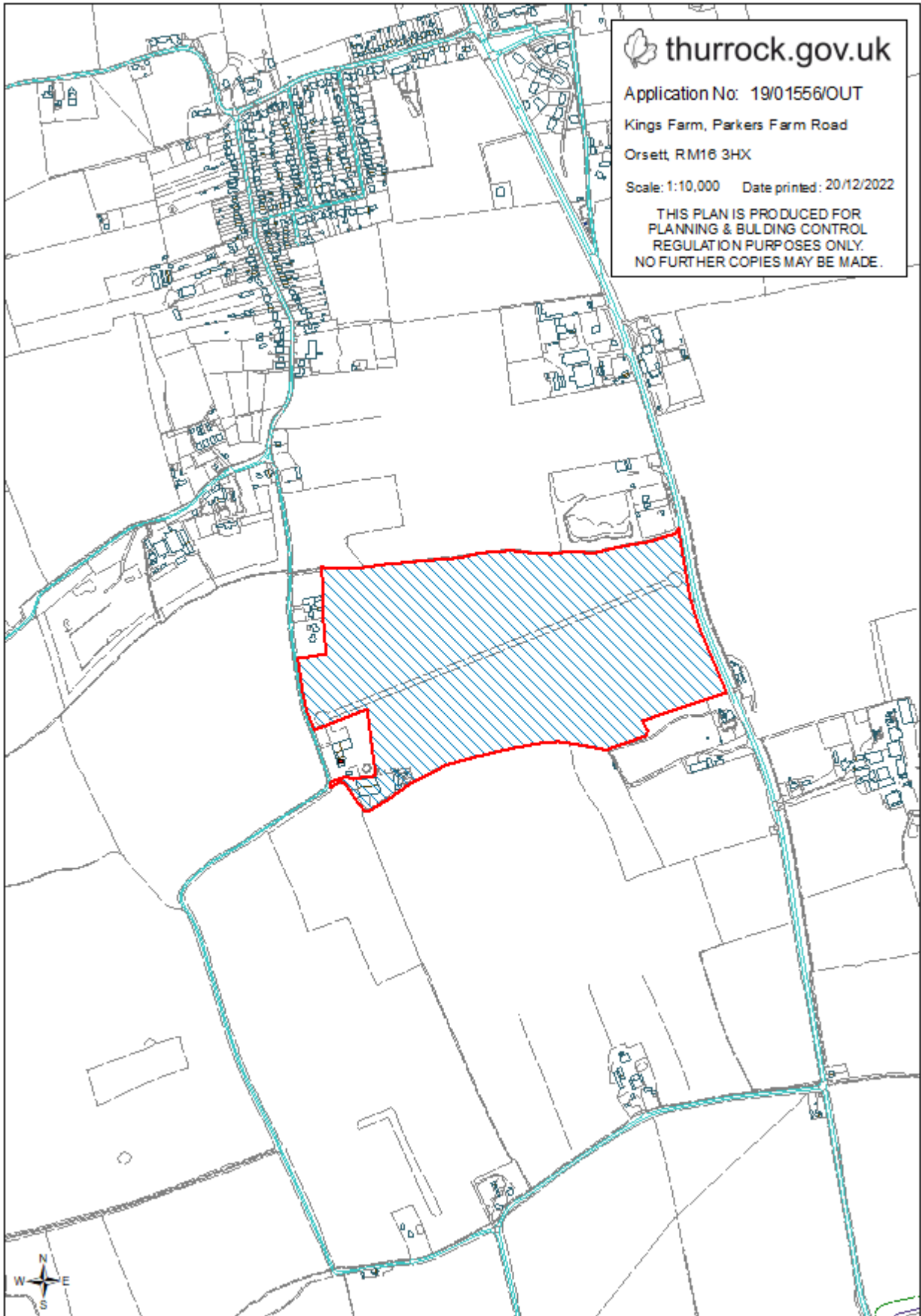
The local planning authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)





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# Agenda Item 10

Planning Committee 5 January 2023	Application Reference: 22/01513/FUL
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<b>Reference:</b> 22/01513/FUL	<b>Site:</b> Thurrock Lawn Tennis Club Montgomery Close Grays Essex RM16 2RL
<b>Ward:</b> Little Thurrock Blackshots	<b>Proposal:</b> The installation of new low level telescopic LED floodlighting to two existing outdoor tennis courts Nr 1 and 2.

