

<p>Reference: 19/01662/FUL</p>	<p>Site: Langdon Hills Golf And Country Club Lower Dunton Road Bulphan Essex RM14 3TY</p>
<p>Ward: Orsett</p>	<p>Proposal: Hybrid application for the redevelopment of Langdon Hills Golf and Country Club. Detailed approval sought for: a redesigned club house (with health spa, reception area; restaurant area; bar areas; function areas (for 250 guests); professional golf shop; gym; swimming pool; changing rooms; office space; kitchens and food preparation areas and other necessary ancillary areas). The creation of a new health led community to include, 84 no. homes for independent living - extra care (over 55's use class C2); 36 no. apartments for independent living extra care (Use Class C2); 42 no. close care apartments and a 64-bed residential care home with dementia facilities (Use Class C2); 4 no. key worker apartments (Use Class C3) encompassing a care workers administration health hub. Demolition of existing buildings (clubhouse, hotel and green keepers building) and supporting infrastructure to include: a reconfigured main car park; a new car park for the golf academy; widening of the existing vehicular access onto the Lower Dunton Road; landscaping; new bowling green; new walkways; erection of a security gatehouse and security surveillance. Outline approval sought for: 12 no. apartments for independent living extra care (Use Class C2); a new golf academy (with driving range; tuition areas and function space for 150 guests); a new quick play golf course and a new redesigned green keepers building.</p>

Plan Number(s):		
Reference	Name	Received
18-116-219A	Proposed Floor Plans	7th November 2019
18-116-220	Proposed Floor Plans	7th November 2019
18-116-221	Proposed Floor Plans	7th November 2019
18-116-222	Proposed Floor Plans	7th November 2019
18-116-223	Proposed Floor Plans	7th November 2019
18-116-224	Proposed Floor Plans	7th November 2019
18-116-225	Proposed Floor Plans	7th November 2019
18-116-226	Proposed Floor Plans	7th November 2019

18-116-227	Proposed Floor Plans	7th November 2019
18-116-228	Proposed Floor Plans	7th November 2019
18-116-229	Proposed Floor Plans	7th November 2019
18-116-230	Proposed Floor Plans	7th November 2019
18-116-231	Proposed Floor Plans	7th November 2019
18-116-232	Proposed Floor Plans	7th November 2019
18-116-233	Proposed Plans	7th November 2019
18-116-234	Proposed Plans	7th November 2019
18-116-235	Proposed Plans	7th November 2019
18-116-236	Proposed Plans	7th November 2019
18-116-237	Proposed Plans	7th November 2019
18-116-238	Proposed Plans	7th November 2019
18-116-250	Proposed Elevations	7th November 2019
18-116-251	Proposed Elevations	7th November 2019
18-116-252	Proposed Elevations	7th November 2019
18-116-253	Proposed Elevations	7th November 2019
18-116-254	Proposed Elevations	7th November 2019
18-116-255	Proposed Elevations	7th November 2019
18-116-256	Proposed Elevations	7th November 2019
18-116-257	Proposed Elevations	7th November 2019
18-116-258	Proposed Elevations	7th November 2019
18-116-280	Proposed Plans	7th November 2019
18-116-281	Proposed Plans	7th November 2019
18-116-282	Proposed Plans	7th November 2019
18-116-283	Proposed Plans	7th November 2019
18-116-284	Proposed Plans	7th November 2019
18-116-285	Proposed Plans	7th November 2019
18-116-286	Proposed Plans	7th November 2019
18-116-287	Proposed Plans	7th November 2019
18-116-288	Proposed Plans	7th November 2019
18-116-289	Proposed Plans	7th November 2019
18-116-290	Proposed Plans	7th November 2019
18-116-291	Proposed Plans	7th November 2019
18-116-292	Proposed Plans	7th November 2019
18-116-293	Proposed Plans	7th November 2019
18-116-294	Proposed Plans	7th November 2019
18-116-295	Proposed Plans	7th November 2019
18-116-296	Proposed Plans	7th November 2019

18-116-297	Proposed Plans	7th November 2019
18-116-298	Proposed Plans	7th November 2019
18-116-299	Proposed Plans	7th November 2019
2018-09-07 LH	Existing Plans	18th November 2019
2786-HIA-01-00-DR-A-0201 P5	Proposed Plans	18th November 2019
2018-09-06-LH	Existing Elevations	18th November 2019
2786-HIA-01-01-DR-A-0211 P5	Proposed Plans	18th November 2019
2786-HIA-01-03-DR-A-0221 P5	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0301 P4	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0303 P4	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0502 P2	Proposed Plans	18th November 2019
2786-HIA-02-00-DR-A-0201 P5	Proposed Plans	18th November 2019
2786-HIA-02-01-DR-A-0211 P5	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0301 P5	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0302 P5	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0501 P1	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0502 P1	Proposed Plans	18th November 2019
2786-HIA-03-00-DR-A-0211 P6	Proposed Plans	20th February 2020
2786-HIA-03-01-DR-A-0221 P6	Proposed Plans	20th February 2020
2786-HIA-03-B1-DR-A-0201 P6	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0231 P1	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0301 P4	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0302 P4	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0502 P1	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0505 P1	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0103 P2	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0105 P1	Proposed Plans	18th November 2019
855-02B	Existing Floor Plans	18th November 2019
855-03	Existing Elevations	18th November 2019
855-1B	Existing Elevations	18th November 2019
B623-109B	Existing Elevations	18th November 2019
B623-114A	Existing Floor Plans	18th November 2019
05-838-701B	Landscaping	20th February 2020
2786-HIA-03-XX-DR-A-0503 P1	Proposed Plans	14th November 2019
2786-HIA-03-XX-DR-A-0504 P1	Proposed Plans	14th November 2019
18-116-201 A	Existing Site Layout	18th February 2020
2786-HIA-ZZ-XX-DR-A-0402 P2	Proposed Plans	7th November 2019
05-838-702B	Landscaping	20th February 2020

