

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

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

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

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

The application is also accompanied by:

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

<ul style="list-style-type: none"> <li>- Residential Framework Travel Plan (Dated October 2021)</li> <li>- Sequential and Exceptions Test Report (January 2022)</li> <li>- Shadow Habitat Regulations Assessment (Dated October 2021)</li> <li>- Statement of Community Involvement (Dated October 2021)</li> <li>- Sustainability Statement (Dated October 2021)</li> <li>- Transport Assessment (Dated October 2021)</li> <li>- Transport Assessment Addendum (Dated January 2022)</li> <li>- Transport Note (Dated January 2022)</li> <li>- Tree Constraints Plan (Dated March 2021)</li> <li>- Utilities Statement (Dated September 2021)</li> </ul>	
<p><b>Applicant:</b> Estates and Agency Strategic Land LLP</p>	<p><b>Validated:</b> 22 October 2021</p> <p><b>Date of expiry:</b> 17 November 2022 (extension of time requested)</p>
<p><b>Recommendation:</b> Refuse planning permission</p>	

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

**1.0 DESCRIPTION OF PROPOSAL**

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

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

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

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

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

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

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

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

## 2.0 SITE DESCRIPTION

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

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

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

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

### 4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

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

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

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

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

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

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

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

operational.

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

The following consultation replies have been received:

#### 4.3 ANGLIAN WATER:

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

#### 4.4 EDUCATION:

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

#### 4.5 ENVIRONMENT AGENCY:

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

#### 4.6 ENVIRONMENTAL HEALTH:

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

#### 4.7 ESSEX POLICE ARCHITECTURAL LIAISON OFFICER:

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

#### 4.8 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

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

#### 4.9 FLOOD RISK MANAGER:

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

#### 4.10 THURROCK HIGHWAYS:

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

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

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

#### 4.11 NATIONAL HIGHWAYS:

No objection.

#### 4.12 HOUSING:

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

#### 4.13 LANDSCAPE AND ECOLOGY ADVISOR:

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

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

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

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

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

Overall, on balance no objection is raised.

#### 4.14 NATURAL ENGLAND:

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

#### 4.15 NETWORK RAIL:

No objection.

#### 4.16 NHS ENGLAND:

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

#### 4.17 TRAVEL PLAN CO-ORDINATOR:

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

## URBAN DESIGN OFFICER:

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

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

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

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

#### 4.19 C2C:

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

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

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

### 5.0 POLICY CONTEXT

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

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

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

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

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

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

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

## 5.2 Planning Policy Guidance (PPG)

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

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

### 5.3 Local Planning Policy Thurrock Local Development Framework

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

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

#### THEMATIC POLICIES

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

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

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

#### 5.4 Thurrock Local Plan

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

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

#### 6.1 Procedure:

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

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

6.3 The material considerations for this application are as follows:

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

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

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

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

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

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

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

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

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

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

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

6.14 The five purposes of the GB

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

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

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

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

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

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

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

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

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

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

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

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

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

## 6.21 Impact upon the Openness of the Green Belt

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

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

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

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

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

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

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

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

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

6.26 A. *Delivery of 100% affordable housing*

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

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

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

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

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

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

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

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

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

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

The Council's position in relation to the supply of housing is such that paragraph 11d) (the 'tilted balance') of the NPPF states that, in many circumstances, permission for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, one of the instances where this does not apply is where the application of policies in the NPPF that protect areas or assets of particular importance (such as the GB) provides a clear reason for refusing the development proposed. As set out above, the application of GB policies give a clear reason for the refusal of the application. Therefore, paragraph 11d) of the NPPF is not applicable.

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

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

6.38 D. Low carbon development

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

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

6.40 E. Connectivity enhancements to the wider country park setting

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

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

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

6.42 *F. Ecological and Biodiversity Enhancements*

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

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

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

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

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

6.45 *GB Conclusion*

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CSTP22 requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'* with proposals needed to be considered where their character is a 'rural landscape' and within the 'Green Belt'. Policy PMD2 states *'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'*. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key*

*aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

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

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

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

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

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

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

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

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

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

##### Access and Accessibility

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

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

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

#### 6.71 Traffic Impact

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

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

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

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

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

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

#### 6.73 Accessibility

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

#### 6.74 Parking and Travel Plan

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

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

## 6.76 VI. FLOOD RISK AND SURFACE WATER DRAINAGE

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

### 6.77 Sequential Test

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

### 6.78 Exception Test

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

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

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

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

#### Other Flood Risk Matters

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

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

6.84 *Habitats Regulations Assessment*

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

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

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

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

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

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

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

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

#### 6.87 On Site Ecological Assessment

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

- Minimising impacts on and providing net gains for biodiversity.

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

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

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

#### 6.91 VIII. AIR QUALITY

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

#### 6.92 IX. NOISE

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

#### 6.93 X. EFFECT ON NEIGHBOURING PROPERTIES

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

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

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

## 6.98 XI. ENERGY AND SUSTAINABLE BUILDINGS

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

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

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

## 6.100 XII. VIABILITY AND PLANNING OBLIGATIONS

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

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

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

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

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

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

#### 6.104 XIII. LOSS OF AGRICULTURAL LAND

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

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

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

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

#### 6.110 XIV. OTHER MATTERS

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

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

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

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

## **8.0 RECOMMENDATION**

- 8.1 Refuse planning permission for the following reasons:

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

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

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

#### Positive and Proactive Statement

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

#### **Documents:**

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