<b>Plan Number(s):</b>		
Reference	Name	Received
2022 CAS 011 TSC 010	Location Plan	10th November 2022
2022 CAS 011 TSC 011	Existing Site Layout	10th November 2022
2022 CAS 011 TSC 013	Proposed Site Layout	10th November 2022
2022 CAS 011 TSC 014	Existing Elevations	10th November 2022
2022 CAS 011 TSC 015	Proposed Elevations	10th November 2022
2022 CAS 011 TSC 022	Proposed Elevations	10th November 2022

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Application Form</li> <li>- Planning Statement dated 10.11.2022</li> <li>- Design and Access Statement dated 10.11.2022</li> <li>- LED Lighting Design - PA 07 R1 28102022 dated 10.11.2022</li> <li>- Existing 3D view - 2022 CAS 011 TSC 016 dated 10.11.2022</li> <li>- Existing 3D view - 2022 CAS 011 TSC 017 dated 10.11.2022</li> <li>- Existing 3D view - 2022 CAS 011 TSC 018 dated 10.11.2022</li> <li>- Proposed 3D view - 2022 CAS 011 TSC 019 dated 10.11.2022</li> <li>- Proposed 3D view - 2022CAS 011 TSC 020 dated 10.11.2022</li> <li>- Proposed 3D view - 2022 CAS 011 TSC 021 dated 10.11.2022</li> <li>- Proposed Lowered 3D view - 2022 CAS 011 TSC 023 dated 10.11.2022</li> <li>- Proposed Lowered 3D view - 2022 CAS 011 TSC 024 dated 10.11.2022</li> <li>- Proposed Lowered 3D view - 2022 CAS 011 TSC 025 dated 10.11.2022</li> </ul>	
<b>Applicant:</b> Thurrock Lawn Tennis Club	<b>Validated:</b> 10 November 2022  <b>Date of expiry:</b> 9 January 2023

	(Extension of Time as Agreed)
<b>Recommendation:</b> To Refuse	

This application is scheduled for determination by the Council's Planning Committee because has been Called In for determination by the Council's Planning Committee by Cllrs Jefferies, Maney, Redsell, Rigby & Thandi to consider light pollution impact, highways and parking impacts, and the neighbour amenity impacts of the proposals.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for the installation of 9 no. telescopic flood light columns with a maximum extended and mounted height of 6.7m, providing 10 LED panel fittings to serve existing tennis courts nos. 1 and 2 at the Thurrock Lawn Tennis Club on Montgomery Close. The telescopic columns could be retracted to a minimum height of 3m and the columns would be finished in a dark green colour.
- 1.2 The existing 3.6m high boundary fencing at the Club is proposed to be replaced with a chainlink fencing of the same height and with green mesh windbreak screening fitted.

## 2.0 SITE DESCRIPTION

- 2.1 The Thurrock lawn Tennis Club is situated at the northern end of Montgomery Close in Grays. The Club is bordered on all sides by residential properties with bungalows on Victoria Avenue to the immediate west, and two storey dwellings to the immediate north on Victoria Close, immediately east on Heath View Road and to the immediate south on Montgomery Close.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
20/01526/FUL	The installation of new low level LED floodlighting to two existing outdoor floodlit tennis court Nr 1 and 2.	Refused 30.12.2020
03/01369/FUL	Floodlighting for 3 no. Tennis Courts, 6 per court on 6.7 metre high columns	Refused, Appeal - Dismissed
02/01133/FUL	Demolition and rebuilding of club house	Approved
84/00918/FUL	Toilet Extension and Rendering of Existing Building to Match. Plans, Local Planning Authority received 29.10.84.	Approved
78/00449/FUL	Ladies W.C.	Approved
64/00667/FUL	Enclosure of Shelter	Approved
54/00457/FUL	Extension to shelter	Approved