05-838-301 F	Other	18th February 2020
05-838-800 C	Other	18th February 2020
05-838-801 C	Other	18th February 2020
18-116-200 A	Location Plan	18th February 2020
18-116-202 B	Other	18th February 2020
18-116-210 D	Other	18th February 2020
18-116-212 C	Other	18th February 2020
18-116-213 B	Other	18th February 2020
18-116-214 B	Other	18th February 2020
18-116-215 B	Other	18th February 2020
18-116-216 B	Other	18th February 2020
18-116-217 B	Other	18th February 2020
18-116-218 B	Other	18th February 2020
2786-HIA-01-XX-DR-A-0501 P3	Other	18th February 2020
2786-HIA-ZZ-XX-DR-A-0102 P6	Other	18th February 2020
2786-HIA-ZZ-XX-DR-A-0104 P4	Other	18th February 2020
2786-HIA-ZZ-XX-DR-A-0401 P3	Site Layout	18th February 2020
2786-HIA-03-XX-DR-A-0501 P1	Proposed Plans	18th February 2020
2786-HIA-01-XX-DR-A-0302 P4	Proposed Plans	7th November 2019
2018-09-08 LH	Existing Plans	7th November 2019
18-116-SK82	Proposed Plans	28th January 2020
18-116-211 D	Proposed Plans	18th February 2020

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Air Quality Assessment
- Aboricultural Assessment
- BREEAM Pre-Assessment
- Draft Heads of Terms for s106
- Drainage Strategy
- Ecological Impact Assessment and Statement to inform Habitats Regulations Assessment
- Economic Benefits Statement
- Elderly Needs Report
- Energy Statement
- Flood Risk Assessment and Drainage Strategy
- Golf Enhancement Report
- Grandcare System Information
- Health Impact Assessment

- Heritage Statement and Heritage Note
- Landscape and Visual Impact Assessment
- Legal Opinion on C2 Use Class
- Lighting Assessment
- Noise Assessment
- Phase 1 Contaminated Land Assessment
- Statement of Community Engagement
- Sustainability Statement
- Transport Assessment and Transport Note and Access Note
- Framework Travel Plan
- Utilities Statement

Applicant:

Rischo Leisure Ltd
c/o Icen Projects

Validated:

18 November 2019

Date of expiry:

10 July 2020 (Agreed Planning
Performance Agreement)

Recommendation: Refuse planning permission

1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 13 February 2020 Members considered a report on the above proposal. The report recommended that planning permission be refused for eight reasons of refusal, which are summarised below:

1. The site is located in the Metropolitan Green Belt and Very Special Circumstances do not outweigh
 - The definitional harm that is inappropriate development in the Metropolitan Green Belt;
 - The harm to openness of the Metropolitan Green Belt.
2. This a remote and unsustainable location for this development.
3. It is has not been demonstrated that the proposed residential uses are considered to fall within Class C2 of the Use Classes Order.
4. The 'Extra care' & 'Close Care' units are considered as dwellings and therefore the Council's affordable housing policy (CSTP2) is applicable.
5. Unacceptable design and impact upon this location.
6. Significant and adverse landscape and visual impact in this rural countryside location.
7. The additional vehicle access onto Lower Dunton Road would lead to highway safety issues and is contrary to Council policy PMD9.
8. Insufficient information to demonstrate the proposed development's impact upon the significance of heritage assets as required by the NPPF.

- 1.2 A copy of the report presented to the February Committee meeting is attached.
- 1.3 At the February Committee meeting Members were minded to resolve to approve planning permission for the proposed development based upon the following reasons:
1. *There would be employment opportunities as a result of the finished facilities and Thurrock needed more employment in the Borough;*
 2. *Sport England had no objection to the proposal;*
 3. *There was a lack of alternative sites for this type of development;*
 4. *Thurrock currently had a low housing land supply and the scheme would contribute towards Thurrock's five year housing supply target; and*
 5. *The proposal offered a unique type of development that would address the ageing population in Thurrock.*
- 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 assesses the reasons formulated by the Committee.

2.0 FACTUAL UPDATES

- 2.1 Since the February Committee meeting the applicant has submitted additional information in seeking to address some of the recommended reasons of refusal.
- 2.2 The submitted information includes:
- Removal of the proposed second vehicle access to the site with an explanatory highway access note and transport summary document;
 - Further details regarding the proposed employment numbers;
 - Heritage Addendum;
 - Two QC legal opinions, one being an updated version of the original QC opinion;
 - Draft planning conditions; and
 - Draft section 106 legal agreement.

3.0 CONSULTATION AND REPRESENTATIONS

- 3.1 Since the previous report was published additional representations have been received and are detailed below. The additional information submitted by the applicant has also been subject to a further consultation process.

3.2 Detailed below is a summary of the consultation responses received since the previous report was published on the committee agenda for the February Planning Committee meeting. 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

3.3 NEIGHBOUR LETTERS:

25 responses received in total in objection raising the following concerns:

- Additional Traffic, accident prone road, dependent upon car use and no public transport or lit footpaths in the area
- Higher demand on the already over stretched local NHS system in the area
- Environmental Pollution – air and noise
- Out of Character
- Amenities
- Loss of landscape
- Green Belt Land and loss of Green Belt
- Flooding
- Access to Site
- Over Looking Property
- Possible excessive noise
- Sale of Alcohol Causing Disturbance
- Litter/Smells
- Local infrastructure
- Material(s) Unacceptable
- Out of character, the white clubhouse would be totally out of character with all the other buildings as a white rectangular block
- Foolish to place vulnerable people together in this location following the Ccoronavirus pandemic and should be refused
- This health green open space should be kept as Green Belt
- Planning Department have made it clear that the application should fail
- Questioning why people who live miles away are allowed to support this development
- Over-development
- Loss of green space
- Development disproportionately large and unnecessary
- There were 8 reasons to refuse this application
- Lower Dunton Road has a poor road condition and is liable to flooding
- Miles away from shops, amenities, doctors and rail station
- Unsustainable form of development
- Already health and spa facilities in the area so this is not needed

- Contrary to a recent report where elderly need to be nearer to busy hubs to cater for their needs
- Loss of wildlife habitats

81 responses received in total in support of the application raising the following points:

- Creating Jobs
- Landscaping
- Much Needed Amenity
- Tidying Waste Ground
- Would help older citizens
- Would provide facilities to benefit Thurrock and wider community
- Benefits to club members
- Help unemployment in the area
- Leisure benefits
- Golf club members in support of the proposals
- Desperate for retirement living and social care facilities
- Private housing allowed in the same area

3.4 HIGHWAYS:

The removal of the second vehicle access is welcomed but an objection is still maintained to the proposed increased use of the existing access for highway safety reasons and this would be contrary to policy PMD9.

