Reference:	**Site:**
19/00287/FUL	Land To Rear Of Conifers Brentwood Road And Adjacent Orchard House Peartree Lane Bulphan Essex
Ward:	**Proposal:**
Orsett	Erection of 8 detached dwellings with associated amenity space, vehicular parking/access roads and strategic landscaping following the demolition of existing outbuilding

Plan Number(s):		
Reference	Name	Received
08B	Existing Plans	25th February 2019
05C	Proposed Plans	8th March 2019
06C	Proposed Plans	8th March 2019
07A	Proposed Elevations	8th March 2019
09A	Proposed Plans	8th March 2019
10A	Proposed Plans	8th March 2019
11	Proposed Plans	8th March 2019
12	Proposed Plans	8th March 2019
13	Proposed Plans	8th March 2019
03E	Roof Plans	30th May 2019
14	Proposed Plans	30th May 2019
01C	Location Plan	30th May 2019
02E	Proposed Site Layout	30th May 2019
04D	Proposed Plans	30th May 2019

The application is also accompanied by:

- Arboricultural Report;
- Design & Access Statement;
- Preliminary Ecological Appraisal

Applicant:	**Validated:**
Smart Planning	4 March 2019 **Date of expiry:** 17 July 2019 (Extension of time agreed with applicant)

Recommendation: Refusal

This planning application is scheduled for determination by the Council's Planning Committee because it has been called in by Councillors G Rice, J Pothecary, S Liddiard, C Kent, J Kent and S Shinnick to examine Green Belt Policy.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks permission to demolish an existing structure situated centrally within the application site and to erect eight 4 bed dwellings with associated hardstanding, cart lodges and, vehicle access/hardstanding and landscaping. Access to the site is proposed to the north from Peartree Lane.

2.0 SITE DESCRIPTION

2.1 The application site is rectangular shaped and borders properties at Orchard House, Conifers, The Gables and Glenwood along the eastern boundary of the site. There is a main river 'New Mardyke' directly south of the application site.

2.2 A large proportion of the land is covered in vegetation, but there are a few low level structures which appear to have been abandoned a number of years ago. Access to the site is from the north, although the level of hardstanding which serves this access is limited. Details of the hardstanding have not been included within the application.

2.3 The surrounding area is mainly rural in character with a mix of land uses spread through Peartree Lane. There are a small number of residential properties which generally have generous gardens and are spaciously separated.

2.4 The site lies within Metropolitan Green Belt and also lies within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is not within a high flood risk zone, although, a main river directly borders the site to the south.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
88/00901/OUT	Erection of One Dwelling (Outline)	Refused
82/00342/OUT	3 Residential Units (Outline)	Refused

81/00569/FUL	Agricultural building with open sides for change of use to storing fire damaged goods subject to Loss Adjusters survey.	Refused
76/00821/FUL	Use of land for parking cars rendered scrap by accident damage, pending clearances necessary for their removal for salvage.	Refused
61/00056/FUL	Erection of 9 mushroom sheds	Approved
60/00402/FUL	Erection of three Mushroom Sheds	Approved
56/00297/FUL	Use of land - Dwelling 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, press advert and public site notice which has been displayed nearby. Twenty one written comments have been received, which are summarised below;

- Access to Peartree Lane and the site;
- Additional traffic;
- Peartree Lane is narrow and has no formal road surface;
- Insufficient parking provision, including for visitors;
- Recent accidents along Peartree Lane;

- Out of Character with surrounding landscape;
- Overlooking/overshadowing/overbearing neighbouring properties;
- Plot sizes are significantly smaller than character of area;
- Possible excessive noise;
- Loss of privacy;
- Harm to Green Belt land;
- Loss of Amenity;
- Loss of Green Space/Wildlife would be destroyed;
- Overlooking from balconies;
- Design is out of character to the surrounding properties;
- Two storey properties / heights of the buildings omitted from plans:
- Houses would appear over dominant;

- There are 15 dwellings in Peartree Lane and the combined development with the application to the south of Peartree Lane (ref. 19/00287/FUL) would result in another 14 houses;
- Impact to health and well-being of neighbouring properties;
- Surface water drainage concerns and potential flood risk area because the land is made up of clay;
- Wildlife siting of, hedgehogs, adders, bumble bees, woodpeckers, owls, birds, foxes and other wildlife nearby;
- The need for un-met housing in the area does not meet the very special circumstances to allow such a development nor is the site a small infill plot;
- Concerns of the services and general infrastructure for this area and

- Loss of value to adjacent properties;

NATURAL ENGLAND:

No objection, subject to legal agreement.

