

Reference: 18/00450/OUT	Site: Greenwise Nurseries Vange Park Road Vange Essex SS16 5LA
Ward: Corringham And Fobbing	Proposal: The erection of up to 31 custom-build homes (Use Class C3). All matters reserved, with the exception of access from Vange Park Road.

Plan Number(s):		
Reference	Name	Received
001	Location Plan	26th March 2018

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design and Access Statement and Design Code - Flood Risk Assessment and SUDs Strategy - Scope of Works - Statement of Community Engagement - Transport Statement - Planning Statement 	
<p>Applicant: Mr Mark Romero</p>	<p>Validated: 3 April 2018 Date of expiry: 13 September 2018 (extension of time agreed with applicant)</p>
<p>Recommendation: Approve</p>	

The application is scheduled for determination by the Council's Planning Committee because the proposal represents a departure from the Development Plan.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks outline planning permission (with all matters reserved with the exception of access) for the development of the site for up to 31 custom-build homes. The scheme would allow the infrastructure for the units (i.e. connections to utilities, road access) to be provided by the developer, and occupiers would have an opportunity to build a home of their design (within parameters) on their chosen plot.
- 1.2 Access to the site would be provided close to the existing vehicle access and an indicative layout has been provided showing a central spine road running north to south through the site. The spine road would terminate

with a T style junction with a cluster of houses in the north eastern corner of the site. A similar cluster of houses would be located in the south eastern corner of the site. The remainder of the units would be set either side of the main spine road, which would be planted to create a boulevard style street scene.

1.3 The application includes a 'Design Code' to set parameters for the units. The Code includes details regarding:

- Boundary treatment: range of soft planting and screen fences/walls;
- Setback dimensions: range dependent upon plots, up to 11.5m for larger plots;
- Landscape dimensions: specific areas identified for planting;
- Building heights (ridges and eaves): height limitation of 9.6m (eaves) for all dwellings;
- Definition of front door zone: specific areas identified to front of house;
- Parking arrangement: varies between shared, communal and on-plot;
- Frontage arrangement: parking area set out;
- Materials: a palette of materials to be used across all plots is provided.

2.0 SITE DESCRIPTION

2.1 The application site is a roughly rectangular area of land on the north-west side of Vange Park Road, north of the A13 and close to the boundary of Thurrock and Basildon. The site lies within the Green Belt.

2.2 The site measures 2.45 hectares and is presently used for the storage of building materials including skips, vehicles, and containers. Access to the site is presently obtained via Vange Park Road.

2.3 The site has a lawful development certificate for growing plants and retail sales of plants, the importation of plants and retail sale of plants, the use of land for storage and display for sale of garden material and garden equipment and for the display and sale of building materials and other materials in the open.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
91/00086/FUL	Change of use from Nursery to Garden Centre.	Refused
94/00439/FUL	Four greenhouses	Approved
04/01251/LDC	Existing use of the building hatched on the attached plan dated 29 Nov 2004 for sale of books, video, music tapes and compact discs between the	Approved

	business hours of 8am -5pm Mon-Fri, 8am - 4pm Sat and 10am - 4pm Sun.	
04/01470/LDC	Existing use of building for manufacturing purposes.	Withdrawn
05/00495/LDC	Existing use of building for manufacturing process (B1).	Refused
07/00318/TTGFUL	Stationing of a mobile home for residential purposes and associated hard standing for a temporary period of three years.	Refused
07/00317/TTGFUL	Retention of storage building for a temporary period of three years.	Withdrawn
07/01198/FUL	Stationing of a mobile home for residential purposes and associated hard standing for a temporary period of three years.	Refused
10/00470/LDC	The use of the land for growing plants and retail sale thereof together with importation of plants and retail sale of plants. The use of land for storage and display for sale of garden material and garden equipment predominantly in the open. Use of land for storage and display for sale of building materials and other general materials un-related to garden, predominantly in the open. Use of land for general storage of building and other materials predominantly in the open together with all associated buildings.	Deemed Lawful

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:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

- Thirty seven 'postcards' have been submitted supporting to the proposals. The postcard appears to have been distributed to nearby neighbours to complete if they agree with the wording, which states "An outline planning application has bene submitted to Thurrock Council to clean up the site and

provide up to 31 bespoke custom built properties. If approved, this exciting project would be the first of its kind in Thurrock and set a benchmark for custom build in the Borough.

