

<p>Reference: 16/01242/FUL</p>	<p>Site: Silver Springs High Road Fobbing Essex SS17 9HN</p>
<p>Ward: Corringham And Fobbing</p>	<p>Proposal: Seven detached houses comprising one replacement dwelling, six new dwellings with access road, landscaping and amenity space.</p>

Plan Number(s):		
Reference	Name	Received
16.3326/M001	Location Map	12 September 2016
16.3326/M002	Location Plan	12 September 2016
16.3326/M003	Aerial Plan	12 September 2016
1634-02G	Proposed Site Layout	18 October 2016
1634-03D	Proposed Plans & Elevations House Type 1	12 September 2016
1634-04D	Proposed Plans & Elevations House Type 2	12 September 2016
1634-05D	Proposed Plans & Elevations House Type 3	12 September 2016
1634-06D	Proposed Plans & Elevations House Type 4	12 September 2016
1634-07D	Existing and Proposed Street scene	12 September 2016
1634-08A	Existing Site Layout	12 September 2016
1634-09C	Swept Path Analysis Drawing	24 October 2016
1634-10	Bell Mouth Junction Drawing	18 October 2016

The application is also accompanied by:

- Specification for Soft Landscape Works
- Arboricultural Report
- Construction Management Plan, Waste Management Plan and Highways Management Plan
- Soft Landscape Plan
- Planning Support Statement SPL Ref: 16.3326
- Transport Statement
- Tree Protection Plan

Applicant: Mr Kieron Lilley / Smart Planning

Validated:

12 September 2016

	Date of expiry: 25 November 2016
Recommendation: To Refuse	

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the demolition of one dwelling which fronts onto the High Road and associated outbuildings on the land to the rear, and the redevelopment of the site to provide seven detached dwellings. One of the new dwellings would be constructed to the front of the site and the others would be served by an access from a new spine road for the development.
- 1.2 Access to the development would be provided at the northern corner of the site; the new entrance would lead to the rear of the site where six detached dwellings would be laid out in a cul-de-sac arrangement.
- 1.3 The proposed houses would all be two storey dwellings with regular roof styles and proportions which exhibit traditional design features. Each dwelling would have either private off street parking or garages and parking.

2.0 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.47 Ha and is found to the north of the main village of Fobbing which is characterised by a single dwelling deep linear pattern of development.
- 2.2 The site is located on the western side of High Road and is occupied by a single dwellinghouse with a large garden area. The site is located within the Green Belt.

3.0 RELEVANT HISTORY

Application reference	Description	Decision
16/30115/PMIN [pre-application]	Proposed residential development of seven houses	Proposal considered to conflict with national and local planning policy. Advised that application would likely attract an unfavourable recommendation.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There has been one comment of support and six comments of objection. The objections raised are:

- Impact of development upon the Green Belt;
- Impact of development upon the character of the village;
- Loss of Privacy;
- Scheme represents overdevelopment;
- Greenfield site / not previously developed land.

4.3 EMERGENCY PLANNING:

No objection.

4.4 ENVIRONMENTAL HEALTH:

No objection.

4.5 ESSEX AND SUFFOLK WATER:

No objection.

4.6 HIGHWAYS:

No objections subject to conditions.

4.7 LANDSCAPE AND ECOLOGY:

Recommends refusal.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 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 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

6. Delivering a wide choice of high quality homes
7. Requiring good design
9. Protecting Green Belt land

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Delivering a wide choice of high quality homes;
- Planning Obligations, and;
- The use of planning conditions

5.3 Local Planning Policy

Thurrock Local Development Framework (2011)

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP25 (Addressing Climate Change)²

- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²
- CSTP33 (Strategic Infrastructure Provision)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)²
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)²
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)²
- PMD16 (Developer Contributions)²

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

5.4 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. 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.

5.5 Draft Site Specific Allocations and Policies DPD

The Consultation Draft "Issues and Options" DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD 'Further Issues and Options' was the subject of a further round of consultation during 2013. The application site was not identified in the SADPD as a potential housing site. The

Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

5.6 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough's Housing needs and ensuring consistency with Government policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

6.0 ASSESSMENT

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

- I. Development plan designation and principle of development
- II. Harm to the Green Belt and other harm
- III. Whether any identified harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the very special circumstances
- IV. Access, traffic and highway impacts
- V. Site layout, design and sustainable construction
- VI. Landscape and ecology
- VII. Amenity and neighbours
- VIII. Developer contributions

I. DEVELOPMENT PLAN DESIGNATION AND PRINCIPLE OF THE DEVELOPMENT

6.2 The Adopted Interim Proposals Map accompanying the LDF Core Strategy (2011) designates the site as being within the Metropolitan Green Belt. Paragraph 89 of the NPPF states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. The NPPF sets out a limited number of exceptions, the proposals for the construction of seven dwellings does not fall into any of the exceptions and therefore constitutes inappropriate development.

6.3 Paragraph 87 of the NPPF states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special*

circumstances'. Paragraph 88 goes on to state; '*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*'.

