

<p><b>Reference:</b> 19/00281/FUL</p>	<p><b>Site:</b> Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage Peartree Lane Bulphan Essex</p>
<p><b>Ward:</b> Orsett</p>	<p><b>Proposal:</b> Erection of 6 detached dwellings with associated amenity space, vehicular parking/access roads and strategic landscaping including the demolition of outbuildings</p>

Plan Number(s):		
Reference	Name	Received
01C	Proposed Plans	8th April 2019
02C	Proposed Plans	8th April 2019
03D	Location Plan	8th April 2019
04E	Proposed Site Layout	8th April 2019
05E	Site Layout	8th April 2019
07B	Proposed Plans	8th April 2019
09A	Site Layout	8th April 2019
08	Existing Elevations	4th March 2019
06A	Proposed Elevations	11th March 2019
10	Proposed Plans	11th March 2019
11	Proposed Plans	11th March 2019

The application is also accompanied by:

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

**Applicant:**  
Smart Planning

**Validated:**  
4 March 2019  
**Date of expiry:**  
19<sup>th</sup> August (Extension of time agreed with applicant)

**Recommendation:** Refusal

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

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks planning permission to demolish an existing outbuilding, which sits on the boundary shared with Peartree Cottage, and to erect six 4 bed dwellings with associated hardstanding, two cart lodge style parking areas, vehicle access and landscaping. The six properties would be densely packed together within the application site, which is approximately 0.35 hectares in size. Access to the site is proposed to the south from Peartree Lane.

**2.0 SITE DESCRIPTION**

2.1 The application site is ‘Z’ shaped and adjoins the north and eastern boundary of the adjacent property at Southover. It also borders the western and southern boundary of another adjacent property at Peartree Cottage. A modest sized outbuilding is positioned abutting the site boundary with Peartree Cottage. This outbuilding is proposed to be demolished as part of the current application.

2.2 The site is currently overgrown with trees/vegetation and it is not easily viewed from the adjacent highway. Access to the site is from the south and whilst there is some hardstanding present at the site the applicant has not provided details of this within the submitted plans.

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 sized gardens and are spaciouly 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.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
61/00005/FUL	Residential (3 plots) - Adjacent to Peartree Cottage	Refused
59/00076/FUL	Poultry House	Approved
58/00615/FUL	Chalet Bungalow	Approved
58/00615A/FUL	Chalet Bungalow (amended block plan)	Approved

58/00615B/FUL	Chalet bungalow (amended plan)	Approved
58/00615C/FUL	Chalet Bungalow (revised plan)	Approved
57/00645/FUL	Rebuilding two Boiler Houses	Approved
49/00594/FUL	Greenhouses	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, press advert and public site notice which has been displayed nearby. Twenty-five written comments have been received, which are summarised below;

- Access to Peartree Lane and the site is unsuitable;
- 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;
- The land within the site has already been cut back and a large proportion of the vegetation at the site has been destroyed;
- Surface water drainage concerns and potential flood risk because the land is made up of clay;
- 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 and;

- Concerns over the services and general infrastructure for this area
- Loss of value to adjacent properties.

ENVIRONMENT AGENCY:

No comment received.

ANGLIAN WATER:

No comment.

NATURAL ENGLAND:

No objection, subject to legal agreement.

ESSEX AND SUFFOLK WATER:

No objection.

HEALTH AND SAFETY EXECUTIVE:

No objection.

ESSEX POLICE:

Further information required.

HIGHWAYS:

No objection, subject to conditions and Section 106 agreement.

LANDSCAPE AND ECOLOGY ADVISOR:

Objection raised.

HOUSING:

No objection.

ENVIRONMENTAL HEALTH OFFICER:

No objection subject to conditions.

**FLOOD RISK MANAGER:**

No objection, subject to conditions.

**EDUCATION:**

No education contribution required.

**5.0 POLICY CONTEXT****5.1 National Planning Policy Framework (NPPF) (2019)**

The revised NPPF was published on 24 July 2018 and revised again 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:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 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 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
- Green Belt

- 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)
- CATP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- 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)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)

Saved Annex 1 of the 1997 Local Plan, sets out requirements in relation to plot size and amenity space.