- Four letters have been submitted in support of the proposals, citing tidying up of the land, the lack of housing and citing failure of national government policy for housing building.
- One letter has been received objection on the basis of the access to the site and the additional traffic resulting.

HOUSING:

- 4.2 Commuted sum required in lieu of affordable housing provision.

FLOOD RISK MANAGER:

- 4.3 No objection.

HIGHWAYS:

- 4.4 No objections.

ENVIRONMENTAL HEALTH:

- 4.5 No objections, subject to conditions.

NATURAL ENGLAND:

- 4.6 No objection.

FLOOD RISK MANAGER:

- 4.7 No objections.

LANDSCAPE AND ECOLOGY ADVISOR:

- 4.8 No objections subject to conditions.

EDUCATION:

- 4.9 A contribution towards local education facilities is required.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 27th March 2012 and a revised version published in July 2018. The revised version applies to the determination of this application. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms that that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise 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.
- 5.2 The following sections of the NPPF are relevant to the consideration of the current proposals:
2. Achieving sustainable development
 3. Plan-making
 4. Decision-making
 5. Delivering a sufficient supply of homes.
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 12. Achieving well-designed places
 13. Protecting Green Belt land
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment

Planning Practice Guidance

- 5.3 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
 - 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
 - Travel plans, transport assessment and statements in decision making
 - The use of planning conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

- 5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

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)
- PMD8 (Parking Standards)³ and
- 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].

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. Consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document commenced in December 2018.

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.

Thurrock Residential Alterations and Extension Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy

6.0 ASSESSMENT

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

6.2 The application is assessed under the following headings:

- I. The Principle of the Development and the Impact upon the Green Belt
 - II. Design and Layout and Impact upon the Area
 - IV. Landscape and Visual Impact
 - V. Open Space, Green Infrastructure and Landscaping
 - VI. Impact upon Ecology and Biodiversity
 - VII. Flood Risk and Drainage
 - VIII. Impact upon Amenity
 - IX. Viability and Planning Obligations
- I. THE PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT

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

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

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

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

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

6.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, namely:

- buildings for agriculture and forestry;
- 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;
- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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

- 6.6 The site, due to its planning history, which includes the lawful development certificate for the use as a garden nursery, is considered to fall within the NPPF definition of Previously Developed Land (PDL). However, the proposed development of 31 houses would result in an increased built form which would also be spread across a wider area than the current sporadic use of the site. As a matter of judgement, the proposal would create substantial harm to the openness of the Green Belt. Consequently, the proposals comprise inappropriate development with reference to the NPPF and policy PMD6.

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

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

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

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

- 6.9 In response to each of these five purposes:

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

- 6.10 The site is located in a relatively isolated location, to the south of the town of Basildon (outside the Borough) close to sporadic established properties, some of a 'Plot Land' style nature. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

b. to prevent neighbouring towns from merging into one another

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

c. to assist in safeguarding the countryside from encroachment

- 6.12 Given that the site constitutes PDL the proposal would not result in encroachment in the countryside or conflict with this Green Belt purpose.

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

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

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

6.14 The development could occur in an urban area and so the development does not assist in urban regeneration. It is however recognised that the site constitutes PDL and the development proposal would serve to redevelop the site for new housing in the Borough. On balance, it is not considered that the proposal would conflict with this purpose.

6.15 In light of the above analysis, it is considered that the proposals would not necessarily conflict with the 5 purposes of including land in the Green Belt. However, matters of "other harm" are considered elsewhere in the report.

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

6.16 "'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.

Some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace').

However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt.

The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'.

6.17 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning

authorities “*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

6.18 The Planning Statement sets out the applicant’s very special circumstances which are assessed below:

a. Previously Developed Land with Lawful Open Storage Uses

6.19 The applicant considers that the lawful use of land for growing plants and retail sales of plants, the importation of plants and retail sale of plants, the use of land for storage and display for sale of garden material and garden equipment and for the display and sale of building materials and other materials in the open should be afforded significant weight in the determination of the application. They note that there are no restrictions on vehicle movements entering or leaving the site, or relating to the quantum of material being stored on site.

