

Reference: 18/01830/OUT	Site: Land Adjacent Bulphan By-Pass and Church Road Bulphan Essex
Ward: Orsett	Proposal: Outline planning permission with all matters (except for access) reserved for development comprising 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and noise attenuation buffer

Plan Number(s):		
Reference	Name	Received
15.2944/M001	Location Map	28 December 2018
15.2944/M002 A	Site Location Plan	28 December 2018
15.2944/M003 A	Aerial Plan	28 December 2018
8.431-P-200 C	Indicative Masterplan	8 March 2019

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Ecological Appraisal - Flood Risk and Drainage Strategy - Noise Assessment - Planning, Design and Access Statement - Transport Assessment 	
Applicant: Quadrant Land Developments Ltd	Validated: 8 January 2019 Date of expiry: 7 June 2019 (Extension of time agreed with applicant)
Recommendation: Refuse planning permission	

This application has been scheduled for determination by the Council's Planning Committee because the application represents a departure from the Development Plan which would require referral to the Secretary of State (in accordance with Chapter 5, Part 3 (2) 2.1 of the Council's Constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks outline planning permission with all matters (except for access) reserved for development comprising 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and noise attenuation buffer.
- 1.2 A single point of access to the site would be provided from Church Road in between 4 and 5 Manor Cottages close to the junction with Brentwood Road utilising what appears to be part of the side garden of no. 4 Manor Cottages.
- 1.3 An indicative masterplan has been provided which illustrates the provision of open space and drainage attenuation at the south-western corner of the site, with planting to the southern, eastern and western boundaries. The developable area is defined as 3.99Ha with an indicative housing / tenure split of:

<u>Market Housing</u>	
1-2 bed	27 units
3-bed	34 units
4+ beds	9 units
TOTAL	70 units (60%)
<u>Affordable Housing</u>	
1 bed	18 units
2-bed	11 units
3-bed	12 units
4-bed	5 units
TOTAL	46 units (40%)

- 1.4 The indicative masterplan also shows a terrace of 3 no. shop units (Class A1 retail) with a total gross internal floorspace of 180 sq.m. and a single Class A4 unit (drinking establishment) of 200 sq.m. gross internal floorspace.
- 1.5 Indicative building heights would be two-storey or two-storey with roofspace accommodation. The indicative masterplan suggests a layout incorporating detached, semi-detached and short terraces of dwellings.

2.0 SITE DESCRIPTION

- 2.1 The application site currently comprises an open field located to the west of the A128 Bulphan By-Pass. The site in its entirety covers an area of 7.2 hectares and is currently used for the grazing of horses. The site is open with no buildings apart from an open-sided field shelter. To the north are existing residential properties on

Church Road. To the south is an open arable field. To the east is the A128 Bulphan Bypass and beyond that the recently completed residential development of Bonham Grange comprising 19 detached dwellings.

- 2.2 Immediately to the west of the site is Bulphan Village Hall and recreation ground, with the built-up area of Bulphan further west.
- 2.3 All of the site is within the Metropolitan Green Belt, as defined by the adopted Core Strategy policies map. The south-western part of the site is within the medium risk flood zone (Zone 2) and a 'main river' (as defined by the Environment Agency) forms the south-western boundary of the site.

3.0 RELEVANT HISTORY

<u>Application Reference</u>	<u>Description of Proposal</u>	<u>Decision</u>
19/00021/SCR	Environmental Impact Assessment (EIA) screening opinion for development comprising 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and noise attenuation buffer	Environmental Impact Assessment not required
14/00877/FUL	Erection of a new build house.	Refused

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters sent to approximately 86 properties, public site notice and a newspaper advertisement. The application has been advertised as a major development and as a departure from the development plan. As total of 76 representations have been received objecting to the application. Approximately 38 of these representations are either anonymous or provide incomplete details of names and addresses. The concerns raised are summarised below:

- Impact of development upon the Green Belt;

- Impact of development upon the character of the village;
- Scheme represents overdevelopment;
- Greenfield site / not previously developed land;
- Lack of infrastructure (schools, health facilities);
- Increase in traffic;
- Vehicular access would be dangerous;
- Ecology – slow worms at the site; and
- Drainage at the site.