Furthermore, the proposed electric 8 seater mini bus would only provide a limited service; there are no details regarding the public service in terms of bus stop locations, turning facilities, frequency and it is not clear whether the service would continue following the applicant's five year funding offer; and there has been no revised Travel Plan submitted for this development.

3.5 HISTORIC ENGLAND:

No objection.

3.6 PROGRAMME MANAGER FOR HEALTH & SOCIAL CARE (PMHSC):

Object, as the proposal does not meet local need or demand, would be unaffordable to people of Thurrock and is contrary to the Council's Care Market Development Strategy 2018-2023, which was published in June 2019.

4.0 PLANNING ASSESSMENT & IMPLICATIONS

4.1 Implications of approving the application contrary to recommendation

As noted in the report to the February Committee, the proposals do not accord with relevant policies in the Core Strategy and NPPF. Consequently, the application has been advertised as a departure from the development plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would engage. In particular, the description of the development falls within the ambit of paragraph 4 of the Direction. Therefore, prior to the local planning authority (LPA) issuing any formal decision on the application, the Secretary of State (SOS) for Housing, Communities and Local Government (Planning Casework Unit) would be consulted pursuant to paragraph 9 of the Direction. In consulting with the SOS the LPA is required to provide copies of the following:

- a copy of the application, drawings and supporting information;
- a copy of statutory notices;
- copies of representations received;
- a copy of the Officer's report: and
- unless included in the Officer's report, a statement of the material considerations which the LPA consider indicate the application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004.

4.2 As expressed in National Planning Practice Guidance (NPPG) the purpose of the Direction is to give the SOS an opportunity to consider using the power to call-in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called-in, the decision on whether or not to grant planning permission will be taken by the SOS, usually after a public inquiry, rather than the LPA. NPPG goes on to state that in considering whether to call-in a planning application, the SOS is generally concerned with whether the application involves planning issues of more than local importance that warrant the decision being made by him rather than the LPA. However each case will be considered on its merits. The call-in policy was updated on 26 October 2012 in a written ministerial statement. This Statement, inter-alia, notes that:

“The SOS will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- *may conflict with national policies on important matters;*
- *may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;*

- *could have significant effects beyond their immediate locality;*
- *give rise to substantial cross-boundary or national controversy;*
- *raise significant architectural and urban design issues; or*
- *may involve the interests of national security or of foreign Governments.*

However, each case will continue to be considered on its individual merits”.

4.3 Officers consider that the proposals conflict with national policies on important matters (i.e. GB).

4.4 If the application were to be called-in by the SOS it is likely that a public inquiry would be held where the LPA would be represented. As Officers have recommended the application for refusal, there may be a practical issue in allocating staff to participate in the Inquiry. This is because some staff members are also chartered members of the Royal Town Planning Institute and the Institute’s Code of Professional Conduct (para. 12) states that:

“Members must not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions ...”

4.5 For information, when a resolution to grant planning permission contrary to recommendation for residential development at the Aveley Sports & Social Club site in Aveley was called-in by the SOS in 2014, the LPA were represented by the then Chair of the Planning Committee.

4.6 A further practical implication of any resolution to grant planning permission is the potential for the local planning authority to be able to resist similar proposals involving inappropriate development in the GB. Paragraph 47 of the NPPF states that:

“Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.”

4.7 The *“planning law”* referred to in paragraph 47 comprises s70 (2) of the Town and Country Planning Act 1990 and s38 (6) of the Planning and Compulsory Purchase Act 2004, which are reproduced below for ease of reference:

s70 (2) Town and Country Planning Act 1990 -

In dealing with an application for planning permission or permission in principle the authority shall have regard

(a) the provisions of the development plan, so far as material to the application

S38 (6) Planning and Compulsory Purchase Act 2004 -

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise

4.8 Although each planning application must be judged on its individual merits, the clear opinion of Officers is that there are no material considerations (i.e. no considerations which would amount to very special circumstances (VSC)) which would warrant a decision being taken otherwise than in accordance with the development plan.

4.9 As required by the Constitution, an outline of the implications of making a decision contrary to the Officer recommendations is provided below. The recommended reasons for refusal from the main report are set out in italics below and the implications are considered subsequently.

4.10 REASON 1:

Principle of Development and Harm to the Green Belt

- 1. The proposed development would constitute inappropriate development with reference to paragraph 145 of the NPPF and would therefore be by definition harmful to the Green Belt. The proposed development would harm the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The identified harm to the Green Belt is not clearly outweighed by any very special circumstances or any other considerations. The proposals are therefore contrary to policies CSSP4 and PMD6 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 13 of the NPPF and guidance within the PPG.*

4.11 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 factors amount to Very Special Circumstances for approving the development in the Green Belt. The reasons are:

- 1. There would be employment opportunities as a result of the finished facilities and that Thurrock needed more employment in the Borough;*
- 2. Sport England had no objection to the proposal;*
- 3. There was a lack of alternative sites for this type of development;*
- 4. Thurrock currently had a low housing land supply and the scheme would contribute towards Thurrock's five year housing supply target; and*
- 5. The proposal offered a unique type of development that would address the ageing population in Thurrock.*

- 1. There would be employment opportunities as a result of the finished facilities and that Thurrock needed more employment in the Borough;*

- 4.12 It is stated in the applicant's Planning Statement that the proposal would create 160 full time jobs and protect 30 existing full time jobs, as well as jobs in the construction phase of the development. This information was identified as part of the applicant's Very Special Circumstance 10 'The Provision of New Employment Opportunities' in paragraph 6.134 of the main report.
- 4.13 Since the Committee meeting the applicant has provided additional information, which now demonstrates that more employment would be provided than originally stated in the application. Currently the site employs 70 members of staff (20 full time and 50 part time) but through the proposed development it is stated that the proposal would provide an estimated 309 members of staff (138 full time and 171 part time), an increase of 249 jobs compared to the existing on site employment numbers. It is not clear how these extra jobs will be provided, or what facilities would exist for these workers in their 'down time' from their jobs.
- 4.14 The employment provision was only given 'limited weight' in the main report as it is an easily repeated matter and the increased employment provision at an unsuitable and unsustainable location would result in staff likely to travel to and from the site by private vehicle. Accordingly this matter has very limited weight and certainly does not outweigh the harm to the Green Belt.