ENVIRONMENT AGENCY:

No objection subject to Anglian Water being notified. An environmental permit for flood risk activities near to a fluvial main river.

ANGLIAN WATER:

No objections.

ESSEX POLICE:

Further information required.

ESSEX AND SUFFOLK WATER:

No objection.

HEALTH AND SAFETY EXECUTIVE:

No objection.

HIGHWAYS:

No objection, subject to conditions and Section 106 agreement.

LANDSCAPE AND ECOLOGY ADVISOR:

Objection raised.

FLOOD RISK MANAGER:

Holding objection raised.

HOUSING:

No objection.

EDUCATION:

No education contribution required.

ENVIRONMENTAL HEALTH OFFICER:

No objection subject to conditions.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF) (2019)

The revised NPPF was published on 24 July 2018 and revised in February 2019. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

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
- Use of Planning Conditions

Local Planning Policy

5.3 Thurrock Local Development Framework (2015)

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" in December 2011 which was subsequently amended in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)[2]
- CSTP26 (Renewable or Low-Carbon Energy Generation
- CSTP27 (Management and Reduction of Flood Risk);

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)[2]
- PMD2 (Design and Layout)[2]

- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)[3]
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)

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

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 The assessment below covers the following material considerations:

I. Principle of development and impact upon the Green Belt

II. Design, Layout and Impact to Neighbouring Amenity

III. Impact Upon Landscape and Ecology

IV. Access, Traffic Impact and Car Parking

V. Flooding and Site Drainage

VI. Other Matters

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 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

6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state 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.

6.4 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 a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

6.5 The application site is located within the Metropolitan Green Belt and situated approximately 0.5 km north of the Bulphan village. The application site borders Orchard House, Conifers, The Gables and the Mardyke River to the south. However these properties are not located in any structured manner. From the site visit, it appears there is some hardstanding surrounding the built structure which is located centrally within the site, furthermore, aerial photos appear to indicate the site was previously used as a scrap/storage yard which is further supported by neighbour comments received. While the Design and Access Statement mentions hardstanding at the site, the existing site plan submitted does not provide details of this.

6.6 The Design and Access Statement submitted asserts the proposal falls within the NPPF exception to inappropriate development as defined in paragraph 145(g) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development'. The NPPF's definition of Previously Developed Land (PDL) is set out below;

6.7 *'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…'*

6.8 It then goes on to say;

6.9 This excludes…land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

6.10 In this instance the site is occupied by a single building which is surrounded by an area of hardstanding. Whilst the site is no longer in use the built structure and hardstanding remain. During a site visit it was clear that whilst part of the site is overgrown the main area of hardstanding and the structure itself have not entirely blended into the landscape. As a result it is considered that, from the site visit and the evidence from the aerial photos, that part of the site constitutes PDL. However, as set out in the NPPF, it should not be assumed, the whole curtilage should be developed.

6.11 Where an application site constitutes PDL the proposed development would not constitute inappropriate development if it would not have a greater impact on the openness of the Green Belt than the existing development. In this instance the proposal results in significant level of built form of a far greater scale and mass spread across a wider proportion of the site encroaching into areas of the site which have not previously been developed. It would also include extensive areas of hardstanding and means of enclosure such as fencing which would further impact upon openness. Therefore the proposal would clearly and unequivocally have a greater impact upon the openness of the Green Belt. As a result it would not fall within the above referenced exception to inappropriate development in the Green Belt.

6.12 Consequently, the proposal comprises of inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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

6.13 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.

6.14 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.

6.15 In response to each of these five purposes:

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

6.16 The site is situated within Bulphan but outside of Bulphan Village. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

B. to prevent neighbouring towns from merging into one another

6.17 The development would not conflict with this Green Belt purpose.

C. to assist in safeguarding the countryside from encroachment

6.18 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The proposed development would spread across a larger proportion of the site including areas where there is currently no built form. It is important to note that the proposed dwellings, cart lodges, hardstanding and associated vehicle access/roads extend beyond the footprint of the existing building. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

6.20 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 erection of eight detached dwellings with associated hardstanding/vehicle accesses and fencing is inconsistent with the fifth purpose of the Green Belt.