[Footnote: <sup>1</sup> New Policy inserted by the Focused Review of the LDF Core Strategy. <sup>2</sup> Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. <sup>3</sup> 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. The NPPF sets out a limited number of exceptions to this.
- 6.5 The Design and Access Statement submitted consider that the proposal falls within the NPPF exception to inappropriate development as defined in paragraph 145(e) which relates to limited infilling in villages. The application site is situated to the north of Peartree Lane, where residential properties are sporadically and spaciouly laid out, as a result of historic development, down a narrow countryside lane. The application site is located within the Metropolitan Green Belt and situated approximately 0.5 km north of Bulphan village. The site is isolated from any local amenities and situated along a remote country lane with limited access to Bulphan village. Additional residential development along Peartree Lane would have limited access to the nearest village. Evidently, as outlined above, the application site is outside of a village settlement and situated along an isolated road off of the Bulphan By-Pass.
- 6.6 Furthermore, in a recent appeal decision received by the Council against a refused application at Robinson Road, close to Horndon on the Hill (ref. 18/01131/PIP and ref. APP/M1595/W/19/3220683), where the limited infilling of villages was cited as a relevant exception to inappropriate development in the Green Belt, the Inspector came to a view that:



- 6.7 *'Unlike the compact development at Horndon-on-the-Hill that is set around a formalised street pattern, the development along Robinson Road is relatively sporadic and Robinson Road itself is narrow and hosts attributes of a countryside lane. Whilst there is existing residential development along Robinson Road, I do not consider this location to have the characteristics of a village, therefore I do not consider the site would constitute infilling within a village. As such, the proposal would not fall within the exception criteria and therefore the proposal, by definition, would be inappropriate development.'*
- 6.8 The application site, as established above, is similarly situated along a remote country Lane north of Bulphan Village. The village has a structured street pattern and layout, whereas the pattern of development along Peartree Lane is more sporadic demonstrated by the size of the plots, irregular layout and the varied land uses in the surrounding area. Furthermore, the remoteness of Peartree Lane is further exemplified by Peartree Lane being a no through road, unusually narrowly with poor quality road surfacing. As with the appeal example above, the application site is not considered as part of the village settlement above.
- 6.9 Consequently, the proposals constitute 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. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

- 6.10 Having established that the proposal would represent 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.
- 6.11 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.
- 6.12 In response to each of these five purposes:

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

- 6.13 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*

- 6.14 The site is situated away from nearby towns and therefore would not result in the confluence of any towns. Therefore the development would not conflict with this Green Belt purpose.

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

- 6.15 With regards 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 the built form across a significant proportion of the site 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*

- 6.16 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*

- 6.17 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 six detached dwellings with associated hardstanding/vehicle accesses and fencing is inconsistent with the fifth purpose of the Green Belt.
- 6.18 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

6.19 The application site is currently occupied by a relatively modest single storey building. 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 extent of the built form which would be introduced on this site.

	Floorspace	Footprint (sq.m)	Volume (m <sup>3</sup> )
Existing Structure (To be demolished)	74 sq.m	80 sq.m	553 sq.m
Proposed Dwellings (plots 1-6)	1185 sq.m	718 sq.m	4465 m3
Proposed Cart lodges (x2)	-	78 sq.m	135 m3
<b>Proposed Total</b>	<b>1185 sq.m</b>	<b>796 sq.m</b>	<b>4460 m3</b>
<b>Difference from existing structures</b>	<b>+1501% increase</b>	<b>+895% increase</b>	<b>+706% increase</b>

6.20 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 on what is effectively open land. The footprint and floor space would significantly increase by 895% and 1501% respectively. The amount of hardstanding and volume of structures would be also 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.

6.21 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.

