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 **19 March 2020**

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

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Agenda

Open to Public and Press

Page

1 Apologies for Absence

2 Minutes **5 - 18**

To approve as a correct record the minutes of the Planning Committee meeting held on 13 February 2020.

3 Item of Urgent Business

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.

4 Declaration of Interests

5	**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**	
6	**Planning Appeals**	**19 - 28**
7	**Public Address to Planning Committee** 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 https://www.thurrock.gov.uk/democracy/constitution Chapter 5, Part 3 (c).	
8	**19/01058/OUT - Land part of Little Thurrock Marshes, Thurrock Park Way, Tilbury**	**29 - 66**
9	**19/01814/OUT - Tremorgan, Sandown Road, Orsett, RM16 3DD**	**67 - 82**

Queries regarding this Agenda or notification of apologies:

Please contact Wendy Le, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **11 March 2020**

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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?**

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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

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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 13 February 2020 at 6.00 pm

Present:	Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Shinnick and Abbie Akinbohun (arrived at 19.22) (substitute for Sue Sammons) Steve Taylor, Campaign to Protect Rural England Representative
Apologies:	Councillor Sue Sammons
In attendance:	Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection Jonathan Keen, Interim Strategic Lead of Development Services Steven Lines, Senior Highway Engineer Nadia Houghton, Principal planner Chris Purvis, Major Applications Manager Tom Scriven, Principal Planner Caroline Robins, Locum Solicitor Christopher Smith, Adults Social Care Steve Plumb, Ecology Advisor Wendy Le, Democratic Services Officer

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.

66. Minutes

On minute number 62, Councillor Rice questioned whether his request regarding the list of approved planning applications at Committee and awaiting s106 contributions, had been circulated to Members yet. Officers confirmed this had been circulated that afternoon.

Councillor Rice went on to raise concerns on the number of Planning solicitors in Thurrock Council as he was of the understanding that one solicitor attended the Council once a week to sign off s106 agreements. Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection, reassured the Committee that the Council had two full time Planning Solicitors in house. Councillor Rice asked that an email be circulated to Members clarifying the level of legal resources available to support the Council's Planning department.

The minutes of the Planning Committee meeting held on 9 January 2020 was approved as a true and correct record.

67. Item of Urgent Business

There were no items of urgent business, however, the Chair mentioned that he had noticed that the planting at the former British Gas site on London Road that was under development looked a bit sparse. He had discussed with Officers who were following the matter up with the developer of the site. The Chair asked that Members be aware of similar incidences and to inform the Council's Planning department.

68. Declaration of Interests

Councillor Churchman declared a non-pecuniary interest on 19/01633/FUL as he was the Ward Councillor for Aveley and Uplands.

69. 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

The Chair declared on behalf of the Committee that emails had been received relating to 18/00551/FUL from a resident in objection. For 19/01662/FUL, an information pack had been received from the Agent and an organisation in support of the application.

Adding to this, Councillor Fletcher declared that he had responded to the resident in objection to 180/00551/FUL but declared that he was of an open mind and would give regard to material planning considerations.

For 19/01864/FUL, Councillor Fletcher declared that he and Councillor Byrne was part of the Waste Management Working Group and had been briefed on the household waste project.

70. 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.

71. 18/00551/FUL - Land Adjacent Curling Lane Helleborine And Meesons Lane, Grays, Essex

The report was presented by Nadia Houghton, Principal Planner. There had been two further letters of objection to the application. One was in relation to the concern of badgers on the site which had been addressed on paragraph 1.2, page 24 of the Agenda. The other objection was in relation to the lack of

information available on surface water drainage which had been available but had not uploaded to the website correctly. The information had been re-uploaded and the information had been sent to the objector. The application was detailed in Appendix 1 and was a proposal for the construction of 8 x two bedroom semi-detached dwellings with associated access, car parking and amenity areas. Officer's recommendation was to approve the application subject to conditions for the reasons listed on page 36 of the Agenda.

The full details of the application can be found on pages 23 – 46 of the Agenda.

The Vice-Chair noted the information given regarding the proposed materials to be used that would give the dwellings a modern appearance and that the properties did not meet the amenity space requirements. He went on to mention other developments that had been rejected for not meeting the minimum amenity space requirements and questioned why this proposal had not been refused for the same reason.

Nadia Houghton explained that there was a variation of size with gardens in the proposed dwellings but the average amenity space overall was 57.2 sq.m. She went on to advise that the gardens of houses in the surrounding area were also similar in size. The proposed dwellings were located separately from properties on Meesons Lane and Badgers Dene. The design was different from the surrounding houses within the area because of its proposed modern design but given their location there was no objection to the difference in design.

Councillor Rice noted that there had been concerns on overlooking from other properties and mentioned that past planning applications had been refused before on the grounds of overlooking of properties. He went on to say that a condition should be embedded into this application to ensure windows were obscured to control overlooking from other properties.

Nadia Houghton explained that the proposed dwellings faced directly to Helleborine that was over the road but there was no overlooking due to the intervening distance. The proposed bathroom windows would be obscure glazed.

Councillor Rice sought reassurance on the concerns raised over the possibility of badgers on site. Nadia Houghton replied that she had visited the site with the Essex Badger Protection Group and whilst it had been established that there was an inactive sett on site, there had been no evidence of recent badger activity.

The Vice-Chair queried the time of the site visit. Nadia Houghton answered that the visit had taken place during the day but was aware that badgers were nocturnal. However, if there had been badgers on the site, there would have been evidence left behind by badgers but there had been none.

Councillor Lawrence asked if the experts consulted had spoken with residents and raised concern over whether there had been badgers on site. Nadia Houghton reiterated that a meeting had taken place involving the Council's Ecology Advisor, the Applicant's Ecology Consultant and representatives from the Essex Badger Protection Group, which included a joint site visit to examine the site for evidence of any badgers using the site. It was confirmed by all at the joint site visit that there were no badgers on the application site or any evidence of badgers.

Councillor Byrne mentioned that the email that had been circulated by the resident on objection had shown a photo of badgers on the site. He queried whether the photo taken could have been of another sett. Nadia Houghton replied that it was uncertain where or how the photo had been taken but confirmed it was unlikely that it was from the sett within the planning application site.

The Chair invited registered speakers to present their statements to the Committee.

A Resident, Joyce Tyler, gave her statement in objection.

Ward Councillor, Tony Fish, gave his statement in objection.

The Applicant, Stuart Oldroyd, gave his statement in support.

Steve Taylor, Campaign to Protect Rural England Representative, questioned the market cost for each proposed dwelling. Nadia Houghton answered that the Applicant had not given an indication on the proposed cost for the proposed dwellings.

Noting the number of objections to the proposal and concern over badgers on the site, Councillor Rice thought a site visit was needed to ensure that no badgers were on the site.

The Vice-Chair thought that it sounded like there was a possibility of badgers on the site despite there being no active sett there. He went on to say that he was concerned with the number of planning applications including this one that did not meet the minimum criteria. Some of the proposed dwellings in this planning application did not meet half the amenity space required and he commented that the potential people who would buy these properties would have young children who would need to be placed in the nearby schools. This would result in an increased pressure in those schools as the Ward Councillor had highlighted in his objection statement. The Vice-Chair stated that he would be voting against the proposal.

Councillor Shinnick agreed and stated that she was not in favour of the application. Councillor Lawrence also stated that she would be voting against the proposal and said that the area used to have more greenery which was disappearing over time. She believed that there were badgers on the site.

The Chair said that there were not enough reasons to refuse the application but noted that there were a lot of objections to it. He thought a site visit could have taken place last month when the application had been deferred. He stated he was in favour of the application as there were not enough planning reasons to refuse it but noted that material planning considerations had to be given as grounds for refusal.

Councillor Rice proposed the site visit. Councillor Shinnick seconded this.

For: (4) Councillors Colin Churchman, Angela Lawrence, Gerard Rice and Sue Shinnick.

Against: (4) Councillors Gary Byrne, Mike Fletcher, Tom Kelly and David Potter.

Abstained: (0)

The Chair used his casting vote to vote against the site visit. The site visit was rejected.

The Vice-Chair proposed an alternative motion to Officer's recommendation to refuse the application on the grounds that:

1. The appearance of the proposed dwellings was out of character with the surrounding houses in the area.
2. There was a lack of private amenity space and did not meet recommended requirements.

The Committee felt that other reasons of badgers on the site and that, the methodology used to calculate traffic flow was not applicable to Thurrock; should also be added as grounds for refusal. However, these issues had been considered by the consultees who raised no objection on these grounds and it was considered that these matters would not be supported as a refusal by the Planning Inspectorate in the event of an appeal. There had also been no objections from the Council's Ecology Advisor and from highways. These reasons were not added in the alternative motion to refuse the application.

Councillor Rice seconded the Vice-Chair's motion.

For: (7) Councillors Gary Byrne, Colin Churchman, Mike Fletcher, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (1) Councillor Tom Kelly.

Abstained: (0)

The motion was carried and planning application 18/00551/FUL was refused planning permission with the final wording for the two reasons for refusal to be agreed by the Chair.

72. 19/01662/FUL - Langdon Hills Golf And Country Club, Lower Dunton Road, Bulphan, Essex, RM14 3TY

Presented by Chris Purvis, Major Applications Manager, the report detailed the proposal of a hybrid application that sought planning permission for development on parts of the Langdon Hills Golf and Country Club. Since publication of the Agenda, Chris Purvis advised that Historic England had provided an additional consultation response advising that the application be recommended for refusal for a heritage reason which formed an additional reason of refusal to be included. Therefore reason number 8 for refusal was that:

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

Chris Purvis advised that the Officer's recommendation was to refuse planning permission for the reasons listed on pages 124 – 125 of the Agenda.

The full details of the application can be found on pages 47 – 128 of the Agenda.

(Councillor Akinbohun arrived at 7.22pm and was unable to participate on this item as outlined within the Constitution, Chapter 5, Part 3, 13.5.)

Councillor Byrne commented that if the proposed care facilities were not included, the proposal would essentially be a village being built on the Green Belt. The Chair said that the information given on the application stated that the proposal was facilities for care and leisure uses.

Councillor Rice noted that there was a difference in opinions and highlighted the comments regarding the C2 and C3 use of the site within an information pack, that had been sent by a QC, on behalf of the Applicant, to Members. He sought a legal opinion on this. Chris Purvis said that Officers had received the Applicant's QC opinion and that the Council's Legal team had analysed the information and considered this alongside other planning applications stated within this information. The conclusion was that the developments stated were different to the planning application that was before the Committee.

Councillor Rice noted that a statement from the QC pointed out that the proposal was for a retirement village which would indicate a C2 use of the site. Chris Purvis replied that the proposal had been looked at in detail and indicated that the proposal was a health village and not a retirement village.

He referred the Committee to page 81 of the Agenda onwards which covered the proposal's details in C2 and C3 considerations.

Steve Taylor questioned whether the properties could be bought by someone who was under 55 years old. He went on to ask what controls were in place if the property was passed from an elderly person to someone under 55 years old. Chris Purvis replied that the requirement for properties to be occupied by people over 55 years old would be controlled through the s106 planning obligations.

The Vice-Chair sought details on Thurrock's current care facilities for dementia care. Christopher Smith, Programme Manager for Health and Social Care, said that there was an increasing need for dementia care and the service was planning for future needs so there would be availability of dementia care facilities in Thurrock.

The Vice-Chair asked why the Langdon Hills Country and Golf Club was not considered to be very special circumstances with the type of care homes provided as the Applicant had put forward. Chris Purvis explained that the suitability of the location had to be considered and in discussions with the Council's Adult Social Care Team, the location was isolated and not suitable for this use.

Councillor Lawrence asked if there were Green Belt sites being released through the Local Plan and felt that the Green Belt in Thurrock was being 'given away'. She commented that planning applications on Green Belt were inconsistent and thought that the application before the Committee would help Thurrock's elderly and provide dementia care facilities and should be considered for approval.

Chris Purvis replied that the current Core Strategy did not identify sites for applications similar to this one presented before the Committee. The Council had to consider some of Green Belt sites for more housing but that this was through the new Local Plan process and was a separate process to the determination of this application. The Council's preference was to place care facilities within more sustainable urban locations where there would be more supporting services and facilities.

Councillor Lawrence noted that the Applicant proposed to provide a bus service for the site. Chris Purvis explained that the planning application proposed an 8 seater shuttle bus service which would be for the estimated 300 people living on the site. However, this would be for a 5 year period and there had been no indication of a potential public bus route to the area. It was not clear what would happen after this 5 year period regarding funds for a bus service and it was likely that private cars would be used by the onsite residents.

The Committee further discussed the potential of a public bus route as it was highlighted that this could within the gift of the Applicant to consider to cover number 2 of Recommendation B on page 125 of the Agenda. However, the

fact remained that the location would still be isolated. The Committee queried if there would be s106 funds available for a public bus service and Officers advised that no financial contribution had been offered by the Applicant. If the application was to be approved, s106 funds would need to be acquired along with a permanent bus service operator.

Councillor Rice felt that there were reasons that could be used to depart from the officer's recommendation. He highlighted these reasons as:

- More jobs would be available and employment was needed within the Borough; and
- That Thurrock had an ageing population so facilities were needed for people to retire to.

Chris Purvis pointed out that the proposal outlined 4 keyworker apartments which did not suggest a lot of employment available and that this was not a factor that could be used for approval of the application. Councillor Rice said that the NPPF highlighted that employment was a reason for departing from policy in which Chris Purvis answered that this referred to the types of employment within the NPPF but this needed to be weighed up against other planning considerations.

Councillor Rice said that Thurrock had to meet the national government's requirement for the number of homes to be built and Thurrock had to consider their ageing population as there were a low number of suitable homes available for the elderly. He questioned if sustainability was a reason to depart from policy. Chris Purvis replied that the new Local Plan would identify where new homes could be developed through identifiable brown field and the likely release of Green Belt sites as part of the Local Plan preparation process in identifying the most suitable sites. He advised that the current Core Strategy was adopted in 2015 and advised that sustainability had been considered within this application and the location was not deemed to be sustainable.

The Committee discussed the need for a retirement village and some Members were of the view that the proposal was an opportunity not to be missed. However the reasons given to depart from the Officer's recommendation were not justifiable and that retirement villages were being looked at separately as part of the Local Plan process. The Committee also noted refusal reasons 3 and 4 and highlighted affordability as an issue.