The following consultation responses have been received:

4.3 ANGLIAN WATER:

No objection, subject to conditions.

4.4 ARCHAEOLOGY:

No objection.

4.5 BRITISH PIPELINE AGENCY:

No objection.

4.6 CADENT:

No objection.

4.7 EDUCATION:

No response received.

4.8 EMERGENCY PLANNING:

No objection, subject to conditions.

4.9 ENVIRONMENT AGENCY:

No objection.

4.10 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

4.11 ESSEX AND SUFFOLK WATER:

No objection.

4.12 FLOOD RISK MANAGER:

No objection.

4.13 HIGHWAYS:

Recommend refusal.

4.14 HIGHWAYS ENGLAND:

No objection.

4.15 HOUSING:

No objection.

4.16 LANDSCAPE & ECOLOGY:

Recommend refusal.

4.17 NATURAL ENGLAND:

No objection, subject to RAMS payment.

4.18 NHS:

No objection, subject to S106 payment.

4.19 PUBLIC HEALTH:

Provide general comments referring to open space, air quality, design and infrastructure.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018 (and subsequently updated with

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

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or*
 - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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

² *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. As the proposals include an element of residential development, paragraph 11(d) is also relevant to a degree in respect of the five year supply of deliverable housing. The Council's most recently published figure for housing land supply (July 2016) refers to a supply of between 2.5 to 2.7 years and it is to be expected that this figure has reduced as completions on large development sites has progressed. However, as the site is within the Green Belt the 'tilted balance' in favour of granting permission is not engaged. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:*

2. Achieving sustainable development

4. Decision-making
5. Delivering a sufficient supply of homes.
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
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

5.2 National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application
- Flood risk and coastal change
- Natural Environment
- Planning obligations
- Use of Planning Conditions

5.3 Local Planning Policy

Local Planning Policy: Thurrock Local Development Framework (2015)

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 28 February 2015. The following policies apply to the proposals:

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

- C SSP4 Sustainable Green Belt.

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP7 (Network of Centres)
- CSTP15 (Transport in Greater Thurrock)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness).

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- 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)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2

Spatial Options and Sites) document earlier this year.

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

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

6.2 The application is assessed under the following headings:

- I. The Principle of the Development and the Impact upon the Green Belt
- II. Access, Traffic Impact and Parking
- III. Design and Layout and Impact upon the Area
- IV. Flood Risk and Drainage
- V. Planning Obligations

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

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

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

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

- 6.4 The site is identified on the 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 to accord with the requirements of the NPPF.
- 6.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 143 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The current proposal for residential development does not fall within the categories which are exceptions to the presumption against inappropriate development. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy.

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

- 6.6 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.7 As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. Although this is an application for outline planning permission, it is clear from the submitted indicative masterplan that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development in an area which is predominantly open, apart from a small open-sided field shelter. Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is

contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

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

b. to prevent neighbouring towns from merging into one another

6.11 As noted above, at a broad geographic scale the site and the village of Bulphan is a relatively isolated settlement, with the larger towns (Grays, South Ockendon etc.) to the east, south and west located some distance away. For example, Laindon (to the north-east) and South Ockendon (to the south-west) are separated by approximately 7km. In this context the development of the site development would not conflict with this Green Belt purpose to any substantial degree.

c. to assist in safeguarding the countryside from encroachment

6.12 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped site of 7.2 ha. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built

development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

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

- 6.13 Bulphan is a village but the proposal is not within an area which has special historic character. Therefore, 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 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. Members will be aware that a new Local Plan for the Borough is being prepared and it is recognised that the release of some Green Belt land may be required in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP1) recognises the scenario of some Green Belt release. Although the new Local Plan may well identify locations for the release of Green Belt land, the document is at a very early stage and cannot be afforded weight in the decision-making process.