Consideration

6.20 It is accepted the site can be lawfully used for the activities described above. The site has been active for a number of years but the scale of the use is relatively low key. There are few buildings on the site and materials are largely stored in the open. Whilst it is clearly not preferable to have open storage on a site in the Green Belt it is accepted that the use is lawful and that the use could be carried on. The Certificate of Lawfulness (10/00470/LDC, issued in 2010) certifies the legality of the existing uses on the site, for a mixed composite use which includes the storage of general materials, as well as a garden nursery use. The certificate relates to specifically identified uses and does not allow free, uncontrolled use of the land, although the certificate does not limit the extent of the various component uses, for example the amount or extent of any building materials, provided the use of the site remains in a composite use as expressed in the wording of the certificate.

6.21 The details submitted during the application show that the use of the land has diminished over time since the LDC was issued. The total sales for the last financial year come to around £24,000. For a site of this size, this is considered to be a small return however this does not mean that the site could not increase in terms of scale and activity.

The consideration in this case is to compare the fall-back position (i.e. what the applicant can do without any fresh planning permission) with what would happen as a result of the permission.

6.22 In terms of weighing the fall-back in the planning balance, the consideration must be firstly, whether there is a fall-back use, secondly whether there is a likelihood or real prospect of it occurring and thirdly if the answer to the second question is “yes” a comparison must be made between the two

positions.

- 6.23 It has already been established that the use has not ceased and there is the lawful ability to carry it on. In relation to the prospect of it continuing, there has not been any evidence provided to show that the use would increase in scale, if the use were to continue, but under the certificate of lawfulness description and parameters, it could. In its present form there is relatively little impact on the Green Belt and surrounding area however the owner could legitimately establish additional stock piles of 'other materials' on the site and allow vehicles to run in and out of the site unrestricted. This could lead to significant harm to the amenity of neighbours and harm to the Green Belt.
- 6.24 The very nature of open storage and retail sales means that the impact on openness at any one time would vary. However the LDC does allow for significant expansion, continuous activities and disturbance to local residents. It is against the basis of the LDC that the applicant considers the proposed development to have less than substantial harm on the Green Belt.
- 6.25 In conclusion under this heading, it is considered that this factor should be given significant weight in the determination of the application as a very special circumstance.

b. The provision of Custom-Build Housing

- 6.26 The applicant states the NPPF makes it clear that LPAs should plan for people who want to build their own homes; that in the UK custom house building is relatively low; that government targets for 100,000 self-build homes in 10 years equates to 107 per LPA for the next 5 years and that the proposal is unique as the first custom-build proposal in Thurrock. They continue that as of February 2018 there were 43 people on the register for the custom build houses in the Borough and there is no provision in the current Core Strategy for custom build. The applicant indicates significant weight should be provided in the determination of the application. The applicant provides details from a site in Great Dunmow (appeal ref: APP/C1570/A/14/2223280) where the Inspector in allowing the appeal noted there had been "little opportunity for self-builders in recent years" and that demand existed for self-build evidenced by the self-build register maintained by the Council. And further, accordingly, "the provision of custom/self – build housing [should be afforded] significant weight".

Consideration

- 6.27 The provision of custom-build homes is a specific market area which government guidance seeks to develop and it is acknowledged that the Core Strategy does not presently provide any sites specifically for this purpose.
- 6.28 The Council is currently preparing a new Local Plan which will factor this type of housing as part of the allocations. It is not clear whether the developer has considered any other sites prior to putting this one forward; however, given the

recent appeal decision in a similar, local planning authority, the government drive to encourage varied forms of housing and the lack of a 5 year supply, it is considered that this matter can be attributed significant weight in the determination of the application.

c. The provision of Affordable Housing:

- 6.29 The application was originally submitted with a policy compliant 35% of the units (10) to be provided as Custom-Build Affordable units. It was considered by the applicant this should be afforded significant weight.

