

<b>Reference:</b> 19/00265/FUL	<b>Site:</b> Ivy Wall House Billet Lane Stanford Le Hope Essex SS17 0AR
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Demolition of existing dwelling house and ancillary buildings and the construction of a new residential development consisting of 19 dwellings, new vehicle access, parking, amenity space, landscaping along with other associated development

<b>Plan Number(s):</b>		
Reference	Name	Received
795.001 Rev. 00	As Existing Site Location Plan	20 February 2019
795.201 Rev.00	Proposed Site Plan	20 February 2019
795.203 Rev.00	House Type 1	20 February 2019
795.204 Rev.00	House Type 2	20 February 2019
795.205 Rev.00	Apartment Block	20 February 2019
795.206 Rev.00	Streetscenes	20 February 2019

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Planning Statement – Phase 2 Planning</li> <li>- Design and Access Statement – DAP Architecture</li> <li>- Preliminary Ecological Assessment – Ethos</li> <li>- Arboricultural Implication Assessment (AIA) – Sharon Hosegood Associates</li> <li>- Transport Statement – Ardent</li> <li>- Flood Risk &amp; Surface Water management Statement- Ardent</li> </ul>	
<b>Applicant:</b> Mr John Saunders	<b>Validated:</b> 21 February 2019 <b>Date of expiry:</b> 7 June 2019 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refuse planning permission	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr. G. Rice, Cllr. J. Potheary, Cllr. S. Liddiard, Cllr. O. Gerrish and Cllr. B. Rice (in accordance with Part 3 (b) 2.1 (d)(i) of the Council’s constitution) to consider the proposal against Green Belt policy.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 This application seeks planning permission for the demolition of all existing buildings on the site and the construction of 19 residential units and associated development (comprising access, parking and turning areas, bin storage, fencing and garden areas) at the site known as Ivy Wall House.

1.2 The proposed development would comprise short rows of terrace style houses located within and along the site frontage and a single apartment block that together would contain a total of 19 residential units consisting of 2, 3 and 4 bedroom units. Each dwelling would have either private off street parking or garages and parking.

1.3 Table 1 below summarises some of the main points of detail contained within the development proposal:

<b>Site Area (Gross)</b>	0.36 ha						
<b>Height</b>	2.5 storey houses and two storey flat block						
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>TOTAL</b>	
	Houses	0	0	13	2	15	
	Flats	0	4	0	0	4	
	<b>TOTAL</b>	<b>0</b>	<b>4</b>	<b>13</b>	<b>2</b>	<b>19</b>	
<b>Car parking</b>	34 spaces						
<b>Amenity Space for houses</b>	All houses would have access to a private garden, minimum size 50 sq.m to maximum size 120 sq.m						
<b>Flats</b>	Communal amenity space.						
<b>Density</b>	52 units per ha for the whole site						

## 2.0 SITE DESCRIPTION

- 2.1 The application site is situated on the southern side of Billet Lane approximately 70m east of its junction with Adams Road. The site is approximately rectangular in shape with a frontage of 50m and a depth of 90m with an overall site area of approximately 0.36Ha. The topography of the site is generally level and the site is located in the low risk flood zone (Zone 1).
- 2.2 Set within private established gardens which are behind a 1.8m high wall, and towards the rear (south) of the site is a large two-storey dwelling house that is externally finished with facing brickwork and a plain tiled roof. In addition to the dwelling house, there are several outbuildings on-site and a swimming pool located close to the eastern boundary.
- 2.3 The site has a single vehicle crossover along Billet Lane which provides access into the site. Off street parking is located on the hard-paved areas of the site towards the front of the dwelling house. Extensive vegetation is located throughout the site including hedgerows and large mature trees along the boundaries which alongside the wall helps to contain the site from outside views. A Tree Preservation Order ref. 25/1984 protects a number of trees on-site.
- 2.4 The northern side of Billet Lane opposite the site is defined by established post-war housing that mainly consists of two-storey semi-detached and detached dwellings. Surrounding the application site to the south, east and west are large open recreational fields used by a number of sporting clubs including Stanford Wanders Football Club and a Lawn Bowls Club. The Crooked Billet public house building is located to the south-east (rear) of the site with an associated car parking area immediately to the east.
- 2.5 Land on the southern side of Billet Lane, including the application site and adjoining uses are within the Metropolitan Green Belt.

