

<p><b>Reference:</b> 19/01394/FUL</p>	<p><b>Site:</b> Little Malgraves Farm Lower Dunton Road Bulphan Essex RM14 3TD</p>
<p><b>Ward:</b> Orsett</p>	<p><b>Proposal:</b> Detailed planning permission for the creation of a new hospice (Use Class C2) GIA 1,407sq.m (15,145sq.ft); 80 new homes (Use Class C3); the creation of publicly accessible open space; flood attenuation area, and vehicular access onto Lower Dunton Road - amendments through revised house types for 57 dwellings.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
LP.01 A	Location Plan	12 September 2019
002 B	Site Location Plan	12 September 2019
003 C	Site Plan as Existing	12 September 2019
004 B	Block Plan: Satellite View	12 September 2019
005 C	Site Layout	12 September 2019
006 A	Topographic Survey	12 September 2019
007 A	Site History 1868	12 September 2019
008 A	Site History 1897	12 September 2019
009 A	Site History 1922	12 September 2019
010 A	Site History 1947	12 September 2019
011 A	Site History 1987	12 September 2019
012 A	Site History 2017	12 September 2019
013 A	Existing Built Form 2017	12 September 2019
014 A	Existing Site Uses 2017	12 September 2019
015 A	Existing Movement Route 2017	12 September 2019
016 A	Existing Orientation and Aspect 2017	12 September 2019
017 A	Existing Landform 2017	12 September 2019
018 A	Existing Surface Water 2017	12 September 2019
019 A	Existing Trees and Hedgerows 2017	12 September 2019
020 A	Existing Habitats 2017	12 September 2019

021 A	Concept Retained and New Structural Planting	12 September 2019
022 D	Concept Plan: Roads and Paths	12 September 2019
023 A	Concept Plan Surface Water Strategy	12 September 2019
024 F	Concept Plan Open Space	12 September 2019
027 D	Concept Plan Landscape Management	12 September 2019
107 J	Landscape Strategy	22 June 2020
6040 P3	Typical Adoptable Pavement Details	12 September 2019
6070 P4	Long Sections Sheet 1	12 September 2019
6071 P7	Long Sections Sheet 2	12 September 2019
6072 P5	Long Sections Sheet 3	12 September 2019
6074 P6	Long Sections Sheet 5	12 September 2019
6075 P5	Long Sections Sheet 6	12 September 2019
6076 P5	Long Sections Sheet 7	12 September 2019
6077 P6	Long Sections Sheet 8	12 September 2019
6078 P6	Long Sections Sheet 9	12 September 2019
6079 P4	Long Sections Sheet 10	12 September 2019
6090 P8	Site Access Section	12 September 2019
6091 P3	Proposed Mitigation Measures General Arrangement	12 September 2019
6092 P10	Site Access Section	12 September 2019
6093 P2	Proposed Mitigation Measures Layout	12 September 2019
6095 P8	External Works Layout	12 September 2019
6096 P5	Pavement Details Sheet 1	12 September 2019
6097 P7	Pavement Details Sheet 2	12 September 2019
6098 P2	Sign Details	12 September 2019
6100 P4	Access Existing & Proposed Contours Layout	12 September 2019
6101 P1	Mitigations Works Existing Contours Layout	12 September 2019
6105 P3	Large Refuse Tracking	12 September 2019
8002 P2	Proposed Drainage Layout	22 June 2020
8003 P2	Surface Water Catchment Plan	22 June 2020
8015 P1	Attenuation Pond Details	12 September 2019
8055 P2	Proposed Highway Levels Sheet 1	22 June 2020

8056 P2	Proposed Highway Levels Sheet 2	22 June 2020
8085 P2	On Site Visibility Splays	22 June 2020
8200 P2	Environmental Plan	22 June 2020
8300 P2	Boundary Treatments	22 June 2020
8504-43-04-200 C4	Materials Plan	3 July 2020
KN.01 A	Key Note Reference Guide	3 July 2020
GAR01.PE A	Double Garage Floor Plans and Elevations	12 September 2019
GAR02.PE B	Single Garage Floor Plans and Elevations	01 July 2020
SL01 D	Site Layout	03 June 2020
BDML.01 D	Boundary and Dwelling Material Layout	03 June 2020
BALM (6).E1 A	House Type Balmoral Elevations Sheet 1	26 June 2020
BALM (6).E2 A	House Type Balmoral Elevations Sheet 2	26 June 2020
BALM (6).P C	Proposed Plans	03 June 2020
CAMB-1.PE B	House Type Cambridge Floor Plans and Elevations Option 1 - Brick	26 June 2020
CAMB-2.PE B	House Type Cambridge Floor Plans and Elevations Option 1 - Render	26 June 2020
HARR (8).P A	Proposed Plans	03 June 2020
HARR-1 (8).E A	House Type Harrogate Elevations Option 1 - Brick	26 June 2020
HARR-2 (8).E1 A	House Type Harrogate Elevations Option 2 – Render Sheet 1	26 June 2020
HARR-2 (8).E2 A	House Type Harrogate Elevations Option 2 – Render Sheet 2	26 June 2020
HARR-SP (B).PE E	House Type Harrogate Special Floor Plans and Elevations	26 June 2020
HENL (6).E1 A	House Type Henley Elevations Sheet 1	26 June 2020
HENL (6).E2 A	House Type Henley Elevations Sheet 2	26 June 2020

HENL (6).P C	Proposed Plans	03 June 2020
LEAM.E1 A	House Type Leamington Elevations Sheet 1	26 June 2020
LEAM.E2 A	House Type Leamington Elevations Sheet 2	26 June 2020
LEAM.P A	Proposed Plans	03 June 2020
MARB.E1 A	House Type Marlborough Elevations Sheet 1	26 June 2020
MARB.E2 A	House Type Marlborough Elevations Sheet 2	26 June 2020
MARB.P B	Proposed Plans	03 June 2020
OXFILFE-1.PE C	House Type Oxford Lifestyle Floor Plans and Elevations Option 1 - Brick	26 June 2020
OXFILFE-2.PE B	House Type Oxford Lifestyle Floor Plans and Elevations Option 1 - Render	26 June 2020
OXFO.E1 A	House Type Oxford Elevations Sheet 1	26 June 2020
OXFO.E2 A	House Type Oxford Elevations Sheet 2	26 June 2020
OXFO.P A	Proposed Plans	03 June 2020
RICH (6).E1 A	House Type Richmond Elevations Sheet 1	26 June 2020
RICH (6).E2 A	House Type Richmond Elevations Sheet 2	26 June 2020
RICH (6).P C	Proposed Plans	03 June 2020
SHAFT.E B	House Type Shaftesbury Elevations	26 June 2020
SHAFT.P A	Proposed Plans	03 June 2020
SHAFT-SP.E B	House Type Shaftesbury Special Elevations	26 June 2020
SHAFT-SP.P A	Proposed Plans	03 June 2020
STR.PE B	House Type Stratford Floor Plans and Elevations	26 June 2020
WAR.E1 A	House Type Warwick Elevations Sheet 1	26 June 2020

WAR.E2 A	House Type Warwick Elevations Sheet 2	26 June 2020
WAR.P A	Proposed Plans	03 June 2020
WELW (7).E1 A	House Type Welwyn Elevations Sheet 1	26 June 2020
WELW (7).E2 A	House Type Welwyn Elevations Sheet 2	26 June 2020
WELW (7).P C	Proposed Plans	03 June 2020
SE01 F	Street Elevations 01	03 July 2020
SE02 F	Street Elevations 02	03 July 2020
0616/002 J	Hospice Proposed plans	12 September 2019
0616/003 E	Hospice Proposed Elevations	12 September 2019
0616/004 E	Hospice North West Elevation and Section	12 September 2019
0616/005 C	Hospice 3D Views	12 September 2019
0616/006 (B)	Hospice Materials Board	3 July 2020

The application is also accompanied by:

- Planning Statement
- Arboricultural Report and Tree Condition Survey
- Archaeological Evaluation
- Badger Survey
- Bat Inspection
- Biodiversity Mitigation, Enhancement and Management Plan
- Breeding Bird Survey
- Construction Environment Management Plan and Build Strategy Plan
- Design and Access Statement
- Dormouse Survey
- Ecological Surveys and Assessment
- Ecology Update
- Extended Phase 1 Habitat Survey
- Financial Viability Assessment
- Flood Risk Assessment
- Great Crested New Survey
- Hedgerow Survey
- Hospice Details
- Hospice Details and Maintenance Plan
- Hospice Soundproofing
- Invertebrate Assessment

- Landscape and Visual Impact Assessment
- Landscape Management Plan
- Reptile Survey
- Statement of Community Engagement
- Surface Water Drainage Details
- Surface Water Calculations
- Surface Water Drainage Technical Note
- Sustainability and Energy Statement
- Transport Assessment
- Travel Plan
- Winter Bird Survey

**Applicant:**

Redrow Homes

**Validated:**

12 September 2019

**Date of expiry:**

31 July 2020 (extension of time agreed)

**1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL**

1.1 This application seeks full planning permission for the creation of a new hospice (Use Class C2) GIA 1,407sq.m (15,145sq.ft); 80 new homes (Use Class C3); the creation of publicly accessible open space; flood attenuation area, and vehicular access onto Lower Dunton Road. The application follows recent similar applications.

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

Site Area (Gross)	Residential site area approx. 7.8 hectares Hospice site area approx. 2.1 hectares Public Open Space site area approx. 6.2 hectares  Total site area = 16.1 hectares			
No. of dwellings	Total 80 dwellings comprising: 14 three bedroom houses 59 four-bedroom houses 7 five-bedroom houses			
	House Type		Numbers	Bedrooms
	A	Balmoral	6	4
	B	Cambridge	4	4

	C	Harrogate	8	4
	D	Harrogate Special	4	4
	E	Henley	13	4
	F	Leamington	9	3
	G	Marlborough	7	5
	H	Oxford	3	4
	I	Oxford Life	3	3
	J	Richmond	8	4
	K	Shaftsbury	4	4
	L	Shaftsbury Special	1	4
	M	Stratford	2	4
	N	Warwick	2	3
	O	Welwyn	6	4
Floorspace	Hospice (Use Class C2) 1,407 sq.m. GIA 6 no. hospice bedrooms + 1 no. relative's bedroom			
Height	Houses: 2 storeys (up to 9.3m high) Hospice: 2 storeys (up to 9.7m high)			
Dwelling density	Approx. 10.3 dwellings per hectare (based on residential site area of approx. 7.8 hectares).			
Car Parking	Houses: total of 328 parking spaces which includes 2 spaces per dwelling (plus garages) and 20 additional visitor spaces. Hospice: 50 spaces, including 3 spaces for disabled users			

### Residential Development

- 1.3 The proposed residential development would remain as a development for 80 dwellings, alongside the hospice, but would result in a revised housing mix compared to the previous scheme. The table below shows the differences in housing mix through each of the previous planning permissions:

Application	Total Units	Mix		
		3 bed	4 bed	5 bed
14/00990/FUL	50	5	20	25
17/01683/FUL	80	40	40	
18/01685/CV	80	40	40	
Current	80	14	59	7

- 1.4 The revised housing mix has introduced some larger house types for 4 and 5 bedroom dwellings. A modern take on the 'arts and crafts' design approach is proposed through this application. The proposed layout of the residential development is the same as previous applications in terms of road layout, open

space and landscaping. The proposed plots are in the roughly the same position but are subject to the revised house types and some minor alignment changes. The development proposes two storey houses throughout with single storey garages.

