

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

## Planning Committee

The meeting will be held at **6.00 pm** on **15 August 2019**

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

### Membership:

Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Abbie Akinbohun, Chris Baker, Daniel Chukwu, Garry Hague, Victoria Holloway and Susan Little

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 10</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 11 July 2019.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

**meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

- |           |  |                  |
|-----------|--|------------------|
| <b>6</b>  | <b>Planning Appeals</b>  | <b>11 - 24</b>   |
| <b>7</b>  | <b>Public Address to Planning Committee</b>  |                  |
|           | <p>The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <a href="https://www.thurrock.gov.uk/democracy/constitution">https://www.thurrock.gov.uk/democracy/constitution</a> Chapter 5, Part 3 (c).</p> |                  |
| <b>8</b>  | <b>19/00247/FUL Judds Farm, Harrow Lane, Bulphan, Essex, RM14 3RE</b>  | <b>25 - 42</b>   |
| <b>9</b>  | <b>19/00281/FUL Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage, Peartree Lane, Bulphan, Essex</b>  | <b>43 - 64</b>   |
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**Queries regarding this Agenda or notification of apologies:**

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Agenda published on: **7 August 2019**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

## Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

### Pecuniary

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

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

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

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

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

### Non- pecuniary

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



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

## Our Vision and Priorities for Thurrock

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

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

## Minutes of the Meeting of the Planning Committee held on 11 July 2019 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillors Sue Shinnick

**In attendance:**

Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection  
Jonathan Keen, Interim Strategic Lead of Development Services  
Julian Howes, Senior Highway Engineer  
Bob Capstick, Locum Planning Lawyer  
Matthew Gallagher, Principal Planner (Major Applications)  
Wendy Le, Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

**14. Minutes**

The minutes of the Planning Committee meeting held on 6 June 2019 was approved as a true and correct record.

**15. Item of Urgent Business**

There were no items of urgent business.

**16. Declaration of Interests**

There were no declarations of interest.

**17. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

There were no declarations.

**18. Planning Appeals**

The report was presented by Jonathan Keen, Interim Strategic Lead of Development Services.

The Committee was satisfied with the report.

**RESOLVED:**

**That the Committee noted the report.**

- 19. 19/00265/FUL Ivy Wall House, Billet Lane, Stanford Le Hope, Essex, SS17 0AR (DEFERRED)**

This item was withdrawn from the agenda.

- 20. 19/00281/FUL Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage, Peartree Lane, Bulphan, Essex**

This item was deferred to a later Committee date.

- 21. 19/00287/FUL Land To Rear Of Conifers Brentwood Road And Adjacent Orchard House, Peartree Lane, Bulphan, Essex**

This item was deferred to a later Committee date.

- 22. 19/00317/FUL Woodlands Koi Farm, South Avenue, Langdon Hills, Essex, SS16 6JG**

The report was presented by Matthew Gallagher, Principal Planner; the application sought planning permission for the construction of a storage and ancillary workshop building in the north-western corner of the site located in the Green Belt. The purpose of the building was to provide a bio-secure area and a storage area for machinery and equipment associated with Woodlands Koi Farm. The consideration of the harm to the Green Belt and the case of very special circumstances was described in paragraphs 6.21 to 6.39 of the report. Officer's recommendation was to grant planning permission as the case of very special circumstances clearly outweighed the identified harm to the Green Belt.

*(Councillor Lawrence arrived 18.09)*

*(Councillor Lawrence was unable to participate in this item following the Constitution, Chapter 5, Part 3, 13.5).*

The Chair opened the item to the Committee for questions.

Steve Taylor was sympathetic to the Applicant's case but stated that the site was on Green Belt. Regarding the history of the site, he questioned if there were conditions to prevent building more than 1 building on the site in the future as he was concerned this could be a possibility. In response, Matthew Gallagher said that planning conditions were in place and that the building



would be a new one on the site that was Green Belt but the building was needed for the business as the Applicant had stated. On the suggested condition number 3 on page 115, the use of the building would be restricted to fish breeding purposes only and condition number 6 on page 116 would remove the usual permitted development rights.

Referring to the site's history in paragraph 3, Steve Taylor sought reassurance in that the site would not be used for other purposes should the business not fare well in the future. Matthew Gallagher answered that the description of the proposal provided by the Applicant was clear and that the proposal should be determined on its merits and in light of relevant development plan policies and other material considerations. He explained that if the use of the building was changed in the future, it would be a breach of planning conditions which would likely result in enforcement action being undertaken.

Councillor Rice felt the report was detailed well and would be supporting Officer's recommendation. He voiced his support for local businesses. Agreeing with this, Councillor Byrne asked if the proposals would be different if the fish were trout instead. Pointing out that the point made was valid, Matthew Gallagher answered that the site was established for ornamental fish which was koi and carp.

With no further questions from the Committee, the Chair invited speakers to address the Committee.

Mr John Cross, Applicant, presented his statement in support of the application.

The Chair opened the item up to the Committee for debate.

Councillor Rice reiterated that he would be supporting the application and thought the planning conditions attached were good. He was also pleased to hear from the speaker that the business would employ more workers once the building was in place.

Agreeing, the Chair said it was good to support local rural businesses.

The Officer's recommendation to grant planning permission was proposed by Councillor Rice and seconded by Councillor Churchman.

*(Councillor Lawrence was unable to participate in this item following the Constitution, Chapter 5, Part 3, 13.5).*

**For:** (7) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, David Potter, Gerard Rice and Sue Sammons.

**Against:** (0)

**Abstained:** (0)

The planning application 19/00317/FUL, Woodlands Koi Farm, was granted planning permission following Officer's recommendation.

**23. 19/00573/CV Land east of Purfleet Thames Terminal and south of railway line, London Road, Purfleet**

The Chair stated that he had accepted a late registration to speak from the Applicant's Representative because the statement would be highly relevant to the application which would provide further assurances to the Committee than what was already detailed in the report.

Presented by Matthew Gallagher, the planning application sought to vary 2 conditions attached to a planning permission (18/00404/FUL) that was granted by the Planning Committee last year, for the development of a car storage building.

The report had one update which was that an additional sentence be added after the first sentence in condition number 24 that read, 'The monitoring strategy shall include maximum targets for two way transporter movement related to the development.' The extra sentence related to an addendum added by the Applicant regarding HGV movements and by including the HGV movements in the monitoring strategy, it would tie in with the figure set out in the addendum. This would help to provide some assurance to the Council.

The application was recommended for approval subject to conditions and the extra sentence added into condition number 24.

Councillor Churchman noted that the temporary route for HGV movements was along Jurgen Road; he asked what the timescale was for the new access road to be opened on the site. Pointing to paragraph 6.12, Matthew Gallagher explained that the Applicant's Transport Assessment (TA) identified the timescale and the Applicant hoped to have the building on the site operational by the late summer next year. There may be an interim period before the new roundabout was installed but highways agreement discussions were underway. The Locum Planning Lawyer, Bob Capstick, added that the service was awaiting a response and should be able to confirm the highways agreement in 6 – 8 weeks.

With no further questions, the Chair invited the Applicant's Representative to address the Committee.

Mr Benjamin Dove-Seymour, Applicant's Representative, presented his statement in support of the application.

The Chair opened the item up to the Committee for debate.

Councillor Rice stated that he would be supporting the Officer's recommendation for approval and thought that the application would secure a major investment in the site. He was pleased to hear that the issues of the

roundabout would be addressed and that the application was safeguarded with planning conditions.

Noting the vegetation surrounding the site, Councillor Lawrence said that these should not be disturbed to ensure the area remained as green as possible because she did not wish to see a site full of buildings only.

The Chair noted that there were concerns on the gas pipes and was pleased to see that these concerns would be addressed as he did not want further disruptions to residents.

The Officer's recommendation for approval was proposed by Councillor Churchman and seconded by Councillor Byrne.

**For:** (8) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**Against:** (0)

**Abstained:** (0)

The planning application 19/00573/CV, Land east of Purfleet Thames Terminal, was approved subject to conditions and the extra sentence added to condition number 24.

**The meeting finished at 6.55 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>15 August 2019</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead of Development Services	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director of Planning, Transportation and Public Protection.	
<b>Accountable Director:</b> Andy Millard, Interim Director of Place	

## Executive Summary

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

### 1.0 Recommendation(s)

1.1 To note the report.

### 2.0 Introduction and Background

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

### 3.0 Appeals Lodged:

3.1 **Application No:** 19/00269/FUL

Location: 53 - 55 Third Avenue, Stanford Le Hope

Proposal: Nine dwellings with associated access road, hardstanding, landscaping and bike stores following the demolition of two existing detached bungalows.

3.2 **Application No:** 19/00283/HHA

Location: Raglan, Central Avenue, Stanford Le Hope

Proposal: Two storey side extension

**3.3 Application No: 19/00178/FUL**

Location: Amberley, 237 Branksome Avenue, Stanford Le Hope

Proposal: Two storey detached dwellinghouse

**3.4 Application No: 19/00539/FUL**

Location: Fouracres, Brentwood Road, Bulphan

Proposal: Demolition of existing dwelling garage and stable and the replacement of an existing dwelling

**3.5 Application No: 19/00518/HHA**

Location: 181 Crammaville Street, Stifford Clays, Grays

Proposal: Two storey side extension.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 18/01313/FUL**

Location: Tamarisk, Third Avenue, Stanford Le Hope

Proposal: Conversion of detached bungalow into 2x semi-detached dwellings, incorporating extension to roof with front and rear dormer windows and single storey front/side extension (Resubmission of 18/00754/FUL)

Decision: Appeal Allowed

4.1.1 The main issue under consideration in this appeal was the effect of the proposed development on the character and appearance of the Homesteads character area, with particular regard to the sub-division of the plot.

4.1.2 The Inspector considered that the proposed development would not harm the character and appearance of The Homesteads character area as a consequence of the sub-division of the plot.

4.1.3 Accordingly the appeal was allowed as it was considered to accord with policies PMD2, CSTP22 and CSTP23 of the Core Strategy, which together seek to ensure high quality design that protects and contributes to local character.

4.1.4 The full appeal decision can be found online.

**4.2 Application No: 18/01817/HHA**

Location: 22 Claudian Way, Chadwell St Mary

Proposal: Single storey rear extension

Decision: Appeal Allowed

4.2.1 The main issue under consideration in this appeal is the consideration effect of the proposal on the living conditions of occupiers of No. 24 Claudian Way, with particular reference to visual impact.

4.2.2 The inspector considered that due to the small scale of the proposal and the predominance of glass in all elevations, it is not considered that the proposal would appear as an overbearing feature to neighbours. The inspector also commented that the glazed structure, due to the design and scale situated behind the existing boundary fence, would not create a sense of enclosure for neighbours. Thus, the proposal would not undermine the purpose of the guidance in SPD, where it seeks to ensure that extensions do not have an overbearing impact on adjacent properties or cause them to be excessively enclosed.

4.2.3 The Inspector upheld the appeal on the grounds that the proposal would not have an adverse effect on the living conditions of neighbours. Thus, the proposal would be in accordance with guidance in SPD and in accordance with Policy PMD1 in the Thurrock Core Strategy and Policies for Management of Development (2015), with regard to protecting residential amenity. The inspector also consider that Policy PMD1 is broadly consistent with the National Planning Policy Framework where the Framework seeks to protect residential amenity.

4.2.4 The full appeal decision can be found online.

**4.3 Application No: 18/01257/FUL**

Location: Old Bank, The Green, Stanford Le Hope

Proposal: Conversion from disused bank (use class A2) on part of the ground floor to 2 x two bedroom flats (use class C3)

Decision: Appeal Dismissed

4.3.1 The inspector considered the main issue as to whether the proposed conversion would provide adequate living conditions for future occupants, with particular regard to privacy, light and disturbance.

4.3.2 The Old Bank is a three storey building occupying a prominent corner plot in an area of the town centre. The surrounding area comprises a mix of commercial, retail, community and residential uses. Permission has already been granted for the conversion of the upper floors of the building into flats. The application

sought permission for the conversion of part of the ground floor into two flats whose windows would face Central Road.

- 4.3.3 The Inspector dismissed the appeal, commenting that the conversion would provide unsatisfactory living conditions for future occupants, due to lack of privacy and inadequate light, contrary to policies PMD1 and PMD2 of the Thurrock Core Strategy and Policies for the Management of Development.

**4.4 Application no: 19/00196/HHA**

Location: 7 Runnymede Road

Proposal: Loft Conversion with rear dormer and two rooflights.

Decision: Dismissed

- 4.4.1 The main issues in this appeal are, although loft conversions with the use of rooflights are apparent within the locality, there are no examples of other dormer windows within the immediate area of the appeal site and the surrounding roof forms are relatively uniform in style and height. Due to the property being an end of terrace the proposed dormer would be visible from public realm, therefore the impact upon the street scene was to be considered.

- 4.4.2 The inspector considered that while the proposed dormer was to be smaller than the roof of the main house, the dormer would still constitute a large addition and would stand out as very large and bulky in comparison to the host dwelling's pitched roof. It was also considered that while the dormer would not be 'uncommon practice', in this setting the dormer incongruous addition, therefore creating a harmful impact upon the character and appearance of the area.

- 4.4.3 The dormer within the plans submitted to the inspector had been reduced in size and it was proposed a condition regarding materials were to be implemented, it was considered by the inspector that the amendments proposed were not sufficient to comply with the Residential Alterations and Extensions (July 2017). The proposed development would be harmful to the character and appearance of the area and therefore would be contrary to Policies PMD2 and CSTP22 of the 'Core Strategy and Policies for Management of Development' (December 2011).

- 4.4.4 Accordingly the appeal was dismissed

**4.5 Application no: 18/01693/HHA**

Location: 183 Abbotts Drive, SS17 7BN

Proposal: Single storey side extension, garage conversion and first floor rear extension.

Decision: Part dismissed/Allowed



- 4.5.1 The main issue under consideration is the effect of the proposal on the character and appearance of the existing dwelling and surrounding area.
- 4.5.2 The Inspector considered that, due to the siting and scale of the proposed side extension would appear as an incongruous addition, not in keeping with the uniformity of design and pattern of development in this area. The inspector also stated that the sense of openness between properties would be eroded and is not acceptable as it would be detrimental to the character and appearance of the existing dwelling and surrounding area.
- 4.5.3 The Inspector has allowed the second storey rear extension as the Council has not raised any concern with regards to the proposal and the proposed second storey extension would be keeping with the character and appearance of the existing and wider area. The inspector also consider that this proposal would not have an adverse effect on the living conditions of neighbours. The proposal would be in accordance with Core Strategy Policies PMD2 and CSTP22.
- 4.5.4 Accordingly, the appeal was part dismissed and allowed. Thus, the proposed side extension would be contrary to Policies PMD2 and CSTP22 in the Thurrock Core Strategy and Policies for Management of Development (2015).

**4.6 Application no: 19/00037/HHA**

Location: 28 Alderton Road, RM16 3DZ

Proposal: Appeal dismissed

- 4.6.1 The main issues in this appeal are the effect of the proposal on the character and appearance of the existing dwelling and surrounding area.
- 4.6.2 The inspector considered that the property modern terraced dwelling, it is situated within an area where uniformity of scale and design of the properties within this terrace makes a positive contribution to the character and appearance of the surrounding area. While within the surrounding area there are properties that have rear roof lights, there are no rear dormers within the terrace. It has been considered from the inspectors observations that the proposed dormer would unacceptably disrupt the uniformity of design of the terrace, which would be to the detriment of the character and appearance of the existing dwelling, wider terrace and surrounding area.
- 4.6.3 The proposal would be contrary to guidance in the Council's Supplementary Planning Document: Thurrock Design Guide Residential Alterations and Extensions (2017) and contrary to Policies PMD2 and CSTP22 in the Thurrock Core Strategy and Policies for Management of Development (2015).
- 4.6.4 Accordingly the appeal was dismissed
- 4.6.5 The full appeal decision can be found online.

**4.7 Application No: 18/00781/HHA**

Location: 4 Treetops Close, Grays

Proposal: Construction of new garage

Decision: Appeal Dismissed

4.7.1 The full appeal decision can be found online.

**4.8 Application No: 18/01027/FUL**

Location: Downwell Demolition Ltd, Newcastle House, Oliver Close, West Thurrock

Proposal: Two-storey side extension to form training room & further office space

Decision: Appeal Dismissed

4.8.1 The main issues in this appeal are, firstly, whether the proposal would expose occupiers of the building to an unreasonable level of risk and secondly, the effects of the proposed extension on the character of the area.

4.8.2 The Inspector considered the suggested restriction would be unreasonable and difficult to enforce and so would be contrary to the advice in the Planning Practice Guidance. In the absence of such a restriction, the proposal would increase the capacity of the building and would have the potential to expose its increased number of occupiers to the risks associated with its location would conflict with Policy PMD1. The extension due to size, location and design would have an unacceptably negative effect on the character of the locality, contrary to Policies CSTP22 and PMD2 of the Core Strategy.

4.8.3 Accordingly the appeal was dismissed

4.8.4 The full appeal decision can be found online.

**4.9 Application No: 18/00155/LBC**

Location: 7 Hollow Cottages, London Road, Purfleet

Proposal: Erection of a rear glass conservatory

Decision: Appeal Dismissed

4.9.1 The main issues related to the effect of the proposal on the Grade II Listed Building and the Conservation Area. The Inspector recognised that the property is of modest size and it was considered that a 4m rear extension would distort the compact form of the Listed Building resulting in a loss of its size and proportions. The Inspector concluded that the extension would also reduce the positive contribution of the building to the character and appearance of the Conservation Area.

4.9.2 The proposal would be contrary to Policies CST24 & PMD4 of the LDF Core Strategy 2015.

4.9.3 Accordingly the appeal was dismissed

4.9.4 The full appeal decision can be found online.

**4.10 Application No: 18/01761/FUL**

Location: 15 Alfred Road, Aveley

Proposal: Erection of two storey dwelling

Decision: Appeal Dismissed

4.10.1 The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area

4.10.2 The scale and siting of the development shown on the submitted plans would, in the context of this particular site, be harmful to the character and appearance of the area. This would conflict with Policies PMD1, PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for the Management of Development 2015 (CSPMD), and the Retained Annex 2 of the Thurrock Local Plan 1997.

4.10.3 Accordingly the appeal was dismissed

4.10.4 The full appeal decision can be found online.

**4.11 Application No: 18/00082/FUL**

Location: Malgraves Meadow, Lower Dunton Road, Horndon on the Hill.

Proposal: Retention of the existing single storey timber building for use in association with agricultural enterprise at the farm. Removal of flue on roof, removal of biomass burner boiler and associated plumbing and modification of the building front elevation.

Decision: Appeal Allowed

- 4.11.1 Permission was sought to retain a large timber framed structure which currently houses a biomass boiler. There is an existing enforcement notice requiring that demolition of this building which was upheld at appeal. Following this appeal decision a previous refused application (ref 16/00232/FUL) was also dismissed at appeal. In both cases the Inspectors found that the structure comprised inappropriate development in the Green Belt which were deemed material considerations in the current appeal application.
- 4.11.2 The proposal put forward in the planning application sought to retain the structure of the building but remove the biomass building/infrastructure associated with it and open up the structure on one side and is partly retrospective. The appellant held at the time of the planning application the proposed development would constitute an agricultural purpose; an exception to inappropriate development in the Green Belt.
- 4.11.3 The application was refused on the grounds of the building not being considered appropriate for agriculture use and would therefore comprise inappropriate development in the Green Belt. The second reason for refusal maintained that the details submitted within the application did not adequately demonstrate very special circumstances to justify inappropriate development in the Green Belt.
- 4.11.4 In pursuing the appeal the appellant submitted a further statement from an agricultural surveyor, which was not submitted at the time of the planning application. In general terms, the statement addressed animal welfare standards and explained what the principal purposes of the calving activities would involve. Within the written representations and at the hearing, the Council maintained that the appeal materially changes the proposed development and should not be considered within the parameters of an appeal application.
- 4.11.5 However, the Inspector was satisfied with the supporting information submitted within the planning application which mentioned the modified building would be used as a husbandary unit in connection with a herd of cows and associated farm use at the site; significant weight was afforded to factor. In light of this, the Inspector also found the supporting appeal statement supplied was appropriate and deemed that the additional information could be accepted in the appeal.
- 4.11.6 Following the submission of the agricultural statement at the appeal, the Council had confirmed that the proposed development is a building for agriculture and meets the NPPF exception to inappropriate development in the Green Belt; to which the Inspector agreed. Therefore, the Inspector concluded that the proposal therefore complies with policy PMD6 of the Thurrock Core Strategy (as amended) 2015 and that there was no requirement to demonstrate very special circumstances to justify the proposal since the development constitutes inappropriate development.
- 4.11.7 The full appeal decision can be found online.