The Chair invited registered speakers to present their statements to the Committee.

A Resident's objection statement was read by the Committee as the Resident was not present.

The Agent, James Bompas, gave his statement of support.

The Chair thought that a lot of information was missing from the application but the proposal offered a facility that Thurrock did not have. The Council

aimed to place the elderly in community areas but he thought that some elderly people would prefer a more isolated location which this proposal offered. He said that if the Committee was minded to approve the application and if it was brought back to Committee following process, then he would like to see more information on the application.

The Vice-Chair thought the idea of the development was good but was not sure if the application could be approved given the number of reasons for refusal as outlined in the Officer's report.

Noting that the proposal focused around health and wellbeing, Councillor Byrne felt that the proposal should have included options available for elderly council tenants as well. He thought the proposal was more or less a village and there would only be one 8 seater shuttle bus available which was on a temporary basis.

Steve Taylor pointed out that the proposal was a large development on the Green Belt and said that the Green Belt around Thurrock was narrow as confirmed by the Secretary of State and there was little Green Belt between Southend and London which was a big issue. He noted that the road leading into the golf club had a high traffic accident rate as it was used as a cut through road which was busy during the morning rush hours. He felt it was dangerous for elderly people to use this road into the site and would also add to the volume of traffic. He went on to say that the site was isolated and was not possible access without a car and then there was the issue of affordability of the care homes. He felt that the proposal was essentially building a village on the Green Belt.

Councillor Lawrence said that the application proposed a lifestyle facility which was not just for wealthy people. The elderly would be living in state of the art homes within a healthy area that would be good for their wellbeing so the application should be considered for approval.

The Committee discussed the proposal in that it was a retirement village that offered a lifestyle facility with state of the art homes for the elderly. Members said that the retirement village would improve the health and wellbeing of the residents that would reside there and that the retirement village was not just for wealthy people. Councillor Byrne felt the proposal was not for a retirement village but for a private healthcare village.

The Committee commented that the small lanes leading into the proposed retirement village would cause a problem with accessibility into the site. Members discussed deferring the application to enable the Applicant time to work with the relevant teams in the Council to overcome some of the reasons for refusal of the proposal.

Councillor Rice sought to approve the application and the Committee discussed the reasons for approval. The discussion revolved around the employment opportunities that would come out of the scheme; Thurrock's ageing population; and the lack of alternative suitable sites for the

development. The Committee also raised Thurrock's low housing supply as a reason to approve the application and Officers pointed out that this had been given significant weight within the report already. It was noted that some of the Consultees such as Sport England had raised no objection to the scheme as well.

The Chair asked Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection, for his advice on the alternative motion. Leigh Nicholson advised the Committee that there were 8 reasons for refusal and any alternative motion would have to clearly address each of the reasons. Leigh Nicholson advised that the factors put forward did not address the reasons for refusal. The Chair asked whether the contribution towards the Council's five year housing supply could be taken into account. Leigh Nicholson advised the Committee that this factor had already been taken into account and given Significant Weight; he drew Members attention to a table on page 98 of the agenda which set out the assessment of the Applicant's Very Special Circumstances case. Leigh Nicholson advised Members that the factors put forward did not address the first reason for refusal and there were 7 other reasons for refusal which would also need to be addressed.

Leigh Nicholson advised the Committee that the application could not be approved given the factors put forward and in accordance with the Constitution, it would be necessary to bring a report back outlining the implications of approving the application contrary to Officer's recommendation.

Councillor Rice proposed an alternative motion to Officer's recommendation which was a resolution to approve the application with the reasons being that:

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

Councillor Shinnick seconded the motion.

(Councillor Akinbohun was unable to participate on this item as outlined within the Constitution, Chapter 5, Part 3, 13.5.)

For: (7) Councillors Colin Churchman, Mike Fletcher, Tom Kelly, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (1) Councillor Gary Byrne.

Abstained: (0)

The motion was carried. The Committee were minded to approve the application subject to a report being brought back to the next Planning Committee meeting outlining the implications of making a decision contrary to recommendation. In the event of approval, the decision would then be referred to the Secretary of State to consider.

73. 19/01633/TBC - Aveley Recreation Ground, High Street, Aveley, Essex

Presented by Tom Scriven, Principal Planner, the report sought planning permission for the installation of internal and external roller shutters to all windows and doors of the Aveley Village Community Hub along with external lighting in the car park and CCTV. Officer's recommendation was for approval subject to conditions for the reasons listed on page 135 of the Agenda.

The full details of the application can be found on pages 129 – 138 of the Agenda.

Councillor Churchman supported the application and said that the security proposed for the site was much needed.

Councillor Rice proposed the Officer's recommendation with Councillor Churchman seconding it.

For: (9) Councillors Abbie Akinbohun, Gary Byrne, Colin Churchman, Mike Fletcher, Tom Kelly, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (0)

Abstained: (0)

Planning application 19/01633/TBC was approved subject to conditions.

74. 19/01864/TBC - Household Waste And Recycling Centre, Buckingham Hill Road, Linford, Essex

The report was presented by Tom Scriven. There was an update in that new site plans had been provided which required an amendment to plan numbers in condition 2 on page 163 of the Agenda. A second update related to the deletion of Condition 11 on page 163 of the Agenda, as the contamination details submitted were acceptable.

The application sought planning permission for the extension and comprehensive redevelopment of the exiting House Waste Recycling Centre (HWRC). The Officer's recommendation was to grant planning permission subject to referral to the Secretary of State and conditions for the reasons listed on page 162 of the Agenda.

The full details of the application can be found on pages 139 – 172 of the Agenda.

Councillor Byrne sought clarification on whether the bridleway on the other side of the road of the site would be affected to which Steve Lines, Senior Highways Engineer, confirmed that the bridleway would not be affected.

Councillor Byrne went on to comment that the scheme was 'brilliant' but would only work if there was enough funds to see the project through. He highlighted cost concerns in other projects ongoing within the Council. The Chair said that the Committee could only assume that there would be funds to support the scheme but could only look at the application on planning terms.

Steve Taylor sought clarification on the elevation of the ground level of the site as shown in the Officer's presentation. He questioned if the ground level was elevated on the field side behind the site to which Tom Scriven confirmed that it was.

Councillor Lawrence mentioned that the temporary traffic lights in place near the site often did not work and caused traffic congestion in the area. She asked whether a condition could be attached to the application to ensure the traffics lights were in consistent working condition. Steve Lines explained that the temporary traffic lights were under the control of Persimmon Homes who were developing a site near the application site. He went on to say that the temporary traffic lights had no bearing on the application that was before the Committee. Councillor Lawrence asked whether the application could be put on hold until the situation with the traffic lights was resolved. Steve Lines explained that the matter of temporary traffic signals and traffic management would have to go through the Network Management team. The current situation was in place to protect BT chambers and was awaiting reconstruction works of these chambers. He went on to say that the Council had no control over when BT would undertake these works that would allow for the road to be fully opened.

Noting that the traffic lights were causing congestion within the application's site area, the Vice-Chair questioned whether a condition could be imposed to restrict the timing of the planning permission to ensure the scheme was completed within a certain time frame. Tom Scriven explained that the issue arose from another development that had no bearing on the current application that was before the Committee. Therefore, such a condition could not be imposed and there had been no objection from Highways in the consultation stage of the application. He went on to say that the Applicant could decide to start the scheme later if the traffic light issue continued on but that would be within the gift of the Applicant to do so.

The Chair commented that the current use of the application site for waste disposal was risky and welcomed the scheme. He felt that the traffic around the site needed to be looked into.

Councillor Rice proposed the Officer's recommendation with Councillor Churchman seconding it.

For: (8) Councillors Abbie Akinbohun, Gary Byrne, Colin Churchman, Mike Fletcher, Tom Kelly, David Potter, Gerard Rice and Sue Shinnick.

Against: (0)

Abstained: (1) Councillor Angela Lawrence.

Planning application 19/01864/TBC was granted planning permission subject to referral to the Secretary of State and conditions.

The meeting finished at 9.11 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

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19 March 2020	**ITEM: 6**
Planning Committee	
Planning Appeals	
Wards and communities affected: All	**Key Decision:** Not Applicable
Report of: Jonathan Keen, Interim Strategic Lead - Development Services	
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director Planning, Transportation and Public Protection	
Accountable Director: Andy Millard, 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:** **19/00077/AUNWKS**

Location: 16 Rowley Road, Orsett

Proposal: Removal of existing boundary wall and erection of new means of enclosure and extension of garden onto open land adjacent to residential curtilage

3.2 **Application No: 18/01830/OUT**

Location: Land Adjacent Bulphan By-Pass And Church Road, Bulphan

Proposal: Outline planning permission with all matters (except for access) reserved for development comprising 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and noise attenuation buffer

3.3 **Application No: 19/01087/CLOPUD**

Location: Red Lion Cottage, Stanford Road, Stanford Le Hope

Proposal: Summer house

3.4 **Application No: 19/01206/FUL**

Location: Green House, Robinson Road, Horndon On The Hill

Proposal: Permission to build two detached 3 bedroom bungalows

3.5 **Application No: 19/01555/FUL**

Location: Former Alcakila, Bells Hill Road, Vange

Proposal: Demolition of the existing outbuilding and erection of a new 4 bedroom dwelling and an annexe

3.6 **Application No: 19/01466/HHA**

Location: 3 Duarte Place, Chafford Hundred, Grays

Proposal: Loft conversion with rear dormer, two front roof lights and side window

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 19/01016/FUL

Location: Land Adjacent 107 Humber Avenue, South Ockendon

Proposal: Construction of dwelling house with vehicular access, parking and landscaping

Appeal Decision: Appeal Dismissed

4.1.1 The main issue related to the effect of the development on the character and appearance of the area.

4.1.2 The Inspector considered the proposal would result in the removal of a parcel of land that contributes towards the openness of the area, interrupting and eroding the uniformity of the street scene. The Inspector commented that the proposed dwelling would appear cramped within its plot and out of keeping with the prevailing spacious character of the area, when viewed from either Garron Lane or Humber Avenue.

4.1.3 The Inspector concluded the proposal would be materially harmful and conflict with Policies PMD2, CSTP22 and CSTP23 of the Thurrock Core Strategy 2015 and the National Planning Policy Framework.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 19/00458/FUL

Location: 12 Lytton Road, Chadwell St Mary

Proposal: Construction of a pair of 2 bedroom semi-detached houses with associated hardstanding and additional dropped kerb

Appeal Decision: Appeal Dismissed.

4.2.1 The main issues related to the effect on the character and appearance of the area, and the effect on the living conditions of the occupiers of the proposed dwellings by reason of the adequacy of the level of private amenity space.

4.2.2 The Inspector commented that the proposed houses would fit tightly within the site's boundaries. This would be at variance with the relatively open character of the estate and in particular that of the short connecting roads which run along the flank of rear gardens. The Inspector considered that the proposals would not respect the area's local character and appearance and would be contrary to Policies CSTP22 and PMD2 and the National Planning Policy Framework 2019.

4.2.3 Turning to the issue relating to the adequacy of the private amenity space, the Inspector stated that the proposal included approximately 60sqm of amenity space for each dwelling located to the side and rear of each property and he considered that whilst modest in size it could function adequately as amenity space for a two bedroom house. Nonetheless, the Inspector did not consider this second issue to overcome the overall harm caused by the proposals and the impact upon the character of the area.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 19/00076/BUNWKS

Location: 39 Laird Avenue, Grays

Proposal: One front pitched roof dormer to front elevation of roof slope

Appeal Decision: Appeal Dismissed

4.3.1 The appeal was submitted against an Enforcement Notice issued regarding a breach of planning control consisting of the erection of a pitched roof dormer to the front elevation of the roof slope. The Enforcement Notice required the removal of the dormer from the dwellinghouse, the making good of the roof and the removal of all materials in relation to these previous steps. The period for compliance was three months.

4.3.2 The Inspector commented that the cladding of the cheeks and front elevation of the dormer contrasted in colour and texture with the roof tiles on the main bungalow roof, so that the dormer does not appear integrated with the main roof. As a result, it is a dominant and prominent feature on the front roof slope, which appears visually intrusive.

4.3.3 For these reasons the Inspector concluded that the front dormer is harmful to the character and appearance of the surrounding area and in conflict with Core Strategy Policies PMD1, PMD2 and CSTP22 and the Residential Alterations and Extension Supplementary Planning DPD 2017.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 19/00167/FUL

Location: The Village Motel, Southend Road, Corringham

Proposal: Demolish all existing structures on site and construction of three 2 storey blocks creating nine flats with associated parking area, amenity space and cycle and bin stores (resubmission of 18/01460/FUL Demolition of existing structures and construction of two residential blocks creating five flats with associated parking area, amenity space and cycle and bin stores)

Appeal Decision: Appeal Dismissed.

4.4.1 The main issues in this appeal were as follows: Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and 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.

4.4.2 The Inspector agreed that the land fell within the definition of ‘previously developed land’. Therefore, the question is whether or not the proposal

would have a greater impact on the openness of the Green Belt than the existing development. Whilst the proposals would reduce the footprint of buildings, the development would significantly increase the volume and height of the built form on the site. Consequently, the proposed development would, by virtue of its permanence and size, have a greater impact on openness than the existing development. The Inspector found, therefore, that the proposal would not meet the exceptions in paragraph 145 of the Framework, which requires that development on previously developed land would not have a greater impact on the openness of the Green belt than the existing development. The proposal therefore constituted inappropriate development in the Green Belt.

4.4.3 The Inspector did not give any weight to the previous planning history relating to other development approved nearby, nor to the development's contribution to the 5 year housing supply. As a consequence, the Inspector did not consider there to be any very special circumstances which would outweigh the harm caused by this development and dismissed the appeal.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 18/01041/FUL

Location: Dahlia Cottage, Kirkham Shaw, Horndon On The Hill

Proposal: Two bedroom bungalow

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the main issues in this to be whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and, 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.

4.5.2 The appeal scheme proposed the construction of a new dwelling, rather than a replacement dwelling. Accordingly, the appeal proposal does not fulfil the exception requirements within Policy PMD6 of the DPD and paragraph 145d) of the Framework. The Inspector commented that the appeal site does not lie within an established frontage of residential development and therefore the proposal did not form infill development according to the definition within Policy PMD6 or the requirements of paragraph 145 e) of the Framework.