### Hospice

- 1.5 The proposed hospice is identical to the extant permission. An updated business case has been provided which demonstrates the continued need for the hospice to serve the Borough.

### Nature of Enabling Development:

- 1.6 The application is presented on the basis that the development of 80 no. dwellings is necessary as 'enabling' development in order to deliver the proposed hospice.

### Access and Off-Site Highway Works

- 1.7 There is an existing point of access from Lower Dunton Road located at the north-western corner of the site. The proposals would involve the stopping-up of this access and the creation of a new, single point of access onto Lower Dunton Road located approximately 97m from the north-western corner of the site.
- 1.8 Similarly to the extant permission the proposals include a number of off-site highway measures as follows:
- Improved road signage, road markings and anti-skid surfacing at the Lower Dunton Road / North Hill / South Hill junction;
  - Additional road signage, road markings and the installation of a convex mirror at the Lower Dunton Road / Kirkham Road junction; and
  - A contribution of £150,000 to improve Lower Dunton Road and its junction with B1007 South Hill – to be made before 40 houses are occupied or before the hospice is brought into use.

## **2.0 SITE DESCRIPTION**

- 2.1 This 16.1 hectare site is located on the eastern side of Lower Dunton Road, in between its junctions with Kirkham Road (to the south) and Old Church Hill to the north. The site is broadly equidistant from the built-up areas of Horndon on the Hill to the south, Bulphan to the west and Langdon Hills to the north-east. The site is roughly rectangular in shape with a maximum frontage to Lower



Dunton Road (measured north-south) of approximately 340m and a maximum depth (measured east-west) of approximately 635m.

- 2.2 The site was formerly in equestrian uses, which included a collection of stable buildings, fenced paddocks, an open area of rough grazing occupying, a car park, and a dwelling. The site is now a construction site subject to the implementation of the recent planning application listed in the planning history below. Construction work has commenced and some dwellings have already been constructed where they front Lower Dunton Road. The hospice building has also been constructed.
- 2.3 All boundaries of the site are characterised by hedgerow and tree planting and there is a distinct hedgerow within the site separating the area of rough grazing from the western part of the site.
- 2.4 To the west of the site and on the opposite side of Lower Dunton Road is the site of Langdon Hills Golf Club. To the south-west the site is adjoined by a small field which contains a barn structure at its north-western corner. Adjoining the site to the south-east are open fields used as paddocks. To the east of the site is a small area of broadleaf woodland. To the north-east of the site are open fields. Adjacent to the central northern boundary of the site is a private fishing lake. The dwelling known as Little Malgraves Hall adjoins the site to the north-west.
- 2.5 The site is within the Green Belt and within the low risk flood area (Flood Zone 1). Ground levels generally fall from south to north across the site from a high point of 62m AOD at the south-western corner of the site to a lowest point of 38m AOD on the northern boundary. There is a moderate slope (falling south to north) across the southern part of the site, although the nature of this slope decreases to the north.

**3.0 RELEVANT PLANNING HISTORY**

3.1 The following table provides the planning history:

Reference	Description	Decision
14/00990/FUL	Detailed planning permission for the creation of a new hospice (Use Class C2) GIA 1,407 sq.m. (15,145sq.ft.), 50 new homes (Use Class C3), the creation of publicly accessible open space, flood	Approved 15.12. 2015  3 year consent

	attenuation area and vehicular access onto Lower Dunton Road.	
17/01683/FUL	Detailed planning permission for the creation of a new hospice (Use Class C2) GIA 1,407sq.m (15,145sq.ft); 80 new homes (Use Class C3); the creation of publically accessible open space; flood attenuation area, and vehicular access onto Lower Dunton Road.	Approved 22.06.2018  3 year consent
18/01685/CV	Application for the variation of conditions no. 2 (approved plans), 4 (Landscaping Implementation), 6 (materials), 7(boundary treatments), 11(highway junction improvement), 12(access from the highway), 13(highway details), 14(sight splays), 21(CEMP), 26(renewable energy), 30(surface water drainage scheme), 31(scheme to minimise off site flooding), 32(maintenance plan for the surface water scheme) and 34(secured by design) of planning permission ref 17/01683/FUL (Detailed planning permission for the creation of a new hospice (Use Class C2) GIA 1,407sq.m (15,145sq.ft); 80 new homes (Use Class C3); the creation of publically accessible open space; flood attenuation area, and vehicular access onto Lower Dunton Road).	Approved 14.05.2019  3 year consent

3.2 In addition to the above applications there have been a number of non-material amendment applications and applications to discharge planning conditions.

#### 4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

No responses received.

4.3 EDUCATION:

No objection subject to a financial contribution towards nursery, primary and secondary education

4.4 ENVIRONMENTAL HEALTH:

No objection.

4.5 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection.

4.6 FLOOD RISK ADVISOR:

No objection.

4.7 HIGHWAYS:

Concern raised to the location of the site, if approved it is recommended conditions and planning obligations are needed to mitigate the impact of the proposals.

4.8 HOUSING:

No objection subject to a viability assessment being undertaken to identify if any affordable housing can be provided.

4.9 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, requirement of contribution towards the Essex RAMS.

4.10 NHS ENGLAND:

No objection subject to a planning obligation towards local healthcare provision.

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework

The revised NPPF was published on 19 February 2019 and sets out the government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 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 Policy 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 a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Flood Risk and Coastal Change
- Health and wellbeing
- Housing and economic development needs assessments
- Housing and economic land availability assessment
- Light pollution
- Natural Environment
- Noise

- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions
- Viability

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

The “Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

#### SPATIAL POLICIES

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

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

#### 5.4 Thurrock Local Plan

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

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

- 6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the GB'.
- 6.2 The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination

via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.3 The material considerations for this application are as follows:

- I. The Extant Permission, Principle of the Development and the Impact upon the Green Belt
- II. Sustainability, Traffic Impact, Access and Car Parking
- III. Design and Layout and Impact upon the Area
- IV. Landscape and Visual Impact
- V. Open Space, Green Infrastructure and Landscaping
- VI. Impact upon Ecology and Biodiversity
- VII. Flood Risk and Drainage
- VIII. Impact upon Amenity
- IX. Energy and Sustainable Buildings
- X. Viability and Planning Obligations
- XI. Sustainability
- XII. Other Matters

- I. THE EXTANT PERMISSION, PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT

6.4 The grant of the original planning permission in 2015 established the principle of housing to support the provision of a hospice in this location. Since then there have been two further planning permissions approved in 2018 (17/01683/FUL) and 2019 (18/01685/CV).

6.5 As the site is located within the Green Belt 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 in accordance with the requirements of the NPPF.

6.6 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 Belts are their openness and their permanence'*.

- 6.7 In terms of Green Belt policy 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;
- 6.8 Paragraph 143 of the NPPF defines 'inappropriate development' as definitional harm to the Green Belt and should not be approved except in 'Very Special Circumstances'. Policies CSSP4 and PMD6 both seek to maintain, protect and enhance the open character of the Green Belt in Thurrock in accordance with the provisions of the NPPF'.
- 6.9 Policy PMD6 and paragraph 145 of the NPPF both allow for 'exceptions' certain types of development in the Green Belt and relevant to the consideration of development on this site are:
- 2. Replacement dwellings/buildings;*
- 6. Infilling and partial or complete redevelopment of a previously developed site comprising more than a single building.*
- 6.10 The replacement dwellings/buildings exception applies for buildings that are the same use and size of those they replace. The dwelling and equestrian buildings and structures at the site would have allowed for one replacement dwelling but not the scale of the development proposed. Similarly part of the land would have been previously developed land and therefore some elements of infilling or partial or complete redevelopment would have been allowed but again but not the scale of the development proposed.
- 6.11 Therefore, similar to the approach to previous applications at this site the current proposal represents inappropriate development in the Green Belt. However, the fall-back position is that the previous recent planning permissions have established the acceptability of development on this site and therefore consideration needs to be given to the proposed changes in this application. The proposed changes are for change to the housing development part of the



application and not the hospice, which remains the same as previously approved.

6.12 The table below provides a comparison of the difference between the applications in terms of land coverage and gross internal floor area:

	14/00990/FUL – 50 home scheme	17/01683/FUL – 80 home scheme	18/01685/CV – 80 home scheme with revised house types	19/01394/FUL – current application for revised house types and housing mix
Volume	48,836m <sup>3</sup>	48,165m <sup>3</sup>	37,985m <sup>3</sup>	46,459m <sup>3</sup>
Gross Internal Area (GIA)	11,927m <sup>2</sup>	11,879m <sup>2</sup>	11,890m <sup>2</sup>	14,228m <sup>2</sup>

6.13 Based on the table above the proposed GIA would increase by 2,379m<sup>2</sup> or 20% when compared to planning permission 17/01683/FUL but would also result in a decrease in volume by 1,706m<sup>3</sup>. The applicant claims that the reduced volume would help ensure that the openness of the Green Belt is maintained. It is recognised that the most recent application proposed less volume and floorspace than the current application but it should be noted that both the 14/00990/FUL and 17/01683/FUL permissions proposed larger dwellings than the current application.

6.14 The original level of openness at the site would not be maintained as the extant planning permissions have already compromised the openness of the Green Belt in this location. It is however recognised that the proposed changes would appear in visual and openness terms very similar to the extant planning permissions at the site. The proposed layout of the development in terms of road layout, plots and landscaping is the same as previously approved. Nevertheless, in terms of this policy consideration the proposed development, along with the extant planning permissions on the site, would be ‘inappropriate development’, which is, by definition, harmful to the Green Belt as defined in paragraph 143 of the NPPF and also contrary to policy PMD6.