**4.12 Application No: 18/00034/BUNWKS**

Location: Police Station, Gordon Road, Corringham

Proposal:

Decision: Appeal Dismissed

- 4.12.1 Breach: The breach of planning control related to a material change of use of the land to stationing of storage containers which are rented out for storage (Use Class B8) with the additional stationing and use of commercial vehicles.
- 4.12.2 An Enforcement Notice was issued on 21<sup>st</sup> February 2018 requiring the cessation of the use of the land for the storage of containers and the removal from the land of all storage containers and vehicles associated with the storage use. The period for compliance with the requirements was one month.
- 4.12.3 The Appellant appealed against the Enforcement Notice on the grounds that the breach of planning had not occurred as it was already lawful given the site's former use as a vehicle compound as part of the former activities of the police station. The Inspector found that the use of the site was as a B8 storage use and that this was materially different from the use of the former police station, which is a sui generis use, and as such the appeal failed on this ground.
- 4.12.4 The Appellant also stated that permission should be granted for the use on site. Although the Inspector found that there was some harm to the living conditions of neighbouring occupiers, having regard to noise and disturbance, subject to the imposition of appropriate conditions the storage use could continue and comply with Council Policy PMD1. However, the Inspector considered there to be harm to the safe and efficient operation of the highway, by virtue of the inconsiderate parking within the site of the users, resulting in waiting on the highway and therefore the appeal failed for this reason.
- 4.12.5 The Appellant finally stated that the period of time for compliance with the Notice was excessive. The Enforcement Notice required the cessation of the use on site and the removal from the site of the containers and associated vehicles within one month. The Inspector did not consider this to be an excessive period of time and the appeal therefore failed on this final ground.
- 4.12.6 The Planning Inspectorate determined to dismiss the applicant's appeal of the Enforcement Notice on 17<sup>th</sup> July 2019. The Planning Inspector concluded that the appeal should not succeed and the Enforcement Notice upheld, subject to very minor changes to the wording to include, "without planning permission, the material change of use of the land for storage purposes (Use Class B8)" in the Notice.
- 4.12.7 In dismissing the appeal, the Inspector has upheld the Enforcement Notice with effect from the date of the decision and as such the Appellant has one month from this date, that is until 17<sup>th</sup> August 2019, to comply with the requirements of the Notice and cease the unauthorised B8 use and for the containers and vehicles associated with the storage use to be removed.

4.12.8 The full appeal decision can be found online.

**4.13 Application No: 18/00811/OUT**

Location: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate, Towers Road, Grays

Proposal: Outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved)

Decision: Appeal Dismissed

4.13.1 The main issue in this appeal is the effect of the proposed development on the provision of open space.

4.13.2 The Inspector acknowledged that the land is allocated as a Secondary Industrial and Commercial Area in the Council's Local Plan Proposals Map, it is used as a recreational open space for nearby residential properties. This use is supported by a S106 agreement relating to planning permission 98/00349/FUL which preserved the land for open space (including landscaping and play equipment) in perpetuity for the existing residential development to the south. The National Planning Policy Framework (Framework) definition of open space includes all open space of public value which offer important opportunities for sport and recreation. For the above reasons, supported by considerable third-party representations and evidence from local residents as to the public value and recreational use of the land, they found that the appeal site does constitute open space for the purposes of the Framework and Policy PMD5 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 (CS).

4.13.3 Under the appeal scheme improvements would be made to the existing albeit reduced open space in the form of improved sports pitch provision, new play equipment and general maintenance. The replacement play area would provide a greater number of different play equipment pieces. The existing football goals on the pitch would be replaced with multi-sport goals. The Inspector considered these proposed improvements would be of moderate benefit.

4.13.4 The proposal would result in a substantial loss of space. The Inspector noted considerable evidence submitted by interested third parties to show that the local community uses the entirety of the space, or the bulk of it, for various recreations and events and that the reduction in open space as proposed would seriously diminish community opportunities in that respect. They placed substantial weight on that evidence.

4.13.5 Therefore, taking all this into account, the partial loss of the open space is not outweighed by the proposed improvements to the remaining space and

facilities. The open space would not be safeguarded. As such the proposed development would be in conflict with Policy PMD5 of the CS. It would also be in conflict with the Framework which advises that existing open space, including recreational land and playing fields, should not be built on unless clearly surplus to requirements, or that replacement provision would be equivalent or better to existing in terms of quantity and quality.

4.13.6 The Inspector carefully considered the fallback position set out in application 19/00807/OUT. However they noted that they could not with any reasonable level of certainty conclude that approval would likely to be forthcoming given the proposed introduction of industrial activity closer to residential receptors than currently exists. Therefore the fallback position was given limited weight, and did not alter their conclusions.

4.13.7 In concluding the Inspector considered that the appeal scheme would not safeguard a piece of open land which has high value to the local community. This adverse impact would conflict with the Framework which says that access to high quality open spaces is important for the health and well-being of communities. Overall, the adverse impact of the proposal is of a magnitude which weighs heavily against the grant of planning permission.

4.13.8 Accordingly the appeal was dismissed.

4.13.9 The full appeal decision can be found online.

**4.14 Application No: 18/01390/HHA**

Location: 246A Heath Road, Chadwell St Mary

Proposal: Two storey side and rear extension.

Decision: Appeal Dismissed

4.14.1 The main issue to consider was whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and the effect of the proposal on the character and appearance of the area. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

4.14.2 The planning inspector concluded found harm to the Green Belt I apply substantial weight in respect to it. I have also found that significant harm would be caused to the character and appearance of the area. Accordingly, very special circumstances do not exist as the appellant has not indicated the extent of any shortfall. Even if I were to conclude there is a shortfall in 5-year supply and that the most important policies for determining the proposal should be considered out-of-date, Paragraph 11d) and footnote 6 would be engaged as an important material consideration. The proposal is contrary to the guidance

in the Framework, and Policies PMD6, PMD2 and CSTP22 of the LP which together seek to protect the Green Belt and its character and appearance.

4.14.3 Accordingly the appeal was dismissed

4.14.4 The full appeal decision can be found online.

## 5.0 Forthcoming public inquiry and hearing dates:

### 5.1 Application No: 18/01802/FUL

Location: Beauchamp Place, Malvern Road, Grays

Proposal: Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom

Dates: 6 August 2019 (3 days)

## 6.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	3	7	3										13
No Allowed	1	0	0										1
% Allowed	33.33%	0%	0%										7.7%

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

N/A

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

8.1 This report is for information only.

## 9.0 Implications

### 9.1 Financial

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

There are no direct financial implications to this report.

### 9.2 Legal



Implications verified by: **Tim Hallam**  
**Deputy Head of Law (Regeneration) and Deputy Monitoring Officer**

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

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

### 9.3 **Diversity and Equality**

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

There are no direct diversity implications to this report.

### 9.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

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

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

### 11. **Appendices to the report**

- None

#### **Report Author:**

Jonathan Keen  
Interim Strategic Lead of Development Services  
Place

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<b>Reference:</b> 19/00247/FUL	<b>Site:</b> Judds Farm Harrow Lane Bulphan Essex RM14 3RE
<b>Ward:</b> Orsett	<b>Proposal:</b> Demolition of existing buildings & hard standing and erection of cart lodge style garage for existing dwelling, construction of 8 residential units with associated amenity space, vehicular parking and strategic landscaping

<b>Plan Number(s):</b>		
Reference	Name	Received
1799-01	Existing Site Plan	14 February 2019
1799-02C	Proposed Site Plan	10 May 2019
1799-03A	Proposed 5 Bed Dwelling House Type 1 (Plots 1, 6 and 7)	11 March 2019
1799-04A	Proposed 5 Bed Dwelling House Type 2 (Plots 3,5 and 8)	11 March 2019
1799-05A	Proposed 5 Bed Dwelling House Type 2 (Plots 2 and 4)	11 March 2019
1799-06	Proposed Cart Lodge	14 February 2019
1799-07	Existing Outbuilding 1 – Floor Plans and Elevations	14 February 2019
1799-08	Existing Outbuilding 2 – Floor Plans and Elevations	14 February 2019
1799-09	Existing Outbuilding 3 – Floor Plans and Elevations	14 February 2019
1799-10	Topographical	14 February 2019
1799-11C	Proposed Block/Roof Plans	10 May 2019
1799-12A	Entrance Details	11 March 2019
1799-13	Site Location Plan	14 February 2019
1799-14	Visuals	14 February 2019

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Design and Access Statement</li> <li>- Flood Risk Assessment</li> <li>- Transport Assessment</li> </ul>
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<p><b>Applicant:</b> Mr D Barron</p>	<p><b>Validated:</b> 15 February 2019</p> <p><b>Date of expiry:</b> 16 August 2019 (Extension of time agreed with applicant)</p>
<p><b>Recommendation:</b> Refuse</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr G Rice, Cllr J Kent, Cllr M Kerin, Cllr S Shinnick and Cllr M Fletcher in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the proposal against Green Belt policy.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks planning permission for the demolition / removal of the existing buildings / hard standing and the construction of eight two-storey houses with associated amenity space, vehicular parking and landscaping. The proposal also includes the construction of a detached garage for the existing farmhouse to the north of the site.
- 1.2 The development would be laid out in a cul-de-sac arrangement, with access taken from Harrow Lane to the west corner of the site. Each dwelling would have private off street parking.

**2.0 SITE DESCRIPTION**

- 2.1 The site is found towards the end of Harrow Lane which is accessed from Fen Lane. The site is located within the open Fens of Bulphan and the site is bounded by arable fields to the south. The site is within Green Belt and parts of the site are within Flood Zones 1, 2 and 3a.
- 2.2 The site measures some 0.61 hectares and is occupied by a detached house (known as Judds farmhouse) and ancillary outbuildings. An existing pond is found to the east of the site.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
16/01366/FUL	Change of Use of Former Agricultural Buildings to Ancillary Residential Accommodation	Approved
16/01391/PHA	Rear extension with a depth of 8 metres from the original rear wall of the property, with a maximum height of 4 metres and eaves height of 2.9 metres.	Prior Approval Not Required

16/01392/CLOPUD	Single storey side extensions and two storey rear extension	Approved
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#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

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

##### **PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There has been two letters of objection, which cite the following concerns:

- Additional traffic;
- Access to the site;
- Light pollution;
- Loss of amenity.

##### **4.3 ARCHAEOLOGY:**

No objection, subject to conditions.

##### **4.4 EMERGENCY PLANNING:**

No objection.

##### **4.5 ENVIRONMENT AGENCY:**

No objection, subject to the Sequential and Exception Tests being met.

##### **4.6 ENVIRONMENTAL HEALTH:**

No objection, subject to conditions.

##### **4.7 HIGHWAYS:**

No objection, subject to conditions.

##### **4.8 LANDSCAPE AND ECOLOGY:**

Objection on landscape grounds, no objection to ecology.

## 5.0 POLICY CONTEXT

National Planning Guidance

### 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 13. Protecting Green Belt land

### 5.2 Planning Practice Guidance

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

- Design
- Determining a planning application
- Natural Environment
- Use of Planning Conditions

### 5.3 Local Planning Policy

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

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

Spatial Policies:

- C SSP1 (Sustainable Housing and Locations);
- C SSP4 (Sustainable Green Belt)
- O SDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

Thematic Policies:

- C STP1 (Strategic Housing Provision)
- C STP2 (The Provision of Affordable Housing)
- C STP19 (Biodiversity)
- C STP22 (Thurrock Design)
- C STP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- C STP27 (Management and Reduction of Flood Risk)<sup>2</sup>

Policies for the Management of Development:

- P MD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- P MD2 (Design and Layout)<sup>2</sup>
- P MD6 (Development in the Green Belt)<sup>2</sup>
- P MD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- P MD8 (Parking Standards)<sup>3</sup>
- P MD9 (Road Network Hierarchy)
- P MD15 (Flood Risk Assessment)<sup>2</sup>

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

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

#### 5.5 Thurrock Design Strategy

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

## 6.0 ASSESSMENT

6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic and highway impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Flood Risk
- VII. Archaeology
- VIII. Developer contributions

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

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

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

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

6.3 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.



- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
- 6.5 The NPPF sets out a limited number of exceptions within paragraph 145. This includes exception (g) which allows for the *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”* The applicant considers the proposal to constitute development on previously developed land (PDL).
- 6.6 The site is currently occupied by existing outbuildings and hardstanding and therefore part of it can be considered to constitute PDL. However, the development would only fall within the above exception if it would not have a greater impact upon the openness of the Green Belt than the existing development. In addition it should be noted that the NPPF definition of PDL states that it should not be assumed that the whole of the curtilage of PDL should be developed. In this instance the extent of the existing development on the site is far less than proposed in the current application. The proposal would extend beyond the footprint of existing structures and result in development which extends across the majority of the site encroaching into undeveloped areas. In addition the existing structures on site are shallow pitch roofed buildings which have a rural appearance with associated hardstanding. The proposal is for 8 buildings of substantial scale and a large cartlodge garage. The proposal also includes extensive hardstanding and various features associated with residential development such as fences and wall. The result of this is a development which occupies a far greater proportion of the site and includes structures of far larger scale which would result in a greater impact upon openness than the existing development. Therefore it would not fall within exception (g) as set out in paragraph 145 of the NPPF.
- 6.7 Given the above the proposal would clearly and unequivocally have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development on the site. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

- 6.8 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.9 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.10 In response to each of these five purposes:

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

- 6.11 The site is located within a rural area outside the main village of Bulphan. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

*B. to prevent neighbouring towns from merging into one another*

- 6.12 The development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

- 6.13 With regard to the third Green Belt purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form.

The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. The proposal would increase the volume of built form from 5397m<sup>3</sup> to 8918m<sup>3</sup> and create an urbanised cul-de-sac of large detached residential properties. As set out above, the site is presently occupied by a single dwellinghouse and agricultural style outbuildings are found within discrete areas of the site. It is clear that the level of development proposed would encroach upon the countryside in this location; the construction of eight houses would constitute material harm to the openness and

rural character of the Green Belt. The development would consequently conflict with this purpose.

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

6.14 The proposals do not conflict with this defined purpose of the Green Belt.

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

6.15 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. Members will be aware that a new Local Plan for the Borough is being prepared and it is recognised that the release of some Green Belt land may be required in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP1) recognises the scenario of some Green Belt release. Although the new Local Plan may well identify locations for the release of Green Belt land, the document is at a very early stage and cannot be afforded weight in the decision-making process.

6.16 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

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

particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.18 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

6.19 The Design & Access Statement sets out the applicant's Very Special Circumstances case which is assessed below:

*a) Lack of 5 years housing supply*

6.20 The applicant has argued that the Council's lack of 5 year housing supply is a very special circumstance which should be afforded weight.

Consideration

6.21 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).

6.22 The current proposals would provide a limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded 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 such circumstances to exist this factor must combine with other considerations.

*b) Provision of sustainable homes constructed to a high standard*

6.23 The applicant states that the development would deliver sustainable homes.

Consideration

6.24 Policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) are relevant to the proposals. Policy PMD12 requires new residential development to achieve a level 4 rating under the Code for Sustainable Homes (CSH) and major non-residential development to achieve appropriate BREEAM standards. However, following a technical housing standards review the Government withdrew the CSH in April 2015 and compliance with the

Code can no longer be required through a planning permission. Part L (conservation of fuel and power) of the Building Regulations is still applicable.

- 6.25 Policy PMD13 of the Core Strategy sets targets for the provision of decentralised, renewable and low-carbon energy generation but the application provides no information regarding the intention to comply with this policy.
- 6.26 The applicant's intention to exceed Building Regulation requirement is welcomed. However, this intention is not evidenced with reference to a sustainability or energy appraisal. Furthermore, this factor is not particularly site-specific and could be cited as a consideration amounting to very special circumstances on many other sites. Accordingly, this factor attracts no weight in the balance of Green Belt considerations.
- 6.27 In terms of design quality, the Council expects all new development to be of the highest quality. The provision of larger houses which would be constructed to a high standard is not considered a Very Special Circumstance. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

*c) Increased ecological value of the site*

- 6.28 The applicant has stated they would accept a condition to ensure the ecological value of the site is improved. They consider that the ecological improvements that could be gained on the site constitute a Very Special Circumstance.

Consideration

- 6.29 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments.
- 6.30 In this case, the applicant has not provided any ecological surveys or reports to demonstrate how the construction of eight detached dwellings would improve the ecological value of the site. In the absence of such information it is difficult to identify the ecological benefits of the scheme.
- 6.31 The Council's Landscape and Ecology Advisor notes in their consultation response '*There is insufficient space to provide a good quality landscape scheme which could mitigate the adverse effects of the scheme.*' Therefore the space within the site which could contribute towards biodiversity improvements is likely to be limited. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.
- 6.32 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Lack of 5 years housing supply	Significant weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Provision of sustainable homes which are well constructed	No weight
		Increase ecological value of site	No weight

6.33 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and it is for the Committee to judge:

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

6.34 Each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows that the application should be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

**II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS**

6.35 It is considered that the Council’s parking requirement of three off-street spaces per dwelling could be met within the current layout and subject to conditions requiring adequate visibility splays, refuse collection and cycle parking, the development is considered to comply with policies PMD8 and PMD9. The Council’s Highways officer has raised no objection to the level of development proposed in terms of highway intensification.

### III. SITE LAYOUT AND DESIGN

- 6.36 The scheme would take the form of a cul-de-sac featuring eight substantially sized detached houses laid out in a uniform arrangement with urbanising features typical of most residential development. The layout and overall appearance of the development does not pay regard to the isolated location of the site. Owing to the scale of the scheme and its urbanised layout, the development would be completely out of character with the open, rural nature of the fenland in which it would be located.
- 6.37 In light of the above, the proposal would be contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy and the National Planning Policy Framework 2019.

### VI. LANDSCAPE AND ECOLOGY

- 6.38 There is a large willow tree within the site which would be affected by the proposed cartlodge garage. No detailed measurements have been provided for the tree however it is considered that the canopy in reality is greater than that shown on the plans. It would be necessary to carry out extensive crown lifting/reducing on this tree if the cart lodge was maintained in its current position. This is likely to adversely impact upon the appearance of this tree and its contribution to the character of the area.
- 6.39 The existing trees along the boundary would be removed. It is considered that these offer some screening of the proposed development as well as an effective wind break and therefore their removal would increase views into the site from the adjacent public rights of way. At present the southern boundary of the site is very open with views into the site from the nearby public footpath. There will be little scope for new planting along this boundary as trees would soon cast shade over the gardens and patios. The proposal would therefore be contrary to policies PMD2 and CSTP23 of the Core Strategy and the National Planning Policy Framework 2019.
- 6.40 It is considered that the site does not contain any habitat features that are likely to support protected species. There is no objection to the scheme on ecology grounds and the proposal complies with policies CSTP19 and PMD7.

### V. AMENITY AND NEIGHBOURS

- 6.41 The new properties would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The houses would be set out so as not to impact on one another. Policy PMD1 is considered to be satisfied in this regard.
- 6.42 Notwithstanding the above, neighbour objections based upon the development of the Green Belt support the conclusions reached in section I of this report.

### VI. FLOOD RISK

- 6.43 The application site lies within Flood Zones 1, 2 and 3. Whilst it is a small proportion of the site which falls within Flood Zone 3, a Flood Risk Assessment (FRA) was

required. The Environment Agency reviewed the FRA and raise no objection to the application subject to satisfying both the Sequential and Exceptions Tests, which are the responsibility of the local planning authority.

- 6.44 The Sequential Test aims to steer new development to locations away from high risk flood zones. The proposal falls within a 'more vulnerable' use according to PPG's 'Table 2 – Flood Risk Vulnerability Classification'. The Sequential Test is based on the Environment Agency Flood Zones and information contained within the Strategic Flood Risk Assessment (SFRA). A comparison of EA modelled fluvial / tidal flood levels with topographic levels identifies that the developable areas of the site are outside of risk during the 0.1% annual exceedance probability (AEP) flood extent, therefore the site is considered to be safe for its intended use. Additionally, the proposed buildings on the site would not be built within Flood Zone 3.
- 6.45 Table 3 of the NPPG: Flood Risk and Coastal Change, states that 'more vulnerable' development is considered appropriate within Flood Zones 1 and 2. However the Exception Test must be satisfied for development within Flood Zone 3. The NPPF advises that 'more vulnerable' development can be considered appropriate in Flood Zone 3, following satisfactory application of the Exception Test. The Exception Test aims to ensure that more vulnerable property types are not allocated to areas at high risk of flooding. For the Exception Test to be passed it must be demonstrated that:
- a. the development would provide wider sustainability benefits to the community that outweigh flood risk, and
  - b. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.46 With reference to point (a) above, whilst it would not provide a meaningful contribution towards the Council's housing supply, the proposed development of eight residential properties will contribute to Thurrock Council's housing supply. With reference to point (b) above, this Flood Risk Assessment demonstrates that the site will remain flood free during all defended fluvial and tidal events. Additionally, as stated above the proposed buildings themselves are not within a high Flood Zone. Consequently, it is considered that the proposal meets the objectives of Core Strategy Policies CSTP27, PMD15 and the NPPF in relation to flood risk.

## VII. ARCHAEOLOGY

- 6.47 The Council's Archaeology Advisor has advised the Historic Environment Record shows the proposed development lies within an area of known archaeological deposits. The Archaeology Advisor has warned that the proposed development lies adjacent to a known Romano British cemetery which, when excavated, contained a number of burials and some Romano British settlement remains (EHER5215). It is likely that these features extend into the Site. Cartographic evidence indicates that, in the late 19<sup>th</sup> century, the plot also contained a historic farmstead marked on the First Edition Ordnance Survey Map as 'Judd's and Thripp's Farm'. The former historic farmstead was demolished in the 21<sup>st</sup> century but may have had its origins in the medieval period. There is therefore the potential for multi-period archaeological



remains. Therefore, a condition regarding Trial trenching and excavation would need to be added to any approval.