Consideration

- 6.30 Through the application process the Council's Housing Team have warned that registered Housing providers have expressed reluctance to be involved in the project because of it being a niche area of the housing market. The applicant has since offered to make a commuted off-site payment in lieu of on-site provision. The applicant still considers this should be afforded significant weight, and cites the "very significant weight" given to the provision of affordable housing at appeal in May 2018 (in relation to application 15/01354/OUT – Land at Little Thurrock Marshes – a scheme comprising up to 280 units).
- 6.31 Whilst it is acknowledged this is a recent appeal decision, the site referred to would have provided just under 100 units. That site was close to built up areas of the Borough and the provision would have been on site, helping to create a balanced community. The application in contrast is providing a commuted sum, which would be spent outside the site and would not ensure that a balanced community is provided on the site. As such, this factor should be afforded moderate weight in the current proposal as the proposals would make a policy compliant provision but the outcome would not result in a mixed community within the development site.

d. Providing a High-Quality Design / Place making

- 6.32 The applicant states, that although in outline form, the submitted 'Design Code' (which would be a condition in the event of permission being granted) would ensure that features such as boundary treatments, landscaping, frontage arrangements and materials would ensure the development when built would be high quality and that the large building plots would provide a mix of housing that is not well provided for in the Borough. The applicant indicates that the Design Code provides a great deal of detail and that at the Bata Field site in East Tilbury (APP/M9565/A/09/2114804) the design quality was afforded weight. [Bata Field is immediately adjoined the East Tilbury Conservation Area].

Consideration

- 6.33 The Council has recently adopted the Thurrock Design Strategy and

Residential Alterations and Extensions guide; these put good design at the heart of all development proposals. The NPPF also highlights good design as being indivisible from good planning. Good design should be a given in any proposal.

- 6.34 The Council's Urban Design Advisor has reviewed the documents submitted with the application and advises that although she supports the principle of the scheme the Design Code as submitted does not go far enough to explore a novel or unique approach to delivering housing, the document does not talk about the type of place that would be created or what kind of community it is intending to build and that the proposal makes little attempt to create a central and useable community space.
- 6.35 Accordingly, this factor is afforded only limited weight in the consideration of the proposal.

e. *The Role of the Application Site within the Green Belt*

- 6.36 The applicant considers the site to be a geographically defined area [on the basis of the lawful use of the site], where there is no possibility of the merging of towns. The applicant also considers that as there is no historic setting and the lack of any options for regeneration within the existing settlement due to tightly drawn boundaries mean there is little possibility of other development. The applicant also notes that the Council is looking through the new Local Plan process to release strategic areas of Green Belt land to meet housing supply needs and that Basildon Council, in its Draft Local Plan have identified a site North and South of London Road Vange, for approximately 615 new homes. The applicant considers therefore the proposal would not significantly undermine the 5 purposes of the Green Belt.

Consideration

- 6.37 Legislation requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. Green Belt boundaries should only be altered through the Local Plan process. Accordingly no weight is attributed to this allegedly very special circumstance.

f. *Ability for the Site to Positively Contribute Towards Housing Land Supply:*

- 6.38 The applicant refers to NPPF requirements regarding 5 year housing land supply and the requirement for a 20% buffer where there has been persistent underachievement measured against the 5-year target. The Strategic Housing Market Assessment (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.

- 6.39 The applicant states that the Council's failure to deliver a 5-year housing land supply has been widely accepted by many, including the Planning Inspectorate and the Secretary of State. The applicant states that the contribution towards delivery of housing and a lack of a five year housing land supply was afforded significant weight with the Little Thurrock Marshes application (ref 15/01534/OUT).