- 6.22 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"*.
- 6.23 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 agent they confirmed that they have not submitted Very Special Circumstances as they do not consider this represents 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 they represent Very Special Circumstances which would clearly outweigh the harm to the Green Belt.

a) Shortfall of housing supply

- 6.24 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).
- 6.25 The current proposals would, with six 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 such circumstances to exist this factor must combine with other considerations.

b) All dwellings to a high sustainability standard

- 6.26 The Design and Access Statement submitted with the application suggests 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. However, high standards of sustainability is to be expected on all development. Therefore no weight is afforded to this factor.

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

- 6.27 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 Council's Highways Officer has supported the improvement of Peartree Lane, and his comments regarding improvements to a section of Brentwood Road are noted. However, these improvements would be necessary 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

- 6.28 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

- 6.29 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 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.

- 6.30 Moreover, neighbour comments have mentioned sightings of various forms of wildlife, including 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
- 6.31 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.
- 6.32 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 positive impact due to the limited number of units. Therefore this factor is afforded very limited weight.
- f) *Making Effective Use of Land*
- 6.33 The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development. However, paragraph 117 explicitly refers to previously-developed or brownfield land. The glossary definition of brownfield land diverts to the definition of previously developed land. The NPPF states that even on land that was last occupied by a permanent structure, it should not be assumed, that the whole curtilage should be developed and further asserts that land last occupied by buildings are exempt from being considered Previously Developed Land where the remains of the permanent structure or fixed have blended into the landscape
- 6.34 From the site visit, the existing building appear not to have been used for a significant period of time, in addition the vegetation within the site has significantly overgrown the building and as a result it is not readily visible from the adjacent highway. Additionally, from the consultation comments and aerial photos of the site, it is clear that some vegetation has been removed from the site, however, a large amount still remains. Therefore, it is considered that the existing structure on the site has blended into the landscape and as a result the site cannot be considered as Previously Developed Land. Furthermore, it is considered that only part of the site could constitute PDL as the NPPF warns that the exception of PDL is not relevant "*where this would conflict with other policies in this Framework*". Notwithstanding the above, 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.

6.35 The proposal involves the demolition of an existing moderately sized building located centrally within the site and would introduce various built form across the site and associated vehicle access roads and hardstanding. Effectively, the proposal would create a densely packed, urban style residential development that includes 6 detached dwellings and two cart lodges, resulting in an urbanised environment on a largely open plot of land along a country lane. Thus, reference to NPPF’s ‘making effective use of land’ is not considered appropriate in the context of Green Belt land, especially where it has been established the site is neither brownfield land nor previously developed land. As a result, this is afforded no weight in the assessment of the impact upon the Green Belt.

6.36 A summary of the weight which has been given to 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	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	

6.37 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 has been considered earlier 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'.

6.38 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 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

- 6.39 The proposal would introduce a densely packed residential development 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 buildings are generally low in height including bungalows and chalet style properties.
- 6.40 In addition, the Council's Landscape and Ecology Advisor has commented on the densely mixture of young woodland at the site and he notes that whilst the trees individually are generally low quality the woodland makes an important contribution towards the rural character of the area. Overall, the advisor expressed concerns on the density of the scheme and the impact to the rural character of immediate locality.
- 6.41 The Design and Access Statement considers '*the scale of the proposed dwellings being two storey is in kind with existing properties in the vicinity. This will ensure that they will sit inoffensively in their surroundings*'
- 6.42 The proposed development would consist of two storey properties of an urbanised layout which would appear out of character with the prevailing rural appearance of the location. Furthermore, as indicated above, the development would result in a significant amount of built form introduced onto an open site. The proposed development would introduce 6 additional properties within a plot of 0.35 hectares which is represents a density quite out of character with the area. Consequently, the proposal would become highly visible and out of character with the immediate locality of Peartree Lane.