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

- 6.15 Having assessed the proposed development as inappropriate development in the Green Belt the next step is to consider the impact of the proposal upon the open nature of the Green Belt and the purposes of including land within it.
- 6.16 Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
- 6.17 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.
- 6.18 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas;*
- 6.19 The site occupies a relatively isolated position in the Borough, with only a ribbon of built development close-by along Lower Dunton Road. The site is distant from the modest settlements of Bulphan and Horndon on the Hill, with the nearest large built-up area located to the north and north-east within Basildon District. The proposals would spread the existing extent of built development (located on the eastern side Lower Dunton Road between the South Hill and Old Church Hill junctions) further into this part of the Green Belt.
- 6.20 This would result in an amount of 'sprawl' which would be harmful to a degree and is therefore inappropriate development in the Green Belt. However, as the NPPF refers to "large built up areas" it is considered on balance that the proposals would not significantly impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.
- 6.21 Therefore there is no conflict with purpose (a).
- b. to prevent neighbouring towns from merging into one another;*
- 6.22 At a wider geographical level, the site forms part of an area of Green Belt which separates the built-up areas of Stanford-le-Hope / Corringham (in the south)

and Langdon Hills / Laindon (in the north). The application site forms only a small part of the Green Belt 'corridor' separating the two settlements. Nevertheless, the development proposals would result in some harm to the purpose of the Green Belt in preventing neighbouring towns from merging into one another.

6.23 Therefore there is no conflict with purpose (b).

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

6.24 The proposals would comprise a substantial amount of new building in an area which, apart from the dwelling and equestrian buildings, was, until recent commencement of an extant planning permission, free from development. The quantum of built development and associated residential curtilages and car parking areas would be inappropriate development and would reduce the openness of the area conflicting with the purpose of the Green Belt of safeguarding the countryside from encroachment. Consequently, there would be harm to this Green Belt purpose.

6.25 Therefore the proposal is in conflict with purpose (c).

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

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

6.27 Therefore there is no conflict with purpose (d).

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

6.28 In general terms the development of a hospice and residential 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. Consequently, development of the site would be contrary to the Green Belt purpose of assisting in urban regeneration as the development should recycle derelict and other urban land.

6.29 In light of the above analysis, the proposal would be fundamentally contrary to point (c) and point (e) as it would lead to significant development within the Green Belt which would have an adverse impact upon the openness of the Green Belt and would be contrary to the five purpose of the Green Belt as defined in paragraph 134 of the NPPF, and policies CSSP4 and PMD6.

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.

- 6.30 Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities *'should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 6.31 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. Some interpretation of 'Very Special Circumstances' has been provided by the Courts and this includes 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 on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt should not be accepted. 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.
- 6.32 The applicant's Planning Statement sets out the applicant's factors for 'Very Special Circumstances' under the following headings:
- 1) The site has an implemented planning permission;
  - 2) The principle of development and alternative sites;
  - 3) Positively responding to an aging population in Thurrock;
  - 4) Ability to prioritise delivery of healthcare improvements in Thurrock;
  - 5) The role of the application site in the Green Belt;
  - 6) Ability to positively contribute towards housing land supply;
  - 7) Maintaining momentum and delivery of regeneration within the Thames Gateway;

- 8) Linkages to London Gateway Port and Logistics Park and Thames Enterprise Park;
- 9) Highway / safety improvements within the nearby vicinity;
- 10) Newly created publicly accessible open space, with enhanced ecological value, and
- 11) The sustainability of the site.

6.33 The applicant's case for 'Very Special Circumstances' is very similar to that which was presented in support of the previous applications. Given that the continued need for a hospice has been accepted it is not considered necessary to revisit the applicant's case for the hospice. Points 2-5 are therefore not examined in any further detail and are accepted. Points 1 and 6 – 11 these are considered below:

1) *The site has an implemented planning permission;*

6.34 The applicant's case under this heading refers the previous planning permissions that have confirmed the harm to the Green Belt has been outweighed by other considerations as to amount to 'Very Special Circumstances' to justify the development. It is also recognised that the previous planning applications had been referred to the Secretary of State, as required by the process as explained in paragraph 6.1 of this report, and the Secretary of State has determined that those previous planning applications can be determined by the Council.

6.35 The applicant's case refers to the proposed changes through this application in comparison to the fall-back position of the existing live extant planning permissions at the site. Reference is made to the increase in floorspace, the reduction in volume and the same layout of road pattern, plots and landscaping that would not result in a disproportionately larger development than the extant planning permission at the site. It is claimed that the Landscape and Visual Impact Assessment report confirms these conclusions in regard to the visual perspective of the development.

*Consideration:*

6.36 As set out above, the extant planning permission weighs in favour of the revised scheme. 'Significant weight' is given to this factor.

6) *Ability to positively contribute towards housing land supply;*

6.37 The applicant refers to NPPF requirements regarding 5 year housing land supply and the requirement for a 20% buffer where there has been persistent

underachievement measured against the 5-year target. The Strategic Housing Market Assessment (SHMA) for South Essex (May 2016) identifies that the objectively assessed housing needs in Thurrock range between 919 to 973 dwellings per annum for the period 2014-2037. The Council's latest Five Year Housing Land Supply Position Statement (July 2016) identifies a supply of between 2.5 to 2.7 years when compared to the housing requirement.

- 6.38 The applicant states that the Council's failure to deliver a 5-year housing land supply has been widely accepted by many, including the Planning Inspectorate and the Secretary of State. Reference is made to the appeal decision for the Little Thurrock Marshes application (ref 15/01534/OUT) where the delivery of housing and a lack of a five year housing land supply was afforded significant weight by the Planning Inspectorate. Reference is also made to other appeal decisions where Council's was unable to demonstrate a five year housing land supply, although these referenced decisions were not sites in the Green Belt.

Consideration:

- 6.39 The issue of housing land supply has been regularly considered by the Committee through planning applications within the Green Belt.
- 6.40 The future level of housing supply is being considered through the preparation work for the new Local Plan and it is inevitable that the housing needs of the Borough will increase as a result, based on future demographic predictions for the Borough.
- 6.41 As identified above the Council's latest Five Year Housing Land Supply Position Statement (July 2016) identifies a supply of between 2.5 to 2.7 years when compared to the housing requirement.
- 6.42 Reference is made to the SHMA and the need for 42% 3 bedroom homes and 18% for 4 bedroom homes in the Borough. However, there are have been a number of applications for larger developments including 3 and 4 bedroom units within the Green Belt and the SHMA predates some of these planning permissions, such as 19 large dwellings at Pieris Place in Buphan. This site and other sites would have a reducing impact upon the percentages stated in the SHMA.
- 6.43 The table below provides the comparison of housing mixes: the proposal would increase the 4 bedroom units, decrease the 3 bedroom units and re-introduce 5 bedroom units, when compared to the two most recent planning permissions. The SHMA identifies there is more of a need for the 3 bedroom units than 4 and 5 bedroom units but given the history of the site's recent planning applications

including the original 2014 reference which included 5 bedroom units, the revised mix is not considered grounds to warrant refusal of the planning application.

Application	Total Units	Mix		
		3 bed	4 bed	5 bed
14/00990/FUL	50	5	20	25
17/01683/FUL	80	40	40	
18/01685/CV	80	40	40	
Current	80	14	59	7

- 6.44 Reference is made to the Little Thurrock Marshes site where 'significant weight' was afforded to that proposal, however, that appeal was still dismissed as a result of its impact upon the Green Belt.
- 6.45 The housing land supply consideration is consistently considered to carry 'significant weight' as a factor for a very special circumstance in planning applications within the Borough.

7) Maintaining momentum and delivery of regeneration within the Thames Gateway:

- 6.46 The applicant refers to the Thames Gateway area remaining a national growth area and it is necessary to provide housing to support growth. The applicant explains that the new homes must be well-integrated, should include different types of tenures and support a range of household sizes, ages and incomes.
- 6.47 The applicant also references the Secretary of State for Transport's announcement of the preferred route for the Lower Thames Crossing with plan for the Lower Thames Crossing to be open by 2027.

Consideration:

- 6.48 The applicant makes reference to the Sustainable Communities Plan published by the former Office of the Deputy Prime Minister (ODPM) in 2003. Members may recall that the Plan envisaged major growth in four areas of the south-east, including the Thames Gateway. Page 52 of the Plan notes that the Thames Gateway area presents a huge opportunity due to its location close to London, its major transport links, the large concentration of brownfield sites and the potential to regenerate existing deprived communities. The Plan goes on to state:

*“The regeneration of the Gateway is a broad-based project that needs to tackle brownfield development, economic growth, environmental improvement and urban renewal in an integrated way.”*

6.49 Although the Thames Gateway zone clearly includes areas of Green Belt, the focus of the Plan is arguably urban renewal and regeneration of brownfield sites.

6.50 Consequently the Plan gives no support for growth in preference to the protection of the Green Belt. In these circumstances, and despite the designation of Thames Gateway as a national growth area, only very limited weight should be given to this matter in the overall balance of considerations. A similar view was taken by the Planning Inspector for the Bata Field appeal as follows:

*“I do not consider that the development would contribute significantly to maintaining the momentum of regeneration in the Thames Gateway.”*  
(Inspector’s Report para 353).

6.51 The Lower Thames Crossing is proposed to allow improved connectivity to Kent from Essex and vice versa by alleviating traffic volumes associated with the existing Dartford river crossing and the M25 area to the west of the Borough.. This has no relevance for developing this site, or other sites, in the Green Belt.

6.52 This factor is therefore given ‘very limited weight’ as a Very Special Circumstance.

8) Linkages to London Gateway Port and Logistics Park and Thames Enterprise Park;

6.53 The applicant refers to the on and off-site employment opportunities generated by London Gateway. The applicant refers to a net labour supply figure (for 2011) of 16,000 people in Thurrock and suggests that the majority of new jobs at London Gateway will be occupied by people from outside of the Borough. The applicant considers that there is a risk that the economic benefits of London Gateway (employee income) will be lost from Thurrock. The applicant refers to a potential imbalance between housing and employment growth and cites the Bata Field appeal decision (ref: 09/50045/TTGOUT) where the Planning Inspector attached “moderate weight” to the location of the Bata site near to London Gateway and recognised the synergies between employment and housing opportunities. The potential for future employment creation at the former Coryton oil refinery site is also highlighted by the applicant and the creation of 5,000 jobs.



Consideration:

- 6.54 This factor formed part of the case for 'Very Special Circumstances' for the planning appeal at the Bata Field site, where the appellant there argued that the proximity of Bata Field to London Gateway and the Port of Tilbury sites meant that new housing could support employment growth at those locations.
- 6.55 The Malgraves Farm site is located some 6km to the north-west of London Gateway, whereas Bata Field is some 4.7km to the south-west. Both locations can be considered to be within the reasonable catchment of potential employees for the London Gateway site. However, the potential link between employment growth and new housing seems to be based on geographical proximity rather than a deliberate attempt to link employment and housing growth through, for instance, improvements to transport linkages. The links between the application site and London Gateway / Coryton should be treated as incidental (i.e. there is no guarantee that occupiers of the proposed residential development would be employees at either the London Gateway or Coryton sites). Nevertheless, the Planning Inspector at the Bata Field inquiry concluded that "moderate weight" should be attached to this consideration. As the current application site is reasonably well located in relation to employment potential it is also concluded that this factor attracts 'moderate weight' as a Very Special Circumstance.

