

<p><b>Reference:</b> 17/01631/OUT</p>	<p><b>Site:</b> Land part of Little Thurrock Marshes Thurrock Park Way Tilbury</p>
<p><b>Ward:</b> Tilbury Riverside and Thurrock Park</p>	<p><b>Proposal:</b> 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).</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
001 Rev. C	Site Location Plan	05.12.2017
131 Rev. J	Masterplan	20.03.2018
133 Rev. H	Building Parameters Plan	20.03.2018
134 Rev. J	Masterplan Housing Zones	20.03.2018
140 Rev. J	Masterplan Ecology Enhancement Plan	20.03.2018
141 Rev. H	Masterplan Bunds	20.03.2018
142 Rev. D	Affordable Housing	20.03.2018
143 Rev. B	Masterplan (1:500)	20.03.2018
144	Masterplan (1:500)	05.12.2017
145 Rev. A	Masterplan (1:500)	20.03.2018
146	Masterplan (1:500)	05.12.2017
970.01 Rev. E	Landscape and Ecology Strategy	05.12.2017
970.02 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.03 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.04 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.05 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.06 Rev. A	Landscape Sections	05.12.2017
CC1442-109_D	Highways Overall GA	05.12.2017
CC1442-110_E	Highways GA	05.12.2017
CC1442-111_E	Highways GA	05.12.2017
CC1442-112_E	Highways GA	05.12.2017
CC1442-113_D	Highways GA	05.12.2017
CC1442-114_E	Highways GA	05.12.2017
CC1442-115_E	Highways GA	05.12.2017
CC1442-116_B	Highways Vehicle Tracking	05.12.2017

CC1442-117_B	Highways Vehicle Tracking	05.12.2017
CC1442-118_B	Highways Vehicle Tracking	05.12.2017
CC1442-119_B	Highways Vehicle Tracking	05.12.2017

The application is also accompanied by:

- Accommodation Schedule dated 27 November 2017;
- Botanical Survey dated July 2016;
- Breeding Bird Survey Report dated June 2016;
- Design and Access Statement;
- Ecology Data Survey – Bio and Geodiversity Data, dated 7.10.15;
- Ecological Mitigation Strategy and Habitat Enhancements Plan dated October 2016;
- Flood Risk Assessment dated January 2015;
- Flood Risk Assessment Addendum dated November 2015;
- Flood Risk Assessment Addendum, November 2015, Appendix A;
- Flood Risk Assessment Addendum, November 2015, Appendix B;
- Great Crested Newt Survey dated June 2016;
- Invertebrates Survey Report dated October 2016;
- Invertebrates Survey – Interim Report dated June 2016;
- Landscape Visual Impact Assessment Rev A dated October 2017;
- Lowes Metals Air Quality Statement dated June 2016;
- Lowes Metals Noise Statement dated June 2016;
- Noise Assessment dated June 2016;
- Planning Statement dated November 2017;
- Preliminary Ecological Appraisal dated October 2015;
- Reptile Survey Report dated June 2016;
- Supplementary Flood Risk Assessment Addendum dated May 2016;
- Section 106 Draft Heads of Terms;
- Sustainability and Energy Statement dated June 2016;
- Transport Assessment dated October 2015;
- Transport Assessment Addendum dated February 2016;
- Transport Assessment Addendum 2 dated September 2016;
- Travel Plan dated October 2015;
- Water Framework Directive dated June 2016;
- Water Vole Survey dated September 2017; and
- Water Vole Presence / Absence Survey Report dated October 2015.

**Applicant:**  
Nordor Holdings Ltd

**Validated:**  
6 December 2017  
**Date of expiry:**  
30 April 2018 (extension of time)

	agreed with applicant)
<b>Recommendation:</b> Refuse planning permission.	

## 1.0 DESCRIPTION OF PROPOSAL

1.1 As detailed in the 'Planning History' section below, this application is effectively the re-submission of a near identical planning application (ref. 15/01354/OUT) which was refused by the Planning Committee on the basis of inappropriate development in the Green Belt and the lack of very special circumstances to justify a departure from local and national planning policy. The applicant has lodged an appeal against the refusal of 15/01354/OUT and the Planning Inspectorate has scheduled a public inquiry to consider the appeal in May 2018.

