

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 **8 June 2020**

Due to government guidance on social-distancing and COVID-19 virus the Planning Committee on 8 June 2020 will not be open for members of the public to attend. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at <https://www.youtube.com/user/thurrockcouncil>.

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

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 14
To approve as a correct record the minutes of the Planning Committee meeting held on 19 March 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 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).

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|----------|---|------------------|
| 7 | 19.01662.FUL - Langdon Hills Golf And Country Club, Lower Dunton Road, Bulphan, Essex, RM14 3TY (Deferred) | 15 - 128 |
| 8 | 19.01058.OUT - Land part of Little Thurrock Marshes, Thurrock Park Way, Tilbury (Deferred) | 129 - 186 |

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: **29 May 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?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

Pecuniary

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

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

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

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

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

Non- pecuniary

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



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

Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Planning Committee held on 19 March 2020 at 6.00 pm

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

Apologies: Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection
Matthew Gallagher, Major Applications Manager
Matthew Ford, Chief Engineer
Caroline Robins, Locum Solicitor
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.

75. Minutes

Referring to planning application 19/01662/FUL, Councillor Lawrence asked why the application had not come back to this Committee meeting. Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection explained that emails had been circulated to Committee Members outlining that a significant amount of new information had been submitted from the Applicant which required attention. The report was due to come back at the next available Planning Committee meeting.

The minutes of the Planning Committee held on 13 February 2020 was approved as a true and correct record.

76. Item of Urgent Business

There were no items of urgent business.

The Chair thanked Committee Members, Officers and members of the public for their attendance and reminded everyone to follow government guidance regarding the current Coronavirus situation.

77. Declaration of Interests

There were no declarations of interest.

78. 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 Members had received a phone call and email from the Agent in relation to planning application 19/01058/OUT.

79. Planning Appeals

The report was introduced by Leigh Nicholson. The Committee was satisfied with the report.

RESOLVED:

That the Committee noted the report.

80. 19/01058/OUT - Land part of Little Thurrock Marshes, Thurrock Park Way, Tilbury

The report was presented by Matthew Gallagher, Major Applications Manager. The report sought 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 floor space and ancillary development. Officer's recommendation was to refuse planning permission for the reasons listed on page 64 of the Agenda.

The full details of the application can be found on pages 29 - 66 of the Agenda.

Noting that Amazon was within the area, Councillor Lawrence asked if the site where Amazon was had previously been Green Belt. Matthew Gallagher confirmed that the site of Amazon had previously been Green Belt which had been promoted for development through the Core Strategy and therefore out of the Green Belt along with a few other sites.

Councillor Lawrence went on to ask how often the Core Strategy would be updated. Matthew Gallagher answered that the draft Local Plan had undergone 2 Issues and Options consultation stages. The recent Issues and Options Stage 2 consultation will inform the draft plan currently in preparation for future publication. Leigh Nicholson added that it would be 18 – 24 months for publication and advised Members that the timetable for the Local Plan had recently been presented to the Local Development Plan Task Force group.

The Chair noted that the previous planning application for the Little Thurrock Marshes site had been refused with a vote of 5 against and 4 in favour of the proposal. He noted that this had gone on to a public inquiry and the subsequent Inspector's report had supported the vote for refusal. He went on

to ask how Officer's had come to the conclusion in this current planning application to recommend refuse planning permission.

Matthew Gallagher explained that the previous planning application had been recommended for approval due to the benefits that the proposal had offered at the time and Members had taken the view on balance and rejected the application. This refusal had been tested during the public inquiry and the Inspector had been robust in their report and had not been satisfied that the harm to the Green Belt was clearly outweighed by the benefits. The Inspector's report was highly relevant to this current planning application before the Committee and helped to shape the Officer's recommendation for refusal.

Councillor Rice mentioned that the Tilbury 2 would be opening on 1 April 2020 which would result in the creation of thousands of jobs. This would then lead to a high demand for homes in the locality and he felt the proposed dwellings would accommodate this potential new demand. He went on to mention that Thurrock had a low housing supply and homes were needed. The Chair questioned whether the Port of Tilbury had been involved in the consultation process of the planning application.

Referring to page 38 of the Agenda, Matthew Gallagher highlighted paragraph 5.16 which contained Port of Tilbury's consultation response. There had also been further consultation with the Council's Highways Team and Highways England. As Highways England (responsible for the strategic road network) did not object to the proposals it was confirmed that Port of Tilbury's response objecting to impact on the Asda roundabout junction would not be enough to reject the application on highways grounds.

Regarding the number of jobs created from Tilbury 2 mentioned, Matthew Gallagher was unable to confirm whether this would be in the 'thousands' given the size and nature of Tilbury 2 but was aware that there would be some job growth. However, Officers considered that this was not enough to clearly outweigh the harm to the Green Belt.

Regarding the low housing supply mentioned, Matthew Gallagher said that the future Local Plan would identify new sites for housing developments. The Applicant had placed significant weight on housing supply but this factor alone did not clearly outweigh the harm that would be caused to the Green Belt.

Councillor Rice pointed out that Thurrock needed 32,000 homes and currently had an undersupply of homes to meet industrial needs. He took note that the Local Plan was where Green Belt sites should be released but stated that the Council had not called for development sites to be submitted. He went on to say that the Inspector had ruled on the previous application and that this current planning application should be judged on its own merits. He felt that this proposal would provide homes for people to be closer to their place of employment as Tilbury 2 would generate 4,000 – 5,000 jobs and people would walk to work, therefore air quality would be better.

Matthew Gallagher answered that the NPPF required a 5 year housing supply and that Thurrock's housing supply was below this target and that consented sites for housing development were being built-out. New sites to be identified through the Local Plan may include Green Belt sites which would be sieved and ranked for potential development according to sustainability and other factors. Potential new housing sites would also undergo a Green Belt assessment and Government guidance was clear that Green Belt sites had to be allocated through the Local Plan and not ad-hoc applications. Regarding the site, at appeal the Inspector had investigated the matter of housing land supply and had concluded that there were no clear benefits that clearly outweighed the harm to the Green Belt. Therefore, the Inspector's report was highly relevant to the current planning application.

Councillor Byrne queried the benefit of the commercial unit proposed within the planning application. Matthew Gallagher explained that Thurrock had a good amount of employment land but a number of these were occupied by large warehouses and buildings. There was a need for Small and Medium Enterprises (SMEs) in Thurrock and the Applicant had referred to this in the planning application. Parts of the site had permission for commercial development which were not implemented. The Inspector's report had highlighted some benefits offered to accommodation for SMEs.

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

A Resident, Tony Coughlin, gave his statement in objection.

The Agent, Ben Rogers, gave his statement in support.

The Chair commented that the current planning application was an improvement from the previous application that had been brought to Planning Committee in 2017. He highlighted the importance of the Inspector's report regarding this site. Councillor Byrne agreed on the importance of the Inspector's report and noting the objection statement given, he stated that he would not be supporting the application.

Councillor Rice noted the concerns raised on flooding in the site area with paragraph 5.2 on page 36 of the Agenda and said that Tilbury was well protected from flooding especially as the Port of Tilbury was reinforcing the flood gates in the area. He felt that Tilbury was a good area for growth and that Thurrock needed the housing supply and there was a deficit in social housing. He commented that the Applicant would provide education contributions as well.

Councillor Byrne said that the planning application should propose more dwellings within the application site and remove the proposal for the commercial unit as Thurrock needed more homes.

Councillor Lawrence felt that the focus needed to be on the current planning application as this application proposed more greenery and 35% of affordable

housing. She went on to say that Thurrock residents were waiting for homes and could not wait four and a half years for these homes if it was to go through the Local Plan process. Agreeing, Councillor Potter said that the previous application had not offered the 35% affordable housing as this current one did. The Vice-Chair said that a lot of weight had been placed against this current application which stemmed from the Inspector's report on the previous planning application but felt that this current planning application seemed to have been amended to account for those issues on the previous planning application.

The Chair proposed the Officer's recommendation to refuse planning permission which was seconded by Councillor Byrne.

For: (2) Councillors Tom Kelly (Chair) and Gary Byrne.

Against: (5) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Abstained: (1) Councillor Sue Shinnick.

The Officer's recommendation to refuse planning permission was rejected.

Councillor Rice proposed an alternative motion in that the Committee was minded to approve the planning application for the following reasons:

- The opening of Tilbury 2 would create new jobs which would attract out of Borough workers that would result in a demand in local housing that the proposal could provide for.
- There was no flooding issue and that the Environment Agency had funds for flood defence in Tilbury.
- Thurrock needed social housing.

Councillor Rice went on to say that the Applicant had worked hard to reduce the number of issues from the previous planning application and had increased the number of green spaces on the application site. He added that connectivity had been improved in the proposal as well. The Chair pointed out the previous planning application had gone to appeal and felt that this current planning application should not be approved.

Councillor Lawrence seconded Councillor Rice's motion.

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, paragraph 7.2. He went on to point out that the reasons given for the alternative motion had been considered within the report and that none of these constituted to Very Special Circumstances that would allow the planning decision to depart from planning policies. He went on to say that if the Committee was minded to approve the planning application, Officers would need to bring a report back to the next available Planning Committee meeting highlighting the implications of approving the planning application. Agreeing, Caroline Robins, Locum Solicitor, added that the Inspector's report from the

previous planning application was important but the current planning application had not changed that much from the previous planning application.

Councillor Lawrence noted that the registered speaker in support of the planning application had said that the site could potentially be released for development through the Local Plan. She questioned whether this could be added to the list of reasons for approving the planning application. Matthew Gallagher explained that any release of the site would be through the Local Plan process as covered in paragraph 7.65 of the report. The Council's Green Belt Assessment referred to by the supplicant would inform the new Local Plan but currently had no weight as a planning document. He went on to say that the document should not be relied on for this planning application either as it was in the early stages of the Local Plan. Referring to the date of 2024 given by the Applicant, Matthew Gallagher pointed out that a recent Government announcement for change to the planning system had referred to an end date of December 2023 for adoption of Local Plans which Thurrock Council would be working towards. Caroline Robins added that Members should making their decision based on planning considerations and not on the Green Belt Assessment.

Councillor Rice pointed out that Thurrock's residents are struggling for homes which would increase in demand through the creation of new jobs from Tilbury 2. He felt homes were needed now and not in a few years through the Local Plan process. He went on to say that the safeguard of the decision made on the planning application would be the Secretary of State.

Leigh Nicholson said that the planning application would be referred to the Secretary of State if the decision was to approve but the Secretary of State worked according to a set of criteria and the Committee should not rely on referral to the Secretary of State as a 'safety net'. Leigh Nicholson advised Members that he understood their concerns regarding the need for housing but this factor did not override the harm to the Green Belt and there had to be a combination of Very Special Circumstances to justify approving the planning application. He went on to highlight the danger of using the same arguments to approve planning applications on Green Belt sites.

Adding on, Matthew Gallagher said that as a similar scheme had been considered by an Inspector at a public inquiry there was a reasonable change that, if referred, the case would be 'called-in' by the Secretary of State. As any decision to approve the application would be made contrary to Officer's recommendation, this would have implications for the Local Authority as Officers would have to defend the reasons for a decision made contrary to Officer's recommendation. Regarding the 35% affordable housing, a viability assessment had not been undertaken to confirm the financial viability of the scheme and it was highly unlikely that, if needed, an assessment could be undertaken within a month before the planning application was due to be brought back to Committee. Matthew Gallagher went on to point out that the Inspector's report for the previous planning application had not been 'convinced' of the viability test that had been put forward for that previous planning application.

Regarding the delivery of the scheme, Matthew Gallagher highlighted that this planning application was for outline planning permission. If approved, there would be other planning applications for reserved matters coming out of this current application before the delivery of housing could be carried out, which could take a number of years. Caroline Robins added that it would be inappropriate for the Committee to rely on the Secretary of State as a safeguard and that Members should rely on planning policies to make their decision.

Councillor Rice reiterated the reasons for approving the application and said that Members had a duty of care to Thurrock residents to ensure they were provided with the housing that was much needed. He added that the Secretary of State would make their own independent assessment of the decision undertaken by Committee.

The Chair pointed out that 660 Thurrock residents had signed a petition that was against the proposal. Councillor Byrne added that as residents needed homes, beds could not be placed within a commercial unit either.

The Committee went to the vote on Councillor Rice's motion.

For: (5) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Against: (3) Councillors Tom Kelly (Chair), Gary Byrne and Sue Shinnick.

Abstained: (0)

The Committee was minded to approve the application, therefore a report would be brought back to the next available Planning Committee meeting highlighting the implications of approving the application.

81. 19/01814/OUT - Tremorgan, Sandown Road, Orsett, RM16 3DD

Matthew Gallagher introduced the report by stating that there had been 6 late objection letters received and a petition with 22 signatures objecting to the planning application. The consultation response from the Flood Risk Manager objecting to the application had also been removed.

The report outlined that the application sought 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. Officer's recommendation was to refuse planning permission for the reasons outlined on pages 79 – 80 of the Agenda.

The full details of the application can be found on pages 67 - 82 of the Agenda.

Regarding the low affordable housing, the Chair questioned how the Applicant aimed to resolve this. Matthew Gallagher explained that 35% of proposed homes should be affordable housing but this did not form part of the proposal. He went on to say that if the Applicant wished to discuss other ways to secure affordable housing, this would be a discussion for the Council's Housing team.

Councillor Rice said that he had visited the site which was complex and proposed that the Committee held a site visit to fully understand the development plans as there were also a number of units that were currently being built nearby.

Councillor Byrne noted the proposal stated up to 10 proposed dwellings and queried whether this could be lower such as 7 or 8 dwellings. Matthew Gallagher explained that the proposal requested outline planning permission which sought to reserve everything given within the planning application (access, appearance, landscaping, layout and scale). It was normal for planning applications to state 'up to 10' or a certain number and it was usually taken to mean that the application sought to build 10 houses or the number given.

Councillor Lawrence noted that the proposal outlined lacked certain details such as affordable housing and agreed a site visit would be ideal. She questioned whether this would also give time for the Applicant to clarify certain details within the application and sort through the reasons for refusal of the application. Matthew Gallagher answered that the Flood Risk Manager had withdrawn their holding objection but the issue of the Green Belt remained. He went on to say that if the application was deferred for a site visit, Officers would need to check if the site, where other units were being built could be visited. As there was also no offer for affordable housing, this would still form a reason for refusing the application.

Councillor Rice proposed a site visit and Councillor Lawrence seconded this.

For: (6) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (2) Councillors Tom Kelly (Chair) and Gary Byrne.

Abstained: (0)

Matthew Gallagher stated that the site was a construction site and would take a while to arrange a site visit.

This planning application was deferred for a site visit.

The meeting finished at 8.06 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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Agenda Item 7

Planning Committee: 8 June 2020

Application Reference: 19/01662/FUL

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

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

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

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

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

The application is also accompanied by:

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

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

Applicant:

Rischo Leisure Ltd
c/o Icen Projects

Validated:

18 November 2019

Date of expiry:

10 July 2020 (Agreed Planning Performance Agreement)

Recommendation: Refuse planning permission

1.0 BACKGROUND

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

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

- 1.2 A copy of the report presented to the February Committee meeting is attached.
- 1.3 At the February Committee meeting Members were minded to resolve to approve planning permission for the proposed development based upon the following reasons:
1. *There would be employment opportunities as a result of the finished facilities and Thurrock needed more employment in the Borough;*
 2. *Sport England had no objection to the proposal;*
 3. *There was a lack of alternative sites for this type of development;*
 4. *Thurrock currently had a low housing land supply and the scheme would contribute towards Thurrock's five year housing supply target; and*
 5. *The proposal offered a unique type of development that would address the ageing population in Thurrock.*
- 1.4 In accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer's recommendation. This report assesses the reasons formulated by the Committee.

2.0 FACTUAL UPDATES

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

3.0 CONSULTATION AND REPRESENTATIONS

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

3.2 Detailed below is a summary of the consultation responses received since the previous report was published on the committee agenda for the February Planning Committee meeting. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

3.3 NEIGHBOUR LETTERS:

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

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

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

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

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

3.4 HIGHWAYS:

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

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

3.5 HISTORIC ENGLAND:

No objection.

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

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

4.0 PLANNING ASSESSMENT & IMPLICATIONS

4.1 Implications of approving the application contrary to recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

s70 (2) Town and Country Planning Act 1990 -

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

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

S38 (6) Planning and Compulsory Purchase Act 2004 -

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

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

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

4.10 REASON 1:

Principle of Development and Harm to the Green Belt

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

4.11 The following list of reasons were raised by Members as reasons to approve the application and these are considered in more detail below to assess whether these factors amount to Very Special Circumstances for approving the development in the Green Belt. The reasons are:

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

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

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

2. Sport England had no objection to the proposal;

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

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

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

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

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

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

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

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

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

Recent Appeal Decision

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

Conclusion to this section

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

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

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

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

4.30 REASON 3:

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

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

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

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

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

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

4.39 REASON 4:

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

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

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

4.41 REASON 5:

Design and Impact upon the Area

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

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

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

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

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

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

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

4.47 REASON 8:
Insufficient information for Heritage Assessment

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

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

5.0 LEGAL IMPLICATIONS OF DECISION

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

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

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

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

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

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

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

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

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

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

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

Point 1 (para 5.26)

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

Point 2 (para 5.27 – 5.29)

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

Point 3 (para 5.20 – 5.32)

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

Point 4 (para 5.33)

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

Point 5 (para 5.34 – 5.39)

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

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

Point 6 (para 5.40)

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

Point 7 (para 5.41-5.42)

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

To summarise:

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

6.0 CONCLUSIONS

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

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

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

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

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

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

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

7.0 RECOMMENDATION

Recommendation A:

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

Recommendation B:

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

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

Positive and Proactive Statement

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

Documents:

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

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Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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Reference: 19/01662/FUL	Site: Langdon Hills Golf And Country Club Lower Dunton Road Bulphan Essex RM14 3TY
Ward: Orsett	Proposal: Hybrid application for the redevelopment of Langdon Hills Golf and Country Club. Detailed approval sought for: a redesigned club house (with health spa, reception area; restaurant area; bar areas; function areas (for 250 guests); professional golf shop; gym; swimming pool; changing rooms; office space; kitchens and food preparation areas and other necessary ancillary areas). The creation of a new health led community to include, 84 no. homes for independent living - extra care (over 55's use class C2); 36 no. apartments for independent living extra care (Use Class C2); 42 no. close care apartments and a 64-bed residential care home with dementia facilities (Use Class C2); 4 no. key worker apartments (Use Class C3) encompassing a care workers administration health hub. Demolition of existing buildings (clubhouse, hotel and green keepers building) and supporting infrastructure to include: a reconfigured main car park: a new car park for the golf academy: new vehicular access from lower Dunton Road; landscaping; new bowling green; new walkways; erection of a security gatehouse and security surveillance. Outline approval sought for: 12 no. apartments for independent living extra care (Use Class C2); a new golf academy (with driving range; tuition areas and function space for 150 guests); a new quick play golf course and a new redesigned green keepers building.