2. Sport England had no objection to the proposal;

- 4.15 As stated in paragraph 4.19 of the main report Sport England raise no objection to the application but as a consultee they are only focussed on the sporting element of the proposal (namely the improved golfing and associated leisure facilities). This is not a reason to grant planning permission for the wider residential development.
- 4.16 The applicant's case for Very Special Circumstances includes 'Improving the sport and leisure offer for Thurrock' and 'Increasing participation levels in Sport'. These matters have been considered along with the Sport England consultation response, and it is considered that only 'limited weight' can be given to this factor based on the scale and quantum of proposed facilities in the Green Belt. Sport England's response is therefore not a reason which outweighs the harm to the Green Belt.

3. There was a lack of alternative sites for this type of development;

- 4.17 The applicant's consideration that 'The Suitability of The Site and Lack of Alternative Sites' factor contributed towards Very Special Circumstances was considered in the main report. Whilst there are no identified sites for this type of development in the Core Strategy if there is a need for such facilities, either for individual elements of the proposal, such as 'extra care' units or the provision of the health-led community

village, then the emerging Local Plan would need to consider such uses and the details of these should be submitted through the Council's 'call for sites' process.

- 4.18 It has not been demonstrated that there is a need for this type of development to be provided at a golf course or in such an unsustainable location. This matter is therefore not a reason that outweighs the harm to the Green Belt.

4. *Thurrock currently has a low housing land supply and the scheme would contribute towards Thurrock's five year housing supply target*

- 4.19 The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt and the applicant's 'Ability to Positively Contribute Towards Housing Land Supply' factor for a Very Special Circumstance was assessed in the main report. The housing land supply consideration carries 'significant weight' for planning applications within the Borough. However, the NPPF's presumption in favour of sustainable development is not engaged for sites or locations within a Green Belt designation. The five year housing land is not enough to amount to a Very Special Circumstance to override Green Belt harm on its own, as identified in paragraphs 6.150 to 61.52 of the main report.

5. *The proposal offered a unique type of development that would address the ageing population in Thurrock.*

- 4.20 The Council's PMHSC advises that the proposal is entirely contrary to the vision developed with the Council's health partners and the voluntary sector of working with older people in Thurrock. This vision is set out in our Care Market Development Strategy 2018-23. The strategy states that the need for suitable housing for older people in the Borough is to be met through housing schemes that will enable older and vulnerable people to stay within their existing communities, retaining their local connections, and avoiding being physically and socially isolated from centres of population where shops, health centres and other essential facilities and services, and public transport are located. The proposed development because of its isolated location would be contrary to the vision developed with the Council's health partners and the voluntary sector of working with older people in Thurrock.
- 4.21 For these reasons the proposal is not a unique proposal, as other more suitable and sustainable sites could come forward and can be plan-led. For this reason alone is not considered justification for granting planning permission for this large development in the Green Belt in this unsustainable and unsuitable location.

Recent Appeal Decision

- 4.22 Since the February Planning Committee the Planning Inspectorate made a decision on an appeal made by Minton Care Ltd & Richmond Care Villages Ltd for a care home and retirement centre in the West Midlands Green Belt (APP/Q4625/W/19/3237026). Given the similarities between the appeal case and the current application, this decision is highly relevant in this case.
- 4.23 The appeal considered a development consisting of 50 frail elderly and dementia care beds, 49 care suites, 71 care apartments, 7 care cottages and 4 care bungalows, incorporating a village care building and wellness centre as a bespoke care retirement centre. The appeal was dismissed due to the proposal's harm arising from inappropriateness, the very significant reduction in openness and the significant encroachment into the countryside.
- 4.24 Members of the Planning Committee are reminded of the content of NPPF paragraph 144 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.”*
- 4.25 The Inspector for the appeal addressed the Green Belt 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 Very Special Circumstances to exist, the other considerations would need to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness and purposes of the Green Belt ... In other words, for the appeal to succeed, the overall balance would have to favour the appellants' case, not just marginally, but decisively.”*
- 4.26 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly or decisively outweigh the harm for Very Special Circumstances to exist. If the balancing exercise is finely balanced, then Very Special Circumstances will not exist. For this application it is considered that the benefits of the proposals and the factors put forward as Very Special Circumstances do not clearly or decisively outweigh the harm to Green Belt harm.

Conclusion to this section

- 4.27 As detailed above the matters put forward by Members in support of the proposal are very general, lack empirical evidence and do not come close to providing a very special circumstances case to overcome the in principle harm to the Green Belt. Most

of these issues had already been considered by officers in making the original recommendation. At that time none were found to be enough to tip the balance to approving the principle of development. Following further consideration of each, as detailed above, it is shown that individually and collectively none of these matters constitute the very special circumstances that would be required to allow a departure from policy to be made. The proposal remains unacceptable in principle.

4.28 The matters put forward by Members relate solely to reason 1 of the refusal and do not address the other 7 reasons for refusal set out in the original Committee report. Even if these matters has been considered to overcome the in principle object and harm to the Green Belt, detailed matters of refusal remain, which Members had not addressed. These are considered below.

4.29 The reason of refusal has amended the following text in sentence three of the reason from '*The identified harm to the Green Belt is not clearly outweighed by any very special circumstances or any other considerations*' to '*The identified harm to the Green Belt is not clearly outweighed by other material considerations; therefore, there are no Very Special Circumstances*'.

4.30 REASON 3:

Not all the proposed residential uses are considered to fall within the Class C2 of the Use Classes Order.