1.2 With reference to the current planning application, the submitted Planning statement confirms:

*'Since the determination of application Ref. 15/01354/OUT, a minor layout adjustment has been made to the scheme involving the redistribution of 15 units to the north-west of the site, in order to allow for a landscape buffer between the Council's community facility and the curtilage of the proposed properties backing onto it. No change is proposed to the number or mix of units. This new application includes this minor layout adjustment'.*

1.3 In addition, the layout drawings have been amended to allow for the increased width of a maintenance strip adjacent to a watercourse (from 6m to 7m width). Aside from these amendments, the current application is identical to the previous submission and the description of development and majority of supporting studies and reports are consistent with the previous submission. However, a number of the previously submitted drawings have been revised to reflect the changes to the layout and amendments to the previous landscape and ecology drawings have been submitted. In addition, the current submission includes a 'Landscape and Visual Impact Assessment' which is an additional document not previously submitted or considered.

1.4 The applicant is entitled in the circumstances to make a 'repeat' application following the refusal of planning permission. National Planning Practice Guidance confirms:

*'An application can be made for a development which has already been refused. However local planning authorities have the power to decline an application for planning permission which is similar to an application that, within the last 2 years, has been dismissed by the Secretary of State on appeal or refused following call-in. A local planning authority may also decline to determine an application for planning*

*permission if it has refused more than one similar application within the last 2 years and there has been no appeal to the Secretary of State.'*

As the appeal is pending and the current submission is the first repeat application, the local planning authority cannot decline to accept the application.

- 1.5 For information a copy of the report presented to Planning Committee in June 2017 setting out the full description of development is appended at Appendix A.

## **2.0 SITE DESCRIPTION**

- 2.1 The site comprises an irregularly shaped parcel of land, extending to approximately 13.36 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.
- 2.2 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.
- 2.3 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 located within the Green Belt as defined by the Policies Map accompanying the adopted Core Strategy (as amended) (2015). The south-western part of the site, as well as being designated as Green Belt, 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.

## **3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
52/00279/FUL	Erection of electric overhead lines at Dock Road, Little Thurrock.	Approved
57/00570/FUL	Residential development	Refused
58/00087/FUL	Erection of overhead electric power lines	Deemed Approval
64/00617/FUL	Housing estate providing for the erection of 250 Houses	Approved
66/00907/FUL	Operational land for the purposes of the authorities undertaking	Withdrawn
68/00783/FUL	Overhead power lines	Approved
69/00621/FUL	Vehicle park and access road on land west of Dock Road, Tilbury	Approved
69/00621A/FUL	Depot and access road west of Dock Road, Tilbury subject to conditions within planning application THU/621/69	Approved
74/00161/OUT	Development of land at Tilbury North for 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	Approved
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. N.B. This decision was subject to a Section 52 Agreement which was not finalised.	Refused
08/01042/TTGSCR	Request for EIA screening opinion: Proposed redevelopment of land at Little	EIA not required

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

	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.	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 re-development 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 13.11 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 pending

3.1 From the table above it will be noted that a planning application (ref. 15/01354/OUT) proposing a near identical development was submitted in 2015. A report assessing this application was presented to the Planning Committee at its meeting on 22<sup>nd</sup> June 2017. Officers recommended that planning permission be granted subject to:

- i. referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination;
- ii. the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms –

- the provision of 98 no. dwellings as affordable housing;
- financial contribution of £273,316.39 towards the costs of additional nursery school places within the Tilbury primary school pupil planning area;
- financial contribution of £1,363,958.96 towards the costs of additional primary school places within the Tilbury primary school pupil planning area;
- financial contribution of £1,091,050.63 towards the costs of additional secondary school places within the central secondary school pupil planning area;
- financial contribution of £40,000 towards the costs of cycle and footpath links between the site and Manor Road and the A1089 in accordance with the Council's IRL;
- agreement that the local highways authority may obtain unrestricted access across the watercourse in the developers landholding at any location and for at least 2 crossing points for a cycle / footpath bridge to the north and / or west of the site; and
- financial contribution of £200,000 towards the costs of capacity and safety improvements at the junction of the A1089 and A126 Marshfoot Road Priority Junction in accordance with the Council's IRL.

iii planning conditions.

3.2 After extensive debate Members of the Planning Committee voted against the recommendation by 5 votes to 4 and voted in favour of a proposal to refuse the planning application, for reasons related to impact on the Green Belt, by 5 votes to 4.

3.3 Planning permission was subsequently refused by notice dated 26<sup>th</sup> June 2017 for the following reason:

*'The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to a number of the purposes for including land in a Green Belt. 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 9 of the NPPF and*



*Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015)'.*

3.4 In November 2017 the applicant lodged an appeal against the refusal of planning permission. Following validation, the Planning Inspectorate accepted the appeal on 15<sup>th</sup> December 2017. A public local inquiry to consider the appeal is scheduled to be held in May of this year.