4.5.3 The Inspector considered all other matters including the site history, the lack of a 5 year housing supply and surrounding development. In conclusion, the Inspector stated that the proposal would be inappropriate development where no very special circumstances exist, and there was a clear reason for refusing the development.

4.5.4 The full appeal decision can be found online.

4.6 Application No: 19/00267/FUL

Location: Silver Springs, High Road, Fobbing

Proposal: Demolition of Inglefield, part single/part two storey front, side and rear extensions with front balcony to Silver Springs and construction of six detached houses to rear with associated access road, landscaping and amenity space

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector considered the main issues in this case to be whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; the effect on the openness of the Green Belt; and, 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.

4.6.2 The Inspector commented that the proposals would significantly increase the amount of built form on the appeal site. It would replace predominantly open and green residential gardens with 6 detached 2- storey dwellings, parking spaces and an access road. Overall the proposal would therefore have a significantly greater spatial impact on the openness of the Green Belt than currently exists. Consequently, the proposed development would, by virtue of its permanence and size, have a significantly greater impact on openness than the existing development.

4.6.3 Turning to the very special circumstances put forward by the Appellant, the Inspector considered all the arguments put forward including the lack of a 5 year housing supply, the Appellant's contribution of a 'housing payment' towards affordable housing and the Appellant's desire to provide high quality homes for the retention of business executives. Taken together, the Inspector concluded that the other considerations in favour of the appeal scheme would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and its impact on openness. Consequently, the very special circumstances that would be necessary to justify inappropriate development in the Green Belt did not exist.

4.6.4 The full appeal decision can be found online.

4.7 Application No: 19/00983/HHA

Location: 36 Rookery View, Grays

Proposal: Part single storey rear extension with roof lantern, first floor part rear and part side extension with roof alterations with the addition of one roof light, Juliet balcony and front porch

Appeal Decision: Appeal Dismissed.

4.71 The main issue is the effect of the proposed development on the character and appearance of the existing house and the surrounding area.

4.7.2 The Inspector commented that the proposed single storey rear extension, roof light and storm porch would be acceptable. The Inspector raised concerns regarding the first floor extensions to the side and rear as they would have an unacceptably harmful effect on the character and appearance of the existing house and the surrounding area.

4.7.3 The Inspector concluded that the proposal would not accord with Policies PMD2 and CSTP22 of the Council's Core Strategy 2015 and the Thurrock Design Guide: Residential Alterations and Extensions 2017.

4.7.4 The full appeal decision can be found online.

4.8 Application No: 19/00500/FUL

Location: 253 Princess Margaret Road, East Tilbury

Proposal: The demolition of no.253 Princess Margaret Road, formation of an emergency, pedestrian and cycle access, erection of fencing adjacent to Princess Margaret Road and the erection of two semi-detached houses along Sandpiper Close.

Appeal Decision: Appeal Dismissed

4.8.1 The main issues in the consideration of this appeal were the effect of the proposed development on the character and appearance of the area; and, whether the development would create a safe and secure environment.

4.8.2 The appeal site is occupied by a two-storey detached dwelling, 253 Princess Margaret Road, located within a residential area. The site is identified as a landscaped corridor and emergency access in the recent residential development of 'The Boulevards'. 'The Boulevards' is located behind properties fronting Princess Margaret Road and directly abuts the East Tilbury Conservation Area.

4.8.3 Princess Margaret Road is a long straight road, predominately with two storey semi-detached dwellings, with a consistent building line and design. Dwellings are set back from the main road, built within generous plots and with relatively spacious front gardens and driveways. Reflecting the character and appearance of Princess Margaret Road, 'The Boulevards' are also set back from the road, with gardens and driveways located to the front of the properties.

4.8.4 Considering its prominence, as the first visible part of the 'The Boulevards' and its lack of relationship with Princess Margaret Road, the Inspector

found the proposed new development would be likely to have a negative impact therefore harming the character and appearance of the wider area.

4.8.5 The Inspector commented that the proposal would increase the level of natural surveillance on the site, which could have a positive impact as a deterrent of crime and anti-social behaviour and therefore did not find that the proposal would result in the creation of an unsafe space.

4.8.6 Nonetheless, the Inspector concluded that the development would be harmful to the character of the area contrary to Policy PMD1, PMD2, CSTP22 and CSTP23 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (2015).

4.8.7 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

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

	APR	MA	JU	JU	AUG	SE	OCT	NO	DEC	JAN	FEB	MAR	
Total No of Appeals	3	7	3	1	14	5	3	5	9	8	9	9	76
No Allowed	1	0	0	0	3	0	2	1	3	3	1	1	15
% Allowed	33.33	0%	0%	0	21.4	0%	66.66	20	33.33	37.50	11.11	11.11%	19.73

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

7.0 Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

8.0 Implications

8.1 **Financial**

Implications verified by: **Laura Last**

Management Accountant

There are no direct financial implications to this report.

8.2 **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').

8.3 **Diversity and Equality**

Implications verified by: **Natalie Smith**

Strategic Lead Community Development and Equalities

There are no direct diversity implications to this report.

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

None.

9.0. 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.The planning enforcement files are not public documents and should not be disclosed to the public.

10. Appendices to the report

- None

Report Author:

Jonathan Keen

Strategic Lead, Development Services

Place

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Reference: 19/01058/OUT	**Site:** Land part of Little Thurrock Marshes Thurrock Park Way Tilbury
Ward: Tilbury Riverside and Thurrock Park	**Proposal:** Application for outline planning permission with some matters reserved (appearance, landscaping, layout and scale): Proposed construction of up to 161 new dwellings (C3) with vehicular access from Churchill Road; construction of 7,650 sq.m (GEA) of flexible employment floorspace (Use Class B1c / B2 / B8) with vehicular access from Thurrock Park Way; provision of open space including landscaping and drainage measures; new pedestrian / cycle links; and associated parking and access.

Plan Number(s):		
Reference	Name	Received
110D	Master Plan / Site Plan	07.11.19
111A	Site Location Plan	10.07.19
112A	Master Plan / Site Plan	07.11.19
113	Master Plan / Site Plan: Building Parameters: Indicative Heights	10.07.19
114E	Master Plan / Site Plan	07.11.19
A232-LA04A	Landscape Strategy Plan	10.07.19
CC1442-CAM-22-00-DR-C-90-1103 Rev. P01	Flood Compensation Storage	17.09.19
CC1442-130 Rev. P3	Access Roads Layout Overall Plan	07.11.19
CC1442-131 Rev. P3	Access Roads Layout Sheet 1 of 6	07.11.19
CC1442-132 Rev. P3	Access Roads Layout Sheet 2 of 6	07.11.19
CC1442-133 Rev. P3	Access Roads Layout Sheet 3 of 6	07.11.19
CC1442-134 Rev. P3	Access Roads Layout Sheet 4 of 6	07.11.19
CC1442-135 Rev. P3	Access Roads Layout Sheet 5 of 6	07.11.19
CC1442-136 Rev .P3	Access Roads Layout Sheet 6 of 6	07.11.19
CC1442-141 Rev. P3	Access Roads Vehicle Tracking Sheet 1 of 6	07.11.19
CC1442-142 Rev. P3	Access Roads Vehicle Tracking Sheet 2 of 6	07.11.19
CC1442-143 Rev. P3	Access Roads Vehicle Tracking Sheet 3 of 6	07.11.19
CC1442-144 Rev. P3	Access Roads Vehicle Tracking Sheet 4 of 6	07.11.19
CC1442-145 Rev. P3	Access Roads Vehicle Tracking Sheet 5 of 6	07.11.19
CC1442-146 Rev. P3	Access Roads Vehicle Tracking Sheet 6 of 6	07.11.19

The application is also accompanied by:

- Archaeological desk based assessment;
- Breeding bird survey report;
- Commercial market report;
- Design and access statement;

- Energy and sustainability statement;
- Environmental noise assessment;
- Essex recorders datasearch report;
- Flood risk assessment;
- Great Crested Newt surveys;
- Landscape and visual impact appraisal;
- Phase 1 habitat assessment;
- Planning statement;
- Reptile survey report;
- Statement of consultation;
- Travel plan;
- Water Vole survey;
- Botanical survey;
- Ecological mitigation strategy and habitat enhancement plan;
- Invertebrate surveys and assessments;
- Surface and foul drainage strategy; and
- Transport assessment.

Applicant: Nordor Holdings Ltd	**Validated:** 11 July 2019 **Date of expiry:** 30 April 2020 (Extension of time agreed)
Recommendation: Refuse planning permission	

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic implications, constitutes a departure from the Development Plan and is a re-submission of a scheme on a site which was previously considered by the Committee in 2017 (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council's constitution).

1.0 BRIEF SUMMARY

1.1 This application seeks outline planning permission for a mixed residential and commercial development of up to 161 dwellings, 7,650 sq.m of Class B1(c) / B2 / B8 (light industry / general industry / warehousing) floorspace and ancillary

development. Permission is sought for details of access, with the appearance, landscaping, layout and scale of the development reserved for future approval (as reserved matters) should outline planning permission be granted. The application site was the subject of a similar proposal for mixed use development submitted in 2015 and dismissed at appeal in 2018.

2.0 DESCRIPTION OF PROPOSAL

2.1 The table below summarises some of the main points of detail contained within the development proposal:

Site Area	c.13.3 Ha
Residential Development	Market Housing: 87 no. three-bed houses 18 no. four-bed houses TOTAL 105 units Affordable Housing: 12 no. one-bed flats 30 no. two-bed flats 6 no. three-bed flats 5 no. three-bed houses 3 no. four-bed houses TOTAL 56 units (35%)
Commercial Development	7,650 sq.m floorspace (gross external area) to be used for Class B1(c) / B2 / B8 purposes

2.2 This is an application for outline planning permission with only the matter of access for detailed consideration at this stage. Details of the appearance, landscaping, layout and scale of the proposed development are reserved for future approval if outline planning permission were to be granted. Permission is sought for "up to 161 new dwellings" and this figure should therefore be viewed as a maximum. The mix of mix of residential units shown in the table above should be interpreted as indicative. Permission is also sought for 7,650 sq.m. (gross external area) of commercial floorspace and this amount of development should be considered as a 'fixed' development parameter.

2.3 Access

This is a matter for detailed consideration at this stage and is defined as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The application proposes that the sole vehicular access to the residential uses on-site would be from an extension to Churchill Road, via the existing turning-head at its southern end. Access road layout drawings show Churchill Road extended to both the west and south-east via two 'spine' roads, with associated cul-de-sac and loop roads which could access all of the dwellings. Vehicular access for the proposed Class B1(c) / B2 / B8 floorspace located on the southernmost part of the site would be from the Clipper Park

development on Thurrock Park Way. Thus separate means of access for vehicles are proposed to serve the residential and Class B1(c) / B2 / B8 development. Nevertheless, masterplan drawings for the development show a potential cycle path (and by implication pedestrian route) linking the separate residential and commercial accesses. Two potential future cycleway links are also indicated on the western edge of the site which could connect to a public right of way from Manor Road.

2.4 Groundworks

Although landscaping is a matter of details reserved for future approval if outline planning permission is granted, flood mitigation / alleviation works are proposed which would include the re-profiling of ground levels. Flood compensation storage would be increased in the form of new ditches and ponds alongside increases in levels to create development platforms.

2.5 Landscaping

Although details of landscaping are reserved for future approval, a landscape strategy drawing has been submitted indicating a range of hard and soft landscape treatments, including potential new habitat creation.

2.6 Layout

An indication of the way the site could be developed is shown on masterplan drawings. Residential development could potentially comprise principally terraces of dwellinghouses with two blocks of flats located on the western part of the site. The proposed commercial development is indicated on the southern part of the site.

2.7 Scale

An indication of the scale of the development is provided on submitted masterplan drawings which show two and three-storey houses, three-storey flats and commercial development within two / three storey buildings.

3.0 SITE DESCRIPTION

3.1 The site comprises an irregularly shaped parcel of land, extending to approximately 13 hectares in area and generally located to the west of the Dock Approach Road (A1089) and north of the Thurrock Park Way commercial area. The site 'wraps around' the existing Churchill Road residential estate, developed in the late 1980's and principally comprising two-storey dwellinghouses on Churchill Road, Medlar Road, Salix Road and adjoining streets. This estate essentially comprises a cul-de-sac of c.250 dwellings accessing onto Dock Road to the north.

3.2 The northern part of the site consists of an open strip of land separating the Churchill Road estate and dwellinghouses to the north at Silverlocke Road, Lawns Crescent and the Willows. The drainage ditch, known as the Chadwell New Cross Sewer, passes east-west across the northern part of the site before changing alignment to run parallel to the site's western boundary. This watercourse is defined as a 'Main River'. Much of the eastern part of the site also comprises a strip of open land separating the Churchill Road estate from the A1089 Dock Approach Road. The southern part of the site comprises a broader expanse of open land separating the Churchill Road estate from the Asda supermarket and

commercial uses at Thurrock Park Way to the south. The western part of the site adjoins and area of open land located at the western-end of Thurrock Park Way.

3.3 The site is open and has been partly colonised by scrub vegetation. The majority of the application site, apart from a thin strip along the northern and western edges of the site, is within the Green Belt (GB) as defined by the Policies Map accompanying the adopted Core Strategy (2015). The south-western part of the site, as well as being designated as GB, is allocated as 'Additional Open Space'. The site is generally flat and low-lying and is within the high risk flood zone (Zone 3), although it benefits from existing flood defences. The site does not form part of the Tilbury flood storage area, which is generally located to the east of the A1089(T). None of the site forms part of any designated site of nature conservation importance.