49/00551/FUL Shelter

Approved

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and 3 public site notices which has been displayed nearby. At the time of drafting the report the public consultation period had not yet expired and 55 written responses had been received. Members will be updated at the meeting / reporting any additional comments or material reasons that might affect the recommendation

Twenty (24) comments have been received in support of the application, on the following grounds:

- Much needed amenity at the Club;
- Community needs a thriving tennis Club;
- Facility will provide the only tennis club in Thurrock with the opportunity to play Home league matches which it cannot do at present;
- Club is a great facility for the community and should be supported;
- The Club provides affordable tennis for young people at a reasonable price;
- Courts are regularly used by the over 70s as a good social activity;
- If only opportunity for people is to play in the evenings then it is important they get the chance to do this during winter months;
- Facility helps improve fitness for locals and if lights are installed it will help with people's state of mind;
- Landscaping;
- Tidying site.

Thirty one (31) comments have been received objecting to the application on the following grounds:

- Inaccurate Descriptions / Information on application form;
- Loss of amenity;
- Loss of privacy;
- Light pollution;
- Visual impact;
- Out of Character;
- Noise & disruption;
- Parking, traffic and safety;
- Impacts upon wildlife, particularly bats;

- Property devaluation;
- Commercial Business use;
- Lack of Justification for need;
- Support is not from Local area;
- Proposal is similar to previous refusal & appeal decisions.

#### 4.3 ENVIRONMENTAL HEALTH:

No objections.

#### 4.4 HIGHWAYS:

No objections.

#### 4.5 LANDSCAPE & ECOLOGY ADVISOR:

No objections.

### 5.0 POLICY CONTEXT

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

5.1 The revised NPPF was published on 20<sup>th</sup> July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision making
- 12. Achieving well-designed places

#### National Planning Practice Guidance (NPPG)

5.2 In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design

- Determining a planning application
- Use of planning conditions

#### Local Planning Policy: Thurrock Local Development Framework (2015)

- 5.3 The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

#### THEMATIC POLICIES

- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

#### Thurrock Local Plan

- 5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an ‘Issues and Options (Stage 1)’ document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

#### Thurrock Design Strategy

- 5.5 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Background
- II. Principle of the development
- III. Design and layout
- IV. Neighbour and amenity impacts
- V. Traffic impact, access and parking
- VI. Impact on ecology
- VII. Other matters

### I. BACKGROUND

6.2 In both 2003 and 2020 similar planning applications for floodlights were refused (application refs: 03/01369/FUL and 20/01526/FUL). The Council refused application 03/01369/FUL on the grounds that the tall lighting columns by virtue of their height, lighting and visibility during ambient light levels, would result in a loss of amenity to nearby residents, as well a detrimental impact to the visual amenities and character of the area. The 2003 planning application was refused due to concerns that the proposal would enable extended hours of use of the tennis courts resulting in disturbance arising from noise and light associated with the use being extended into the evening hours of darkness which would be harmful to neighbouring amenities.

6.3 The 2003 decision was appealed by the applicant. In dismissing the appeal the Planning Inspector considered that:

*“The floodlights raise concerns about residential amenities because of the appearance of the columns, the additional playing time that would be available and the impact of the lighting. The columns would be obvious from surrounding dwellings and gardens and would harm the visual amenities currently enjoyed by residents. The evening playing hours would be the same in the summer, but any disturbance associated with play or car parking could occur throughout the year after floodlights had been installed. Light spillage could be controlled so that floodlights would not shine directly on to dwellings and gardens, but reflection off the courts would be inevitable and some residents could find this disturbing.*

..and..