9) Highway / safety improvements within the nearby vicinity;

- 6.56 The applicant refers to the potential housing / employment links between the site and London Gateway / Thames Enterprise Park (noted above) and stresses the importance of vehicular links between the two. Attention is drawn to the Lower Dunton Road / North Hill (B1007) / South Hill (B1007) road junction, a number of accidents at this junction and concerns raised during pre-application public consultation. In response to the accident data and public concern, the applicant proposes improvement works (to be secured via a s106 agreement) to this junction to mitigate the impact of the development and traffic associated with London Gateway and Thames Enterprise Park. (These details are referred to earlier in the report).

Consideration:

- 6.57 In this case, the applicant's Planning Statement notes that "*whilst the number of accidents within the study area is low there have been a number of accidents at this junction (Lower Dunton Road / North Hill (B1007) / South Hill (B1007)) over a 5-year period.*" Accident data from the Transport Assessment identifies

that the number of accidents is '*below the regional and national average*' over a five year period.

6.58 The Council's Highways Officer has raised concern to the application for the reasons stated in the highway assessment section of this report (below). A package of mitigation measures has been put forward by the applicant and is discussed in detail below. For the purposes of this section of the report it can be concluded that the highway improvements are necessary to mitigate the impact of the development. However, only 'limited weight' can be given to this factor as a Very Special Circumstance.

10)The sustainability of the site.

6.59 The applicant makes reference to the three dimensions of sustainable development set out in the NPPF, the applicant considers that the proposals offer:

- *Social:* the proposed hospice will support the wider community of Thurrock by providing specialist care and treatment. The proposed dwellings will complement economic growth at London Gateway and Thames Enterprise Park and will contribute to housing land supply. The dwellings will meet Lifetime Homes Standards. Social benefits also include the proposed highway safety improvements.
- *Economic:* the proposals strengthen the local economy by providing new homes alongside job opportunities. The development seeks the introduction of a high quality communications infrastructure. The hospice would create 26 full time jobs alongside construction jobs associated with the development.
- *Environmental:* new public open space and habitat enhancements would be created. The development would be constructed to relevant Code for Sustainable Homes / BREEAM standards and would provide on-site renewable energy.

Consideration:

6.60 The applicant's above considerations are based on an older version of the NPPF as paragraph 8 of the NPPF now refers to the 'three dimensions' as the '3 overarching objectives' and these are the 'economic objective', 'social objective' and the environmental objective'. Paragraph 7 of the NPPF states that 'the purpose of the planning system is to contribute to the achievement of

sustainable development'. There is no doubt that, if approved, the proposals would deliver a number of benefits under these headings as described by the applicant.

6.61 However, the NPPF sets out a presumption in favour of sustainable development, the NPPF is clear that the 'presumption' does not apply to development in the Green Belt. In these circumstances, only 'limited weight' can be attached to contribution the proposals would make towards sustainable development.

Conclusion to this section

6.62 Taking into account all the above Green Belt considerations, notably the applicant's fall-back position with live extant planning permissions, it is considered that, the principle of development for this site has already been established. However, the overall harm upon the Green Belt will need to be balanced with the other material considerations within this report (stated in the report sections below).

6.63 The table below provides a summary of the 'Very Special Circumstances' and the weight that is attributed to them in assessing the planning balance for the whether the principle of the development is acceptable.

<b>Summary of Green Belt Harm and 'Very Special Circumstances'</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as 'Very Special Circumstances'</b>	<b>Weight</b>
Inappropriate Development	Substantial	The site has an implemented planning permission	Significant Weight
Reduction in the openness of the Green Belt		Principle of Development and Alternative Sites	Moderate Weight
		Positively responding to an ageing population in Thurrock	Limited Weight
		Ability to prioritise delivery of healthcare improvements in Thurrock	Limited Weight
		Role of the application site in the Green Belt	No Weight

		Ability to positively contribute towards housing land supply	Significant weight
		Maintaining momentum and delivery of regeneration within the Thames Gateway	Very Limited Weight
		Linkages to London Gateway and Logistics Park and Thames Enterprise Park	Moderate weight
		Highway/Safety improvements within the nearby vicinity	Limited Weight
		The sustainability of the site	Limited Weight

6.64 '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 has to be considered against the factors promoted as 'Very Special Circumstances'. Several factors have been promoted by the applicant as 'Very Special Circumstances' and it is important 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'.

6.65 Taking into account all Green Belt considerations, notably the applicant's fall-back position, it is considered that, on balance, the applicant has demonstrated factors as 'Very Special Circumstances' which clearly outweigh the identified harm to the Green Belt.

## II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

### Sustainability

6.66 The site is in an unsustainable location on the eastern side of Lower Dunton Road. There are no footways on either side of the road and the nearest footpaths are located away from the site and involve paths crossing fields and

woodlands. There are no cycle routes serving this area and there are no bus routes. The nearest bus route (no.374) serves Horndon on the Hill. Laindon railway station is 2.9km from the site and would require private vehicle usage to access the railway station.

6.67 Access to shops and services are the following distances away:

- Laindon Hills Shopping Centre - just over 4 kilometres away
- Stanford-le-Hope train Station - approximately 5 kilometres away
- Corringham - approximately 6 kilometres from the site, and
- Basildon - approximately 9 kilometres from the site

6.68 As the site is located in an unsustainable location it is likely to be highly dependent on private vehicle usage contrary to requirements of the paragraph 108 of the NPPF, which seek to exploit the opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas.

6.69 However, it must be recognised the extant permissions have established the principle of housing and a hospice in this location. Therefore, consideration should be focussed on any additional traffic impact from this application.

6.70 In seeking to address these issues the applicant seeks to promote sustainable transport opportunities through a Framework Travel Plan (FTP), which includes the following measures:

- welcome pack / travel pack for householders detailing information for local bus, rail and cycle services and links;
- provision of secure cycle storage areas;
- promotion of cycling;
- potential for discounts at cycle shops and a bike tagging scheme;
- journey and timetable information for public transport;
- encouragement of car-share opportunities;
- contact details of local sustainable transport groups and organisations; and
- details of local and national sustainable travel events, such as walk to work and cycle to work week.

6.71 Whilst these measures are encouraged, they should be seen in the context of the relative isolation of the site from bus and rail services and cycle and footpath links. Therefore, despite the promotion of public transport journey and timetable information it is considered highly unlikely that future residents would walk or cycle to these links, given the distance from the site and the nature of road conditions along Lower Dunton Road. In all probability future residents of the

development would be wholly reliable on private vehicles to access employment, shops, school and other services and amenities.

#### Access and Traffic Impact

- 6.72 Access arrangements would remain the same for this proposal as the extant permission. The pre-existing site access has been closed up and a new bellmouth road junction access has been created 90m further south along the eastern boundary of Lower Dunton Road. These junction works on Lower Dunton Road have been facilitated through widening of the road, within highway land, to create a right hand turn filter lane into the site from the northbound carriageway.
- 6.73 From the bellmouth junction into the site a series of internal roads are proposed with one main road linking all the residential areas and the hospice. A series of internal roads are proposed comprising cul-de-sac and crescent road arrangements.
- 6.74 When considering the highway impact of the current application it is necessary to recognise the extant permission represents the fall-back for the applicant. In support of the application the Transport Assessment (TA) identifies that the proposed residential and hospice uses would lead to trip generation of 91 two-way traffic movements in the AM weekday peak hour and 121 PM peak hour. The TA states that the level of trip generation can be *'comfortably accommodated within the surrounding highway network without detriment to either safety or capacity'* and that the existing highway network can *'continue to operate on similar levels of operational capacity with both the consented development and the proposed development traffic'*. The Council's Highway Officer raises concern with the findings of the TA but recognises that a range of improvements could address the road safety concerns to make the development proposals acceptable.
- 6.75 The TA proposes a number of mitigation measures to improve the local highway network as detailed earlier in the report.
- 6.76 The Council's Highways Officer agrees with the mitigation measures proposed and has advised that the improvements to the junction of Lower Dunton Road and South Hill/North Hill in particular, are necessary to mitigate the current proposal. These shall be secured through planning conditions and obligations. For the construction phase a Construction Environmental Management Plan would be needed. This matter could be addressed through the use of a planning condition.

### Parking

- 6.77 The applicant's TA demonstrates that each dwelling would have two off-street parking spaces (160 spaces). The site will also include 148) garage spaces, 20 visitor car parking spaces and cycle parking. Parking provision for the dwellings therefore complies with the Council's draft standards.
- 6.78 The Hospice proposals include the provision of 50 parking spaces (including 3 spaces for disabled users) for the staff (26 employees) and visitors. When considering the range of services which the hospice intends to provide and the potential use by patients and visitors, it is considered that this level of parking is appropriate.
- 6.79 The level of parking provision is considered acceptable with regard to the requirements of policy PMD8.

### III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.80 The majority of the site was undeveloped land apart from a dwelling and equestrian buildings which have since been demolished. The site is currently a building site with work commenced and some of the houses already constructed where they front Lower Dunton Road. The hospice building has also been constructed.
- 6.81 The proposal is considered against policy CSTP22, which requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'* with proposals needed to be considered where there character is a *'rural landscape'* and within the *'Green Belt'*. Policy PMD2 states *'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'*.

### Layout

- 6.82 The extant planning permission allows for development of the hospice in the eastern field within the site and 80 dwellings covering an area of approximately 80% of the western half of the site.
- 6.83 The current application includes the same siting and land take for the hospice associated car parking facilities as the extant permission. The hospice itself remains unchanged throughout these proposals.

6.84 The residential land take of 7.8 hectares would also be the same as the extant planning permission, with the same suburban layout when compared earlier permissions. The variation in the housing mix has resulted in minor changes to the layout of the housing development in relation to the extant permission. It is also recognised that the overall volume of the development would be greater than the extant permission (ref: 18/01685/CV), but less than previous reiterations (ref: 17/01683/FUL, 14/00990/FUL). Therefore, whilst the layout would be more suburban it would still be spaciouly laid out and would be built to a low housing density of 10 dwellings per hectare.

6.85 There are fifteen individual house types proposed with this development. Each house type has either a detached, attached or integrated single or double garage. The individual layout for each plot raises no objection.

#### Scale and Design

6.86 The scale of the development would be consistent with the extant permission. The hospice would be approximately 9.7m high and the tallest building on site. Residential units would not exceed the approved 2-storey building height.