## 3.0 RELEVANT HISTORY

Reference	Description	Decision
73/00079/OUT	Detached bungalow	Refused
82/00103/OUT	Bungalow and garage	Refused
86/00016/FUL	Change of use to rest home - internal alterations and side extension	Approved

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters sent to 14 surrounding properties, press advert and public site notice which has been displayed nearby. The application has been advertised as a major development and a departure from the development plan. Eight letters of objections have been received citing the following concerns:

- Lack of infrastructure (schools, doctors, hospitals and surgeries);
- Increase in traffic;
- Lack of parking;
- Increased pollution;
- Overlooking;
- Out of character;
- Increase in noise;
- Litter/smells;

The following consultation replies have been received:

4.3 ANGLIAN WATER:

No objection, with conditions.

4.4 ARCHAEOLOGY:

No objection, with conditions.

4.5 EDUCATION:

No objection with s106 contribution.

4.6 ENVIRONMENTAL HEALTH:

No objection, with conditions.

#### 4.7 FLOOD RISK MANAGER:

Holding objection on the grounds of inadequate information.

#### 4.8 HIGHWAYS:

Further information required relating to parking layout, cycle parking, sight lines and junction spacing.

#### 4.9 LANDSCAPE & ECOLOGY:

The site has low ecological value although a planning condition is required for a bat survey. A contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required. The density of the development affords little opportunity for new planting.

### 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 19 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 date<sup>1</sup>, 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 proposed<sup>2</sup>; 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.*

<sup>1</sup> *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 ...*

<sup>2</sup> *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.
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well-designed places
13. Protecting Green Belt land
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 comprise:

- Design
- Determining a planning application
- 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);
- CSSP4 Sustainable Green Belt.

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- 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)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- 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 principal issues to be considered in the determination of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic and highway impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Developer contributions
- VII. Other matters

#### 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 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. Paragraph 145 (d) refers to "*the replacement of a building, provided the building is in the same use and not materially larger than the one it replaces*" as being appropriate. However, the replacement buildings are clearly substantially larger in both footprint and volume to the existing situation. Therefore, 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. It is clear from the site layout plan that built development, accompanying curtilages etc. and parking areas would occupy the vast majority of the site. The proposals would comprise a substantial amount of new built development on a site currently occupied by a single dwelling with ancillary outbuildings. 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 on the southern side of Billet Lane which forms the edge of the built-up area at the south-east of Stanford-le-Hope. Stanford-le-Hope, which merges with Corringham north of the A1014, can reasonably be described as a large built-up area (in combination with Corringham). The proposal would represent a considerably more intensive form of built development than the existing single dwelling and a harmful addition of new urban form on the site. As Billet Lane forms a clear boundary between the built-up area to the north and open land to the south it is considered that development of the site as proposed would harm the Green Belt purpose of checking the unrestricted sprawl of large built-up areas, albeit to a modest degree.
- b. to prevent neighbouring towns from merging into one another*
- 6.11 There is no town located to the south or south-east of Stanford-le-Hope and consequently development would not conflict with this Green Belt purpose.

*c. to assist in safeguarding the countryside from encroachment*

- 6.12 With regard to the third Green Belt purpose, the proposal would involve more intensive built development (19 dwellings) on what is currently a single dwelling and associated residential curtilage. It is therefore clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness character of the Green Belt.

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

- 6.13 Stanford Le Hope is not a historic town and the proposal is not within an area which has special 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. The development of this Green Belt site as proposed could 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 be contrary to purposes (a), (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 outweighed by other considerations*".