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

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

#### **4.2 PUBLICITY:**

This application has been advertised as a major development and as a departure to the development plan by way of individual neighbour notification letters, press advert and public site notices which have been displayed nearby.

4.3 A total of 213 individual letters of objection have been received, including one letter from a Ward Councillor and one letter from an adjoining Ward Councillor. In summary, these letters raise the following concerns:

- contrary to planning policies;
- increased traffic on local roads;
- strain on existing infrastructure (roads / sewerage / schools / surgeries);
- prejudicial to safety;
- loss of habitat;
- loss of Green Belt;
- increased rat-running on roads;
- risk of flooding;
- inadequate access;
- increased pollution;
- out of character;
- overlooking;
- increased noise and disturbance;
- loss of views;
- increased crime;
- impact on ecology; and
- impact on residential amenity.

In addition, a petition containing some 679 signatures has been received objecting to the application.

4.4 CAMBRIDGE & ESSEX BUTTERFLY CONSERVATION:

Urge caution in accepting the conclusion drawn in the submitted Ecology Mitigation Strategy and Habitat Enhancement Plan. Loss of biodiversity is considered to be significant.

4.5 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection, subject to planning conditions.

4.6 ESSEX FIELD CLUB:

Object to the application on the ground of loss of habitat and impact on invertebrates.

4.7 ANGLIAN WATER:

Suggest planning conditions addressing foul and surface water drainage strategies.

4.8 ESSEX FIRE & RESCUE SERVICES:

Access appears to be satisfactory. Draw attention to the requirements of Building Regulations and the potential need for water supplies.

4.9 ESSEX & SUFFOLK WATER:

No objection.

4.10 HIGHWAYS ENGLAND:

No objection.

4.11 NHS ENGLAND:

The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. A developer contribution of £110,400.00 is sought to mitigate impacts.

4.12 PORT OF TILBURY:

The impacts on air quality and noise from traffic using the A1089 should be

considered, particularly in the context of the Amazon development and the potential Tilbury2 development.

#### 4.13 ENVIRONMENT AGENCY:

No objection.

#### 4.14 EMERGENCY PLANNING:

Recommend the preparation of a Flood Warning Evacuation Plan.

#### 4.15 EDUCATION:

A financial contribution from the development would be required to mitigate impacts on nursery, primary and secondary school education.

#### 4.16 ENVIRONMENTAL HEALTH:

No air quality objections. A watching brief is required for any potential ground contamination. A planning condition requiring a CEMP is necessary. Enhanced glazing may be required to properties facing the A1089 to achieve good internal noise levels.

#### 4.17 FLOOD RISK MANAGER:

No objection subject to conditions.

#### 4.18 HOUSING:

The provision of affordable housing is policy compliant however the mix of affordable housing will need to be amended. The delivery of smaller homes meets the Council's affordable homes need requirements.

#### 4.19 HIGHWAYS:

No objections, subject to planning conditions and s106 obligations.

#### 4.20 LANDSCAPE & ECOLOGY:

The methodology of the submitted Landscape and Visual Impact Assessment is generally satisfactory although there are some concerns. It is accepted that much of the typical characteristic of this landscape character area have either been lost or degraded. Proposed development in the most sensitive east and north-east parts

of the site would be prominent with adverse impact. The assessment places emphasis on mitigation measures such as tree planting to reduce impacts. However, there may be conflicts between this mitigation and ecological mitigation which relies on 'open' habitats.

#### 4.21 TRAVEL PLAN CO-ORDINATOR:

The submitted Travel Plan is acceptable.

#### 4.22 SPORT ENGLAND:

No objection. Does not offer detailed advice but refers to national planning policy and guidance.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Guidance

##### 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:

- promoting sustainable transport;
- delivering a wide choice of high quality homes;
- requiring good design;
- promoting healthy communities;
- protecting Green Belt land;
- meeting the challenge of climate change, flooding and coastal change;
- conserving and enhancing the natural environment.

##### Planning Practice Guidance (PPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the

previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 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;
- determining a planning application;
- flood risk and coastal change;
- natural environment;
- open space, sports and recreation facilities, public rights of way and local green space;
- planning obligations;
- renewable and low carbon energy;
- travel Plans, transport Assessments and Statements;
- use of planning conditions
- viability

## 5.2 **Local Planning Policy**

### 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.

### Draft Site Specific Allocations and Policies DPD

This 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 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.