3. *It has not been demonstrated that the proposed residential development would fall within a C2 use class of the Town and Country Planning (Use Classes) Order 1987 due to the siting, layout and provision of the units of accommodation and apartment blocks; the remoteness, distance and access to on site facilities; the inadequacy and/or lack of purpose built care facilities and dedicated services in favour of general needs leisure related facilities; the lack of evidence of personal care provision within the proposed planning obligations and insufficient information regarding assessment of the C2 need for care; the proposed low age restriction; the lack of information to understand the affordability of the development and how this development would be affordable to the people of Thurrock; the lack of information to demonstrate a local need for the type and scale of accommodation proposed and the need to provide elderly care accommodation at a golf course. As such the proposal is contrary to policies CSTP11 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015), and the definitions in the Town and Country Planning (Use Classes Order) 1987, the NPPF, and the PPG's 'Housing for older and disabled people'.*

4.31 The above reason has been further reviewed in light of the additional information received by the applicant which included further legal advice. The Council's Legal

Officer has also reviewed the advice and some minor changes are proposed to reason 3 as explained below.

- 4.32 The application cites the proposed residential units (except the onsite worker units) as being Class C2 uses and acknowledges the applicant's legal advice in relation to the identification as C2. However, whether the residential units are C2 or C3, the proposals do not meet the needs of housing for the elderly nor the Borough's identified housing needs for the elderly. For this reason, the above reason has been amended to exclude the assessment of Use Class.
- 4.33 The Council's Programme Manager for Health and Social Care (CPMHSC) identifies that the need for care housing in the Borough is through the HAPPI housing scheme for older and vulnerable people *within existing communities*. The proposed development would be in a location that is remote from centres of populations contrary to the aims of the authority for development of this type.
- 4.34 The CPMHSC identifies that the Council is the main funder of social care services in the Borough paying in full or in part for 92% of residential care home placements and 87% of regulated domiciliary care and that it is unlikely that the Council would fund places in the proposed care home because of the remoteness of the facility and that the costs would be likely to be high as it is a private development, which could not be met by the Council.
- 4.35 Reference is made in the application to different care packages. The CPMHSC has advised that elements of the 'care package' would not be considered as 'personal care' as defined in the Health and Social care Act 2008 (Regulated Activities) Regulations 2014 and are therefore not strictly necessary.
- 4.36 In terms of demand, the CPMHSC has advised that the 'status of care' identifies that the Council are currently meeting the care needs and requirements within the Borough adequately. The future Local Plan would provide local policies for meeting housing needs to meet the future requirements of the Borough's demographic.
- 4.37 Therefore the proposal has not sufficiently demonstrated a local need for this type of speciality housing in this location, which would require significant financial commitment from residents. No detailed financial information has been provided to understand the affordability of the development.
- 4.38 The reason of refusal has been amended and simplified to the following: *'The proposed residential development does not meet the needs for the provision of housing for the elderly nor for the particular provision for elderly housing in Thurrock. Due to the unsuitable location; together with the siting, layout and provision of the units of accommodation; the remoteness, distance and access to on site facilities; the inadequacy of purpose built care facilities, dedicated communal facilities; the lack*

of evidence of personal care provision, insufficient information regarding assessment of the C2 need for care, and the lack of information to demonstrate a local need the proposal is contrary to policies CSTP11 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015)'.

4.39 REASON 4:

The 'Extra Care' & 'Close Care' units are considered as dwellings and therefore the Council's affordable housing policy (CSTP2) is applicable

4. The Local Planning Authority considers that the proposed 'extra care' and 'close care' units of the development are Class C3 land uses and as such policy CSTP2 of the adopted Core Strategy and Policies for the Management of Development (2015) applies and the proposed development does not accord with paragraph 64 of the NPPF for exemptions to affordable housing to apply. The proposal does not provide any on-site affordable housing provision and is therefore contrary to the policy CSTP2 of the adopted Core Strategy and Policies for the Management of Development (2015).

4.40 The proposed development would require the need for affordable housing and the applicant's draft planning obligations make reference to the four units of accommodation for on site workers but these do not fall within the affordable housing definition set out in the NPPF, and therefore cannot be considered as affordable housing units. The recommended reason of refusal has been amended and simplified following further consideration and legal advice as the development would need to provide affordable housing to meet the requirements of policy CSTP2. The revised reason for refusal: *The proposal does not provide any on-site affordable housing provision and is therefore contrary to the policy CSTP2 of the adopted Core Strategy and Policies for the Management of Development (2015).*

4.41 REASON 5:

Design and Impact upon the Area

5. The proposal, as a result of the quantum of development, its unsympathetic design and poor quality architecture, scale, piece-meal massing, layout, landscaping and poor use of materials would have an urbanising and adverse impact upon the site and surrounding area. The proposal would also result in the loss of an established hedgerow at the front of the site to create an additional vehicle access into the site. Accordingly the proposal would have an adverse impact upon the character and appearance of the site in this rural countryside location. The proposal is therefore contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 12 of the NPPF and the guidance contained in PPG's National Design Guide.

4.42 The proposed second access has been removed and this means that the second sentence of above reason, which states '*The proposal would also result in the loss of an established hedgerow at the front of the site to create an additional vehicle access into the site*', is no longer applicable as the roadside hedgerow would remain. The rest of the design recommended reason of refusal remains applicable and still stands. This matter has not been addressed by the applicant.

4.43 REASON 7:
Formation of a second access onto Lower Dunton Road

7. Lower Dunton Road is classified as a Level 1 Rural Distributor Road under policy PMD9 and the proposal would lead to the creation of a second vehicular access into the site. Lower Dunton Road is a heavily trafficked rural road, winding in places and has experienced a high number of accidents along its route. The introduction of another vehicle access to the site would be detrimental to highway safety and contrary to policy PMD9 of the adopted Core Strategy and Policies for the Management of Development (2015) and paragraph 109 of the NPPF.

4.44 The plans have been revised to demonstrate vehicle access to the proposed 'close care' units and the proposed care home would be taken from an internal road system, which would link to the existing main access into the site.