*Close proximity of the Club to surrounding development would result in the proposals having a significant impact on residential amenities. On balance, this factor outweighs the benefits the proposals would bring for the wider community.”*



- 6.4 Given the Planning Inspector agreed with the Council's assessment, the appeal on was subsequently dismissed on 29<sup>th</sup> October 2004.
- 6.5 The applicant submitted a very similar follow-up planning application (application ref. 20/01526/FUL) that was refused in December 2020 on the following grounds:
1. *The proposed development would result in a brightly lit area and tall lighting columns visible from nearby streets, failing to respond positively to the character of the surrounding area and creating harm to the wider streetscene and resulting in a loss of amenity of neighbouring properties. The proposal is therefore contrary to policies PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015 and the national Planning Policy Framework 2019.*
  2. *The proposed development would enable extended hours of use of the tennis courts which would result in detrimental impact upon neighbouring amenity arising from noise, light and additional traffic movements associated with the use being extended into the evening hours of darkness. The proposal is therefore contrary to policy PMD1 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015.*
- 6.7 The applicant did not appeal the 2020 decision however both the 2003 and 2020 decisions represent material considerations that needs to be weighed in the balance in this assessment.

## II. PRINCIPLE OF THE DEVELOPMENT

- 6.6 Core Strategy Policy CSTP9 (Well-Being: Leisure and Sports) requires details that the Council support the delivery of a physically active, socially inclusive and healthy community through the provision of high quality sports and leisure facilities. The Policy sets out that the Council will:
- Support the provision of new or improved leisure and sports facilities to address deficiencies identified in the Thurrock Outdoor Sports Strategy, Sports and Active Recreation Strategy and the Community Needs and Open Spaces Study.
  - Ensure that new or improved facilities are in locations that are accessible to the local community and create or improve links to Thurrock's network of green and historic infrastructure, including the Thames riverside.
  - Provide facilities for schools and other institutions which can be linked and shared with the community.

- 6.7 The application would meet these aims of Policy CSTP9 and there would be no in principle objection to the proposals. The proposal would still be required to comply with all other relevant Development Management policies.

### III. DESIGN AND LAYOUT

- 6.8 Policy PMD2 (Design and Layout) of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.9 Policy CSTP22 (Thurrock Design) of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.10 The current proposal has maintained much of the design and layout of the floodlight columns as was previously applied for and refused under the most recent application (ref. 20/01526/FUL). The amended proposal still consists of 9 x 6.5 metre high flood light columns to be located entirely within the envelope of the current tennis courts, along with replacement height boundary fencing. Four of the columns would be alongside the perimeter fences, two of which are near to the gardens of the neighbouring houses within Victoria Close and one alongside the neighbouring property in Montgomery Close. Three columns would be next to the clubhouse, which backs onto the gardens of bungalows within Victoria Avenue and two columns in central positions between the courts.
- 6.11 The main difference between the current proposal and the most recent refusal is that the columns upon which the lights would be fitted would be telescopic and thus retractable. The submitted Design and Access Statement confirms that during daylight hours, and whilst the LED lights are not in use, the columns would be retracted to a maximum 3 metres height.
- 6.12 Neighbour comments have been received objecting to the proposed lighting columns, as being unsightly and uncharacteristic for a residential area. Whilst it is acknowledged that the retraction of the flood light columns whilst not in use would lessen the overall visual amenity impact on the surrounding locality, the columns would be at their full height and continue to be visible from the surrounding streetscene when in use, and lit, from the late and ambient afternoons and into the late evenings when the Club is operating. Considering a key concern previously raised by the Inspector, and in the previous refusal, related to the visual amenity and character impact of the lighting columns during times of ambient light and hours of darkness, the amended proposal appears to have done very little to lessen

its impact during these hours. The nine extended and lit 6.5m high columns would continue to appear detrimental to the visual amenities and thereby character of the immediate locality. As such, the proposal fails to respond positively to the character of the surrounding area and represents significant harm to the streetscene, contrary to Policies CSTP22, CSTP23 and PMD2.