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

Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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18-116-226	Proposed Floor Plans	7th November 2019
18-116-227	Proposed Floor Plans	7th November 2019
18-116-228	Proposed Floor Plans	7th November 2019
18-116-229	Proposed Floor Plans	7th November 2019
18-116-230	Proposed Floor Plans	7th November 2019
18-116-231	Proposed Floor Plans	7th November 2019
18-116-232	Proposed Floor Plans	7th November 2019
18-116-233	Proposed Plans	7th November 2019
18-116-234	Proposed Plans	7th November 2019
18-116-235	Proposed Plans	7th November 2019
18-116-236	Proposed Plans	7th November 2019
18-116-237	Proposed Plans	7th November 2019
18-116-238	Proposed Plans	7th November 2019
18-116-250	Proposed Elevations	7th November 2019
18-116-251	Proposed Elevations	7th November 2019
18-116-252	Proposed Elevations	7th November 2019
18-116-253	Proposed Elevations	7th November 2019
18-116-254	Proposed Elevations	7th November 2019
18-116-255	Proposed Elevations	7th November 2019
18-116-256	Proposed Elevations	7th November 2019
18-116-257	Proposed Elevations	7th November 2019
18-116-258	Proposed Elevations	7th November 2019
18-116-280	Proposed Plans	7th November 2019
18-116-281	Proposed Plans	7th November 2019
18-116-282	Proposed Plans	7th November 2019
18-116-283	Proposed Plans	7th November 2019
18-116-284	Proposed Plans	7th November 2019
18-116-285	Proposed Plans	7th November 2019
18-116-286	Proposed Plans	7th November 2019
18-116-287	Proposed Plans	7th November 2019
18-116-288	Proposed Plans	7th November 2019
18-116-289	Proposed Plans	7th November 2019
18-116-290	Proposed Plans	7th November 2019
18-116-291	Proposed Plans	7th November 2019
18-116-292	Proposed Plans	7th November 2019
18-116-293	Proposed Plans	7th November 2019
18-116-294	Proposed Plans	7th November 2019

Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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18-116-295	Proposed Plans	7th November 2019
18-116-296	Proposed Plans	7th November 2019
18-116-297	Proposed Plans	7th November 2019
18-116-298	Proposed Plans	7th November 2019
18-116-299	Proposed Plans	7th November 2019
18-116-SK20E	Other	7th November 2019
18-116-SK21C	Other	7th November 2019
2786-HIA-02-00-DR-A-0201	Proposed Plans	7th November 2019
2786-HIA-02-01-DR-A-0211	Proposed Plans	7th November 2019
2786-HIA-02-XX-DR-A-0301	Proposed Plans	7th November 2019
2786-HIA-02-XX-DR-A-0302	Proposed Plans	7th November 2019
2786-HIA-02-XX-DR-A-0501	Proposed Plans	7th November 2019
2786-HIA-02-XX-DR-A-0502	Proposed Plans	7th November 2019
2018-09-06-LH	Existing Elevations	18th November 2019
2018-09-07	Existing Plans	18th November 2019
2019-11-13	Existing Plans	18th November 2019
2786-HIA-01-00-DR-A-0201	Proposed Plans	18th November 2019
2786-HIA-01-01-DR-A-0211	Proposed Plans	18th November 2019
2786-HIA-01-03-DR-A-0221	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0301	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0303	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0501	Proposed Plans	18th November 2019
2786-HIA-01-XX-DR-A-0502	Proposed Plans	18th November 2019
2786-HIA-02-00-DR-A-0201	Proposed Plans	18th November 2019
2786-HIA-02-01-DR-A-0211	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0301	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0302	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0501	Proposed Plans	18th November 2019
2786-HIA-02-XX-DR-A-0502	Proposed Plans	18th November 2019
2786-HIA-03-00-DR-A-0211	Proposed Plans	18th November 2019
2786-HIA-03-01-DR-A-0221	Proposed Plans	18th November 2019
2786-HIA-03-B1-DR-A-0201	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0231	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0301	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0302	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0501	Proposed Plans	18th November 2019
2786-HIA-03-XX-DR-A-0502	Proposed Plans	18th November 2019

Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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2786-HIA-03-XX-DR-A-0505	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0102	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0103	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0104	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0105	Proposed Plans	18th November 2019
2786-HIA-ZZ-XX-DR-A-0401	Proposed Plans	18th November 2019
855-02B	Existing Floor Plans	18th November 2019
855-03	Existing Elevations	18th November 2019
855-1B	Existing Elevations	18th November 2019
B623-109B	Existing Elevations	18th November 2019
B623-114A	Existing Floor Plans	18th November 2019
05-838-801 B	Landscaping	7th November 2019
2786-HIA-03-XX-DR-A-0503	Proposed Plans	14th November 2019
2786-HIA-03-XX-DR-A-0504	Proposed Plans	14th November 2019
05-838-301 E	Landscaping	7th November 2019
05-838-701	Landscaping	7th November 2019
05-838-800 B	Landscaping	7th November 2019
18-116-200	Location Plan	7th November 2019
18-116-201	Existing Site Layout	7th November 2019
2786-HIA-ZZ-XX-DR-A-0402	Proposed Plans	7th November 2019
5-838-702A	Landscaping	7th November 2019
18-116-210C	Proposed Plans	7th November 2019
2786-HIA-01-XX-DR-A-0302	Proposed Plans	7th November 2019
2018-09-08	Existing Plans	7th November 2019
18-116-202A	Proposed Plans	7th November 2019
18-116-211B	Proposed Plans	7th November 2019
18-116-213A	Proposed Plans	7th November 2019
18-116-214A	Proposed Plans	7th November 2019
18-116-215A	Proposed Plans	7th November 2019
18-116-216A	Proposed Plans	7th November 2019
18-116-217A	Proposed Plans	7th November 2019
18-116-218A	Proposed Plans	7th November 2019
18-116-SK82	Proposed Plans	28th January 2020
18-116-212A	Proposed Plans	7th November 2019

Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Air Quality Assessment
- Aboricultural Assessment
- BREEAM Pre-Assessment
- Draft Heads of Terms for s106
- Drainage Strategy
- Ecological Impact Assessment and Statement to inform Habitats Regulations Assessment
- Economic Benefits Statement
- Elderly Needs Report
- Energy Statement
- Flood Risk Assessment and Drainage Strategy
- Golf Enhancement Report
- Grandcare System Information
- Health Impact Assessment
- Heritage Statement and Heritage Note
- Landscape and Visual Impact Assessment
- Legal Opinion on C2 Use Class
- Lighting Assessment
- Noise Assessment
- Phase 1 Contaminated Land Assessment
- Statement of Community Engagement
- Sustainability Statement
- Transport Assessment and Transport Note
- Framework Travel Plan
- Utilities Statement

Applicant:

Rischo Leisure Ltd
c/o Icen Projects

Validated:

18 November 2019

Date of expiry:

27 March 2020

Recommendation: Refuse planning permission

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

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

Site Area (Gross)	80 ha
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Proposal	Full	Outline
Golf	Replacement club house	Golf academy Quick play golf course Green keepers building
Health-led community	84 x 2 bedroom homes for independent living extra care living (Class C2 Use) 36 x 2 bedroom apartments for independent living extra care living (Class C2 Use) 42 x 2 bedroom close care apartments (Class C2 Use) 64 bed residential care home (Class C2 Use) 4 x 1 bedroom key worker apartments (Class C3 Use)	12 apartments for independent living extra care living (Class C2 Use)
Height	Ranges between 5m (1 storey) to 13m high (3 storey)	
Car Parking and Cycle Parking	'Extra care' Homes: 2 spaces per unit 'Extra care' Apartments: 2 space per unit plus 1 cycle space Key Worker Apartments: 1 space per unit 'Close Care' Apartments: 55 spaces Care Home: 28 spaces Total: 299 Golf Clubhouse: 200 spaces in reconfigured car park Golf Academy Building: 64 spaces Total: 264 spaces	
Amenity Space	Minimum 63sq.m Average between 60 sq.m to 120sq.m Maximum 520 sq.m	
Density	18 units per hectare for health-led community area	

1.2 The proposal is a hybrid application seeking planning permission for development on parts of the Langdon Hills Golf and Country Club as follows:

1.3 Full planning permission is sought for:

- A redesigned club house (with health spa, reception area; restaurant area; bar areas; function areas (for 250 guests); professional golf shop; gym; swimming pool; changing rooms; office space; kitchens and food preparation areas and other necessary ancillary areas).

- The creation of a new health led community to include:
 - 84 no. homes for independent living - extra care (Class C2);
 - 36 no. apartments for independent living extra care (Class C2);
 - 42 no. close care apartments (Class C2)
 - 64-bed residential care home with dementia facilities (Class C2);
 - 4 no. “key worker” apartments (Class C3) encompassing a care workers administration health hub.
- Demolition of existing buildings (clubhouse, hotel and green keepers building) and supporting infrastructure to include:
 - a reconfigured main car park;
 - a new car park for the golf academy;
 - new vehicular access from lower Dunton Road; landscaping;
 - new bowling green;
 - new walkways;
 - erection of a security gatehouse and security surveillance.

1.4 Outline planning permission is sought, with all matters reserved except access for:

- 12 x 2 bedroom apartments for independent living extra care (Use Class C2);
- a new golf academy (with driving range; tuition areas and function space for 150 guests);
- a new quick play golf course and a new redesigned green keepers building.

Health-led Community Proposal

1.5 The Planning Statement refers to the proposal as a ‘health village’ and it is stated that this would create a new health-led community for elderly residents requiring care. The proposed ‘health-led community village’ development seeks to categorise the proposed levels of care into two areas, ‘extra care’ and ‘close care’, which are referred to throughout the plans and documentation.

‘Extra Care’ Homes and Apartments

1.6 Full planning permission is sought for ‘extra care’ homes and apartments which would have the appearance and internal layout of a dwelling with a typical layout comprising of an open plan lounge/dining/kitchen room, two bedrooms, study room, utility room and bathroom. One of the house types would also have an integral garage. The approach is to allow people to continue living independently but would allow residents to benefit from care using technology, referred to in the Planning Statement as a ‘Specialist Artificial Intelligence’ system allowing for 24-hour emergency call outs. The technology would allow residents to order the shuttle bus,

request a key worker visit, book golf facilities, book classes at the health spa, book a table for dinner and arrange for home maintenance.

- 1.7 In terms of design three 'extra care' house types are proposed and all homes would be two bedroom units for the over 55s.

House type	Numbers	Gross floorspace sq.m
1	10	119
2	30	117
3	44	135
Total	84	

- 1.8 House types 1 and 2 would be bungalows and would be 7.7m high and 5.5m high respectively. House type 3 would be a chalet bungalow 8.2m high with a master bedroom, en-suite bathroom and study room in the first floor/roof. House type 3 also allows space for an internal lift. Each house type would include off-site parking provision varying between one and two spaces per unit.

- 1.9 Two 'extra care' apartment types are proposed and all would be two bedroom units.

Apartment type	Numbers	Gross floorspace sq.m
1	12	116 to 142
2	24	105 to 110
Total	36	

- 1.10 There would be 12 x apartment type 1 arranged in 3 apartment blocks, each apartment block would provide 4 units, 2 on each floor with two central stairwells located between the apartments. This apartment type is designed to allow each unit have an external front entrance door. This apartment type would be 8m high.
- 1.11 There would be 24 x apartment type 2 and these would be larger apartment blocks compared to apartment type 1. Apartment type 2 would provide 12 units, 6 on the ground floor and 6 over the first floor and within the roofspace. A central stairwell would link all entrances internally within each block. This apartment type would be 12m high.
- 1.12 Both these apartment types would be located towards the northern part of the development area to the south of the site's access road. Some of these apartment blocks would be integrated around existing water features and all apartment blocks would include parking within the grounds.

- 1.13 The above house types and apartment types are part of the full planning application but the proposal also includes 12 x 2 bedroom apartments for independent 'extra care' living which form part of the outline element of this application. The plans show that this apartment block would be constructed over 3 levels with a basement level created for parking provision. The ground and first floor levels would each provide 6 apartments to be accessed via internal stairwells and a lift. The apartment building would be 11m high above ground level. The finer details regarding these units would be considered as part of a future reserved matters application but the proposed site layout plan indicates that these apartments would be located to the south of the proposed revised car park for the golf course.

"Key Worker" Apartments

- 1.14 Full planning permission is sought for 'key worker apartments' which would be occupied by workers supporting the 'extra care', 'close care' and care home uses on site. Four key worker apartments are proposed and this apartment type is referred to in the plans as 'Apartment Type 3' and would occupy a gross floor area of between 53sq.m to 62sq.m. This apartment type building would be two storey and 9m in height. Each unit would have separate external entrances. This building would be located to the northeast corner of the development area adjacent to the existing site entrance, on the southern side of the site's access road.

'Close Care' Apartments

- 1.15 Full planning permission is sought for 'close care' apartments, which would provide more intermediate levels of care. These apartments would comprise of an 'L' shaped block located towards the southeast corner of the development area; these apartments would be accessed by a new vehicle access from Lower Dunton Road, which would also serve the care home. A car park would be located to the front of these apartments and would provide 55 parking spaces. The total floorspace created would be 5,662sq.m. The building would be 13m high.
- 1.16 A total of 42 'close care' apartments would be provided with 12 units on the ground floor, 21 units on the first floor and 9 units on the second floor. Each apartment would have the internal layout of a dwelling with a typical layout comprising of a lounge room, kitchen room, two bedrooms, and bathrooms. Within the main building additional communal space would be provided including a communal lounge and café, and a bar on the second floor. The ground floor would incorporate a reception area, admin office, staff room, changing rooms, mail store room, buggy store, plant room and bin store. A lift and stairwell would connect the floors.

Care Home

- 1.17 Full planning permission is sought for a care home, which would be located towards the southeastern corner of the site and would share the new access from Lower Dunton Road with the proposed 'close care' apartments. The care home car park would have 28 parking spaces and would be located to the east of the building. The 'C' shaped care home would have communal gardens located to the west of the building. The total floorspace created would be 3,489sq.m. The building would be 13m high.
- 1.18 The 64-bedroom care home would be designed with specialist dementia facilities with each resident having their own bedroom with en-suite facilities, TV, telephone and computer points but also access to communal facilities such as lounges, dining rooms, café, hair and beauty room, gym and communal gardens. In addition changing rooms, laundry rooms, a staff room, activity room, consultation areas, kitchens and associated food stores, plant room, manager's office, admin office, reception and store rooms would all be included. A lift and stairwell would connect the floors.

Design and Appearance

- 1.19 All proposed house types, apartment types and the proposed care home would follow a contemporary design approach based on traditional Essex farmsteads. In particular the design approach has reference to traditional Essex barns with the proposed material palette including a red brick plinth with black coloured timber cladding to the elevations of the buildings, and the use of either a slate or clay tiled roof. All proposed house types, apartment types and the proposed care home would use dark coloured window and door frames, and some properties would have roof light windows. Dormer windows are proposed to house type 3. All proposed house types, apartment types and the proposed care home would include features such as gable ends, balconies, large areas of glazing, window framing features, imitation mid-strays, chimneys, porch canopies and exposed timber beams.

Use Class

- 1.20 Other than the key worker apartments, all house types, apartment types, and the proposed care home the applicant considers are proposed to fall within Use Class C2 which defines such use as 'residential institutions' in the Use Classes Order (1987) (as amended). The reasons why the applicant considers the proposal as a Class C2 use are listed below:
- Restrictions for all units to Class C2 use only with a least one occupier needing to be at least 55 years old and signed up to a minimum basic care package determined by a health assessment;

- Provision of a basic care package including at least 1.5 hours of personal care support each week, an artificial intelligence system, 24 hour monitored emergency call system, and access/membership to the health spa facility.
- Health assessment for the primary resident to understand the level of care required which shall be reviewed at least once a year;
- Provision of personal care and additional care packages to be offered;
- A Care Agency will be provided and will be registered with the Care Quality Commission
- Access to all communal facilities associated with the golf clubhouse in perpetuity with complimentary single membership to the golf club for the first year of occupation and reduced rates thereafter;
- All communal facilities associated with the golf clubhouse shall be maintained and managed, details of a management company to be provided by the owner;
- Security measures control access to common areas and private areas and use of CCTV
- Assistance for residents with impaired mobility or medical needs

Golf Club Proposals

Club House and Wellness Centre

- 1.21 Full planning permission is sought for a new club house and wellness centre, new practice green, road layout and car parking area. This would replace the existing golf club house and the existing hotel building centrally within the site.
- 1.22 The replacement club house and wellness centre would be sited in the location of the existing hotel and would include a health spa, reception area, restaurant areas, bar areas, function areas (for 250 guests), a professional golf shop, shop/pharmacy, doctors consulting room, beauty room, a gym, a swimming pool, cinema, changing rooms, office space, golf buggy store, kitchens and food preparation areas along with other necessary ancillary areas. The bar, pharmacy, restaurants, swimming pool and the golf academy would open to the general public.
- 1.23 The club house and wellness centre would be built with three internal floor levels. The building would be constructed into the existing topography, as the existing hotel currently sits in a sunken ground level location. The building would be 'L' shaped and would measure 37m by 26.5m at its maximum projections, and would be 8m high, from the lowest ground level to the chimney tops. The design of the building is based upon the Wentworth Golf Club and would have white/light coloured rendered elevations with parapet walls and the building would have a flat roof design.

- 1.24 To the west of the club house and wellness centre a single storey 'club drop off' building is proposed and would be designed to reflect the appearance of the club house and wellness centre with white/light coloured rendered elevations with parapet walls and the building would have a flat roof design. This building would occupy a gross floor area of 83 sq.m and would be 4.3m high. The internal layout would include a lobby, club store, office/kitchenette and two toilets.

New Golf Academy

- 1.25 Outline planning permission is sought for a new golf academy area would include an academy building, driving range, tuition areas and function space for 150 guests. Although the finer details would be agreed through reserved matters information has been provided to demonstrate the use, layout, scale and appearance of these buildings. All plans for the outline permission illustrate how the development would appear.
- 1.26 An upgraded access is proposed leading to the golf academy area of the site.
- 1.27 The new golf academy building would be located within the western half of the site and would be a curved shaped building over two levels. The building would span 79.5m by 54.4m, would be 8.3m high and would occupy a gross floor area of 1,745 sqm. A contemporary building design is proposed which would comprise a mix of light coloured materials to the elevation and dark coloured roof materials.
- 1.28 Internally the ground floor of the building would provide an entrance lobby, reception, a large open plan amenity area, 12 driving range bays, 3 swing studios, a putting studio, golf shop, kitchen, food store, plant room and various ancillary rooms. The first floor would provide a function room with outdoor terrace for up to 150 guests, function room bar, kitchen, food store, bar cellar, lift and various ancillary rooms.
- 1.29 It is stated in the Planning Statement that the intention of the golf academy and driving range would provide state of the art of facilities for use by beginners and all levels of golfing ability, schools and for general leisure benefits in the form of the function room.
- 1.30 To the south east of the building a car park with 64 spaces is proposed to serve the golf academy and to the north of the academy building a new driving range would be created.
- 1.31 Directly to the north of the new golf academy building would be a new driving range in roughly the same location as the existing driving range. Landscaping and new screen planting is proposed to the north, east and west sides of the driving range.

1.32 To the south west of the academy building a practice green would be formed.

Green Keepers Building

1.33 To south of the golf academy building would be a green keepers building which would include two loading bay style entrances for access. The building would be partly constructed of brick along with green coloured cladding to the upper elevations and dual pitched roof. The green keepers building would have a square shaped footprint and measure 26m wide by 21m long and would be 8m high. The building would occupy a gross floor area of 500 sqm. Landscaping is proposed to the south to aid the screening the building.

Quick Play Golf Course

1.34 Outline planning permission is sought for a new 6 hole quick play golf course which would be located to the south of existing clubhouse and hotel area and would be located to the west of the health-led community. The Planning Statement advises that this facility would be a venue for beginners, juniors and for more experienced players who are short on time.

Other supporting infrastructure

1.35 Full planning permission is sought for supporting infrastructure, which includes:

- A reconfigured hardsurfaced main car park to replace the existing car park would provide 200 spaces
- A new 64 space car park for the golf academy:
- New vehicular access from the Lower Dunton Road located towards the south east of the site and south of the existing vehicular access to the site. The proposed access would form a 'T' junction onto Lower Dunton Road;
- Various landscaping improvements throughout the site;
- A new bowling green to occupy an area of 20m by 20m is proposed centrally located within the health led community area of the site;
- New walkways within the health led community area of the site; and
- The erection of a new security gatehouse and security surveillance within the existing and main access into the site.

Planning Obligations

1.36 The application includes detailed draft heads of terms and trigger points. The following list summarises the planning obligations that are offered:

- Restriction on occupation of all units to Class C2 use only with a least one occupier needing to be at least 55 years old and to signed up to a minimum basic care packaged determined by a health assessment.
- Provision of a basic care packaged including at least 1.5 hours of personal care support each week, an artificial intelligence system and access/membership to the health spa facility.
- Health assessment for the primary resident which shall be reviewed at least once a year;
- Provision of a personal care and additional care packages to be offered;
- Care Agency to be provided and registered with the Care Quality Commission
- Access to all communal facilities associated with the golf clubhouse in perpetuity with complimentary single membership to the golf club for the first year of occupation and reduced rates thereafter;
- All communal facilities associated with the golf clubhouse to be maintained and management by details of a management company to be provided by the owner;
- An 8 seater electric shuttle bus to provide a service to nearby railway stations and local shops exclusively to residents of the development;
- Provision of public bus to be subsidised by owner to facilitate travel to and from the development for members of the public and residents of the development. The route would include the retirement village, the hospice, Stanford le Hope railway station and the Little Malgraves site;
- To provide highway works including:
 - A controlled crossing point on Lower Dunton Road,
 - A lower the speed limit across the frontage of the site,
 - A pedestrian footway adjacent to Lower Dunton Road;
- Travel Plan submission with monitoring fee to monitor travel arrangements for five years following occupation of the development;
- Provide the 4 'key worker apartments' as affordable housing units;
- A carbon neutral development commitment
- Local employment opportunities for the construction and operational phase of the development;
- A financial contribution of £50,000 for the NHS for the provision of medical services in the locality of the development
- A financial contribution of £21,796.40 towards the Thames Estuary and Marshes Special Protection Area in line with Essex Coast RAMS
- A commitment to hosting an inter-school tournament once a year at the golf club.
- Promote awareness of the enhanced facilities to borough-based schools and community groups and liaise with Thurrock Council's Sport and Leisure Manager; and

- A monitoring fee for the s106 obligations.

2.0 SITE DESCRIPTION

- 2.1 The Langdon Hills Golf and Country Club is an approximately rectangular shaped site that covers a site area of 80 hectares and is located within the Metropolitan Green Belt. The site is located to the western side of the Lower Dunton Road which provides the only vehicular access via a road leading to the centre of the site and the car park area.
- 2.2 Centrally within the site is a cluster of buildings forming the clubhouse and hotel. Within the site are various golf related buildings such as a greenkeepers building, barn/storage areas, and a driving range. The rest of the site comprises of an 18 hole golf course and a 9 hole golf course.
- 2.3 The site is located in a rural location with ribbon development following road patterns in the area and a nearby housing and hospice development being constructed to the eastern side of the road, opposite part of the site.
- 2.4 Within the wider area the nearest village is Horndon on the Hill which is located 1.5 miles away and includes the nearest amenities in terms of pubs, a restaurant, butchers shop, post office and store. The village also includes the nearest primary school and a doctor's surgery.
- 2.5 There are no public transport services serving the site or the Lower Dunton Road. The nearest railway stations are Stanford Le Hope and the Laindon Stations which are both 3.2 miles away in opposite directions. The closest bus service is the number 11 service which passes through Horndon on the Hill.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Reference	Description	Decision
04/00533/FUL	Demolition of existing golf driving range and offices and replacement with 33 additional hotel rooms, new golf club house and conversion of existing clubhouse to provide additional hotel facilities, demolition and replacement of green-keepers building.	Refused 29.07.2004

Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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04/01004/FUL	Demolition of existing golf driving range and replacement with 28 hotel rooms and staff accommodation, demolition and replacement of green keepers building.	Approved 03.11.2004
19/01247/CLEUD	Use of 11no. properties as residential dwellings.	Pending Consideration

4.0 CONSULTATION AND REPRESENTATIONS

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

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.

Twenty responses received raising the following objections:

- Additional Traffic
- Environmental Pollution
- Out of Character
- Amenities
- Loss of landscape
- Green Belt Land
- Flooding
- Access to Site
- Over Looking Property
- Possible excessive noise
- Sale of Alcohol Causing Disturbance
- Litter/Smells
- Possible Excessive Noise
- Local infrastructure
- Material(s) Unacceptable

4.3 ANGLIAN WATER:

No objection subject to a condition requiring details of the on-site foul water drainage works to be approved.