4.45 The removal of the proposed second access addresses the specific wording in the above reason for refusal. However, the proposed amendments would lead to the increased use and widening of the existing access onto Lower Dunton Road which is unacceptable to the highways authority as this would be detrimental to highway safety and contrary to policy PMD9 of the adopted Core Strategy and the NPPF. Therefore the recommended reason of refusal has been amended accordingly in the recommendation section below. To clarify the change involves omission of the wording from the first sentence '*the proposal would lead to the creation of a second vehicular access into the site*' and from the third sentence '*The introduction of another vehicle access to the site*' and replacing with '*the proposal would lead to the increased use and widening of the existing access*' and '*The increased use and widening of the existing vehicle access into the site*'.

4.46 The additional highway information submitted by the applicant has not satisfied the Highway Officer that alternative transport solutions to the site exist and there have been no revisions to the Travel Plan.

4.47 REASON 8:
Insufficient information for Heritage Assessment

8. *Insufficient information has been provided to demonstrate that the proposed development's impact upon all heritage assets affected as required by paragraph 189 of the NPPF. In the absence of such information the local planning authority are unable to fully assess the impact upon the significance of heritage assets that are affected by the proposed development, which is contrary to the requirements of the NPPF, and policies CSTP24 and PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).*

4.48 Following the submission of further information and the viewpoints from the applicant Historic England have withdrawn their objection and this recommended reason of refusal is removed.

5.0 LEGAL IMPLICATIONS OF DECISION

5.1 Members are reminded that in making their decision, they are required to comply with the general law, national and local Policies and the Council's Constitution. Only material considerations can be taken into account and reasons given must be cogent, clear and convincing. In addition, considerations and reasons must be evidence based.

5.2 It is important to note that deviation from the above would potentially be unlawful and challengeable in the courts.

5.3 If Members are minded to depart from the contents and recommendations of the officer report, they still are required strictly to adhere to the legal rules and principles of decision making.

5.4 As a matter of law, under s. 38(6) Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

5.5 This application is contrary to the policies contained in the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015, which are current and carry the legal status of the development plan. Accordingly, to permit a departure from the Core Strategy, considerations are required to be 'material'. This is an imperative and a legal requirement.

5.6 Given the conflict between the proposed development and both the development plan and national Green Belt policy, Members would need to be able to give reasons for departing from their officer's advice which are clear and stand up to scrutiny. In

particular, in order to avoid the risk of legal challenge, those reasons would need to be underpinned by clear and cogent (not merely anecdotal) evidence. Opinions which are not supported by such evidence are not material considerations and should not be taken into account when making a decision or to support a reason. Where a matter has already been taken into account in the officer report, mere disagreement with the officer's conclusions should not be offered as a reason to reject the officer's recommendation unless the detailed nature and meaning of the disagreement is distilled into a precise and unequivocal material planning consideration, supported by cogent evidence.

- 5.7 The site is located within the Green Belt and decisions concerning Green Belt applications must be made strictly in accordance with:
1. Green Belt Policy and
 2. current Green Belt boundaries
- 5.8 Members will be aware that the Council is currently reviewing its Local Plan, and that this includes reviewing its Green Belt boundaries. However, this work is at an early stage, and there is no evidence that the site is likely to be removed from the Green Belt. Indeed, the Thurrock Green Belt Stage 1 assessment indicates that its removal is highly unlikely. This means speculation as to the outcome of a future Green Belt review as part of the local plan process cannot be taken into account or afforded any weight when considering the planning application.
- 5.9 In addition to being contrary to the development plan the development proposes inappropriate development in the Green Belt, which is 'by definition, harmful to the Green Belt' (NPPF paragraph 143).
- 5.10 As a matter of national policy NPPF paragraph 144 states:
- 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.'*
- 5.11 This paragraph is required to be followed in its entirety.
- 5.12 Planning permission for development in the Green Belt should only be granted if the benefits are shown clearly to outweigh the potential harm to:
1. the Green Belt and
 2. any other harm resulting from the proposal
- and the planning balance gives rise to very special circumstances.

- 5.13 The very recent appeal case¹ cited in this report (which post-dates the February meeting) clarifies the meaning of the term ‘clearly’ in paragraph 144 NPPF to mean ‘not just marginally, but decisively’. **Accordingly, very special circumstances will not exist unless the benefits are shown to outweigh the harm clearly and decisively.**
(Note: that the NPPF unequivocally requires the scales to be tipped in favour of harm unless outweighed clearly (i.e. decisively) by benefits.)
- 5.14 **If the outcome of this planning balance is not clear (i.e. decisive), then, according to NPPF 144, very special circumstances will not exist, and planning permission should be refused.**
- 5.15 The benefits of this proposal have been evaluated in this report and the February report. Account has been taken of changes to the scheme and further information provided by the applicant as well as each of the reasons given by Members in support of a motion to grant planning permission in February. All the benefits have been weighed and put on the planning scales to ascertain whether they outweigh the harm to the Green Belt by reason of appropriateness and any other harm resulting from the proposal.
- 5.16 NPPF paragraph 144 expressly requires harm to the Green Belt to be given substantial weight. The summary in paragraph 6.150 of the February officer report showed that in itself, the harm to the Green Belt of the principle of the scheme is sufficient, clearly to outweigh the benefits in this case, and planning permission should be refused.
- 5.17 Members are reminded that in this case, there are other harms to add to the harm side of the planning scales, in particular, the other 6 reasons for refusal, with their underpinning considerations. Other harm therefore includes any additional harm as set out in paragraph 6.3 of this report.
- 5.18 By its nature, each separate reason for refusal will carry substantial weight, and together with the other harms, weighed against all the benefits, the planning balance weighs clearly, decisively and heavily to harm (as set out in the table at paragraph 6.3 of this report). **This means no very special circumstances exist in this case, and planning permission should be refused.**
- 5.19 If Members are still keen to approve planning permission for this proposal, the proper starting point is, therefore, that planning permission should be refused unless members are satisfied that there are “other material considerations” which:
1. do not simply outweigh the conflict with the development plan, but **also**
 2. clearly (i.e. decisively) outweigh the harm to the Green Belt and any other harm.