- 6.15 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the Very Special Circumstances necessary to justify inappropriate development

- 6.16 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily

replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

- 6.17 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 (emphasis added) outweighed by other considerations*".
- 6.18 The Planning Design & Access Statement sets out the applicant's Very Special Circumstances which are assessed below:

a) *Tangible contribution of 116 residential units in context of five year housing supply deficit of a mix in accordance with identified housing need.*

The applicant has argued that the Council's lack of 5 year housing supply and the contribution of 116 dwellings is a factor contributing to the very special circumstances required to justify inappropriate development which should be afforded weight.

Consideration

- 6.19 The adopted Core Strategy (as amended) (2015) sets out the Council's targets for the delivery of new dwellings. Policy CSTP1 states that between April 2009 and March 2021, 13,550 dwellings are required to meet the overall minimum target of 18,500 dwellings (2001 -2021). In addition, provision is made for a further 4,750 dwellings between 2021 -2026. This is a total of 18,300 for the period 2009-2026, equating to an average of 1,076 dwellings per annum. Paragraph 59 of the NPPF sets out the objective of significantly boosting the supply of housing. In order to achieve this objective, it includes a number of provisions including the need for local authorities to identify and update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing. Paragraph 73 of the NPPF also requires that the 5 year supply should be increased by either a 5% or a 20% buffer. The purpose is to ensure choice and competition in the market for land, but the additional purpose of the latter figure is to provide a realistic prospect of achieving the planned supply.

6.20 The most up-to-date analysis of the Borough’s housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that *“the dwelling requirement set out in the Core Strategy is now considered to be out of date”*. Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). Using this range the requirement for new dwellings is:

		Lower	Upper
A	Thurrock Objectively Assessed Need	919	973
B	Thurrock annual housing requirement 2016 – 2021 (A x 5 years)	4,595	4,865
C	Thurrock annual housing requirement 2016 – 2021 including 20% buffer (B plus 20%)	5,514	5,838
D	2 year residual housing requirement 2014 to 2016	895	1,003
E	Total Thurrock Council annual housing requirement 2016 – 2021 (C + D)	6,409	6,841
F	Annual Thurrock Council annual housing requirement 2016 – 2021 (E ÷ 5)	1,282	1,359

The Statement also assesses the supply of deliverable housing in the next 5 years (2016/17 to 2020/21) and concludes that there is a supply of between 2.5 and 2.7 years. As this published figure is somewhat out of date and as it is known that delivery on a number of consented sites has progressed, the actual 5 year supply will currently be less than published in 2016.

6.21 Nevertheless, former Local Government Minister Brandon Lewis stated in July 2013 that that the "single issue" of unmet demand for housing or traveller sites would be unlikely to justify otherwise inappropriate development in the Green Belt. Furthermore, a revision to PPG dated 6th October 2014 (under reference ID: 3-034-20141006) states that *“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.”*

6.22 In dismissing the appeal against the refusal of planning permission for residential development at a Green Belt site on Little Thurrock Marshes in 2018 (ref. 15/01354/OUT) the Inspector noted under the heading of housing provision:

“The evidence indicates that the council cannot demonstrate a 5 year supply of deliverable housing sites against the most up-to-date assessment of housing need. Its past record of delivery is very poor and, even though this may now be improving,

it was agreed that there is only a supply of some 2.5-2.7 years. This is clearly a serious shortfall when considered against the Framework's objective of boosting significantly the supply of housing ... The Planning Practice Guidance indicates that unmet housing need on its own would be unlikely to outweigh the harm to the GB. Nevertheless, the weight to be provided to this benefit is a matter of planning judgement. Thurrock is a local authority tightly constrained by the GB and the evidence suggests that its housing requirement will not be able to be met solely on brownfield sites. The council is currently undertaking a GB assessment as part of the evidence base to its new Local Plan. However, this is still at an early stage and therefore cannot be relied on to address housing needs at the present time ... Bearing all of the above points in mind, the overall provision of market ... housing is a benefit of very significant weight".