6.21 In light of the above analysis, it is considered that the proposals 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

6.22 The application site currently contains a single structure along with an area of hardstanding (although this is not detailed within the plans). It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. The table below demonstrates the harms to the Green Belt.

	Floorspace	**Footprint (sq.m)**	**Volume (m^3)**
Existing Structure (To be demolished)	345 sq.m	345 sq.m	1998 sq.m
Proposed Dwellings (plots 1 - 8)	1420 sq.m	1069 sq.m	7393 sq.m
Proposed Cart lodges (x2)	-	78 sq.m	135 sq.m
Proposed Total	**1420 sq.m**	**1147 sq.m**	**7528 sq.m**
Difference from existing structures	**+311 %**	**+232 %**	**+276%**

6.23 In view of the above, the existing building at the site is very modest in size, footprint and floor space. The proposed development would introduce an excessive amount of built form across the majority of the site, including areas which are currently open. The additional footprint and floor space that would be introduced would be significantly increased by 232% and 311% respectively. The hardstanding and volume introduced at the site would also be significantly increased. Evidently, the

matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.

6.24 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.

6.25 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"*.

6.26 The Design and Access Statement submitted indicates that the applicant considers the proposed development constitutes appropriate development in the Green Belt. For reasons noted above, the Council takes the view that the proposal constitutes inappropriate development. In correspondence with the agent they confirmed that they have not submitted Very Special Circumstances as they do not consider this inappropriate development. However, they have submitted a number of other material considerations which they feel weigh in favour of the development. Given the Council's view of the development these have been assessed in terms of whether these constitute Very Special Circumstances which would clearly outweigh the harm to the Green Belt. The submitted further material considerations are as follows;

a) Shortfall of housing supply

6.27 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).

6.28 The current proposals would, with eight units, be of only 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 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 these circumstances to exist this factor must combine with other considerations.

b) All dwellings to a high sustainability standard

6.29 The Design and Access Statement submitted with the application maintains that all dwellings are to be a high sustainability standard, but little detail or information has been supplied to verify this assertion. The agent confirms that each dwelling would exceed building regulation standards. High standards of sustainability is to be expected on all development. Therefore no weight is afforded to this factor.

c) Making good of Peartree Lane from the junction with Brentwood Road up to the site access

6.30 The road surface of Peartree Lane is in poor condition and the applicant has suggested making improvements to the condition of the road, as a material consideration in favour of development. However Peartree Lane is a private road and the condition of the road would be a private matter between the relevant landowners. The highways officer has supported the improvement of Peartree Lane, and the comments from the Highways Officer regarding improvements to a section of Brentwood Road are noted. However, these improvements are to mitigate the additional number of vehicular movements that would take place on this road and therefore this is afforded no weight as a very special circumstance.

d) Tidying of the site including removal of areas of existing poor quality hardstanding and fly tipped material. Development of the site will also remove the potential for future fly tipping

6.31 The application site is somewhat overgrown with trees and vegetation. The applicant suggests that having residential development on open land would be a better form of land use, which deters inadvertent uses of the land, such as fly tipping. They also

suggest that the removal of existing poor quality hardstanding would improve the appearance. Whilst the removal of existing abandoned structures and hardstanding could represent an improvement it is considered that the resultant development is significantly out of character with the area. Importantly, the site could be tidied and secured without the need for development of this type and therefore this factor should be afforded no weight.

e) 'Achieving Sustainable Development' and Promoting Healthy and Safe Communities

6.32 The applicant considers that proposed development would be economically sustainable due to the number of jobs generated during construction phase and would also have environmental and social benefits. However, the application site has limited accessibility in terms of access to local services to support the community's health, social and cultural well-being and, for these reasons, the proposal would be contrary to the social role of planning.

6.33 Moreover, neighbour comments have mentioned sightings of various forms of wildlife, included protected species, such as slow worms and woodpeckers. The proposal would result in the development of a large proportion of the site and therefore any ecological benefits are likely to be limited.

6.34 In terms of promoting Healthy and Safe Communities the applicant states the current application is in accordance with the NPPF's guidance. However, Essex Police has commented that no details have been submitted to supplement the application and maintain they would require finer detail relating to the boundary treatments and physical security measures.