4.0 RELEVANT PLANNING HISTORY

Ref.	Proposal	Decision
52/00279/FUL	Erection of electric overhead lines at Dock Road, Little Thurrock	Approved
57/00570/FUL	Residential development	Refused
58/00087/FUL	Erection of overhead electric power lines	Deemed Approval
64/00617/FUL	Housing estate providing for the erection of 250 houses	Approved
66/00907/FUL	Operational land for the purposes of the authorities undertaking	Withdrawn
68/00783/FUL	Overhead power lines	Approved
69/00621/FUL	Vehicle park and access road on land west of Dock Road, Tilbury	Approved
69/00621A/FUL	Depot and access road west of Dock Road, Tilbury subject to conditions within planning application THU/621/69	Approved
74/00161/OUT	Development of land at Tilbury North for 30acres of housing, 45 acres of warehousing and 53 acres of open space	Approved
78/00292/FUL	Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space subject to condition 1 - 30 on permission THU/161/74	Approved
78/00601/OUT	Development including housing, warehousing, superstore and open landscaped areas	Appeal Lodged. Appeal Allowed
78/00601A/FUL	Superstore and car parking, warehousing and car parking. Overall development access roads and sewers	Approved
81/01145A/FUL	Revised application for residential development of 252 houses	Approved
82/00141/OUT	Use of land as industrial and or warehousing and ancillary purposes	Approved

89/00283/OUT	Housing community facility, link road, access roads and public open spaces.	Refused
08/01042/TTGSCR	Request for EIA screening opinion: Proposed redevelopment of land at Little Thurrock for employment use and creation of public open space and wildlife habitat.	EIA not required
09/50024/TTGOUT	Land to the South of Churchill Road residential estate and to the north of the Thurrock Park employment area. Redevelopment of land at Thurrock Park to include development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock park (use class B2/B1 (c) and B8) with a total maximum internal floor area of 20,000sq.m. Improvements to 9.6 hectares of existing open space, including better access.	Approved
11/50307/TTGOUT	Redevelopment of land at Thurrock Park to include: 1. Development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock Park (uses B2, B1(c), B8) and open storage and other non-class B employment uses with a total maximum internal floor area of 20,000 sq.m. The open storage and non-class B employment uses shall be limited to not more than 2 hectares. 2. Improvements to 9.6 hectares of existing open space, including improved access.	Approved
13/00396/CV	Variation of conditions relating to 11/50307/TTGOUT	Invalid
13/00685/CV	Variation of conditions 2, 7, 12, 14, 15, 16, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-development of site without submitting details of all phases prior to the implementation of any part of the development	Finally disposed of
15/00116/OUT	Application for outline planning permission (with all matters reserved) for the development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works	withdrawn
15/00171/SCR	Request for a screening opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Proposed development of4ha of land to provide 122 residential units,	EIA not required

	and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works	
15/00299/CV	Variation of conditions 2, 3, 4, 7, 12, 14, 15, 16, 18, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 35, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow redevelopment of site without submitting details of all phases prior to the implementation of any part of the development.	Lapsed
15/00476/NMA	Variation of Conditions 3 (Outline Element) and Condition 4 (Time Limit) against approved planning application 11/50307/TTGOUT	Invalid
15/01354/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works	Refused, Appeal Dismissed
17/01631/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 hectares of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works (Re-submission of planning application ref. 15/01354/OUT).	Withdrawn
19/01019/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion - Proposed construction of up to 161 new dwellings (C3) with vehicular access from Churchill Road; construction of 7,650 sq.m (GEA) of flexible employment floorspace (B1c/B2/B8) with vehicular access from Thurrock Park Way; provision of open space including landscaping and drainage measures; new pedestrian/cycle links; and associated parking and access	EIA not required

4.1 From the table above planning application reference 15/01354/OUT is pertinent to this case as it involved the same site and proposed a mixed use of development of dwellings and commercial / community use floorspace. Application ref.

15/01354/OUT was considered by the Committee at its meeting in June 2017 where planning permission was refused on the grounds of harm to the GB. A subsequent appeal was considered at a public inquiry in May 2018 and the appeal dismissed in June 2018.

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters sent to 383 surrounding occupiers, press advert and site notices. The application has been advertised as a departure from the Development Plan and a major development.

5.2 27 individual letters of objection have been received together with a petition containing 660 signatures also objecting to the application. The following matters of concern have been raised:

- unsafe / inadequate access;
- increased traffic congestion;
- pollution and impact on air quality;
- harm to amenity;
- increased noise;
- loss of GB;
- flooding;
- impact on ecological interests; and
- effect on infrastructure.

5.3 CONSULTATION RESPONSES:

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

5.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections subject to conditions being attached to any grant of planning permission.

5.5 ANGLIAN WATER:

Recommend a number of informatives relating to foul water drainage. As the proposed surface water drainage does not relate to Anglian Water assets, no comments are provided.

5.6 BUGLIFE:

Object to the application on the grounds of:
- impact on priority habitats and invertebrate species;
- loss of a potential Local Wildlife Site; and
- inadequate mitigation proposals.

5.7 CAMBRIDGESHIRE & ESSEX BUTTERFLY CONSERVATION:

Object to the loss of a potential Local Wildlife Site.

5.8 ESSEX POLICE:

Recommend that the development achieves Secured by Design accreditation.

5.9 HIGHWAYS ENGLAND:

Offer no objection on the basis that the proposals will generate minimal additional traffic on the strategic road network in peak hours.

5.10 NHS:

Require a financial contribution of £63,549 to mitigate the impacts of the development on primary healthcare services.

5.11 ENVIRONMENT AGENCY:

Draw attention to the need to undertake the Sequential and Exception Test. Recommend that planning conditions are attached to any grant of planning permission.

5.12 EMERGENCY PLANNING:

No response received.

5.13 FLOOD RISK MANAGER:

No objections, subject to conditions.

5.14 HOUSING OFFICER:

Confirm that the proposed provision of affordable housing and the tenure mix is acceptable.

5.15 HIGHWAYS OFFICER:

No objection – although suggest that a contribution towards mitigation at the Marshfoot Road / A1089 slip road junction is considered. Consultation with Highways England is required regarding the potential impact of the proposals on

the A1089. Some concerns remain regarding road layout within the site (N.B. – layout is a reserved matter). A contribution to the cycle / pedestrian link to the south of the north-western link would be sought.

5.16 PORT OF TILBURY LONDON LTD.

Express concern regarding the content of the Transport Assessment and potential impact on the ASDA roundabout junction.

5.17 ESSEX FIELD CLUB:

Object to the application on the grounds of impact on priority habitats and species, the loss of a Local Wildlife Site, loss of GB, incomplete invertebrate surveys and inadequate mitigation and compensation.

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19th February 2019. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date[1], granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed[2]; or

ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

[1] This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites …

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

Paragraph 2 of the NPPF 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.

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

5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
12. Achieving well-designed places;
13. Protecting GB land;
14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural environment;

6.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

Climate change;
Design: process and tools;
Determining a planning application;
Flood risk and coastal change;
Green Belt;
Healthy and safe communities;
Natural environment;
Noise;
Open space, sports and recreation facilities, public rights of way and local green space;
Renewable and low carbon energy; and
Travel Plans, Transport Assessment and Statements.

6.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP1: Sustainable Housing and Locations;
- CSSP2: Sustainable Employment Growth;
- CSSP3: Sustainable Infrastructure;

- CSSP4: Sustainable GB; and
- CSSP5: Sustainable Greengrid.

Thematic Policies:

- CSTP1: Strategic Housing Provision;
- CSTP2: The Provision of Affordable Housing;
- CSTP6: Strategic Employment Provision;
- CSTP9: Well-being: Leisure and Sports;
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury;
- CSTP18: Green Infrastructure;
- CSTP19: Biodiversity;
- CSTP20: Open Space;
- CSTP22: Thurrock Design;
- CSTP25: Addressing Climate Change;
- CSTP26: Renewable or Low-Carbon Energy Generation; and
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity;
- PMD2: Design and Layout;
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities;
- PMD6: Development in the GB;
- PMD7: Biodiversity, Geological Conservation and Development;
- PMD8: Parking Standards;
- PMD9: Road Network Hierarchy;
- PMD10: Transport Assessments and Travel Plans;
- PMD12: Sustainable Buildings;
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation;
- PMD15: Flood Risk Assessment; and
- PMD16: Developer Contributions

6.4 Thurrock Local Plan

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

6.5 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.

7.0 ASSESSMENT

7.1 Procedure:

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

7.2 The main issue for consideration in this case is the assessment of compliance with planning policies for and impact on the GB. Given the recent planning application for the site (ref. 15/01354/OUT) a comparison of the current proposals with this earlier scheme is also necessary. The content of the Planning Inspector's report considering application ref. 15/01354/OUT is germane to the current application and an assessment of whether the current proposals would lead the local planning authority to a different conclusion from that reached by the Planning Inspector is a key matter. In addition to the GB considerations raised by the proposals, the assessment below also covers the following areas:

- Highways and traffic considerations;
- Ecological considerations;
- Noise and air quality; and
- Flood risk and site drainage.

As outline planning permission is sought a detailed analysis of design issues, layout and impact on residential amenity is not provided at this stage.

7.3 I. PRINCIPLE OF DEVELOPMENT AND IMPACT ON THE GB

Under this heading it is necessary to consider the following key questions:

i. whether the proposals constitute inappropriate development in the GB;
ii. the effect of the proposals on the open nature of the GB and the purposes of including land within it; and
iii. whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

i. Whether the proposals constitute inappropriate development in the GB

7.4 As noted in paragraph 3.3 above, apart from strips of land along the northern and western edges all of the site is located within the GB. However, no built development is proposed on these strips and consequently all of the built development proposed would be sited on the GB. Therefore adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting GB land).

7.5 Paragraph 133 of the NPPF confirms that the Government attaches great importance to GBs and states that the

"fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GB are their openness and their permanence".

With regard to proposals affecting the GB, paragraph 143 states that

"Inappropriate development is, by definition, harmful to the GB and should not be approved except in vsc".

Paragraph 144 goes on to state that local planning authorities should ensure that *"substantial weight"* is given to any harm to the GB and that vsc will not exist unless the potential harm to the GB by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.6 With reference to proposed new buildings in the GB, paragraph 145 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) 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 GB than the existing development; or
    - not cause substantial harm to the openness of the GB, 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.

7.7 Clearly the proposals to construct up to 161 dwellings and 7,650sq.m. of Class B1(c) / B2 / B8 floorspace do not fall into any of the exceptions listed at (a) to (g) in the paragraph above. Consequently, the proposals comprise inappropriate development with reference to the NPPF.

7.8 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (2015) is consistent with national policy on GB matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the GB. In order to implement this policy, the Council will:

- maintain the permanence of the boundaries of the GB;
- resist development where there would be any danger of coalescence; and
- maximise opportunities for increased public access, leisure and biodiversity.

7.9 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the GB provided it meets as appropriate the requirements of the NPPF.

7.10 In common with the proposals which were considered at appeal (ref. 15/01354/OUT), it is still the case that new residential and commercial buildings in the GB are by definition inappropriate. As a result there can be no change in the conclusion reached previously as to the principle of the proposed land uses. Consequently, it is a straightforward matter to conclude that the proposals for residential and commercial development constitute inappropriate development in the GB.

ii. <u>The effect of the proposals on the open nature of the GB and the purposes of including land within it</u>

7.11 The analysis in the paragraphs above concludes that the residential and commercial development is inappropriate development which is, by definition, harmful to the GB (NPPF para. 143). However, it is also necessary to consider whether there is any other harm (NPPF para. 144).

7.12 As noted above paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. Although this is an application for outline planning permission with details of layout reserved, it is apparent from the submitted indicative drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development in an area which is currently open. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

7.13 It is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The applicant has not sought a temporary planning permission and it must the assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with both residential and commercial elements. This activity would also impact negatively on the openness of the GB.

7.14 Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

7.15 In the context of impact on the openness of the GB, it is also necessary to consider the current proposals against the earlier dismissed scheme (15/01354/OUT) and the relevant conclusions reached by the Planning Inspector. This earlier application proposed a greater number of residential dwellings (up to 280) but a smaller quantum of non-residential development (2,060 sq.m within Class D1 and B2 / B8). With regard to the amount of development a brief comparison between the 2015 and current schemes is presented in the table below:

	15/01354/OUT	19/01058/OUT
Total Site Area	13.36 Ha	13.36 Ha
Site Area Within GB	c.11.3 Ha	c. 11.3 Ha
No. of Dwellings	Up to 280	Up to 161
Non-Residential Floorspace	2,060 sq.m.	7,650 sq.m

7.16 There are no differences between the 2015 and current applications in terms of the extent of proposed undeveloped land outside of the GB which lies adjacent to the site's northern and western boundaries. Similarly, within those GB parts of the site that are proposed for development there are no material differences between the two applications apart from locations at the eastern and south-eastern parts of the site. The 2015 application proposed a narrow corridor of open land along the eastern boundary forming a strip between a ribbon of new residential development and the A1089. At the south-eastern corner of the site this corridor widened to form a wider landscape buffer, which also included flood water attenuation and provided a clear gap between the commercial and residential element of the proposals. The current application deletes the previously proposed buffer separating residential and commercial development, but also deletes the residential ribbon adjacent to the A1089 boundary. This change has the effect of creating a more substantial area of open land along the eastern boundary. Although it is difficult to provide a precise comparison between the two applications of the extent of open land (particularly as layout is a reserved matter), it is the case the case that the current indicative layout would retain more openness on the eastern and south-eastern part of the site.

7.17 Paragraph nos. 8 to 13 of the Inspector's Report refer to the effect of the 2015 application proposals on the openness of the GB. The report considered impact on the openness of the site itself and the visual impact on the wider GB in the assessment of the effect on openness. The following extracts are of relevance:

"The appeal development with its 280 dwellings, employment units and community building would result in a considerable diminution to the openness of this GB site itself. There would be some undeveloped features, including green spaces, gardens and waterbodies but to my mind the overall impression would be that the current site would largely be replaced by urbanisation."

Whilst noting that *"there is little visual connection with the wider GB when viewed from the western part of the site"*, the Inspector observed that from *"within the eastern section* (of the site) *the scarp slope to the north of Tilbury Marshes, which is also within the GB, becomes visually apparent. From the higher vantage point of the Dock Approach Road the observer is much more aware of the visual connectivity between the appeal site and the GB land to the east … The appeal site therefore comprises open green land that has some visual connection to the wider area of GB … In any event the development itself would fundamentally change the visual prominence of the site. This is because the buildings would be atop a raised platform of around 2.03 AOD in order to address flood risk. The cross-section that was provided by the appellant through the eastern part of the site clearly shows that the finished land level would be higher than that of the Dock Approach Road … The overall housing layout shows closely grouped houses and six blocks of flats. Within this context the waterbodies and open spaces would have little meaningful function in terms of retaining openness in GB terms. For all of these reasons I consider that there would be very significant harm to the openness of the GB."*

7.18 To summarise the Inspector's conclusions on the subject of openness, the residential and commercial development would diminish openness (as a spatial concept) on the site itself. Compared to the appeal scheme, the current proposals would retain a more substantial area of undeveloped land along the eastern and south-eastern boundary and thereby reduce the impact on openness. Nevertheless, the indicative layout suggests that the remainder of that part of the site that lies within the GB would experience a clear loss of openness. Therefore, with regard to the site as a whole, there would still be harm to openness as a spatial concept.