4.4 BASILDON BOROUGH COUNCIL:

Object, as the proposed development would be inappropriate development in the Green Belt and it is not considered that the very special circumstances put forward that would override the general presumption against this form of development. The proposal would have a significant visual impact on this locality which would be at odds with the general open feel of this site.

4.5 CADENT GAS:

No objection subject to an informative.

4.6 EDUCATION:

On the basis that all residential units are for over 55s no education contribution is required.

4.7 ENVIRONMENTAL HEALTH:

No objection subject to conditions for mitigation for contamination and for noise minimum specifications for glazing for internal living conditions.

4.8 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to conditions requiring an archaeological programme of trial trenching followed by open area excavation.

4.9 FLOOD RISK ADVISOR:

No objection subject to conditions requiring the submission of a detailed surface water drainage scheme for the site, prevention of off site run off, yearly logs, and details of the future management and maintenance arrangements for the detailed surface water drainage scheme

4.10 HISTORIC ENGLAND:

Historic England has concerns regarding the application on heritage grounds and given the lack of information a revised Heritage Impact Assessment is required and visualisations are required.

4.11 HIGHWAYS:

Object to the proposal on the grounds of: Accessibility, the site is remote from any local transport connections and travel from the site will need to be by private vehicles; Creation of another access along a Level 1 Rural Distributor road which is heavily trafficked and has a high number of accidents and the Travel Plan is unacceptable, as it does not demonstrate how sustainable travel will be adopted.

4.12 HOUSING:

Object: Do not consider the proposed age restricted bungalows and apartment to be C2 development. The proposal should be considered under the C3 classification and subject to the Council's policy in relation to affordable housing provision for development of this scale, however the location and particular nature of development is unlikely to be sustainable and public transport is limited. An off-site affordable housing contribution would be required.

4.13 LANDSCAPE AND ECOLOGY ADVISOR:

Object on landscape impact for the following reasons:

- The Landscape and Visual Impact Assessment (LIVA) includes a range of viewpoint images but these were not agreed with the LPA
- The LVIA does not provide any photomontage of key viewpoints to demonstrate the visual impacts of the scheme
- The scale and density of the proposed development would have an adverse effect on the character of the local landscape
- There is a lack of information to support the analysis provided in the LVIA
- The proposal would result in an impact upon openness and the perception of openness
- The proposed buildings are not of a suitable character

The site is located within the Essex Coast RAMS zone and without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area, and therefore requires a financial contribution £21,769.40 as a planning obligation.

4.14 LISTED BUILDING AND CONSERVATION AREA ADVISOR:

No objection.

4.15 NATURAL ENGLAND:

No objection but as the site falls within the 'Zone of Influence' of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance

Avoidance and Mitigation Strategy (RAMS) a financial contribution as a planning obligation is required.

4.16 NHS ENGLAND:

No objection subject to a financial contribution of £51,405 towards Horndon on the Hill Surgery.

It is not clear if the healthcare support required for the residents of this proposed development will be fully provided on site or whether this relies on support from the local GP Practice and other health and care providers.

4.17 PUBLIC HEALTH OFFICER/PROGRAMME MANAGER FOR HEALTH & SOCIAL CARE:

Object as the proposal:

- Has not submitted an HIA that meets the standards outlined in the WHIASU Quality Assurance Framework.
- Has not sufficiently demonstrated a local need for this type of speciality housing (that requires significant financial commitment from residents). The developer has not provided any financial information to assist with the appraisal of this element.
- The level of community consultation is considered insufficient to demonstrate local support for the proposal. Any new model for older person's housing aspirations would need to include research and consultation with older people in the borough.
- The site is not suitable for sustainable travel modes and due to its location cannot offer a realistic choice of alternative modes of travel other than by car. Consequently, the Council and its NHS partners are highly unlikely to recommend such a development as providing suitable accommodation for older people
- The development is not within a sustainable location: ensuring that older people's housing is within easy reach of local services, amenities and public transport links is considered critical.
- The use of the Extra Care, Close Care, Care Village and Continuing Care Retirement Community in the application should be understood to be primarily marketing terms rather definitions relevant to the Use Class
- It is claimed that extra care schemes fall within Class C2: this does not address the several other defining characteristics of developments which legitimately fall within Use Class C2 (provision of communal accommodation; age; service charges reflecting the provision of care facilities and services; the requirement for a minimum of 2 hours of personal care per week)

4.18 PUBLIC FOOTPATH OFFICER:

No objection – Bridleway improvements required.

4.19 SPORT ENGLAND:

No objection to the new and enhanced golf facilities or the proposed health spa and swimming facilities. While no objection is made to the principle of the proposed bowling green there is no additional need for bowling greens and existing bowling greens in Thurrock are underutilised.

4.20 TRAVEL PLAN CO-ORDINATOR:

This site is located in a rural location and has no access to public transport, minimal pedestrian footways are available and the proposal would need consideration to provide a footpath and cycle access. The proposal would not encourage sustainable travel for residents and staff and is therefore contrary to paragraphs 34 and 35 of the NPPF. The Framework Travel Plan lacks information and details for the proposed shuttle bus.

4.21 URBAN DESIGNER:

Object as there are many concerns with the urban and architectural design of the proposed development and its impact upon this rural location in this part of the Green Belt, and insufficient and unclear drawings have been submitted to allow full and proper consideration.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

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

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

5.2 Planning Policy Guidance

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

- Air quality
- Climate change
- Design: process and tools
- Effective Use of Land
- Flood Risk and Coastal Change
- Green Belt
- Health and wellbeing
- Historic environment
- Housing for older and disabled people
- Housing supply and delivery
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas

- Use of Planning Conditions
- Viability

5.3 Local Planning Policy Thurrock Local Development Framework

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)
- 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)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the Development and the Impact upon the Green Belt
- II. Design and Layout and Impact upon the Area
- III. Landscaping and Visual Impact
- IV. Traffic Impact, Access and Car Parking
- V. Flood Risk and Drainage
- VI. Effect on Neighbouring Properties

- VII. Heritage
- VIII. Ecology and Biodiversity
- IX. Arboriculture
- X. Air Quality
- XI. Noise
- XII. Land Contamination and Ground Works
- XIII. Energy and Sustainable Buildings
- XIV. Viability and Planning Obligations
- XV. Sustainability
- XVI. Other Matters

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

- 6.2 The site is within the Green Belt as identified on the Core Strategy Proposals Map and therefore policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *'maintain the purpose function and open character of the Green Belt in Thurrock'*, and policy PMD6 states that the Council will *'maintain, protect and enhance the open character of the Green Belt in Thurrock'*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.
- 6.3 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.
- 6.4 The proposal has been presented to include new development and some replacement development and in policy terms it is important to establish the differences.
- 6.5 The new development on the site would consist of:
- The creation of a new health led community to include:
 - 84 no. homes for independent living - extra care (Use Class C2);
 - 36 no. apartments for independent living extra care (Use Class C2);
 - 42 no. close care apartments (Use Class C2);
 - 64-bed residential care home with dementia facilities (Use Class C2);
 - 4 no. key worker apartments (Use Class C3) encompassing a care workers administration health hub.
 - 12 x 2 bedroom apartments for independent living extra care (Use Class C2);
 - A new golf academy (tuition areas and function space for 150 guests);
 - Supporting infrastructure to include:

- a new car park for the golf academy;
- new vehicular access from lower Dunton Road; landscaping;
- new bowling green;
- new walkways;
- erection of a security gatehouse and security surveillance.

6.6 The replacement development on the site would consist of:

- A redesigned club house (with health spa, reception area; restaurant area; bar areas; function areas (for 250 guests); professional golf shop; gym; swimming pool; changing rooms; office space; kitchens and food preparation areas and other necessary ancillary areas).
- A new quick play golf course to replace the existing 9 hole golf course
- A new redesigned green keepers building to replace the existing building but located in a different location on the site.
- Supporting infrastructure which includes a reconfigured main car park.

6.7 In terms of the NPPF and Core Strategy, it is necessary to consider the following key questions:

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

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

6.8 Paragraph 143 of the NPPF defines 'inappropriate development' as definitional harm to the Green Belt and should not be approved except in very special circumstances.

6.9 Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock' but includes 'exceptions' for allowing certain development within the Green Belt, providing this accords with the requirements of this policy. Relevant to this proposal are the following sections of Policy PMD6:

2. Replacement buildings;

6. Infilling and partial or complete redevelopment of a previously developed site comprising more than a single building.

6.10 Paragraph 145 of the NPPF allows for 'exceptions' for development in the Green Belt and relevant to this proposal this would include:

(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 Green Belt and do not conflict with the purposes of including land within it;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(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 Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Previously Developed Land

6.11 Reference is made in both policy PMD6 and paragraph 145 of the NPPF to Previously Developed Land, which the NPPF defines as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

6.12 Taking this into account the PDL on this site can only apply to the locations occupied by permanent structures. The definition allows for the curtilage of the developed land but this would not include the entire golf course or undeveloped areas of the golf course to be previously developed land.

'Replacement Buildings'

- 6.13 Turning to policy PMD6 and the 'Replacement Buildings' criteria, the policy allows for replacement buildings on the basis that '*the replacement of other buildings shall only be for the same use, and the replacement building shall not be materially larger than the one it replaces*'. Similarly paragraph 145 of the NPPF allows for '*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*'. Therefore in principle replacement buildings would be permitted.
- 6.14 As stated above the proposal includes replacement development but in terms of replacement buildings this would include the replacement clubhouse building and the replacement green keepers building.
- 6.15 The replacement clubhouse building would be sited in the location of the existing hotel building, which would be demolished. The existing clubhouse would be replaced by a putting green and a vehicle turning area. The hotel building would not be replaced through the proposed development. The replacement clubhouse building would include a significant amount of new and additional uses compared to the existing clubhouse building.
- 6.16 The replacement green keepers building would be located in different location to the existing green keepers building, which is located to the east of the existing driving range building. The proposed replacement green keepers building would be located further south and to south of the golf academy building.
- 6.17 The proposal would include the loss of the hotel and the existing driving range enclosure and the applicant's Planning Statement considers that the proposed golf academy is replacing this facility. Whilst the proposed golf academy would include a replacement driving range enclosure the overall introduction of the golfing academy represents a significant amount of new development, which would be located in a location away from the cluster of existing built development centrally located on the site.
- 6.18 The proposed location of the golfing academy would encroach further into the countryside and increase the spread of built form over the site and therefore impact upon existing areas of openness. In principle the replacement of the driving range enclosure would be acceptable but the proposed golf academy cannot be considered as a replacement building in policy terms given its intended uses, location and scale of development.
- 6.19 The comparison table below is taken from the applicant's Planning Statement and shows the existing and proposed floorspace and volume calculations:

	Existing Floorspace (m ²)	Existing Volume (m ³)	Proposed Floorspace (m ²)	Proposed Volume (m ³)
Golf Club House	1,347	4,640	5,420	21,532
Hotel	1,788	4,560		
Green Keepers Building	725	3,774	527	3,984
Driving Range enclosure	167	504		
Golf Academy			1,664	7,300
Total	4,027	13,478	7,611	32,816
Difference			+3,584	+19,338

- 6.20 The table shows that the proposal would result in a significant increase in floorspace and volume in comparison to existing golf buildings on site, in fact more than double the floorspace and volume that exists on site. The proposed replacement golf buildings would include additional uses, would introduce built development in different parts of the site and would be significantly and demonstrably larger than the buildings they are replacing. Therefore the proposed replacement golf development would have a significant impact upon the openness of the Green Belt, contrary to policy PMD6 and paragraph 145 of the NPPF
- 6.21 Policy PMD6 and paragraph 145 of the NPPF do not refer to replacement infrastructure and therefore no objections a reconfigured main car park which would be similar in size to the existing car park, and no objections are raised to the replacement of the existing 9 hole golf course with a 6 hole quick play golf course.

New Development

- 6.22 The new development on the site would consist of the creation of the creation of a new health led community including extra care dwellings, close care dwellings key worker dwellings and a care home, along with a new golf academy (tuition areas and function space for 150 guests) and supporting infrastructure.
- 6.23 Policy PMD6 (part 6) and paragraph 145 (g) of the NPPF both allow for limited infilling and partial or complete redevelopment of a previously developed land. However, as stated above not all of the golf course is considered as previously developed land and it is clear that the amount of proposed new development would not 'be limited infilling' but completely new development and for this reason there are no policy 'exceptions' applicable. As such, and as stated in paragraph 143 of the NPPF the

proposed development would be *'inappropriate development'*, which is by definition, *'harmful to the Green Belt and should not be approved except in very special circumstances'*.

Conclusion for this section

- 6.24 In summary the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt and contrary to policy PMD6 and paragraph 143 of the NPPF.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- 6.25 Having assessed the proposed development as inappropriate development in the Green Belt the next step is to consider the impact of the proposal upon the open nature of the Green Belt and the purposes of including land within it.
- 6.26 Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
- 6.27 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.
- 6.28 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.29 The site occupies a relatively isolated position in the Borough, with only a ribbon of built development close-by, along Lower Dunton Road, and the current building operations at the Little Malgraves site. The site is distant from the modest settlements of Bulphan and Horndon on the Hill. The proposals would spread the existing extent of built development (located on the western side Lower Dunton Road

between the South Hill and Old Church Hill junctions) further into this part of the Green Belt.

- 6.30 This would result in an amount of 'sprawl' which would be harmful to a degree and is therefore inappropriate development in the Green Belt. However, as the NPPF refers to 'large built up areas' it is considered on balance that the proposals would be unlikely to significantly impact upon this 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

- 6.31 The site forms part of an area of Green Belt which separates the built-up areas of Stanford-le-Hope / Corringham (in the south) and Langdon Hills / Laindon (in the north). The site forms only a small part of the Green Belt 'corridor' separating the two settlements. Nevertheless, the development proposals would not result in neighbouring towns from merging into one another.

c. to assist in safeguarding the countryside from encroachment

- 6.32 Existing development is limited primarily to a small number of farmsteads around the perimeter of this land parcel and a loose cluster of development within a smaller scale landscape on the north side of Horndon-on-the-Hill. Any significant development within this parcel is likely to represent significant encroachment into open countryside. This site has a distinct perception of openness with open and extensive views to the north and west as the topography reduces in height. The site has well defined boundaries through a natural hedge to the eastern boundary with Lower Dunton Road.
- 6.33 This type of area is fundamental to assisting in safeguarding the countryside from encroachment. Therefore the proposal would conflict this purpose.

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

- 6.34 The proposal would not conflict with this defined purpose of the Green Belt for this location.

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

- 6.35 The existing golf club covers a large site and is distant from existing urban areas but as the proposed health-led community with residential properties and a care home could be accommodated within an urban area there is no spatial imperative why

Green Belt land is required to accommodate these elements of the proposals, so this would lead to some conflict with this purpose.

Conclusion for this section

- 6.36 In light of the above analysis, the proposal would be fundamentally contrary to point (c) and partly contrary to point (e) as it would lead to significant development within the Green Belt which would have an adverse impact upon the openness of the Green Belt and would fail *'to assist in safeguarding the countryside from encroachment'*, contrary to paragraph 134 of the NPPF, and policies CSSP4 and PMD6.
3. Whether the harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the Very Special Circumstances necessary to justify the development
- 6.37 Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities *'should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 6.38 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. Some interpretation of very special circumstances has been provided by the Courts and this includes the rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt should not be accepted. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision taker.
- 6.39 The applicant's Planning Statement sets out the applicant's case for very special circumstances under the following headings:

1. The Role Of The Application Site In The Green Belt;
2. Use Of Previously Developed Land;
3. The Suitability Of The Site And Lack Of Alternative Sites;
4. Positively Responding To An Ageing Population In Thurrock;
5. Meeting Specific Housing Needs;
6. Delivery Of Healthcare And Wellbeing Improvements;
7. Ability To Positively Contribute Towards Housing Land Supply;
8. Improving The Sport And Leisure Offer For Thurrock;
9. Increasing Participation Levels in Sport;
10. The Provision Of New Employment Opportunities;
11. Maintaining Momentum And Delivery Of Regeneration With The Thames Gateway; and,
12. Sustainability and Socio-Economic Benefits.

6.40 The following section references the applicant's very special circumstances as summarised from the applicant's Planning Statement and they are assessed through the 'consideration' comments which follow.

1. *The Role Of The Application Site In The Green Belt;*

6.41 The applicant refers to recognition of development in the Green Belt being required through the adopted and emerging local plans and makes reference to the five purposes of including land in a Green Belt as set out at paragraph 134 of the NPPF.

6.42 The applicant's response to the five purposes of the green belt is stated below:

- *The application site is positioned adjacent to a ribbon of built development along Lower Dunton Road, approximately 1.3 miles to the north of Horndon-on-the-Hill. Therefore, the development of the site will not result in unrestricted sprawl of large built-up areas, or indeed the merging of Horndon-on-the-Hill into either Bulphan (1.9 miles to the north-west), or Langdon Hills (1.5 miles to the north). Horndon-on-the-Hill is a small-scale settlement with a population of approximately 1,600 people. The nearest large, built-up settlements are Stanford-le-Hope (to the south) and Langdon Hills (to the north).*
- *The development does not actively contribute to the setting and special character of Horndon on the Hill but could encourage greater use of the historic town centre by future residents, thereby increasing its vitality and viability. Moreover, it would introduce new areas of publicly accessible spaces and high-quality landscaping, making a greater contribution to the setting and special character of the settlement than the existing use of the site.*
- *The lack of development opportunities in Horndon-on-the-Hill and Bulphan resulting from a tightly drawn Green Belt boundary restricts any regeneration*

opportunities. When considering the adopted and emerging plans both acknowledge Green Belt development is required in Thurrock, it indicates the recycling of derelict and urban land has already been undertaken as far as possible.

Consideration:

- 6.43 Policies CSSP4 and PMD4 of the adopted Core Strategy sets out the Green Belt policies for the Borough and paragraph 5.4 of this report sets out the latest position with the emerging Local Plan which through the Issues and Options (Stage 2 Spatial Options and Sites) document identifies a range of options for future growth in the Borough including the release of Green Belt land.
- 6.44 Analysis under each of the five purposes of the Green Belt is provided above and accordingly, the proposals would be contrary to purpose (c) - to assist in safeguarding the countryside from encroachment), and partly contrary to point (e) – to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. For these reasons the proposal would lead to significant development within the Green Belt which would have an adverse impact upon the openness of the Green Belt. The applicant's case under this heading is not a very special circumstance but application of national planning policy and therefore should be afforded no weight.

2. Use Of Previously Developed Land;

- 6.45 The applicant considers the site constitutes previously developed land and refers to the NPPF encouraging use of previously developed land where suitable opportunities exist. It is stated that both the adopted and emerging Thurrock Local Plans acknowledge that Green Belt development will be required and therefore significant weight should be given to the use of previously development in the Green Belt.

Consideration:

- 6.46 It is considered that the previously developed land on this site can only apply to the locations occupied by permanent development. The definition allows for the curtilage of the developed land but this would not include the entire golf course or undeveloped areas of the golf course to be considered as previously developed land. As majority of the proposed development is new build development on land that has not been previously developed land, as defined by the NPPF definition, no weight can be given to this as a very special circumstance.

3. The Suitability Of The Site And Lack Of Alternative Sites;

- 6.47 The applicant considers the upgrading of the golf and country club alongside the provision of the health-led community village as intrinsically linked with the benefit of shared facilities and resources so they are not delivered in isolation of each other. It is stated that this location would also benefit from the new hospice under construction 330m to the east of the site.
- 6.48 The applicant has considered four other golf courses in Thurrock, which are Belhus Park Golf Course, Orsett Golf Club, Mardyke Valley Golf Club and St Clare's Hall Golf Centre. All of these alternative sites were discounted for a number of reasons including ownership and because they only offer an 18 hole course.

Consideration:

- 6.49 It is recognised that all golf facilities in Thurrock are located within the Green Belt but this would be expected within a Green Belt authority so close to London. The four alternative golf clubs have been discounted but it must be recognised that the applicant has no ownership/control of those alternative courses and has only recently purchased the application site. It is not clear whether the applicant discounted those golf courses when considering the purchase of the application site but no information has been presented to clarify this.
- 6.50 Given the quantum of proposed development the impact upon the openness of the Green Belt is significant and this site is not suitable for the proposed development, in this location.
- 6.51 The information does not present a 'very special circumstance' to the suitability of this site. Reference is made to the proximity of the nearby Hospice under construction but the Hospice facility is not linked to this development and is only a 6-bedroom hospice designed to meet an existing need within the Borough development. There are no other reasons for developing this site and given its isolated and remote location it is considered an unsustainable location and therefore not suitable for inclusion of a health-led community village.
- 6.52 The proposed development would be a unique type of use (golfing facilities and health village). The emerging Local Plan would plan for all house types to meet the needs of the demographics across the Borough. Under the current Core Strategy there are no sites identified specifically for this type of use and therefore any alternative sites would be windfall sites. Any such alternatives should be located within the existing urban areas of Thurrock so they are close to amenities and services.

6.53 On the basis there are no alternative sites available only limited weight can be given to this 'very special circumstance'.

4. Positively Responding To An Ageing Population In Thurrock;

6.54 The applicant refers to various documentation relating to Thurrock's ageing population.

6.55 Firstly, paragraph 3.8 of the Core Strategy states: '*the proportion of people aged over 65 will increase by 13,800 people (a 71% increase) and people aged over 85 will more than double, increasing by 3,100 people (a 141% increase)*', over the plan period of 2011 to 2026. Secondly, the Strategic Plan for NHS Thurrock Clinic Commissioning Group confirms that the group aged over 85 is expected to double over the next 20 years. Thirdly, the Council's emerging Local Plan through the Issues and Options Stage 2 process recognises the need for all types of accommodation options for older people with estimated growth of 450 persons needing communal establishments. Fourthly, the Office of National Statistics (ONS) identifies the population growth for Thurrock would increase by 20% from 168,000 in 2016 to 209,200 by 2041.