Consideration

- 6.40 Government advice through the PPG in Paragraph: 034 Reference ID: 3-034- 20141006 states: '*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*'. Therefore, whilst significant weight should be attached to the provision of new housing this factor alone is unlikely to constitute very special circumstances.
- 6.41 Members are aware that the appeal against the Council's decision to refuse application 15/01534/OUT was dismissed by the Planning Inspectorate. The Council's housing land supply formed a large part of the Public Inquiry (held in May 2018). In dismissing the appeal, the Inspector gave very significant weight to the market and affordable housing provision that the (280 unit) scheme would provide, but found that the harm to the Green Belt was not clearly outweighed by this, and other factors presented by the applicant.
- 6.42 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017]. The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex.
- 6.43 The SHMA identifies the predominant need for 3 bedroom semi-detached and terraced houses and 1 and 2 bedroom flats. The proposed development would provide 11 x 3 bedroom houses and 16 x 4 bedroom dwellings (though it should be noted the proposal is in outline form). This matter should be afforded moderate weight.

g *Linkages to London Gateway Port and Logistics Park and Thames Enterprise Park*

- 6.44 The applicant refers to the on and off-site employment opportunities generated by London Gateway. The applicant refers to a net labour supply figure (for 2011) of

16,000 people in Thurrock and suggests that the majority of new jobs at London Gateway will be occupied by people from outside of the Borough. The applicant considers that there is a risk that the economic benefits of London Gateway (employee income) will be lost from Thurrock. The applicant refers to a potential imbalance between housing and employment growth and cites the Bata Field appeal decision (ref: 09/50045/TTGOUT) where the Planning Inspector attached “moderate weight” to the location of the Bata site near to London Gateway and recognised the synergies between employment and housing opportunities. The potential for future employment creation at the former Coryton oil refinery site is also highlighted by the applicant and the creation of 5,000 jobs. The residential development on the application site could offer advantages in reducing commuting distances for employees, retaining economic benefits in Thurrock, reducing in- commuting and thereby reducing congestion.

Consideration

- 6.45 This factor formed part of the applicant’s case for very special circumstances for the planning appeal at the Bata Field site, where the applicant argued that the proximity of Bata Field to London Gateway and the Port of Tilbury sites meant that new housing could support employment growth at those locations.
- 6.46 The current application site is located some 9.7km miles to the north-west of London Gateway, whereas Bata Field is some 4.7km to the south-west. Both locations can be considered to be within the reasonable catchment of potential employees for the London Gateway site. However, the potential link between employment growth and new housing seems to be based on geographical proximity rather than a deliberate attempt to link employment and housing growth through, for instance, improvements to transport linkages.
- 6.47 The links between the current application site and London Gateway / Thames Enterprise Park should be treated as incidental (i.e. there is no guarantee that occupiers of the proposed residential development would be employees at either the London Gateway or Coryton sites). Nevertheless, the Planning Inspector at the Bata Field inquiry concluded that “moderate weight” should be attached to this consideration. As the current application site is reasonably well located in relation to employment potential it is concluded that this factor attracts limited weight in the balance of considerations (this factor is afforded less weight than in the Bata Fields application as the site is more distant and would provide less units).

h The Sustainability of the Site

- 6.48 With reference to the three dimensions of sustainable development set out in the NPPF, the applicant considers that the proposals offer:
- *Social*: the proposals would provide greater involvement from end occupiers that would bring about diversity and choice in new homes and

the proposal would provide a mix of homes not usually seen in the Borough.

- *Economic:* the proposals would provide new homes, additional funding the Council in the form of Council tax and ongoing resident expenditure in the local area.
- *Environmental:* the proposals would remediate a site that has been used for open storage which has been the case for 27 years, offering the opportunity for biodiversity enhancements.

Consideration:

6.49 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 7 describes the three dimensions of sustainable development as economic, social and environmental. There is no doubt that, if approved, the proposals would deliver a number of benefits under these headings as described by the applicant. Limited weight should be given to these factors.

Summary of Very Special Circumstances

6.50 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	Fall-back position	Significant weight
Reduction in the openness of the Green Belt	Substantial	Provision of custom-build housing	Significant weight
		Provision of offsite affordable housing [NB. The provision of custom build affordable housing was originally proposed, but superseded following consultation response]	Moderate weight
		High quality design and placemaking	Limited Weight

		Role of the application site in the Green Belt	No weight
		Ability to positively contribute towards housing land supply	Moderate weight
		Linkages to London Gateway and Logistics Park and Thames Enterprise Park	Limited weight
		The sustainability of the site	Limited weight

6.51 As ever, in reaching a conclusion on Green Belt issues, substantial weight should be given to any harm to the Green Belt, a 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of any inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations . In this case there is harm to the Green Belt purposes with reference to inappropriate development and loss of openness.