6.18 Paragraph 7.45 of the applicant's Planning Statement sets out the applicant's case for very special circumstances which are assessed below:

a) *The proposal cannot be tested against a fully up-to-date Local Plan.*

#### Consideration

The Council originally adopted the LDF Core Strategy in 2011 but this was updated to ensure compliance with the NPPF and amended in 2015. The Core Strategy policies referring to the Green Belt are up to date and consistent with the NPPF. The proposal can therefore be tested against relevant local and national policies for the Green Belt and this assessment is provided above. This factor should be given no positive weight in the balance of considerations.

b) *The emerging draft Local Plan has far to go before its adoption after making an uncertain start.*

#### Consideration

As above, the local and national planning policies for the Green Belt are up to date. The Council is currently working on a new Local Plan and has recently consulted on the Issues and Options (Stage 2 Spatial Options and Sites) document. No

decisions have been made in relation to new housing sites and Green Belt release. However, this does not fetter the local planning authority from reaching an informed decision on the current proposal based on established Green Belt planning policies.

- c) *The Council has only a 2.5 - 2.7 year land supply and will require many more homes than those with planning permission to provide a 5 year housing land supply.*

### Consideration

The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).

The current proposals would provide a limited 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.

- d) *The proposal meets with The Three Dimensions of Sustainable Development as set out in paragraph 7 of the Framework.*

### Consideration

Paragraph 8 of the NPPF defines economic, social and environmental objectives for achieving sustainable development. Although the proposals would introduce some economic and social advantages (such as the introduction of any new population, including additional spending in the local economy) these factors do not outweigh the environmental objective of, inter-alia "*protecting and enhancing our natural ... environment*". The proposals cannot be said to meet all three dimensions and only limited weight should be given to this factor.

- e) *The proposals, furthermore, provide a positive use for the site which will contribute to housing supply in a district which has a significant need for new homes and no opportunity to increase supply in the short-term other than*

*through beneficial windfalls such as the application site. The Council does not have a five-year land supply and has failed to identify and then meet the full, objectively assessed needs for market and affordable housing in the housing market area.*

### Consideration

This argument largely repeats (c) above and, in light of the above analysis, the contribution towards housing supply is afforded significant weight.

*f) The site is brownfield (previously developed land) in a sustainable location. The Council's emerging Local Plan strategy, echoed by the Planning White Paper, is to prioritise previously developed over open Green Belt land. The NPPF seeks to prioritise the use of previously developed land.*

### Consideration

The definition of 'Previously Developed Land' at Annex 2 of the NPPF states:

*“Previously developed land:*

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

This definition specifically excludes “*land in built-up areas such as residential gardens*”. As the site is in the Green Belt it could not reasonably be described as comprising land within a large built up area. Nevertheless, paragraph 145 (d) is applicable and referred to above. No weight should be attached to this factor.

*g) There is limited harm to the Green Belt by definition but there is no additional substantial harm;*

### Consideration

The analysis above concludes that there is definitional harm, harm to openness and harm to Green Belt purposes (a) (c) and (e). It is not agreed that harm is "limited". This factor attracts no weight.

*h) The planning system according to the NPPF should be looking favourably on proposals for sustainable development, and to leave this brownfield site and develop other Green Belt land ahead of it, when it can positively contribute to sustainable development both through the economic activity of construction itself and through the fact that new homes here means less on the Green Belt elsewhere, fails to embrace the spirit of sustainable development.*

### Consideration

The presumption in favour of sustainable development (paragraph 11 of the NPPF) does not apply to "*the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*" including Green Belt. The applicant seems to consider that by developing this site other Green Belt sites will be protected. As the site is, de-facto, in the Green Belt this argument is counter-intuitive and attracts no weight.

*i) The application includes 4 affordable homes within a Borough that is short of affordable homes.*

### 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. The applicant refers to the provision of 4 affordable units equating to 21% of the total number of units. The proposals are therefore not policy compliant and the application is not accompanied by a financial viability report to test the level of affordable housing which the development could sustain. Although the provision of some affordable housing is welcome, it is not known whether 4 units is appropriate or whether the proposals could sustain policy compliant affordable housing. Consequently it is not possible to conclude on this point.