## VIII. DEVELOPER CONTRIBUTIONS

- 6.48 Policy PMD16 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 proposals contribute to the delivery of 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.
- 6.49 The NPPG guidance indicates that for developments of 10 units of less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought. Accordingly, given that this proposal seeks permission for 8 dwellings no contributions can be secured in this instance.
- 6.50 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing built development where there is presently none; the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the countryside and undermining to the openness of this part of the countryside.
- 7.2 The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended.

## 8.0 RECOMMENDATION

8.1 To Refuse for the following reasons:

1. The proposed development, by reason of its scale, siting and location would result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The

circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

2. The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The proposed development would, by reason of the siting of the buildings and means of enclosure close to the site boundaries and the public right of way, along with loss of vegetation and adverse impact upon an existing Willow tree, be likely to be detrimental to visual amenity, the openness and character of the flat, fenland area. The proposal would therefore be contrary to Policies PMD2, CSTP22 and CSTP23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

**Informative:**

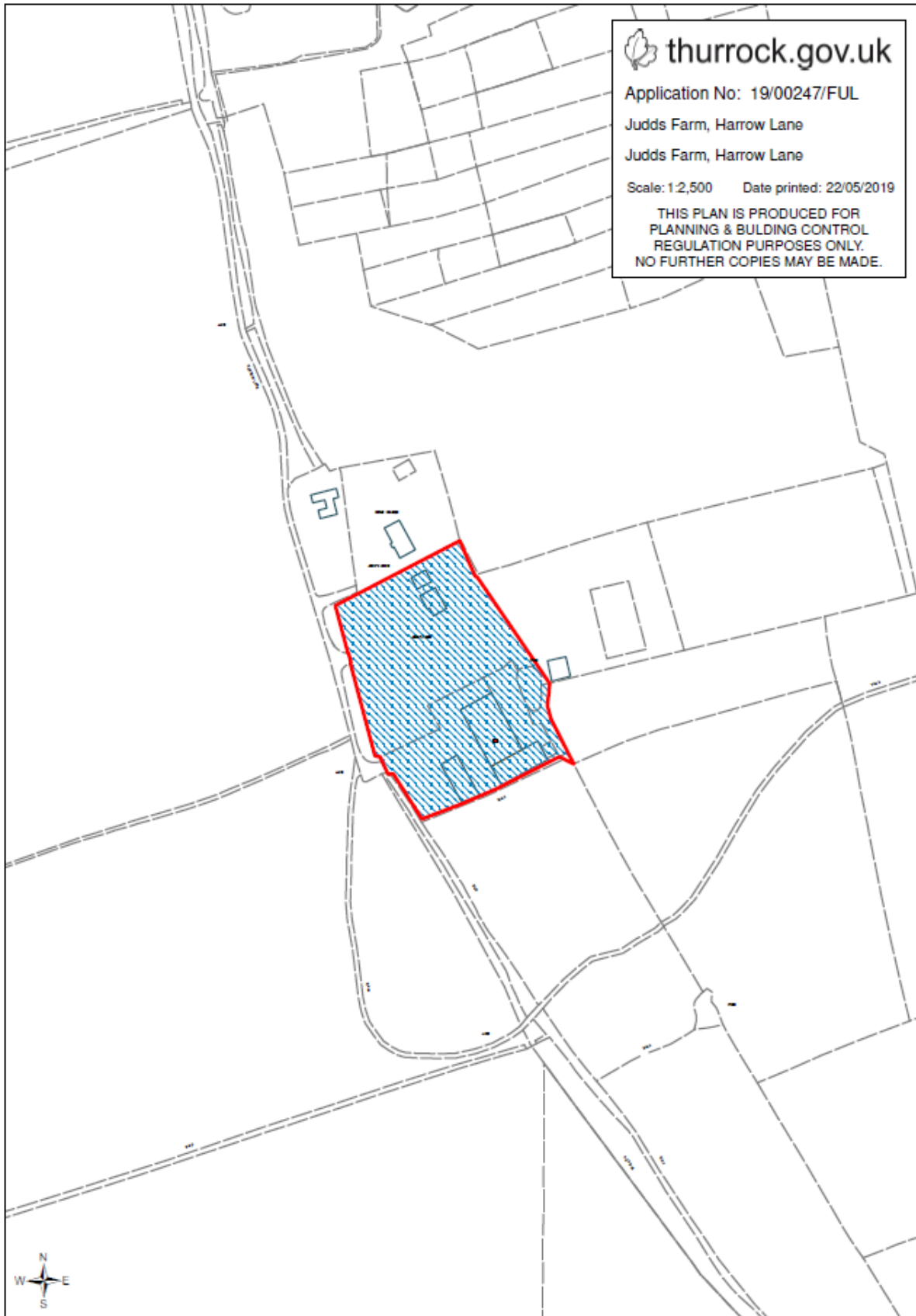
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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(s) for the refusal, approval has not been possible.

**Documents:**

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

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



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<b>Reference:</b> 19/00281/FUL	<b>Site:</b> Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage Peartree Lane Bulphan Essex
<b>Ward:</b> Orsett	<b>Proposal:</b> Erection of 6 detached dwellings with associated amenity space, vehicular parking/access roads and strategic landscaping including the demolition of outbuildings

<b>Plan Number(s):</b>		
Reference	Name	Received
01C	Proposed Plans	8th April 2019
02C	Proposed Plans	8th April 2019
03D	Location Plan	8th April 2019
04E	Proposed Site Layout	8th April 2019
05E	Site Layout	8th April 2019
07B	Proposed Plans	8th April 2019
09A	Site Layout	8th April 2019
08	Existing Elevations	4th March 2019
06A	Proposed Elevations	11th March 2019
10	Proposed Plans	11th March 2019
11	Proposed Plans	11th March 2019

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Arboricultural Report;</li> <li>- Design &amp; Access Statement;</li> <li>- Preliminary Ecological Appraisal</li> </ul>	
<b>Applicant:</b> Smart Planning	<b>Validated:</b> 4 March 2019  <b>Date of expiry:</b> 19 <sup>th</sup> August (Extension of time agreed with applicant)
<b>Recommendation:</b> Refusal	

The planning application is scheduled for determination by the Council’s Planning Committee because it has been called in by Councillors G Rice, J Potheary, C Kent, J Kent and S Shinnick to examine Green Belt Policy.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks planning permission to demolish an existing outbuilding, which sits on the boundary shared with Peartree Cottage, and to erect six 4 bed dwellings with associated hardstanding, two cart lodge style parking areas, vehicle access and landscaping. The six properties would be densely packed together within the application site, which is approximately 0.35 hectares in size. Access to the site is proposed to the south from Peartree Lane.

**2.0 SITE DESCRIPTION**

2.1 The application site is ‘Z’ shaped and adjoins the north and eastern boundary of the adjacent property at Southover. It also borders the western and southern boundary of another adjacent property at Peartree Cottage. A modest sized outbuilding is positioned abutting the site boundary with Peartree Cottage. This outbuilding is proposed to be demolished as part of the current application.

2.2 The site is currently overgrown with trees/vegetation and it is not easily viewed from the adjacent highway. Access to the site is from the south and whilst there is some hardstanding present at the site the applicant has not provided details of this within the submitted plans.

2.3 The surrounding area is mainly rural in character with a mix of land uses spread through Peartree Lane. There are a small number of residential properties which generally have generous sized gardens and are spaciouly separated.

2.4 The site lies within Metropolitan Green Belt and also lies within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is not within a high flood risk zone.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
61/00005/FUL	Residential (3 plots) - Adjacent to Peartree Cottage	Refused
59/00076/FUL	Poultry House	Approved
58/00615/FUL	Chalet Bungalow	Approved
58/00615A/FUL	Chalet Bungalow (amended block plan)	Approved

58/00615B/FUL	Chalet bungalow (amended plan)	Approved
58/00615C/FUL	Chalet Bungalow (revised plan)	Approved
57/00645/FUL	Rebuilding two Boiler Houses	Approved
49/00594/FUL	Greenhouses	Approved

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

##### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Twenty-five written comments have been received, which are summarised below;

- Access to Peartree Lane and the site is unsuitable;
- Additional traffic;
- Peartree Lane is narrow and has no formal road surface;
- Insufficient parking provision, including for visitors;
- Recent accidents along Peartree Lane;
- Out of character with surrounding landscape;
- Overlooking/Overshadowing/Overbearing neighbouring properties;
- Plot sizes are significantly smaller than character of area;
- Possible excessive noise;
- Loss of privacy;
- Harm to Green Belt land;
- Loss of amenity;
- Loss of green space/wildlife would be destroyed;
- Overlooking from balconies;
- Design is out of character to the surrounding properties;
- Two storey properties / heights of the buildings omitted from plans;
- Houses would appear over dominant;
- There are 15 dwellings in Peartree Lane and the combined development with the application to the south of Peartree Lane (ref. 19/00287/FUL) would result in another 14 houses;
- Impact to health and well-being of neighbouring properties;
- The land within the site has already been cut back and a large proportion of the vegetation at the site has been destroyed;
- Surface water drainage concerns and potential flood risk because the land is made up of clay;
- The need for un-met housing in the area does not meet the very special circumstances to allow such a development nor is the site a small infill plot and;

- Concerns over the services and general infrastructure for this area
- Loss of value to adjacent properties.

**ENVIRONMENT AGENCY:**

No comment received.

**ANGLIAN WATER:**

No comment.

**NATURAL ENGLAND:**

No objection, subject to legal agreement.

**ESSEX AND SUFFOLK WATER:**

No objection.

**HEALTH AND SAFETY EXECUTIVE:**

No objection.

**ESSEX POLICE:**

Further information required.

**HIGHWAYS:**

No objection, subject to conditions and Section 106 agreement.

**LANDSCAPE AND ECOLOGY ADVISOR:**

Objection raised.

**HOUSING:**

No objection.

**ENVIRONMENTAL HEALTH OFFICER:**

No objection subject to conditions.



**FLOOD RISK MANAGER:**

No objection, subject to conditions.

**EDUCATION:**

No education contribution required.

**5.0 POLICY CONTEXT****5.1 National Planning Policy Framework (NPPF) (2019)**

The revised NPPF was published on 24 July 2018 and revised again in February 2019. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

**5.2 Planning Practice Guidance**

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

- Design
- Determining a planning application
- Green Belt

- Natural Environment
- Use of Planning Conditions

### **Local Planning Policy**

#### **5.3 Thurrock Local Development Framework (2015)**

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

##### Spatial Policies:

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

##### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CATP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk;

##### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)

Saved Annexe 1 of the 1997 Local Plan, sets out requirements in relation to plot size and amenity space.

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

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

6.1 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design, Layout and Impact to Neighbouring Amenity
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flooding and Site Drainage
- VI. Other Matters

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

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

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

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

- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The NPPF sets out a limited number of exceptions to this.
- 6.5 The Design and Access Statement submitted consider that the proposal falls within the NPPF exception to inappropriate development as defined in paragraph 145(e) which relates to limited infilling in villages. The application site is situated to the north of Peartree Lane, where residential properties are sporadically and spaciouly laid out, as a result of historic development, down a narrow countryside lane. The application site is located within the Metropolitan Green Belt and situated approximately 0.5 km north of Bulphan village. The site is isolated from any local amenities and situated along a remote country lane with limited access to Bulphan village. Additional residential development along Peartree Lane would have limited access to the nearest village. Evidently, as outlined above, the application site is outside of a village settlement and situated along an isolated road off of the Bulphan By-Pass.
- 6.6 Furthermore, in a recent appeal decision received by the Council against a refused application at Robinson Road, close to Horndon on the Hill (ref. 18/01131/PIP and ref. APP/M1595/W/19/3220683), where the limited infilling of villages was cited as a relevant exception to inappropriate development in the Green Belt, the Inspector came to a view that:

- 6.7 *'Unlike the compact development at Horndon-on-the-Hill that is set around a formalised street pattern, the development along Robinson Road is relatively sporadic and Robinson Road itself is narrow and hosts attributes of a countryside lane. Whilst there is existing residential development along Robinson Road, I do not consider this location to have the characteristics of a village, therefore I do not consider the site would constitute infilling within a village. As such, the proposal would not fall within the exception criteria and therefore the proposal, by definition, would be inappropriate development.'*
- 6.8 The application site, as established above, is similarly situated along a remote country Lane north of Bulphan Village. The village has a structured street pattern and layout, whereas the pattern of development along Peartree Lane is more sporadic demonstrated by the size of the plots, irregular layout and the varied land uses in the surrounding area. Furthermore, the remoteness of Peartree Lane is further exemplified by Peartree Lane being a no through road, unusually narrowly with poor quality road surfacing. As with the appeal example above, the application site is not considered as part of the village settlement above.
- 6.9 Consequently, the proposals constitute inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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

- 6.10 Having established that the proposal would represent inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.11 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.12 In response to each of these five purposes:

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

- 6.13 The site is situated within Bulphan but outside of Bulphan Village. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

*B. to prevent neighbouring towns from merging into one another*

- 6.14 The site is situated away from nearby towns and therefore would not result in the confluence of any towns. Therefore the development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

- 6.15 With regards to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The proposed development would spread the built form across a significant proportion of the site where there is currently no built form. It is important to note that the proposed dwellings, cart lodges, hardstanding and associated vehicle access/roads extend beyond the footprint of the existing building. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

- 6.17 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The erection of six detached dwellings with associated hardstanding/vehicle accesses and fencing is inconsistent with the fifth purpose of the Green Belt.
- 6.18 In light of the above analysis, it is considered that the proposals would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

6.19 The application site is currently occupied by a relatively modest single storey building. It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. The table below demonstrates the extent of the built form which would be introduced on this site.

	Floorspace	Footprint (sq.m)	Volume (m <sup>3</sup> )
Existing Structure (To be demolished)	74 sq.m	80 sq.m	553 sq.m
Proposed Dwellings (plots 1-6)	1185 sq.m	718 sq.m	4465 m3
Proposed Cart lodges (x2)	-	78 sq.m	135 m3
<b>Proposed Total</b>	<b>1185 sq.m</b>	<b>796 sq.m</b>	<b>4460 m3</b>
<b>Difference from existing structures</b>	<b>+1501% increase</b>	<b>+895% increase</b>	<b>+706% increase</b>

6.20 In view of the above, the existing building at the site is very modest in size, footprint and floor space. The proposed development would introduce an excessive amount of built form on what is effectively open land. The footprint and floor space would significantly increase by 895% and 1501% respectively. The amount of hardstanding and volume of structures would be also significantly increased. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.

6.21 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘Very Special Circumstances’, either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether ‘very special circumstances’ exist, factors put forward by an applicant which are generic or capable of being easily

replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

- 6.22 With regard to the NPPF, paragraph 143 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities *"should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*.
- 6.23 The Design and Access Statement submitted indicates that the applicant considers the proposed development constitutes appropriate development in the Green Belt. For reasons noted above, the Council takes the view that the proposal constitutes inappropriate development. In correspondence with agent they confirmed that they have not submitted Very Special Circumstances as they do not consider this represents inappropriate development. However, they have submitted a number of other material considerations which they feel weigh in favour of the development. Given the Council's view of the development these have been assessed in terms of whether they represent Very Special Circumstances which would clearly outweigh the harm to the Green Belt.

a) Shortfall of housing supply

- 6.24 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).
- 6.25 The current proposals would, with six units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded 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 such circumstances to exist this factor must combine with other considerations.



b) All dwellings to a high sustainability standard

- 6.26 The Design and Access Statement submitted with the application suggests that all dwellings are to be a high sustainability standard, but little detail or information has been supplied to verify this assertion. The agent confirms that each dwelling would exceed building regulation standards. However, high standards of sustainability is to be expected on all development. Therefore no weight is afforded to this factor.

c) Making good Peartree Lane from the junction with Brentwood Road up to the site access

- 6.27 The road surface of Peartree Lane is in poor condition and the applicant has suggested making improvements to the condition of the road, as a material consideration in favour of development. However, Peartree Lane is a private road and the condition of the road would be a private matter between the relevant landowners. The Council's Highways Officer has supported the improvement of Peartree Lane, and his comments regarding improvements to a section of Brentwood Road are noted. However, these improvements would be necessary to mitigate the additional number of vehicular movements that would take place on this road and therefore this is afforded no weight as a very special circumstance.

d) Tidying of the site including removal of areas of existing poor quality hardstanding and fly tipped material. Development of the site will also remove the potential for future fly tipping

- 6.28 The application site is somewhat overgrown with trees and vegetation. The applicant suggests that having residential development on open land would be a better form of land use, which deters inadvertent uses of the land, such as fly tipping. They also suggest that the removal of existing poor quality hardstanding would improve the appearance. Whilst the removal of existing abandoned structures and hardstanding could represent an improvement it is considered that the resultant development is significantly out of character with the area. Importantly, the site could be tidied and secured without the need for development of this type and therefore this factor should be afforded no weight.

e) 'Achieving Sustainable Development' and Promoting Healthy and Safe Communities

- 6.29 The applicant considers that proposed development would be economically sustainable due to the number of jobs generated during construction phase and would also have environmental and social benefits. However, the application site has limited accessibility to local services to support the community's health, social and cultural well-being and, for these reasons, the proposal would be contrary to the social role of planning.

- 6.30 Moreover, neighbour comments have mentioned sightings of various forms of wildlife, including protected species, such as slow worms and woodpeckers. The proposal would result in the development of a large proportion of the site and therefore any ecological benefits are likely to be limited
- 6.31 In terms of promoting Healthy and Safe Communities the applicant states the current application is in accordance with the NPPF's guidance. However, Essex Police has commented that no details have been submitted to supplement the application and maintain they would require finer detail relating to the boundary treatments and physical security measures.
- 6.32 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure and create jobs in the short time. However there would not be a significant long term positive impact due to the limited number of units. Therefore this factor is afforded very limited weight.
- f) *Making Effective Use of Land*
- 6.33 The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development. However, paragraph 117 explicitly refers to previously-developed or brownfield land. The glossary definition of brownfield land diverts to the definition of previously developed land. The NPPF states that even on land that was last occupied by a permanent structure, it should not be assumed, that the whole curtilage should be developed and further asserts that land last occupied by buildings are exempt from being considered Previously Developed Land where the remains of the permanent structure or fixed have blended into the landscape
- 6.34 From the site visit, the existing building appear not to have been used for a significant period of time, in addition the vegetation within the site has significantly overgrown the building and as a result it is not readily visible from the adjacent highway. Additionally, from the consultation comments and aerial photos of the site, it is clear that some vegetation has been removed from the site, however, a large amount still remains. Therefore, it is considered that the existing structure on the site has blended into the landscape and as a result the site cannot be considered as Previously Developed Land. Furthermore, it is considered that only part of the site could constitute PDL as the NPPF warns that the exception of PDL is not relevant "*where this would conflict with other policies in this Framework*". Notwithstanding the above, as identified earlier in the report, the proposal would conflict with the Green Belt policies set out within the framework as it represents inappropriate development which fails to demonstrate very special circumstances which clearly outweigh the harm.

6.35 The proposal involves the demolition of an existing moderately sized building located centrally within the site and would introduce various built form across the site and associated vehicle access roads and hardstanding. Effectively, the proposal would create a densely packed, urban style residential development that includes 6 detached dwellings and two cart lodges, resulting in an urbanised environment on a largely open plot of land along a country lane. Thus, reference to NPPF’s ‘making effective use of land’ is not considered appropriate in the context of Green Belt land, especially where it has been established the site is neither brownfield land nor previously developed land. As a result, this is afforded no weight in the assessment of the impact upon the Green Belt.

6.36 A summary of the weight which has been given to the various Green Belt considerations is provided below;

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	Lack of 5 year housing supply	Significant
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		All dwellings to a high sustainability standard	No weight
		Making good of Peartree Lane	No weight
		Achieving Sustainable Development / Promoting Healthy and Safe Communities	Very limited weight
	Making Effective Use of Land	No weight	

6.37 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm has been considered earlier 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;

- 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'.

6.38 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies PMD6, PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

## II. DESIGN, LAYOUT AND IMPACT TO NEIGHBOURING AMENITY

- 6.39 The proposal would introduce a densely packed residential development within an area where each established residential plot is unique in size and layout. The immediate locality has a rural character with a sporadic layout and generously sized plots where buildings are generally low in height including bungalows and chalet style properties.
- 6.40 In addition, the Council's Landscape and Ecology Advisor has commented on the densely mixture of young woodland at the site and he notes that whilst the trees individually are generally low quality the woodland makes an important contribution towards the rural character of the area. Overall, the advisor expressed concerns on the density of the scheme and the impact to the rural character of immediate locality.
- 6.41 The Design and Access Statement considers '*the scale of the proposed dwellings being two storey is in kind with existing properties in the vicinity. This will ensure that they will sit inoffensively in their surroundings*'
- 6.42 The proposed development would consist of two storey properties of an urbanised layout which would appear out of character with the prevailing rural appearance of the location. Furthermore, as indicated above, the development would result in a significant amount of built form introduced onto an open site. The proposed development would introduce 6 additional properties within a plot of 0.35 hectares which is represents a density quite out of character with the area. Consequently, the proposal would become highly visible and out of character with the immediate locality of Peartree Lane.