6.52 Taking into account all Green Belt considerations, the matters is very finely balanced, but Officers are of the opinion that the harm to the Green Belt is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances necessary to justify inappropriate development.

II DESIGN AND LAYOUT

6.53 The application has been submitted in outline form, with details of the access point only for consideration. If approved, the proposal would be subject to a 'Design Code' which would govern the main parameters of the buildings and the specific materials to be used on each plot.

6.54 Although not a matter for full consideration under this outline application, it is considered that an appropriate site layout could be achieved. As a discrete topic (aside from the Green Belt and wider landscape issues) it is considered that the design and layout of the site could be acceptable. The Design Code would ensure properties would be of an appropriate scale and use materials which would not have a detrimental impact on the local area. In design terms the proposals would be in accordance with Policies PMD2 and CSPT22 of the Core Strategy.

III LANDSCAPE AND ECOLOGY

6.55 Policy PMD7 indicates that proposals will be required to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site and recognises that the Council is

committed to ensuring that all designated biodiversity sites such as SSSI, Local Wildlife Site and Local Nature Reserves are protected.

- 6.56 The site is immediately adjacent to part of the Basildon Meadows SSSI. Part of the woods forming the northern and part of the western boundary are designated as a Local Wildlife Site. The plans show a 10m buffer to the northern end of the site between the proposed built development and the SSSI.
- 6.57 In relation to ecology matters, the Council's Ecology Advisor suggests that the buffer to the northern end of the site should be widened to 15m, which could be achieved via condition given that the application is submitted in outline form, if permission were to be granted.
- 6.58 The application site slopes down from the northern part of the site toward Vange Park Road. Although not raising any specific issues in terms of landscape impact, the Landscape advisor notes that the layout is quite formal compared to the existing pattern of development in the area and suggests it is important that the final layout responds appropriately to the location.

IV ACCESS, TRAFFIC IMPACT AND PARKING

- 6.59 The Council's Highways Officer raises no objection to the principle of the development on this site subject to conditions. Accordingly, subject to conditions, the proposal is considered to comply with Policies PMD8, PMD9, and PMD10.

V FLOOD RISK AND SITE DRAINAGE

- 6.60 The site is outside of Flood Risk Zone 3, but is in excess of 1ha. A Flood Risk Assessment (FRA) has accordingly been provided with the application. The Council's Flood Risk Manager has reviewed this document and is satisfied with it subject to conditions relating to the provision of a drainage strategy. Accordingly the proposal complies with Policy PMD15.

VI AFFORDABLE HOUSING AND CONTRIBUTIONS

- 6.61 Policy CSTP2 seeks the provision of 35% affordable housing and policy PMD16 seeks planning obligations through S106 agreement (as appropriate) to mitigate the impact of development.
- 6.62 As set out elsewhere in this report, the applicant originally committed to 35% affordable housing on site however through the application process it has become apparent that owing to the specialist nature of the housing product a commuted off-site contribution would be more appropriate. The applicant has agreed to a commuted off site payment.

6.63 The Council's Education Team advise a financial contribution is required to mitigate the impact of the development on primary and secondary school provision in the locality. The Council's Infrastructure Requirement List identifies extensions to a primary schools and secondary schools in Corringham and Stanford le Hope. The applicant has agreed to a contribution towards local education facilities.

6.64 In light of the above, the proposal would comply with Policy PMD16 and CSTP2.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to a loss of openness. Substantial weight should be attached to this harm in the balance of considerations.

7.2 The applicant has cited factors to suggest there are very special circumstances to justify the proposed development within the Green Belt. It is a finely balanced case and on balance, given the combination of factors and weight identified above and it is concluded that the case for very special circumstances outweighs the harm to the Green Belt described above.

7.3 Matters of detail in relation to design, highways flood risk are acceptable or could be detail with by conditions where required.