6.35 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure and create jobs in the short time. However there would not be a significant long term impact due to the limited number of units. Therefore this factor is afforded very limited weight.

f) *Making Effective Use of Land*

6.36 The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development. Paragraph 117 refers to previously-developed or brownfield land. In this instance, as set out earlier in the report it is considered that part of the site constitutes PDL. However, it is clarified within this section of the NPPF that there is an exception to this "*where this would conflict with other policies in this Framework"*. As identified earlier in the report the proposal would conflict with the Green Belt policies set out within the framework as it represents inappropriate development which fails to demonstrate very special circumstances which clearly

outweigh the harm. Therefore, no weight is afforded to this factor.

6.37 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 year housing supply	Significant
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 a, c and e.		All dwellings to a high sustainability standard	No weight
		Making good of Peartree Lane	No weight
		Achieving Sustainable Development / Promoting Healthy and Safe Communities	Very limited weight
		Making Effective Use of Land	No weight

6.38 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is ***clearly*** outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors have been promoted by the applicant as 'Very Special Circumstances' 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 combines at this location to comprise 'very special circumstances'.

6.39 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no

planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD6, PMD2 and CSTP22 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.

II. DESIGN, LAYOUT AND IMPACT TO NEIGHBOURING AMENITY

6.40 The proposal would introduce a densely packed residential development and layout within an area where each established residential plot is unique in size and layout. The immediate locality has a rural character with a sporadic layout and generously sized plots where properties are generally low in height such as bungalows and chalet style properties.

6.41 A vehicle access road from the southern corner of Peartree Lane would extend into the development site, which would serve 8 large detached properties in close proximity to one another. Plot 8 would be approximately 15m from Peartree Lane and the views into the application site would be of an urbanised residential development within a rural lane.

6.42 Along the eastern boundary, the flank wall of plot 8 would be within 0.8m of the shared boundary with Orchard House. There is an outbuilding in close proximity in within the curtilage of Orchard House, but the flank wall would be approximately 11m from the flank wall of the neighbouring property.

6.43 Notwithstanding the above, the Plots 7 and 8 are both unusually close to the eastern boundary and for plots that are two storeys, approximately 9.5m in height and comprise of 4 bedrooms. Furthermore, Plots 1, 2, 3 and 4 would have very short garden depths for large properties with garden depths between 7.7 metres to 9.4m. Also as a result of the revised site location plan, the area of Plot 1 has been compromised and it also considered the garden depth for this plot is not sufficient at 9.5m, as measured on the plans. Saved Annexe A1.2(iii) of the 1997 Local Plan requires a minimum garden depth of 12m. Therefore, in view of the spacious character and layout of the properties along Peartree Lane and how densely packed together the proposal is, along with the short garden depths of Plots 1-4, it is considered the proposed site would represent overdevelopment of the site and an urban appearance harmful to the character of the area.

6.44 The Landscape and Ecology Advisor also comments on the amenity value of the trees and hedges and the contribution these make to the rural character of the area. He considers that as a result of the proposed scheme there would be limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development.

6.45 Given the above, the scale of the built form proposed at the site and the urbanised layout would, if permitted, appear out of character and harmful to the street scene and the character of the area. Thus, the proposed development constitutes overdevelopment of the site and would conflict with Policies PMD2, CSTP22 and CSPT23 of the Core Strategy and the NPPF.

III. IMPACT UPON LANDSCAPE AND ECOLOGY

6.46 The Landscape and Ecology Advisor has been consulted on the current application and has considered the Preliminary Ecology Assessment (PEA) submitted. Broadly, the conclusions of the report are that the site is of low ecological value. However, during the site visit the presence of juvenile slow worms were found which confirms the presence of protected species. Planning conditions could be used to ensure a reptile mitigation plan is submitted prior to any works commencing if the application was being recommended favourably.

6.47 The site visit also revealed there was a large building which is on the western boundary shared with the adjacent property at Orchard House, although the building was not included within PEA. The built structure is covered in dense Ivy, the agent maintains the building is not within the application site. However, in the event that the building was found to be within the site it could be covered by the suggested condition requiring further surveys if the application was being recommended favourably.

6.48 Natural England has advised that the site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Thurrock Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.