6.87 The design approach is similar to the extant planning permission for both the hospice and residential units. The house types would incorporate individual design detailing to create a varied mix in character and appearance. Key to the successfulness of the development is the space between the buildings and the detailed landscaping of the development. It is proposed to retain a similar spacious housing layout and all landscaping. In terms of materials less timber would be used in favour of a mix of brick and render finishes. In light of all these considerations the proposed 'arts and crafts' approach would be acceptable.

#### Impact upon the Area

6.88 Overall, the impact upon the area from the design and layout of the development would be very similar to the extant permission and in granting planning permission for the 2014 scheme, and subsequent schemes in 2018 and 2019, it has already been accepted that the development would change the character and appearance of the site and wider area.

6.89 The test under this section is whether the increased density resulting from a varied mix of unit sizes would have a harmful impact on the appearance on the area beyond what has already been consented. It is recognised that the proposal would reduce the spaces in between certain dwellings when compared to the extant permission but the residential land area has not



increased, and the proposed road layout and landscape layout would remain the same as the extant permission. It is also recognised that the overall volume of the development, though greater than the extant permission, would be less than previous recent permissions on site. Therefore taking into account these matters it is considered, on balance, that the proposed changes would not have an adverse impact upon the rural countryside in this location when compared to the extant planning permissions, and in consideration of the text contained within policies CSTP22, CSTP23 and PMD2.

#### IV. LANDSCAPE AND VISUAL IMPACT

6.90 With regard to the Council's Landscape Capacity Study (2005) the site is designated within the 'B2 - Langdon Hills rolling farmland / wooded hills' landscape character area, with land to the west on the opposite side of Lower Dunton Road designated as within the 'B1 - Sticking Hill rolling farmland / wooded hills' landscape character area. The key landscape characteristics of the two areas, as described by the Capacity Study are:

##### *B2 –*

- *small scale steep, rounded sand and gravel hills;*
- *sense of elevation and intimacy;*
- *woodland is a strong, unifying element;*
- *irregularly shaped fields on higher slopes adjacent to woodland;*
- *horse grazing within the lower slopes in the north east of the character area;*
- *rough texture;*
- *absence of detracting vertical features.*

##### *B1 –*

- *area of gently undulating terrain;*
- *arable and pasture farmland;*
- *sparse pattern of settlement with a few individual farmsteads mainly located close to existing rural roads;*
- *important nucleated historic settlements of Horndon on the Hill and Orsett;*
- *mature hedgerows in places;*
- *woodland clumps in the southern half of the area;*
- *tranquil rural character.*

6.91 The applicant's Landscape and Visual Impact Assessment (LVIA) considers that the development would have '*no effect of consequence*' to landscape character and the effects on landscape value.

6.92 Given the limited differences between the extant permissions and this application it is considered that the proposal would not have any further adverse impact upon the landscape than the extant permission, and the Council's Landscape and Ecology raises no objection on landscape grounds, and when considered with policies CSTP22, CSTP223 and PMD2.

#### V. OPEN SPACE, GREEN INFRASTRUCTURE AND LANDSCAPING

6.93 The planning application is supported by a number of plans detailing open space and soft landscaping proposals for the site. The 'Hospice Open Space' extends to approximately 2 hectares in area. However, this figure includes the footprint of the hospice building and parking / circulation areas. The actual open space associated with the hospice is therefore a little over 1 hectare in area. The Public Open Space Plan also allocates a more extensive area (approximately 6.2 hectares) of 'Public Open Space' adjacent to the southern boundary of the site. This plan also indicates the position of incidental areas of open space at road junctions within the site and an ecology zone / attenuation basin adjacent to the northern boundary. These areas are more fragmented than the 6.2 hectare area and partly serve other purposes (ecology / surface water attenuation). Therefore, although shown as 'Public Open Space', these areas serve the purposes of mitigation and adding character to the development rather than providing usable open space.

6.94 The submitted 'Landscape Strategy' plan provides detailed planting proposals for the areas of open space. A variety of soft landscaping is proposed to enhance existing and create new habitats on the site. The key elements of the Proposed Landscape Strategy are: new

- new native hedgerow planting;
- tree planting throughout the site, including a community orchard;
- extended woodland planting at the south-eastern corner of the site;
- native wildflower meadow;
- aquatic planting to new ponds;
- natural play area; and
- bird / bat boxes and hibernacula.

6.95 In addition to the above, the applicant's Arboricultural Report and Tree Condition Survey identifies that the proposals have been designed to retain and protect existing trees on site. The 'Tree Removal Plan' within this assessment shows that all existing trees within the main parts of the site would be removed, including trees near the proposed vehicle access into the site. None of these trees are protected by Tree Preservation Orders and some of these trees need

removing due to their poor condition. The 'Landscape Strategy' plan demonstrates the site would result in a beneficial increase in tree planting and overall landscaping improvements.

- 6.96 A Management Plan drawing indicates that details of the management of other areas of open space within the site will need to be agreed through a planning condition. The applicant's written Landscape Management Plan provides a detailed specification for the long term management of landscaped areas, including the open space.
- 6.97 The submission provides sufficient detail to enable an assessment of the proposals against the open space policies referred to above. Assessed against CSTP18, the proposals provide areas of new habitat creation which are required, to a degree, to mitigate impact on ecological interests. The proposals would also deliver some benefit in diversifying the range of habitat on the site. Assessed against CSTP20 it is considered that the proposals would provide adequate provision of open space for occupiers of the development, both residents and users of the hospice. It is considered that the proposed open space provision would meet the needs of the development with regard to the 'new development' part of policy PMD5.

## VI. IMPACT UPON ECOLOGY AND BIODIVERSITY

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

### *Habitats Regulations Assessment*

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

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

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

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

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

Stage	LPA response
<p>Stage 1 is to identify whether the proposals are directly connected with or necessary to site management for conservation;</p>	<p>The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify:</p> <ul style="list-style-type: none"> <li>• New dwellings of 1+ units (excludes replacement dwellings and extensions)</li> <li>• Houses of Multiple Occupancy (HMOs)</li> <li>• Residential care homes and residential institutions (excluding nursing homes)</li> <li>• Residential caravan sites (excludes holiday caravans and campsites)</li> <li>• Gypsies, travellers and travelling show people plots</li> </ul> <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.</p>
<p>Stage 2 (Screening for Significance of Likely Effects) is necessary to</p>	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the</p>

<p>examine if the proposals, in the absence of mitigation are 'likely to have a significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects;</p>	<p>'summary' section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secure in line with the Essex Coast RAMS requirements.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.</p> <p>Natural England must be consulted on the appropriate assessment and proposed mitigation measures.</p>
<p>Stage 3 (Appropriate Assessment) is if 'likely to have significant effects' on a European site were to occur solutions should be established to avoid or have a lesser effect on European sites.</p>	<p>The application would result in a net increase of 80 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p><b>Summary of recreational disturbance mitigation package:</b></p> <p>The application is for a net increase of 80 dwellings. The site is not within or adjacent to the SPA. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.</p> <p>The current tariff is £122.30 per unit. Therefore the financial contribution should be £10,046.50 and this can be secured through a planning obligation. Natural England advice confirms that RAMS is applicable to all net increases in residential dwellings that fall within the ZOI.</p>

6.101 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on

the Integrity of the European sites included within the Essex Coast RAMS. Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations.

- 6.102 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £10,046.50 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.103 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms 'Recommendation A'.

#### *On Site Ecological Assessment*

- 6.104 An extended Phase 1 Habitat Survey accompanies the application and confirms that the majority of the site comprises semi-improved grassland associated with the paddocks and grazing area. The boundaries of the site, and field boundaries within the site are characterised by hedgerow, scrub and ruderal habitats. The hedgerows both surrounding and within the site are identified as being of biodiversity interest. The Habitat Survey identifies that a habitat management will be beneficial for a range of protected species including foraging and commuting bats, badger, breeding, foraging birds, great crested newt, common reptiles and hedgehog through protection of existing hedgerows and new hedgerows, and retained grassland areas. The plans show that around the field boundaries and southern and eastern parts of the site ecological corridors can be retained and enhanced for the benefit of ecology and biodiversity.
- 6.105 The application includes a number of ecology surveys including badgers, bats, breeding birds, dormice, Great Crested Newts (GCN), invertebrates, reptiles and wintering birds. From the surveys breeding birds were identified and there maybe the presence of a bat roost in the small gabled shed building within the site. From the surveys it has been identified that various mitigation measures are required, including retention and enhancement of hedgerows and new planting, the creation of new habitat, such as flower-rich grassland and ponds, the introduction of hibernacula and habitat creation, all of which can be subject to planning conditions.

6.106 The Council's Landscape and Ecology Advisor has advised that proposed changes with this application compared to the previous applications would not result in any significant impacts upon ecology. However, if planning permission were to be granted planning conditions would be necessary in the form of an ecological mitigation and management strategy, which is offered by the applicant and is necessary to meet the requirements of policy PMD7 which requires *'development proposals to incorporate biodiversity or geological features into the design as far as possible'*. The proposal identifies the opportunities for ecological and biodiversity enhancements.

## VII. FLOOD RISK AND DRAINAGE

6.107 The application site is located within the low risk flood zone (Flood Zone 1) and therefore there is no requirement for application of the Sequential Test or Exception Test. As the site area exceeds 1 hectare, the application is accompanied by a flood risk assessment (FRA) which principally addresses the matter of surface water drainage. Although there are no 'main rivers' (as defined by the Environment Agency) on or close to the site, a watercourse within a ditch forms the northern boundary of the site. It is stated within the application that all foul drainage would be discharged into the mains foul sewer.

6.108 The FRA includes a surface water drainage strategy with on-site attenuation storage areas comprising an open basin adjacent to the northern boundary and underground tanks at the north-western corner of the site and in the ground of the proposed hospice. The FRA identifies that the north part of the site will need to be raised for gravity drainage systems. Via the proposed attenuation, the FRA states that run-off from the site during a 1 in 100 year event (plus climate change) will be limited and the risk of surface water flooding elsewhere will be reduced. The Flood Risk Manager raises no objection subject to the use of a planning condition, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.

## VIII. IMPACT UPON AMENITY

6.109 The nearest neighbouring dwelling is located directly to the north of the site known as Little Malgraves Hall approximately 30m from the northern site boundary. Plots no.'s 1, 8, 9 and 20 are closest to the site between 11 and 18m from boundary, which is demarcated by existing trees and hedging.

6.110 To the south, dwellings at Haycock Cottages are located approximately 45m from the south-western corner of the application site. As a buffer of open space is proposed on the southern part of the application site, the proposed dwellings would be located approximately 120m from Haycock Cottages.