- 6.43 Saved Annexe 1 of the 1997 Local Plan, sets out requirements in relation to plot size and amenity space. These standards were designed to ensure adequate outdoor space for new dwellings. Plots 1 and 2 would have very short garden depths for large properties of 9.5m and 8.5m respectively. Saved Annexe A1.2(iii) requires a minimum garden depth of 12m. For properties of this scale it is considered that the properties should have a minimum of 125 sq.m in line with Annexe A1.2(i). The proposed site plan suggests that plots 1 and 2 would have garden areas of 180 sq.m and 134 sq.m respectively, however, having measured the plans it appears that both plots would have private amenity space below 110 sq.m. Given the spacious layout of the existing properties along Peartree Lane and how densely packed together the proposal is, in combination with the short garden depths of plots one and two, it is considered the proposal would represent overdevelopment of the site.
- 6.44 The flank wall of the two storey property at Plot 5 would be approximately 11m from the rear wall of the property to the south at Southover. Given the relatively short garden depth of the neighbouring property it is considered that the dwelling types characterised by this development consisting of two storey dwellings, at approximately 9.5m in height, would represent an overbearing feature abutting the northern boundary of Southover. This neighbour commented that the flank wall would be 6m from their kitchen window as Southover is closer to the rear boundary than indicated on the plans. As a result the dwelling at Plot 5 would result in overshadowing and overbearing impact upon this neighbour harmful to their amenity.
- 6.45 Given the above, the scale of the built form proposed at the site and the urbanised layout, the proposal would result in an adverse impact upon the amenity of the neighbour at Southover, and appear out of character and harmful to the street scene and immediate area. Thus, the proposed development constitutes overdevelopment of the site and would conflict with policies PMD1, PMD2, CSTP22 and CSPT23 of the Core Strategy and the NPPF.

### III. IMPACT UPON LANDSCAPE AND ECOLOGY

- 6.46 The Landscape and Ecology Advisor has been consulted on the current application and has considered the Preliminary Ecology report submitted. Broadly, the conclusions of the report are agreed but he considers that as a result of the material present on the site there could be reptiles present. Therefore he advises that a reptile survey and method statement may be appropriate. These could be managed by condition if the application was being recommended favourably.
- 6.47 Natural England has advised that the site falls within the 'Zone of Influence' (Zoi) for one of more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Thurrock Council, working together to mitigate the effects

arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.

- 6.48 The Landscape and Ecology Advisor, as noted above, commented on the contribution of the woodland to the rural character of the area. He expressed concerns with the high density of the scheme and the limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development. On this basis, the proposed development is contrary to PMD2 and CSTP22 of the Core Strategy and the criteria of the NPPF.

#### IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.49 The Highways Officer commented that the site is within an area of low accessibility and the proposed development would generate a high proportion of vehicle movements. As a result, a Section 106 contribution would be sought for improvements to the section of road between Peartree Lane and the A128. Notwithstanding the recommendation of the application, no further highway objections have been raised to the proposal subject the s.106 contribution and conditions relating to swept path analysis, details of refuse strategy and providing a Construction, Environment Management Plan [CEMP].

#### V. FLOODING AND SITE DRAINAGE

- 6.50 The application site is not within a high flood risk zone, however, there have been a number of comments received in relation to site drainage. A number of the comments indicate that as a result of the clay soil within the immediate area, Peartree Lane is prone to flooding and is often water logged.
- 6.51 The Council's Flood Risk Manager initially raised a holding objection to the application, due to a lack of detail submitted in relation to site drainage, and consequently a potential risk of flooding at the site. Additional information has since been submitted and as a result subject of that information, the objection has been withdrawn. Subject to planning conditions the proposal would be acceptable in flood risk terms. Notwithstanding the principal Green Belt objection, the proposed development would, therefore, comply with Policies PMD15 and CSTP27 of the Core Strategy.

#### VII. OTHER MATTERS.

- 6.52 Comments have been received in relation to the accuracy of the red line boundary outline around the application site. After a Land Registry search, it transpired that ownership the application site outlined in red was not fully within the applicant's ownership. As a consequence of this information, the applicant has since publicised the red lined boundary of the application via a certificate D since the ownership of the verge to the south of the site is unknown. The applicant has now complied with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to the declaration of landownership and notification for the planning application.
- 6.53 Comments have been received from the owner of a neighbouring property who contends that they have not provided their consent for the removal of these trees; the ownership of the trees is considered a civil matter and not a material planning consideration.
- 6.54 Comments have been received that the proposed development would result in the loss in value of the properties along Peartree Lane. However, this is not a material planning consideration.
- 6.55 Comments have been received that indicate the application was not effectively advertised. The application has been advertised in the local press, neighbour letters have been sent and a site notice has been posted nearby. Additionally, all neighbours notified originally have been further consulted and a further site notice posted in relation to the receipt of the Certificate D certificate of ownership notification. Therefore the correct procedure has been followed with regards to the consultation and public notification of the application, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## 7.0 RECOMMENDATION

- 7.1 Refuse for the following reasons:

**Reason:**

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. 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 proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

2. The proposed development would, by reason of its design, density and urban layout, appear as overdevelopment within this rural setting given the surrounding pattern of development and sporadic nature of buildings. The introduction of two storey properties, associated cart lodges and vehicle hardstanding would appear out of character within the immediate locality and would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore contrary to Policies PMD2, CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.
3. The proposed dwelling on Plot 5, would, by reason of its siting and scale result in a significant loss of light and overbearing impact upon the neighbouring dwelling Southover, harmful to the residential amenity of this neighbour. The proposal is therefore contrary to Policy PMD1 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

**Informative(s):-**

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

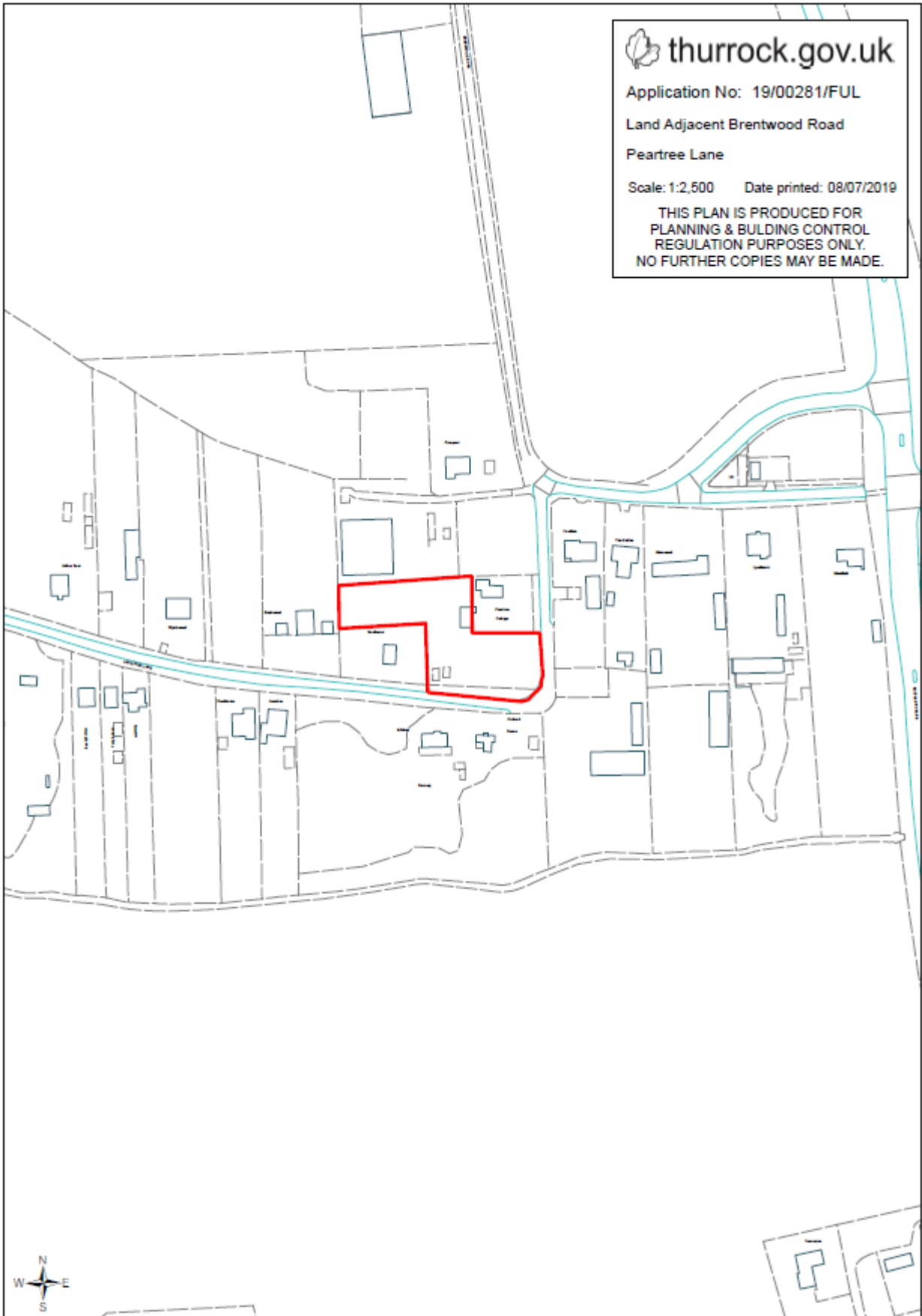
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory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

**Documents:**

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

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





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<b>Reference:</b> 19/00287/FUL	<b>Site:</b> Land To Rear Of Conifers Brentwood Road And Adjacent Orchard House Peartree Lane Bulphan Essex
<b>Ward:</b> Orsett	<b>Proposal:</b> Erection of 8 detached dwellings with associated amenity space, vehicular parking/access roads and strategic landscaping following the demolition of existing outbuilding

<b>Plan Number(s):</b>		
Reference	Name	Received
08B	Existing Plans	25th February 2019
05C	Proposed Plans	8th March 2019
06C	Proposed Plans	8th March 2019
07A	Proposed Elevations	8th March 2019
11	Proposed Plans	8th March 2019
09A	Proposed Plans	8th March 2019
10A	Proposed Plans	8th March 2019
12	Proposed Plans	8th March 2019
13	Proposed Plans	8th March 2019
03E	Roof Plans	30th May 2019
14	Proposed Plans	30th May 2019
02E	Proposed Site Layout	30th May 2019
04D	Proposed Plans	30th May 2019
01D	Location Plan	10th July 2019

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Arboricultural Report;</li> <li>- Design &amp; Access Statement;</li> <li>- Preliminary Ecological Appraisal;</li> <li>- Sustainable Urban Drainage System.</li> </ul>	
<b>Applicant:</b> Smart Planning	<b>Validated:</b> 4 March 2019 <b>Date of expiry:</b> 19 August 2019 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refusal	

This planning application is scheduled for determination by the Council’s Planning Committee because it has been called in by Councillors G Rice, J Potheary, , C Kent, J Kent and S Shinnick to examine Green Belt Policy.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks planning permission to demolish an existing structure situated centrally within the application site and to erect eight 4 bed dwellings with associated hardstanding, cart lodges, vehicle access/hardstanding and landscaping. Access to the site is proposed to the north from Peartree Lane.

**2.0 SITE DESCRIPTION**

2.1 The application site is rectangular shaped and borders properties at Orchard House, Conifers, The Gables and Glenwood along the eastern boundary of the site. There is a main river ‘New Mardyke’ directly south of the application site.

2.2 A large proportion of the land is covered in vegetation, but there are a few low level structures which appear to have been abandoned a number of years ago. Access to the site is from the north, although the level of hardstanding which serves this access is limited.

2.3 The surrounding area is mainly rural in character with a mix of land uses spread through Peartree Lane. There are a small number of residential properties which generally have generous gardens and are spaciouly separated.

2.4 The site lies within Metropolitan Green Belt and also lies within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is not within a high flood risk zone, although, a main river directly borders the site to the south.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
88/00901/OUT	Erection of One Dwelling (Outline)	Refused
82/00342/OUT	3 Residential Units (Outline)	Refused
81/00569/FUL	Agricultural building with open sides for change of use to storing fire damaged goods subject to Loss Adjusters survey.	Refused

76/00821/FUL	Use of land for parking cars rendered scrap by accident damage, pending clearances necessary for their removal for salvage.	Refused
61/00056/FUL	Erection of 9 mushroom sheds	Approved
60/00402/FUL	Erection of three Mushroom Sheds	Approved
56/00297/FUL	Use of land - Dwelling House	Refused

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link:

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

#### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Twenty one written comments have been received, which are summarised below;

- Access to Peartree Lane and the site is not suitable;
- Additional traffic;
- Peartree Lane is narrow and has no formal road surface;
- Insufficient parking provision, including for visitors;
- Recent accidents along Peartree Lane;
- Out of character with surrounding landscape;
- Overlooking/overshadowing/overbearing upon neighbouring properties;
- Plot sizes are significantly smaller than others in the area;
- Possible excessive noise;
- Loss of privacy;
- Harm to Green Belt land;
- Loss of amenity;
- Loss of Green Space/Wildlife would be destroyed;
- Overlooking from balconies;
- Design is out of character with the surrounding properties;
- Two storey properties / heights of the buildings omitted from plans;
- Houses would appear over dominant;
- There are 15 dwellings in Peartree Lane and the combined development with the application to the north of Peartree Lane (ref. 19/00281/FUL) would result in another 14 houses;

- Impact to health and well-being of neighbouring residents;
- Surface water drainage concerns and potential flood risk area because the land is made up of clay;
- Hedgehogs, adders, bumble bees, woodpeckers, owls, birds, foxes and other wildlife nearby;
- The need for un-met housing in the area does not meet the very special circumstances to allow such a development nor is the site a small infill plot;
- Concerns of the services and general infrastructure for this area and
- Loss of value to adjacent properties;

NATURAL ENGLAND:

No objection, subject to legal agreement.

ENVIRONMENT AGENCY:

No objection subject to Anglian Water being notified. An environmental permit is required for flood risk activities near to a fluvial main river.

ANGLIAN WATER:

No objections.

ESSEX AND SUFFOLK WATER:

No objection.

HEALTH AND SAFETY EXECUTIVE:

No objection.

HIGHWAYS:

No objection, subject to conditions and Section 106 agreement.

LANDSCAPE AND ECOLOGY ADVISOR:

Objection raised.

FLOOD RISK MANAGER:

No objection, subject to conditions.

**HOUSING:**

No objection.

**EDUCATION:**

No education contribution required.

**ENVIRONMENTAL HEALTH OFFICER:**

No objection subject to conditions.

**5.0 POLICY CONTEXT****5.1 National Planning Policy Framework (NPPF) (2019)**

The revised NPPF was published on 24 July 2018 and revised in February 2019. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

**5.2 Planning Practice Guidance**

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

- Design
- Determining a planning application

- Green Belt
- Natural Environment
- Use of Planning Conditions

### **Local Planning Policy**

#### **5.3 Thurrock Local Development Framework (2015)**

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

##### Spatial Policies:

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

##### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk);

##### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)



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

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

6.1 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design, Layout and Impact to Neighbouring Amenity
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flooding and Site Drainage
- VI. Other Matters

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

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

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

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

- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
- 6.5 The application site is located within the Metropolitan Green Belt and situated approximately 0.5 km north of the Bulphan village. The application site borders Orchard House, Conifers, The Gables and the Mardyke River to the south. However the nearby properties are not located in any structured manner. From the site visit, it appears there is some hardstanding surrounding the built structure which is located centrally within the site, furthermore, aerial photos appear to indicate the site was previously used as a scrap/storage yard which is further supported by neighbour comments received.
- 6.6 The Design and Access Statement submitted asserts the proposal falls within the NPPF exception to inappropriate development as defined in paragraph 145(g) ‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development’. The NPPF’s definition of Previously Developed Land (PDL) is set out below;
- 6.7 *‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...’*
- 6.8 It then goes on to say;

*This excludes...land that was previously developed but where the remains of the*

*permanent structure or fixed surface structure have blended into the landscape.*

- 6.9 In this instance the site is occupied by a single building which is surrounded by an area of hardstanding. Whilst the site is no longer in use the built structure and hardstanding remain.
- 6.10 During a site visit it was clear that whilst part of the site is overgrown the main area of hardstanding and the structure itself have not entirely blended into the landscape. As a result it is considered that, from the site visit and the evidence from the aerial photos, that part of the site constitutes PDL. However, as set out in the NPPF, it should not be assumed, the whole curtilage should be developed.
- 6.11 Where an application site constitutes PDL the proposed development would not constitute inappropriate development if it would not have a greater impact on the openness of the Green Belt than the existing development. In this instance the proposal results in significant level of built form of a far greater scale and mass spread across a wider proportion of the site encroaching into areas of the site which have not previously been developed. It would also include extensive areas of hardstanding and means of enclosure such as fencing which would further impact upon openness. Therefore the proposal would clearly and unequivocally have a greater impact upon the openness of the Green Belt. As a result it would not fall within the above referenced exception to inappropriate development in the Green Belt.
- 6.12 Consequently, the proposal comprises of inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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

- 6.13 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.14 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and

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

6.15 In response to each of these five purposes:

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

6.16 The site is situated within Bulphan but outside of Bulphan Village. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

*B. to prevent neighbouring towns from merging into one another*

6.17 The site is situated away from nearby towns and therefore would not result in the confluence of any towns. Therefore the development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

6.18 With regard to the third Green Belt purpose, the proposal would involve built development on what parts of the site which are currently open and undeveloped. The proposed development would spread across a larger proportion of the site including areas where there is currently no built form. It is important to note that the proposed dwellings, cart lodges, hardstanding and associated vehicle access/roads extend beyond the footprint of the existing building and hardstanding. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

6.20 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The erection of eight detached dwellings with associated

hardstanding/vehicle accesses and fencing is inconsistent with the fifth purpose of the Green Belt.

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

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

6.22 The application site currently contains a single structure along with an area of hardstanding. It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. The table below demonstrates the harms to the Green Belt.

	Floorspace	Footprint (sq.m)	Volume (m <sup>3</sup> )	Hardstanding (sq.m)
Existing Structure (To be demolished)	345 sq.m	345 sq.m	1998 sq.m	1104 sq.m
Proposed Dwellings (plots 1 -8)	1420 sq.m	1069 sq.m	7393 sq.m	2879 sq.m (inc.cartlodges/hardstanding surrounding dwellings)
Proposed Cart lodges (x2)	-	78 sq.m	135 sq.m	-
<b>Proposed Total</b>	<b>1420 sq.m</b>	<b>1147 sq.m</b>	<b>7528 sq.m</b>	<b>2879 sq.m</b>
<b>Difference from existing structures</b>	<b>+311 %</b>	<b>+232 %</b>	<b>+276%</b>	<b>+160%</b>

6.23 In view of the above, the existing building at the site is modest in size, footprint and floor space. From the existing site plan submitted and the site visit, there are additional containers on site but limited detail has been supplied in relation to these structures within the current application. Therefore, it is not possible to include these details in the calculations above. The proposed development would introduce an excessive amount of built form across the majority of the site, including areas which are currently open. The additional footprint and floor space that would be introduced would be significantly increased by 232% and 311% respectively. The hardstanding and volume introduced at the site would also be significantly increased by 160% and

276% respectively. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form which would be introduced to the site.

- 6.24 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.25 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 6.26 The Design and Access Statement submitted indicates that the applicant considers the proposed development constitutes appropriate development in the Green Belt. For reasons noted above, the Council takes the view that the proposal constitutes inappropriate development. In correspondence with the agent they confirmed that they have not submitted Very Special Circumstances as they do not consider this inappropriate development. However, they have submitted a number of other material considerations which they feel weigh in favour of the development. Given the Council's view of the development these have been assessed in terms of whether these constitute Very Special Circumstances which would clearly outweigh the harm to the Green Belt. The submitted further material considerations are as follows;

a) Shortfall of housing supply

- 6.27 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).
- 6.28 The current proposals would, with eight units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded 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.

*b) All dwellings to a high sustainability standard*

- 6.29 The Design and Access Statement submitted with the application maintains that all dwellings are to be a high sustainability standard, but little detail or information has been supplied to verify this assertion. The agent confirms that each dwelling would exceed building regulation standards. High standards of sustainability is to be expected on all development. Therefore no weight is afforded to this factor.

*c) Making good of Peartree Lane from the junction with Brentwood Road up to the site access*

- 6.30 The road surface of Peartree Lane is in poor condition and the applicant has suggested making improvements to the condition of the road, as a material consideration in favour of development. However Peartree Lane is a private road and the condition of the road would be a private matter between the relevant landowners. The Council's Highway Officer has supported the improvement of Peartree Lane, and his comments regarding improvements to a section of Brentwood Road are noted. However, these improvements would be necessary to mitigate the additional number of vehicular movements that would take place on this road and therefore this is afforded no weight as a very special circumstance.