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

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	a) No up to date Local Plan to test application against	No weight
Reduction in the openness of the Green Belt		b) Draft Local Plan timeline not certain	No weight
Conflict with a number of the purposes of including land in the Green Belt – purposes (a) (c) and (e).		c) Lack of 5 years housing supply	Significant weight
		d) Meets three dimensions of sustainable development – par 7 NPPF	Limited weight
		e) Housing supply	Significant weight (as per c) above)
		f) site is previously developed land	No weight
		g) No substantial harm to Green Belt	No weight
		h) Sustainable development	No weight
		i) Four affordable units	No

	provided	conclusion can be reached
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6.20 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 (a) 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’.

6.21 In accordance with the NPPF, the harm has to be *clearly* outweighed by factors so as to amount to very special circumstances. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows 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 AND HIGHWAY IMPACTS

6.22 With reference to car parking provision, the site is considered to be in an area of low accessibility, as the properties would be further than 1km from the town centre and more than 400m walk to the closest bus stop.

Given the location of the site in an area of low accessibility, the Council’s draft parking standards require an increased level of parking provision. There are 34 parking spaces proposed at the site; this falls short of the requirement of 39, as 0.25spaces are required per unit for visitor parking (19x0.25 = 5 spaces). The Highways Officer suggests that failure to provide sufficient, accessible parking spaces will be likely to result in parking over spilling onto the public highway, contrary to Policy PMD8 of the Core Strategy, leading to harm to pedestrian and highways safety. However, Members are reminded that the Council’s 2012 parking standards are in draft form and therefore must be considered as advisory and not an adopted policy document. Furthermore, Billet Road is not subject to parking or

waiting restrictions. As a matter of judgement it is considered that any visitors to the site could park in adjacent roads without demonstrable harm to highways safety. Members are reminded that paragraph 109 of the NPPF states *“Development should only be prevented or 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”*. It is not considered that a small shortfall against a draft standard would form a robust reason for refusing planning permission.

- 6.23 The site is currently accessed from Billet Lane via a crossover close to the site's western boundary. The proposals include a relocation of the access to the centre of the Billet Lane frontage. The proposed access is for 19 new properties (an addition of 18 units) accessing from a location which is closer to the existing adjoining public house entrance than the current access. The Highways Officer considers that the new access could create inconvenience and conflict on the highway, causing harm to highways safety, contrary to Policy PMD9 of the Core Strategy. However as a matter of judgement it is considered that there would be no 'severe' impacts on the road network.
- 6.24 It is concluded that there are no highways or parking concerns of overriding importance which would justify a refusal on highways grounds.

### III. SITE LAYOUT AND DESIGN

- 6.25 The northern side of Billet Lane is characterised by two-storey, semi-detached residential properties.
- 6.26 The layout would comprise six blocks of dwellings, with rows of short terrace style housing and an apartment block at the north-western corner. The layout has been designed to have a new entrance off Billet Lane centrally along the frontage of the site. An apartment block would be located to the west of the access along with a row of terraced housing on the east which would front on to Billet Lane. A new cul-de-sac would serve the remainder of the properties. The cul-de-sac would consist of four blocks of terraced housing (although the two to the rear of the site are linked).

The density of the development, at 52 dwellings per hectare (dph), would be materially greater than the existing housing to the north. For example, the Billet Lane / Conrad Road / Burgess Avenue / Adams Road street block immediately north has a density of c.20 dph. Without prejudice to Green Belt considerations, although the NPPF encourages the effective use of land the layout of the site is cramped compared with the prevailing character to the north.

- 6.27 Annex 1 (Criteria Relating to the Control of Development in Residential Areas) of the Local Plan (1997) has been 'saved' and provides some appropriate guidance regarding layout. Annex 1 refers to a minimum rear garden length of 12m. Proposed rear garden depths vary between 10m and 14m, although only two plots meet the suggested 12m depth. Annex 1 also refers to minimum rear garden areas for dwellinghouses, related to internal floorspace. The proposals include a range of garden sizes from c. 50sq.m. to c.100sq.m. However, the majority of gardens are at the lower end of this range. Allied to shallow rear garden depths this is an indication of overdevelopment of the site.