#### IV. NEIGHBOUR AMENITY

- 6.13 Policy PMD1 (Minimising Pollution and Impacts on Amenity) of the Core Strategy states that “Development will not be permitted where it would cause unacceptable effects on (i)the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site”.
- 6.14 The application details that the proposed LED floodlights would be designed to allow for as little light spillage as possible and would be used on the extended columns during the times set out below.

Floodlights would be used to facilitate evening play ending at:

- 21:00 hours Mon, Tues, weds, Thurs, Fri
- 20:00 hours Sat
- 22:00 hours “No more than once a week for the Club’s Home league matches”

Floodlights would not be used on Sundays.

- 6.15 The above hours replicate the hours applied for under application ref. 20/01526/FUL and were considered to be unacceptable at that time with respect to neighbour amenity and contrary Policy PMD1. There has been little physical development or change to the site and immediate locality since the most recent refusal and, based upon the neighbour comments received, there would appear to be little change in the concerns relating to neighbour amenity impacts. The proposal would result in an extension to the hours at which the courts could be used at the Club into the evenings all year round. Inherent in this is that the columns could facilitate the use of the site at times residents currently do not currently experience any evening use.
- 6.16 The neighbour comments received in objection to the proposal raise concern regarding the potential loss of amenity, impact of light pollution, loss of privacy, noise and disturbance resulting from not only the installation but also the extended hours of use of the courts with the floodlighting facility. The tennis courts are in a position which is completely surrounded by residential dwellings, many of which are bungalows and share a common boundary with the application site. The nearest

residential dwelling on Montgomery Close is some 4 metres from the boundary with the application site and other dwellings bordering the site are within 20-30m of the site boundary.

- 6.17 As with the previously refused schemes (refs. 03/01369/FUL and 20/01526/HHA), the columns would be clearly visible from surrounding dwellings and gardens and would harm the visual amenities during the evening. The application indicates that light spillage could be controlled so that floodlights would not shine directly onto dwellings and gardens, however, reflection off the courts would be inevitable and some residents could find this disturbing, in contrast to the low ambient light levels during hours of darkness. The height and proximity of the proposed lighting columns would create significant harm to the amenity of nearby residential properties as a result of visual intrusion of the columns and glare from the lighting.
- 6.18 The extended hours of use would result in disturbance arising from noise, light and traffic movements associated with the use being extended into the evening hours of darkness. Objections received highlight the fact that there are ongoing impacts due to vehicle movements related to the use of the tennis club, which is accessed predominantly by car.
- 6.19 Notwithstanding the revision to the proposed nine columns being retractable when not lit or in use, for the reasons above, it is considered that the impact of the columns on visual amenity, the extended hours of operation with associated noise and disturbance and impact of the lights on the neighbouring amenity, the proposal would be contrary to policy PMD1 of the adopted Core Strategy.

#### V. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.20 Neighbour objections have been received relating to the increased traffic impacts, parking pressures and risk to pedestrian safety as a result of the extended hours of use linked to the proposals. The Council's Highways Officer has been consulted and has raised no objection to the proposal as there would be no change to the existing parking provision, which serves the club all year round. There is no objection, therefore, that would be considered to be sustainable in relation to parking provision as a result of the application.

#### VI. IMPACT ON ECOLOGY

- 6.21 Comments have been submitted highlighting concern for the impact of the floodlights on local bats, however given the application is within an existing residential area benefitting from street lights it is not considered that there would be sufficient impact to substantiate a reason for refusal on the basis of any impact on bat flight paths.

## VII. OTHER MATTERS

- 6.22 Neighbour objections have been received regarding the potential impact of the development upon property values, however this does not constitute a material planning consideration and as such has no bearing on the determination of this application.
- 6.23 Comments have also been received in relation to the previous refusals (refs. 03/01369/FUL and 20/01526/FUL). These factors have been considered within the assessment of the current proposal, however, all planning applications are determined upon their own merits.
- 6.24 The club has a successful record of providing tennis facilities for the community, including a large youth section and is currently unable to accept new members, therefore the club sees a need to increase playing time. Comments have however been received which question the basis of the community benefit given that the club is used by members only and as such is primarily a commercial business. It is acknowledged that there would be benefits to the community in extending hours of use, however, these benefits should be weighed against any harm to residential amenity and, on balance, the harm to neighbouring amenity outweighs the benefits the proposals would bring for the wider community.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 Overall, it is not considered that the revised proposal has adequately mitigated the issues and concerns raised within the previous application (ref. 20/01526/FUL) and thus the issues raised are still considered as likely to result in significant harm to the detriment of both the visual amenity and character of the street scene and neighbouring amenity. As such the two refusal reasons under 20/01526/FUL have not been overcome and thus this application is recommended for refusal for these same reasons.