6.56 In addition to growth, the population is ageing, and there currently 41,544 residents in Thurrock aged 55 and over. The 2016-based population projections indicate that the population in this age cohort is expected to increase to 63,300 by 2041, which represents a 52% increase. There are projected to be an additional 8,900 residents aged 75+ by 2041, representing an 89% increase.

6.57 The applicant refers to paragraph 61 of the NPPF which identifies the need to plan for a mix of housing with the PPG identifying the need for older person's homes as critical.

6.58 The applicant's Elderly Needs Assessment outlines that there is no existing leasehold extra care housing within Thurrock or the wider catchment area, and this identifies a significant tenure imbalance within the existing provision. Other research sources indicates that many older people wish to downsize or move to more appropriate accommodation, wanting lower maintenance, easier accessibility a smaller garden and being located near amenities.

Consideration:

6.59 It is recognised that Thurrock, like the rest of the country, has an ageing population. Reference is made to the research sources looking at the reasons why older people may choose to move to this type of accommodation. It is noted that the applicant's

intention is to create a health village where residents can form a community and use the proposed facilities. Given the generous size floorspace in the proposed accommodation it could be argued that these dwellings would not necessarily result in downsizing and there are no details provided to indicate that these units would be affordable or suitable to the people of Thurrock.

- 6.60 The principle of increasing the supply of housing for the elderly is recognised but for the Borough's specific needs to be met such accommodation would need to be suitable in all respects, including location and this application is not considered to be located in a suitable location and therefore only limited weight can be afforded to this very special circumstance.

5. Meeting Specific Housing Needs:

- 6.61 The applicant makes reference to the need for suitable purpose built housing which includes an element of care and that the proposed development would provide this type of housing product. It is also stated that there is a growing need for this in Thurrock, along with the need for a dementia care home. Reference is made to the positive feedback and support for the development from the pre-application community engagement.
- 6.62 Reference is made to the NHS Thurrock CCG's Operational Plan 2016-17 commitment to improve delivery and access of seamless integrated end of life services. The aim of this plan is avoid time spent in hospitals if more integrated care can be provided in the community.
- 6.63 Reference is made to two appeals for similar developments within Green Belt locations at West Malling in Kent, and Chester, where a Planning Inspector gave consideration to the need for specialist care housing.

Consideration:

- 6.64 Other than the key worker apartments, all house types, apartment types, and the proposed care home subject to this application have been applied for on the basis that they fall within Use Class C2 and not Use Class C3 of the Town and Country Planning (Use Classes) Order (1987) (as amended) (UCO). The Use Classes Order defines the two different uses as follows:

Class C2. Residential institutions –

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

‘Care’ is defined in Article 2 of the UCO as:

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

Class C3. Dwellinghouses - Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

6.65 The need to provide a mix of dwelling types, size and tenure is recognised through policy CSTP1, although this policy does not specifically refer to the terms of ‘extra care’ housing or ‘close care’ housing as referred to in this application as such concepts are more recent terminology. The NPFF is silent on such uses but the PPG includes a section on ‘Housing for older and disabled people’, although the guidance leaves it for a local planning authority to consider which use class case a particular development may fall within.

6.66 The application refers to ‘extra care’, ‘close care’ and ‘care home’. The ‘care home’ would fall within the C2 use class definition. The two other definitions are not so clear. ‘Extra care’ is referred to in paragraph 14 of the PPG ‘Housing for older and disabled people’ and is defined as a form of development which:

‘usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses’.

6.67 The HousingCare Organisation website defines ‘extra care’ as follows:

‘Extra Care Housing is housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. People who live

in Extra Care Housing have their own self contained homes, their own front doors and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. It comes in many built forms, including blocks of flats, bungalow estates and retirement villages. It is a popular choice among older people because it can sometimes provide an alternative to a care home. In addition to the communal facilities often found in sheltered housing (residents' lounge, guest suite, laundry), Extra Care often includes a restaurant or dining room, health & fitness facilities, hobby rooms and even computer rooms. Domestic support and personal care are available, usually provided by on-site staff'.

- 6.68 There is no definition provided for 'close care' in planning legislation/guidance. The HousingCare Organisation website defines as follows:

'Close Care schemes are a relatively new concept and consist of independent flats or bungalows built on the same site as a care home. Residents often have some services (such as cleaning) included in their service charge and other services can be purchased from the care home'.

- 6.69 For the application it is therefore necessary to consider and assess each residential element of the proposed development.
- 6.70 The dementia care home would fall within a C2 use class as the information demonstrates a range of facilities within the building that show there be would a need for care and therefore this would fall within a 'residential institution' use. However, the Council's Public Health Officer/Programme Manager For Health & Social Care identifies that there is a requirement that the care home is registered with the Care Quality Commission (CQC) and no information is stated within the application to demonstrate the proposed care home would be registered with the CQC.
- 6.71 The proposed 'extra care' and 'close care' uses are all designed and laid out for independent living and would appear as dwellings within a C3 use class.
- 6.72 The 'close care' apartments would be located in one single building. Within the building there would be self-contained two bedroom flats with a bathroom, living room and kitchen allowing for independent living. The only communal areas would be the first floor lounge and café use with a kitchen, which appears related to the café use, and the second floor bar area. It is recognised that there would be a reception area and a staff room/changing areas. The plans show only one lift to serve the 30 upper floor units. These 'close care' apartments would appear as a C3 use given the degree of independent living and lack of identified care. Externally there would be green spaces around the building, although these do not appear as communal amenity spaces but incidental landscaping.

- 6.73 The 'extra care' apartments are laid out as self-contained dwellings with bedrooms, bathrooms, lounge room, dining area and kitchens. Some of the units they would be accessed from their own front entrance doors. The internal layout of one of the apartment types (type 2) would have no lift access to a third floor bedroom and office room, so no internal arrangements to access all floors for those in need of care and wheelchair access. The applicant these 'extra care' apartments would be leasehold properties. The units do not accord with paragraph 64 of the NPPF which for exemptions to affordable housing provision require '*specialist accommodation for a group for people with specific needs*' (such as purpose built accommodation for the elderly or students). They would appear as dwellings and would therefore appear to be a C3 use.
- 6.74 The 'extra care' homes would be detached buildings with their own front and rear gardens and parking areas. The internal layout of one house type (type 3) includes a first floor but with no lift provided, only space for a lift, so no access to all floors for those in need of a high level of care. The applicant explains that the 'extra care' homes would be sold as freehold properties. These units would be located remote from facilities that are usually physically integral to C2 uses and would be accessed in the open from a considerable distance making the communal facilities difficult to access. They would appear as dwellings as a C3 use and therefore lack the features of a C2 use and therefore a s106 restriction cannot restrict to use for C2 purposes.
- 6.75 For both 'extra care' uses the HousingCare Organisation identifies that communal facilities would include residents lounge, guest suite and laundry facilities but none of these uses are proposed within the development.
- 6.76 In regard to paragraph 14 of the PPG's 'Housing for older and disabled people' and its definition of 'extra care', it has not been demonstrated that the proposal would provide 'medium to high levels of care', when considered with the basic care packaged offered through the planning obligations. Reference has been made to a proposed care agency but it has not been demonstrated that this care agency would operate on this site or that it has been signed up to the site. There are no details about meal provision other than the occupiers can visit the restaurant facilities to be provided in the proposed clubhouse, which would not be accessible to anyone with 'medium to high levels of care', who are likely to require meals delivered to their homes. The proposal has not demonstrated compliance with paragraph 14 of the PPG's 'Housing for older and disabled people'
- 6.77 Turning to the facilities to be offered, the proposed health-led community village has been designed around using the replacement golf clubhouse as communal facilities for the occupiers. However, the replacement golf clubhouse has been designed to

cater for multiple uses and purposes, which include providing facilities for occupiers but also for golf club members and with some uses open to the general public.

- 6.78 Therefore the communal facilities are not bespoke uses solely for the occupiers of these homes/apartments, which would be expected for C2 facilities. The facilities to be provided would include a health spa, reception area, restaurant areas, bar areas, function areas (for 250 guests), a professional golf shop, shop/pharmacy, doctors consulting room, beauty room, a gym, a swimming pool, cinema, changing rooms, office space, golf buggy store, kitchens and food preparation areas along with other necessary ancillary areas. These services are designed more for leisure and recreational uses rather than for personal care and medical care needs.
- 6.79 The applicant proposes a number of planning obligations including provision of a basic care package included as a service charge. This would include the use of technology to monitor occupiers remotely by the health workers, although it is not clear how many healthcare workers would be on site. The application forms refer to 160 employees but do not define where these workers would be employed and there are only 4 onsite apartments for 'key workers' which are assumed are for healthcare professionals.
- 6.80 Technology would be used for monitoring but also for achieving 'health' goals which does not imply care but more designed around personal achievement. It is not clear if the golf clubhouse would be open 24 hours a day 7 days week and run by specialist trained staff for elderly care. It is stated at least 1.5 hours of personal care support would be each week but it is not clear how this would work. A resident's lounge which would be used for consultations would also used for events and private use so this does not imply dedication for care.
- 6.81 Membership to the golf club is offered at discounted rate for the first year but this is for leisure purposes and not care. The basic package comprises significant monitoring, security and connecting, but does not seem to deliver any actual personal care such as meals to each home, getting patients out of bed, washed and dressed; instead the service is more reactive. From this information there are elements of the proposed development that are not clear and information that indicates elements of leisure and recreational uses rather than care needs.
- 6.82 Within the planning obligations is a restriction on use and requiring an occupier to be at least 55 years old, such an age requirement does not indicate a need for care, the occupier should already be in need of care to meet the requirements to qualify for one of the units of accommodation rather than living on site in case they need care in the future. The applicant's needs assessment identifies the need for extra care units is for people aged 75 and above not 55 years old, and then identifies the need

for extra care beds and not individual self contained homes so is inconsistent with the application details.

- 6.83 From the consultation process the Council's Public Health Officer has raised similar points and does not consider the 'extra care' and 'close care' units to be C2 uses.
- 6.84 With regard to specific housing needs the South Essex Strategic Housing Marketing Assessment (SHMA) (2016 and 2017 Addendum) identifies the need for increased housing for older persons between 2014-2037 across South Essex. From the SHMA it is recognised that the Borough has a growing older person's population and that there are needs for different types of housing. Paragraph 8.42 of the SHMA identifies this change in older age groups between 2017-2037. Paragraph 8.45 identifies the types of specialist accommodation for older people including sheltered housing, extra care housing and care homes. Specifically for Thurrock, table 5.6 of the SHMA identifies the need for 220 extra units between 2014 - 2037. The proposed development would provide 132 extra care units and would therefore provide more than half of the extra care accommodation identified for this time period.
- 6.85 Although still in the plan preparation stage the emerging Local Plan will look to identify policies and potential sites for all types of accommodation to meeting needs of the Borough's ageing population so opportunities for provision of accommodation to meet existing housing needs shall need to be considered favourably and the 132 extra care units would contribution to the specialist housing need provision.
- 6.86 The Council's Public Health Officer in responding to the planning consultation considers that the proposal has not sufficiently demonstrated a local need for this type of speciality housing in this location, which would require significant financial commitment from residents, and no financial information has been provided to understand the affordability of the development. It is therefore not clear how this development would be affordable to the people of Thurrock
- 6.87 Policy CSTP2 seeks to achieve 35% of new housing development to be allocated for affordable housing which can include affordable elderly units. Therefore the proposed homes and apartments can provide affordable housing. The Council Housing Officer advises that the location is likely to be unattractive to a registered provider and it is therefore suggested that on site provision is unlikely to be suitable and that a Payment in Lieu for the purposes of affordable housing appears to be the most appropriate approach.
- 6.88 Paragraph 64 of the NPPF advises that specialist accommodation for groups of people with specific needs (such as purpose-built accommodation for the elderly or students) are exempt from affordable home ownership. However, it does not appear

that the development is 'purpose built' for care uses and it would not fall within any exemption based on the details stated above in regard to design of the units, layout, distance to facilities and the use of leisure facilities forming a main part of the care package. Therefore more affordable housing than offered with the 4 'key worker' units would be required and based on the advice of the Council's Housing Officer this would need to be secured as an off site contribution given the site's remote and unsustainable location. It is not clear how the 'key worker units' would fall within the definition of affordable housing within the NPPF as it is implied that this is for healthcare workers rather than those registered with the Council/a registered provider.

- 6.89 Under this heading specific housing needs it has not been demonstrated that the proposed residential development would fall within a C2 use class of the Town and Country Planning (Use Classes) Order 1987 due to the siting, layout and provision of the units of accommodation and apartment blocks; the remoteness, distance and access to on site facilities; the inadequacy and/or lack of purpose built care facilities and dedicated services in favour of general needs leisure related facilities at the redeveloped club house. In addition there is a lack of evidence of personal care provision within the proposed planning obligations, insufficient information regarding assessment of C2 need for care; the proposed low age restriction; lack of information to understand the affordability of the development and the lack of information to demonstrate a local need for the type and scale of accommodation proposed and the need to provide elderly care accommodation at a golf course. For these reasons only limited weight can be given to this very special circumstance.

6. Delivery Of Healthcare And Wellbeing Improvements:

- 6.90 The applicant considers that the health-led community village linked with high quality sports and leisure would offer would significant benefits to the health and wellbeing of future residents. It is stated that the clubhouse would support opportunities for social interaction and some of the facilities would be open to the general public. Reference is made to the provision and benefits of on-site care including a doctors consulting room, although not shown on the plans, and an allowance for a pharmacy, the use of high level of technology to be integrated into the homes on site, the benefit of having 24 hour on emergency care and on site security.
- 6.91 Reference is made to the feedback provided received from the applicant's pre-application public consultation with the Statement of Community Engagement demonstrating support for the proposed facilities in the club house and health spa.

6.92 The nearby hospice development at Malgraves Farm is referenced along with the wellness centre at the Former Harrow Inn site with the potential for grouping these health facilities in this location of the Borough.

Consideration:

6.93 For residents living on site there would be wellbeing benefits from living close to the proposed clubhouse with its associated facilities and the golf course. However, the proposed uses are not solely for the residents but existing and future members of the golf course so would be shared facilities.

6.94 Reference is made to the provision and benefits on-site but the proposal would require residents to register at the local GP surgery which is in Horndon on the Hill and is distant from the site, requiring use of vehicles to access this facility. The NHS have stated that they require a collaboration agreement with the local surgery to manage the healthcare needs but no details have been provided. The NHS have also raised questions over whether the site would rely on support from the local GP surgery and other health care providers. The applicant has confirmed that they are agreeable to working closely with the NHS but no further information or written agreements with the NHS have been provided to demonstrate how this would work.

6.95 It is recognised through proposed planning obligations that care packages would be offered to residents and that residents would need to have a health assessment for living on site. However, the planning obligations cannot alter the unsuitability of this site including its layout, physical separate and distance to facilities. It is also stated that the use of technology would assist residents in the everyday life on site, however, technology can already be used in existing housing stock to provide assistance to residents in need of care. The proposed dwellings would be purposely built to provide accommodation on one level and would allow for wheelchair/mobility access, although the 'extra care' apartments and house type with first floor accommodation would have no or limited lift facilities.

6.96 The Council's Public Health and Programme Manager considers the level of community consultation insufficient to demonstrate local support for the proposal as any new model for older person's housing aspirations would need to include research and consultation with older people in the borough.

6.97 The hospice at Malgraves is only a small hospice providing 6 bedrooms and the Wellness Centre in Bulphan is a private club. Both these uses are located in rural countryside locations in Thurrock's Green Belt and are both isolated and unsustainable locations requiring access by private vehicle. The hospice at

Malgraves formed part of an enabling development proposal and policy CSTP11 supported the principle provision of a hospice.

- 6.98 Under this heading it is considered that limited weight can be given to this very special circumstance as the facilities would not be adequately integrated into the development, the proposed relationship with the NHS has not been clearly identified and not of all the proposed accommodation provides lift facilities to all floors.

7. Ability To Positively Contribute Towards Housing Land Supply:

- 6.99 The applicant considers the benefits of older people downsizing can free up existing housing stock. The applicant references that approximately 120 large three bedroom and 60 other large types of family sized accommodation are likely to be released as a result of people downsizing and moving to the proposed health village. Reference is made to the SHMA and the need for 42% 3 bedroom homes and 18% for 4 bedroom homes.
- 6.100 In terms of housing delivery it is stated that only 88% of the required housing has been delivered in Thurrock over the past 3 years and that housing targets for completions have not been met in the past decade. Therefore the applicant considers the release of 180 units as a result of older people downsizing would help the local housing market.
- 6.101 It is stated that ensuring that the Borough has adequate supply of housing is a key policy requirement of the NPPF and that the Council has to maintain a 5 year housing land supply of available, suitable and achievable sites. However, it is stated that Thurrock has been under achieving its housing targets. The SHMA for South Essex (May 2016) identifies that the objectively assessed housing needs in Thurrock range between 919 to 973 dwellings per annum for the period 2014-2037. The Council's latest Five Year Housing Land Supply Position Statement (July 2016) identifies a supply of between 2.5 to 2.7 years when compared to the housing requirement.
- 6.102 In terms of the weighting to be attributed to this very special circumstance reference is made to the planning appeal at Little Thurrock Marshes (15/01534/OUT) where the Planning Inspector affording 'significant weight' to this very special circumstance. Reference is also made to the fact the former PPG guidance, which stated '*Unmet housing need (including for traveller sites) 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*', is no longer translated into the current revised NPPF/PPG.

Consideration:

- 6.103 The issue of housing land supply has been considered by the Committee regularly including planning applications within the Green Belt.
- 6.104 The adopted Core Strategy 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.
- 6.105 The future level of housing supply is being considered through the preparation work for the new Local Plan and it is inevitable that the housing needs of the Borough will increase as a result, based on future demographic predictions for the Borough.
- 6.106 As identified above the Council's latest Five Year Housing Land Supply Position Statement (July 2016) identifies a supply of between 2.5 to 2.7 years when compared to the housing requirement.
- 6.107 It is recognised that the proposal may have the potential to 'free up' existing housing stock in Thurrock but that is dependent upon existing residents within the Borough moving to the application site, and affordability will be a factor in this. If residents from outside the Borough move into this site then the number of houses 'freed up' by the development would be much less.
- 6.108 Reference is made to the SHMA and the need for 42% 3 bedroom homes and 18% for 4 bedroom homes in the Borough. However, there have been a number of applications for larger developments including 3 and 4 bedroom units within the Green Belt and the SHMA predates some of these planning permissions, such as the 80 dwellings (all 3 and 4 bedroom units) at Little Malgraves Farm close to the site, which was granted planning permission in June 2018. This site and other sites would have a reducing impact upon the percentages stated in the SHMA.
- 6.109 Reference is made to the Little Thurrock Marshes site where 'significant weight' was afforded to that proposal, however, that appeal was still dismissed as a result of its impact upon the Green Belt.
- 6.110 The housing land supply consideration is consistently considered to carry significant weight as a very special circumstance in planning applications within the Borough.

8. *Improving The Sport And Leisure Offer For Thurrock;*

- 6.111 Reference is made to paragraphs 28, 91 and 97 within chapter 8 *'Promoting healthy and safe communities'* of the NPPF, which, as national policy promotes the retention and development of sports venues and sports facilities. Within chapter 13 *'Protecting Green Belt land'* of the NPPF reference is made to paragraph 145 which refers to exceptions for new development in the Green Belt, which includes outdoor sport and recreation.
- 6.112 In terms of local planning policy reference is made to policy CSTP9 (Wellbeing: Leisure and Sports) with leisure and sports facilities playing an important role in improving the wellbeing of the community, and the evidence based documents to the Core Strategy, which explain that football and golf are the most popular sports in Thurrock, and participation levels for golf are higher on average in Thurrock than across the country.
- 6.113 The Sport England *'Towards an Active Nation 2016 – 2021'* is referred to which seeks to *'increase the number of people that participate in sport and activities'*.
- 6.114 The applicant's Golf Enhancement Statement has assessed the existing golfing facilities within the Borough. There are five golf courses in Thurrock and these include:

Course	Course information
Belhus Park Golf and Country Club	A council owned community facility with an 18 hole course that extends over 46 acres
Orsett Golf Club	An 18 hole golf course with function rooms available for members to hire
Clere Hall Golf Club	A 9 hole golf course and driving range, previously was an 18 golf hole course. Footgolf is also offered
Mardyke Valley Golf Club	An 18 hole golf course with function room for hire
Langdon Hills Golf Course	A 27 hole golf course (18 hole and 9 hole courses)

- 6.115 The applicant's Golf Enhancement Statement explains that the practice facilities at the Langdon Hills Golf and Country Club are basic, the club lacks a shorter, quicker and less intimidating course which impacts upon participation rates.
- 6.116 The proposed improvements to the golf club including the new clubhouse, new golf academy, reconfigured golf course facilities and enhance golf course maintenance facilities, which the agent explains would accord with policy CSTP9 and paragraph 91 of the NPPF.

6.117 The applicant makes reference to a recent appeal decision (Edgewarebury Farm, Edgeware) where a golf course was permitted within the Green Belt which accorded with the 'exceptions' set out in paragraph 145 of the NPPF, which allows for outdoor sports on proviso that the facilities preserved the openness of the Green Belt and do not conflict with the purpose of these of including land within it.

Consideration:

6.118 The principle of revised or improved golfing facilities is supported in general terms through policies CSTP9 (Well-being: Leisure and Sports) and PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities), along with the referenced paragraphs of the NPPF within chapter 8 '*Promoting healthy and safe communities*'. It is noted that Sport England have no objections to the new and enhanced golf facilities.

