

Planning Committee 22 October 2020	Application Reference: 20/01051/FUL
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<b>Reference:</b> 20/01051/FUL	<b>Site:</b> 40 High Road Fobbing Essex SS17 9HN
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Five single storey detached dwelling houses for the over 55s with associated parking and amenity areas

Plan Number(s):		
Reference	Name	Received
F1PGF/01	Fibonacci 1 Proposed Floor Plans	12 August 2020
F1PGF/02	Fibonacci 2 Proposed Floor Plans	12 August 2020
F1PGF/03	Fibonacci 3 Proposed Floor Plans	12 August 2020
F1PE/04	Fibonacci 1 Proposed Elevations	12 August 2020
F2PE/05	Fibonacci 2 Proposed Elevations	12 August 2020
F2PE/06	Fibonacci 3 Proposed Elevations	12 August 2020
PSLP1:500S	Proposed Site Layout 1:500 Scale	12 August 2020
SLP1:1250	Site Location Plan 1:1250 Scale	12 August 2020

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Design &amp; Access Statement</li> <li>- Explanation Statement</li> <li>- Transport Assessment</li> <li>- Various Fibonacci Spiral Plans</li> </ul>	
<b>Applicant:</b> Mr Ricky Jeffs	<b>Validated:</b> 12 August 2020 <b>Date of expiry:</b> 26 October 2020 (Extension of Time agreed with applicant)
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs G Rice, S Shinnick, L Worrall, V Holloway and Kerin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess

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the impact of the proposal on the amenity of local area.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for five single storey residential properties (all for over 55 year olds) situated in a linear arrangement, running perpendicular from the road, on the plot at 40 High Road Fobbing.

## 2.0 SITE DESCRIPTION

- 2.1 The site is accessed directly from High Road Fobbing, beyond the area which is designated as an established residential frontage. The site is overgrown and presently appears as a distinct boundary to the main part of Fobbing Village. The broadly rectangular site is long and thin (155m x 20m) and is within Green Belt. The site covers 0.37 hectares.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
20/00719/FUL	Five single storey detached dwellinghouses for the over 55s with associated parking and amenity areas	Withdrawn by applicant
20/00333/FUL	Three single storey detached dwellinghouse and one single storey semi detached dwellings for over 55's (C3 use) and a separate dentist (D1 use)	Withdrawn by applicant
19/00043/OUT	Outline planning permission with all matters (except for scale) reserved for construction of 4 detached single storey dwellinghouses (affordable) with associated parking	Refused and dismissed on Appeal
07/00018/OUT	Detached 3 bedroom bungalow and detached garage.	Refused
01/00089/OUT	Outline planning application for 3 bedroom chalet bungalow	Refused
84/00743/OUT	Bungalow	Refused
81/00784/OUT	Private dwelling	Refused
76/00611/OUT	Detached House Appeal lodged, appeal refused.	Refused
55/00129/FUL	Use of land for erection of bungalow.	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](http://www.thurrock.gov.uk/planning)

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There were comments received from seven different addresses, six of these were in support of the proposal, with one objection. The matters raised in support are summarised as:

- Homes for neglected sector community/benefit the community
- Tidy up site/landscaping
- No impact to the surroundings

The objection was in regard to the site being within Green Belt, which should not be built on.

#### 4.3 ENVIRONMENTAL HEALTH

No objections, subject to conditions.

#### 4.4 ESSEX POLICE

No objections, subject to conditions.

#### 4.5 HIGHWAYS

No objections, subject to conditions.

#### 4.6 LANDSCAPE AND ECOLOGY

No objections, subject to conditions and RAMS mitigation.

### 5.0 POLICY CONTEXT

#### **National Planning Policy Framework (NPPF)**

5.1 The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. 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:

5. Delivering a sufficient supply of homes;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
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 former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design: process and tools
- Determining a planning application
- Green Belt
- Housing and economic needs assessment
- Housing for older and disabled people
- Housing: optional technical standards
- Use of Planning Conditions

## 5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28 February 2015. The following policies apply to the proposals:

### SPATIAL POLICIES

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

### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)

- CSTP23 (Thurrock Character and Distinctiveness)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)

### 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

### 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

### Background

In 2019 planning permission was sought for *outline planning permission with all matters (except for scale) reserved for construction of 4 detached single storey dwellinghouses (affordable) with associated parking* (ref: 19/00043/OUT) The application was refused on the following two grounds:

1) Green Belt - The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The very special circumstances put forward by the applicant would not clearly outweigh the harm to the Green Belt.

2) Design & Layout - The proposed dwellings, by reason of their scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area.

The current application is similar in offering a specific type of housing which is single storey and is set out with a similar layout covering the same areas of the site. The current application is different in that it provides an additional unit, so there are now 5 units, whereas there were previously 4 units proposed.

