

<p>Reference: 18/00994/FUL</p>	<p>Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL</p>
<p>Ward: Orsett</p>	<p>Proposal: Proposed ancillary Manager's accommodation with double garage.</p>

Plan Number(s):		
Reference	Name	Received
10893.P100.C	Proposed Floor Plans	10th September 2018
10893.P200.B	Proposed Elevations	10th September 2018
10893.P110	Proposed Elevations	12th July 2018
10893.S01	Location Plan	12th July 2018
10893-S02	Proposed Site Layout	12th July 2018
10893-S03	Proposed Site Layout	12th July 2018
JD/HI/01	Landscaping	12th July 2018

The application is also accompanied by:

- Design & Access Statement
- Flood Risk Assessment
- Letter in Response to Health & Safety Officer comments
- Gallagher Insurance letter re Glasshouse Fire Strategy Report

Applicant:

Mr & Mrs B & J Jarvis

Validated:

11 July 2018

Date of expiry:

31 October 2018 (Extension of Time as Agreed with the Applicant)

Recommendation: Refusal

The application is scheduled for determination by the Council's Planning Committee because the previous associated application (application ref.16/01446/FUL) was determined at Planning Committee due to its major scale and strategic implications for the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the erection of Manager’s accommodation which would be ancillary to the approved Wellness Centre (application ref.16/01446/FUL) at the site, including the erection of a double garage that includes space for storage. The design of the Manager’s accommodation would be almost square/cube shaped and for the purpose of this report, the dwelling will at times refer to the Manager’s residence as ‘The Cube’.
- 1.2 The internal layout of The Cube is separated into two sections. The ground floor of The Cube would have two separate entrances. The first would be for the Manager’s work space which includes a meeting training room and Manager’s office with an en-suite bedroom towards the rear that includes a kitchenette for the use of the Duty Manager when covering. The second entrance leads to the residential part of the property, which would be for the occupation of the Manager and their family. The ground floor would provide a kitchen/dining room which leads to a substantial rear garden and ground floor w/c and stairwell leading to the first floor. The first floor would provide a lounge and two bedrooms each with an ensuite bathroom.

2.0 SITE DESCRIPTION

- 2.1 The application site is situated within the curtilage of the former Harrow Inn public house and restaurant which is now under construction as the Wellness Centre on the southern side Fen Lane.
- 2.2 The site is located in the Metropolitan Green Belt and is surrounded by open fenland. The majority of the site is located within the highest Flood Risk Zone 3, with the most easterly half of the site located in flood zones 2 and 1 moving eastwards, as identified on the Environment Agency flood maps.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
18/00986/CV	Application for the variation of condition no. 4 (Accordance with Plans) of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms)	Pending Consideration and found elsewhere on this agenda
17/01506/FUL	Proposed ancillary residential detached dwelling with non-adjoining double garage.	Withdrawn (previously deferred at

		Committee)
16/01446/FUL	Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping.	Approved
17/00854/NMA	Application for a proposed non-material amendment to amend of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms) and associated access improvements, parking and landscaping.)	Approved
17/00376/CONDC	Discharge of conditions 3[Samples of Materials], 5[Design Details], 6[Landscaping Plan], 7[Sight Splays], 9 [CEMP], 10[FWEP], 11[Drainage Strategy], 12[Surface Water Maintenance Plan] from approved planning application 16/01446/FUL.	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

PUBLICITY:

4.2 Neighbours have been notified via individual letter, a site notice has been erected nearby and an advertisement has been placed in a local newspaper. No written comments have been received at the time of writing the report. The overall consultation period expires on 5th October 2018. Should any comments be received, these will be further presented at Planning Committee.

4.3 HIGHWAYS:

No objection.

4.4 ENVIRONMENT AGENCY:

No objection, standard advice received

4.5 EMERGENCY PLANNING:

No objection.

4.6 FLOOD RISK MANAGER:

Comments awaited at time of writing.

4.7 LANDSCAPE & ECOLOGY

Object.

4.8 HEALTH AND SAFETY:

Standard Health and Safety advice given.

4.9 PUBLIC RIGHTS OF WAY:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

5. Delivering a sufficient supply of homes
8. Promoting healthy and safe 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

5.2 Planning Practice Guidance

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 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Natural Environment
- Use of Planning Conditions

Local Planning Policy

5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was subsequently amended in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation);
and
- PMD15 (Flood Risk Assessment)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

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 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flood Risk and Site Drainage

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 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

6.3 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where 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 Green Belt to accord with the requirements of the NPPF.

6.4 Paragraph 133 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 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories.