¹ APP/Q4625/W/193237026 Oak Farm, Hampton Lane, Catherine De Barnes Solihull B92 0jB decision date: 14th February 2020 (Continuing Care Retirement Community under Use Class C2 with wellness centre in Green Belt)

- 5.20 In view of the strength of these factors, and your officer's recommendation, it would be **necessary for Members to provide clear and convincing cogent reasons for disagreeing with their officer's advice in relation to each of the proposed reasons for refusal. Failure to do so could lead to any decision being quashed by the High Court, if the decision was challenged.**
- 5.21 **Critically**, as indicated above, Members would need to be satisfied that there was cogent **evidence** on which they could base any reasons given, sufficient to refute the evidence, evaluation and conclusions in the reports in planning terms.
- 5.22 Accordingly, Members are reminded that personal views or opinions on the desirability of the development going ahead cannot and must not be taken into account unless the views are material planning considerations underpinned with cogent evidence.
- 5.23 Finally, the Constitution reminds Members not to give undue weight to any particular consideration.
- 5.24 As indicated above, the number and weight of harms in this case set a very high bar to outweighing the harm. This means even if one or more of the objections were overcome, the resultant weight is likely to remain insufficient to outweigh the sum of the harms in the planning balance for the first reason for refusal. Members should note that, the amount of harm in the present case is far greater than that found in the above cited appeal decision, yet (despite very similar benefits to the present case being tendered) the inspector nevertheless found that 'the very special circumstances necessary to justify the proposed development have not been demonstrated'.
- 5.25 In relation to particular factors, the foregoing is reflected in the 7 points below: (Points 1 – 7 at paras 5.25 – 5.42 below):

Point 1 (para 5.26)

- 5.26 With regard to 5-year housing supply, this factor has already been taken into account in the report and would not provide an extra consideration to add weight to benefits. It is pertinent for Members to note that, although the Council does not have a 5-year housing land supply, this does not of itself override the policy presumption against the grant of permission for inappropriate development in the Green Belt. In particular, paragraph 11 of the NPPF specifically indicates that a shortfall in the 5-year housing land does not engage the "tilted balance" if the site is in the Green Belt and the development is inappropriate, as in this case. In any event, this consideration has already been given significant weight.

Point 2 (para 5.27 – 5.29)

- 5.27 Members should in addition, consider the implications of their decision as an adverse precedent for other applications, which Members might otherwise prefer to refuse.
- 5.28 While every case is to be determined on its own merits, officers have advised that this site is one of the least sustainable locations in the Green Belt for residential development. Further, a development of this sort does not need to be provided at a golf course and is capable of being replicated elsewhere.
- 5.29 In any event, consistency in decision making in the Borough is important for residents and developers alike, and Members should not underestimate the importance of this factor.

Point 3 (para 5.20 – 5.32)

- 5.30 With regard to the second reason for refusal (unsustainability), members would need to be **clear whether**:
- a. they were rejecting their officer's conclusion that this is an unsustainable location for residential development, or
 - b. whether they considered this adverse impact was outweighed by other considerations.
- 5.31 If the former is the case, members would need to be clear about the evidential basis for rejecting the officer conclusion that the development is not sustainable; such as in relation officers' advice concerning the lack of proximity to local services and facilities and the lack of public transport serving the site, together with uncertainty in securing sufficient long-term transport provision to serve the site for the life of the development (whether the electric minibus or public bus).
- 5.32 The latter is a balancing exercise, to be carried out in accordance with the process above and underpinned by clear, convincing and cogent evidence and reasoning, taking into account the extant evidence.

Point 4 (para 5.33)

- 5.33 A similar approach to the above would be required in relation to the fifth and sixth reasons for refusal.

Point 5 (para 5.34 – 5.39)

- 5.34 In relation to the third reason for refusal, the applicant places significant weight on its argument that the proposed residential accommodation would meet the needs of Thurrock's ageing population. This is supported by the fifth reason submitted by Members to grant permission, which covers the same point.

- 5.35 New and additional evidence has been presented by your officers in this report, which clarifies the identified needs for the ageing population in Thurrock.
- 5.36 To give any weight to this element, Members would need to be satisfied as to **both** of the following:
1. the proposed development would meet the Borough's identified needs (in all material respects including location) **and, in addition:**
 2. Members had sufficient information to conclude this development would, in fact be affordable to a sufficient number of qualifying residents in Thurrock fully to occupy the development.
- 5.37 As advised, Members would need to provide cogent, clear and convincing reasons underpinned by cogent evidence to refute the evidence and conclusions in the report.
- 5.38 However, as can be seen from paragraph 6.3 of this report, the third reason for refusal represents just one of a considerable number of weighty types of harm that would result from the proposals, to be placed onto the planning scales. **Overcoming this consideration would not, on its own be sufficient to outweigh the harm in this case.**
- 5.39 Members will note the from the most recent officer advice that the complicated issue of use class (whether the proposed units would be C2 or C3) distracts from the far more important question whether, in terms of its location and affordability, the proposed development would meet the identified needs of Thurrock's ageing population. The reason for refusal has therefore been simplified. The issue of use class does not now form a specific part of the reason for refusal. **Members are therefore requested to confine discussion to the revised reason for refusal.**

Point 6 (para 5.40)

- 5.40 With regard to the fourth reason for refusal (affordable housing), Members would need to provide an evidenced and reasoned conclusion that either:
- a. There was no policy requirement for the development to make a contribution to affordable housing (Members should note that this issue involves the interpretation of policy and/or an assessment of the classification of the "extra care" and "close care" accommodation and the Use Classes Order. **Their decision to reject officer recommendation is likely to involve questions of law, which may give rise to grounds of challenge**); or
 - b. To conclude that the conflict with the policy requirement to make a contribution was justified in this case. However, aside from its contention that the units are C2, the applicant has put forward no evidence to justify a departure from policy in this respect.