7.19 With regard to the visual impact on the wider GB in the assessment of openness, the Inspector concluded that the eastern part of the site enjoyed a visual connection to the wider GB across the A1089, although there is little visual connection on the western part of the site. The Inspector also notes that land raising on the east of the site would change the visual prominence of the site. The current proposals remove buildings along the eastern boundary, which would arguably maintain the visual connection to the wider GB. In addition, the associated deletion of landraising on this part of the site would reduce the visual prominence of the development as an 'engineered' landform.

7.20 However, despite the reduced impact on openness and maintenance of the existing visual connection from the eastern part of the site to the wider GB, the current

proposal would still reduce openness (as a spatial concept) on a large part of the site.

7.21 Paragraph 134 of the NPPF sets out the five purposes which the GB serves as follows:

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

7.22 Paragraph nos. 14 to 21 of the Inspector's Report considered the effect the 2015 proposals on these purposes and a comparison of the Inspector's conclusions with the current scheme is provided below.

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

Paragraph no. 14 of the Inspector's report confirmed that Grays is a "large built-up area" and that a development of 280 houses *"would not be an insignificant extension to the town"*. Paragraph no. 15 noted that the existing Thurrock Park development (Churchill Road etc.) of c.250 dwellings built in the 1980's *"has resulted in a degree of sprawl itself. However the addition of a similar sized housing development into the open land to its south and east would exacerbate this (sprawl) considerably"*. Although at paragraph no.16 the Inspector accepted that the site has strong has strong physical boundaries *"that does not mean that it has no function in terms of checking urban sprawl. This is not an insubstantial sized area of land and the proposal would not be small scale in nature. I have already come to the conclusion that once development takes place there would be some visual connection to the GB beyond the Dock Approach Road. In the circumstances the appeal scheme would lead to a degree of urban sprawl outward of Grays."*

7.24 With reference to the current case, despite the omission of built development from the eastern part of the site the proposals still represent a large scale extension to the built-up area of Grays at this point. Although of lesser magnitude to the appeal scheme the proposals would still result in a degree of urban sprawl, contrary to this GB purpose.

7.25 *b) to prevent neighbouring towns merging into one another*

Paragraph no. 17 of the Inspector's report confirms that the appeal site *"remains as an open area of GB that lies between the two"* (the two neighbouring towns of Grays and Tilbury). The following paragraph of the report states:

"I acknowledge that the development of Tilbury docks alongside the river has already blurred the distinction between the two settlements (Grays and Tilbury) *as separate entities. The construction of the Amazon and Travis Perkins warehouses has further added to the sense of proximity between them. However, assuming the*

allocated commercial land is eventually built out the process of coalescence would effectively be completed by the development of the appeal site. All that would be left between the two settlements would be an inconsequential remnant of GB land to the north of the ASDA car park and the southern corridor and roundabout of the Dock Approach Road. In the circumstances the appeal proposals would contribute to the coalescence of Tilbury and Grays".

7.26 The current proposals would increase the width of the "southern corridor" of GB adjacent to the A1089. However, the indicative layout shows that the proposed residential and commercial development would lead to the joining together of Tilbury and Grays (at paragraph no. 17 the Inspector observed that *"It seems generally accepted that the Thurrock Park way commercial area, including the ASDA superstore, is part of Tilbury and that Thurrock Park is part of Grays"*). Therefore, despite a reduction in the magnitude of coalescence between Grays and Tilbury, the current proposals would nevertheless result in a degree of coalescence contrary to this purpose of the GB.

7.27 *c) to assist in safeguarding the countryside from encroachment*

Paragraph nos. 19 and 20 of the Inspector's report assess the appeal proposals against this GB purpose and reach the conclusion that the site *"clearly has value as countryside"* which would be subject to the *"harmful effect of encroachment"*. Although, compared to the appeal scheme, the current proposals would reduce the amount of development there would still be a significant encroachment in the countryside.

7.28 With regard to the final two GB purposes: 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) the Inspector concluded that these purposes would not be offended. There is no reason to reach a different conclusion in considering the current proposals.

7.29 In considering *"any other harm resulting from the proposal"* (NPPF para. 144) the Planning Inspector addressed the matters of flood risk, land stability, construction impacts and highways matters. The Inspector's conclusions, set out at paragraph nos. 22 to 26 of the report, were that subject to planning conditions there would be no unacceptable harm arising. More detailed consideration of flood risk, highways matters etc. is provided later in this report. However, under the heading of other harm to the GB beyond those matters raised above, it can concluded that there is no other harm.

7.30 In conclusion under the headings (i) and (ii) it is concluded that the current proposals would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with GB purposes (a), (b) and (c). In accordance with paragraph 144 of the NPPF substantial weight should be afforded to this harm

iii. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development

7.31 Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities

"should ensure that substantial weight is given to any harm to the Green Belt. VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

7.32 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise vsc, either singly or in combination. However, some interpretation of VSC 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 VSC (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the GB. The provisions of VSC 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 VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

7.33 The Planning Statement and additional representations submitted by the applicant to accompany the application sets out the applicant's case for VSC under the following main headings:

1. provision of new market and affordable housing;
2. provision of connectivity improvements;
3. provision of new, public open space; and
4. provision of new employment units.

The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

7.34 *1. Provision of new market and affordable housing*

Under this heading the applicant refers to the following factors:

- the Inspector's report considered that the provision of market and affordable housing was a benefit of *"very significant weight"*;
- Core Strategy policy CSSP1 (Sustainable Housing and Locations) recognises that it will be necessary for the Council to release land from the GB to meet housing need;
- The Council's draft Local Plan Issues and options (Stage 2) consultation states that (i) the Council will have to consider releasing land from the GB to accommodate new homes and supporting facilities (page 33) and (ii) the Council considers that given the acute shortage of land currently identified as being available to meet housing need over the plan period the exceptional

circumstances required by the NPPF to justify changes to GB boundaries can be clearly demonstrated (page 50);

- the current NPPF places greater emphasis on ensuring a sufficient supply of new housing and introduces a Housing Delivery Test (paragraph 75);
- there is a considerable historic shortfall in meeting the Borough's housing targets and there is a significant shortfall in meeting the five-year supply, as evidenced by the Council's 'Five Year Housing Land Supply Position Statement' (July 2016);
- the South Essex Strategic Housing Markey Assessment (2016) refers to an annual objectively assessed need of between 919 and 973 dwellings per annum and an affordable housing need of 555 dwellings per annum. Housing delivery, including affordable housing has been considerable less than these targets;
- paragraph 69 of the NPPF recognises the important contribution of small and medium sized sites to housing delivery; and
- the application site is deliverable and proposes policy compliant affordable housing (35%). The site could help to meet housing need ahead of the anticipated timeframe for the Local Plan which may be delayed due to uncertainty associated with the Lower Thames Crossing.

For the above reasons the applicant considers that the provision of market and affordable housing should be given very significant weight. The applicant also points out that while the vsc should not relate to new housing provision *alone*, Government advice is that housing provision can form part of the vsc to justify inappropriate development when this benefit is considered alongside one or more other benefits.

7.35 *Consideration*

The issue of housing land supply (including affordable housing) has been considered by the Committee regularly with regard to proposals for residential development in the GB.

7.36 The adopted Core Strategy (as amended) (2015) sets out the Council's targets for the delivery of new dwellings. Policy CSTP1 states that between April 2009 and March 2021, 13,550 dwellings are required to meet the overall minimum target of 18,500 dwellings (2001 -2021). In addition, provision is made for a further 4,750 dwellings between 2021 -2026. This is a total of 18,300 for the period 2009-2026, equating to an average of 1,076 dwellings per annum.

7.37 National planning policy as expressed at paragraph 59 of the NPPF states that (inter-alia) in order to support the Government's objective of significant boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 goes on to state that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing

against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

7.38 The most recent published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that *"the dwelling requirement set out in the Core Strategy is now considered to be out of date"*. Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is common ground with the applicant that supply is less that the five year (+20%) requirement.

7.39 Paragraph nos. 27-30 of the Planning Inspector's report assess the provision of housing in the context of being a benefit of the appeal proposals. Evidence at the time of the inquiry (2018) indicated that a five year supply could not be demonstrated and that the 2.5-2.7 years supply at that time was a *"serious shortfall"* when considered against the NPPF objective of boosting significantly the supply of housing. At paragraph 28 the Inspector noted that Thurrock is tightly constrained by the GB and the evidence suggests that the Borough's housing requirement will not be able to be met solely on brownfield sites. Although at the time of the Inquiry the Council were undertaking a GB assessment as part of the evidence base for the new Local Plan, the Inspector noted that the Plan was still at an early stage and could not be relied on to address housing needs at that time. Regarding the provision of affordable housing and despite some reservations concerning the viability work undertaken by the applicant, the Inspector acknowledged the contribution the site could make towards a *"serious shortfall of affordable housing against identified needs"*.

7.40 In 2018, and based on the evidence available at that time, the Inspector concluded that the overall provision of market and affordable housing was a benefit of very significant weight. The current scheme proposes a smaller number of dwellings (market and affordable) compared to the appeal scheme and therefore the contribution towards the supply of new housing will be reduced. Nevertheless, as noted above, the degree of shortfall against the five year supply (+20%) is likely to have worsened. Therefore, in line with the appeal decision, the matter of housing delivery contributes towards vsc and should therefore be accorded very significant weight in the consideration of this application.

7.41 It is necessary to point out one key difference between the appeal scheme and the current proposals in relation to the consideration of housing land supply as a factor contributing to vsc. In 2013 a written ministerial statement confirmed that the single

issue of unmet housing demand was unlikely to outweigh GB harm to constitute the vsc justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2019) does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a very recent appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that *"even so, unmet need on its own, is highly unlikely to amount to vsc"*. Accordingly the very significant benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the vsc necessary to justify inappropriate development.

7.42 *2. Provision of connectivity improvements*

Under this heading the applicant refers to the following factors:

- new and enhanced pedestrian and cycle links will improve access to schools, employment areas, the Asda store, residential areas and open space;
- connecting the site accords with Core Strategy policies OSDP1, CSSP5, CSTP15 and a number of spatial objectives; and
- in the context of paragraph 138 of the NPPF the proposed connectivity improvements would provide compensatory benefits and the sustainable location of the site is a positive factor in considering its potential release from the GB.

7.43 *Consideration*

The master plan / site plan drawings submitted to accompany application show the following links connecting the site to adjoining land:

- *"potential cycle path access to Manor Road"* located at the north-western corner of the site. This link would cross over the Chadwell New Cross sewer (within the site) and potentially connect to Manor Road (outside the site) across a section of unadopted road;
- *"potential future access across site for Council's future cycle link to Thurrock Park Way"*. This link would be located to the south of the link described above and would form a small part of the new off-road cycle link (scheme no. 84) promoted by the Council (Improving the cycle network – December 2017). This link is intended to connect Manor Road and the Thameside schools to Tilbury via an off-road route through the Thurrock Park Way commercial estate. Completion of this route will need to address land ownership issues; and
- *"potential cycle path access to Thurrock Park Way and secure emergency vehicle access"*. The potential link would connect the development, and by extension the existing Churchill Road estate, to Thurrock Park Way. The connection relies on access across a small section of private land, although it is understood that the applicant has right of access.

7.44 The 2015 planning application also proposed improvements to wider connectivity via links through the site and the current submission proposes similar links. At the 2018 appeal, a total of four potential links were considered comprising the three links within the current application and a further link at the site's north-eastern corner to connect to the existing cycle path alongside the A1089(T). This north-eastern link is not included in the current application. Nevertheless, the Inspector's report addressed the issue of connectivity. At paragraph no. 31 of the report the Inspector noted that in general terms the proposed improvements to connectivity:

"… would provide a benefit to existing as well as new residents. At present the site acts as a barrier to movement south of Thurrock Park and the appeal scheme would address this by providing through routes for cyclists and pedestrians".

7.45 Turning to the detail of each proposed link, in response to the connection at the site's north-western corner the Inspector's report noted the proximity to the Thameside schools and stated:

"… In addition to the benefit to new residents, this would provide a more attractive and shorter walking or cycling route for those living on Thurrock Park. It would have the potential to encourage less car use for these school trips. This would also provide a slightly shorter route to Grays station and shopping centre … Provision of this link would involve crossing third party land between the site boundary and the public highway at Manor Road … The probability that this link would be provided may be high but not certain."

7.46 Referring to the southern route linking to Thurrock Park Way paragraph 34 of the Inspector's report considered that:

"… existing residents would be able to walk or cycle through the site and access the Asda superstore, Tilbury town centre and its station via Thurrock Park way. This would be a much shorter and more pleasant route than the existing alternative via the Dock Road and Dock Approach Road."

7.47 In summarising the benefits of the north-western, southern and north-eastern links (which does not form part of the current submission) the Inspector concluded that these links would provide important accessibility advantages that should be given *"significant weight"*. However, in referring to the Council's proposed off road cycle link (scheme no. 84), the Inspector gave *"moderate weight"* to this particular benefit.

7.48 In light of the Inspector's conclusions at paragraph no.31 of the appeal decision, there is no doubt that the proposals would provide a benefit in improving walking and cycling links in the area. This objective is supported by a number of adopted Core Strategy policies including CSSP5 (Sustainable Greengrid) and CSTP14 (Transport in the Thurrock urban area). The applicant's planning statement refers to paragraph 138 of the NPPF which states (inter-alia) that:

"When drawing up or reviewing GB boundaries, the need to promote sustainable patterns of development should be taken into account … Where it has been concluded that it is necessary to release GB land for development, plans should give first consideration to land which has been previously-developed and/or is well-

served by public transport. They should also set out ways in which the impact of removing land from the GB can be offset through compensatory improvements to the environmental quality and accessibility of remaining GB land".

7.49 Although paragraph 138 refers to drawing up or reviewing GB boundaries (which should only be altered through the preparation or updating of plans – para. 136), there is support elsewhere within the NPPF for the promotion of pedestrian and cycle movements (e.g. paragraph 101). In these circumstances, and to maintain consistency with the findings of the Planning Inspector, moderate / significant weight should be given to the proposed connectivity improvements.