6.5 The site was considered during the original consented scheme (ref. 16/01446/FUL) to fall within the NPPF's definition of Previously Developed Land. Following the demonstration of Very Special Circumstances, planning permission was granted for the Wellness Centre, but that decision was very carefully balanced. The proposal would introduce a new detached dwelling and detached double garage onto the site with 3 metre high fencing around a substantial private rear garden, in addition to the approved Wellness Centre. The proposal would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

- 6.6 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.7 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.
- 6.8 In response to each of these five purposes:
- A. to check the unrestricted sprawl of large built-up areas*
- 6.9 The site is located in an isolated location, outside the village of Bulphan. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site, in excess of the area previously granted consented. Whilst the development would be contained within the overall boundaries of the site it would be distant from the approved Wellness Centre. If permitted, the development would increase the risk of other similar open areas of land being developed resulting in the sprawl of development from this site. The development would conflict with this purpose.
- B. to prevent neighbouring towns from merging into one another*
- 6.10 The development would not conflict with this Green Belt purpose.
- C. to assist in safeguarding the countryside from encroachment*
- 6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The Cube would be at a distance from the Wellness Centre and the footprint of the previous built form on the site. It is important to note that the Wellness Centre occupies the approximate location of the demolished buildings and the section of land that was previously developed. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location; the Manager's accommodation along with the

double garage would be situated along the southern boundary, with 3 metre fencing surrounding the rear garden, and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

D. to preserve the setting and special character of historic towns

- 6.12 As there are no historic towns in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.

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

- 6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed Manager's accommodation, garage and associated fencing surrounding the rear garden along with the proposed hardstanding are inconsistent with the fifth purpose of the Green Belt.

- 6.14 In light of the above analysis, it is considered that the proposals would be contrary to purposes a, c and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

- 6.15 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.

- 6.16 With regard to the NPPF, paragraph 143 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 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"*.
- 6.17 The Design & Access Statement submitted sets out the applicant's Very Special Circumstances to justify inappropriate development in the Green Belt, they are:
- a) The need for Manager's accommodation;
 - b) The Health and Safety grounds deemed required for the operation of the business;
 - c) The Wellness Centre would become financially unviable;
 - d) Insurance purposes;
 - e) Improved security to the wider site;
 - f) Pre-application history and a CABE review;
 - g) The occupation and use of The Cube should be tied to the Wellness Centre;
 - h) Minor additional accommodation in the Green Belt.
- a. Manager's need for accommodation
- 6.18 The applicant considers the Manager's accommodation to be integral to the success of the Wellness Centre and suggests that Very Special Circumstances identified for the Wellness Centre should also apply to the Manager's accommodation.
- 6.19 The applicant's desire to live adjacent to their new business is appreciated however the 'need' for the accommodation appears to be nothing more than that. No essential need for the detached dwelling has been demonstrated. There is no indication that the provision of this accommodation and staffing facilities could not be provided within the Wellness Centre building by way of a revised layout. Indeed, the applicant has submitted another application (ref 18/00986/CV) found elsewhere on this agenda, which seeks approval for internal changes to the layout of the Wellness Centre building to create staff and welfare facilities.
- 6.20 Accordingly this factor is not given any weight in the determination of the application as a Very Special Circumstance.
- b. Health and Safety
- 6.21 Following the approval of the Wellness Centre, the applicant commissioned a specialised Health and Safety review which recommends that staff should be allocated separate welfare facilities from paying guests, including toilets,

showers as well as a rest room where they may have their lunch away from the guests.

6.22 The Design and Access Statement suggests that there is a Health and Safety requirement for the Manager to be present during all operational hours. The applicant cites the operational hours of the Wellness Centre as a justification for a full time manager on site. The applicant maintains the primary reason for an onsite manager would be to deal with issues/emergencies outside of general operational hours.

6.23 The Council's Health and Safety Officer has considered the material submitted by the applicant and offers the following comments;

'We have not advocated that live-in space for the site manager is justified in either the main building or in a separate residential property from a health and safety perspective...

'...we conclude that there are no grounds for citing health and safety as a requirement to build an adjacent residential property on the site of the main wellness building to house a site manager and his/her family or to provide similar accommodation within the main building for that matter.'

6.24 Further to the Council's Health and Safety Officer's comments, it is noted that the proposal would be physically detached from the main Wellness centre building; neither the Duty Manager nor the overall Manager of the site would be located within the main building should any need arise. This fact weakens the applicant's argument for the essential need for an on-site manager.