- 6.111 Existing dwellings located on the northern side of Kirkham Road (to the south of the site) would be separated from the nearest proposed dwellings by a distance of some 200m.
- 6.112 Hope Farm, located on the southern side of Old Church Hill, is positioned approximately 150m to the north of the north-eastern corner of the site. As the proposals show that the eastern part of the site would remain undeveloped the closest built development to this would be the hospice and associated car park located in the centre of the site.
- 6.113 The development would result in the introduction of domestic activity, vehicle movements, deliveries and activities associated with users, staff and visitors of the proposed hospice and whilst this would change the character of the area this change would not harm nearby residential amenity. The current proposal is very similar in terms of layout and future activity to the extant planning permissions. It is considered that the development would cause no harm to adjoining residential amenity by reason of loss of privacy, outlook or sunlight / daylight. For these reasons the proposal does not raise objection with regard to the requirements of the policy PMD1.

#### IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.114 In terms of meeting the requirements of policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low Carbon Energy Generation) it is proposed that the hospice would achieve a BREEAM 2014 'Very Good' rating with regard to policy PMD12, however, this policy requires an 'Excellent' rating to be achieved from 2016 onwards. In the 2017 and 2018 applications, the applicant argued that it will be difficult to achieve an 'Excellent' rating and, as then, is relying upon the extant permission as justification for retaining a 'Very Good' rating. It was determined at that time a departure from policy was PMD12 was justified. The current BREEAM requirement is to achieve an 'Outstanding' rating but the fall-back position (extant permissions) means the proposed hospice can be implemented to meet the 'Very Good' BREEAM rating. As this application does not propose any changes to the proposed hospice, just the residential element of the development, it is difficult to insist upon the achievement of the 'Outstanding' reason and the application is subject to financial viability constraints which is relying upon the residential element of the development to help fund the hospice as enabling development. Therefore for this reason the same condition requiring a 'Very Good' BREEAM rating shall be imposed through the planning condition.



6.115 The applicant's Sustainability and Energy Strategy does identify that renewable technology would be used through the proposed installation of photovoltaic solar panels, energy efficiency measures, low flow water fittings, sustainable drainage systems, new planting and recycling opportunities. It is considered that this is acceptable with regard to policy and further details of such measures would need to be agreed through the use of a planning condition to ensure some compliance with policies PMD12 and PMD13, particularly the photovoltaic solar panels with regard to impacting upon the design of the buildings on site.

## X. VIABILITY AND PLANNING OBLIGATIONS

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

6.117 In April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The Council continues to maintain the Infrastructure Requirement List (IRL) to provide an up to date list of physical, social and green infrastructure to support new development in Thurrock. The IRL applies a number of different development scenarios.

6.118 Certain Core Strategy policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process. The consultation process and a review of the IRL has identified the requirements for the following planning obligations:

- For 35% of the development to provide for affordable housing contribution in accordance with policy CSTP2;
- A financial contribution of £644,848.77 towards nursery, primary and secondary education;
- A financial contribution of £31,533 towards NHS healthcare improvements at the West Horndon Surgery;
- A financial contribution of circa £150,000 towards highway improvements on Lower Dunton Road and to the junction of Lower Dunton Road and South Hill/North Hill; and,

- A financial contribution of £10,046.50 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.

6.119 The application has been subject to a viability assessment which has been considered by the Council's independent viability assessors. The independently reviewed report identifies that the scheme can provide £437,486 to fund planning obligations. Whilst this demonstrates that a policy CSTP2 compliant level (35%) of affordable housing cannot be provided this contribution can be used for funding towards an off site affordable housing contribution and towards NHS healthcare improvements.

6.120 Since the previous application was approved, the NPPF has been updated. Paragraph 64 of the NPPF, February 2019 states:

*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership<sup>29</sup>, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- (a) provides solely for Build to Rent homes;*
- (b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- (c) is proposed to be developed by people who wish to build or commission their own homes; or*
- (d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

6.121 The applicant has not factored this into their viability assessment and has not put forward the 10% affordable housing as required by the NPPF. However, para 64 b) recognises that 10% affordable housing is not required where a specialist form of housing is provided. The Hospice will provide very specific accommodation for a need which has been identified for the Borough. These types of sites are rare and allocations as such are very infrequent. Accordingly, it is considered the proposal meet this exception of para 64.

6.122 In addition, as detailed elsewhere in this report the residential development is required as an enabling development to fund the hospice. There were no alternative options of funding for the hospice to be provided at this time and without the residential accommodation the hospice could not have been built.

The hospice has now been built and will shortly be ready for occupation. A need for a hospice existed and this presented the unique set of circumstances to allow development in the Green Belt. It has been accepted through the previous three applications that full levels of affordable housing or contributions could not be provided, specifically because the housing was funding the hospice.

- 6.123 Whilst there has been a change at national level and although this is a new standalone application, given the unique set of circumstances above it is not considered that the Council could insist that there is a need to provide 10% affordable housing.
- 6.124 As per the previous applications a financial contribution of £150,000 towards highway improvement works is required and is agreed to be funded by the applicant. A financial payment of £10,046.40 towards the Essex Coast RAMS Strategy is also required as the site falls within the zone of influence (Zol) for the Essex Coast RAMS and this has been agreed with the applicant.
- 6.125 The independent viability advisor states that *'if the Council were minded to grant planning permission then a viability review mechanism should be included within the s106 legal agreement'*. Normally this trigger would be if a scheme has not reached slab level on 20 units within 2 years of the commencement of development. The existing development is currently under construction and appears to have already constructed 24 homes (not all complete) so therefore the viability trigger will need to be amended to 50 units instead of the 20 units as suggested. The viability review mechanism clause could still be included in any recommendation to grant planning permission.
- 6.126 Whilst the site is unviable to support the usual planning obligations sought for a residential development the applicant is offering the following non-financial planning obligations and triggers, which are the same as recent extant planning permissions. These are considered necessary and are in addition to those stated above. The applicant's planning obligations and triggers are as follows:
- *To commence the construction of the hospice simultaneously with the construction of the residential element of the development.*
  - *Construction of the main access road to the development from Lower Dunton Road, including the junction with Lower Dunton Road, will proceed up to base course level such that construction traffic will have access to both the residential and hospice elements of the development. Completion of the access road will be prior to the first occupation of any dwelling or the completion of the hospice, whichever is the sooner.*

- *Once the access road is constructed to base course level construction of both the houses and the hospice will proceed and Practical Completion of the hospice will be reached within 11 months of commencement of construction of the hospice.*
- *Construction of the highway improvements to Lower Dunton Road will proceed and be completed prior to occupation of any dwellings or completion of the hospice, whichever is the sooner. Off site highway works, which include improved road markings, improved signage, improved anti-skid surfacing, rumble strips and improvements to the Lower Dunton Road / Kirkham Road junction.*

6.127 The above planning obligations identified through the application process, the independent viability assessment and the offered planning obligations from the applicant shall need to form the planning obligations if this proposed revised development is recommended for approval.

#### XI. SUSTAINABILITY

6.128 Paragraph 7 of the NPPF explains that the purpose of the planning system is to achieve sustainable development and as part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development.

6.129 For the economic role the positive impacts would lead to job creation for construction and operational phase and would contribute to housing land supply. In terms of the negative, the site located in an unsustainable location which means higher costs of accessing the site in a sustainable location.

6.130 For the social role the positives include provision of the hospice and the creation of a new residential community. The negatives include the creation of an isolated community remote from nearby services, no choice of public transport, and no details regarding affordability of development.

6.131 For the environmental role the proposal would lead to the creation of public open space, habitat and biodiversity enhancement, delivery of on-site surface water management and renewable energy sources. However there are multiple negatives arising from the development including the impact upon the Green Belt through inappropriate development and a loss of openness, although this has previously been considered acceptable; an urbanising impact upon the

area; an unsustainable location with poor access to transport choice and likely private vehicle usage which is poor for the environment; and, increased traffic generation in rural location.

6.132 For these reasons stated above the proposed development cannot satisfy all three objectives and for this reason the proposal would not achieve sustainable development.

6.133 Paragraph 11 of the NPPF expresses a 'presumption in favour of sustainable development'. This paragraph goes on to state that for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*
  - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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

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

6.134 The 'presumption in favour of sustainable development' cannot apply in this instance as the site is located within the Green Belt and as such is contrary to paragraph 11 (d) (i).

## XII. OTHER MATTERS

6.135 The applicant's Archaeological Evaluation Report explains that the site has been subject to forty two (42) trenches with archaeological remains

encountered in four (4) trenches. Essex County Council's Archaeology Advisor does not consider the need for any planning conditions requiring further archaeological investigations based on archaeological report and the excavation of trial trenches across the site.

6.136 The Design and Access Statement makes reference to refuse and recycling provision and routes through the site. It is considered that each dwelling has sufficient space to accommodate refuse and recycling facilities.

6.137 Given the site's location within the Green Belt and in terms of consistency with previous planning permission it is necessary to remove permitted development rights for extensions, roof extensions and outbuildings, which would need to be subject to separate future planning applications.

## **7.0 CONCLUSIONS AND REASONS FOR APPROVAL**

7.1 The site is within the Green Belt but the previous planning permission's have established the principle of the development for a housing development and a hospice. As this proposal is to change the housing mix and provide some larger dwellings it is considered acceptable with regard to the proposed development's impact upon the Green Belt and the area/landscape when compared to the extant planning permissions. There is no change to the hospice element of the development.

7.2 The 'Impact upon the Green Belt' balancing table has weighed up the harm versus the factors promoted as 'Very Special Circumstances' and there is no further harm identified through the assessment of the material planning considerations that cannot be addressed through planning conditions or obligations. Taking into account the differences between the extant planning permissions and the current application, it is considered that the factors put as 'Very Special Circumstances' clearly outweigh the identified harm to the Green Belt.

7.3 Therefore the recommendation is for approval of planning permission is subject to referral to the Secretary of State, completion of a section 106 agreement and subject to the planning conditions, this 'Recommendation B' as before consideration of the planning permission is made a decision is needed to determine that the development would not have a likely significant effect on a European site either alone or in combination with other plans or projects, which is 'Recommendation A'.

## **8.0 RECOMMENDATION**

Recommendation A:

8.1 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:

8.2 Approve, subject to the following:

- i) Referral to the Secretary of State and subject to the application not being called in;
- ii) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

Planning obligations offered by the applicant include:

- To commence the construction of the hospice simultaneously with the construction of the residential element of the development.
- Construction of the main access road to the development from Lower Dunton Road, including the junction with Lower Dunton Road, will proceed up to base course level such that construction traffic will have access to both the residential and hospice elements of the development. Completion of the access road will be prior to the first occupation of any dwelling or the completion of the hospice, whichever is the sooner.
- Once the access road is constructed to base course level construction of both the houses and the hospice will proceed and Practical Completion of the hospice will be reached within 11 months of commencement of construction of the hospice.
- Construction of the highway improvements to Lower Dunton Road will proceed and be completed prior to occupation of any dwellings or completion of the hospice, whichever is the sooner. Off site highway works, which include improved road markings, improved signage, improved anti-skid surfacing, rumble strips and

improvements to the Lower Dunton Road / Kirkham Road junction.