## 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 2014 meeting 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.

## Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) (2015)

The following Core Strategy policies apply to the proposals:

### Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP2 (Sustainable Employment Growth);
- CSSP3 (Sustainable Infrastructure);
- CSSP4: (Sustainable Green Belt);
- CSSP5 (Sustainable Greengrid);
- OSDP1 (Promoting Sustainable Growth and Regeneration in Thurrock).

### 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)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
- 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 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 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)

### 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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

## **6.0 ASSESSMENT**

- 6.1 The report presented to Planning Committee in June 2017 and appended at Appendix A contains a thorough assessment of the planning considerations raised by the application. Since June 2017 there have been no material changes in relevant planning policy matters and, as noted above, the current application is near identical to the proposal presented to Committee in June.
- 6.2 Nevertheless, Members of the Planning Committee may be aware that the Government is currently undertaking a consultation exercise on draft revised text for the NPPF. This consultation closes on 10<sup>th</sup> May 2018. The introduction to the consultation document refers mainly to the issue housing supply and states that:

*"This country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The*

*Government is clear that the country needs radical, lasting reform that will allow more homes to be built ... Therefore this consultation includes a number of further changes to policy, beyond those consulted on previously, to help ensure that more land is brought forward for development and that permissions are turned into homes as soon as possible."*

6.3 Therefore, under the chapter heading of 'Delivering a wide choice of high quality homes' the consultation document introduces a number of proposals with the general intention of boosting housing supply.

6.4 However, under the chapter heading of 'Protecting the Green Belt' the consultation states that:

*"The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released".*

The proposed draft revisions to the NPPF do not alter the presumption against inappropriate development in the Green Belt and the requirement that such development should only be approved in very special circumstances.

6.5 Paragraph nos. 6.30 – 6.40 of the report presented to Committee last June considered the issue of housing demand and the five-year supply. The report referred to the 'Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016)' which was the most up to date analysis of housing land supply available. The Statement concluded that there was a supply of between 2.5 and 2.7 years in relation to identified objectively assessed need. The Council has not yet published an update to the Statement although it is considered unlikely that the years' supply figure has materially increased since July 2016. Although the June 2017 report to Committee noted that the shortfall in housing land supply contributed towards very special circumstances, in line with the Ministerial Statement and Planning Practice Guidance this single issue on its own cannot comprise the very special circumstances to justify inappropriate development. This matter is essentially unchanged from the time when the previous application was considered.

6.6 The relatively minor changes to the layout of the development do not impact upon the principal concern raised by the Planning Committee in June 2017, namely the impact of the proposals on the Green Belt.

6.7 The Officer recommendation previously presented to Committee was to grant planning permission subject to referral to the Secretary of State, the completion of a s106 agreement and planning conditions. The s106 obligations and conditions (Appendix A) were considered sufficient to ensure the necessary mitigation of the



impacts of the proposals, particularly addressing the matters of highways, ecology and flood risk. The applicant has offered to enter into a s.106 legal agreement with the same Heads of Terms as those proposed under 15/01354/OUT. As the current submission is effectively a repeat of the previous submission, the professional opinion of Officers remains that planning permission could as matter of planning judgment be granted in accordance with the recommendation at Appendix A.

6.8 However, the Planning Committee in exercising its function as the local planning authority properly considered the earlier proposal in June 2017 and reached a balanced decision to refuse the application on the grounds of impact on the Green Belt. The Green Belt considerations raised by the current proposal are identical to the previous scheme. It is recognised that the proposals comprise inappropriate development and that there would be harm to openness and harm, to a degree, with a number of the purposes of including land in a Green Belt. Crucially Members of the Planning Committee concluded that there were no considerations which clearly outweighed the harm to the Green Belt so as to amount to the very special circumstances required to justify inappropriate development. The applicant's current case for very special circumstances is substantially the same as the considerations promoted previously and assessed at the June 2017 Committee meeting. Therefore, all things being equal and given:

- the same policy context as applying in June 2017;
- the near identical nature of the current and previous applications; and
- the similar factors promoted as very special circumstances by the applicant

6.9 Members of the Committee may consider that, notwithstanding the previous Officer recommendation, the previous Green Belt concerns have not been addressed and therefore permission should be refused on this basis.

## **7.0 RECOMMENDATION**

7.1 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 (as amended 2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to a number of the purposes for including land in a

Green Belt. 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 9 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015').

**Informative:**

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**Documents:**

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

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