- 6.43 Saved Annexe 1 of the 1997 Local Plan, sets out requirements in relation to plot size and amenity space. These standards were designed to ensure adequate outdoor space for new dwellings. Plots 1 and 2 would have very short garden depths for large properties of 9.5m and 8.5m respectively. Saved Annexe A1.2(iii) requires a minimum garden depth of 12m. For properties of this scale it is considered that the properties should have a minimum of 125 sq.m in line with Annexe A1.2(i). The proposed site plan suggests that plots 1 and 2 would have garden areas of 180 sq.m and 134 sq.m respectively, however, having measured the plans it appears that both plots would have private amenity space below 110 sq.m. Given the spacious layout of the existing properties along Peartree Lane and how densely packed together the proposal is, in combination with the short garden depths of plots one and two, it is considered the proposal would represent overdevelopment of the site.
- 6.44 The flank wall of the two storey property at Plot 5 would be approximately 11m from the rear wall of the property to the south at Southover. Given the relatively short garden depth of the neighbouring property it is considered that the dwelling types characterised by this development consisting of two storey dwellings, at approximately 9.5m in height, would represent an overbearing feature abutting the northern boundary of Southover. This neighbour commented that the flank wall would be 6m from their kitchen window as Southover is closer to the rear boundary than indicated on the plans. As a result the dwelling at Plot 5 would result in overshadowing and overbearing impact upon this neighbour harmful to their amenity.
- 6.45 Given the above, the scale of the built form proposed at the site and the urbanised layout, the proposal would result in an adverse impact upon the amenity of the neighbour at Southover, and appear out of character and harmful to the street scene and immediate area. Thus, the proposed development constitutes overdevelopment of the site and would conflict with policies PMD1, 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 report submitted. Broadly, the conclusions of the report are agreed but he considers that as a result of the material present on the site there could be reptiles present. Therefore he advises that a reptile survey and method statement may be appropriate. These could be managed by condition if the application was being recommended favourably.
- 6.47 Natural England has advised that the site falls within the 'Zone of Influence' (Zoi) for one of 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.

- 6.48 The Landscape and Ecology Advisor, as noted above, commented on the contribution of the woodland to the rural character of the area. He expressed concerns with the high density of the scheme and the limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development. On this basis, the proposed development is contrary to PMD2 and CSTP22 of the Core Strategy and the criteria of the NPPF.

#### IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.49 The Highways Officer commented 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, a Section 106 contribution would be sought for improvements to the section of road between Peartree Lane and the A128. Notwithstanding the recommendation of the application, no further highway objections have been raised to the proposal subject the s.106 contribution and conditions relating to swept path analysis, details of refuse strategy and providing a Construction, Environment Management Plan [CEMP].

#### V. FLOODING AND SITE DRAINAGE

- 6.50 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.
- 6.51 The Council's Flood Risk Manager initially raised a holding objection to the application, due to a lack of detail submitted in relation to site drainage, and consequently a potential risk of flooding at the site. Additional information has since been submitted and as a result subject of that information, the objection has been withdrawn. Subject to planning conditions the proposal would be acceptable in flood risk terms. Notwithstanding the principal Green Belt objection, the proposed development would, therefore, comply with Policies PMD15 and CSTP27 of the Core Strategy.

#### VII. OTHER MATTERS.

- 6.52 Comments have been received in relation to the accuracy of the red line boundary outline around the application site. After a Land Registry search, it transpired that ownership the application site outlined in red was not fully within the applicant's ownership. As a consequence of this information, the applicant has since publicised the red lined boundary of the application via a certificate D since the ownership of the verge to the south of the site is unknown. The applicant has now complied with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to the declaration of landownership and notification for the planning application.
- 6.53 Comments have been received from the owner of a neighbouring property who contends that they have not provided their consent for the removal of these trees; the ownership of the trees is considered a civil matter and not a material planning consideration.
- 6.54 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.
- 6.55 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. Additionally, all neighbours notified originally have been further consulted and a further site notice posted in relation to the receipt of the Certificate D certificate of ownership notification. Therefore the correct procedure has been followed 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.

## 7.0 RECOMMENDATION

- 7.1 Refuse for the following reasons:

**Reason:**

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. 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 overdevelopment within this rural setting given the surrounding pattern of development and sporadic 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 proposed dwelling on Plot 5, would, by reason of its siting and scale result in a significant loss of light and overbearing impact upon the neighbouring dwelling Southover, harmful to the residential amenity of this neighbour. The proposal is therefore contrary to Policy PMD1 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](http://www.thurrock.gov.uk/planning)