*d) Tidying of the site including removal of areas of existing poor quality hardstanding and fly tipped material. Development of the site will also remove the potential for future fly tipping*

- 6.31 The application site is somewhat overgrown with trees and vegetation. The applicant suggests that having residential development on open land would be a better form of land use, which deters inadvertent uses of the land, such as fly tipping. They also

suggest that the removal of existing poor quality hardstanding would improve the appearance. Whilst the removal of existing abandoned structures and hardstanding could represent an improvement it is considered that the resultant development is significantly out of character with the area. Importantly, the site could be tidied and secured without the need for development of this type and therefore this factor should be afforded no weight.

e) 'Achieving Sustainable Development' and Promoting Healthy and Safe Communities

- 6.32 The applicant considers that proposed development would be economically sustainable due to the number of jobs generated during construction phase and would also have environmental and social benefits. However, the application site has limited accessibility to local services to support the community's health, social and cultural well-being and, for these reasons, the proposal would be contrary to the social role of planning.
- 6.33 Moreover, neighbour comments have mentioned sightings of various forms of wildlife, included protected species, such as slow worms and woodpeckers. The proposal would result in the development of a large proportion of the site and therefore any ecological benefits are likely to be limited.
- 6.34 In terms of promoting Healthy and Safe Communities the applicant states the current application is in accordance with the NPPF's guidance. However, Essex Police has commented that no details have been submitted to supplement the application and maintain they would require finer detail relating to the boundary treatments and physical security measures.
- 6.35 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure and create jobs in the short time. However there would not be a significant long term positive impact due to the limited number of units. Therefore this factor is afforded very limited weight.

f) Making Effective Use of Land

- 6.36 The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development. Paragraph 117 refers to previously-developed or brownfield land. In this instance, as set out earlier in the report it is considered that only part of the site constitutes PDL and the NPPF warns that the exception of PDL is not relevant "*where this would conflict with other policies in this Framework*". As identified earlier in the report the proposal would conflict with the Green Belt policies set out within the framework as it represents inappropriate development which fails to demonstrate very special circumstances which clearly outweigh the harm.



Therefore, no weight is afforded to this factor.

6.37 A summary of the weight which has been placed on the various Green Belt considerations is provided below;

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	Lack of 5 year housing supply	Significant
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		All dwellings to a high sustainability standard	No weight
		Making good of Peartree Lane	No weight
		Achieving Sustainable Development / Promoting Healthy and Safe Communities	Very limited weight
	Making Effective Use of Land	No weight	

6.38 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to 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;
- 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’.

6.39 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no

planning conditions which could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD6, PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

## II. DESIGN, LAYOUT AND IMPACT TO NEIGHBOURING AMENITY

- 6.40 The proposal would introduce a densely packed residential development within an area where each established residential plot is unique in size and layout. The immediate locality has a rural character with a sporadic layout and generously sized plots where properties are generally low in height such as bungalows and chalet style properties.
- 6.41 A vehicle access road from the southern corner of Peartree Lane would extend into the development site, which would serve 8 large detached properties in close proximity to one another. Plot 8 would be approximately 15m from Peartree Lane and the views into the application site would be of an urbanised residential development within a rural lane.
- 6.42 Along the eastern boundary, the flank wall of plot 8 would be within 0.8m of the shared boundary with Orchard House. There is an outbuilding in close proximity to the boundary within the curtilage of Orchard House, but the flank wall would be approximately 11m from the flank wall of the neighbouring property.
- 6.43 Notwithstanding the above, the Plots 7 and 8 are both unusually close to the eastern boundary for dwellings which are two storeys, approximately 9.5m in height and comprise of 4 bedrooms. Furthermore, Plots 1, 2, 3 and 4 would have very short garden depths for large properties between 7.7 metres to 9.4m. Also as a result of the revised site location plan, the area of Plot 1 has been compromised and it also considered the garden depth for this plot is not sufficient at 9.5m. Saved Annexe A1.2(iii) of the 1997 Local Plan requires a minimum garden depth of 12m. Therefore, in view of the spacious character and layout of the properties along Peartree Lane and how densely packed together the proposal is, along with the short garden depths of Plots 1-4, it is considered the proposed site would represent overdevelopment of the site and an urban appearance harmful to the character of the area.
- 6.44 The Council's Landscape and Ecology Advisor also commented on the amenity value of the trees and hedges and the contribution these make to the rural character of the area. He considers that as a result of the proposed scheme there would be limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development.

- 6.45 Given the above, the scale of the built form proposed at the site and the urbanised layout would, if permitted, appear out of character and harmful to the rural street scene and the character of the area. Thus, the proposed development constitutes overdevelopment of the site and would conflict with Policies PMD2, CSTP22 and CSPT23 of the Core Strategy and the NPPF.

### III. IMPACT UPON LANDSCAPE AND ECOLOGY

- 6.46 The Council's Landscape and Ecology Advisor has been consulted on the current application and has considered the Preliminary Ecology Assessment (PEA) submitted. Broadly, the conclusions of the report are that the site is of low ecological value. However, during a site visit the presence of juvenile slow worms were found which confirms the presence of protected species. Planning conditions could be used to ensure a reptile mitigation plan is submitted prior to any works commencing if the application was being recommended favourably.
- 6.47 The site visit also revealed there was a large building which is on the western boundary shared with the adjacent property at Orchard House, although the building was not included within PEA. The built structure is covered in dense Ivy, the agent maintains the building is not within the application site. However, in the event that the building was found to be within the site it could be covered by the suggested condition requiring further surveys if the application was being recommended favourably.
- 6.48 Natural England has advised that the site falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Thurrock Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.
- 6.49 The Landscape and Ecology Advisor also commented on the amenity value of the trees and hedges that are growing along the perimeters of the site and the contribution these make to the rural character of the immediate area. He further advises that the density of the proposed development is considered to be out of character within the immediate locality. The surrounding residential sites are mainly single storey and characterised by large plots with generous gardens. He raises further concern that as a result of the proposed scheme there would be limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development.

- 6.50 The Environment Agency originally raised an objection to the application. The objection related to the use of a non-mains foul drainage system in an areas served by a public sewerage system. The agent has now confirmed that the foul sewerage will be connected to the existing mains sewer and that at the time of submission the applicant was unaware there was a mains provision in this location. The Environment Agency were consulted regarding the update and advised that this would resolve their concern.

#### IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.51 The Council's Highways Officer advises that the site is within an area of low accessibility and the proposed development would generate a high proportion of vehicle movements. As a result, a Section 106 contribution for improvements to the section of road between Peartree Lane and the A128 would be necessary. Notwithstanding the recommendation of the application, no highway objections have been raised to the proposal subject to s.106 contributions and the imposition of conditions relating to swept path analysis, details of refuse strategy and providing a Construction, Environment Management Plan [CEMP].

#### V. FLOODING AND SITE DRAINAGE

- 6.52 The application site is not within a high flood risk zone, however, there have been a number of comments received in relation to site drainage. A number of the comments indicate that as a result of the clay soil within the immediate area, Peartree Lane is prone to flooding and is often water logged.
- 6.53 The Council's Flood Risk Manager initially raised a holding objection to the application, due to a lack of detail submitted in relation to site drainage, and consequently a potential risk of flooding at the site. Additional information has since been submitted and as a result subject of that information, the objection has been withdrawn. Subject to planning conditions the proposal would be acceptable in flood risk terms. Notwithstanding the principal Green Belt objection, the proposed development would, therefore, comply with Policies PMD15 and CSTP27 of the Core Strategy.

#### VII. OTHER MATTERS.

- 6.54 Given the possible previous use(s) of the site there is the potential for some contamination on site. In order to ensure that there is no adverse risk to future occupiers an intrusive investigation would be necessary along with a risk assessment base upon these results. Depending on the outcome of such work a remediation strategy may be required. These steps could be secured through a suitable condition on any permission granted.

- 6.55 Comments have been received in relation to the accuracy of the red line boundary outlined around the application site. Having liaised with the agent, further plans, including a revised site location plan amending the red line boundary, have been submitted along with changes to Plot 1 to accommodate the amendments to the site boundary. Following this, neighbours were re-notified accordingly by individual letters and an additional site notice displayed nearby.
- 6.56 Comments have been received that indicate the application was not effectively advertised. The application has been advertised in the local press, neighbour letters have been sent and a site notice has been posted nearby. As noted above, following the receipt of revised plans, the consultation period was extended and included additional residents along Peartree Lane. All appropriate and proper procedure with regards to the consultation and public notification of the application has been carried out, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6.57 Comments have been received that the proposed development would result in the loss in value of the properties along Peartree Lane; however, this is not a material planning consideration.
- 6.58 Neighbour letters received suggest that the trees have recently been cut down and query the site boundaries. The ownership of the trees are not a planning consideration, but a civil matter. The agent has confirmed the site boundary as outlined in red on the site location plan is correct.

## **7.0 RECOMMENDATION**

### **7.1 Refuse for the following reason(s):**

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. Furthermore, 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 proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.
2. The proposed development would, by reason of its design, density and urban layout, appear as overdevelopment within this rural setting given the surrounding pattern of development and sporadic nature of buildings. The introduction of two storey

properties, associated cart lodges and vehicle hardstanding would appear out of character within the immediate locality and would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore contrary to Policies PMD2, CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

**Informative(s):-**

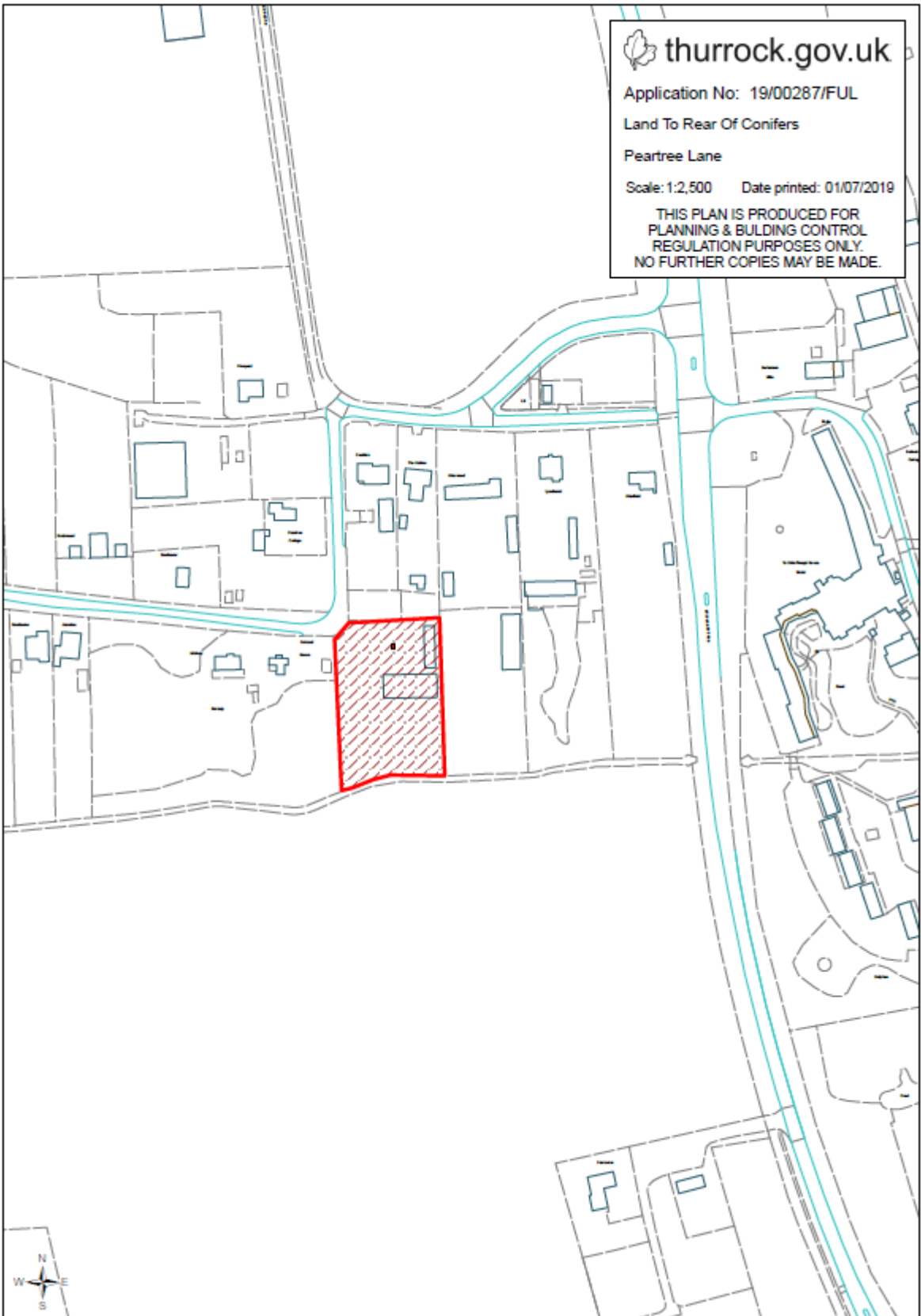
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by 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(s) for the refusal, approval has not been possible.

**Documents:**

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

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



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<p><b>Reference:</b> 19/00617/FUL</p>	<p><b>Site:</b> Thurrock Council Civic Offices New Road Grays Essex RM17 6SL</p>
<p><b>Ward:</b> Grays Riverside</p>	<p><b>Proposal:</b> Demolition of existing buildings and external wall on the corner of High Street and New Road and refurbishment and extension of Council offices comprising a 3 storey building with raised parapet to the west of existing building (CO2), to provide 147 sq m (GIA) of Class B1 (a) office space on the ground floor as a registry office and 2,163 sq m of Sui Generis floor space on part of the ground floor providing new public service points, meeting rooms and an ancillary cafe and on the upper floors providing a Council Chamber, Committee Rooms and Members Services, together with cycle parking, roof plant and plant enclosure, hard and soft landscaping, seating areas and benches, infrastructure and associated works.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
18124-LSI-A1-01-DR-A-1201 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-01-DR-A-1301 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-02-DR-A-1202 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-02-DR-A-1302 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1179 Rev B	Existing Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1180 Rev B	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1199 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1200 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1300 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-R2-DR-A-1316 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-RF-DR-A-1315 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1170 Rev B	Location Plan	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1175 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1176 Rev B	Proposed Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1177	Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1250 Rev A	Existing Elevations	3rd May 2019

18124-LSI-A1-ZZ-DR-A-1350 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1355 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1356 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1357	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1358	Proposed Elevations	3rd May 2019
18124-LS1-A1-ZZ-DR-A-1370 Rev A	Sections	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1371 Rev A	Sections	3rd May 2019
19007_BT3	Landscaping	3rd May 2019
ASU-THU-LA-L100	Landscaping	3rd May 2019
2018/4416/001	Proposed Plans	19th June 2019

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Acoustic report
- Arboricultural Assessment and Method Statement
- Daylight and Sunlight Report
- Ecological Impact Assessment
- Energy Report
- Geo-environmental Site Investigation Report
- Heritage Statement
- Landscape Design Strategy and Landscaping Plan
- Manual for Managing Trees on Development Sites
- Statement of Community Involvement
- Sustainability Report and BREEAM Assessment
- SUDs Statement and Addendum
- Transport Statement and Addendum
- Travel Plan

**Applicant:**

Thurrock Council

**Validated:**

3 May 2019

**Date of expiry:**

23 August 2019 [Time Extended]

**Recommendation:** Approve subject to conditions

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the demolition of the existing buildings and external wall on the corner of High Street and New Road to allow

for the extension of the Civic Offices. The key elements of the proposal are set out in the table below:

<b>Site Area [Gross]</b>	0.18 ha		
<b>Height</b>	16.5m		
<b>Uses and Floorspace</b>	<b>Use Class</b>	<b>Maximum Floorspace [m<sup>2</sup>]</b>	
	Sui Generis including new public service points, meeting rooms, a Council Chamber, Committee Rooms and Members Services, and an ancillary cafe	2,163	
	B1 – Office floorspace	147	
	<b>Total [All Uses]</b>	<b>2,310</b>	
<b>Access</b>	<ul style="list-style-type: none"> <li>- Pedestrian Access via the new main entrance to the High Street</li> <li>- Pedestrian Access for the registrar office via an access along the northern elevation of the building from the High Street</li> <li>- Pedestrian Access from the existing CO2 building via the new link extension at ground floor, first floor and second floor level.</li> </ul>		
<b>Car parking</b>	Two new disabled parking bays to the High Street		

- 1.2 The ground floor area would comprise of a customer service hub, meeting rooms, registry office and a café. The registry office would comprise a ceremony garden on the north eastern side of the building and the café would include an outdoor seating area on the south side of the building. To utilise the building effectively areas of the ground floor have been designed to allow for the exhibition of public art.
- 1.3 As a result of the proposal, the main entrance to the Council building would be located on the western elevation of the extension, fronting onto the High Street.
- 1.4 The first floor would comprise of the Council Chamber, three committee rooms, including one that can also be used as a larger ceremonial room. The second floor would comprise of three areas for rooms associated with political groups.

- 1.5 To the east of the new building a link would be created allowing access to the ground, first and second floor levels of the existing Council Offices. All floor levels would include two lift areas, stairwells, toilet facilities, store and servicing facilities. The roof of the building would include a plant room, an area for potential photovoltaics and an area for a sedum/brown roof.
- 1.6 The extension would take the form of a 3 storey [16.5m high] building of a contemporary design which would align with the orientation of the High Street. Joining the extended building to the existing Council offices would be a link extension. The proposed extension would use brick as one of the main building materials for the façade of the building in different forms with large areas of glazing to allow natural light into the building.
- 1.7 The main entrance to the building would be from the High Street on the west elevation. A separate registrar service entrance would be provided to the northern side of the building accessed from the High Street. Staff would continue to access the building via the existing New Road entrance.
- 1.8 There is no basement car park or extension to the existing basement car park proposed beneath this development. The proposal would result in the loss of 3 car parking spaces from basement car park, which would still provide 172 spaces, which alongside other allocated staff car parking within the multi-storey car in the town centre would ensure adequate provision remains available. Two disabled parking bays would be provided on the eastern side of the High Street immediately outside of the building's western elevation.
- 1.9 New hard and soft landscaping is proposed to enhance the scheme and the wider area. Paving materials would match the surrounding area. Soft landscaping would be used to the north and east of the building as part of the ceremonial area to the registry office to create a woodland garden feature. To the south of the building soft landscaping would be used to surround an outside seating area to the café use.

## **2.0 SITE DESCRIPTION**

- 2.1 The site of the proposed extension measures 0.18 hectares. The existing buildings fronting New Road and the High Street are two storey traditional formed buildings which have commercial uses on the ground floor comprising of a news agent, a take-away, a barber, and a café use. Mulberry Square to the north of these, within the site, is an area of open space comprising of seating areas and surrounding grassland with several trees. Mulberry Square has two

pedestrian entrances, one onto New Road and one onto the High Street, and this route provides a pedestrian route from New Road to the High Street.

2.2 Just outside the northern boundary of the site are a mix of buildings including traditional two storey buildings, in use as a dentist surgery and a former public house and flatted development. To the east is the existing Council Office building. To the south is the South Essex college building and public square. To the west of the High Street is the Grade II listed St Peter's and St Paul's church.

2.3 The site is in close proximity of Grays railway station to the west and in close proximity to the bus station and the shopping area of the High Street, which is to the northern side of the railway line and can be accessed via the existing pedestrian crossing.

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the relevant planning history:

Reference	Description	Decision
89/00866/FUL	Development of new five storey civic offices	Approved 08.06.1990

### 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.

Ten written representations have been received raising the following:

- Loss of amenity;
- Overlooking properties;
- Possible excessive noise;
- Loss of views of church;
- Loss of sunlight;
- Loss of privacy;
- Loss of views

- No benefit to the community;
- Out of character;
- Construction work will result in excessive noise;
- Impact on traffic with future congestion;
- Additional traffic;
- Increased pollution;
- Environmental pollution;
- Loss of heritage to Grays through loss of the public gardens/memorial gardens;
- Wildlife habitat destroyed;
- Devalue property;
- Waste of public money.

The following comments have been made by Grays Riverside Ward Councillors (Councillor Fish, Councillor Kerin and Councillor Jane Potheary):

- Loss of Grays Heritage through loss of old High Street buildings
- Loss of local independent businesses
- Loss of amenity space – Mulberry Square
- Better protection is needed for residents of Pullman Court

#### 4.3 ANGLIAN WATER:

No objection subject to condition.

#### 4.4 CADENT GAS:

No objection subject to condition.

#### 4.5 ENVIRONMENTAL HEALTH:

No objection subject to condition.

#### 4.6 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to conditions.

#### 4.7 FLOOD RISK ADVISOR:

No objections subject to conditions.

#### 4.8 HIGHWAYS:

No objections subject to conditions.

4.9 LANDSCAPE AND ECOLOGY ADVISOR:

No objections subject to conditions.

4.10 LISTED BUILDINGS AND CONSERVATION ADVISOR:

No objection subject to conditions.

4.11 PUBLIC HEALTH:

No objection subject to conditions.

4.12 TRAVEL PLAN CO-ORDINATOR:

A revised travel plan is required through a planning condition.