In addition to the offered planning obligations the Council requires the following mitigation measures:

- A financial contribution of £437,486 for an off site affordable housing contribution and to fund (£31,533) NHS healthcare improvements at the Horndon Surgery (IRL Project 466).
- A financial contribution of circa £150,000 towards highway improvements on Lower Dunton Road and to the junction of Lower Dunton Road and South Hill/North Hill.
- A financial contribution of £10,046.40 towards Essex Coast RAMS Strategy as the site falls within the zone of influence (Zol) for the Essex Coast RAMS as it is anticipated that the development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects.

Viability review mechanism

- In the event that development has not reached slab level for 50 plots within 2 years of the grant of planning permission, a financial viability review shall be undertaken by the applicant / developer / owner to assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.

iii) the following planning conditions:

#### **Standard Time**

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

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



## Approved Plans

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

<b>Plan Number(s):</b>		
Reference	Name	Received
LP.01 A	Location Plan	12 September 2019
002 B	Site Location Plan	12 September 2019
003 C	Site Plan as Existing	12 September 2019
004 B	Block Plan: Satellite View	12 September 2019
005 C	Site Layout	12 September 2019
006 A	Topographic Survey	12 September 2019
007 A	Site History 1868	12 September 2019
008 A	Site History 1897	12 September 2019
009 A	Site History 1922	12 September 2019
010 A	Site History 1947	12 September 2019
011 A	Site History 1987	12 September 2019
012 A	Site History 2017	12 September 2019
013 A	Existing Built Form 2017	12 September 2019
014 A	Existing Site Uses 2017	12 September 2019
015 A	Existing Movement Route 2017	12 September 2019
016 A	Existing Orientation and Aspect 2017	12 September 2019
017 A	Existing Landform 2017	12 September 2019
018 A	Existing Surface Water 2017	12 September 2019
019 A	Existing Trees and Hedgerows 2017	12 September 2019
020 A	Existing Habitats 2017	12 September 2019
021 A	Concept Retained and New Structural Planting	12 September 2019
022 D	Concept Plan: Roads and Paths	12 September 2019
023 A	Concept Plan Surface Water Strategy	12 September 2019
024 F	Concept Plan Open Space	12 September 2019
027 D	Concept Plan Landscape Management	12 September 2019
107 J	Landscape Strategy	22 June 2020
6040 P3	Typical Adoptable Pavement Details	12 September 2019
6070 P4	Long Sections Sheet 1	12 September 2019

6071 P7	Long Sections Sheet 2	12 September 2019
6072 P5	Long Sections Sheet 3	12 September 2019
6074 P6	Long Sections Sheet 5	12 September 2019
6075 P5	Long Sections Sheet 6	12 September 2019
6076 P5	Long Sections Sheet 7	12 September 2019
6077 P6	Long Sections Sheet 8	12 September 2019
6078 P6	Long Sections Sheet 9	12 September 2019
6079 P4	Long Sections Sheet 10	12 September 2019
6090 P8	Site Access Section	12 September 2019
6091 P3	Proposed Mitigation Measures General Arrangement	12 September 2019
6092 P10	Site Access Section	12 September 2019
6093 P2	Proposed Mitigation Measures Layout	12 September 2019
6095 P8	External Works Layout	12 September 2019
6096 P5	Pavement Details Sheet 1	12 September 2019
6097 P7	Pavement Details Sheet 2	12 September 2019
6098 P2	Sign Details	12 September 2019
6100 P4	Access Existing & Proposed Contours Layout	12 September 2019
6101 P1	Mitigations Works Existing Contours Layout	12 September 2019
6105 P3	Large Refuse Tracking	12 September 2019
8002 P2	Proposed Drainage Layout	22 June 2020
8003 P2	Surface Water Catchment Plan	22 June 2020
8015 P1	Attenuation Pond Details	12 September 2019
8055 P2	Proposed Highway Levels Sheet 1	22 June 2020
8056 P2	Proposed Highway Levels Sheet 2	22 June 2020
8085 P2	On Site Visibility Splays	22 June 2020
8200 P2	Environmental Plan	22 June 2020
8300 P2	Boundary Treatments	22 June 2020
8504-43-04- 200 C4	Materials Plan	3 July 2020
KN.01 A	Key Note Reference Guide	3 July 2020
GAR01.PE A	Double Garage Floor Plans and Elevations	12 September 2019
GAR02.PE B	Single Garage Floor Plans and Elevations	01 July 2020

SL01 D	Site Layout	03 June 2020
BDML.01 D	Boundary and Dwelling Material Layout	03 June 2020
BALM (6).E1 A	House Type Balmoral Elevations Sheet 1	26 June 2020
BALM (6).E2 A	House Type Balmoral Elevations Sheet 2	26 June 2020
BALM (6).P C	Proposed Plans	03 June 2020
CAMB-1.PE B	House Type Cambridge Floor Plans and Elevations Option 1 - Brick	26 June 2020
CAMB-2.PE B	House Type Cambridge Floor Plans and Elevations Option 1 - Render	26 June 2020
HARR (8).P A	Proposed Plans	03 June 2020
HARR-1 (8).E A	House Type Harrogate Elevations Option 1 - Brick	26 June 2020
HARR-2 (8).E1 A	House Type Harrogate Elevations Option 2 – Render Sheet 1	26 June 2020
HARR-2 (8).E2 A	House Type Harrogate Elevations Option 2 – Render Sheet 2	26 June 2020
HARR-SP (B).PE E	House Type Harrogate Special Floor Plans and Elevations	26 June 2020
HENL (6).E1 A	House Type Henley Elevations Sheet 1	26 June 2020
HENL (6).E2 A	House Type Henley Elevations Sheet 2	26 June 2020
HENL (6).P C	Proposed Plans	03 June 2020
LEAM.E1 A	House Type Leamington Elevations Sheet 1	26 June 2020
LEAM.E2 A	House Type Leamington Elevations Sheet 2	26 June 2020
LEAM.P A	Proposed Plans	03 June 2020
MARB.E1 A	House Type Marlborough	26 June 2020

	Elevations Sheet 1	
MARB.E2 A	House Type Marlborough Elevations Sheet 2	26 June 2020
MARB.P B	Proposed Plans	03 June 2020
OXFILFE- 1.PE C	House Type Oxford Lifestyle Floor Plans and Elevations Option 1 - Brick	26 June 2020
OXFILFE- 2.PE B	House Type Oxford Lifestyle Floor Plans and Elevations Option 1 - Render	26 June 2020
OXFO.E1 A	House Type Oxford Elevations Sheet 1	26 June 2020
OXFO.E2 A	House Type Oxford Elevations Sheet 2	26 June 2020
OXFO.P A	Proposed Plans	03 June 2020
RICH (6).E1 A	House Type Richmond Elevations Sheet 1	26 June 2020
RICH (6).E2 A	House Type Richmond Elevations Sheet 2	26 June 2020
RICH (6).P C	Proposed Plans	03 June 2020
SHAFT.E B	House Type Shaftesbury Elevations	26 June 2020
SHAFT.P A	Proposed Plans	03 June 2020
SHAFT- SP.E B	House Type Shaftesbury Special Elevations	26 June 2020
SHAFT- SP.P A	Proposed Plans	03 June 2020
STR.PE B	House Type Stratford Floor Plans and Elevations	26 June 2020
WAR.E1 A	House Type Warwick Elevations Sheet 1	26 June 2020
WAR.E2 A	House Type Warwick Elevations Sheet 2	26 June 2020
WAR.P A	Proposed Plans	03 June 2020
WELW (7).E1 A	House Type Welwyn Elevations Sheet 1	26 June 2020

WELW (7).E2 A	House Type Welwyn Elevations Sheet 2	26 June 2020
WELW (7).P C	Proposed Plans	03 June 2020
SE01 F	Street Elevations 01	03 July 2020
SE02 F	Street Elevations 02	03 July 2020
0616/002 J	Hospice Proposed plans	12 September 2019
0616/003 E	Hospice Proposed Elevations	12 September 2019
0616/004 E	Hospice North West Elevation and Section	12 September 2019
0616/005 C	Hospice 3D Views	12 September 2019
0616/006 (B)	Hospice Materials Board	3 July 2020

**Reason:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regards to policies pMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Landscaping – Retention

- All trees, shrubs and hedgerows shown to be retained on the site shall be protected by chestnut paling fencing for the duration of the demolition and construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub including hedges without the previous written consent of the local planning authority.

**Reason:** To ensure that all existing trees are properly protected, in the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### Landscape Implementation

- The proposed development shall be implemented in accordance with the 'Landscape Management Plan' dated December 2017 and within the first available planting season (October to March inclusive) following the

commencement of the development the landscaping works as shown on the approved plan drawing number 107J and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Landscaping Management and Maintenance**

5. Prior to first use/occupation of the development details of the future management arrangements for the maintenance of the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The management details as approved shall be implemented and the site shall be landscape managed at all times thereafter.

**Reason:** In the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Materials**

6. The residential development shall be implemented in accordance with the approved materials specified on the Boundary and Dwelling Material Layout BDML.01 rev. D, 8504-43-04-200 C4 - Materials Plan, KN.01 A - Key Note Reference Guide and as shown on the elevation plans identified in condition 2 of this permission, unless otherwise agreed in writing by the local planning authority.