- 6.23 The current proposals would provide a benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.
- 6.24 *b) Provision of 40% on-site affordable housing of a mix in accordance with identified housing need, this exceeding LPA policy requirement of 35%.*

Consideration

Core Strategy policy CSTP2 (The Provision of Affordable Housing) states that in order to address the current and future need for affordable housing in Thurrock, the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. It is worth emphasising that this policy refers to a minimum provision of 35% affordable housing, and in this respect the 'offer' of 40% may not be exceptional. However, Members of the Committee will be aware of the difficulties in delivering affordable housing allied to financial viability issues. Nevertheless, no financial viability appraisal accompanies this application.

- 6.25 The South Essex Strategic Housing Market Assessment identifies a range of objectively assessed housing need for Thurrock of between 919 and 973 dwellings per annum (using a 2014 base date). If the minimum 35% affordable housing figure is applied to objectively assessed housing need (919-973 dwellings) an annual range of 322-341 affordable housing units is obtained. A summary of

affordable housing completions in Thurrock for recent years of available data is provided in the table below:

Period	AH completions	Total completions on sites liable to A/H provision	% AH
2011/12	28	332	8.4%
2012/13	138	363	38.0%
2013/14	76	266	28.6%
2014/15	105	296	35.5%
2015/16	99	611	16.2%
Five Year Total	446	1,868	23.9%

6.26 The data in the above table shows that there have been two recent years within which the percentage of affordable housing completions on sites liable to provide affordable has met the minimum 35% policy target. However, the five-year trend between 2011/12 and 2015/16 is that the proportion of affordable housing completions on sites liable to deliver affordable housing is, at 24%, well below the minimum 35% policy target.

6.27 Within the context of the average under-delivery of affordable housing on eligible sites over the past five years, and the wider context of an historic under supply of housing (compared to Core Strategy policy targets and more recent objectively assessed need) it is considered that the proposals would make a sizeable contribution towards the delivery of affordable housing. This factor weighs in favour of the proposals and should be afforded positive weight in the balance of considerations.

6.28 In dismissing the Little Thurrock Marshes appeal last year (referred to above), the Inspector considered the applicant's intended provision of 35% affordable housing (a total of 98 dwellings in that case) and concluded:

“The evidence also indicates that there is a serious shortfall of affordable housing against identified needs and that this is getting worse year-on-year. The proposal would include 35% affordable housing, which accords with the provisions of policy CSTP2 in the CS ... the overall provision of market and affordable housing is a benefit of very significant weight.”

Consequently the provision of on-site affordable housing can be given significant weight in the Green Belt balance.

6.29 c) All dwellings to high sustainability standard exceeding building regulations.

Consideration

Policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) are relevant to the proposals. Policy PMD12 requires new residential development to achieve a level 4 rating under the Code for Sustainable Homes (CSH) and major non-residential development to achieve appropriate BREEAM standards. However, following a technical housing standards review the Government withdrew the CSH in April 2015 and compliance with the Code can no longer be required through a planning permission. Part L (conservation of fuel and power) of the Building Regulations is still applicable.

- 6.30 Policy PMD13 of the Core Strategy sets targets for the provision of decentralised, renewable and low-carbon energy generation but the application provides no information regarding the intention to comply with this policy.
- 6.31 The applicant's intention to exceed Building Regulation requirement is welcomed. However, this intention is not evidenced with reference to a sustainability or energy appraisal. This factor is not particularly site-specific and could be cited as a consideration amounting to very special circumstances on many other sites. Accordingly, this factor attracts no weight in the balance of Green Belt considerations.
- 6.32 *d) Increased ecological value of the site which is currently of low ecological value.*

Consideration

Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications, that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments.

- 6.33 An Ecological Appraisal accompanies the submission which includes reference to both proposed mitigation and enhancement measures. Enhancement measures include:
- enhancement of existing hedgerows;
 - creation of wildflower meadows;
 - tree and shrub planting; and
 - provision of bat and bird boxes.
- 6.34 Comments received from the Council's landscape and ecology advisor note that the site currently has low ecological value but it is unclear how much real biodiversity

gain would be achieved with the indicative landscape masterplan. Furthermore it is likely that any greenspace that is provided would have to be maintained in a 'tidy' condition due to the proximity of housing. Most of the areas indicated as part of the landscape are narrow strips around perimeters and the watercourse across the site.