## 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason(s):

- 1 The proposed development would result in a brightly lit area and tall lighting columns visible from nearby streets, failing to respond positively to the character of the surrounding area and creating harm to the wider streetscene, and resulting in a loss of amenity of neighbouring properties. The proposal is therefore contrary to policies, PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development 2015 and the National Planning Policy Framework 2021.

- 2 The proposed development would enable extended hours of use of the tennis courts which would result in detrimental impact upon neighbouring amenity arising from noise, light and additional traffic movements associated with the use being extended into the evening hours of darkness. The proposal is therefore contrary to policy PMD1 of the adopted Thurrock Core Strategy and Policies for Development 2015.

Informative:

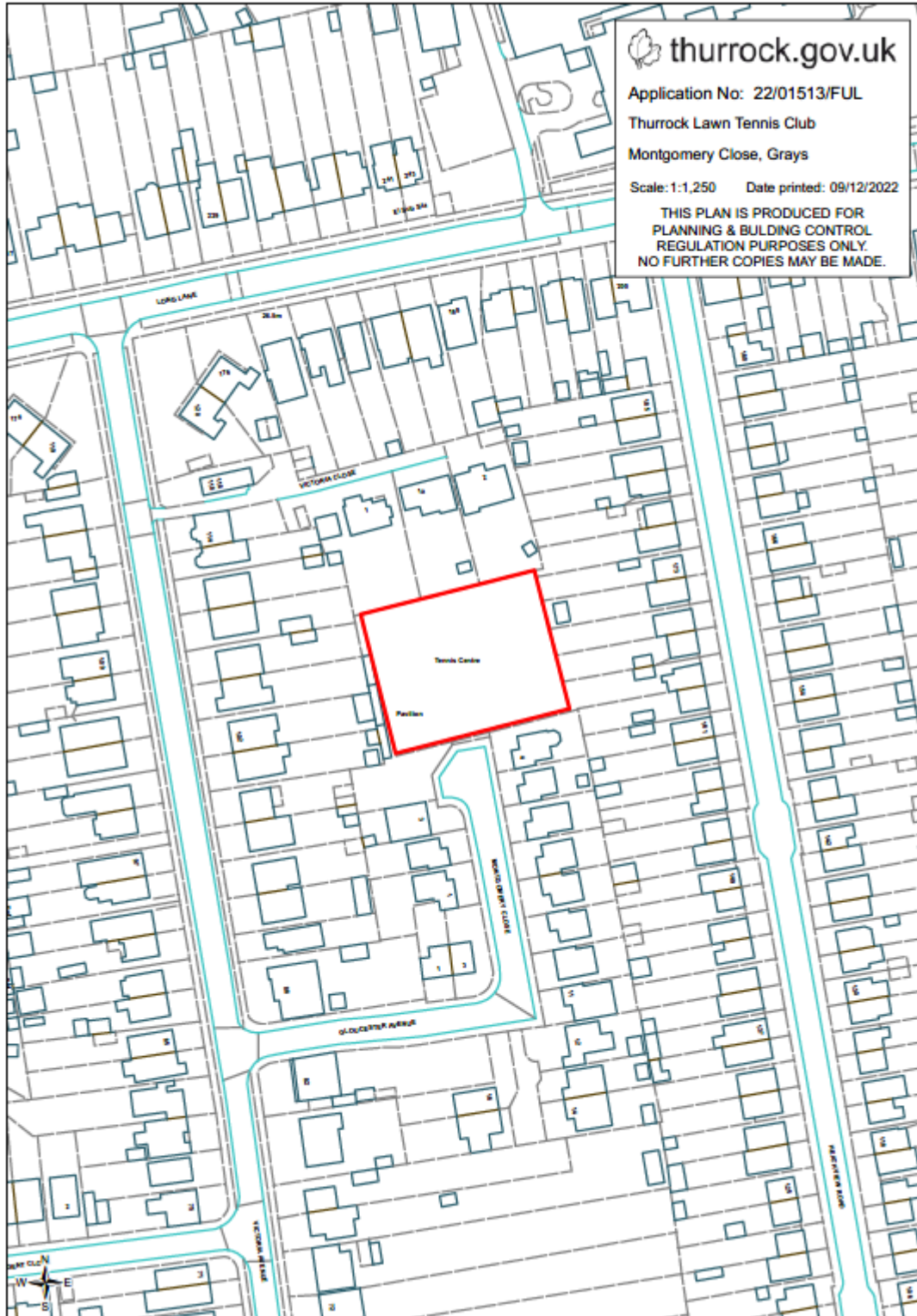
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