6.49 The Landscape and Ecology Advisor also comments on the amenity value of the trees and hedges that are growing along the perimeters of the site and the contribution these make to the rural character if the immediate area. He further contends that the density of the proposed development is considered to be out of character within the immediate locality. The surrounding residential sites are mainly single storey and characterised with large gardens. He raises the further concern that as a result of the proposed scheme there would be limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development.

6.50 The Environment Agency commented on the application and originally raised an objection to the application. The objection related to the use of a non-mains foul drainage system in an areas served by a public sewerage system. The agent has now confirmed that the foul sewerage will be connected to the existing mains sewer and that at the time of submission the applicant was unaware there was a mains provision in this location. The Environment Agency were consulted regarding the update and advised that this would resolve their concern.

IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

6.51 The Highways Officer advises that the site is within an area of low accessibility and the proposed development would generate a high proportion of vehicle movements. As a result, Highways would seek a Section 106 contribution for improvements to the section of road between Peartree Lane and the A128. Notwithstanding the recommendation of the application, no highway objections have been raised to the proposal subject to imposing conditions relating to swept path analysis, details of refuse strategy and providing a Construction, Environment Management Plan [CEMP].

V. FLOODING AND SITE DRAINAGE

6.52 The application site is not within a high flood risk zone, however, there have been a number of comments received in relation to site drainage. A number of the comments indicate that as a result of the clay soil within the immediate area, Peartree Lane is prone to flooding and is often water logged.

6.53 The Flood Risk Manager has been consulted with regards to the above application and has raised a holding objection, as there is a lack of detail submitted in relation to site drainage and a potential risk of flooding at the site.

6.54 The application site to the south borders the Mardyke River and plots 5, 6 and 7 would be less than 13m from the river. While there have been no objections from the Environment Agency, it has advised that an environmental permit would be required for flood risk activities should the applicants wish to conduct works within 8m of a fluvial main river. The New Mardyke River to the south is deemed a designated main river. If the application was to be recommended for approval, an appropriate informative would be included.

6.55 Given, the poor drainage of the clay soil within the immediate area, and the comments from the Flood Risk Manager, it was considered necessary that the applicant provide a Sustainable Drainage System (SUDS) to demonstrate how surface water would be managed and the impact of the development to the

application site and to neighbouring sites. The applicant has failed to provide any such evidence. A residential development of this scale, with the associated hardstanding, could increase the risk of further surface water flooding in the wider area and to the future occupiers of the site. The proposed development would, therefore, conflict with Policies PMD15 and the CSTP27 of the Core Strategy.

VII. OTHER MATTERS.

6.56 The Environmental Health Officer raised no objection, subject to the submission of a Construction Environmental Management Plan (CEMP), hours of construction condition and an asbestos survey being undertaken prior to any demolition, if the application was to receive a favourable recommendation.

6.57 Given the possible previous use(s) of the site there is the potential for some contamination on site. In order to ensure that there is no adverse risk to future occupiers an intrusive investigation would be necessary along with a risk assessment base upon these results. Depending on the outcome of such work a remediation strategy may be required. These steps could be secured through a suitable condition on any permission granted.

6.58 Comments have been received in relation to the accuracy of the red line boundary outlined around the application site. Having liaised with the agent, further plans, including a revised site location plan revising the red line boundary, have been submitted along with changes to Plot 1 to accommodate the amendments to the site boundary. Following this, neighbours have been re-notified accordingly by individual letters and an additional site notice erected nearby.

6.59 Comments have been received that indicate the application was not effectively advertised. The application has been advertised in the local press, neighbour letters have been sent and a site notice has been posted nearby. As noted above, following the revised plans, the consultation period has been extended and also includes additional residents along Peartree Lane. All appropriate and proper procedure with regards to the consultation and public notification of the application, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015, has been carried out.

6.60 Comments have been received that the proposed development would result in the loss in value of the properties along Peartree Lane; however, this is not a material planning consideration.

6.61 Neighbour letters received suggest that the trees have recently been cut down and query the site boundaries. The ownership of the trees are not a planning

consideration, but a civil matter, and the agent has confirmed the site boundary as outlined in red on the site location plan is correct.

7.0 RECOMMENDATION

Refuse for the following reason(s):

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. 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. Furthermore, 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 proposal is therefore contrary to Policies CSSP4 and PMD6 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.