- 6.4 Notwithstanding the NPPF's presumption in favour of sustainable development (para 14), policies in the NPPF clearly indicate that development in the Green Belt should be restricted and sets out the test by which inappropriate development should be judged. The NPPF does not seek to define further what '*other considerations*' might outweigh the damage to the Green Belt.

The proposal is therefore considered to represent inappropriate development and unacceptable in principle.

II. HARM TO THE GREEN BELT AND 'OTHER' HARM

- 6.5 Having established that the proposal constitutes inappropriate development in the Green Belt, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.6 At paragraph 79, 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 are their openness and their permanence.
- 6.7 The site is not considered to be Previously Developed Land (PDL) as defined within Annex 2 of the NPPF (which specifically excludes land that is or has been occupied by agricultural or forestry buildings).
- 6.8 The development would result new buildings and roadways in an area which is principally free from built development. It is considered that the amount and scale of development proposed would destroy the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be afforded substantial weight in consideration of this application.
- 6.9 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:

- i. to check the unrestricted sprawl of large built-up areas;*
- ii. to prevent neighbouring towns from merging into one another;*
- iii. to assist in safeguarding the countryside from encroachment;*
- iv. to preserve the setting and special character of historic towns; and*
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The proposal would contravene the NPPF as the development would lead to encroachment into the countryside (iii) and would fail to assist urban regeneration (v).

- 6.10 The proposal would involve the construction of housing development on land within and behind the established ribbon development of Fobbing that is shown on the Core

Strategy Proposals Map as being an Established Residential Frontage (ERF). The preamble to Policy PMD6 defines an ERF as a locality within the Green Belt comprising well defined frontages of tightly knit development where there can be some relaxation of normal Green Belt Policy without harm to the objectives of the Green Belt. However the development as proposed does not fit within or between existing units; rather it would be located directly behind a replaced dwelling, creating a significant incursion into open land.

6.11 In light of the above, it is a straight forward matter to conclude that the proposals would be contrary to purposes (iii), and (v) of paragraph 80 of the NPPF and the objectives of Policy PMD6. The proposal is therefore both inappropriate development and harmful by reason of a loss of openness.

III. WHETHER THE HARM TO THE GREEN BELT IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS, SO AS TO AMOUNT TO THE VERY SPECIAL CIRCUMSTANCES

6.12 The Planning Statement submitted by the applicant to accompany the planning application sets out the applicant's case for development. This can be summarised under five headings:

- a. The provision of needed high quality housing within Established Residential Frontage within the Green Belt.
- b. Lack of five year housing supply (which has become more acute).
- c. If the site had been put forward in January 2013 SSADPD then it would have been accepted.
- d. The planning permission approved at the adjacent plot (ref: 15/00766/FUL Demolition of Hill Crest and Thames View Farm and buildings to the rear, and erection of 9 dwellings).
- e. The site has been put forward in the 2015 "Call for Sites" in the new Local Plan.

6.13 Neither the NPPF nor the 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. 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.

6.14 The section below summarises and analyses the arguments advanced by the applicant in support of the application

- a. *The provision of needed high quality housing within an Established Residential Frontage within the Green Belt*

6.15 The applicant suggests that the development would deliver high quality, larger homes in the Borough for which there is an established need. Whilst the Council expects all new development to be of the highest quality, there is no identified need within the Core Strategy or the Council's Housing Needs Survey specifically for larger homes.

This factor should therefore be afforded no weight in consideration of this planning application.

b. Lack of five year housing supply (which has become more acute)

6.16 The applicant has referred to the 2014 Authority Monitoring Report (AMR) which details that the identified five year supply represents 60% (or 3.0 years of supply) of the five year requirement. The applicant argues that when the 20% buffer is taken into account, the supply represents 50% (or 2.5 years of supply) of the five year requirement.

6.17 As detailed in the AMR the Site Specific Allocations DPD is to be reassessed and a new call for sites has taken place. At this juncture, some weight should be afforded to the lack of 5 year housing supply as forming part of the applicant's very special circumstances.

6.18 Under this heading, the applicant has also made a general, non-site specific comment that the failure to meet identified housing needs has been accepted by various Inspectors and the Secretary of State in allowing appeals. However the NPPG advises that *'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'* (Paragraph 034 Reference ID: 3-034-20141006)

c. If the site had been put forward in January 2013 SSADPD then it would have been accepted.

6.19 The site was not identified as a potential housing site within the LDF-CS Site Allocations DPD. It cannot be speculated upon as to whether the site would have been accepted in the 2013 document, if it had been put forward.

6.20 This factor should therefore be afforded no weight in consideration of this planning application. Local Planning Authorities are required to assess planning applications in accordance with the current Development Plan; for the purposes of this application, the site falls within the Green Belt where there is a strong presumption against the type of development proposed.

d. There was planning permission approved at the adjacent plot (15/00766/FUL Demolition of Hill Crest and Thames View Farm and buildings to the rear, and erection of 9 dwellings)

6.21 The planning application at Thames View Farm related to a site that was included in the January 2013 SSADPD and this combined with a number of factors, tipped the balance towards allowing approval of the application. The fact that the adjacent site gained planning permission in 2015 does not mean that this site should automatically

obtain planning permission. This site has never been included within the SSADPD and is therefore fundamentally different to Thames View Farm.