- 6.35 A judgement has to be made as to whether the proposals go beyond mitigating the impact of the development. In any case, as national and local policies encourage biodiversity enhancement and given the uncertainty as to the value of the proposed enhancement this factor should only attract very limited weight in assessing whether very special circumstances exist.
- 6.36 *e) Provision of community facilities including three shop units and a public house in response to acute deficit of such facilities in Bulphan.*

Consideration

The applicant refers to paragraph 92 of the NPPF which states that to provide the social, recreational and cultural facilities the community needs, planning policies and decisions should (inter-alia):

Plan positively for the provision and use of shared spaces, community facilities (such as local shops ... public houses ...) and other local services to enhance the sustainability of communities and residential environmental environments.

However, paragraph 92 would not override the presumption against inappropriate development in the Green Belt set out elsewhere in the NPPF. No evidence has been presented to demonstrate a need for, or financial viability of the proposed retails and public house use. For information, the former Bulphan Post Office and Stores (located at the Church Road / Albert Road) junction has ceased trading.

- 6.37 Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses (which includes retail uses and pubs) which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. Although the sequential approach need not be applied to "small scale rural development", the fact that Bulphan is not a defined town, local or neighbourhood centre and the lack of evidence that the uses are needed or viable means that no weight should be attached to this consideration.
- 6.38 *f) inclusion of Bulphan as a potential Village Expansion (up to 1,500 homes) in the Thurrock Local Plan Issues and Options (Stage 2) document, July 2018.*

As mentioned above, the Inspector considering the appeal at Little Thurrock Marshes last year noted that:

“ ...The council is currently undertaking a GB assessment as part of the evidence base to its new Local Plan. However, this is still at an early stage and therefore cannot be relied on to address housing needs at the present time ...”

It is currently estimated that a further consultation for the draft Local Plan will be undertaken in 2021, which will at that time identify a spatial strategy identifying sites as appropriate. The fact that Bulphan was included (amongst others) as a potential village expansion in the recent Issues and Options consultation attracts no weight as a consideration contributing towards the case for very special circumstances.

6.39 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Lack of 5 years housing supply	Significant weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Provision of on-site affordable housing	Significant weight
		Dwellings built to a high sustainability standard	No weight
		Increased ecological value of the site	Very limited weight
		Provision of community facilities	No weight
		inclusion of Bulphan as a potential Village Expansion in the Thurrock Local Plan Issues and Options (Stage 2) document	No weight

6.40 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly (emphasis added) outweighed must be reached. In this case there is harm to the Green Belt with

reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purposes (c) and (e). Several factors have been promoted by the applicant as considerations amounting to the 'very special circumstances' necessary to justify inappropriate development and it is for the Committee to judge:

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

6.41 In accordance with the NPPF, the harm has to be *clearly* outweighed by factors so as to amount to very special circumstances. Taking into account all Green Belt considerations, Members are advised that the considerations promoted by the applicant fall some considerable way short of constituting very special circumstances and it follows that harm is not clearly outweighed and that the application should be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

II. ACCESS, TRAFFIC IMPACT AND PARKING

6.42 Chapter 9 of the NPPF generally refers to the promotion of sustainable transport and at paragraph 103 it is stated that:

"... significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes ..."

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

6.43 The site is not located with a reasonable or convenient distance of any railway station and Bulphan village has only very limited access to bus routes. The no. 265 (Grays-West Horndon) provides one service only on Monday, Wednesday and Friday and the no. 565 provide 4no. a.m. services only. Bulphan is not served by dedicated cycle links, although the lanes south and west of the village (Fen Lane / Church Lane) provide local on-road cycle links. However, in summary the site cannot be described as in a sustainable location which offers access to a range of

transport modes. It is highly likely that any future occupiers of the development would be heavily reliant on the private car as a means of transport.