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<b>Reference:</b> 22/01402/HHA	<b>Site:</b> 182 Sewell Close Chafford Hundred Grays Thurrock RM16 6BU
<b>Ward:</b> South Chafford	<b>Proposal:</b> Garage conversion and outbuilding.

Plan Number(s):		
Reference	Name	Received
182-03	Existing Elevations	12th October 2022
182-02	Existing Floor and Roof Plans	12th October 2022
182-01	Location Plan	12th October 2022
182-04	Proposed Floor Plans and Elevations	12th October 2022
182-05	Proposed Outbuilding Plans	12th October 2022

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Application Form</li> <li>- Email with confirmation of bedroom numbers, dated 11.11.22</li> </ul>	
<b>Applicant:</b> Mr Martin Kerin	<b>Validated:</b> 12 October 2022  <b>Date of expiry:</b> 9 January 2023 (Extension of Time Agreed with Agent)
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the applicant is an elected Councillor, in accordance with Part (b) 2.1 (c) of the Council's constitution.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for the following:

- Conversion of the attached garage, replacing the garage door with a window and the replacement of rear door with French doors to create a larger reception room.

- Construction of an outbuilding within the rear garden to be used as a summer house, with a maximum height of 2.5m, width of 5m and depth of 3m.

**2.0 SITE DESCRIPTION**

2.1 The application site features a semi-detached dwelling within a residential area in Chafford Hundred.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
00/00916/REM	131 Dwellings and associated works.	Approved

3.1 Permission granted under approval ref. 00/00916/REM included restrictions on garage conversions without planning permission and extensions & outbuildings without planning permission.

**4.0 CONSULTATIONS AND REPRESENTATIONS**

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

**4.2 PUBLICITY:**

This application has been advertised by way of individual neighbour notification letters, to which no responses have been received.

**4.3 HIGHWAYS:**

No objections.

**5.0 POLICY CONTEXT**

**National Planning Policy Framework (NPPF)**

5.1 The revised NPPF was published on 20 July 2021 and sets out the Government’s planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in

favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Decision making
12. Achieving well-designed places

#### National Planning Practice Guidance (NPPG)

5.2 In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design
- Determining a planning application

#### **Local Planning Policy**

##### Thurrock Local Development Framework (as amended) (2015)

5.3 The Core Strategy and Policies for Management of Development was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

##### THEMATIC POLICIES

- CSTP22 (Thurrock Design)

##### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)

##### Thurrock Local Plan

5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has

now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

### Thurrock Design Strategy

- 5.5 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

### Thurrock Residential Alterations and Extensions Design Guide (RAE)

- 5.6 In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## **6.0 ASSESSMENT**

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Parking

### **I. PRINCIPLE OF THE DEVELOPMENT**

- 6.2 The application site is located within a residential area and as such the principle of development is acceptable, subject to compliance with relevant development management policies.