6.119 However, improvements to the golf facilities at this site need to be assessed with the Green Belt criteria of the NPPF and policy PMD6. As set out in section 1 of the assessment section of the report the proposed replacement golf buildings would include additional uses, would introduce built development in different parts of the site and would be 'materially larger' than the buildings they are replacing. Therefore the proposed golf development, would have a significant impact upon the openness of the Green Belt, contrary to policy PMD6 and paragraph 145 of the NPPF.

6.120 It should also be noted that only the proposed clubhouse would be provided as part of the improved golf club facilities through the full planning application with the proposed new golf academy, a new quick play golf course and a new redesigned green keepers building all forming part of the outline part of this application, and therefore a separate reserved matters application would need to be provided in the future to approve the layout, scale, appearance and landscaping of these elements of the proposal. Therefore, other than replacement clubhouse, the proposed golfing facilities would be delivered at a later stage of the development after the health-led community village.

6.121 The reference to the appeal decision in Edgeware is to demonstrate that paragraph 145 of the NPPF can apply to golf course development under the exceptions test, which for that appeal would have been complete redevelopment of that site. The plans from the appeal show that the Edgeware site only included the clubhouse building and significantly much less development than proposed with this application.

6.122 As stated above the principle of revised or improved sporting facilities is supported through policy but for this site consideration also needs to be given to Green Belt

policy considerations and therefore only limited weight is given to this very special circumstance given the scale and quantum of the proposed golfing facilities.

9. Increasing Participation Levels in Sport

- 6.123 Reference is made to the need for increasing participation levels in golf. The applicant's consultants have advised that nationally golf clubs need to respond to consumer habits and it is necessary for clubs to evolve to remain operational. They advise that golf participation levels are in decline and the reasons for this include: the time it takes to play golf, level of skill required, cost of the sport, inflexible membership packages, lack of academies, golf clubs lacking investment and are outdated, lack of on site facilities to entertain the wider family, and the sport has been slow at embracing technology.
- 6.124 Specifically Langdon Hills Golf and Country Club has 528 members but a lack of junior members and the average age of a golf club member is 60. The proposal therefore seeks to widen membership and link with the proposed health-led community village. Under this heading a list of health benefits are stated along with further information regarding the new clubhouse, academy and greenkeepers spaces.
- 6.125 Reference is made to the need to cater for non-active golf members to include facilities such as swimming, sauna, steam room, aromatherapy, a gym and various fitness classes, and outdoor bowls. The intention is to create more family orientated facilities for leisure and sporting uses and include child care provision. It is stated that many of the existing activities are tailored for those aged over 55 years old. Under this heading reference is made to data from Sport England showing that people within Thurrock are less active than those in Essex and England.
- 6.126 The applicant makes reference to the Council's Active Place Strategy Update in December 2016 which reported that swimming pools in Thurrock are at capacity in the peak periods and that existing swimming pools are dated and in need of modernisation. The applicant states that the proposal would include gym membership with a basic package with access to swimming as an alternative to using Blackshots Leisure Centre and Corringham Leisure Centre.
- 6.127 An on site outdoor bowls facility is proposed within the health-led community village which is designed to meet increased demand over the next plan period.

Consideration:

- 6.128 Comments raised in regard to the improvement to golf offer on site are noted and following consultation with Sport England there were no objections raised to providing new and enhanced golf facilities or the proposed health spa facilities.
- 6.129 It is recognised through the Council's Active Place Strategy that improvements are required to existing swimming pool facilities but it is unclear from application how the proposed swimming pool could offer an alternative to the Blackshots Leisure Centre and Corringham Leisure Centre facilities given the golf club is a private members facility and is not a public facility. Reference is made to a basic gym membership that can include swimming but no details of the costs have been provided to understand if this is affordable to the residents of Thurrock. Furthermore this site's location in the countryside and not accessible by any form of public transport cannot offer a sustainable alternative to swimming pools at the Blackshots Leisure Centre and at the Corringham Leisure Centre.
- 6.130 The proposal includes an outdoor bowls facility but given its location within the centre of the health-led community village this would appear to be a facility for the residents of the health-led community village. Furthermore the consultation response from Sport England has stated that there is no additional need for bowling greens in Thurrock as existing facilities are underutilised and it would be preferable for existing facilities to be enhanced and clubs amalgamated. The Sport England response also states that there are no details of the design and layout of the facility for comment.
- 6.131 On the basis of the information provided only limited weight can be given to this very special circumstance.

10. The Provision Of New Employment Opportunities;

- 6.132 Reference is made to the Council's objectives in the Core Strategy for providing 26,000 new jobs between 2001 – 2016 and reference is made to policy CSSP2 which identifies clusters for job creation. It is stated the two largest clusters of job creation would be at Lakeside and DP World London Gateway Port but recognises the need for diversification of employment opportunities in the Borough.
- 6.133 The applicant states that there have been no notable leisure proposals in the Borough since the adoption of the Local Plan and data from the ONS states that only 1.3% of the workforce is employed in the arts, entertainment and recreational sector, which is below that for the East of England (2.4%) and the rest of the country (2.5%).
- 6.134 It is stated that the proposal would result in an increase in staff required for running the golfing facility through the creation of 160 full time jobs and protecting the current 30 full time jobs in the leisure sector. The construction phase would also create 335

jobs and support another 500 indirect jobs. The proposed planning obligations includes measures for using local employment for the construction and operational phase of the development. Reference is made to paragraph 80 of the NPPF which states:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

6.135 It is stated that the Council has applied significant planning weight to the provision of jobs in the Green Belt using the example of the Ponds Farm site in Purfleet, which is currently being built out, as a very special circumstance.

Consideration:

6.136 Whilst the general employment needs of the Borough are not disputed both references to the Lakeside Basin and the London Gateway are the largest predicted employment areas. Given the site's remote and rural location, which is distant from both these locations, the site is an unsustainable location to support the proposed levels of employment and would be contrary to the sustainability objectives of the NPPF.

6.137 It is recognised that the existing golf course facilities provides existing employment and improvement of the facilities would help retain and secure further employment at the site. However, for the unsustainability reasons set out in this report the creation of the health-led community village would provide employment in the wrong location, away from existing employment areas, towns and villages within the Borough.

6.138 The residential parts of the proposed development are aimed at those over 55 years old and with one of the residents requiring a certain level of care, as identified in the applicant's planning obligations. Given these restrictions it is unlikely that the proposed residential parts of the development would assist in providing future employment for residents. However, it is recognised that there would be future employment opportunities for care workers and those associated with the sporting and non-sporting employment roles within the proposed clubhouse.

6.139 Reference is made to the lack of leisure facilities coming forward since the adoption of the Core Strategy, however, a large leisure development at the Lakeside Shopping Centre was granted planning permission in 2014. Phase 1 of that development has been constructed and is now operational delivering circa 16,000m² of floorspace for

leisure and catering uses, and providing 520 direct jobs and 140 indirect jobs, in addition the construction jobs created for the implementation of the development.

- 6.140 The Ponds Farm site in Purfleet, which was formerly within the Green Belt in the previous Borough Local Plan was originally granted planning permission in June 2011 by the Development Corporation. That application was considered in February 2009 so pre-dates current Green Belt policy and the site was part of the then Aveley and South Ockendon Masterplan, was for a different type of development, and is located in a far more sustainable location than the application site. These considerations are therefore completely different to the current application.
- 6.141 The provision of employment can be considered as a very special circumstance but the weight attached to this considered is limited weight as the Core Strategy policies direct development to non-Green Belt locations in the Borough.

11. Maintaining Momentum And Delivery Of Regeneration With The Thames Gateway:

- 6.142 The applicant states that the Thames Gateway area remains a national growth area for the current Government. The applicant considers the Sustainable Communities Plan (2003) remains relevant and seeks a step change in development to create successful, thriving and inclusive communities. In addition, this area is identified for growth and investment within the South East Local Enterprise Partnership Strategic Economic Plan (2014). Reference is made to the unique set of circumstances that exist in Thurrock that mean the pace and scale of change needed exceeds many other parts of the country. The applicant makes reference to the Thames Estuary 2050 Growth Commission, which has been established.

Consideration:

- 6.143 In relation to the Sustainable Communities Plan published by the former Office of the Deputy Prime Minister (ODPM) in 2003 the Plan envisaged major growth in four areas of the south-east, including the Thames Gateway. (It is noted that this plan is nearly 20 years old) Page 52 of the Plan notes that the Thames Gateway area presents a huge opportunity due to its location close to London, its major transport links, the large concentration of brownfield sites and the potential to regenerate existing deprived communities. The Plan goes on to state:

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

6.144 Although the Thames Gateway zone clearly includes areas of Green Belt, the focus of the Plan is about urban renewal and regeneration of brownfield sites. References in the Sustainable Communities Plan to the term Green Belt are:

- a *“guarantee to protect green belt”* (p.4);
- to *“maintain and increase the amount of green belt land in the region”* (p.40);
- to *“maintain or increase the current area of land designated as green belt”* (p.44); and
- the use of *“green belt and countryside protection tools to maintain the openness of the countryside around areas of growth to prevent urban sprawl”*.

6.145 Consequently the Plan gives no support for growth in preference to the protection of the Green Belt. In these circumstances, and despite the designation of Thames Gateway as a national growth area, only very limited weight should be given to this matter in the overall balance of considerations.

12. Sustainability and Socio-Economic Benefits.

6.146 The applicant’s Economic Benefits Statement and the Health Impact Assessment identifies the socio-economic benefits arising from the delivery of the proposed development. It is stated the Planning Inspectorate has given considerable weight to social and economic benefits arising from specialist care housing in the Green belt, referencing the appeals at Chester and at West Malling which included ensuring the wellbeing of the elderly, reducing pressures on local community and health facilities, short and long term employment, freeing up market housing as a result of downsizing.

Consideration:

6.147 It is recognised that the socio-economic benefits of the development could provide a development creating a community for the elderly but it is unclear how pressures would be reduced on local community and health facilities without further details in response to the NHS requirements and in regards to affordability as the development would require a minimum care package which could be unaffordable for the people of Thurrock. As stated above it is recognised that there would be some new employment through the construction phase and operational phase, and that there could be some freeing up of market housing as a result of downsizing.

6.148 However, the site’s unsustainable location would result in an isolated community that can only be accessed by private vehicle use and would require residents to travel to

other locations for services and amenities as the golf clubhouse would not provide facilities to cater for everyone's needs. The two appeal decisions at West Malling and Chester are in very different locations in comparison to this site and the Inspector's for both appeals found those sites to be located in a sustainable/accessible locations.

6.149 For this very special circumstance only limited weight can be given to the socio-economic benefits given the site's location.

Summary of Very Special Circumstances

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

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	The role of the application site in the Green Belt	No Weight
Reduction in the openness of the Green Belt		Use of previously developed	No Weight
		The suitability of the site and lack of alternative sites	Limited Weight
		Positively responding to an ageing population in Thurrock	Limited Weight
		Meeting specific housing needs	Limited Weight
		Delivery of healthcare and wellbeing improvements	Limited Weight
		Ability to positively contribute towards housing land supply	Significant Weight
		Improving the sport and leisure offer for Thurrock	Limited Weight
		Increasing participation levels in Sport	Limited Weight
		The provision of new employment opportunities	Limited Weight
		Maintaining momentum and delivery of regeneration	Very Limited Weight

Planning Committee 13.02.2020	Application Reference: 19/01662/FUL
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		with the Thames Gateway	
		Sustainability and socio-economic benefits	Limited Weight

Conclusion to this section

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

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

6.152 Taking into account all Green Belt considerations and for the reasons explained the Very Special Circumstances would not outweigh the identified harm to the Green Belt through inappropriate development and the adverse impact that would result upon the openness of the Green Belt in this location.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.153 Policies CSTP22 and CSTP23 both seek to create high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings for various criteria.

6.154 In addition to policy the Thurrock Design Strategy, which seeks achieve high quality design within the Borough, was adopted in 2017 as a supplementary planning document and endorsed as a material consideration in the determination of planning applications. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:

- understanding the place;
- working with site features;
- making connections; and
- building in sustainability.

6.155 Chapter 12 of the NPPF as a benchmark to new development, through paragraph 124, requires *'the creation of high quality buildings and places'*. The PPG now

includes a National Design Guide which requires consideration to be given to ten characteristics: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

Site Context

6.156 The Design and Access Statement (DAS) refers to the site's context and land use history. The Statement includes a site constraints and opportunities appraisal which analyses the site's assets including the topography, the landscaped golf course, water features and cluster of centrally located buildings. The Statement suggests the site has few constraints with the main one being road traffic noise from Lower Dunton Road to the east of the site and an existing group of trees to the south eastern corner of the site.

Access

6.157 The proposed new (southern) vehicle access onto the Lower Dunton Road; this would be the second vehicle access into the site and is intended to serve the 64 bedroom care home and the 42 close care apartments. There is currently no opportunity for pedestrian access to and from the site this would require the construction of a pedestrian footway along the side of the road to link to the existing pedestrian footway along the eastern side of Lower Dunton Road but further to the south of the site. However, to implement this second access and any pedestrian links would require the removal of part of an existing hedgerow along the road which have an adverse impact upon the character and appearance of the area contrary to the policies identified above.

Layout

Extra Care Homes and Apartments

6.158 The proposed layout of the extra care homes and apartments would sprawl westwards from the close care apartments/care home and Lower Dunton Road. The proposed layout would appear to take a similar approach to a garden suburb with landscaping and trees planted to the front of houses along the internal roads into the site. Throughout the layout there are examples of buildings designed around a central square but this feature is a car parking area integrated with landscaping. Plots 62 and 63 would have rear gardens backing the Lower Dunton Road and this arrangement is poor and as stated in the noise section of this report could give rise to noise for future residents. Whilst the roadside hedge would offer some screening the boundary treatment plan indicates that the hedgerow would be removed and replaced by 1.8m high timber fencing changing the character of the streetscene.

Close Care and Dementia Care Home

- 6.159 The proposed layout of the care home and close care apartments would appear disjointed from the layout of extra care homes/apartments to the north and west as the close care apartment building would be inward looking and served by a new second vehicle access into the site, which would appear separated from the rest of the proposed health-led community village.
- 6.160 The internal layouts of the care home and close care apartments would be poor resulting in all rooms accessed from internal artificially lit corridors and the shared communal spaces are small, which reinforces the institutional nature of the building for those in long term care where the feeling of home and familiarity is essential. Future residents are likely to have mobility and other health issues, and the layout does not allow space for couples or family members to stay over, or live together to offer much needed support. The Council's Programme Manager states that this scheme does not reflect current thinking and best practice and would be unsuitable now and even more so in a future with an ageing population and rise in demand on care services.

Golf Proposal

- 6.161 The additional golf academy building and greenkeepers buildings would introduce more development into the western part of the site and would therefore change the rural character and appearance of this part of the site.

Overall layout

- 6.162 It is considered that the overall layout of the development is too segregated for its intended use, in particular the health-led community village would rely on the clubhouse facility for accessing its facilities but those facilities are distant from the extra care homes and apartments and an elderly person would struggle to walk the distance to use the facilities which gives rise to likelihood of on-site vehicle activity. Having considered other locations where extra care dwellings have been permitted they tend to be homes and apartments with all facilities centrally located or located within the block. The overall layout of the development including the golf facilities, clubhouse and health-led community village is to spread out across the site and therefore presents issues of accessibility for all, and issues with trying to assimilate a multiple use development. The proposed layout of the health-led community village development would therefore lead to the urbanisation of the south east part of the site and the golf proposals would introduce increased built development to the

western part of the site, both having an adverse impact upon the site and the surrounding countryside.

Amenity Space

- 6.163 Policy PMD2 requires new development to provide public and private amenity space in accordance with the adopted standards. The extra care homes would be acceptable in terms of amenity space provided. Similarly the extra care apartments would have balconies and the close care apartments would have communal grounds and the wider landscaped areas of the site for amenity benefits.

Scale/Height

- 6.164 The height of proposed development ranges between 5m to 13m and the majority of the buildings, the apartments, the close care and care home, and the buildings associated with the golf club are 2 or more storeys in height when their ridgelines (roof) are taken into account and will dominate this rural landscape and would become a suburban neighbourhood, out of character with the area.

Design/Visual Appearance

- 6.165 The style of architecture is of the Essex barn which is a type of building that works only as a small collection of buildings within a wider landscape, for example a farm, not in a scheme at this scale with the number of homes proposed. The proposals have too many materials with piece-meal massing, add-ons that appears as refurbished buildings rather than a well-considered new build. This does not demonstrate high quality architecture but rather an attempt to lessen the visual impact of large dominating buildings.
- 6.166 The proposed clubhouse is considerably larger than the existing clubhouse in both footprint and size and is based on Wentworth golf clubhouse, which is located in a completely different context to this application site. The architectural character has no relation to this sensitive context and is of a poor quality of design, the proposal is overly large and again dominates the landscape further in being at the top of a slope and would have a visual impact from afar.

Landscaping

- 6.167 The application includes a hard and soft landscaping strategy and an overall landscape masterplan. It is recognised that the proposed development would result in the planting of a number of trees but some of these trees would be planted in the front and back gardens of dwellings. The Council's Landscape and Ecology Advisor

considers the *'density of the proposed housing means that although tree planting is shown throughout much of the development the species choice will be restricted to smaller stock which is not typical of this rural location. Some of the illustrative planting such as along the southern and western boundaries of the close care apartments is shown as being about 5 metres from the buildings. This would lead to issues of likely excessive shading for the residents'*. For these reasons the proposal would not allow for landscaping to reflect the rural character of the site and the natural landscape of the Borough in this location.

Impact upon the area

- 6.168 The design has not taken sufficient account of the relationship of the site to the wider landscape of low lying fenland to the west and higher rolling farmed hills to east and north east. The Council's Urban Design Officer advises that the value of the Fen area and the rolling farmed hinterland has been recognised as a distinctive landscape character worthy of conservation. This area has also been identified by the Campaign for the Protection of Rural England as nationally significant area of tranquillity in the metropolitan Green Belt.
- 6.169 The proposed large buildings (including the houses) would significantly urbanise what is a rural landscape. The proposal is at the scale of a Garden Village, without the designation, nor the basic amenities that a village would provide for its residents. The proposal reduces the golf course in converting land used for sport and leisure to housing, with a significant increase in the size of the leisure facilities that are being expanded.

Conclusion to this section

- 6.170 Overall the proposed development would have a significant impact upon the site and the wider area as a result of the proposed quantum of development, its unsympathetic design and poor quality architecture, scale, piece-meal massing, layout, landscaping and use of materials. The quantity and large size of the proposed homes and enlarged leisure buildings would significantly urbanise the area. The proposal would also result in the loss of an established hedgerow at the front of the site to create an additional vehicle access into the site. For these reasons and the proposal would have an adverse impact upon the character and appearance of the site in this rural countryside location. The proposal is therefore contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy, Chapter 12 of the NPPF and the guidance contained in PPG's National Design Guide.

III. LANDSCAPE AND VISUAL IMPACT

- 6.171 The landscape considerations are assessed with regard to Core Strategy policies CSTP22 (Thurrock Design), CSTP23 (Thurrock Character and Distinctiveness), PMD2 (Design and Layout), PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities), and Chapter 15 '*conserving and enhancing the natural environment*' of the NPPF, which through paragraph 170 requires decisions to recognise the protection and enhancement of valued landscapes and recognise the intrinsic character and beauty of the countryside.
- 6.172 The Council's Landscape Capacity Study (2005) identifies the site as being within the 'B2 - Langdon Hills rolling farmland / wooded hills' landscape character area, with land to the east on the opposite side of Lower Dunton Road designated as within the 'B1 - Sticking Hill rolling farmland / wooded hills' landscape character area. The key landscape characteristics of the two areas are:
- B2 – Langdon Hills Rolling Farmland/Wooden Hills
- small scale steep, rounded sand and gravel hills;
 - sense of elevation and intimacy;
 - woodland is a strong, unifying element;
 - irregularly shaped fields on higher slopes adjacent to woodland;
 - horse grazing within the lower slopes in the north east of the character area;
 - rough texture;
 - absence of detracting vertical features.
- B1 – Sticking Hill Rolling Farmland/Wooded Hills
- area of gently undulating terrain;
 - arable and pasture farmland;
 - sparse pattern of settlement with a few individual farmsteads mainly located close to existing rural roads;
 - important nucleated historic settlements of Horndon on the Hill and Orsett;
 - mature hedgerows in places;
 - woodland clumps in the southern half of the area;
 - tranquil rural character.
- 6.173 The applicant's Landscape and Visual Impact Assessment (LVIA) recognises the above landscape character areas and to assess the development's visual impact uses 19 viewpoints around the site to assess these impacts. Reference is made to visual receptors who are people likely to experience changes in views or visual amenity as a result of the proposed development. The visual receptors would include residential receptors, recreational receptors, and road users.

6.174 The LVIA's visual impact assessment identifies that eight viewpoints would experience a significant impact as a result of the sensitivity of the receptors and their proximity to the development. These include: viewpoints located along Lower Dunton Road which are immediately adjacent to the proposed development; viewpoints which are located at elevated positions within Horndon on the Hill with clear views of the southern edge of the golf course; and viewpoints located to the west of the development from the Public Rights of Way (PROW). The LVIA's visual impact assessment states:

'All these views will experience a temporary Substantial or Moderate magnitude of change, leading to a Major or Major/Moderate Significant effect that will subsequently be mitigated through an extensive landscape strategy which will integrate the development into the existing landscape fabric. This will mitigate this temporary impact leading to a Slight magnitude of change, resulting in a Moderate/ Moderate Minor effect which would result in a Not Significant impact. The openness of the Green Belt will not be compromised due to the sensitive siting and integration of the existing buildings into the existing contours and topography. The proposed planting after the vegetation has matured will also help to minimise the effects on the openness of the Green Belt.'