4.13 URBAN DESIGN OFFICER:

No objections subject to conditions

**5.0 POLICY CONTEXT**

5.1 National Planning Policy Framework

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

- 2. Achieving sustainable development
- 4. Decision-making
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land

- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

## 5.2 Planning Policy Guidance

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

- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Ensuring the vitality of town centres
- Flood Risk and Coastal Change
- Natural Environment
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking

## 5.3 Local Planning Policy Thurrock Local Development Framework [2015]

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

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 [Promotion of Sustainable Growth and Regeneration in Thurrock]<sup>1</sup>

### SPATIAL POLICIES

- CSSP2 [Sustainable Employment Growth]

### THEMATIC POLICIES



- CSTP6 [Strategic Employment Provision]
- CSTP7 [Network of Centres]
- CSTP8 [Viability and Vitality of Existing Centres]<sup>2</sup>
- CSTP20 [Open Space]
- CSTP22 [Thurrock Design]
- CSTP23 [Thurrock Character and Distinctiveness]<sup>2</sup>
- CSTP24 [Heritage Assets and the Historic Environment]
- CSTP25 [Addressing Climate Change]<sup>2</sup>

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 [Minimising Pollution and Impacts on Amenity]<sup>2</sup>
- PMD2 [Design and Layout]<sup>2</sup>
- PMD3 [Tall Buildings]<sup>3</sup>
- PMD4 [Historic Environment]<sup>2</sup>
- PMD5 [Open Spaces, Outdoor Sports and Recreational Facilities]<sup>3</sup>
- PMD7 [Biodiversity, Geological Conservation and Development]<sup>2</sup>
- PMD8 [Parking Standards]<sup>3</sup>
- PMD10 [Transport Assessments and Travel Plans]<sup>2</sup>
- PMD12 [Sustainable Buildings]<sup>2</sup>
- PMD13 [Decentralised, Renewable and Low Carbon Energy Generation]
- PMD16 [Developer Contributions]<sup>2</sup>

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

### 5.4 Thurrock Local Plan

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

### 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.

## 5.6 The Grays Town Centre Framework

The Grays Town Centre Framework was published in 2017 and its purpose is to 'provide a spatial concept for the town centre that will guide development and enhancement in the future'.

## 6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Loss of Existing Buildings and Uses
- III. Loss of Open Space
- IV. Design and Layout and Impact upon the Area
- V. Heritage Impact
- VI. Traffic Impact, Access and Car Parking
- VII. Drainage
- VIII. Ecology and Biodiversity
- IX. Noise
- X. Effect on Neighbouring Properties
- XI. Energy and Sustainable Buildings
- XII. Land Contamination and Ground Works

### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site falls within the town centre area of Grays as defined on the LDF Proposal Map but is located outside of main 'shopping areas' on the map and is not identified for any specific use. Policy CSSP2 identifies Grays as a 'Key Strategic Economic Hub' and seeks to expand, inter alia, public sector services. Policy CSTP7 supports the regeneration of Grays town centre and identifies that the town centre 'will become the focus for cultural, administrative and education functions whilst providing retail development complementary to the Lakeside Basin'. Policy CSTP8 for existing centres encourages 'diversification and improvement of the range and quality of facilities including retail, employment, leisure and entertainment, community, culture and education'. Through policy CSTP10 'the Council will support the provision of high quality, accessible community facilities to serve new and existing communities'.

6.3 The Grays Town Centre Framework (GTCF) was published in 2017 and its purpose is to 'provide a spatial concept for the town centre that will guide development and enhancement in the future'.

- 6.4 The GTCF includes a Concept Plan for the site including land allocated for new Civic Centre development and within the Concept Plan the framework states: *“The momentum generated with the building of the South Essex College should support further the growth of the town centre along the High Street towards the riverside. One of the greatest opportunity sites in this area is Mulberry Square to the west of the Civic Offices. Development here could create a new frontage on to the High Street and animate the route to the River. The Council is currently looking at options for this site - which could include an extension of the Council’s own premises to create improved public services in the very heart of the town centre”*.
- 6.5 In light of the above there are no objections to the principle of re-development of this site which would be reflective of the Council’s vision through the Grays Town Centre Framework, and through policies CSSP2, CSTP7, CSTP8 and CSTP10 which all support employment growth and diversification of uses with specific reference to Grays as a Key Strategic Economic Hub, the site’s location within the town centre, and the requirement to support the provision of high quality accessible community facilities to serve the community.

## II. LOSS OF EXISTING BUILDINGS

The proposed development would involve the loss of retail and commercial space through the demolition of the existing buildings located on the north east corner of the High Street and New Road. A single residential flat would also be lost as part of the proposal.

- 6.6 The loss of these buildings and uses has to be balanced against the wider benefits of the development. It is recognised that the proposal would include a new café which would offset the loss of the Angel Café and the policy position is clear that through policies CSSP2, CSTP7, CSTP8, CSTP10 and the Grays Town Centre Framework the proposed development is supported. On balance, the loss of these buildings and their associated uses is considered acceptable.

## III. LOSS OF OPEN SPACE

- 6.7 Policy CSTP20 seeks ‘to ensure that a diverse range of accessible public open spaces...is provided and maintained to meet the needs of the local community’. PMD5 seeks to ‘safeguard all existing open spaces, outdoor sports and recreational facilities. Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted unless:

- i. Conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users; or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss;
  - ii. Proposals would not negatively affect the character of the area and/or the Greengrid’.
- 6.8 Although not formally allocated in the Core Strategy the development would result in the loss of open space in Mulberry Square. To compensate for this loss it is proposed to provide public seating and outdoor space to the south of the building in two areas: towards the corner of the High Street and New Road and through a seating area to the café use with surrounding landscaping. Additional landscaping and an area of open space would be located to the north east of the building associated with the proposed registry office use as a ceremony garden.
- 6.9 These proposed landscaped areas would offer improved areas of open space which would compensate for the loss of Mulberry Square. The improved open areas in and around the site would be usable for residents and visitors and would also improve the quality of the street scene. On the opposite side of the High Street an existing area of open space and to the front of the college building there is a public square with seating. Further to the south there are seating areas along the River Thames at Grays Town Wharf. Accordingly, in this regard the proposal is acceptable.

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

- 6.10 Policies CSTP22 and CSTP23 both seek to secure high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings.
- 6.11 The proposed development has been subject to two formal Design Reviews which took place in August 2018 and in February 2019. Over the course of the Design Reviews the scheme has evolved and developed. A summary of the February 2019 Design Review states:

*“The extension to Thurrock Council’s office building in Grays presents an important statement on the ambition for quality design in Thurrock and the initiation of the regeneration and enhancement of Grays Town Centre. It is crucial that this project delivers demonstrable public benefit to residents, workers and visitors to Grays. We consider the brief and location of the site to*

*be a once in a life time opportunity to deliver a truly civic building and ensure that the final place is the best it can be”.*

- 6.12 The proposed demolition of the existing buildings on the corner of the High Street and New Road allows for the proposed building to be sited so it would be set back from the New Road street frontage in a similar alignment to the existing Council Offices on the northern side of New Road. This arrangement would also allow for vistas of the church to be opened up so the church is more visible when heading west along New Road. The proposed western elevation would allow for the façade to front onto the High Street and appear as a distinctive building in this part of the High Street and from the nearby railway station as a key arrival point to Grays.
- 6.13 The proposed building would be set away from the northern and eastern boundaries which reduces the impact upon neighbouring buildings and uses and would allow for a more private space to be created for the registry ceremonial garden to the north east corner of the building.
- 6.14 In terms of scale and massing the proposed building reflects the overall character of the area. Importantly, in terms of height, it would be lower than, and would not compete with the historic church building to the western side of the High Street.
- 6.15 The architectural approach to the building strikes the correct balance between contemporary urban design and civic presence. One light buff brick type would be used as the main material to this building but would be applied in a range of styles from a traditional brick laying stretcher coarse to soldier coarsing, banding and projecting features. The choice of brick colour is to reflect existing development within the area and the quality of the brick is essential to the success of the design. The size and pattern of the proposed floor to ceiling windows would articulate the building and contrast well with brick façade. Other design features, including chamfering and colonnade brick piers would provide rhythm to the building. A jettied first floor element to the Council chamber on the west elevation, coupled with increased levels of glazing at this point would serve to highlight the chamber as a central feature of the new civic building.
- 6.16 In conclusion under this heading, subject to conditions controlling the use of high quality finishing materials, it is considered the proposal would serve to create a high quality, distinctive landmark civic building in Grays. The proposed development is considered acceptable with regard to policies CSTP22, CSTP23 and PMD2, and the NPPF.

## V. HERITAGE IMPACT

- 6.17 Policy PMD4 seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. Through chapter 16 of the NPPF guidance is provided to ensure the significance of heritage assets are sustained and enhanced, and that proposed development makes a positive contribution to local character and distinctiveness.
- 6.18 The Grays Parish Church of St Peter and St Paul is a heritage asset as it is a grade II listed building and has a significant presence in Grays town centre. The applicant's Heritage Statement considers the church to have 'a medium-high aesthetic value and medium historic, communal and evidential value'. The Heritage Statement recognises that the setting of this listed building has changed significantly since its original construction through the development of the existing Council Offices and the South Essex College building. The Heritage Statement accompanying the application considers that the development 'would not result in harm to its setting or significance and the impact upon be neutral'.
- 6.19 The Council's Listed Buildings and Conservation Advisor recognises that the proposed development would have an impact upon the setting of the Listed Building 'narrowing the scope of vistas to and from the church, particularly up and down the High Street'. Whilst these comments are noted it should be recognised that demolition of the existing buildings and siting the proposed development in line with the front building line of the existing Council Offices would open up vistas of the church along New Road, and with regard to the High Street the proposed development would set back when compared to the existing development so is not considered to impact vistas to and from the church. It is therefore considered that the improved vistas towards the church would help enhance the significance of this listed building in regard to the requirements of policy PMD4
- 6.20 In accordance with paragraph 196 of the NPPF the Council's Listed Buildings and Conservation Advisor considers the impact upon the church and assesses the impact to be 'less than substantial harm to the significance of the church'. The NPPF requires 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The improved vistas of the church are considered to be of public benefit. Similarly, the introduction of a civic building of high architectural standard in close association with the Church is considered appropriate in terms of the townscape hierarchy. In applying this balancing exercise it is considered that the public benefits from the proposal would outweigh the less the substantial harm identified by the Council's Listed Buildings and Conservation Advisor but

overall it is considered that the proposal would have neutral impact upon setting of the church.

- 6.21 The buildings that are to be demolished have no statutory listing and are not locally listed. Whilst they are historic, there would be no reason to object to the loss of those buildings.
- 6.22 There are no objection to the Council's Listed Buildings and Conservation Advisor recommendations for conditions for building recording purposes. The Essex County Council Archaeology Officers also advises of the need for archaeology conditions. Subject to conditions the proposed development is considered acceptable with regard to policy PMD4 and would have 'less than substantial harm' when applying the necessary tests from the NPPF.

## VI. TREES AND LANDSCAPING

- 6.23 Policy CSTP20 seeks 'to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational spaces is provided and maintained to meet the needs of the local community'. Policy PMD2 seeks to protect natural landscape features such as trees for their landscape and wildlife value.
- 6.24 None of the existing trees are protected by Tree Preservation Orders. The results of the Tree Survey accompanying the application shows that none of the trees of considered to be of 'high quality' [category A] trees. Two of the trees are of 'moderate quality' [category B] and the rest are considered to be of 'low quality' [category C]. Only the Maple tree would remain to the front of the south west corner of the existing Council Offices.
- 6.25 Despite the removal of tress to facilitate the building, the proposal illustrates a number of replacement trees and planting which would mitigate the loss of the existing trees. The landscaping scheme submitted with the application would introduce a landscaped bund around the outdoor café area to the south of the proposed building and ceremony garden area to the north east of the proposed building. The hard landscaping includes brick paviors, gravel and public seating areas. Presently the area on this corner of the High Street has a hard frontage. The proposed soft planting on the southern side of the building would vegetate this area and the high quality paviors on the western side would bring the visual appearance of the area up to modern standards.
- 6.26 The Council's Landscape and Ecology Advisor raises no objections subject to the landscaping scheme being implemented with details agreed though a planning condition, to accord with the policy requirements of PMD2.

## VII. ECOLOGY AND BIODIVERSITY

- 6.27 Policy CSTP19 seeks measures to contribute to biodiversity in the Borough through positive biodiversity management. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity.
- 6.28 The applicant's Ecological Impact Assessment confirms 'the site supports common and widespread habitats of low ecological value and has low suitability for foraging and community bats and breeding birds'. The assessment recommends the installation of bat tubes in the fabric of the building, bird nesting boxes and the provision of native planting, which can all be secured through a planning condition.
- 6.29 The Council's Landscape and Ecology Advisor raises no objections subject to an ecology enhancement condition to allow for swift nest boxes and ensure the recommended mitigation measures in the Ecological Impact Assessment are carried out. The proposed mitigation measures accord with the objectives of policies CSTP19 and PMD5.

## VIII. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.30 Given the site's location within Grays town centre it is considered a highly accessible location, within close proximity to the rail station and bus station for public transport services. Vehicular access to the site would remain as existing, which allows for some staff to park within the basement car park. A separate registrar access is proposed to allow for drop off for ceremonial services. Pedestrian access to the site would be via a level threshold through the main entrance from the High Street. An internal link extension would provide access to the existing Council Offices. The proposed access arrangements are acceptable with regard to policy PMD9 and paragraph 108 of the NPPF.
- 6.31 The Council's Highway Officer raises no objection subject details of proposed improvements to New Road and the High Street being agreed through a planning condition.
- 6.32 The proposal would result in the loss of 3 car parking spaces from the existing basement car park, retaining 172 spaces. Two disabled parking spaces would be provided along the High Street in close proximity to the front entrance of the building. Although the development would provide additional floorspace a



number of staff would be relocated from the existing Council Offices building. The Council's Highway Officer raises no objection on parking grounds.

- 6.33 The proposal would result in a total of 52 cycle spaces for staff [in the basement, including existing and new provision] and 26 for visitors [to south west of the Council Offices]. The Council's Highway Officer raises no objection to proposed cycle provision.
- 6.34 The applicant's Travel Plan aims to actively encourage sustainable travel to and from the site by promoting sustainable transport options and initiatives including car sharing, use of public transport, cycle parking on site, the provision of information via a transport notice board/travel information point, as well ongoing monitoring. A revised Travel Plan will be secured through the use of a planning condition.

#### IX. DRAINAGE

- 6.35 The site is located in a low risk flood area [Flood Zone 1] based on the Environment Agency flood maps. However, the proposal needs to adequately deal with drainage and a Sustainable Urban Drainage System strategy [SUDS] is proposed using techniques such as soakaways, permeable paving and attenuation tanks which will restrict flow and reduce surface run off. The Council's Flood Risk Advisor raises no objection, although planning conditions are needed for full details of the surface water drainage system to be agreed. Anglian Water have no objections subject to detailed being agreed for surface water management through a planning condition; the proposal is acceptable with regard to policies CSTP27 and PMD15.

#### X. NOISE

- 6.36 Policy PMD1 seeks to safeguard amenity from noise and vibration pollution.
- 6.37 The applicant's Acoustic Report demonstrates that noise surveys were undertaken during October 2018 and the nearest sensitive noise receptors are the residents in the properties at the Pullman Court to the north. The Acoustic Report identifies that there will be 'no impact on neighbouring properties'. The use of the registry garden would result in noise externally from the building but such uses would be for short periods of time during the daytime only and the Acoustic Report considers there would be no impact upon the nearest noise sensitive receptors. The use of external plant would also be below the existing background noise levels.

- 6.38 The Council's Environmental Health Officer raises no objections subject to the recommendation of the Acoustic Report being implemented through a planning condition, and for the construction phase of the development a Construction Environmental Management Plan (CEMP) condition is needed. Subject to conditions, it is considered that the proposal would with policy PMD1.

#### XI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.39 Policy PMD1 seeks to minimise impacts upon amenity from new development. The nearest buildings to the site is the dentist surgery directly to the north and the nearest residential buildings are those associated with flats at Pullman Court to the north and north east of the site. The distance between proposed building and Pullman Court would be approximately 16m, to the dentist to the north approximately 10m, and to the church approximately 35m, which all raise no objection regarding building to building distances in terms of physical proximity.
- 6.40 The applicant's Daylight and Sunlight Report has assessed the impact of the proposed development upon all surrounding properties in regard to the relevant BRE guidelines. The report identifies that whilst the proposal would be different from the existing layout, all the properties would meet the guidelines for daylight and sunlight if the extension were to be constructed. Whilst there would be a slight reduction in sunlight to the communal amenity space, the internal rooms would not be impacted upon, accordingly the proposal would not lead to adverse harm upon the residential amenities of the occupiers of the flats in Pullman Court.

#### XII. ENERGY AND SUSTAINABLE BUILDINGS

- 6.41 Policy PMD13 sets a requirement for the use of decentralised, renewable or low carbon sources for new developments. Policy PMD12 sets a BREEAM 'Outstanding' requirement by 2019. These policies are compliant with the aims of paragraphs 153 and 154 of the NPPF and guidance within the PPG.
- 6.42 The proposed building has been designed to achieve a BREEAM target of 'Outstanding', which would accord with policy PMD12 and the use of photovoltaic panels and heat pumps would accord with policy PMD13.

#### XIII. LAND CONTAMINATION AND GROUND WORKS

- 6.43 With regard to land contamination, policy PMD1 seeks to minimise pollution and impacts upon amenity and the natural environment with a requirement for

suitable mitigation measures to be imposed through planning condition or obligation.

- 6.44 The applicant's Geo Environmental Site Investigation Report explains that a desk study and subsequent intrusive investigation was undertaken in October 2018 with results identifying that there are no significant risks to controlled waters and therefore no remediation works are required. The report recommends that ground works are monitored for any previously undetected or suspected materials, which can be secured through a CEMP. Subject to the imposition of a CEMP condition the Council's Environmental Health Officer raises no objections with regard to policy PMD1.

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

- 7.1 The proposal would serve to create a high quality, distinctive landmark civic building in Grays. The building would positively respond to the sensitivity of surrounding development, particularly the grade II listed church. The loss of existing buildings and uses is considered, on balance, to be acceptable, given the public benefits that would result from the development. The proposal represents a key regeneration project for Grays and the development is supported by the Grays Town Centre Framework and policies CSSP2, CSTP7, CSTP8 and CSTP10.

Matters of detail concerning noise, sustainability, access, ecology and landscaping are all considered to be acceptable. Where appropriate and necessary, planning conditions are recommended. Taking all material considerations into account, it is considered the proposals are supported by the relevant policies contained within the Core Strategy and the NPPF.

## **8.0 RECOMMENDATION**

- 8.1 Approve, subject to the following conditions:

### **Standard Time Limit**

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

**Reason:** To comply with Section 91[1] of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
18124-LSI-A1-01-DR-A-1201 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-01-DR-A-1301 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-02-DR-A-1202 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-02-DR-A-1302 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1179 Rev B	Existing Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1180 Rev B	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1199 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1200 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1300 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-R2-DR-A-1316 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-RF-DR-A-1315 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1170 Rev B	Location Plan	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1175 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1176 Rev B	Proposed Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1177	Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1250 Rev A	Existing Elevations	3rd May 2019

18124-LSI-A1-ZZ-DR-A-1350 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1355 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1356 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1357	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1358	Proposed Elevations	3rd May 2019
18124-LS1-A1-ZZ-DR-A-1370 Rev A	Sections	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1371 Rev A	Sections	3rd May 2019
19007_BT3	Landscaping	3rd May 2019
ASU-THU-LA-L100	Landscaping	3rd May 2019
2018/4416/001	Proposed Plans	19th June 2019

**Reason:** For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### Materials

- No development (other than site investigation, levelling and ground works) shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. In addition details of the brick type, size and bonding method, all surface materials [including those to the public realm outside the site], rainwater goods, and glazing details [in section drawings] shall also be submitted. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

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

### **Brick Panel Sample**

4. No development (other than site investigation, levelling and ground works) shall commence until a brick panel no less than 1m<sup>2</sup> showing a sample of the brickwork, colour, patterning and joint profile of mortar courses, has been constructed and made available for inspection on site. The details shall be approved in writing by the Local Planning Authority before any part of the development is begun and the development shall be carried out in accordance with the details as approved.

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

### **Landscape Protection**

5. Prior to the commencement of any works on the site the Maple tree identified as tree T10 in the 'Arboricultural Assessment and Method Statement' dated 25 April 2019 shall be protected by chestnut paling fencing or heras fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub [including hedges] without the previous written consent of the Local Planning Authority.

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

### **Landscaping Scheme**

6. No development (other than site investigation, levelling and ground works) shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a detailed scheme of landscaping, which shall include details of all proposed trees, shrubs, planting details, level changes, lighting furniture, a programme of maintenance and a programme

of implementation. The landscaping details shall include details of type and species of replacement trees for the trees to be lost as a result of the development. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development or in accordance with the agreed programme of implementation. Any trees, shrubs or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority otherwise agreed in writing.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

### **Ecology Mitigation and Enhancements**

7. Prior to first occupation of the development permitted the ecological effects and mitigation/compensation/enhancement measures as detailed within the 'Ecology Impact Assessment' dated May 2019 shall be implemented and shall be maintained and retained at all times thereafter.

**Reason:** In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Programme of Historic Building Recording**

8. No demolition shall commence until a programme of historic building recording has been secured on the buildings at 81 and 83 High Street and 1 and 2 New Road with details of the programme of historic building recording to be submitted to and approved in writing by the Local Planning Authority. The programme of historic building recording shall only commence in accordance with the details as approved.