The approved materials are:

- Facing walls
  - (D6) Ibstock Kevington Special Shape Sill Bricks and Tile Creasing Detail
  - (D16) F-SD0415 – Tile Creasing Kneeler Detail
  - (M1) Ibstock Leicester Autumn Multi Spec Sheet

- (M2) Istock Leicester Red Stock Spec Sheet
- (M3) Weber Roughcast Render 'Silver Pearl'
- Roofs, canopies and brackets
  - (D1) Fascia - White PVCu
  - (D2) Guttering - Half Round Guttering in Black PVCu
  - (D3) Rain Water Pipe - Round pipe in Black PVCu
  - (D7) EX01799 - Leamington, Shaftesbury, Shaftesbury SP and Cambridge GRP Post
  - (D7) EX02647 – Warwick Canopy
  - (D7) EX02666 – Harrogate and Harrogate Special Canopy
  - (D7) EX03123 – Stratford Canopy
  - (D7) EX03136 – Shaftesbury, Shaftesbury SP and Cambridge Canopy
  - (D7) EX03278 – Leamington Canopy
  - (D10) F-SD0532 – Gallows Bracket Detail
  - (D11) Tudor Boarding - 200x25mm Pressure impregnated softwood in Black
  - (D12) Bargeboard - White PVCu
  - (D14) Lead Flashing
  - (D15) Waney Edge Boarding - Natural Larch Wood Boarding with Waney Edge. Nominal Width 250mm, Nominal Thickness 20mm.
  - (M4) Forticrete Gemini Rooftiles
  - (M5) Forticrete Plain Tile Product Specification
- House Doors and windows
  - (D4) Door Set - White UPVC frame. Double glazed and P1A laminated
  - (D5) Windows - White UPVC frames with Georgian style internal bars, Redrow Homes Window and Glazing Specification and Example Window Spec Following Tender Process
  - (D8) IG Doors - Redrow Homes Heritage and Affordable Range Specification. Door colours as per the colour scheme provided in an email dated 7 August 2019
  - (D9) Utility Door - White PVCu framed Steel door with half height obscured double glazed panel
- Garage Doors
  - (D13) Novoferm Berwick Garage Door. Door colours as per the colour scheme provided in an email dated 7 August 2019

The approved plans below are the annotated versions to show the materials to be used to the elevations of each house type and are as follows:

- BALM(6).e1 B – House Type Balmoral (DM-6) Elevations Sheet 1
- BALM(6).e2 B – House Type Balmoral (DM-6) Elevations Sheet 2

- CAMB-1.PE C – House Type Cambridge Floor Plans and Elevations – Option 1 – Brick
- CAMB-2.PE C – House Type Cambridge Floor Plans and Elevations – Option 2 – Render
- HARR-2.PE C – House Type Harrogate Floor Plans and Elevations – Option 2 - Render
- HARR-SP(8).PE F - House Type Harrogate Special (DM-8) Floor Plans and Elevations
- HENL(6).E1 B - House Type Henley (DM-6) Elevations Sheet 1
- HENL(6).E2 B - House Type Henley (DM-6) Elevations Sheet 2
- LEAM-1.PE D – House Type Leamington Floor Plans and Elevations – Option 1 – Brick
- LEAM-2.PE D – House Type Leamington Floor Plans and Elevations – Option 2 – Render
- MARB.E1 B - House Type Marlborough Elevations Sheet 1
- MARB.E2 B - House Type Marlborough Elevations Sheet 2
- OXF LIFE-1.PE D – House Type Oxford Lifestyle Plans and Elevations – Option 1 – Brick
- OXF LIFE-2.PE D – House Type Oxford Lifestyle Plans and Elevations – Option 2 – Render
- OXFO.PE D – House Type Oxford Floor Plans and Elevations
- RICH(6).E1 B - House Type Richmond (DM-6) Elevations Sheet 1
- RICH(6).E2 B - House Type Richmond (DM-6) Elevations Sheet 2
- SHAFT.E D – House Type Shaftesbury Elevations
- SHAFT-SP.E E – House Type Shaftesbury Special Elevations
- STR-1.PE D – House Type Stratford Plans and Elevations – Option 1 – Brick
- STR-2.PE D – House Type Stratford Plans and Elevations – Option 2 – Render
- WAR-1.PE D – House Type Warwick Plans and Elevations – Option 1 – Brick
- WAR-2.PE D – House Type Warwick Plans and Elevations – Option 2 – Render Front
- WELW(7).E1 B - House Type Welwyn (DM-7) Elevations Sheet 1
- WELW(7).E2 B - House Type Welwyn (DM-7) Elevations Sheet 2
- SE01 F – Street Elevations 01
- SE02 F – Street Elevations 02

**Reason:** In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance



with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

7. The hospice shall be implemented in accordance with the approved materials Hospice Materials Board 0616/006 (B), unless otherwise agreed in writing by the local planning authority.

The approved materials are:

- Facing brick – Istock Ivanhoe Cream
- Contrasting facing brick – Blockleys Porcelain White
- Timber cladding – European larch with SIOO-X weathering coating
- Aluminium windows and doors – Powder Coated RAL 7044 Silk Grey

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

### **Boundary Treatments**

8. Prior to first occupation of the development the boundary treatments as detailed in the approved Boundary and Dwelling Material Layout plan reference BDML.01 rev. D and Boundary Treatment plan reference 8300 P2 shall be implemented and completed in accordance with the approved details and shall retained and maintained at all times thereafter.

**Reason:** In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Soundproofing**

9. Prior to the use of any plant or machinery the scheme of soundproofing for the hospice building outlined in report 19035.PCR.01.01 dated 16/04/2019 shall be implemented as approved and shall be permanently retained and maintained at all times thereafter.

**Reason:** In the interests of amenity and to ensure that the proposed development is integrated within its immediate surroundings as required by

policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **External Lighting**

10. Prior to the first use/occupation of the development details of any external lighting, including details of the spread and intensity of light together with the size, scale and design of any light fittings and supports, shall be submitted to and agreed in writing by the local planning authority. Thereafter external lighting shall only be provided and operated in accordance with the agreed details or in accordance with any variation agreed in writing by the local planning authority.

**Reason:** In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **BREEAM**

11. Unless otherwise agreed in writing by the local planning authority, the hospice building hereby permitted shall be built to the "Very Good" standard under the Building Research Establishment Environmental Assessment Method (BREEAM).

Within three months following the first occupation of the hospice building hereby permitted a copy of the Post Construction Completion Certificate for the building verifying that the relevant BREEAM rating has been achieved shall be submitted to the Local Planning Authority.

**Reason:** In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Highway Junction Improvements**

12. Prior to first use/occupation of the development the proposed improvements to Lower Dunton Road and the junction of Lower Dunton Road and South Hill/North Hill shall be implemented in accordance with the approved plans identified in condition 2 of this permission. The approved highway

improvement works shall be maintained and retained as such at all times thereafter.

**Reason:** In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### **Access from the Highway**

13. Prior to first use/occupation of the development the layout, dimensions and construction specification of the proposed accesses to the highway shall be implemented in accordance with the approved plans identified in condition 2 of this permission. The approved highway accesses shall be maintained and retained as such at all times thereafter.

**Reason:** In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### **Highway Details**

14. Prior to first use/occupation of the development the estate roads, footways, visibility splays, accesses and turning spaces shall be constructed and surface finished in accordance with the approved plans identified in condition 2 of this permission. The approved highway details shall be maintained and retained as such at all times thereafter.

**Reason:** In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### **Sight Splays**

15. The sight splays and speed reduction measures provided at all junctions and bends in the road shall be implemented in accordance with the approved plans identified in condition 2 of this permission and shall be retained and maintained at all times so that there are no obstruction within the sight line area above the level of the adjoining highway carriageway.

**Reason:** In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### Visibility Splays

16. Before any vehicle access is first used, clear to ground level sight splays of 1.5 metres x 1.5 metres from the back of the footway shall be laid out either side of the proposed access within the site and maintained at all times thereafter.

**Reason:** In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### Hospice Parking

17. Prior to the first occupation / operational use of the hospice the car parking spaces shown on drawing number SL.01D shall be provided and delineated on-site in accordance with the approved plans. Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development shall be carried out on the site so as to preclude the use of those car parking spaces. The car parking spaces shall be available in their entirety during the whole of the time that the building is open to users and visitors of the hospice.

**Reason:** In the interests of highway safety and amenity and to ensure that adequate car parking provision is available in accordance with policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### Residential Parking

18. Prior to the first occupation of the dwelling(s) the areas shown on drawing number SL.01D as car parking space(s) or garage(s) shall be provided for off street parking purposes. Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no permanent development shall be carried out on the site so as to preclude the use of these parking space(s) or garage(s).

**Reason:** In the interests of highway safety and amenity and to ensure that adequate car parking provision is available in accordance with policy PMD8

of the Thurrock Core Strategy and Policies for the Management of Development DPD (2015).

### **Travel Plan Hospice**

19. Prior to the first operation / occupation of the hospice building hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the hospice building hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use / occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (2015).

### **Travel Plan Residential**

20. Prior to the first occupation of any of the dwellings hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the residential development hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the occupation of any dwelling hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (2015).

### **Construction Environmental Management Plan**

21. The demolition and construction works shall only take place in accordance with the Construction Environmental Management Plan and Build Strategy Plan Rev A (plan reference 1000), unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (2015).

### **Construction Hours:**

22. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

- Monday to Friday 0800 – 1800 hours
- Saturdays 0800 – 1300 hours.

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

**Reason:** In the interest of protecting surrounding residential amenity and in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (2015).

### **Use of Hospice**

23. The hospice building shall be used as a hospice only and for no other purpose including any purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** In the interests of amenity and to ensure that the development remains integrated with its immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Hospice Offices**

24. The offices and ancillary floorspace within the hospice building hereby permitted shall be used solely for purposes in conjunction with and ancillary to the main use of this building as a hospice and shall not be occupied separately.

**Reason:** In the interests of amenity and to ensure that the development remains integrated with its immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Removal of Permitted Development Rights**

25. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions or outbuildings shall be erected on the dwellings.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and to ensure the design quality and integrity of the development in accordance with Policy PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (2015).

### **Renewable Energy**

26. Prior to first use/ occupation of the buildings hereby permitted the renewable energy measures as detailed 'Sustainability and Energy Statement' dated August 2019 (residential) and 'Energy Statement' Dated September 2018 (hospice) shall be implemented as approved and shall be maintained and retained at all times thereafter., unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Nesting Birds**

27. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds (i.e. within 1<sup>st</sup> March to the 31<sup>st</sup> July) except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds. In the event that an active bird nest is discovered outside of this period and once works have commenced, then a suitable standoff period and associated exclusion zone shall be implemented until the young have fledged the nest.

**Reason:** To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Biodiversity and Reptiles**

28. The proposed development shall be implemented in accordance with the mitigation and management measures as set out in sections 3.0 to 6.0 of the 'Biodiversity Mitigation, Enhancement and Management Plan' dated July 2018, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Surface Water Drainage Scheme**

29. Prior to first occupation of the development the surface water drainage scheme shall be implemented in accordance with the approved surface water drainage details ('Technical Note relating to Surface Water Drainage' dated August 2019 and the 'Surface Water Calculations') and drainage plans (8002 P2, 8003 P2, 8015 P1) as identified in condition 2 of this planning permission. The scheme shall subsequently be retained and



maintained at all times thereafter in accordance the management and maintenance arrangements as identified in the 'Maintenance Plan' dated September 2018 and the drainage plans (8002 P2, 8003 P2, 8015 P1) in condition 2 of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

**Surface Water Yearly Logs**

30. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with the 'Maintenance Plan' dated September 2018. These shall be made available for inspection upon the written request of the Local Planning Authority.

**Reason:** To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

**Secured By Design**

31. The development shall be carried out in accordance with the agreed measures and specifications outlined in the Secured by Design Principles and Practices Statement, unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy

and Policies for the Management of Development DPD (2015).

### Positive and Proactive Statement

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

### **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>