- 6.44 The application is accompanied by a Transport Assessment (TA) which concludes that (i) satisfactory access can be provided in accordance with Essex Design Guide standards (ii) car parking can be provided in accordance with local guidance and (iii) additional trips generated by the development can be accommodated on the local network without harm to highway safety. Consideration of the principle of access to the site is considered below. With reference to car parking, the TA refers to standards produced by the Essex Planning Officers Association. Members may be aware that the Council's draft 'Parking Standards and Good Practice' (2012) is based on the Essex document though adapted for Thurrock. As layout is a reserved matter the quantum of car parking is not for consideration at this time. However, without prejudice to the principal Green Belt considerations in this case, it is considered that adequate car parking could be secured by planning condition if planning permission were to be granted. Consideration of trip generation from the development is set out below.
- 6.45 Comments received from the highways officer refers to the lack of options for sustainable transport modes in Bulphan (referred to above). With regard to the proposed access arrangements, a single point of access is proposed from Church Road which, although not a classified road (an 'A' or 'B' road) is described in the Core Strategy as a 'Level 2 urban road'. The point of access would be located approximately 30m to the west of the Church Lane / A128 junction. Core Strategy policy PMD9 (Road Network Hierarchy) applies and sets a number of criteria for proposed new accesses on routes. Part (1) of the policy refers to all road levels (including Church Road) and only permits new accesses where:
- i. there is no possibility of safe access taken from an existing or proposed lower category road
 - ii. the design of the development minimises the number of accesses required.
 - iii. the development makes a positive contribution to road safety or road safety is not prejudiced.
 - iv. the development preserves or enhances the quality of the street scene.
 - v. the development avoids causing congestion as measured by link and junction capacities.
 - vi. measures are taken to mitigate all adverse air quality impacts in or adjacent to Air Quality Management Areas.
 - vii. the development will minimise adverse impacts on the quality of life of local residents, such as noise, air pollution, and the general street environment.
 - viii. the development will make a positive contribution to accessibility by sustainable transport.

These criteria are relevant to the proposed access.

- 6.46 Part (2) of PMD9 refers to Level 1 (Corridors of Movement) is applicable to the A138 east of the site and states at (i) “... *development served by side roads connecting to a Corridor of Movement will only be permitted where it can be demonstrated that the Corridor of Movement will not be adversely affected in terms of highways safety and traffic capacity.*” The highways officer notes that the proposed access is only a short distance from the Church Lane / A128 junction and is not supported on highways grounds with reference to Policy PMD9. However, the PMD9 policy test is whether or not there is an adverse effect on highways safety and capacity. Members will be aware that the A128 is a busy north-south link road subject to 50 mph speed limit. The Church Road junction is a staggered crossroads with potential conflicts between right turn movements out of Church Road and traffic on the A128.
- 6.47 The applicant’s TA provides an assessment of traffic generated by the proposals and impacts on the A128 junction which concludes that the ratio of flow to capacity and queue lengths would worsen, although the impact is not considered to be severe. The requirements of the NPPF are that development should only be refused on highways grounds if there would be “*an unacceptable impact on highways safety, or the residual cumulative impacts (after mitigation) on the road network would be severe*”. There is a difference of opinion between the highways officer and the applicant on the significance of the impact in this case. It is notable however that no highways objections were raised to the planning application for the Pieris Place residential planning application (ref. 14/01406/OUT) involving access on to Church Road a short distance to the east of the A128 junction. In any case, what is beyond dispute is that the site is in a location poorly served by sustainable modes of transport and is therefore at odds with the policy intentions of the NPPF set out above.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.48 The matters of appearance, landscaping, layout and scale are reserved for future approval and the masterplan drawing accompanying the submission only provides an illustration of how the site could be developed should outline planning permission be granted. Without prejudice to the Green Belt issues which are of paramount importance (above) for a development of this this size it would be reasonable to require submission and approval of a design code to guide development. In addition to the spatial implications on the Green Belt mentioned above, comments from the landscape and ecology advisor refer to the location of the site in the Bulphan Fenland local Landscape Character Area, characterised by an open, flat and low-lying landscape. It is considered that the proposed development, including the proposed landscaping indicated on the masterplan,

would impact negatively on this character contrary to policies CSTP23 and PMD2 of the Core Strategy and paragraph 170 of the NPPF.