2. The proposed development would, by reason of its design, density and urban layout, appear as an overdevelopment within this rural setting given the surrounding pattern and nature of buildings. The introduction of two storey properties, associated cart lodges and vehicle hardstanding would appear out of character within the immediate locality and would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore contrary to Policies PMD2, CSTP22 and CSPT23 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.

3. The applicant has failed to address whether there would be an increased risk of flooding from this development, how the risk of flooding would be mitigated or how site drainage and run off from the site and to the surrounding area would be managed. The proposal is 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.

Informative(s):-

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

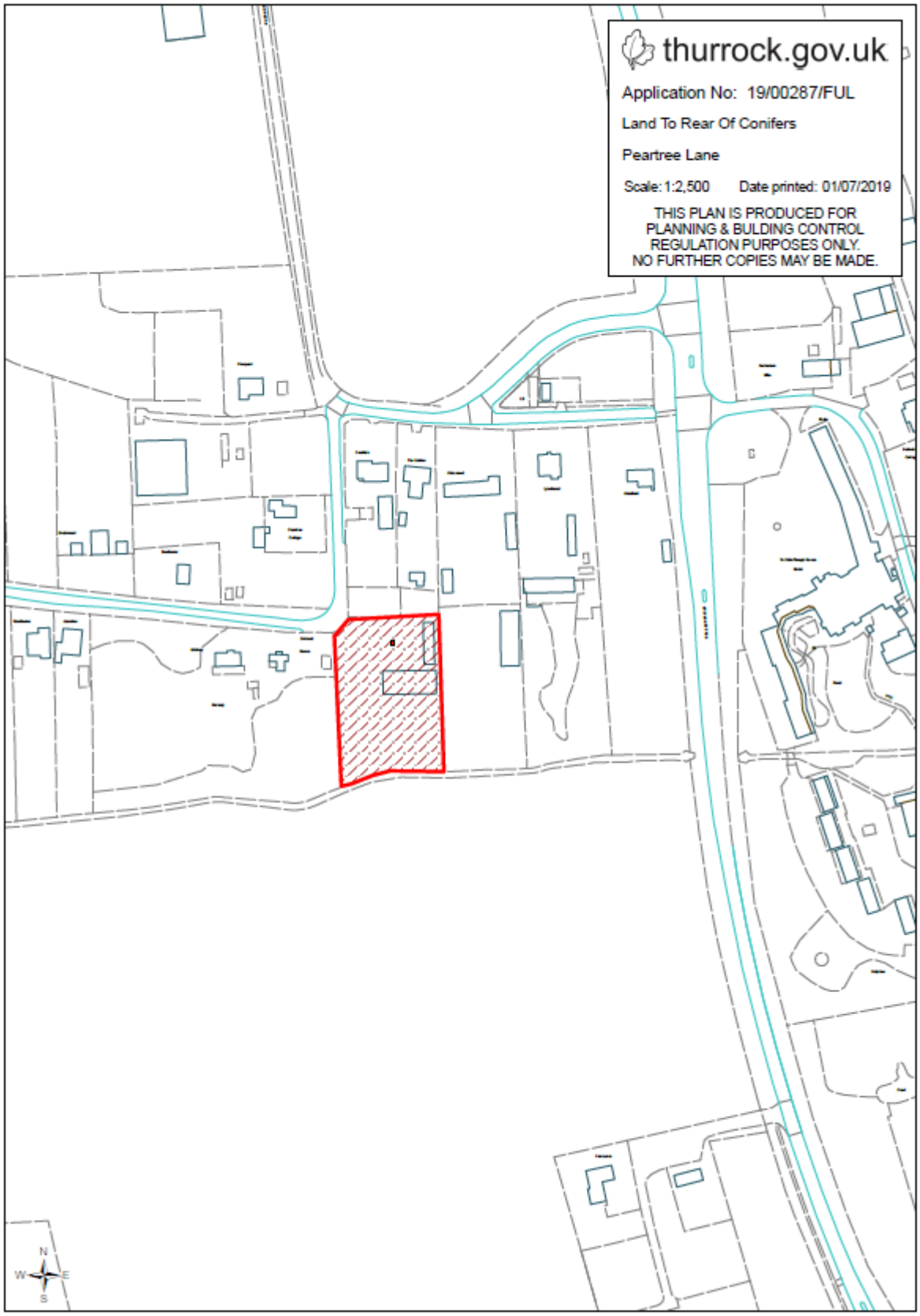
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it

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



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