Point 7 (para 5.41-5.42)

- 5.41 With regard to the seventh suggested reason for refusal, Members would first need to be clear whether:
- a. they were rejecting the advice of their Highways Officer that increased use of the existing access would be detrimental to highway safety, or
 - b. considered that the adverse impacts were outweighed by other considerations.
- 5.42 Members would need to consider what evidential basis and reasoning they have for their conclusion, and in the latter case, **justify how other considerations are sufficiently weighty even to outweigh a reason of such gravity as highway safety.** Clear, cogent and convincing reasons and evidence would need to be produced.
- 5.43 Finally, if Members are minded to grant planning permission in this case, the application will need to be referred to the Secretary of State. However, referral to the Secretary of State is not a material consideration and cannot legally be taken into account or support a reason to grant planning permission.

To summarise:

- 5.44 From a legal, as well as a planning perspective: In addition to being contrary to the development plan, the application also proposes inappropriate development in the Green Belt. The outcome of the planning balance of all the benefits and all the harms weighs clearly, heavily and decisively to harm, indicating the proposals are positively harmful to the Green Belt. **Accordingly, no very special circumstances exist in this case and planning permission should be refused.**
- 5.45 There are 7 reasons for refusal, each being required to be refuted and/or outweighed if Members want to grant planning permission. In each case, Members are required only to take into account material considerations and give clear, cogent and convincing planning reasons. However, Members should note the very high bar that exists to overcoming the necessary weight required legally, clearly and decisively to outweigh the multiple, substantially weighty harms in this case.
- 5.46 Failure to follow the legal process would be unlawful and could result in a High Court Challenge.

6.0 CONCLUSIONS

- 6.1 This update report has reviewed the Members recommended reasons for approval and the revised and additional information submitted by the applicant.
- 6.2 The five matters put forward by Members for approving this development have been carefully considered but are not considered to address recommended reason 1 or

any other of the recommended reasons for refusal. In terms of reason 1 the five matters put forward by Members do not outweigh the identified harm to the Green Belt.

6.3 To assist in understanding the overall harm to the Green Belt the planning balance table below provides this information.

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	The role of the application site in the Green Belt	No Weight
Reduction in the openness of the Green Belt		Use of previously developed	No Weight
Remote and unsustainable location	Substantial	The suitability of the site and lack of alternative sites	Limited Weight
Proposal does not meet elderly housing needs for the Borough	Substantial	Positively responding to an ageing population in Thurrock	Limited Weight
Unsuitable site	Substantial	Meeting specific housing needs	Limited Weight
No on-site affordable housing provision	Substantial	Delivery of healthcare and wellbeing improvements	Limited Weight
Adverse impact upon landscape	Substantial	Ability to positively contribute towards housing land supply	Significant Weight
Unacceptable design	Substantial	Improving the sport and leisure offer for Thurrock	Limited Weight
Use of access provides highway safety issues	Substantial	Increasing participation levels in Sport	Limited Weight
		The provision of new employment opportunities	Limited Weight
		Maintaining momentum and delivery of regeneration with the Thames Gateway	Very Limited Weight
		Sustainability and socio-economic benefits	Limited Weight

6.4 In terms of the other reasons of refusal, reasons 3 (need, scheme and location) and 4 (affordable housing) have been slightly amended following further review and legal advice. Following the removal of the proposed second vehicle access a sentence from reason 5 (design) regarding the ‘loss of the hedgerow’ has been omitted.

Reason 7 (highway safety) has been revised following the removal of the proposed second vehicle access but instead identifies highway safety issues would result from the proposed the increased use and widening of the existing access onto the Lower Dunton Road. The previous reason 8 (heritage) has been omitted following the submission of additional heritage information by the applicant which addressed the objection originally raised by Historic England.

- 6.5 On the basis of the above conclusions to this assessment the proposed development is considered unacceptable and 'Recommendation B', in determining the planning application, is the recommendation for refusal for the reasons stated below.

7.0 RECOMMENDATION

Recommendation A:

- 7.1 That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

- 7.2 To refuse planning permission for the following reasons:

1. The proposed development would constitute inappropriate development with reference to paragraph 145 of the NPPF and would therefore be by definition harmful to the Green Belt. The proposed development would harm the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The identified harm to the Green Belt is not clearly outweighed by other considerations; therefore, there are no Very Special Circumstances. The proposals are therefore contrary to policies CSSP4 and PMD6 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 13 of the NPPF and guidance within the PPG.
2. The proposal would create an isolated health-led community use at a site that is located in an unsustainable location, distant from community services, essential support facilities and a choice of transport modes. As such the proposal would represent an unsustainable form of development in an unsustainable location, contrary to policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF.

3. The proposed residential development does not meet the needs for the provision of housing for the elderly nor for the particular provision for elderly housing in Thurrock. Due to the unsuitable location; together with the siting, layout and provision of the units of accommodation; the remoteness, distance and access to on site facilities; the inadequacy of purpose built care facilities, dedicated communal facilities; the lack of evidence of personal care provision, insufficient information regarding assessment of the C2 need for care, and the lack of information to demonstrate a local need the proposal is contrary to policies CSTP11 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015).
4. The proposal does not provide any on-site affordable housing provision and is therefore contrary to the policy CSTP2 of the adopted Core Strategy and Policies for the Management of Development (2015).
5. The proposal, as a result of the quantum of development, its unsympathetic design and poor quality architecture, scale, piece-meal massing, layout, landscaping and poor use of materials would have an urbanising and adverse impact upon the site and surrounding area. Accordingly the proposal would have an adverse impact upon the character and appearance of the site in this rural countryside location. The proposal is therefore contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 12 of the NPPF and the guidance contained in PPG's National Design Guide.
6. The Landscape and Visual Impact Assessment has not demonstrated that the proposed development can be acceptably accommodated in this location. Therefore the proposed development would have adverse impact upon the landscape character and the visual appearance of the site and the wider area in this rural countryside location, contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 12 of the NPPF and the guidance contained in PPG's National Design Guide.
7. Lower Dunton Road is classified as a Level 1 Rural Distributor Road under policy PMD9 and the proposal would lead to the increased use and widening of the existing access. Lower Dunton Road is a heavily trafficked rural road, winding in places and has experienced a high number of accidents along its route. The increased use and widening of the existing vehicle access into the site would be detrimental to highway safety and contrary to policy PMD9 of the adopted Core Strategy and Policies for the Management of Development (2015) and paragraph 109 of the NPPF.

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. 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(s) 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>