IV. FLOOD RISK AND DRAINAGE

- 6.49 The majority of the site is located within the low risk Flood Zone (Zone 1), however the south-western corner is at medium risk of flooding (Zone 2). Comments received from the Environment Agency raise no objections and the Council's flood risk manager raises no objections subject to planning conditions. The applicant's indicative masterplan suggested that amenity space and a drainage attenuation basin would be located within Zone 2, with built development restricted to Zone 1. The proposed uses within Zone 2 are 'water compatible' with reference to the Sequential Test (aimed at steering new development to areas with the lowest risk of flooding) is it considered that the Test is passed in this case. Consequently, there are no objections on the grounds of flood risk.

V. AFFORDABLE HOUSING & PLANNING OBLIGATIONS

- 6.50 Policy CSTP2 seeks the minimum provision of 35% affordable housing and policy PMD16 seeks planning obligations through S106 agreement (as appropriate) to mitigate the impact of development.
- 6.51 The applicant's proposals include the provision of 40% on-site affordable housing in compliance with the minimum requirements of policy CSTP2. Comments received from the Council's housing officer express a preference for a high proportion (90%) of one and two-bedroom units. This could be secured via a s.106 legal agreement in the event of approval.
- 6.52 The Infrastructure Requirement List (IRL) identifies potential extensions to existing primary and secondary schools to accommodate the demands created by new development (IRL refs. 0115, 0334, 0427 and 0442). Members are advised of a recent revision to NPPG which refers to the funding of school places through developer contributions (ref. ID: 23b-007-20190315).
- 6.53 The IRL also identifies the upgrading and enhancement of the Orsett surgery as a project. NHS England calculates the level of financial contribution required to mitigate the impacts of the development on local healthcare to be £45,747.
- 6.54 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence and therefore it would be necessary for the local planning to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably, such a contribution could be secured via an appropriate legal agreement in addition to the other financial contributions listed above.

6.55 A development of 116 dwellings as proposed would require appropriate mitigation of the impacts generated, principally on increased demands for healthcare and education, but also the RAMS contribution referred to above. However, given the overriding Green Belt considerations applicable to this case and the fact that there is a clear conflict with established local and national policies negotiations with the applicant for a potential s106 agreement to secure mitigation have not been pursued.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

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

7.2 The applicant has cited a number of factors which are promoted by them as outweighing harm and constituting the very special circumstances necessary to justify inappropriate development. The weight which can be attached to these factors is considered in detail in the paragraphs above. It is only the contribution towards housing supply, including affordable housing, which can be afforded significant weight. On their own these factors do not clearly outweigh harm and this position has been set out by Ministers and by Inspectors at appeal. The proposals are therefore contrary to national and local planning policies for the Green Belt

7.3 The site is not in a location well served by sustainable modes of transport and is considered to be contrary to the intentions of the NPPF of promoting sustainable transport and concentrating development at sustainable locations. The vehicular access to the site is close to the existing Church Road / A128 junction and the Council's Highways Officer has raised an objection to the proposal based on Core Strategy policy. However, as a matter of judgement, and based on the conclusions of the TA, it is not considered that there would be severe impacts on the road network which is the NPPF policy test. Nevertheless, the fact that the site is not served by sustainable modes of transport weighs against the proposal.

7.4 In addition to harm to the spatial designation of the site as Green Belt, it is also considered that there would be harm to landscape character.

7.5 There are no planning conditions that could be used to make the proposal

acceptable in planning terms. The development is clearly contrary to the Core Strategy and national policies contained in the NPPF. Consequently it is recommended that planning permission is refused.

8.0 RECOMMENDATION

Refuse planning permission for the following reasons:

- 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 Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015).
2. The proposed development, by reason of its Green Belt location and remote position in relation to sustainable modes of transport would fail to meet the environmental dimension of sustainable development and would be contrary to the promotion of sustainable transport and paragraphs 103 and 108 of the NPPF.
3. The development of the site as suggested by the Indicative Masterplan would have a significant adverse effect on the local landscape character contrary to paragraph 170 of the NPPF and policies CSTP23 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015).

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