**Reason:** In the heritage interests of the site in accordance with policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Submission of historic building recording**

9. Within 6 months following completion of the programme of historic building recording an approved historic building report shall be submitted to the Local Planning Authority for record keeping purposes.

**Reason:** In the heritage interests of the site in accordance with policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Programme of Archaeological Work**

10. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall include a mitigation strategy detailing the excavation/preservation strategy following the completion of this work.

**Reason:** To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Archaeological Post Excavation Assessment**

11. Within 3 months following completion of fieldwork a post-excavation assessment shall be submitted to and approved in writing by the Local Planning Authority. This post-excavation analysis shall include preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**Reason:** To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Proposed Highway Improvements**

12. No development shall commence until details of the proposed improvements to New Road and High Street have been submitted to and approved in writing by the Local Planning Authority. The details shall include the layout, surface materials, any security measures, dimensions and construction specification of the proposed improvements. The highway



improvements shall be implemented in accordance with the details as approved and shall be maintained and retained as such thereafter.

**Reason:** In the interests of highway safety and efficiency in accordance with Policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Disabled Parking Provision**

13. The development hereby permitted shall not be first occupied until such time as the two disabled vehicle parking spaces shown on the approved plans, have been hard surfaced, sealed and marked out. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

**Reason:** In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Drop off access details**

14. Prior to first occupation of the development hereby permitted details showing the layout, dimensions and construction specification of the proposed access to the highway for the drop off zone has been submitted to and approved in writing by the Local Planning Authority. The access to the drop off zone shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted and shall be maintained and retained as such at all times thereafter.

**Reason:** In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Travel Plan**

15. Prior to the first operational use of the development hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the building and shall include specific details of the operation and management of the

proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Drainage System**

16. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 3.4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

**Reason:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Maintenance Plan**

17. No development shall take place until a Maintenance Plan detailing the management and maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. The Maintenance Plan shall be implemented as approved and retained as such at all times thereafter.

**Reason:** To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Yearly Logs**

18. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan as detailed in the above condition. These must be available for inspection upon a request by the Local Planning Authority.

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

### **Noise Mitigation**

19. Prior to the first operational use of the development the noise mitigation and recommendation measures as identified in the 'Acoustic Report' reference 18-0101-0 R02 shall be applied to the operational phase of development

and any noise generating source/use shall be maintained in accordance with the noise mitigation and recommendation measures as identified in the 'Acoustic Report' reference 18-0101-0 R02 shall be retained at all times thereafter.

**Reason:** To protect the amenities of nearby residential occupiers from noise sources associated with the construction and the operational use of the building in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Decentralised, Renewable or Low Carbon Technologies**

20. Prior to the commencement of development, details of measures to demonstrate that the development will achieve the generation of at least 15% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and operational upon the first use of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the Local Planning Authority.

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

### **BREEAM**

21. The development hereby permitted shall be built to a minimum standard of 'Outstanding' under the Building Research Establishment Environmental Assessment Method (BREEAM), unless otherwise agreed in writing with the Local Planning Authority. Within 6 months of the first use of any of the building(s) a copy of the Post Construction Completion Certificate for the building(s) BREEAM rating shall be submitted to the Local Planning Authority.

**Reason:** To ensure that the development meets the objectives of energy efficiency in new building design and construction set out in Policy PMD12 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development [2015].

### **Construction Environmental Management Plan (CEMP)**

22. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Local Planning Authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development
  - (b) Hours and duration of any piling operations,
  - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (d) Details of construction any access or temporary access, and details of temporary parking requirements;
  - (e) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
  - (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (g) Details of any temporary hardstandings;
  - (h) Details of temporary hoarding;
  - (i) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
  - (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
  - (k) Measures to reduce dust with air quality mitigation and monitoring,
  - (l) Measures for water management including waste water and surface water discharge;
  - (m)A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
  - (n) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
  - (o) A Site Waste Management Plan,
  - (p) Details of security lighting layout and design; and
  - (q) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP.

**Reason:** In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **Documents:**

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



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<b>Reference:</b> 19/00828/FUL	<b>Site:</b> Land Adjacent George And Dragon East Tilbury Road Linford Essex
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Three residential dwellings, hardstanding providing associated parking, refuse and cycle storage and creation of a vehicle access

Plan Number(s):		
Reference	Name	Received
184510-SK01 Rev A	Site Plan – Refuse Collection Lay By Option	3rd June 2019
DAPA-207-01	Proposed Plans – Bin and Cycle Stores	3rd June 2019
972-202-03	Site Layout Plan	3rd June 2019
972-204-03	Proposed Roof Plans	3rd June 2019
972-205-03	Proposed Elevations	3rd June 2019
972-205-03	Proposed Plans	3rd June 2019
972.203.03	Proposed Ground Floor Plans	3rd June 2019
972.206.03	Proposed Street Scene	4 <sup>th</sup> June 2019
972.001_00	Location Plan	3rd June 2019

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Arboriculture Impact Assessment Report</li> <li>- Design Appendix</li> <li>- Ecological Appraisal</li> <li>- Green Belt Justification Statement</li> <li>- Landscape Appraisal</li> </ul>	
<b>Applicant:</b> Mr Saunders	<b>Validated:</b> 4 June 2019  <b>Date of expiry:</b>

	30 July 2019
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application has been called in by Cllr G Rice, Cllr D Chukwu, Cllr M Kerin, Cllr T Fish and Cllr L Worrall in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to consider the proposal against Green Belt policy.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to erect a terrace of three dwellings, with associated parking, refuse and cycle storage and vehicle access. The 3-bedroom properties would have unequal, shallow-pitched roofs ranging from 6m to 7.5m in height.
- 1.2 The application is a resubmission of earlier planning applications (18/00780/FUL and 19/00020/FUL) which were both withdrawn by the applicant following advice that the applications would likely be refused on the basis that the proposal constituted inappropriate development within the Green Belt and no very special circumstances had been demonstrated to warrant a departure from policy being made.

## 2.0 SITE DESCRIPTION

- 2.1 The site is broadly rectangular in shape and is 0.12ha in area. The site is accessed from East Tilbury Road, adjacent to the car park of the George and Dragon public house.
- 2.2 The site is located in the Metropolitan Green Belt and is currently free from development, covered in trees, shrubs and other vegetation.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
65/00835/OUT	Residential Development (Outline)	Refused
68/01033/OUT	Demolition of existing pair of cottages and erection of one pair of semi-detached agricultural workers houses (Outline)	Refused
70/01184/FUL	Erection of two dwellings	Refused
77/00768/OUT	Clinic with Doctor's Surgery - Resident Doctor and Caretaker Flats (OUTLINE)	Refused
78/00527/OUT	Clinic Building with resident Doctor and Caretaker	Refused

	Flat. (OUTLINE)	
78/00616/OUT	Clinic Building with Doctor's Flat. (OUTLINE)	Approved
79/00509/FUL	Bungalow and surgery	Approved
80/01121/OUT	One dwelling	Refused
83/00092/FUL	Bungalow & Surgery. (Renewal of THU/509/79).	Refused
18/00780/FUL	Terrace of three dwellings with new access, associated hardstanding and bin and cycle stores.	Withdrawn
19/00020/FUL	Terrace of three dwellings with new access, associated hardstanding and bin and cycle stores.	Withdrawn

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

##### PUBLICITY:

4.2 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 departure from the Development Plan. One comment has been received objecting to the proposal on the following grounds:

- Access to site is unsuitable
- Out of character with the surrounding area.

4.3 CADENT GAS:

No objection..

4.4 HEALTH AND SAFETY EXECUTIVE:

No objection.

4.5 ESSEX COUNTY COUNCIL ARCHAEOLOGICAL ADVICE:

No objections; subject to conditions.

4.6 HIGHWAYS:

No objections, subject to conditions.

#### 4.7 LANDSCAPE AND ECOLOGY ADVISOR:

Recommend refusal.

### 5.0 POLICY CONTEXT

National Planning Guidance

#### 5.1 National Planning Policy Framework

The revised NPPF was published on 24 July 2018 and subsequently amended on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

#### 5.2 Planning Policy Guidance

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

- Design
- Determining a planning application
- Green Belt
- Natural Environment
- Use of Planning Conditions

### 5.3 Local Planning Policy

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

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

##### Spatial Policies:

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

##### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSSP4 (Sustainable Green Belt)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

##### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)

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

### 5.4 Thurrock Local Plan

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

#### 5.5 Thurrock Design Strategy

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

### 6.0 ASSESSMENT

6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact of the Green Belt
- II. Access, traffic and highways impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Other matters

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

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

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

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

- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *'maintain the purpose function and open character of the Green Belt in Thurrock'*, and Policy PMD6 states that the Council will *'maintain, protect and enhance the open character of the Green Belt in Thurrock'*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 143 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* At paragraph 145 the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
- 6.5 The applicant has argued that the site is Previously Developed Land and the development is therefore appropriate in the Green Belt. The NPPF defines Previously Developed Land (i.e. brownfield sites) as excluding *"land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"*. The previous residential dwellings that occupied the site were demolished approximately 40 years ago and are no longer visible on site, therefore the site is no longer considered to be Previously Developed Land and this exception does not apply.
- 6.6 It follows that as a matter of fact, the proposal must be considered inappropriate development with reference to paragraph 145 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and in line with paragraph 144 of the NPPF "substantial weight" should be attached to this harm.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.7 Having established that the proposals constitute inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.8 As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and permanence. The built development would occupy the site which is currently free of built form. The proposed

dwellings with a combined footprint of c. 330 sq.m and a height of 7.5m on land which is currently open would clearly reduce the openness of the site. Loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.9 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

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

6.10 In response to each of these five purposes:

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

6.11 The site is located between East Tilbury and Linford, at the edge of existing built-up area. However, the site is small and contained and the proposal would not therefore result in the sprawling of an existing large built up area and there would be no harm to this purpose of the Green Belt.

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

6.12 As noted above, the site is located in between East Tilbury and Linford. As the proposal would comprise 3 dwellings only it would not infill the existing gap completely, are there would be no harm to this purpose of the Green Belt.

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

6.13 With regard to the third Green Belt purpose, the proposal would involve built development on a site which is currently open and free of any built form. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. Therefore, the development proposed would encroach upon the countryside in this location contrary to this Green Belt purpose.

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

6.14 The proposals do not conflict with this defined purpose of the Green Belt.



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

6.15 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. For these reasons it is considered that the proposals conflict with this Green Belt purpose.

6.16 In light of the above analysis, it is considered that the proposals would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to this factor alongside the definitional harm resulting from inappropriate development and harm to openness.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

6.17 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provision of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.18 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

6.19 The applicant's Green Belt Justification Statement sets out the applicant's case for very special circumstances which are summarised and assessed below:

*a) The proposal is limited infill on a brownfield site*

6.20 The applicant argues that the site was previously occupied by residential dwellings.

Consideration

6.21 The NPPF defines Previously Developed Land (i.e. brownfield sites) as excluding 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'. The previous dwellings have not existed for approximately 40 years and are no longer visible on site, therefore the site is no longer considered to be Previously Developed Land. No weight is therefore afforded to this justification.

*b) The quality of design*

6.22 The case put forward is that the proposed for three dwellings are of exceptional design, and by way of enabling development for future landscape management, would amount to 'Very Special Circumstances'.

Consideration

6.23 Thurrock seeks to ensure all development is of high quality design and therefore no weight should be afforded to this consideration.

*c) Limited Green Belt impact*

6.24 The applicant argues the proposed development would not significantly increase the amount of new development, with the proposal being modest in its scale and number of proposed dwellings.

Consideration

6.25 By virtue of paragraph 145, the construction of new buildings in the Green Belt should be considered inappropriate and by definition harmful. At present there is no development on site and the introduction of three new dwellings would clearly have an adverse impact upon openness. No weight should be given to this justification.

*d) Landscape and ecology value*

6.26 The applicant has stated that the boundary features and introduction of new trees is particularly valuable within this area of Essex; increasing and improving this allocation would enhance both its wildlife and landscape value; diversification by

planting new native trees and occasional exotics would accompany the staged removal of younger regeneration species and the planting of edge and understory shrubs and hedges would improve habitat diversity and enhance character.

### Consideration

The Council's Landscape and Ecology Advisor objects to the application and recommends refusal. No landscape scheme has been provided to show how the loss of the trees could be mitigated. There is a lack of adequate assessment of the existing trees on the site and a corresponding lack of any consideration to suitable landscape measures to mitigate the effects. It is therefore recommended that the scheme be refused on landscape grounds.

Similarly, no Ecological Assessment has been provided with the application. The trees have significant amounts of dense ivy growing on them which could provide roosting opportunities for bats as well as nesting birds. There are hedges linking from this site to Linford Woods, a Local Wildlife Site, to the northeast. This could provide a suitable commuting route for bats. The lack of ecological assessments means that the LPA is not able to assess the potential impacts that the scheme would have these protected species and their roosts. The Landscape and Ecology Advisor recommends the scheme is refused on ecology grounds due to the lack of adequate assessment to enable the LPA to be able to make an informed decision as to the potential impacts on European Protected Species.

This factor should therefore be given no weight in the balance of considerations.

*e) Maintains the openness of the Green Belt with enhancement of unmaintained brownfield scrub land.*

- 6.27 The applicant argues that through the careful landscape strategy the development would maintain the openness of the Green Belt.

### Consideration

- 6.28 The addition of new buildings to the site would, by definition within the NPPF, be harmful to the openness of the Green Belt. The site is not defined as a brownfield site within the parameters of the NPPF. The appropriateness of the landscape consideration undertaken is considered above. No weight should therefore be afforded to this justification.

*f) The site is surrounded by development*

- 6.29 The applicant states that "*the site lies within a pocket of greenbelt but is surrounded on the south between Mucking Road and Princes Margaret Road and East Tilbury Road/Buckingham Hill Road*".

### Consideration

- 6.30 Given that the site is located within the Green Belt, it serves the five purposes of the

Green Belt as outlined within the NPPF. No weight should therefore be afforded to this justification.

6.31 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate Development	Substantial	a) The proposal is nothing more than limited infill on a brownfield site	No weight
Reduction in the openness of the Green Belt		b) The quality of design	No limited weight
Conflict with a number of the purposes of including land in the Green Belt – purposes (c) and (e)		c) Limited Green Belt impact	No weight
		d) Landscape and ecology value	No weight
		e) Maintains the openness of the Green Belt with enhancement of unmaintained brownfield scrub land.	No weight
		f) The site is surrounded by development	No weight

6.32 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly (emphasis added) outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purposes (c) and (e). Several factors have been promoted by the applicant as considerations amounting to the ‘very special circumstances’ necessary to justify inappropriate development and it is for the Committee to judge:

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

6.33 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt clearly outweighs the accumulation of factors described above, therefore failing to justify inappropriate development.

**II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS**

6.34 The plans provided demonstrate sufficient parking provision for the residential units and there would be no detrimental impact on access. Therefore, notwithstanding the

overriding in-principle objection based upon Green Belt grounds, the proposal complies with Core Strategy policy PMD2 and PMD8.

### III. SITE LAYOUT AND DESIGN

- 6.35 The NPPF focuses on the importance of good design. Section 12 of the NPPF sets out the need for new development to deliver good design. Paragraphs 124 -125 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.36 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.37 Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.38 Policy CSTP22 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context
- 6.39 The overall design and appearance of the proposed development is considered to be high quality design in itself. However, the contemporary design and materials palette coupled with the relative high density result in a somewhat urban feel, which is not in keeping with the character of the George and Dragon public house which has a rural feel within a spacious and open site layout. The juxtaposition of modern, semi-urban design against the existing rural setting would be serve to create a development which would not respond to the context of the location. The design is therefore considered inappropriate for the location, contrary to Core Strategy policies CSTP22 and PMD2.

### IV. LANDSCAPE AND ECOLOGY

- 6.40 Policy PMD7 requires that all development proposals demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on site, or mitigated where this is unavoidable.
- 6.41 The Council's Landscape and Ecology Advisor has advised there is a lack of adequate assessment and consideration to mitigate the effects of the proposed development. No justification has been provided as to why the loss is unavoidable. The application therefore fails to satisfy the requirements of Core Strategy Policy PMD7.
- 6.42 Since the previous scheme was submitted the Essex Coast RAMS strategy has been produced. The site is within the Essex Coast RAMS zone of influence. Without mitigation the proposed development is likely to have a significant effect on the

Thames Estuary and Marshes SPA.

## V. AMENITY AND NEIGHBOURS

- 6.43 The proposed development would be suitably distant from other residential premises not to impact on the outlook or amenities of any nearby occupiers. Notwithstanding the overriding in-principle objection based upon Green Belt grounds the proposal complies with Policy PMD1, in terms of neighbouring amenity.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed development represents the construction of three new dwellings in the Green Belt. The applicant has argued that the site is previously developed land, however the residential premises on site were demolished about 40 years ago and the remains of the permanent structure or fixed surface structure have blended into the landscape. The condition of the land does not meet the government's definition of Previously Developed Land and the proposal therefore constitutes inappropriate development within the Green Belt. In addition, the introduction of built form within the site would lead to a loss of openness and directly contradict purposes (c) and (e) of the NPPF. Substantial weight should be given to this harm and accordingly the proposal is considered contrary to policy PMD6 of the Core Strategy and the NPPF. No very special circumstances have been demonstrated to warrant a departure from policy being made.
- 7.2 There has been insufficient assessment and consideration to mitigate the impacts of the proposal on the local landscape and in terms of ecology. The proposal is therefore also contrary to policy PMD7 of the Core Strategy and the NPPF.
- 7.3 The contemporary design and materials palette is unsympathetic to the character of the adjoining premises and wider area, contrary to policies CSTP22 and PMD2 of the Core Strategy.

## 8.0 RECOMMENDATION

- 8.1 Refuse, 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 (as amended 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 Green Belt purposes (c) and (e) as described by paragraph 134 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 (as amended) 2015).

2. Insufficient evidence has been submitted to demonstrate that the proposed development provides adequate mitigation for the impacts upon landscape and ecology. The proposal is therefore contrary to the National Planning Policy Framework 2019 and policy PMD7 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015).
3. The proposed development, by reason of its unsympathetic design, and density relative to the adjacent site of the neighbouring public house, would fail to contribute positively to the character of the area or local views and as such it would be contrary to part 12 of the National Planning Policy Framework 2019 and policies CSTP22 and PMD2 of the Core Strategy 2015.

**Informative:**

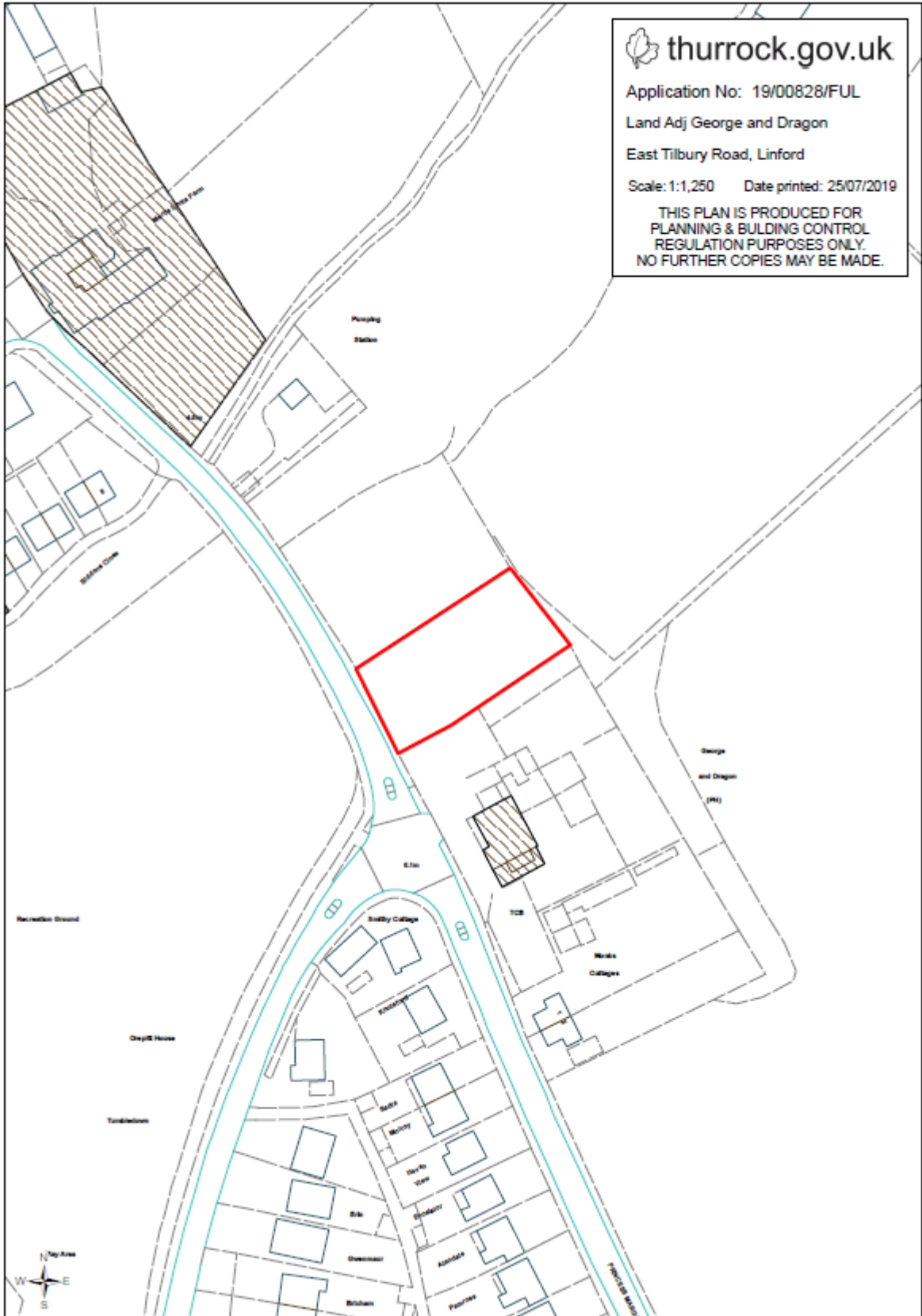
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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(s) for the refusal, approval has not been possible.