7.50 *3. Provision of new public open space*

Under this heading the applicant refers to the proposed provision of a large green space in the south-eastern part of the site as well as areas of landscaping, habitat creation and ponds / waterways providing flood attenuation and ecological interest. The public open space is cited as a recreational resource at the edge of the urban area which would support the objectives of NPPF paragraph nos. 91 and 141 as well as chapter 8 of the NPPF. The existing site is considered to be both of poor quality and inaccessible to the public and the proposals provide the benefit of new public space. The applicant refers to page 68 of the Council's Local Plan Issues & Options (Stage 2) consultation document (December 2018) which, in the context of potential small urban extensions in the GB, identifies opportunities for:

"localised improvement and enhancement of spoiled countryside and provide access to new open space and recreational opportunities for those communities adjacent to the urban fringe".

The applicant considers that the proposed open space should be considered as a "compensatory improvement" and refers to NPPG advice for the GB (Reference ID: 64-002-20190722).

The applicant further considers that the open space will make a contribution within an area recognised as deficient in local parks by the Council's Open Spaces Strategy 2006-2011.

The applicant finally considers that the proposed provision of new open space should be given at least significant weight in the planning balance.

7.51 *Consideration*

At the outset it should be borne in mind that that the application seeks outline planning permission with the matter of layout reserved for subsequent approval. Accordingly, the various site / master plans submitted to support the application should be considered as illustrative only and representing one possible way in which the development could be accommodated on the site. Nevertheless the indicative layout accompanying the submission shows an area adjacent to the A1089(T) which would retained as open space. This area would total c.4Ha in area and would partly comprise a corridor c.60m in width in-between the rear of gardens at Medick Court / Mace Court / Samphire Court and the A1089(T) before opening

out into a wider area measuring c. 145m (measured east-west) and c.160m (measured north-south) located at the south-eastern corner of the site.

7.52 Although this area would be free from built development and open, it is important to note that this open space would perform a number of functions. The updated Flood Risk Assessment (FRA) (December 2019) proposes an area for the compensatory storage of floodwater located in the open corridor parallel to the A1089(T). This area would be lowered to c.-1.9m AOD in order to create an attenuation 'basin' with a capacity of c.29,000m^3. Appendix D of the FRA provides detail of this compensatory storage by reference to a plan showing the full extent of the basin when 'full'. An appendix to the FRA Addendum also details sections through the attenuation basin to show a flat-bottomed area with slopes rising to natural levels at the edge of the basin. The majority of open space between the A1089(T) and existing rear gardens would be occupied by the basin. Although there is no disagreement with the applicant that this corridor would remain open, there would be times of the year when the basin is occupied in full or in part with water, thereby diminishing its utility as public open space. Even in a potential prolonged period of dry weather when the margins of the basin would be dry, public access to this space would still be limited to what is essentially a corridor between existing rear gardens and the A1089(T). For these reasons, this part of the site would have limited value as public open space.

7.53 In the south-eastern corner of the site an open area (c.2.2Ha in extent) is indicated to be located south of the flood storage basin, west of the A1089(T), east of the proposed residential and commercial area and north of small parcel of GB land adjacent to the Asda superstore and car park. This area is considered to comprise a more usable area of potential public open space compared to the eastern corridor or open land. However, this south-eastern plot would not only serve as public open space but would also provide new habitat as part of the submitted Ecological Mitigation Strategy and Habitat Enhancement Plan.

7.54 The indicative layout of the development suggests other areas of open space within the site, however these spaces are limited in size and are incidental to the residential and commercial development. Consequently these areas do not contribute to meaningful public open space provision.

7.55 In support of the proposals, the applicant refers to elements of the NPPF. Firstly, reference is made to paragraph 141 which states:

"Once GBs have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity ; or to improve damaged and derelict land".

There is currently no public access onto the site and therefore the applicant's proposals to provide public open space at the south-eastern corner of site align with the objectives of paragraph 141.

7.56 The applicant also refers to part 8 of the NPPF (Promoting healthy and safe communities) and states that the proposals would provide a safe an accessible new development. As layout is a reserved matter, it is not possible to confirm whether the proposals would comply with national policy objectives of a safe place. However, the applicant's intention to provide public open space accords with requirements for accessible green infrastructure (paragraph 91c) and enhanced public access (paragraph 98).

7.57 The applicant considers that the provision of new public open space may also be viewed as an appropriate *"compensatory benefit"*, as referred to in NPPG, as the proposals provide *"access to new recreational playing field provision within the GB"*. The relevant paragraph from NPPG (Paragraph: 002 Reference ID: 64-002-20190722) states:

"How might plans set out ways in which the impact of removing land from the GB can be offset by compensatory improvements?

Where it has been demonstrated that it is necessary to release GB land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining GB land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- *new or enhanced green infrastructure;*
- *woodland planting;*
- *landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *improvements to biodiversity, habitat connectivity and natural capital;*
- *new or enhanced walking and cycle routes; and*
- *improved access to new, enhanced or existing recreational and playing field provision".*

This paragraph therefore refers to the plan making function of the local planning authority rather a decision on an individual planning application. It is important to note that, based on the submitted landscape strategy drawing, the proposal would not provide playing field provision, although it is accepted that new public access to open space would be provided.

7.58 The applicant refers to the Council's Local Plan Issues & Options (Stage 2) consultation and to the option for GB development comprising small urban extensions. Page 68 of this consultation document lists the opportunities for such extension as including:

"localised improvement and enhancement of spoiled countryside and provide access to new open space and recreational opportunities for those communities adjacent to the urban fringe".

It is important to note that the Stage 2 consultation presented and sought views on issues and options for sustainable development in the Borough, which will be eventually formalised in the new Thurrock Local Plan. The consultation did not identify or promote individual sites for development. Instead the consultation will inform the future draft Local Plan which will be submitted for examination.

7.59 Finally under this heading, the applicant refers to Core Strategy policy and the deficiency in local park provision as indicated in the Open Spaces Strategy 2006-2011. This Strategy is part of the suite of technical documents supporting the Core Strategy and is referred to by a number of adopted policies (CSTP18 – Green Infrastructure / CSTP20 – Open Space / PMD5 – Open Spaces, Outdoor Sports & Recreational Facilities). The Strategy provides an audit of the hierarchy of open spaces in Thurrock and maps deficiencies in access to spaces and facilities based on distance. The strategy suggests that the site is within an area with deficiencies and the proposed new public open space would partly address this issue. However, it is relevant that Core Strategy policy also requires new development to provide appropriate open space provision. In particular, Policy PMD5 states that (inter-alia):

"*Proposed development must ensure that:*

i. New open spaces, outdoor sports and recreational facilities are provided in accordance with adopted standards to meet the needs of the development and to address deficiencies"

7.60 The summary of proposed open space standards set out at Appendix 5 of the Core Strategy are based on population and so the degree to which the proposed open space provision located at the site's south-eastern corner would provide a benefit over and above meeting the needs of residents of the proposed development is a matter of judgement. On the basis of the overall site area (13.3Ha), the provision of c.2.2Ha of usable public open space represents c. 16.5% of the site. For the purposes of comparison saved Local Plan (1997) policy BE3 (Urban Open Spaces) requires 10% of the gross site area of major residential sites to be set out as open space. The proposals exceed this 'rule of thumb' figure. However, bearing mind that the open space will serve an ecological as well as recreational function it is not considered that significant weight should be afforded to this factor as suggested by the applicant. Instead the provision of new public open space should be given moderate weight in the balance of considerations.

7.61 *4. Provision of new employment units*

Under this heading the applicant refers to the findings of the South Essex Economic Development Needs Assessment (2017) and the Thurrock Employment Land Availability Assessment (2017) both of which will form part of the evidence base to support the new Local Plan. These documents were referred to in the Council's Local Plan Issues & Options Stage 2 consultation (2018). Page 80 of this consultation document identifies a number of key issues including:

"the lack of flexibility in the Borough's overall employment land portfolio means that a potential need exists to identify additional land … in supporting the growth an expansion of SME's and start-up businesses".

Page 81 of the consultation document addresses the matter of employment land provision with an option of allocating sites to encourage geographical clusters of specialist employment uses and providing sites for emerging business sectors or start-up businesses which may be compatible in housing growth areas.

Finally, the applicant has submitted a 'Commercial Market Report' which concludes that the site could provide *"much needed small and medium sized industrial accommodation located with good road connectivity, local amenities and able to provide support services to the adjacent and expanding world class Port of Tilbury"*.

The applicant considers that significant weight should be given to this factor.

7.62 *Consideration*

The economic benefits of the proposals, through the provision of employment floorspace, were promoted by the 2015 planning application and also considered at appeal. Paragraph no. 36 of the Inspector's report noted:

"The Thurrock Employment Land Availability Assessment (December 2017) indicates that there is an over-supply of larger sites in terms of future employment demand. The appeal site would provide a number of smaller units on the southern side of the site adjacent to the existing employment area. In the past planning permission has been granted for employment development of the southern part of the appeal site, most recently in 2012. However, such use has never materialised and no permission remains extant. Furthermore, there is an allocated, but undeveloped, employment site adjacent. I do not consider that the evidence of need for the units proposed here is particularly strong and I therefore afford this factor limited weight".

7.63 The Thurrock Employment Land Availability Assessment (2017) was available at the time of the planning appeal and was referred to in the Inspector's report. The only change since the time of the appeal decision is the submission of the 'Commercial Market Report' by the applicant which expresses a view that the site could satisfy a need for small and medium sized industrial floorspace. However, the need for a more varied 'offer' in terms of industrial and commercial floorspace is already known. For the reasons set out by the Planning Inspector this factor attracts only limited weight.

7.64 In addition to the four principal arguments for vsc promoted by the applicant and set out above, reference is also made to other benefits comprising the flood alleviation measures and the way in which the proposals support a number of strategic Core Strategy policies. Regarding flood alleviation it is suggested that the proposals will reduce flood risk to surrounding properties and the alleviation scheme will benefit from a maintenance regime. Paragraph 163 of the NPPF requires development in flood risk areas to ensure that flood risk is not increased elsewhere and paragraph 165 requires drainage systems to have maintenance arrangements in place. The

Environment Agency and flood risk manager have both confirmed no objection, subject to conditions, and it can be assumed that the development would not increase flood risk off-site. The degree to which the proposals would provide a positive benefit, i.e. whether the alleviation scheme would reduce flood risk, has not be demonstrated conclusively in the applicant's Planning Statement, although reference is made to additional flood storage c. 1,000 cu.m above the requirements of the development. In line with the Inspector's report, the matter of flood risk does not weigh against the application, and some limited positive weight in the GB balance can be attributed to the additional flood storage capacity. The applicant also refers to compliance with a number of strategic Core Strategy policies and spatial objectives which promote sustainable growth. However, these policies and objectives do not override policies for the protection of the GB.

7.65 In addition to the factors cited as forming vsc, the applicant also comments on the degree of harm to the openness of the GB and the purposes of including land therein. Specific reference is made to the Thurrock Strategic GB Assessment Stages 1a and 1b produced by the Council in January 2019 and forming part of the suite of documents to support the new Local Plan. This assessment considers strategic parcels of land within the GB in terms of their 'contribution' to three of the five GB purposes. The site is identified as forming part of strategic parcel no. 31 and paragraph 6.1.13 (conclusions) includes this parcel in a recommendation for more detailed scrutiny and assessment. The applicant consider that strategic parcel no. 31 has characteristics which make it more suitable than other parcels for release from the GB. Despite the assessment of this land parcel and the recommendation for further scrutiny, it is important to remember the status of this document. In particular, paragraph 1.2.4 states:

"Stage 2 assessment will identify detailed assessment of sites and boundaries in the GB to identify defensible long-term boundaries and provide recommendations on detailed boundary changes. Stage 2 will proceed only in the event that there is a clearly demonstrated exceptional circumstances to amend the boundaries of the Metropolitan GB in order to meet future development needs".

7.66 Pages 49-50 of the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock GB Assessment Stages 1a and 1b and states that:

"It should be noted that the Green Belt Assessment is a technical document and does not specifically identify any sites or broad areas of GB for development as any decision on the need to amend the boundary of the GB in Thurrock must be taken as part of the wider plan-making and evidence development process".

Consequently, the conclusions of the GB Assessment have only very limited weight in the consideration of this case.

7.67 Green Belt Conclusions

It is concluded that the proposals comprise inappropriate development with reference to paragraph 145 of the NPPF. Consequently, the development would be harmful by definition with reference to paragraph 143. The proposals would reduce the openness of the GB on the site as a result of the construction of the residential

and commercial buildings and associated development. Compared to the appeal proposals, the current scheme would include a much larger undeveloped area located on the eastern and south-eastern part of the site. Consequently, compared to the previous application the impact on openness would be reduced. Nevertheless, the proposals would materially reduce openness, giving rise to significant harm. With reference to the purposes of the GB defined by NPPF paragraph 134, although lesser in extent compared to the appeal proposals, the current scheme would nevertheless result in a degree of sprawl, coalescence and encroachment contrary to purposes (a), (b) and (c). In accordance with NPPF paragraph 144 "substantial" weight should be given to this harm.

7.68 With reference to the applicant's case for VSC, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various GB considerations is provided in the table below:

Brief Summary of GB Harm and Case for VSC			
Harm	Weight	Factors Promoted as VSC	Weight
Inappropriate development	Substantial	provision of new market and affordable housing	Very Significant
Reduction in the openness of the GB		Provision of connectivity improvements	Significant / Moderate
Conflict with GB purposes (a), (b) and (c)		Provision of new, public open space	Moderate
		Provision of new employment units	Limited
		Flood risk alleviation	Limited
		Compliance with Core Strategy strategic policy / objectives	No weight

7.69 As ever in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by the benefits of the development must be reached. In this case there is harm to the GB with reference to inappropriate development, loss of openness and some conflict with the purposes of the GB. It is acknowledged that compared to the proposals considered and scrutinised at a public inquiry in 2018 there would less harm to openness as a direct result of less built development. Nevertheless a degree of harm to the GB would remain. Several factors have been promoted by the applicant as comprising the VSC necessary to approve 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 'VSC'.

7.70 Members of the Planning Committee are reminded of the content of NPPF paragraph 144 which states:

"VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) *outweighed by other considerations."*

A very recent decision dismissing an appeal against the refusal of a continuing care retirement centre in the West Midlands GB (APP/Q4625/W/19/3237026) addressed the GB balancing exercise and concluded:

"When drawing this together, it is my judgement that the other considerations advanced by the appellants would result in a very finely balanced decision. However, for VSC to exist, the other considerations would need to *clearly* outweigh the substantial harm to the GB by reason of inappropriateness, openness and purposes of the GB … In other words, for the appeal to succeed, the overall balance would have to favour the appellants' case, not just marginally, but decisively."

Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly or decisively outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case, it is considered that the benefits of the proposals do not clearly outweigh the GB harm and as a consequence VSC do not apply.

7.71 II. HIGHWAYS & TRAFFIC CONSIDERATIONS:

The planning application is accompanied by a Transport Assessment (TA) and a Travel Plan. Although this is an application for outline planning permission, details of access (i.e. accessibility to and within the site in terms of the positioning and treatment of circulation routes) are for consideration as part of this submission.

7.72 Two points of access for vehicles are proposed to serve the development. Firstly, to serve the proposed residential development Churchill Road would be extended on its current alignment (north-east to south-west) and at its current dimensions (7.3m wide carriageway with two 2m wide footpaths). A series of lower category roads would penetrate through the site to serve the proposed dwellings. The second point of access for vehicles would be located from Thurrock Parkway to the south of the site, to serve the proposed commercial uses. The site connects to the public highway at Thurrock Parkway via a right of way for vehicles and pedestrians across land in private ownership within the 'Clipper Park' commercial estate. The applicant has confirmed that this right of way has the benefit of being held in perpetuity. This commercial access would provide a short section of link road, parking and turning areas serving the proposed commercial uses only.

7.73 The proposed access arrangements would therefore separate the residential access (via Churchill Road) from the commercial access (via Thurrock Parkway). Nevertheless, the submitted plans indicate that a potential cycle path / secure emergency vehicle access would link the residential development to Thurrock Parkway. As noted above, the submitted masterplan drawing also indicates the

position of a potential cyclepath access to Manor Road at the north-western corner of the site and a potential future access to the off-road cycle network west of Thurrock Park Way. The development therefore has potential to provide satisfactory connection for vehicles, cyclists and pedestrians.

7.74 As the site is located adjacent to the strategic road network (A1089) and because traffic associated with the development could impact upon that network via the Marshfoot Road junction, Highways England (HE) has been consulted on the proposals. In responding to the originally submitted TA, a number of queries were raised by HE. Responding to a subsequent revision to the TA, HE confirmed no objection to the proposals on the grounds of impact on the strategic road network. Members will note that the Port of Tilbury has expressed concerns that the proposals will impact on the Asda roundabout junction and that the TA does not fully assess the impact of the development on this junction. This roundabout junction and the A1089 Dock Road and St. Andrew's Road carriageways form part of the strategic road network and are therefore a HE asset. As the updated HE consultation response raises no objection, it must be concluded that the proposals would not harm the operation of this junction.

7.75 The Council's Highways Officer has also considered the content of the revised TA and considers that a contribution towards mitigation measures at the Marshfoot Road junction with the A1089 slip road is required. A number of detailed comments are offered by the Highways Officer referring to the internal highways layout. However, as layout is a reserved matter it is not considered that the queries raised would stop the local planning authority considering the application as submitted. Similarly as the matter of layout is reserved for future approval, vehicle parking on the site would be considered at a later stage, if outline planning permission were to be granted.

7.76 Member of the Committee will note that a number of objections from residents refer to the matter of access and potential traffic congestion. Similar objections were raised to the 2015 application and the matter was assessed by the Planning Inspector as follows:

"Residential access would be from Churchill Road. Residents on this estate were concerned about the impact of the additional traffic, including at the roundabout junction with the Dock Road, especially at peak times. Whilst I can appreciate that traffic flows would increase there is no evidence that this would lead to dangerous conditions either along Churchill Road or at the roundabout. I appreciate that the Dock Road can become congested especially at peak periods and when there are problems on the A13. However, this is not unusual in an urban area and the TA indicates that the proportional increase in traffic flows would be relatively small.

I understand there have been some accidents and "near misses" along Churchill Road but the recorded history does not show this residential street to be of particular risk in this respect. The council as Highway Authority has not objected to the proposals on the grounds of highway safety or junction capacity. Highways England was also consulted but concluded there would be no harm to the strategic highway network. In the circumstances I do not consider that there would be unacceptable harm in respect of this matter."

7.77 As the planning policy context has not significantly changed since the appeal decision, it is concluded that there are no reasons on highways grounds to object to his application.

7.78 III. ECOLOGICAL CONSIDERATIONS:

The site does not form part of any statutory site of designated ecological interest. The nearest such statutory designation to the site being the Globe Pit SSSI, designated for its geological interest and located some 650m to the north-west of the site. The north-eastern corner of the application site is located a short distance to the west of the Little Thurrock Reedbeds Local Wildlife Site (LWS), designated on a non-statutory basis for its reedbed habitat. However, land within the site close to the LWS would be retained in its existing open state and would not be developed. Consequently, there would be no immediate impact on the LWS. The site also forms part of the larger Little Thurrock Marshes 'Potential LWS', included as an appendix to the Thurrock Greengrid Strategy. This potential LWS designation was based on the status of the site as remnant grazing marsh. However, this potential non-statutory designation has not been confirmed.

7.79 Objections to the application have been received from Buglife, Essex Field Club and Cambridgeshire & Essex Butterfly Conservation on the grounds of impact on ecological interests and biodiversity. Although comments from the Council's landscape and ecology advisor are awaited, in responding to the 2015 application the Advisor considered that the general principles set out within the Ecological Mitigation Strategy were appropriate for the site. Proposals for habitat mitigation and enhancement were also considered to be broadly acceptable.

7.80 An updated Ecological Mitigation Strategy and Habitat Enhancement Plan accompanies the current application which provides mitigation measures for protected species on the site, mitigation for loss of habitats and additional enhancements. Planning conditions could be used to secure the proposed mitigation measures and consequently there are no objections to the proposals on ecological grounds.

7.81 IV. NOISE AND AIR QUALITY:

There are no air quality issues arising from the proposed development, the closest Air Quality Management Areas being located to the west within Grays and east at Tilbury. A Noise Assessment accompanies the application and concludes that acceptable noise levels for new residents can be achieved with the use of standard thermal double glazing and background ventilation provided by standard non acoustic trickle ventilators.

7.82 V. FLOOD RISK & SITE DRAINAGE:

The site, along with surrounding areas in all directions, is located in the high probability flood risk area (Zone 3a). The Tilbury Flood Storage Area (FSA), which is designated as a functional floodplain with the highest flood risk (Zone 3b), is located to the east of the site on the opposite side of the A1089. The Tilbury FSA is

separated from surrounding areas within Zone 3a by flood defences. Furthermore, the site and surrounding areas benefit from tidal defences on the banks of the River Thames. These tidal defences protect the site and surrounding land to a 1 in 1,000 year flood event standard. There are also 'main rivers', as defined by the Environment Agency (EA) close to the application site comprising the Chadwell New Cross Sewer which passes through the northern part of the site, the East Tilbury Dock sewer to the south and Chadwell Cross Sewer to the east.

7.83 Table 2 of PPG (Paragraph: 066 Reference ID: 7-066-20140306) comprises a 'Flood Risk Vulnerability Classification' for different types of development which, in combination with the flood zone classification, determines whether development is appropriate, should not be permitted or should be subject to the Exception Test. The proposed residential development comprises 'more vulnerable' development with reference to Table 2, whilst the proposed commercial floorspace is defined as 'less vulnerable'. Table 3 of PPG comprises a 'Flood Risk Vulnerability and Flood Zone Compatibility' table which defines the proposed 'less vulnerable' commercial development as appropriate in Flood Zone 3a. However, the 'more vulnerable' residential development should be subject to an Exception Test. In addition to the Exception Test, the development proposals are also subject to the requirements of the Sequential Test which aims to steer new development to areas with the lowest risk of flooding.

7.84 Sequential / Exception Test

The Thurrock Strategic Flood Risk Assessment (SFRA) has applied the Sequential and Exception tests to the Borough's broad regeneration and growth areas, including the Grays and Tilbury urban areas. However, this is a 'windfall' site and PPG advises for individual planning applications that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'. For individual applications like this a pragmatic approach needs to be taken to Sequential Testing as all of the Tilbury broad regeneration area (to the south) and land surrounding the site to the north, east and west, as the catchment area, is also located within in the high risk flood zone. It is considered that there are no alternative available sites identified in the Development Plan within this catchment area that could accommodate the proposed development in a lower flood zone. For these reasons the proposal is considered to pass the Sequential Test.

7.85 For the 'Exception Test' to be passed, the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk', and demonstrate that the development will be 'safe for its lifetime'. In addition to the reasons stated in the 'Sequential Test' assessment (which also apply here) and based on the site's location, the development is considered to provide 'wider sustainability benefits to the community that outweigh flood risk'. Paragraph 8 of the NPPF sets out three dimensions to sustainable development, namely economic, social and environmental. The NPPF definition of the economic role includes reference to *"building a strong, responsive and competitive economy … ensuring sufficient land is available to support growth"*. The definition of the social role of sustainable development includes reference to "*providing the supply of housing required to meet the needs of present and future generations"*. Judged

against these definitions of sustainable development, the proposals are considered to pass the first limb of the Exception Test (i.e. there are wider sustainability benefit which outweigh flood risk).

7.86 The FRA and associated addendum demonstrates that the development will be 'safe for its lifetime'. The proposed development will not result in a significant increase in flood risk elsewhere. Flood storage compensation, maintenance of the storage area, finished floor levels, resistance and resilience measures and safe access and egress have all been designed to incorporate climate change allowances. Safe refuge will be provided above the 1 in 1000-year plus climate change breach level as requested by the EA

7.87 Detailed Flood Risk Mitigation Measures

The existing topography of the site and surrounding areas is generally flat and low lying with levels ranging between +1.1m AOD on the north-western part of the site reducing to -0.5m AOD adjacent to the A1089. Levels at the bottom of the Chadwell New Cross Sewer at the site's north-west corner are -1.8m AOD. In order to address potential flood risk issues by placing the proposed development above the modelled flood event the proposals include a raising of ground levels across the site to +1.5m AOD in order to create a development platform. In addition, surface water attenuation storage would be provided on-site through the formation of a box culvert in the north-western corner and an attenuation basin with a storage capacity of c.29,000 cu.m. adjacent to the eastern boundary. Levels would be reduced to form this basin, though it is unclear whether a net importation of material is required to achieve the formation of the development platform.

7.88 Subject to relevant planning conditions, there are no flood risk or drainage objections to the application.

8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

8.1 The principle issue for consideration is this case is the assessment of the proposals against planning policies for the GB and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the GB would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weigh should be attached to this harm in the balance of considerations. Although the current proposals would be relatively less harmful to the GB when compared to the 2015 scheme, harm would still result which attracts substantial weight. Although significant weight can be given to some of the benefits of the proposals, the identified harm must be clearly or decisively outweighed for vsc to exist. The principal GB objection therefore remains, and in-line, with the findings of the Planning Inspector it is concluded that harm outweighs benefit.

8.2 Subject to potential planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise or flood risk. However, the GB issues remain the primary issue of paramount importance in the consideration of this case. Consequently it is recommended that planning permission is refused.

9.0 RECOMMENDATION

9.1 The Committee is recommended to refuse planning permission for the following reason:

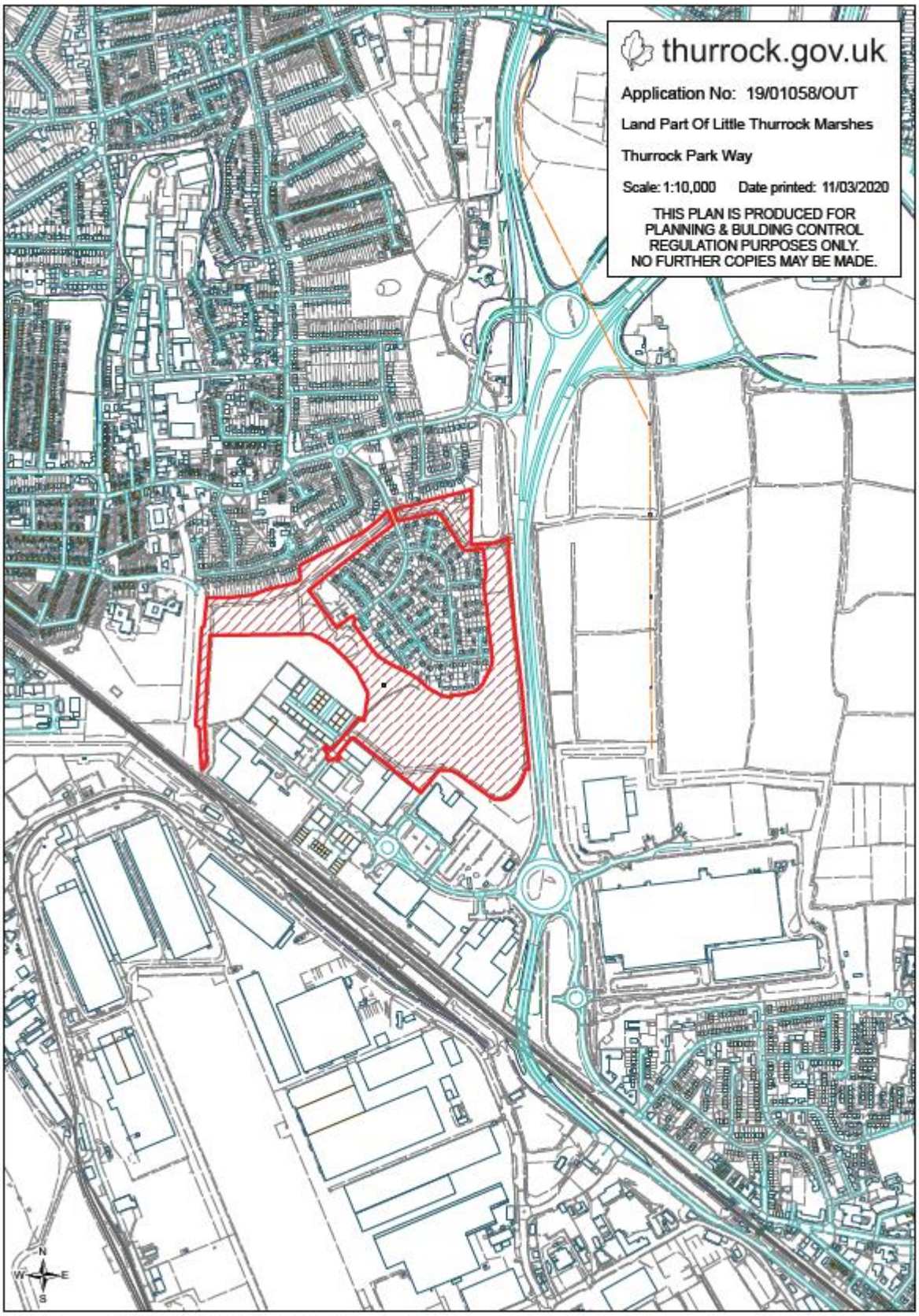
1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes a), b) and c) of the Green Belt, as set out 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 (2015).