In light of the above, it follows that the arguments based upon health and safety requirements cannot be given any weight in the determination of this application.

c. The Wellness Centre would become financially unviable

6.25 The applicant maintains that in order to accommodate the Manager's flat (as originally approved) would involve the loss of 7 rooms in the Wellness Centre, which would render the approved scheme financially unviable. The applicant maintains in the Design & Access Statement that;

6.26 *'...the centre will require a fully time manager. The need for this role to be available 24 hours a day. In the same way as a Hotel operates there are always staff available...The proposal is to form a 3 bed unit (for a manager and family to be resident on site at all times). The use of off-site facilities would render the overall facility unworkable due to access to the site and time to travel in an emergency.'*

6.27 No evidence has been supported to uphold the applicant's claim in relation to the viability of the scheme. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

d. Insurance purposes

- 6.28 As noted above, the applicant maintains that Health and Safety is a Very Special Circumstance which has been afforded no weight. In addition, the applicant asserts that for building insurance purposes the facility will not be able to operate without the proposed amendments made to the layout of the Wellness Centre (under consideration in application ref. 18/00986/CV which is reported elsewhere in this agenda) including the provision of the detached Manager's dwelling. A letter from the applicant's insurance company has been submitted in support of the applicant's case. The letter simply states that due to the operational hours of the facility, i.e. 24 hours, the business will require the presence of a senior manager and offers suggestions on how to address this. The letter does not maintain or stipulate that erecting a detached two storey dwelling, with a garden, fencing and a double garage are all essential for insurance purposes; it is the applicant's desire to provide a detached dwelling for the use of the Manager.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

e. Improved security to the wider site

- 6.29 The need to ensure the site is secure has been submitted as a Very Special Circumstance. The applicant maintains that security staff will not be able to provide the same level of care to the Centre's guests and that CCTV cameras would not be suitable at the site. The suitability or otherwise of CCTV cameras has not been expanded upon or justified from a security, insurance or health and safety perspective; it is also recognised that the existing Wellness Centre has provision for an on-site Manager presence. Insufficient evidence has been submitted by the applicant with regards to the security at the site.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

f. Pre-application history and a CABE review;

- 6.30 Prior to the application for the Wellness Centre (ref.16/01446/FUL) being submitted, the scheme was subject to a CABE Design Review. The applicant maintains: 'the original application detailed sufficient scope for the need for the Wellness Centre and its bespoke nature - as such this application is being sought for the same purpose'.
- 6.31 The planning history and the response from CABE is noted, however, this application proposes development that did not form part of the CABE discussion and is afforded little weight in consideration of this current application. The CABE review related to the original scheme as considered (under application ref. 16/01446/FUL), which related to the proposed Wellness Centre, amongst other issues, as one main building and focussed upon its

appearance, design and its setting within the rural landscape. No new review has been undertaken for this application or proposal.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

g. The occupation and use of The Cube should be tied to the Wellness Centre

6.32 The applicant makes reference to the potential to tie the occupation and use of the Manager’s dwelling to the Wellness Centre. However, as set out above, there is considered to be no demonstrable need for the detached dwelling to support the business. The factor should be given no weight in the determination of the application as a Very Special Circumstance.

h. Minor additional accommodation in the Green Belt

6.33 The applicant suggests the proposal represents a minor addition and has no further impact to the to the openness character of the Green Belt. A comparison table is provided below for Member’s reference.

Approved Application (16/01446/FUL)	Footprint (sq.m)	Volume (m3)	Height (m)
Previous pub / restaurant building	500	4500	n/a
Previous Building Total	500	4500	n/a
Approved Wellness Centre	880	5600	8m / 10.7 m (lowest / highest points)
Increase from original buildings	380	1100	

Current Proposal (18/00994/FUL)	Footprint (sqm)	Volume (m3)	Height (m)
Detached Accommodation	84.63	567.02	6.7
Detached garage	53.94	167.95	3.58
Proposed total	138.57	734.97	-
Increase from original buildings (including the built	518.57	1834.97	

form from approved scheme 16/01446/FUL)			
--	--	--	--

- 6.34 As demonstrated in the table above, the proposal would represent a significant increase in the footprint and volume over and above the original buildings at the site. The proposed dwelling would provide a floor area which would normally be comparable to a modern 3-bedroom house. Similarly, the double garage, at 53.94 sq.m could be comparable to the area occupied by modest two bedroom flats. Furthermore, the additional garden space at 344 sq.m enclosed with 3 metre fencing and the 334 sq.m hardstanding is considered excessive and harmful domestic features in the Green Belt.
- 6.35 This factor should be given no weight in the determination of the application as a Very Special Circumstance.
- 6.36 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Manager's need for accommodation	No weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		Health and Safety	No weight
		Financially unviable	No weight
		Insurance Purposes	No weight
		Improved security to the site	No weight
		Pre-application history / CABE Review	No Weight
		Cube to be tied with Wellness Centre	No weight
		Minor additions within the Green Belt	No weight

- 6.37 As ever, in reaching a conclusion on Green Belt 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 Green Belt with reference to inappropriate development and loss of openness. However, this is not

considered to be the full extent of the harm. Further assessment, elsewhere in this report, assesses the other harm to landscape. 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;
- 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 'very special circumstances'.