6.175 In terms of the impact upon landscape character the LVIA considers the susceptibility of the landscape and local value of the landscape to change. The LVIA concludes that *'taken together with a Local Value, the Slight Susceptibility of this landscape to the potential effects of this form of development means that the landscape character of this area of the Sticking Hills Rolling Farmland/ Wooded Hills/ Langdon Hills Rolling Farmland/ Wooded Hills is of Low Sensitivity to new development. Overall the magnitude of change on the landscape character in this area is considered to be Moderate and Not Significant on completion of the development'*.

6.176 The Council's Landscape and Ecology Advisor acknowledges that the LVIA includes *'a range of viewpoint images but these were not agreed'* with the Council prior to the submission of the application. The LVIA also does not provide any photomontages of key views to demonstrate the visual impacts of the scheme. In assessing the LVIA the Council's Landscape and Ecology Advisor recognised that the site is within a *'rural part of the borough where there is ribbon development along the Lower Dunton Road. Most of this is low density, individual dwellings to the east of the road. Most of the existing development is of brick construction and are normally set back from the road. The existing golf course retains a largely open character. It is considered that the scale and density of the proposed development, which includes a large block of housing close to the road, would have an adverse effect on the character of the local landscape'*.

- 6.177 The LVIA addresses the Green Belt stating that *'the proposed buildings will be located to fit harmoniously with the existing contours and topography of the site so the openness of the Green Belt is not compromised'*. However the Council's Landscape and Ecology Advisor states there is *'no detailed analysis to demonstrate this'*. The location of the new housing and care home would be sited in the south east corner of the site on a high point clearly visible from surrounding areas, the extent of open views across the southern part of the site, would be lost through the proposed development. The large buildings such as the care home are equivalent to 3 to 4 storeys and the 166 units in this location shows a high concentration of development and the Council's Landscape and Ecology Advisor considers this *'must impact upon the perception of the openness as well as the openness itself'*.
- 6.178 Furthermore the Council's Landscape and Ecology Advisor considers that the buildings are not of a suitable character as in this location *'the majority of the buildings are of brick construction and not of an 'Essex barn' style'*, and *'Essex barn' style developments 'only work effectively in small groups typical of a farm setting and not a large scale development as this scheme'*. Similarly, the Council's Landscape and Ecology Advisor considers the *'new clubhouse is significantly larger (a magnitude of approximately 4-5 times) than the building that it is proposed to replace. Again it is considered that the proposed design is not appropriate to the location'*.
- 6.179 The proposal includes a lighting strategy but in this part of the Borough lighting is limited to street lighting and lighting at properties and the introduction of a lighting would significantly impact upon this location which is a *'relatively dark space'* according to the Council's Landscape and Ecology Advisor.
- 6.180 The LVIA includes a Landscape Strategy which seeks to conserve, manage and enhance existing features along the site's boundaries and introduce new features that are characteristic of the wider landscape and to protect and enhance the visual amenity of local visual receptors. Plans showing the proposed hard and soft landscaping strategies are included in the LVIA. Assessment of the details provided show that the existing hedge is relatively thin and therefore would not offer any significant screening. A section of hedgerow would require removal to provide a new access for the care home, which will need to include visibility splays. The Council's Landscape and Ecology Advisor considers *'therefore that the screening will not be sufficient to prevent the views of buildings which are shown on the landscape masterplan as being very close to the eastern boundary'*.

Conclusion to this section

- 6.181 Overall, the LVIA has not demonstrated that the proposed development can be acceptably accommodated in this location and the proposal would have adverse

impact upon landscape character and the visual appearance of the site and wider area in this rural countryside location, contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015), Paragraph 170 of the NPPF and the guidance contained in PPG's National Design Guide.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

6.182 The highway considerations are assessed with regard to a number of Core Strategy policies including CSTP15 (Transport in Greater Thurrock), PMD8 (Parking Standards), PMD9 (Road Network Hierarchy), PMD10 (Transport Assessments and Travel Plans) and the guidance in Chapter 9 of the NPPF and PPG.

Accessibility to transport hubs and local facilities

6.183 The site is located in an unsustainable location (with regard to accessibility by walking, cycling and public transport) along the western side of Lower Dunton Road, which is a country road. There are no footways on either side of the road to provide pedestrian access to and from the site at the existing site entrance. Further along the eastern side of the Lower Dunton Road the footway starts adjacent to the south east corner of the site. Other footpaths in the area are located away from the site and involve paths crossing fields and woodlands, which are unsuitable in hours of darkness and when weather conditions are poor. There are no cycle routes serving this area, the nearest signed cycle route is located within the village of Horndon on the Hill. In terms of access to public transport there are no bus routes along Lower Dunton Road and the nearest bus route (no.11) serves Horndon on the Hill and is an infrequent service, every 2 hours and the applicant's Transport Assessment (TA) states this is 2.24km away and would take 28 minutes to walk. Both Laindon railway station, to the north, and Stanford Le Hope station, to the south, are 5km from the site and would require vehicle usage to access the railway station.

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

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

6.185 The proposed development through the replacement clubhouse would provide services including restaurant areas, bar areas, doctors consulting room, a gym, a swimming pool and cinema. However, the facilities in the clubhouse would not cater

for all the needs of residents and it is highly likely that residents/users of the site would need to travel beyond the site access essential goods and services.

- 6.186 Reference is made in the Transport Assessment (TA) to the provision of a private shuttle bus service for users/visitors to the site. It is stated in the TA that the shuttle bus service would run to locations in Thurrock but could run to Laindon Station and Basildon town centre/hospital. The shuttle bus service would only be provided for residents, not visitors, and this would only be an 8 seater bus, which is insufficient in size to meet the needs of a development that could lead to over 300 people from the 'extra care' and 'close care' dwellings. The service would be funded by the annual maintenance charge by residents on site, although no details of the costs of the provision are supplied. It is stated that the service would be provided in 'perpetuity' but it is also stated that this service would run for 5 years and it is not clear what would happen after that 5-year period. Therefore the shuttle bus service cannot be relied upon to meet the needs of residents and there is a high risk the service may not run after 5 years. Reference is also made to the provision of a public bus service but only limited information has been provided so it is unclear how/when/if this would be operational.
- 6.187 Taking into account these considerations it is more likely that the proposal would result in a high dependency on private car use and Lower Dunton Road is a 40mph fast rural road, narrow in places with no footways to encourage walking to and from the site. Therefore it would be difficult for future residents and users of the site to access the site and the wider area through alternative sustainable transport modes such as walking, cycling and public transport.
- 6.188 As the site is located in an unsustainable location it is likely to be highly dependent on private vehicle usage contrary to the requirements of the paragraphs 102 and 103, and 108 – 111 of the NPPF, which seek to support opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas.

Access

- 6.189 Policy PMD9 seeks to minimise the number of new accesses required onto the highway network and ensure that new access creation makes a positive contribution towards highway safety. Paragraph 108 of the NPPF requires safe and suitable access for all users. Under Policy PMD9 Lower Dunton Road is classified as a Level 1 Rural Distributor Road and the policy states 'there is a presumption against the formation of new accesses or the intensification of use of an existing access on a Level 1 Corridor of Movement except where the applicant can demonstrate that the road will not be adversely affected in terms of Highway Safety and traffic capacity'. PMD9 also states that the Council will only permit the formation of a new access

where, amongst other factors, 'the development makes a positive contribution to road safety, or road safety is not prejudiced; and the development will make a positive contribution to accessibility by sustainable transport'.

- 6.190 The proposal would create a new (southern) vehicle access onto the Lower Dunton Road and this would be the second vehicle access into the site. The TA states that the existing vehicle access would continue to serve the golf club and the health-led community village. The new vehicle access is intended to serve the 64 bedroom care home and the 42 close care apartments but not the other properties. To achieve the necessary visibility splays for the new access would require the removal of significant areas of the existing roadside hedgerow.
- 6.191 Taking into consideration policy PMD9 the Council's Highways Officer objects to the creation of another access along a Level 1 Rural Distributor road because Lower Dunton Road is heavily trafficked and experiences has a high number of accidents. The Council's Highways Officer also states that there are no details of how a safe/access/exist can be provided given the increased vehicle numbers without creating a delay on the road. Therefore the introduction of another vehicle access to the site would be detrimental to highway safety and contrary to policy PMD9 and paragraph 109 of the NPPF.
- 6.192 In terms of pedestrian access to and from the site, the Council's Highway Officer has identified the requirement for the provision of a controlled crossing point on Lower Dunton Road, which would need to be located towards the south eastern corner to the site to link with the start of an existing footway on the eastern side of the road. The Council's Highway Officer would also require a lower the speed limit across the frontage of the development site. This is for pedestrian safety and to encourage sustainable travel to and from the site.
- 6.193 In addition to the Council's Highway Officer requirements the Council's Public Footpath Officer has requested an extension to Bridleway Route 91 along the western boundary of the site, which would allow pedestrians, cyclists and horse riders the ability to connect onto Bridleway 178 situated on the A128 Brentwood Road, and the possibility of creating a safe shared access leading from Bridleway 91 northwards to Old Church Hill within the verge area of the highway to the north of the site, which would allow users to connect up into Laindon Hills area for recreational purpose as well linking to the Laindon and Basildon area.

Traffic Generation and Impact

- 6.194 PMD9 requires development to avoid causing congestion as measured by link and junction capacities. Paragraph 102 of the NPPF requires the impacts of development on transport networks to be addressed.
- 6.195 The proposal would result in increased traffic generation and intensification at the site through the new uses and the expanded existing uses. The TA explains that the proposal would generate 22 and 18 arrivals and departures in the AM peak and 9 and 13 arrivals and departures in the PM peak. The TA explains that the golf club uses are likely to be outside of the AM and PM peak periods. However, this is not entirely the case as members of the golf club would arrive and depart during the peak periods.
- 6.196 The traffic generation from the proposed development would use the Lower Dunton Road and the TA predicts this equate to 1 vehicle every 3-4 minutes to the south of North Hill towards the A13. The TA concludes that this '*level of impact is not expected to be material on the local highway network*' and this level of traffic generation would not be '*severe*'.
- 6.197 The Council's Highways Officer raises no objections to the increased traffic generation and intensification at the site in regard to policy PMD9 and paragraph 109 of the NPPF.

Parking

- 6.198 Policy PMD8 requires developments to comply with parking standards which are the Thurrock Parking Standards and Good Practice standards (2012). Paragraph 105 of the NPPF advises on setting parking standards.
- 6.199 The TA explains that the a total of 216 car parking spaces would be provided for the extra care retirement community, 83 spaces for the close care and care homes uses, and 264 spaces for the golfing facilities (clubhouse and academy). Therefore each unit of accommodation, for the 'extra care' units would have an allocated parking space(s) and communal car parks would be used for the care home, 'close care' apartments and golfing uses.
- 6.200 Cycle parking would be provided within each 'extra care' home through a garage or space for a garden building to provide such facility, and cycle spaces would be provided for each 'extra care' apartment within each block. Communal cycle parking would be provided for the care home, 'close care' apartments and golfing uses.
- 6.201 The Council's Highways Officer has no objections to the level of parking provision subject to at least 10% of public/shared parking being equipped with electric charging

points, which can be secured through planning condition or through a Travel Plan, in regard to the requirements of policy PMD8.

Travel Plan

- 6.202 To assist with mitigating the impacts of the proposed development policy PMD10 requires Travel Plans to promote sustainable transport alternatives to private vehicle car use and paragraph 111 of the NPPF requires 'all developments that will generate significant amounts of movement should be required to provide a travel plan'.
- 6.203 The applicant's Framework Travel Plan identifies the need for a Travel Plan Co-ordinator to promote and encourage the use of travel modes (walking, cycling and car sharing) and be a point of contact for information for all users the site.
- 6.204 There are no details regarding the proposed private shuttle bus service other than it would be an 8 seater vehicle. The Council's Travel Plan Co-ordinator considers the site's rural location has no access to public transport, minimal pedestrian footways and would need consideration development to provide a footpath and cycle access. The proposal would not encourage sustainable travel for residents and staff, and the Framework Travel Plan lacks information and details for the proposed shuttle bus. The Council's Highways Officer requires more information on this and how it's funding would work and what happen if funding ceases. The Council's Highways Officer considers the Travel Plan unacceptable as to fails to demonstrate how this remote site would assist in achieving sustainable travel.

Highway Planning Obligations

- 6.205 The Council's Highways Officer has identified the need for a controlled crossing point on Lower Dunton Road, to lower the speed limit across the frontage of the development site and to provide a pedestrian footway through the area.
- 6.206 The following highway planning obligations have been put forward:
- Provision of an 8 seater electric shuttle bus to provide a service to nearby railway stations and local shops exclusively to residents of the development;
 - Provision of public bus to be subsidised by owner to facilitate travel to and from the development for members of the public and residents of the development. The route would include the C2 retirement , the hospice, Stanford le Hope railway station and the Little Malgraves site;
 - To provide highway works including:
 - A controlled crossing point on Lower Dunton Road,
 - To lower the speed limit across the frontage of the site,
 - To provide a pedestrian footway adjacent to Lower Dunton Road;

- Travel Plan submission with monitoring fee to monitor travel arrangements for five years following occupation of the development;

Conclusion to this section

- 6.207 The site is located in an unsustainable location is likely to be highly dependent on private vehicle usage contrary to the requirements of the paragraphs 102 and 103, and 108 – 111 of the NPPF, which seek to exploit the opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas. Furthermore insufficient information provided in regard to the travel plan to demonstrate how private vehicle usage can be discouraged and sustainable transport modes promoted.
- 6.208 The Council's Highways Officer objects to the creation of another access because Lower Dunton Road is heavily trafficked and has a high number of accidents. Therefore the introduction of another vehicle access to the site would be detrimental to highway safety and contrary to policy PMD9 and paragraph 109 of the NPPF.

V. FLOOD RISK AND DRAINAGE

- 6.209 The site is located within flood zone 1, which is the lowest risk flood zone. The site is defined as 'more vulnerable' development through the PPG but Table 3 Flood Risk Vulnerability Classification in the PPG identifies that 'more vulnerable' development in flood zone 1 is 'appropriate'. Also, the PPG advises that there is no requirement to apply the Sequential Test to 'development proposals in Flood Zone 1'.
- 6.210 The Council's Flood Risk Advisor raises no objection subject to conditions requiring the submission of a detailed surface water drainage scheme for the site, prevention of off site run off, yearly logs, and details of the future management and maintenance arrangements for the detailed surface water drainage scheme. For foul drainage the development would connect to the nearest foul sewer in the roadside verge between Lower Dunton Road and the eastern site boundary. There are no objections raised from Anglian Water subject to a condition.

Conclusion to this section

- 6.211 Overall, the proposal does not present any flood risk or drainage issues and would accord with policies CSTP13, CSTP25 and CSTP27, and the guidance contained within the NPPF and PPG.

VI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.212 Policy PMD1 seeks to safeguard residential amenity and the layout plan shows that the proposed care home and residential development would be located on the adjacent side of the street to existing residential properties on the eastern side of Lower Dunton Road. These neighbouring residential properties face into a streetscene which appears as a country road with a hedgerow boundary on the western side of the road and beyond these properties currently have views towards the golf course.
- 6.213 The proposed development plans show a landscape strategy that intends to retain and enhance the hedgerow, trees and vegetation along the western side of the road as much as possible, with the exception of a new vehicle access. The proposed built form would result in a change to the character and appearance of this streetscene and a loss of existing views from these neighbouring properties. However, the loss of views is not a material planning consideration and views into the streetscene are into the public domain. Therefore there are no objections raised with regard to the proposed built form in terms of building to building separation distances between existing dwellings and the proposed development. The nearest dwelling to proposed building distance would be 32m across the Lower Dunton Road and as such no overlooking/visual intrusion or loss of light issues would result.

Conclusion to this section

- 6.214 The proposed development would result in a change to the character of the area via the two vehicle accesses and within this part of the site there would be increased vehicle movements, noise and disturbance associated with the proposed residential care uses. However, the proposed residential care uses would not give rise to adverse impacts upon the amenities of the existing neighbouring and nearby residents to the site

VII. HERITAGE

- 6.215 The site is not located within heritage designation such as a Conservation Area and nor does it have any listed buildings on site. However, the applicant's Heritage Statement identifies heritage assets outside of the site in the form of a Scheduled Monument: the Bulphan World War II bombing decoy 390m to the north west of the site boundary; a grade II listed building known as Doesgate Farmhouse 360m north of the site boundary; and another grade II listed building known as Great Malgraves 370m north of the site boundary. The applicant's Heritage Statement has scoped out Doesgate Farmhouse as it *'very well removed from the proposed development'* and there is *'no potential for any impact on the significance of this asset'*.

- 6.216 The applicant's Heritage Statement concludes that *the 'proposed development will not be visible from the Scheduled Monument, nor does it affect any land historically associated with its function'*. Similarly Great Malgraves may result in some potential for intervisibility the proposed development *'would not intrude into the immediate farmyard or wider agricultural setting of this asset'*. For these reasons the applicant's Heritage Statement considers that *'no harm or effect will arise to the significance of either heritage asset'*.
- 6.217 Historic England has requested the submission of a revised Heritage Impact Assessment which should include an assessment of the heritage assets that were not previously included which are: the Grade II* Listed Church of St Marys and All Saints (List Entry 1337108), as well as a number of Grade II Listed buildings, including Ongar Hall Farm, Doesgate Farm, Langdon Hall Farm and Rectory. Historic England also stated that no visualisations have been provided to show what the proposed development would look like given the scale of the proposed development and its visual impact on the immediate landscape to enable an assessment of the potential impact of the development on either the Scheduled Monument or the Grade II* Church.
- 6.218 In response to Historic England's comments the applicant has provided a Heritage Note that considers *'the lack of inter-visibility and separation distances'* from the site to selected heritage assets is correct. Historic England have since replied maintaining their concerns.

Conclusion to this section

- 6.219 It is considered that the concerns raised by Historic England would not warrant grounds for refusal on harm to heritage assets with regard to policies CSTP24 and PMD4, and the guidance contained in the NPPF.

VIII. ECOLOGY AND BIODIVERSITY

- 6.220 The site does not form part of a designated site for nature conservation interest (on either a statutory or a non-statutory basis). The applicant's Ecological Impact Assessment identifies that the nearest designation is the Langdon Ridge SSSI located 1.2m from the site. Natural England have identified the site falls within the 'Zone of Influence' of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site. Natural England requires the Local Planning Authority to undertake a Habitat Regulations Assessment to understand the impact.

Habitats Regulations Assessment

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

Before deciding to give any permission for a plan which:

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

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

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

Stage	LPA response
Stage 1 is to identify whether the proposals are directly connected with or necessary to site management for conservation;	<p>The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify:</p> <ul style="list-style-type: none"> • New dwellings of 1+ units (excludes replacement dwellings and extensions) • Houses of Multiple Occupancy (HMOs) • Residential care homes and residential institutions (excluding nursing homes) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travelers and traveling show people plots <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess</p>

	recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.
Stage 2 (Screening for Significance of Likely Effects) is necessary to examine if the proposals, in the absence of mitigation are 'likely to have a significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects;	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the 'summary' section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secure in line with the Essex Coast RAMS requirements.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination. Natural England must be consulted on the appropriate assessment and proposed mitigation measures.</p>
Stage 3 (Appropriate Assessment) is if 'likely to have significant effects' on a European site were to occur solutions should be established to avoid or have a lesser effect on European sites.	<p>The application would result in a net increase of 178 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p>Summary of recreational disturbance mitigation package:</p> <p>The application is for a net increase of 178 dwellings. The site is not within or adjacent to the SPA. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.</p> <p>The current tariff is £122.30 per unit. Therefore the financial contribution should be £21,769.40 and this can be secured through a planning obligation. Natural England advice</p>

	<p>confirms that RAMS is applicable to all net increases in residential dwellings that fall within the ZOI which are in Planning Use Classes C2 & C3.</p> <p>Although the proposed development is for over 100 units it is considered that the residents will be utilizing the associated golf course on a regular basis. As a result it is considered that additional mitigation would not be required.</p>
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- 6.223 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations.
- 6.224 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £21,769.40 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy. In addition to HRA the applicant has also provided a statement to inform the HRA, although this considers that only 63 dwellings would be applicable and a total of £7704.90 is offered. However, this approach is not agreed and the required mitigation is a financial contribution of £21,769.40.
- 6.225 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms 'Recommendation A'.

On Site Ecological Assessment

- 6.226 The applicant's Ecological Impact Assessment explains that extended Phase 1 habitat surveys were undertaken in December 2018 and updated in September 2019. The habitats present comprise of vegetation that has been managed as part of the golf course and comprises of a '*mosaic of amenity grassland, semi improved rough grassland, broad-leaved woodland plantation and scrub with several ponds*'. The boundaries of the site, and field boundaries within the site are characterised by hedgerow, scrub and ruderal habitats. In terms of protected species present on site this includes great crested newts, grass snake, common lizard, and in the wider area

slow worms and adders have been recorded. The ponds on-site support ornamental carp. The hedges and scrubs can provide habitats for breeding birds.

- 6.227 As a result of the on-site ecology and biodiversity, the applicant's Ecological Impact Assessment recommends mitigation through a Construction Ecological Management Plan, which for the construction process can be incorporated into a broader Construction Environmental Management Plan which is a planning condition commonly used for major developments. The applicant's Ecological Impact Assessment recommends mitigation for great crested newt and reptiles combined with habitats, bats, breeding birds and reptiles, with a particular importance upon the retention of ecological features such as ponds, grassland and scrub habitat, and provision of enhancement measures to deliver biodiversity net gain. The applicant's Ecological Impact Assessment also identifies the need for further ecological surveys to assess the impact from demolition of the existing clubhouse and other golf course structures.
- 6.228 The Council's Landscape and Ecology Advisor considers that the site's existing habitat supports great crested newts and reptiles. One of the ponds within the proposed development area is important for great crested newts which raises concerns about on ongoing pressures to maintain aquatic habited. The Council's Landscape and Ecology Advisor considers that it would therefore be appropriate to create new ponds elsewhere in the golf course so the ponds in the housing development can be principally for amenity, such details could be secured through the use of a planning condition if permission were to be granted.