Positive and Proactive Statement

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

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

www.thurrock.gov.uk/planning



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Reference:	**Site:**
19/01814/OUT	Tremorgan Sandown Road Orsett Essex RM16 3DD
Ward: Orsett	**Proposal:** Outline planning permission with all matters reserved for the construction of up to 10 residential dwellings with associated amenity space and parking

Plan Number(s):		
Reference	Name	Received
2037/L1	Location Plan	13 December 2020
2037/1 Rev B	Proposed Site Layout (Indicative)	9 January 2020
2037/2	Proposed Plans and Elevations – House Type A (Indicative)	9 January 2020
2037/3	Proposed Plans and Elevations – House Type B (Indicative)	9 January 2020
2037/4 Rev A	Proposed Plans and Elevations – House Type C (Indicative)	9 January 2020
2037/5 Rev A	Ground Floor Plan and Elevations – House Type D (Indicative)	9 January 2020
2037/6	Street Scene – Houses 8 -11 (Indicative)	9 January 2020
2037/7	Plans and Elevations – Garages (Indicative)	9 January 2020

The application is also accompanied by: - Design and Access Statement	
Applicant: Mr John Appleby	**Validated:** 8 January 2020 **Date of expiry:** 8 April 2020
Recommendation: Refuse planning permission	

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, 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 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 This application seeks outline planning permission, with all matters reserved, for the construction of up to ten two-storey houses with associated amenity space, vehicular parking and landscaping.

1.2 An indicative masterplan has been provided, this shows the development would be laid out in a cul-de-sac arrangement, with access taken from development which is being built out presently (planning reference 18/00029/FUL).

2.0 SITE DESCRIPTION

2.1 The site is located at the southern end of Sandown Road, an unadopted road accessed via a T-Junction from Stanford Road (A1013) .The site measures 0.44 hectares, is free from built development and is within the Green Belt.

2.2 To the north of the application site is existing residential and industrial development, woodland to the east, agricultural fields to the south and a former nursery site to the west. There is residential development currently under construction immediately to the north of the site.

3.0 RELEVANT PLANNING HISTORY

Reference	Description	Decision
18/00029/FUL	Demolition of existing dwelling and outbuilding and erection of 5 detached dwellings with garages, road and parking	Approved
16/00256/FUL	Erection of 6 dwellings and associated roads, parking and landscaping and demolition of existing dwelling and outbuildings	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

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. There was one letter of objection, which cite the following concerns:

- Additional traffic;
- Loss of amenity;
- Overloading of utilities.

4.3 ANGLIAN WATER:

No objection.

4.4 ARCHAEOLOGY:

No objection.

4.5 CADENT:

No objection.

4.6 EMERGENCY PLANNING:

No objection.

4.7 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

4.8 FLOOD RISK MANAGER:

Holding objection.

4.9 HIGHWAYS:

No objection, subject to conditions.

4.10 NATIONAL GRID:

No objection.

4.11 NATURAL ENGLAND:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Appropriate Assessment
- Before submitting an application
- Design
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Green Belt
- Making an application
- Natural environment
- Rural housing
- Use of planning conditions

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

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

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

Spatial Policies:

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

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 With reference to process, this application has been advertised as being a major development and as a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with regard to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' an application that a local planning authority is minded to approve for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 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 impact and parking

III. Design, layout and impact upon the area

IV. Ecology

V. Surface water drainage

VI. Developer contributions

VII. Other matters

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.3 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

6.4 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.

6.5 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 sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy.

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

6.6 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

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

a. to check the unrestricted sprawl of large built-up areas;
b. to prevent neighbouring towns from merging into one another;
c. to assist in safeguarding the countryside from encroachment;
d. to preserve the setting and special character of historic towns; and

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

6.8 In response to each of these five purposes:

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

6.9 The site is located within a rural area outside the main village of Orsett. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. At a broader geographic scale the nearest large built-up areas are located at Laindon to the north-east, Stanford-le-Hope / Corringham to the south-east, Grays to the south and South Ockendon to the south-west. The proposed development would represent the addition of significant new urban form on the site, but it not considered that the proposals would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

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

c. to assist in safeguarding the countryside from encroachment

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped site. 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. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

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

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

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

6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed 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.

6.14 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

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

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

6.17 The applicant has put forward the following very special circumstances within the Design and Access statement submitted with this application:

a) Shortfall of housing supply

6.18 The applicant puts forward a lack of 5 year housing supply.

Consideration

6.19 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).

6.20 The current proposal would, consisting of 10 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) Economic Benefit

6.21 The applicant has put forward that the proposal would result in an economic benefit as it would increase the value of the site and create jobs during the construction phase of the development. In addition to this they state that future residents would provide increased spending power which would support local shops and businesses.

Consideration

6.22 The proposal would result in some economic benefit; however, given the size of the proposal this is unlikely to be significant. In addition such benefits would be the case with any development so it has not been shown that this is a very special circumstance in relation to this particular proposal.

c) Achieving Sustainable Development

6.23 The applicant has quoted the general presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (referred to as paragraph 49 in the Design and Access Statement). The applicant considers the Council's Policies are out of date due to the lack of a 5 year housing land supply. They consider this should be applied in the determination of this application.

Consideration

6.24 Irrespective of the status of the Council's Development Plan Paragraph 11 of the NPPF states that the presumption in favour of sustainable development would apply unless the application of policies in this Framework that protect areas or assets of

particular importance provides a clear reason for refusing the development proposed. The Green Belt designation is classified as a protected area and there are clear reasons within the Framework for refusing the development due to the impact upon the Green Belt. Therefore the presumption in favour of sustainable development would not constitute a very special circumstance.

6.25 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 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.		Economic Benefit	Very limited weight
		Presumption in favour of sustainable development	No weight

6.26 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'.

6.27 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 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. ACCESS, TRAFFIC IMPACT AND PARKING

6.28 When considering development proposals, paragraph 108 of the NPPF seeks to ensure that: (a) appropriate opportunities to promote sustainable transport can be taken up; (b) safe and suitable access to the site can be achieved for all users; and (c) significant impacts on the transport network (capacity and congestion) or highways safety can be mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

6.29 The Council's Highways Officer has confirmed that the proposal would not severely adversely affect the local highway network. However, the development should contribute to the improvement of Sandown Road from the section which has already been funded by another development in the road, to the application site. In the event that planning permission were to be granted this could be secured through a suitable legal agreement. On this basis there are no objections on highways grounds.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.30 The matters of access, appearance, landscaping, layout and scale are reserved for future approval. However, the masterplan drawing, floor plans and elevations accompanying the submission provide an illustration of how the site could be developed should outline planning permission be granted. The proposal would clearly urbanise a currently open site within the countryside. As a result it is considered that the proposed development would impact negatively on this character contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and paragraph 170 of the NPPF.

IV. ECOLOGY

6.31 It has been identified that the proposal is in close proximity to a SSSI which includes important habitat features for roosting bats. The Council's Landscape and Ecology Advisor was consulted on the proposal and advises that there are no trees or buildings on site that would be suitable for roosting and minimal vegetation for foraging. Therefore it is considered that the proposal would not unacceptably impact upon protected species.

V. SURFACE WATER DRAINAGE

6.32 The proposal constitutes a major development for the purposes of assessment and would include extensive areas of hardstanding alongside a significant amount of built form. The site is presently open and devoid of development and there are likely to be implications in terms of surface water drainage. The Council's Flood Risk Manager has raised a holding objection due to the lack of sufficient information to allow the proposal to be fully assessed. On this basis the proposal has failed to demonstrate that the proposal would not unacceptably impact upon surface water drainage contrary to policy PMD15 and the NPPF.

DEVELOPER CONTRIBUTIONS

6.33 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.

6.34 Policy CSTP2 seeks the minimum provision of 35% affordable housing. There is no indication that any on site affordable housing or a financial contribution would be included within the proposal and no legal agreement has been forthcoming in relation to this. As a result the proposal would fail to contribute towards affordable housing need in the Borough contrary to policy CSTP2.

6.35 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.

VII. OTHER MATTERS

6.36 The comments regarding the impact upon utilities and services are noted. However, the proposal is for a relatively small scale residential development which is unlikely to have a significant impact upon such services. No concerns have been raised by the relevant providers and it would be their responsibility to ensure that sufficient capacity would be available for the development.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

7.1 The application site is located within the Green Belt, as identified on the Policies Map

The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and in particular whether there are considerations which clearly outweigh harm and amount to very special circumstances such that a departure from normal policy can be justified. The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition.

7.2 The development would result in further harm by introducing increased built development and the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also conflict Green Belt purposes (c) and (e).

7.3 It is considered that the circumstances put forward by the applicant would not clearly outweigh the identified harm to the Green Belt. The proposals are therefore contrary to national and local planning policies for the Green Belt. 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.

7.4 The proposal would also result in an urbanised appearance which would be out of character with the general rural character of the area contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and design guidance in the NPPF. Refusal is also recommended on the impact upon the general character of the area.

7.5 The proposal does not include a legal agreement in relation to the provision of affordable housing and would therefore fail to contribute towards meeting affordable housing need in the Borough. As a result it would be contrary to contrary to policy CSTP2 of the Core Strategy and the NPPF.

8.0 RECOMMENDATION

8.1 To Refuse for the following reasons:

1 The proposed development would, by reason of its location 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 2015 and the National Planning Policy Framework 2019.

2. The proposed development would, by reason of its siting, density and urban appearance, appear as overdevelopment within this rural setting given the surrounding pattern of 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 development, by reason of the lack of detailed information in relation to Surface Water Drainage fails to demonstrate that there would not be an unacceptable impact upon drainage in the area. The proposal is therefore contrary to Policies PMD15 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.

4 The proposed development, by reason of the lack of a legal agreement towards the provision of affordable housing has failed to demonstrate that it would contribute towards meeting affordable housing need in the Borough. The proposal is therefore contrary to policy CSTP2 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:

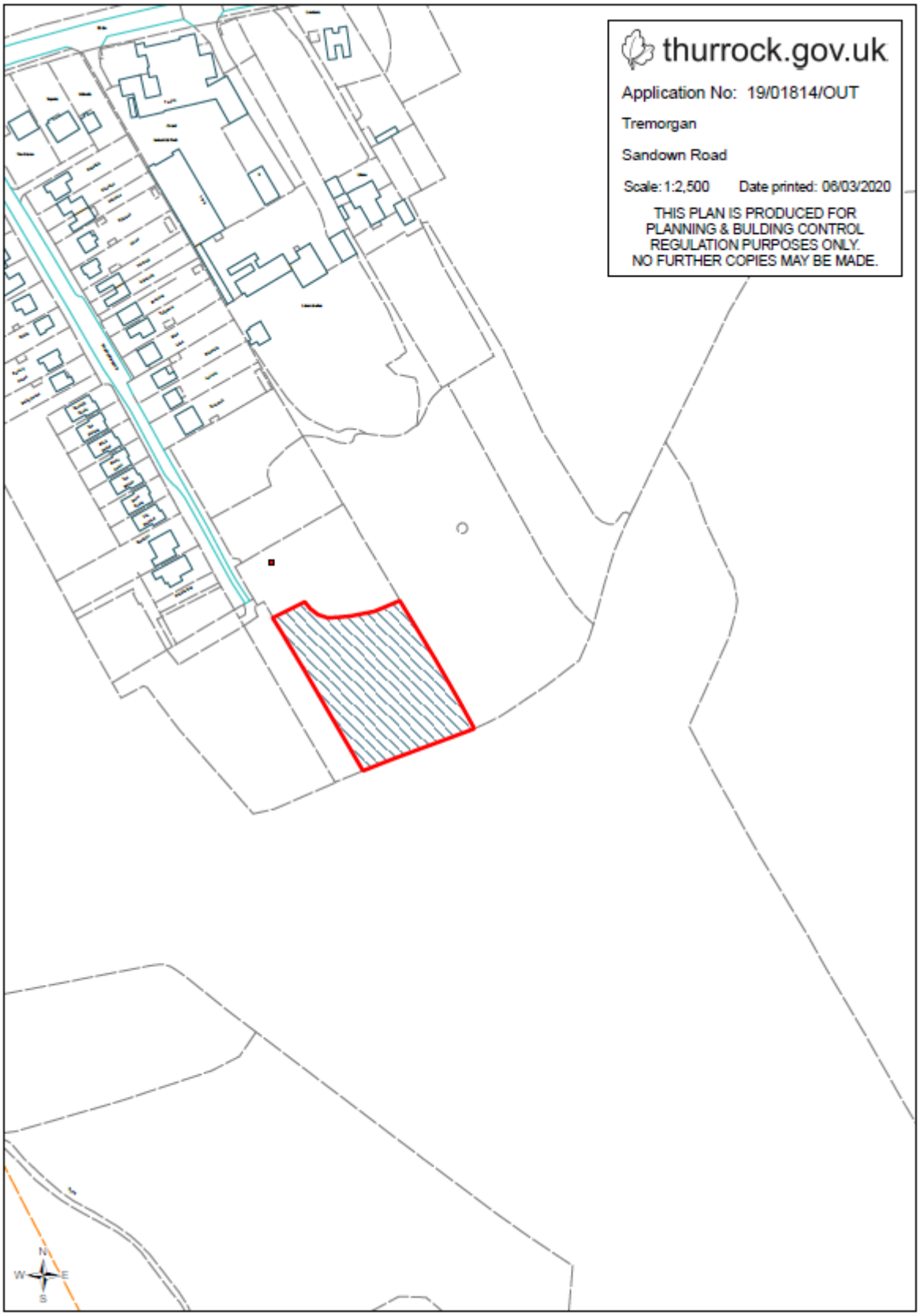
1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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