6.38 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the Very Special Circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT

6.39 The proposed detached dwelling, double garage, private garden area and driveway would be located closer to the western boundary of the site than the main Wellness Centre and therefore closer to Harrow Lane. As already stated, the landscape is predominantly flat, fenland and the additional development would be highly visible from Harrow Lane and the public right of way running immediately south of the proposal. Notwithstanding the in principle objection to the development, and whilst there is no fundamental concern raised in relation to the design of the building, the development would be clearly visible and would have a demonstrable negative impact upon the rural fenland setting. This matter is considered in more detail below.

III. IMPACT UPON LANDSCAPE AND ECOLOGY

6.40 The application site is within a flat, fenland landscape which is typified by long open views, with a sparse settlement pattern. The development would appear very apparent in this environment.

6.41 The Council's Landscape and Ecology Advisor has objected to the application on the basis that the development would be significant and detrimental to visual amenity and harmful to the openness character of the fenland area. Concern has also been raised to the 3-metre-high fence in the current proposal. The development is considered to conflict with Policies PMD2, CSTP22 of the Core Strategy and the criteria of the NPPF.

IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

6.42 The vehicular access from Harrow Lane would remain as approved (ref. 16/01446/FUL) and serve as the main access/exit to the Wellness Centre.

The approved secondary access is now proposed to serve the ancillary detached dwelling. The Council's Highways Officer has raised no objections to the scheme on highway grounds.

V. FLOOD RISK AND SITE DRAINAGE

- 6.43 The site is located within the highest Flood Risk Zone (flood zone 3 – an area with high probability of flooding that benefits from flood defences), with the most easterly half of the site located in flood zones 2 and 1 moving eastwards, as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 – Flood Zones'. Where the buildings are proposed to be located is in the high Flood Risk Zone 3. This means that the site is subject to a high probability of flooding.
- 6.44 As the site falls within a high risk flood zone the Sequential Test needs to be assessed. The Sequential Test aims to steer new development to locations away from high risk flood zones. The proposal falls within a 'more vulnerable' use according to PPG's 'Table 2 – Flood Risk Vulnerability Classification'. The applicant has not provided any Sequential Testing evidence to demonstrate that the dwelling could not be located in a lower risk flood zone. The proposal therefore fails the Sequential Test.
- 6.45 As a more vulnerable use, Table 3 of the PPG – Flood Risk Vulnerability and Flood Zone 'Compatibility' details that the Exception Test is required to assess this more vulnerable use. For the Exception Test to be passed the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk' [first part], and demonstrate that the development will be 'safe for its lifetime' [second part].
- 6.46 The Environment Agency raise no objection to the application subject to satisfying both the Sequential and Exceptions Tests. The proposal seeks to erect what is essentially a residential dwellinghouse and double garage at the site. As noted elsewhere in this report, the site is deemed as Previously Development Land, and permission has been granted for commercial purposes. The applicant has not demonstrated how the proposed dwelling would provide wider sustainability benefits to the community and consequently fails to meet the first part of the Exception Test. In relation to the second part, the applicant has provided a Drainage Strategy seeking to demonstrate that the site would have adequate drainage to enable the site to be safe for its lifetime. Notwithstanding the Drainage Strategy submitted, the applicant has not passed the Sequential Test or part one of the Exceptions Test in relation to the sustainability benefits of the proposal. Consequently, it is considered that the proposal is contrary to the objectives of Core Strategy Policies CSTP27, PMD15 and the NPPF in relation to flood risk.

7.0 CONCLUSIONS

- 7.1 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to

the Green Belt. In this instance the circumstances put forward are not considered to clearly outweigh the harm to the openness of the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

8.0 RECOMMENDATION

8.1 Refuse for the following reasons;

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause actual loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
2. The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The proposed development would, by virtue of the siting of the buildings and forms of enclosure close to the site boundaries and the public right of way, be likely to be detrimental to visual amenity, the openness and character of the flat, fenland area. The proposal would therefore be contrary to Policies PMD2, CSTP22 of the Core Strategy and the National Planning Policy Framework 2018.
3. The proposal, by virtue of the flood risk information submitted for this more vulnerable use, fails to meet both the Sequential and Exceptions Tests as required and subsequently fails to adequately demonstrate that the development will be safe and not increase flood risk elsewhere. The proposal would be contrary to Policies CSTP27 and PMD15 of the Core Strategy and the National Planning Policy Framework 2018.

Informatives:-

- 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 discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy

the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is 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