Conclusion to this section

- 6.229 In terms of ecology and biodiversity, and having regard to advice from Natural England and the Council's Landscape and Ecology Advisor, the mitigation measures stated above are necessary and can be secured through planning conditions and planning obligations to ensure the proposed development is acceptable with regard to policies CSTP19, PMD7, paragraphs 170 (d) and 175 of the NPPF, and the relevant guidance contained within the PPG.

IX. ABORICULTURE

- 6.230 The applicant's aboricultural assessment has surveyed the site in accordance with industry standards BS5837, which categories trees as 'A', 'B', 'C' and 'U'. There are 7 trees to be removed which are within the BS5837 'C' category but the applicant's aboricultural assessment considers that the trees are not of any *'high quality and value'* so can be removed. The assessment identifies that *'a section of hedgerow alongside the Lower Dunton Road would be removed and but can be mitigated with*

replacement planting'. The assessment includes a Tree Protection Plan which alongside the requirement for landscaping conditions can help compensate for any loss of existing vegetation and secure replacement planting.

Conclusion to this section

- 6.231 The Council's Landscape and Ecology Advisor raises no objection to the conclusions of the arboricultural assessment as only a small number of low value trees would be removed and this would not have any significant adverse effects and the proposed landscape scheme would mitigate the loss of these trees. Therefore there are no objections in regard to Policies CSTP23 and PMD2, and paragraph 170 of the NPPF.

X. AIR QUALITY

- 6.232 The site is not located within an Air Quality Management (AQMA) and the applicant's Air Quality Assessment has undertaken modelling of traffic on the Lower Dunton Road on the basis of a proposed increase 520 traffic movements per day. This modelling indicates that the impact upon operational traffic associated with the proposed development on local air quality would be 'negligible' and would be within the relevant air quality standards for the protection of human health.

Conclusion to this section

- 6.233 Overall the applicant's Air Quality Assessment concludes that the re-development of the site would not cause a significant impact upon local air quality and the Council's Environmental Health Officer (EHO) raises no objections on air quality grounds in regard to policy PMD1, paragraph 181 of the NPPF and the relevant guidance in the PPG.

XI. NOISE

- 6.234 The diversification from the existing golf club with its associated facilities to the proposed golf club developments and the creation of a health-led community would give rise to increased activity at the site compared to its current use. A Noise Assessment accompanies the application to assess the impact.
- 6.235 The applicant's Noise Assessment identifies that measures of sound levels were undertaken at two locations, one on the site's eastern boundary with the Lower Dunton Road in the location of the proposed close care apartments, and the second in the existing car park location in the centre of the site. The measurements taken at the site's eastern boundary with the Lower Dunton Road were recorded the higher sound levels due to the influence of road traffic noise. This is particularly relevant for

the proposed close care apartments, and extra care homes and apartments along the site's eastern boundary with the Lower Dunton Road.

- 6.236 The Noise Assessment recommends that glazing to bedrooms achieves 28dB, and living rooms and dining rooms/areas achieves 27dB, which could be secured through appropriate glazing and ventilation to achieve acceptable indoor noise levels. For outdoor areas homes would have private gardens and apartments would have balconies but no mitigation is proposed for those properties adjacent to the Lower Dunton Road.

Conclusion to this section

- 6.237 The Council's Environmental Health Officer raises no objection subject to conditions, if permission were to be granted, for mitigation for noise minimum specifications for glazing for internal living conditions.

XII. LAND CONTAMINATION AND GROUND WORKS

- 6.238 The applicant's Phase 1 Contaminated Land Investigation and Risk Assessment explains how the site was historically open farmland before being developed as a golf course in the 1980s. The majority of land is laid to grass with the underlying geology formed of London Clay, silts and sands. The Phase 1 Contaminated Land Investigation and Risk Assessment identifies that there is a low risk of contamination and ground gas.

- 6.239 The Council's Environmental Health Officer raises no objection subject to the mitigation for contamination as detailed in the Phase 1 Contaminated Land Investigation and Risk Assessment being implemented, which could be secured through a planning condition if permission were to be granted to ensure compliance with policy PMD1, paragraphs 178 of the NPPF, and the relevant guidance in the PPG.

XIII. ENERGY AND SUSTAINABLE BUILDINGS

- 6.240 The application includes a Sustainability Statement and an Energy Statement. The proposed development would create CO² emissions but the development has been designed to achieve a minimum of 15% reduction to accord with policy PMD13. This would be achieved a range of measures including water efficiency measures and solar/photovoltaic system to be installed to the buildings.
- 6.241 The proposal includes non-residential development and a BREEAM Pre-assessment has been submitted which demonstrates that a BREEAM 'Very Good' rating can be

achieved which is below the current requirements of policy PMD12, which require an 'Outstanding' rating. The applicant proposes a planning condition to achieve the BREEAM 'Very Good' rating and has provided evidence to demonstrate that the development cannot achieve the current policy requirement and this relates to water consumption uses and the limited ability to re-use materials, both of which assist with the scoring purposes for the BREEAM ratings.

6.242 Further details of energy and sustainability measures to be installed could be secured through a planning condition if permission were to be granted.

XIV. VIABILITY AND PLANNING OBLIGATIONS

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

6.244 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. In September 2019 the pooling restrictions were removed through the updated Community Infrastructure Levy Regulations but the Council will continue to maintain the Infrastructure Requirement List (IRL) to provide an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.

6.245 The consultation process and a review of the IRL has identified the requirements for the following planning obligations:

- For 35% of the development to provide for affordable housing contribution in accordance with policy CSTP2 but given the site's location it is required that an off site contribution is provided;
- A contribution to provide a controlled crossing point on Lower Dunton Road, to lower the speed limit across the frontage of the development site and to provide a pedestrian footway through the area.
- Off-site improvements to Bridleway routes 91 and 178 as stated by the Council's Public Footpath Officer;
- Provision of a Travel Plan and monitoring fee;

- A financial contribution of £21,769.40 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy; and
- A financial contribution of £51,405 towards healthcare improvements at the Horndon on the Hill Surgery, which meets the requirements of IRL project IRL-0466, which was identified as entry in the list in October 2019.

6.246 The application includes detailed draft heads of terms and trigger points. The planning obligations that are offered include contributions to meet the requirements arising from the consultation process as listed above with the variation of the affordable housing contribution for only the 4 on site 'key worker' housing units and no reference to off-site improvements to Bridleway routes 91 and 178.

6.247 In summary form the list below provides the applicant's offered s106 contribution:

- Restriction on occupier of all units to Class C2 use only with a least one occupier needing to be at least 55 years old and to signed up to a minimum basic care packaged determined by a health assessment.
- Provision of a basic care packaged including at least 1.5 hours of personal care support each week, an artificial intelligence system and access/membership to the health spa facility.
- Health assessment for the primary resident to understand the level of care required which shall be reviewed at least once a year;
- Provision of a personal care and additional care packages to be offered;
- Care Agency to be provided and will be registered with the Care Quality Commission,
- Provide access to all communal facilities associated with the golf clubhouse in perpetuity with complimentary single membership to the golf club for the first year of occupation and reduced rates thereafter;
- Communal facilities associated with the golf clubhouse to be maintained and managed: details of a management company to be provided by the owner;
- Provision of an 8 seater electric shuttle bus to provide a service to nearby railway stations and local shops exclusively to residents of the development;
- Provision of public bus to be subsidised by owner to facilitate travel to and from the development for members of the public and residents of the development.;
- To provide highway works including:
 - A controlled crossing point on Lower Dunton Road,
 - To lower the speed limit across the frontage of the site,
 - To provide a pedestrian footway adjacent to Lower Dunton Road;
- Travel Plan submission with monitoring fee to monitor travel arrangements for five years following occupation of the development;
- Provide the 4 'key worker apartments' as affordable housing units;

- A carbon neutral development commitment
- Local employment opportunities for the construction and operational phase of the development;
- A financial contribution of £50,000 for the NHS for the provision of medical services in the locality of the development
- A financial contribution of £21,796.40 towards the Thames Estuary and Marshes Special Protection Area in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy;
- A commitment to hosting an inter-school tournament once a year at the golf club.
- Promote awareness of the enhanced facilities to borough-based schools and community groups and liaise with Thurrock Council's Sport and Leisure Manager; and
- A monitoring fee for the s106 obligations.

Conclusion to this section

6.248 If the planning application were to be considered acceptable, as submitted, then the planning obligations would be necessary to comply with paragraph 56 of the NPPF.

XV. SUSTAINABILITY

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

6.250 For the economic role the positive impacts would lead to job creation for construction and operational phase, help to address specific housing need for an ageing population, free up existing housing stock, contribute to housing land supply and would lead to improvements to the sport and leisure and leisure offer at the site. In terms of the negative, there are no details regarding the affordability of this development for the people of Thurrock, located in an unsustainable location which means higher costs of accessing the site in a sustainable location.

6.251 For the social role the positives include responding to an ageing population through the creation of a community village, improved facilities for existing and future golf club members, increased sporting choice and health benefits. The negatives include the creation of an isolated community remote from nearby services for a vulnerable population, no choice of public transport, potential noise for residents with

outdoor/amenity areas adjacent to Lower Dunton Road, and no details regarding affordability of development.

6.252 For the environmental role the only positive would be that the development would achieve energy efficiency through 15% reduction in emissions to comply with policy PMD13. However there are multiple negatives arising from the development including the impact upon the Green Belt through inappropriate development and a loss of openness, poor design/layout/scale of development which would have an urbanising impact upon the area, a negative impact upon the landscape, an unsustainable location with poor access to transport choice and likely private vehicle usage which is poor for the environment, increased traffic generation in rural location, loss of existing vegetation and some trees.

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

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

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

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, 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 proposed²; 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 Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

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

XVI. OTHER MATTERS

6.256 Matters raised by local residents in their comments have been covered in the assessment above. Matters of the sale of alcohol causing disturbance is not a planning consideration.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

7.1 The proposed development seeks to provide a health-led community within an existing golf course resulting in changes to the existing golf course and facilities on site. The golfing facilities would be improved through a new clubhouse, and in the future, after approval of reserved matters, a new golfing academy. These are all positive improvements to the site in terms of sport and leisure. The proposed health-led community would provide specific housing for older persons and would contribute to the housing mix and supply within the Borough.

7.2 However, the site is located within the Green Belt and the proposal would lead to inappropriate development in the Green Belt and would result in a significant loss of openness in the Green Belt, contrary to national and local planning policies. The application is objectionable in principle. The very special circumstances put forward are not considered to outweigh the significant harm to the Green Belt.

7.3 The site is located in a particularly rural part of the Borough and is unsustainable in terms of its location, which is distant from local facilities, community services, essential support facilities and a choice of transport modes. Furthermore the development would create an isolated community for vulnerable and elderly persons.

7.4 The proposed development would occupy a significant area and would introduce a significant number of buildings of varying heights. By reason of its design, layout, and scale the proposal would have a strong urbanising and adverse impact upon the site and surrounding area, and would have adverse impact upon the landscape character and the visual appearance of the site and the wider area in this rural countryside location.

7.5 The creation of a second vehicular access along the Lower Dunton Road has been considered by the Council's Highway Officer to be detrimental to highway safety and contrary to policy.

- 7.6 Finally, the information submitted has not suitably demonstrated that the proposal would provide a full care use across all buildings on the site; the care use has been advanced as a very special circumstance and is fundamental to the case.
- 7.7 On the basis of the above conclusions to this assessment the proposed development is considered unacceptable and recommended for refusal for the reasons stated in the recommendation

8.0 RECOMMENDATION

Recommendation A:

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

Recommendation B:

- 8.2 To refuse planning permission for the following reasons:
1. The proposed development would constitute inappropriate development with reference to paragraph 145 of the NPPF and would therefore be by definition harmful to the Green Belt. The proposed development would harm the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The identified harm to the Green Belt is not clearly outweighed by any very special circumstances or any other considerations. The proposals are therefore contrary to policies CSSP4 and PMD6 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 13 of the NPPF and guidance within the PPG.
 2. The proposal would create an isolated health-led community use at a site that is located in an unsustainable location, distant from community services, essential support facilities and a choice of transport modes. As such the proposal would represent an unsustainable form of development in an unsustainable location, contrary to policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF.
 3. It has not been demonstrated that the proposed residential development would fall within a C2 use class of the Town and Country Planning (Use Classes) Order 1987 due to the siting, layout and provision of the units of accommodation and

apartment blocks; the remoteness, distance and access to on site facilities; the inadequacy and/or lack of purpose built care facilities and dedicated services in favour of general needs leisure related facilities; the lack of evidence of personal care provision within the proposed planning obligations and insufficient information regarding assessment of the C2 need for care; the proposed low age restriction; the lack of information to understand the affordability of the development and how this development would be affordable to the people of Thurrock; the lack of information to demonstrate a local need for the type and scale of accommodation proposed and the need to provide elderly care accommodation at a golf course. As such the proposal is contrary to policies CSTP11 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015), and the definitions in the Town and Country Planning (Use Classes Order) 1987, the NPPF, and the PPG's 'Housing for older and disabled people'.

4. The Local Planning Authority considers that the proposed 'extra care' and 'close care' units of the development are Class C3 land uses and as such policy CSTP2 of the adopted Core Strategy and Policies for the Management of Development (2015) applies and the proposed development does not accord with paragraph 64 of the NPPF for exemptions to affordable housing to apply. The proposal does not provide any on-site affordable housing provision and is therefore contrary to the policy CSTP2 of the adopted Core Strategy and Policies for the Management of Development (2015).
5. The proposal, as a result of the quantum of development, its unsympathetic design and poor quality architecture, scale, piece-meal massing, layout, landscaping and poor use of materials would have an urbanising and adverse impact upon the site and surrounding area. The proposal would also result in the loss of an established hedgerow at the front of the site to create an additional vehicle access into the site. Accordingly the proposal would have an adverse impact upon the character and appearance of the site in this rural countryside location. The proposal is therefore contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015), Chapter 12 of the NPPF and the guidance contained in PPG's National Design Guide.
6. The Landscape and Visual Impact Assessment has not demonstrated that the proposed development can be acceptably accommodated in this location. Therefore the proposed development would have adverse impact upon the landscape character and the visual appearance of the site and the wider area in this rural countryside location, contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Core Strategy and Policies for the Management of Development

(2015), Chapter 12 of the NPPF and the guidance contained in PPG's National Design Guide.

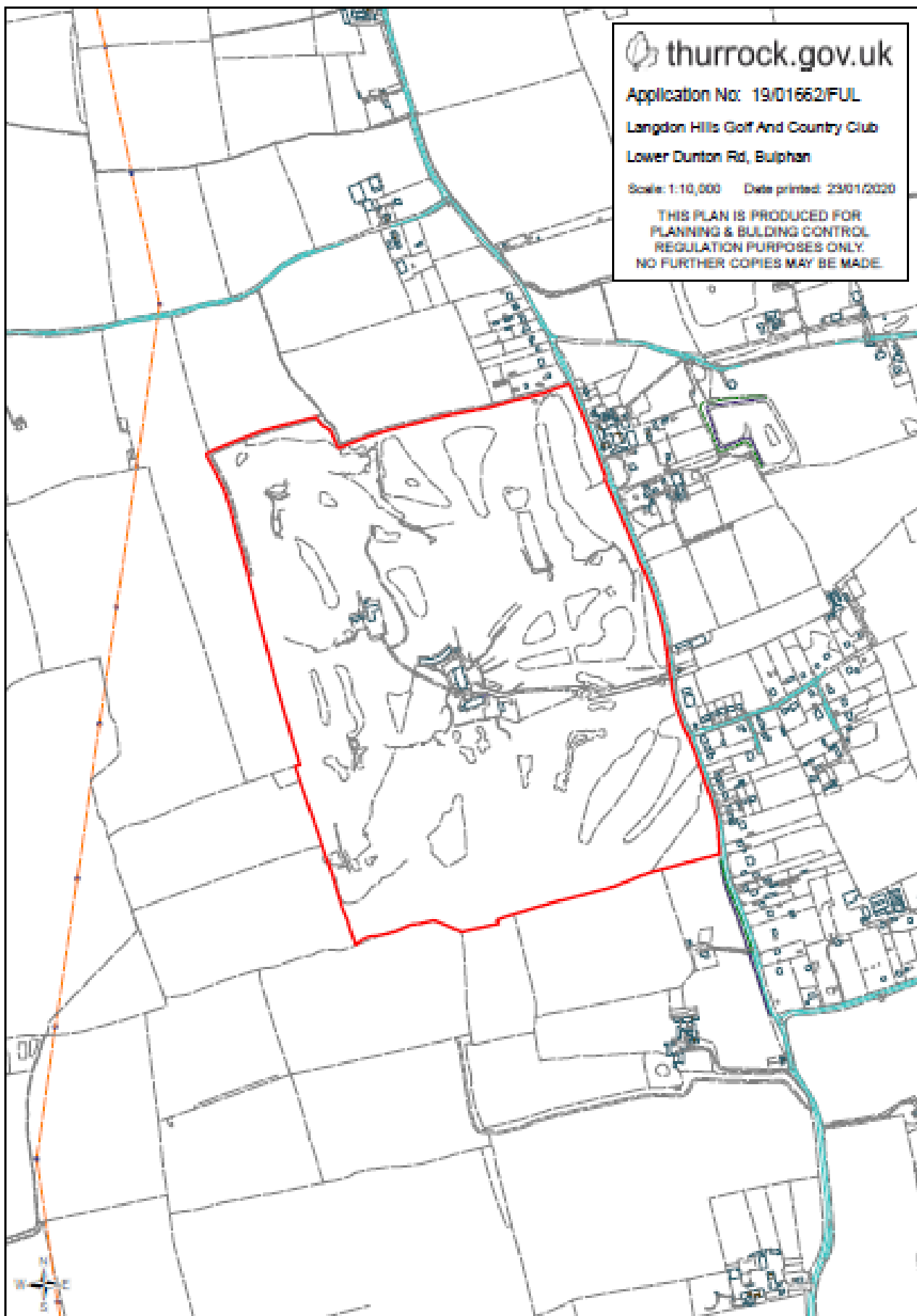
7. Lower Dunton Road is classified as a Level 1 Rural Distributor Road under policy PMD9 and the proposal would lead to the creation of a second vehicular access into the site. Lower Dunton Road is a heavily trafficked rural road, winding in places and has experienced a high number of accidents along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

Positive and Proactive Statement

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

Documents:

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



Agenda Item 8

Planning Committee: 8 June 2020	Application Reference: 19/01058/FUL
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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

- 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

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 19 March 2020 Members considered a report assessing the above proposal. The report recommended that planning permission be refused because:

The site is located in the Metropolitan Green Belt (GB) and the benefits of the scheme do not clearly outweigh the harm to the GB and thus constitute the very special circumstances to justify a departure from local and national planning policies.

- 1.2 A copy of the report presented to the March Committee meeting is attached.
- 1.3 At the March Committee meeting Members were minded to resolve to grant planning permission for the proposed development based upon the following reasons:
1. *the opening of Tilbury 2 port expansion would create new jobs which would attract out of Borough workers that would result in a demand in local housing that the proposal could provide for;*
 2. *there was no flooding issue and that the Environment Agency had funds for flood defence in Tilbury;*
 3. *Thurrock needed social housing;*
 4. *the applicant had worked to address previous objections and the proposals included more open space; and*
 5. *connectivity improvements within the proposals.*
- 1.4 In accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer’s recommendation. This report also assesses the reasons formulated by the Committee.

2.0 FACTUAL UPDATES

- 2.1 Since the March Committee meeting the applicant has confirmed that the scheme will provide policy compliant (35%) affordable housing and that the proposals will also comply with the unit mix in terms of affordable rent / social rent as required by the Council’s Housing Officer. In addition, the applicant has confirmed that the financial contributions sought by the Council’s Education Officer (£1,228,646.43) and by NHS England (£63,549) in order to mitigate the impacts of the proposed development are acceptable. The amount of financial contributions required to mitigate the impact of

the development on the surrounding highways network have yet to be finalised. However, there is currently no reason to suggest that the applicant would object to reasonable and necessary contributions.

3.0 CONSULTATION AND REPRESENTATIONS

3.1 Since the previous Committee report was published additional representations have been received as follows:

- Confirmation of objection from Councillor Okunade (Ward Councillor);
- Two letters objecting to the proposals and raising concerns regarding loss of GB, flood risk, harm to ecology, ground conditions, access and traffic generation; and
- Three letters expressing disappointment at the resolution of the Planning Committee to grant planning permission, contrary to recommendation and the recent appeal decision.

4.0 PLANNING ASSESSMENT & IMPLICATIONS

4.1 As required by the Constitution, an outline of the implications of making a decision contrary to the Officer recommendations is provided below. The recommended reason for refusal from the March Committee report is set out in italics below, with the implications considered subsequently.

4.2 REASON 1: PRINCIPLE OF DEVELOPMENT AND HARM TO THE GB

- 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).*

4.3 Implications of approving the application contrary to recommendation

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

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

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

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

- *may conflict with national policies on important matters;*
- *may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;*
- *could have significant effects beyond their immediate locality;*
- *give rise to substantial cross-boundary or national controversy;*
- *raise significant architectural and urban design issues; or*
- *may involve the interests of national security or of foreign Governments.*

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

4.5 Officers consider that the proposals conflict with national policies on important matters (i.e. GB). Furthermore, as any resolution to grant planning permission would be at odds with the findings of the Planning Inspector appointed by the SOS to consider the earlier appeal for a similar proposal, it is considered that there is a higher likelihood of the proposal being called-in by the Secretary of State. Members are also reminded that the planning merits of the earlier application were considered at a public inquiry, with the evidence of the applicant and LPA tested via the cross-examination of witnesses.