8.0 RECOMMENDATION

8.1 Approve planning permission subject to:

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

B: Completion of legal agreement to secure offsite contributions for affordable housing and towards local education facilities and

C: Conditions

Submission of Outstanding Reserved Matters (Compliance with Design Code)

1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is

begun. The development shall be carried out fully in accordance with the details as approved.

For the avoidance of doubt the reserved matters should comply with the details contained in the document “Greenwise Nursery: Design and Access Statement and Design Code” Date 21 March 2018

Reason: The application as submitted does not give particulars sufficient for consideration of the reserved matters.

Time limit for the submission of the outstanding Reserved Matters

- 2 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Time limit for the commencement of Outline Planning Permission

- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans List

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

Plan Number(s):		
Reference	Name	Received
001	Location Plan	26th March 2018

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

Details of Materials/Samples to be submitted

- 5 No development shall commence [above ground level] until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

Surfacing Materials

- 6 No development shall commence [above ground level] until details of the surfacing materials to be used within roads, driveways, car parking areas, paths and any other hardstanding areas shown on the approved plans have been submitted to and agreed in writing by the local planning authority. The surfacing materials of the development shall be implemented in accordance with the details as approved.

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

Surface Water Drainage Scheme

- 7 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor

changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy PMD15 of the Thurrock Core Strategy

Reduction in off-site flooding

- 8 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: To ensure the proposal does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy PMD15 of the Thurrock Core Strategy.

Surface Water Maintenance Plan

- 9 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy PMD15 of the Thurrock Core Strategy.

Yearly Logs

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

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Policy PMD15 of the Thurrock Core Strategy.

Ecological Survey

- 11 No development shall take place including any demolition or clearance works, until a comprehensive ecological survey of the site has been undertaken to ascertain if any protected species are present. The results of the survey shall be submitted to and approved in writing by the local planning authority along with details of the provision and implementation of ecological mitigation/translocation to protect any protected species if found to be present. The development shall be carried out and completed in accordance with the approved mitigation/translocation scheme.

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

Construction Environmental Management Plan [CEMP]

- 12 No [demolition or] construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (e) Details of construction any access or temporary access, and details of temporary parking requirements;
- (f) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
- (g) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (h) Details of any temporary hardstandings;
- (i) Details of temporary hoarding;
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (l) Measures to reduce dust with air quality mitigation and monitoring;
- (m) Measures for water management including waste water and surface water discharge;
- (n) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (o) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;

- (p) A Site Waste Management Plan,
- (q) Details of security lighting layout and design;
- (r) Details of spill kits for machine operators, interceptors/bunds and safe storage protocols for chemicals on site, avoiding storage in the 10m buffer area adjacent to the SSSI and
- (s) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

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

Soundproofing/Noise Insulation

- 13 Prior to the commencement of development a scheme to assess the noise impact from the A13, and the scrapyards to the south west of the site upon the dwellings shall be submitted to and approved in writing by the Local Planning Authority, which shall propose appropriate measures so that all habitable rooms will achieve 'good' internal levels as specified by BS8233:1999. The scheme shall identify and state the glazing specifications for all the affected windows, including acoustic ventilation, where appropriate. The noise insulation measures and specification shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Asbestos

- 14 Development shall be carried out strictly in accordance with the details contained in the Asbestos survey "Former Ardale School Elvin Close: Refurbishment/Demolition survey for Asbestos, 18.09.14" by J England Environment Services.

At such time as the buildings are fully accessible, an update to the survey shall be carried out and the updated survey, and recommendations, shall be submitted to the Local Planning Authority for approval. Thereafter demolition of the buildings shall take place strictly in accordance with the details approved.

Contamination – In accordance with approved details

- 15 Development shall be carried out in accordance with the details and methodologies contained in the document "Proposed Scope of Works for a Phase 2 Environmental Investigation as Greenwise Nursery, Vange Park Road, Vange, Thurrock Essex, SS16 5LA for Mark Romero" by Contaminated Land Solutions.

Reason: To protect the water environment and in the interests of future occupiers in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

Unforeseen Contamination

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the local planning authority, shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Reason: To protect the water environment and in the interests of future occupiers in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