Although some defensible front garden space and set-back from the pavement would be provided along the Billet Road frontage, the remaining dwellings have negligible separation between front doors / windows and footpaths and parking areas. Within the site, the hardsurfaced parking and turning area would visually dominate the site leaving no space for meaningful soft landscaping. It is concluded that the proposals would result in a cramped overdevelopment of the site.

#### IV. LANDSCAPE AND ECOLOGY

- 6.28 The applicant's preliminary ecological appraisal confirmed that the site is of generally low ecological value although it is considered that the buildings had some potential for roosting bats. The report details the emergence surveys that are required in order to confirm presence /absence. A condition is necessary to require these surveys to be carried out and any necessary licencing requirements met prior to commencement.
- 6.29 There are no trees on site other than a single Willow which is dead. One off-site tree would require a crown reduction to facilitate construction as detailed in the applicant's arboricultural report. The draft method statement details measures to minimise the effects on the tree's roots. If permission is granted a condition is sought requiring a full method statement to be submitted and approved by the LPA prior to commencement.

Accordingly, no objection is raised on landscape and ecology grounds.

#### V. AMENITY AND NEIGHBOURS

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

- 6.31 The new properties would be adjacent to The Crooked Billet pub. Whilst there may be noise generated via the opening hours of the pub and through patrons accessing and leaving this site, this would not be uncommon and it is not considered an objection could be substantiated in terms of impact on neighbour amenity.

## VI. DEVELOPER CONTRIBUTIONS

- 6.32 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.33 The applicant indicates that they would provide 4 dwellings as affordable houses, which represents only 21% of the total development. The policy compliant level is 35%, as required within policy CSTP2, and the Council would therefore expect 6 dwellings. No viability assessment has been put forward to justify the shortfall, and as such the proposal is contrary to Policy CSPT2 of the Core Strategy in relation to affordable housing provision.
- 6.34 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA 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.

## VII. OTHER MATTERS

- 6.35 The Council's Archaeology Advisor has advised that '*the Historic Environment Record shows the proposed development lies within an area of known archaeological deposits. The proposed development sits in close proximity a sequence of records comprising cropmark complexes of probable multi-period date (EHER 14700, 47364, and 47050). The cropmarks to the west contain a probable trackway which will bisect the proposed development area. That to the east contains a series of ring ditches and enclosures of probable prehistoric date. There is therefore the potential for multi-period archaeological remains being identified on the site*'. Therefore, a condition regarding trial trenching and excavation would need to be added to an approval.

6.36 The application site is not within medium or high Flood Risk Zones (2 or 3), however it is major application. The Flood Risk Manager has been consulted with regards to the application and has raised a holding objection, as there is a lack of detail submitted in relation to site drainage, discharge points, lack of details about SuDS features and other matters. Accordingly, the proposal is contrary to Policies PMD15 and CSTP27 of the Core Strategy.

## **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 proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing increased built development and the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also harm Green Belt purposes (a) (c) and (e).

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, which can be afforded significant weight. On its own this factor does 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. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended on Green Belt grounds.

7.3 The proposals fail to provide policy compliant affordable housing and no financial viability information has been submitted to justify the shortfall. Finally the layout of the site and provision of amenity spaces is unsatisfactory. The proposals would result in a cramped overdevelopment of the site.

## **8.0 RECOMMENDATION**

8.1 Refuse planning 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 (a) 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 would by reason of its cramped layout, lack of appropriate landscaping and unsatisfactory provision of residential amenity space result in a cramped overdevelopment of the site, which would be visually intrusive and would fail to contribute positively to the character of the area or contribute positively to local views and as such it would be contrary to part 12 of the National Planning Policy Framework 2019 and policies CSTP22, PMD1 and PMD2 of the Core Strategy 2015.
3. Insufficient evidence has been submitted to demonstrate that the proposed development could provide acceptable surface water drainage and storage calculations. The proposal is therefore contrary to policies PMD15 and CSTP27 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.
4. The proposals would fail to deliver the level of affordable housing provision required by adopted Council planning policy and no evidence, in the form of a financial viability report, has been submitted to justify the level of affordable housing proposed. The proposals are therefore contrary to Policy CSTP2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015).

Informative:

- 1 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 discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**Documents:**

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

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