This factor should therefore be afforded no weight in the consideration of this planning application.

e. *The site has been put forward in the 2015 "Call for Sites" in the new Local Plan.*

- 6.22 The applicant has very recently promoted the site through the 'Call for Sites'. As set out above, the Council has accepted that those sites identified within the SADPD would be carried forward into the Local Plan. The applicant's recent promotion of the site demonstrates that they consider the site is available and deliverable. However, the simple fact that the site has been put forward in the recent call for sites can be afforded no weight.

Analysis of very special circumstances case

- 6.23 The crucial consideration here is whether the applicant's case for Very Special Circumstances clearly outweighs the in-principle harm due to the inappropriateness of the development and the harm arising from the loss of openness resulting from an increase in built form.
- 6.24 In concluding this section, each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. In this case it is not considered that the matters put forward have, either individually or collectively, satisfied the requirements to meet the very special circumstances test. Accordingly, the principle of the development is considered to be unsound.

IV. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

- 6.25 The layout as originally submitted with the application received comments of concern from the Council's Highways officer. The applicant has since supplied amended drawings to address the concerns raised and local residents have been re-consulted. No objection has been raised to the revised plans.

Based upon the revised plans, the site would make suitable off street parking provision for all the units and the access to High Road in accordance with Council standards, subject to conditions. Accordingly no objection is raised under this heading. This does not however overcome the principle objections raised earlier in the report.

V. SITE LAYOUT AND DESIGN / SUSTAINABLE CONSTRUCTION

- 6.26 This part of the High Road is not characterised by any particular property style or design. The immediate location presents a wide variety of properties, in terms of age, design, use of materials and size and scale.
- 6.27 The proposed new dwelling fronting the High Road would be located between two chalet dwellings. The proposed dwelling would be the same height as the present house that it would replace. The design of this dwelling is considered to be appropriate as it is suitably related in both size and design terms to the adjacent properties on the High Road.
- 6.28 A new cul-de-sac would be created, which would be accessed from the north of the site adjacent to the new house which would face on to the High Road. The cul-de-sac would consist of six new detached dwellings. Within the mid-section of the site the four properties would have the principal elevation facing southwards and the two properties to the rear of the site would have a principal elevation facing eastwards.
- 6.29 All the proposed properties have the required level of on-site parking offered through garages and hardstanding areas.
- 6.30 These buildings have been designed to a standard style and the overall design approach is considered to be acceptable. The careful use of materials could ensure a high quality finish. Subject to suitable conditions, it is considered that the external appearance of the proposed buildings could be acceptable.
- 6.31 In terms of private amenity space, the proposed dwellings would all have a private rear garden. All the garden sizes are all over 100 sq.m, which meets the Council's space standard requirements.

VI. LANDSCAPE AND ECOLOGY

- 6.32 The Council's Landscape and Ecology Advisor has indicated that the density of the proposed development compromises the site layout and restricts the provision of amenity space within the site. The two plots at the western end of the site require two separate drives in addition to the turning head at the end of the access road. It is noted that the landscape plan shows less planting being achieved in this part of the development than is shown on the site plan.
- 6.33 The Advisor has warned that the landscaping proposed would not make any particular contribution to the amenity of the local area. By reducing the number dwellings he advises it could be possible to include some additional larger growing specimens as well as further planting, however owing to the current layout and density of the development, the quality of the landscaping would be compromised.

VII. AMENITY AND NEIGHBOURS

- 6.34 Neighbours have raised concerns about the impact of the new dwellings on their outlook and amenity. Whilst it is true that the dwellings that are proposed on this site would be a change from the existing scenario, there is no right to an outlook under planning law. Accordingly an objection on these grounds could not be substantiated.

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

IX. DEVELOPER CONTRIBUTIONS

- 6.37 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.38 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units. National policy with regard to section 106 planning obligations has recently been updated (19 May 2016). The NPPG guidance indicates that for developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing built development where there is presently none; the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the countryside and undermining to the openness of this part of the countryside.
- 7.2 The applicant has not advanced anything that amounts to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

Reason(s):

- 1 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2011). Policy PMD6 of the Core Strategy (2011) and Focused Review (2015) applies and states that

permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.

The proposed buildings are new residential dwellings. The NPPF (paragraph 89) sets out the forms of development, which may be acceptable in the Green Belt. The development of new dwellings in the Green Belt is not an appropriate form of development.

The proposed development is not therefore considered to fall within any of the appropriate uses for new buildings set out by the NPPF and Policy PMD6. Consequently, the proposals represent "inappropriate development" in the Green Belt.

Paragraph 87 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A) The matters put forward by the applicant do not constitute the very special circumstances that would be required in order to allow a departure from policy being made in this instance.

The proposals are therefore contrary to Policy PMD6 of the Core Strategy and guidance in the NPPF in principle.

B) Furthermore, by reason of the mass and bulk the proposals represent a serious incursion into the Green Belt and are also harmful to the character and openness of the Green Belt at this point, contrary to Policy PMD6 of the Core Strategy and criteria within the NPPF.

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