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

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

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

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

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

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

s70 (2) Town and Country Planning Act 1990 -

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

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

S38 (6) Planning and Compulsory Purchase Act 2004 -

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

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

4.11 Assessment of the Committee’s reasons for being minded to grant permission

The following list of reasons were raised by Members as reasons to approve the application and these are considered in more detail below to assess whether these comprise the VSC necessary for approving inappropriate development in the GB. The reasons are:

1. *the opening of Tilbury 2 port expansion would create new jobs which would attract out of Borough workers that would result in a demand in local housing that the proposal could provide for;*
2. *there is no flooding issue and that the Environment Agency has funds for flood defence in Tilbury;*
3. *Thurrock needs social housing;*
4. *the applicant has worked to address previous objections and the proposals included more open space; and*
5. *connectivity improvements within the proposals.*

- 4.12 *Reason 1: The opening of Tilbury 2 port expansion would create new jobs which would attract out of Borough workers that would result in a demand in local housing that the proposal could provide for.*

Assessment

The Tilbury2 expansion, promoted by the Port of Tilbury London Limited, was subject to an application for a Development Consent Order (DCO) to the SOS, as the proposals comprised a 'Nationally Significant Infrastructure Project'. The DCO was granted by the SOS in February 2019 and construction works commenced in April 2019. It is understood that the port expansion was expected to be partly operational in April 2020 and fully operational later in 2020. In summary, the DCO permits development comprising:

- the construction of a new roll-on / roll-off port (Ro-Ro) terminal for containers and trailers;
- the construction of a new Construction Materials and Aggregates Terminal (CMAT);
- a new jetty and extension to existing jetty; and
- the formation of a new rail and road corridor to link to the Ro-Ro and CMAT

- 4.13 The 'Outline Business Case' put forward by the Port of Tilbury to support their application, and considered by the SOS refers to the following employment figures (based on full-time equivalents (FTE)):

Existing Port of Tilbury (Tilbury1) jobs c.8,600 (year 2017)

Tilbury1 jobs at full capacity on existing site c.10,800

Tilbury2 short-term construction phase jobs c.270 (maximum)

Tilbury2 operational phase jobs c.500

- 4.14 Therefore, when fully operational the Tilbury2 port expansion is expected to generate around 500 new jobs. Although this is a large number of jobs, it is considerably less than the 4-5,000 jobs which were referred to at Planning Committee.
- 4.15 Prior to the decision to approve the DCO, Officers negotiated a s106 agreement with the Port of Tilbury which includes obligations on the Port to operate a Skills & Employment Strategy, aimed partly at maximising local employment opportunities. The agreed Strategy includes a breakdown of the home addresses of the c.650 employees directly employed by the Port in 2017 which records that 57% of these direct employees lived within the Borough. If this percentage is applied to the c.500 jobs created by Tilbury2 then c.285 new employees could be expected to live within

the Borough. The Strategy does not contain any further breakdown for existing employees residing within Tilbury. However, the Strategy also records that the employment rate (57.7%) within Tilbury in 2016 was below the Thurrock (65.9%) and national (62.1%) rates. The corollary of the employment rates above is that rates of unemployment in Tilbury are higher than the Borough-wide and national rates. The Strategy therefore aims to maximise opportunities for existing residents of Tilbury who are unemployed to access the new jobs created at Tilbury2.

- 4.16 The conclusion of the above analysis is that of the c.500 new jobs created by Tilbury2 c.285 could be filled by residents of the Borough. Furthermore the Tilbury2 Skills & Employment Strategy recognises and aims to address the higher rates of unemployment amongst existing residents of Tilbury. Consequently it is considered that there is no convincing link between job creation at Tilbury2 and the need for new housing in Tilbury which would clearly outweigh the harm to the Green Belt.
- 4.17 Paragraphs 7.61 to 7.63 of the report to the March Committee considered the economic benefits of the proposals with reference to the proposed commercial floorspace on-site. In combination with any potential links between the proposed residential development Tilbury2, it is still concluded that only limited positive weight should be given to this factor.
- 4.18 *Reason 2: There is no flooding issue and that the Environment Agency has funds for flood defence in Tilbury*

Assessment

The flood risk implications of the development are considered at paragraphs 7.82 to 7.88 of the March Committee report. Subject to planning conditions, there are no objections to the application from the Environment Agency and the Council's Flood Risk Manager. However, the lack of objection from these consultees should not be attributed positive weight in the balance of GB considerations. As with any planning application where flood risk is a material planning consideration, the need to ensure that the development is safe from the risk of flooding and does not increase flood risk elsewhere are necessary requirements of planning policies.

- 4.19 The applicant considers that flood alleviation measures within the proposals should be considered as a benefit and paragraph 7.64 of the report to the March Committee notes that additional flood storage capacity of c.1,000 cu.m would be provided above the requirements of the development. Limited positive weight in the balance of GB considerations can therefore be attributed to this factor.
- 4.20 At the March meeting reference was made to works to be undertaken by the Environment Agency (EA) to flood defences at Tilbury. The Local Planning Authority

was approached by the EA in October 2019 to confirm whether the proposed replacement of the 3 sets of lock gates and associated machine houses located at the main lock entrance to the port required planning permission. These lock gates are separate from the EA flood defence gate located on the River Thames side of the lock gates, but nevertheless the lock gates are of critical importance to the operations of the Port of Tilbury. The Local Planning Authority subsequently confirmed that replacement of the lock gates and machine houses would be permitted development and would not require planning permission. It is important to note that this investment by the EA is for replacement of existing infrastructure and does not comprise new flood defence works. This factor is therefore considered to be immaterial to the consideration of the current planning application.

4.21 *Reason 3: Thurrock needs social housing*

Assessment

The provision of new market and affordable housing was cited by the applicant as a factor contributing towards VSC and the consideration of this issue is dealt with at paragraphs 7.34 to 7.41 of the March Committee report. The report concluded that, in line with the Planning Inspector's report, very significant weight should be attached to the matter of both market and affordable housing. Nevertheless, this factor will need to combine with other benefits of the scheme to comprise VSC.

4.22 It is notable that the appeal proposal (total up to 280 dwellings) would have delivered up to 98 affordable dwellings, whereas the current proposal (total up to 161 dwellings) would only deliver up to 56 affordable dwellings. Although this factor still attracts very significant weight, compared to the previous scheme dismissed at appeal the total of affordable housing is actually reduced.

4.23 *4. the applicant has worked to address previous objections and the proposals included more open space*

Assessment

The report presented to the Committee in March provides a comparison of the appeal scheme and the current proposal with reference to impact on the openness of the GB and its purposes. The previous report makes clear that the current scheme involves less development and would retain more open land located on the eastern and south-eastern part of the site. Nevertheless, harm by way of inappropriate development, harm to openness and harm to a number of the purposes of the GB would occur. In accordance with paragraph 144 of the NPPF, this harm must be afforded "substantial weight". The in-principle GB objections to the proposals remain, despite the reduction in the extent of harm.

4.24 *5. Connectivity improvements within the proposals*

Assessment

This factor is promoted by the applicant as a benefit of the proposals and is considered at paragraphs 7.42 to 7.49 of the March Committee report. Connectivity improvements were considered by the Planning Inspector and were considered to be a benefit of moderate / significant weight. Nevertheless, this benefit in combination with the other benefits of the proposals did not clearly outweigh the harm to the GB and thereby comprise the VSC necessary to justify a departure from planning policies.

4.25 Consequently this issue has been fully considered and would not comprise a reason to grant planning permission in this case.

4.26 Summary

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

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

4.27 Members are also of reminded of the content of paragraph 7.70 of the March Committee report which referred to a very recent appeal case in the West Midlands GB. The Inspector for that appeal addressed the Green Belt balancing exercise and concluded:

“When drawing this together, it is my judgement that the other considerations advanced by the appellants would result in a very finely balanced decision. However, for Very Special Circumstances to exist, the other considerations would need to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, openness and purposes of the Green Belt ... In other words, for the appeal to succeed, the overall balance would have to favour the appellants’ case, not just marginally, but decisively.”

4.28 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. For this application it is considered that the benefits of the proposals do not clearly outweigh the GB harm and as a consequence VSC do not apply.

4.29 The five reasons put forward by Members for approving this development have been carefully considered but do not clearly outweigh the identified harm to the GB. Furthermore the approach taken in the above mentioned appeal is relevant in considering VSC and these do not clearly or decisively outweigh the harm to the GB. Therefore the reason for refusal has not been addressed for the development to be considered acceptable.

5.0 LEGAL IMPLICATIONS OF DECISION

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

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

5.3 If Members are mindful of departing from the contents and recommendations of the officer reports, they are required strictly to adhere to the legal rules and principles of decision making.

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

5.5 The policies contained in the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015 are current and carry the legal status of the development plan.

5.6 Accordingly, to permit a departure from the Core Strategy, considerations are required to be 'material'. This is an imperative and a legal requirement.

5.7 This application is contrary to the development plan, and a grant of planning permission in this case would be referred to the Secretary of State. However, referral to the Secretary of State is not a material consideration and cannot legally be taken into account or support a reason to grant planning permission.

5.8 In addition, unless underpinned by clear and cogent evidence, opinions and anecdotes are not material considerations and cannot legally be taken into account when making a decision or to support a reason. Further, reasons supporting a motion to approve the application against officer recommendation are required to be material

planning considerations, with cogent supporting evidence. Duplication of a matter already taken into account in the officer reports should not be offered as a reason to reject officer conclusions unless the detailed nature and meaning of the disagreement is distilled into a precise and unequivocal material planning consideration, supported by cogent evidence, and which importantly, avoids involving a point of law. What this means in practice, is described in more detail further down.

5.9 The site is located within the Green Belt and decisions concerning Green Belt applications must be made strictly in accordance with:

1. Green Belt Policy and
2. Current Green Belt boundaries

This means speculation as to the outcome of a future Green Belt review as part of the Local Plan process cannot be taken into account when considering the planning application and/or could not be afforded weight.

5.10 In addition to being contrary to the development plan the development proposes inappropriate development in the Green Belt, which is 'by definition, harmful to the Green Belt' (NPPF paragraph 143).

As a matter of national policy the NPPF paragraph 144 states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.'

This paragraph is required to be followed in its entirety.

5.11 Planning permission for development in the Green Belt should only be granted if the benefits are shown clearly to outweigh the potential harm to:

1. The Green Belt and
2. Any other harm resulting from the proposal

and the planning balance gives rise to very special circumstances.

- 5.12 A recent appeal case¹ clarifies the meaning of the term ‘clearly’ in paragraph 144 NPPF to mean ‘not just marginally, but decisively’.

Accordingly, very special circumstances will not exist unless the benefits are shown to outweigh the harm clearly and decisively.

Note: that the NPPF unequivocally requires the scales to be tipped in favour of harm unless outweighed clearly (i.e. decisively) by benefits.

- 5.13 If the outcome of this planning balance is not clear (i.e. decisive), then, according to NPPF 144, very special circumstances will not exist, and planning permission should be refused.
- 5.14 The benefits of this proposal have been evaluated in this report and the March report. Account has been taken of changes to the scheme and further information provided by the applicant as well as each of the reasons given by Members in support of a motion to grant planning permission in March. All the benefits have been weighed and put on the planning scales to ascertain whether they outweigh the harm to the Green Belt by reason of appropriateness and any other harm resulting from the proposal.
- 5.15 NPPF paragraph 144 expressly requires harm to the Green Belt to be given substantial weight. The summary in the March officer report showed that in itself, the harm to the Green Belt clearly outweighs the benefits in this case, and planning permission should be refused.
- 5.16 With regard to 5-year housing supply, this factor has already been taken into account in the report and would not provide an extra consideration to add weight to benefits. It is pertinent for Members to note that, although the Council does not have a 5-year housing land supply, this does not of itself override the policy presumption against the grant of permission for inappropriate development in the Green Belt. In particular, paragraph 11 of the NPPF specifically indicates that a shortfall in the 5-year housing land does not engage the “tilted balance” if the site is in the Green Belt and the development is inappropriate, as in this case. In any event, this consideration has already been given significant weight.

Summary of Legal Advice

- 5.17 From a legal (as well as a planning perspective): In addition to being contrary to the development plan, the application also proposes inappropriate development in the

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

Green Belt. The outcome of the planning balance of all the benefits and all the harms weighs clearly, heavily and decisively to harm, indicating the proposals are positively harmful to the Green Belt. Accordingly, no very special circumstances exist in this case and planning permission should be refused.

5.18 Failure to follow the legal process would be unlawful and could result in a High Court Challenge.

6.0 OVERALL CONCLUSIONS

As required by the Constitution the implications of the Committee approving this application, which is a departure from national and local planning policies, are set out above. This report goes on to analyse the 5 reasons for approving the application contrary to recommendation provided by the Committee. These reasons to a large degree reflect the benefits of the scheme promoted by the applicant and are also those matters which were considered by a Planning Inspector in 2018. It is not considered that these reasons clearly outweigh the identified harm to the Green Belt and therefore the reason for refusal has not been addressed sufficiently for the development to be considered acceptable. The reason for refusal therefore remains relevant.

7.0 RECOMMENDATION

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

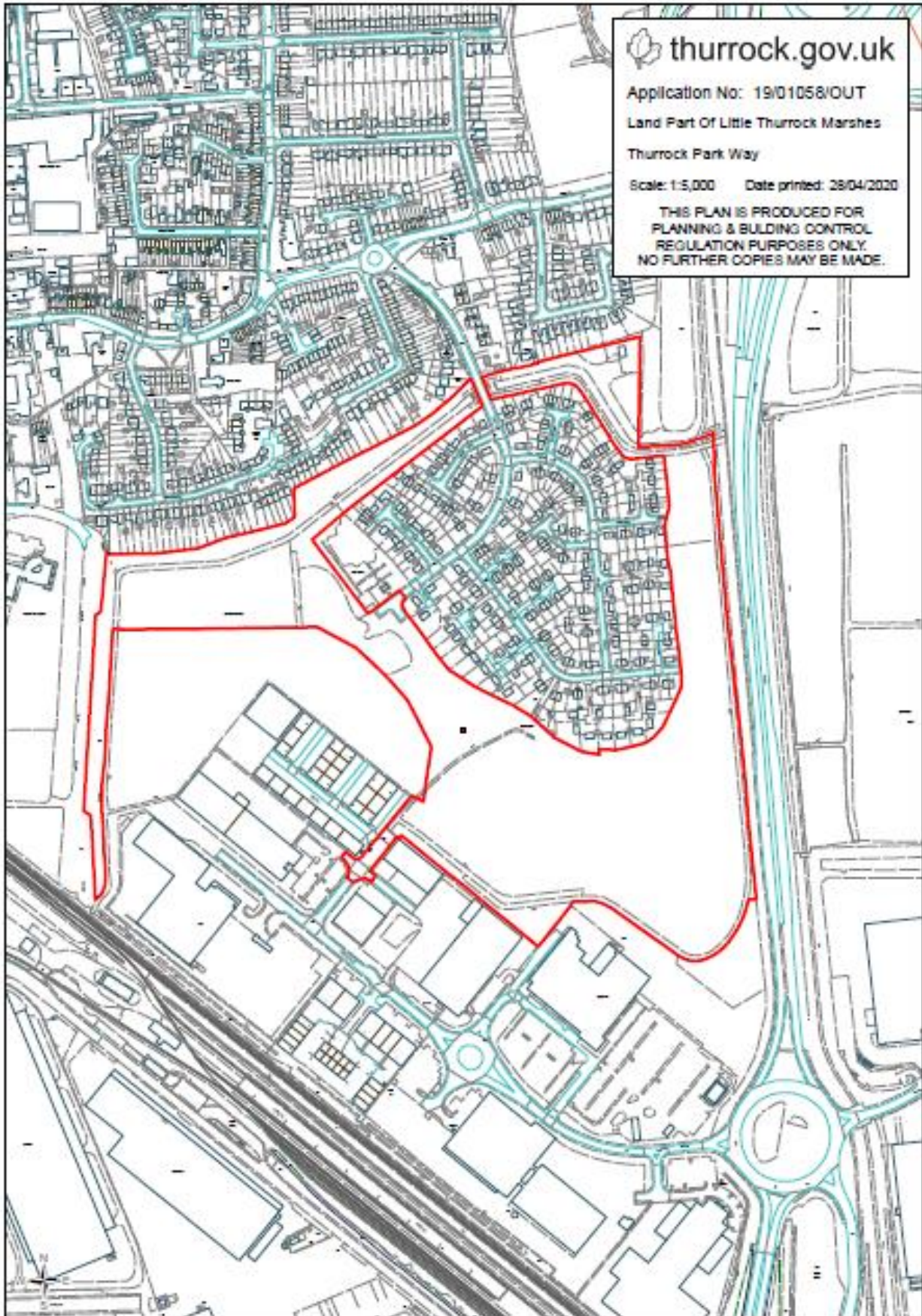
1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF 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: <http://regs.thurrock.gov.uk/online-applications>



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Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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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):		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
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;

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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<ul style="list-style-type: none"> • 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. 	
<p>Applicant: Nordor Holdings Ltd</p>	<p>Validated: 11 July 2019 Date of expiry: 30 April 2020 (Extension of time agreed)</p>
<p>Recommendation: Refuse planning permission</p>	

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

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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- 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	<p>Market Housing: 87 no. three-bed houses 18 no. four-bed houses</p> <p>TOTAL 105 units</p> <p>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</p> <p>TOTAL 56 units (35%)</p>
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 an 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

<u>Ref.</u>	<u>Proposal</u>	<u>Decision</u>
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 30 acres 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

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT	
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	withdrawn

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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	residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works	
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 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	EIA not required
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	EIA not required

	(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	
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- 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:

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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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 date¹, 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 proposed²; 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. The effect of the proposals on the open nature of the GB and the purposes of including land within it

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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- 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 be 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:

	<u>15/01354/OUT</u>	<u>19/01058/OUT</u>
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 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 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 be 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 Market 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 than 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.”

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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- 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.29,000m³. 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.

Planning Committee 19.03.2020	Application Reference: 19/01058/OUT
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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 and 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 been 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			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as VSC</u>	<u>Weight</u>

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 be 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 in 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 weight 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).

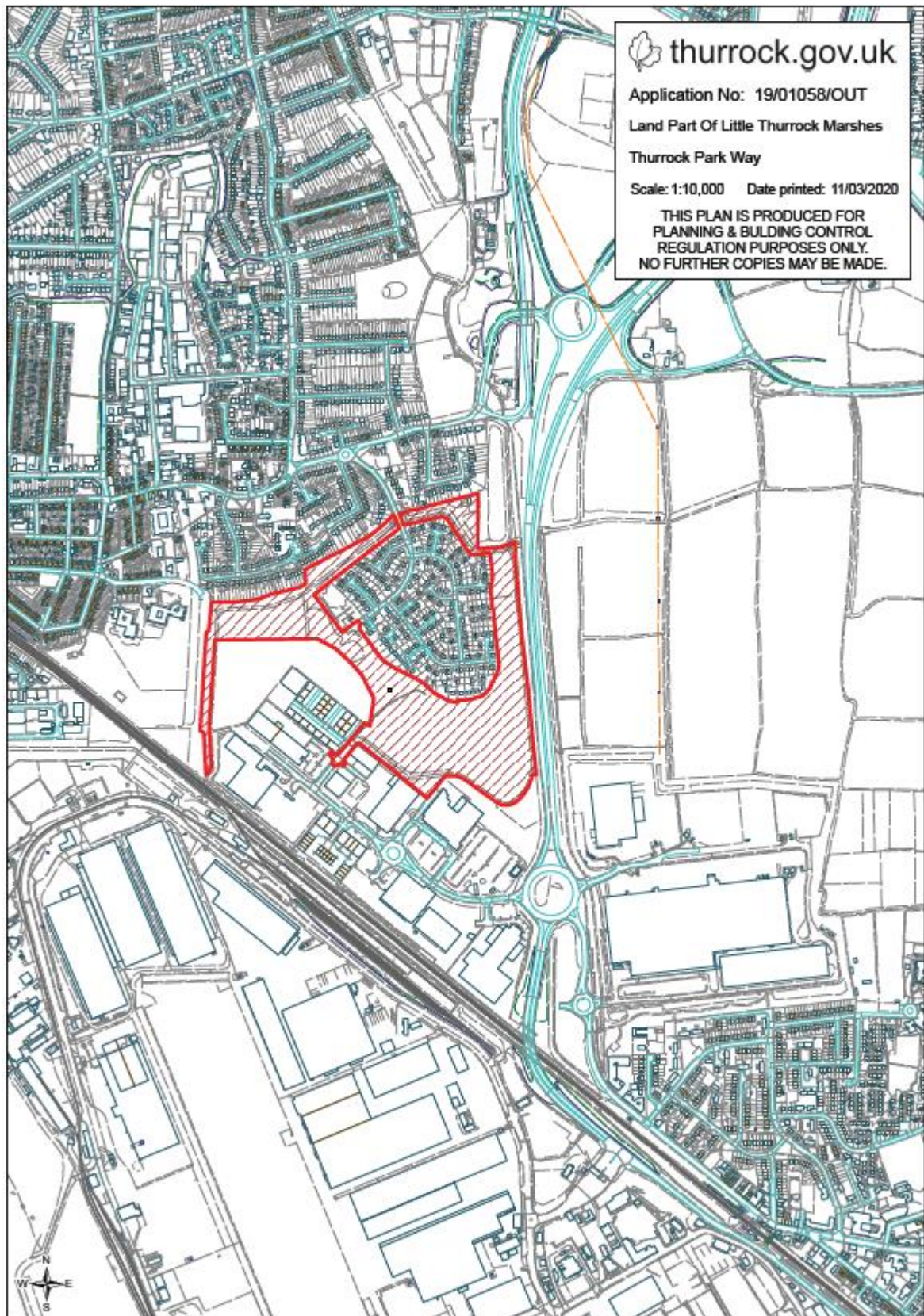
Positive and Proactive Statement

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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