### **II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA**

- 6.3 The only external changes required for the garage conversion would be the removal of the door and replacement window in the front elevation and the replacement of the existing rear door with centrally located French doors. The converted garage would be used as further reception room space at the property.

- 6.4 Given that the garage is set back from the front elevation, the impact of the garage conversion upon the street scene would be limited. The alterations would not be detrimental to the character or appearance of the dwelling or street scene and

would be considered acceptable in terms of design and appearance complying with Policies PMD2 and CSTP22.

- 6.5 The proposed outbuilding would be sited towards the eastern end of the rear garden. The outbuilding would be used as a summer house ancillary to the main dwelling, which would be acceptable. The outbuilding would have a relatively small footprint when compared against the footprint of the host dwelling and the site would still maintain a sizable garden even with the addition of the proposed outbuilding. The outbuilding would not be particularly visible from the public realm, would not significantly impact the appearance or character of the street scene and would be considered acceptable in terms of scale and design complying with Policies PMD2 and CSTP22.

### III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.6 The proposed garage conversion would not result in any additional rearward views dissimilar to the existing windows and doors within the dwellinghouse and would, therefore, not result in any unacceptable overlooking or loss of privacy towards any surrounding neighbouring dwellings.
- 6.7 The outbuilding would have a west facing door and window, offering views towards the rear elevation of the host dwelling, the neighbouring dwelling at No. 184 Sewell Close and the block of flats to the south of the site. Given the separation distance and considering that the door and window would be at the ground floor level, the views offered would not be dissimilar to the views currently offered from the rear garden. It is therefore not considered that the outbuilding would result in any unacceptable overlooking, or loss of privacy over what would be expected or considered acceptable within the residential area.
- 6.8 The proposals would, therefore, comply with Policy PMD1 with regard to neighbour amenity impacts.

### IV. PARKING

- 6.9 The proposal would result in the loss of an off street car parking space through the conversion of the attached garage, however one parking space would continue to be provided on the driveway while the parking bay to the front of the property (numbered for the use of no. 182 Sewell Close) would also be retained.
- 6.10 Given that the proposal would not result in an increase in the number of bedrooms within the dwelling and the property would maintain two off street parking spaces, the Council's Highways Officer has raised no objections regarding the loss of the

garage. The proposal would continue to comply with the Council’s adopted Parking Standards and with Policy PMD8.

**7.0 CONCLUSIONS AND REASON FOR APPROVAL:**

7.1 The proposal is considered acceptable with regards design, scale and appearance, impact upon neighbour amenity and the highway complying with Policies CSTP22, PMD1, PMD2, PMD8 and the RAE.

**8.0 RECOMMENDATION**

Approve, subject to the following condition(s):

**TIME LIMIT**

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Act 2004.

**PLANS**

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Number(s):</b>		
Reference	Name	Received
182-03	Existing Elevations	12th October 2022
182-02	Existing Floor and Roof Plans	12th October 2022
182-01	Location Plan	12th October 2022
182-04	Proposed Floor Plans and Elevations	12th October 2022
182-05	Proposed Outbuilding Plans	12th October 2022

Reason: For the avoidance of doubt and the interest of proper planning.

**OUTBUILDING USE**

3. The outbuilding hereby approved shall be used or occupied in conjunction with the ancillary use of the existing property as a single dwellinghouse only and not as a separate unit of residential accommodation or for any commercial use whatsoever.

Reason: To avoid the undesirable creation of two separate dwelling units or commercial use on the site, in the interests of neighbour amenity and in accordance with Policies PMD1 and PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**GARAGE CONVERSION - MATCHING MATERIALS AND MATERIALS AS STATED WITHIN APPLICATION FOR SUMMER HOUSE**

4. The materials to be used in the construction of the external surfaces of the converted garage hereby permitted shall match those used on the external finishes of the existing dwelling. The materials proposed to be used for the summerhouse shall be those as stated withing the application.

Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

**Informative(s):**

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement: The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Documents:**

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[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