**Documents:**

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

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



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<b>Reference:</b> 19/01095/FUL	<b>Site:</b> Treetops School Buxton Road Grays Essex RM16 2WU
<b>Ward:</b> Little Thurrock Blackshots	<b>Proposal:</b> Temporary permission for the siting of a double demountable classroom unit to the rear of the school site for a duration of 1 year in order to allow the school to accommodate pupils with special educational needs (while the planning application (ref. 19/00725/FUL) for the construction of the Treetops Free School is determined and development commenced on part of the new school for children)

Plan Number(s):		
Reference	Name	Received
Site Plan	Site Plan	17th July 2019
HD----/--	Proposed Plans and Elevations	17th July 2019
Location Plan	Location Plan	17th July 2019

The application is also accompanied by:

- Design and Access Statement
- Flood Map for Planning

<b>Applicant:</b> Treetops School	<b>Validated:</b> 18 July 2019  <b>Date of expiry:</b> 12 September 2019
<b>Recommendation:</b> Approve, subject to: (i) referral to the Secretary of State; and (ii) conditions.	

This application is scheduled for determination by the Council's Planning Committee because it constitutes a major application for development in the Green Belt, which also represents a departure from the Core Strategy and NPPF, and as defined in the Council's constitution under Section 2, 2.1 (a).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks temporary planning permission for the siting of a double demountable classroom unit to the rear of the Treetops School site for a maximum duration of 12 months. The classroom would measure 16.8m x 9.8m and would have a maximum height of 3.5m. The classroom is required to provide additional SEN teaching facilities for the Treetops Academy School following the confirmed intake of students for September 2019.

## 2.0 SITE DESCRIPTION

- 2.1 The Treetops Academy is located to the northern part of the application site and accessed via Buxton Road. Playing fields are located further to the south; residential development along Buxton Road and Carlton Road is located to west; the A1089 is to the immediate east and undeveloped land lies to the immediate north with Stanford Road beyond.
- 2.2 The site of the proposed classroom is on the edge of the playground to the far east of Treetops school. The site is located within the Metropolitan Green Belt. The site is located in a low flood risk zone.

## 3.0 RELEVANT HISTORY

There is extensive history for the original Treetops School. The most relevant history relating to the replacement school approved in 2006 and the current proposals is as follows:

Application Reference	Description	Decision
06/00170/TTGFUL	Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works, all taking permanent access from Buxton Road (construction access from Stanford Road).	Approved
07/00148/TTGFUL	Amendments to planning permission 06/00170/TTGFUL (Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works).	Approved
10/00976/TBC	New school kitchen and dining room plus pupil changing facilities.	Approved
11/00099/FUL	Erection of single storey building comprising canteen and shop	Withdrawn
11/00359/FUL	Erection of single storey building comprising canteen and shop	Approved

12/00279/FUL	New 4000msq car park, with soft and hard landscaping and lighting.	Approved
14/00971/FUL	Replacement teaching building	Approved
19/00725/FUL	Erection of a new 140 pupil SEN school with associated parking and landscaping	Pending Consideration

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

##### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. At the time of drafting the report no written responses had been received, however, an update on any responses received will be provided to Members at Committee.

4.3 SPORT ENGLAND:

No objections.

4.4 HIGHWAYS:

No objections, subject to condition.

4.5 LANDSCAPE AND ECOLOGY ADVISOR:

No objections.

4.6 EDUCATION:

No objections, fully support proposal as it will enable to be placed locally rather than educated outside of the Borough.

4.7 ENVIRONMENTAL HEALTH OFFICER:

No objections.

#### 5.0 POLICY CONTEXT

##### National Planning Guidance

## 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012, and amended on 24 July 2018 and again on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

### Planning Practice Guidance

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

- Design
- Determining a planning application
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision-taking
- Travel plans, transport assessments and statements in decision-taking
- Use of planning conditions.

## Local Planning Policy

### Thurrock Local Development Framework (2015)

- 5.3 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was then amended in 2015. The Adopted Interim Proposals Map shows the site within the Green Belt. The following Core Strategy policies would apply to any future planning application:

#### Spatial Policies

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock<sup>1</sup>
- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt

#### Thematic Policies

- CSTP9: Well Being: Leisure and Sports
- CSTP12: Education and Learning
- CSTP25: Addressing Climate Change
- CSTP27: Management and Reduction of Flood Risk<sup>2</sup>

#### Policies for management of development

- PMD1: Minimising Pollution and Impacts on Amenity<sup>2</sup>
- PMD2: Design and Layout<sup>2</sup>
- PMD6: Development in the Green Belt<sup>2</sup>
- PMD8: Parking Standards<sup>3</sup>
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans<sup>2</sup>

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

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously

undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

## 5.5 Thurrock Design Strategy

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

## 6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Plan Designation and Principle of the Development
- II. Design, Layout, Amenity and Landscape Impacts
- III. Traffic Impact, Access and Car Parking

### I. PLAN DESIGNATION AND PRINCIPLE OF THE DEVELOPMENT

6.2 The site lies in the Green Belt. Under this heading, it is necessary to refer to the following key questions:

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

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

6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, however, the proposed installation of classrooms does not fall into any of the exceptions listed.
- 6.5 Consequently, the proposal comprises of inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.
- 6.6 The temporary classroom would be located partly on the edge of the hardsurfaced play area and partly on a landscaped part of the Treetops Academy site and as such the proposal would, broadly, be located on the same area as the main development at the school. Whilst the proposed double classroom unit would be located within the existing complex of school buildings which would limit the impact to openness the proposal would nonetheless constitute inappropriate development in the Green Belt with reference to the NPPF and policies CSSP4 and PMD6.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.7 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.8 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.9 In response to each of these five purposes:

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

6.10 The site is located to the easternmost point of the Treetops School site. The temporary double demountable classroom would be wholly within the area of land occupied by the school and would not be outside of the existing school grounds. For the purposes of the NPPF, the site is considered to be immediately adjacent to a 'large built up area'. It would not therefore result in the sprawl of an existing built up area.

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

6.11 The development would not conflict with this Green Belt purpose.

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

6.12 With regard to the third Green Belt purpose, the proposal would involve the siting of a double demountable classroom for a temporary period on land which is currently used as the edge of the hard playground area and landscaped edging to the site. Notwithstanding the area of hard playground the area is free of other built form. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

6.14 In this case, there is a clear requirement for the classroom to be sited within the SEN school site which the children would be attending in September 2019. Given the rationale for the classroom it is not considered reasonable to expect the development to be located elsewhere.

6.15 In light of the above analysis, it is considered that the proposals would be contrary to purpose (c) of the five reasons for including land in the Green Belt. Substantial weight should be afforded to this factor.



3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

- 6.16 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether ‘very special circumstances’ exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being ‘very special circumstances’. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.17 With regard to the NPPF, paragraph 143 states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities *“should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.18 The planning application sets out the applicant’s Very Special Circumstances which are assessed below:
- a) *Previous planning permission and Urgent need for a SEN school within the Borough and*
  - b) *lack of special educational needs education provision in Thurrock for September 2019*
- 6.19 The applicant has referred to planning permission which was granted in 2006 and 2007 for a phased development of two schools; the 2006 permission sought the

total demolition of the former Torrells School and its replacement with buildings to accommodate two special need schools and a respite/post 16 facility. The SEN schools were intended to be replacements for the existing Treetops and Beacon Hill schools in Grays and South Ockendon. Phase 1 was built (Treetops Academy), however, phase 2 was not built due to funding issues at the time. The previous school on the site was demolished to facilitate the permission for the two schools, however, its slab and foundations remain on site. The applicant was able to demonstrate that Very Special Circumstances existed at that time for the new school with respect to the siting and the need for the schools. The applicant states that those circumstances have not altered and the objective in Thurrock has therefore always been to provide two SEN schools on the site.

- 6.20 The applicant states that following Thurrock's strong reputation for SEN education in the Borough, there has been a significant increase in applications for SEN pupil places in Thurrock in the last year. Currently there are only two SEN providers available within Thurrock Local Authority. Both Treetops Academy and Beacon Hill Academy which cater for pupils with profound and multiple learning difficulties (PMLD) are at capacity and can no longer take any pupils with an Autistic Spectrum Disorder (ASD) diagnosis. The existing Treetops Academy is currently oversubscribed in anticipation of the new school (subject of planning application 19/00725/FUL which is pending consideration) and has already had to re-purpose rooms to accommodate pupils as a temporary measure.
- 6.21 The Thurrock Pupil Place Planning document, 2018 confirms a significant need for more school provision by 2020, as a result of the demographic shift from London and due to Thurrock being a key part of the regeneration of the Eastern region. Existing school sites are unable to cater for the demand but are supporting additional pupils where they can in the lead up to the potential opening of the SEN Free School.

#### Consideration

- 6.22 The planning history does show that permission was granted for the two phases for the school development. The Council's Education Team concur with the statement and support the application on the basis that it would provide the much needed accommodation to address the shortfall in specialist provision for the next academic year and enable pupils to go to schools locally rather than be educated outside the Borough.
- 6.23 The Education Team has confirmed that there are currently 12 pupils, who have been identified as needing the Applied Behaviour Analysis and Verbal Behaviour (ABA-VA) provision. These pupils are receiving support but within a

mainstream setting which often means there are significant challenges to overcome to meet the needs of these pupils that cannot be met in a mainstream school.

- 6.24 The current proposal would allow these 12 places to be provided at the existing Treetops SEN School, consisting of 6 pupils per classroom base, whilst assessment of application 19/00725/FUL for the new Treetops SEN Free School progresses. If the class base is not installed at the Treetops School, the applicant is fearful that there will be a minimum of 12 children who will need to continue to be educated at other schools in the Borough which provide inadequate provision for these specific SEN pupil needs.
- 6.25 Policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the headings of “Primary Education” and “Secondary Education”) new build, refurbishment and expansion of existing mainstream primary and secondary schools. This development plan policy therefore identifies the general need for new build primary and secondary schools as items of key infrastructure.
- 6.26 Policy CSTP12 (Education and Learning) sets out a general approach for special needs education provision which includes:
- “(ii) Completion of the special education campus at Buxton Road, Grays by relocating Beacon Hill school there from South Ockendon.”
- 6.27 Therefore, in general terms the Core Strategy policies support the provision of education facilities, including SEN schools at this location.
- 6.28 Under the heading of ‘Promoting healthy communities’ paragraph NPPF para 94 of the NPPF states:
- “The government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- give great weight to the need to create, expand or alter schools*
  - work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

6.29 Although not a part of either the NPPF or PPG, the national policy paper “Planning for Schools Development” (2011) is relevant to this application. This paper sets out a commitment to support the development and delivery of state-funded schools through the planning system. Furthermore the policy paper refers to the Government’s belief that the planning system should operate in a “*positive manner*” when dealing with proposals for the creation, expansion and alteration of state-funded schools. Finally, the policy paper sets out the following principles:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority;
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

6.30 The matter of providing high quality education facilities is a key Council objective. There are presently no schools in Borough that could provide the number of SEN pupil places that could be provide by this application and the number of places. The funding is available for the provision and development could commence in earnest if permission were to be granted and the decision is not called in.

6.31 In conclusion under this heading, it is considered that this factor should be given very significant weight in the determination of the application as a very special circumstance.

#### Summary of Very Special Circumstances

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

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate Development	Substantial	Previous planning permission and urgent need for a SEN school within the Borough	Very significant Weight
		Lack of special educational needs education provision in Thurrock for September 2019	Very significant weight
Reduction in the openness of the Green Belt			

6.33 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as ‘very special circumstances’ and it is for the Committee to judge:

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

6.34 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. DESIGN, LAYOUT, AMENITY AND LANDSCAPE IMPACTS

- 6.35 The classroom would be situated on the edge of the hard surfaced play area and landscaped area at the eastern edge of the existing school site. The site has been carefully chosen by the school to ensure the least impact upon neighbour amenity and privacy. The site has also been selected to enable no adverse impact with regard to early site preparation works or progression with the proposed new Treetops SEN Free School should permission be granted.
- 6.36 The siting of the classroom would result in a very small area of hard surfaced play area being unavailable for a temporary period. However, the vast majority of the play area would remain available. On the basis that there would be no permanent loss of any formal playing field or play areas, there is no objection from Sport England in this regard.
- 6.37 The classroom is of a utilitarian modular design and form. The building is not considered to be of the high standard of design required for permanent retention however it is recognised that the building is necessary in the short term to meet the needs of the school. On this basis, no objection is raised in terms of the design or form of the building.
- 6.38 On the basis of the above, it is considered that the temporary siting, design, landscape and amenity impacts of the proposal would be acceptable and accord with Core Strategy Policies CSTP22, PMD1 and PMD2.

### III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.39 The Treetops School is currently accessed by vehicles via the end of Buxton Road and the existing school complex includes car parking and drop off facilities as most children are brought to school by bus or by private vehicle and there is a need for facilities to be provided within the school for access to the school. The development would allow the school to accept up to 12 additional SEN pupils. The applicant has stated that the likely additional vehicles are expected to access the school twice daily as a result of the proposed increase in pupils. These vehicles would be in the form of one minibus and potentially 8 private taxis per drop off and pick up.
- 6.40 Given the existing schools in the immediate vicinity, there would be a concern if the impact of the vehicles accessing the school were to migrate on to the public highway. The applicant has assured the Council that it would provide additional measures within the school site to ensure that any increase in parking and drop off on site would be adequately managed and mitigated ensuring no additional vehicles would be parked on the highway or waiting to enter the site. This would be secured via the submission and agreement of a car park management plan which would address the access to and management of the

dropping off/ picking up area and car parking areas within the school. If appropriately managed, the school could ensure that the additional 12 pupils would not lead to any migration of vehicles on to the highway. A suitable planning condition has been included securing this car park management plan.

- 6.41 In addition, it is noted that the proposal seeks only a one year temporary permission for a two classroom unit, whilst the planning application for the new Treetops SEN Free School is fully considered. Part of the consideration of this other planning application involves the detailed assessment of the additional traffic that would be likely to be generated by a new 140 place SEN school and its impact on the current highway network.
- 6.42 However, for the purposes of this current application and subject to the car park management plan condition, the Council is satisfied that the proposal for the temporary double classroom base would comply with all Core Strategy policies in relation to highway matters.

## **7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL**

- 7.1 The application seeks temporary planning permission for a double classroom for a maximum of 12 months to allow the school to accommodate additional SEN pupils in the Borough. The site is located in the Metropolitan Green Belt and the proposal constitutes inappropriate development however, as a matter of judgement, Very Special Circumstances have been demonstrated which clearly outweigh the in principle harm and other harm which might occur. The proposal would result in no amenity, landscape or highway impacts which would prevent planning permission being granted for temporary permission.

## **8.0 RECOMMENDATION**

- 8.1 Grant planning permission subject to:

**A:** Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination

and

**B:** The following conditions

### **TEMPORARY PERMISSION**

1. The planning permission hereby granted shall be for a temporary period only, expiring on 15 August 2020, on or before which date the double classroom bases hereby approved shall be removed from the site and the land reinstated to the written satisfaction of the Local Planning Authority.

Reason: To define the scope of the planning permission hereby granted which is on the basis of the urgent need for special educational needs provision, in the interests of the visual amenities of the locality and the site’s location in the Green Belt, in accordance with Policies PMD1, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**ACCORDANCE WITH PLANS**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
Site Plan	Site Plan	17th July 2019
HD----/--	Proposed Plans and Elevations	17th July 2019
Location Plan	Location Plan	17th July 2019

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**CAR PARK MANAGEMENT PLAN**

3. Before the use of the classroom base hereby approved commences, a car park management plan shall be submitted to and agreed in writing by the Local Planning Authority and thereafter retained for the lifetime of the use of the classroom base for SEN pupils. The car park management plan shall include, but not be limited to, the submission of detailed plan demonstrating how the existing drop off, pick up and car parking areas will operate and be managed by the staff at the school on a daily basis when the school is open to ensure that there will be no additional vehicles overspilling or waiting on the highway network.

Reason: In the interests of visual and neighbour amenity and highway and pedestrian safety in accordance with policies PMD1, PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of



Development (as amended 2015).

### **CONSTRUCTION TRAFFIC ROUTING**

4. All vehicles accessing the site in connection with the construction of the temporary classroom bases shall use the existing construction access via Stanford Road. No vehicles shall access via Buxton Road.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **HOURS OF CONSTRUCTION**

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

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

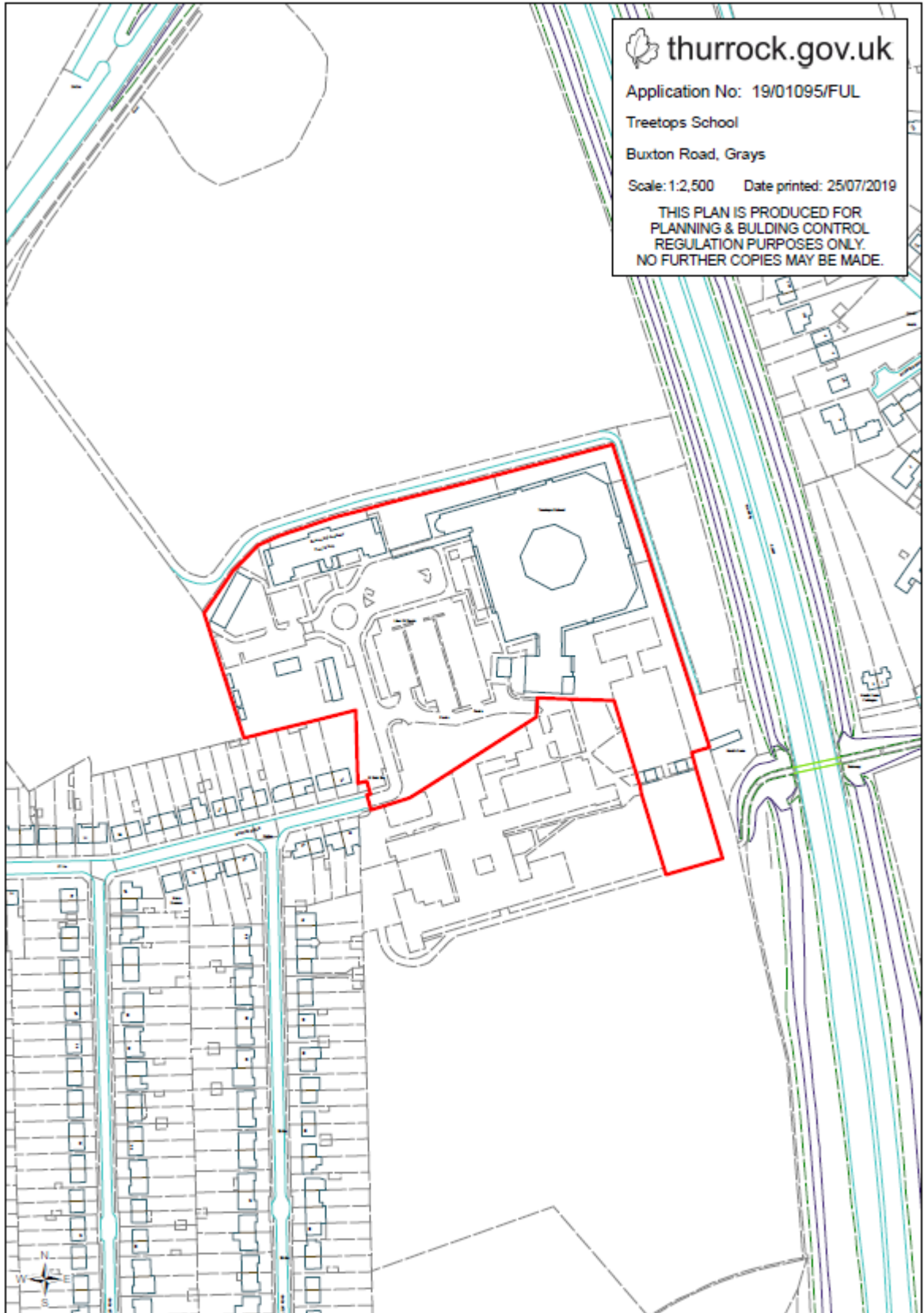
Unless in association with an emergency or the prior written approval of the local planning authority has been obtained.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

#### **Documents:**

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

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



 **thurrock.gov.uk**  
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Treetops School  
Buxton Road, Grays  
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