The applicant appealed the decision. In dismissing the appeal the Inspector noted:

*Paragraph 33. The proposal would be inappropriate development in the terms set out in the Framework and lead to a moderate loss of openness to the Green Belt. It would also harm the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. No considerations have been put before me which would outweigh the totality of the harm. Consequently, very special circumstances do not exist and the proposal would conflict with the Framework.*

*Paragraph 23. Although the dwellings would be single storey, which would limit views of the dwellings from outside of the site, I am not persuaded on the evidence before me that they would not be visible from the public domain. Since they would not follow the general building line which is characteristic of the area, they would appear an incongruous feature in the street scene. This would be contrary to Policy CSTP22 of the CSPMDFR which states that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context. It would fail to strengthen the sense of place, as required by Policy CSTP23 of the CSPMDFR and would fail to contribute positively to the character of the area in which it is proposed, as required by Policy PMD2 of the CSPMDFR.*

*Paragraph 13. Given the scale of the development, I do not consider it would reasonable to secure a planning obligation by condition, nor would it be reasonable to require that the dwellings would be affordable by condition. In the absence of a mechanism to ensure that the proposed dwellings would be affordable, I am unable to give this matter weight. Moreover, I have been provided no substantive evidence that the appeal dwellings would meet local community needs. I therefore do not consider that the appeal would meet the exception set out in Paragraph 145 f) of the Framework.*

The current proposal is similar to the previously refused application and the current proposal does not introduce any additional reasons whereby the application can be deemed acceptable.

6.1 The assessment below covers the following areas:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic impact and parking
- III. Design, layout and impact upon the area
- IV. Ecology
- V. RAMS Mitigation
- 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. 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.

6.4 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 “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*” At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. 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

- 6.5 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.
- 6.6 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.
- 6.7 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.8 The site is located in a rural location, on the edge of the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any ‘large built up areas’. As a result the development would not result in the unrestricted sprawl of a built up area and therefore would not conflict with this purpose.
- b. to prevent neighbouring towns from merging into one another*
- 6.9 The development would not conflict with this Green Belt purpose.
- c. to assist in safeguarding the countryside from encroachment*

6.10 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The four single storey residential units 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*

6.11 The site is not within Fobbing Conservation Area and it is not considered that the proposal would harm the character of a historic town.

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

6.12 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. Allowing unrestricted development on land outside the urban area would conflict with the aim of directing development towards the urban area. Therefore the proposed dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

6.13 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

6.14 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 (VSC) 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.

6.15 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*".

6.16 The applicant has put forward the following consideration forward to demonstrate very special circumstances within the Design and Access statement submitted with this application:

- 1) Addresses Housing Need in the Borough
- 2) Provides specialist retirement home accommodation tailored to local need where the demand is 'critical'
- 3) Very well-connected, sustainable central village location (i.e. not remote or isolated)
- 4) Previously developed site (existing dropped curbed access)
- 5) Currently Thurrock as an authority is not delivering sustainable development for the people living in the Borough, in social and economic terms in particular. This application shall help correct this shortcoming.
- 6) Innovative internal design

These are assessed below:

*1) Addresses Housing Need in the Borough*

6.17 The applicant puts forward the need for housing within Thurrock as a consideration towards proving very special circumstances.

Consideration

6.18 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh GB harm to constitute the very special circumstances justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2019) does not include this

provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a recent Green Belt appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that “even so, unmet need on its own, is highly unlikely to amount to very special circumstances”. Accordingly the benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.

- 6.19 The current proposal would, consisting of 5 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. Nonetheless, 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.

*2) Provides specialist retirement home accommodation tailored to local need where the demand is ‘critical’*

- 6.20 The applicant put forward the ‘critical’ need for older peoples housing as a consideration towards VSCs.

#### Consideration

- 6.21 There is no evidence that these houses are specifically required for people within Fobbing. There is no substantive evidence that the dwellings would meet local community needs. As noted later in this report the location is not easily accessible or near to local facilities which are considered as an integral factor for older people’s housing. Specialist older person’s accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents. The proposal has none of these and the units are standard residential properties.

Additionally, as noted above, within the previous appeal decision the Inspector noted that a legal agreement to ensure the properties were affordable was deemed unreasonable due to the small scale of the proposal. This would be the same in regard to ensuring the properties are for older peoples housing.

- 6.22 The principle of increasing the supply of housing for the elderly is recognised but for the Borough’s specific needs to be met such accommodation would need to be suitable in all respects. There is nothing provided within the application which makes the proposal unique to the needs of older people. The properties are standard

dwellings. Additionally, the location of this site is not considered to be a suitable location for older people and therefore only limited weight can be afforded to this consideration towards very special circumstances.

*3) Very well-connected, sustainable central village location (i.e. not remote or isolated)*

- 6.23 The applicant states that the proposal site is within a sustainable location, therefore suitable for older people's housing.

#### Consideration

- 6.24 The site is not considered to be within a sustainable location. It is situated to the edge of the village, outside the established residential frontage. Fobbing is a linear settlement, which is located mostly along the main road. The facilities which are available within the village, the pub, church and church hall are all located in what would have been the historic centre of the village. This centre is over a mile walk from the application site, also there are no shops within the village. There are some buses which serve the village, but these are infrequent and, at best, offer a bus every couple of hours. There are no GPs or dentists within the village either. Therefore, it is difficult to see how the site can be termed sustainable and therefore suitable for older people's housing. The applicant states that site is within a central village location, this is not agreed as it is clearly not well-connected and is remote from facilities. Therefore no weight can be afforded to this consideration towards very special circumstances.

*4) Previously developed site (existing dropped kerbed access)*

- 6.25 The applicant considers the site is previously developed land (PDL) as there is an existing dropped kerb.

#### Consideration

- 6.26 There is no built form on the site and it is clear that there has been no built form on the site for some time. Whilst there was previously a dwellinghouse at the site, this is no longer there being demolished in the 1930s, and the site is now open. The NPPF Annex 2 Glossary confirms that PDL excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. The Planning Inspector on the previous appeal in 2019 for a similar development at the site clearly stated they did not consider the site to be PDL. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

5) *Currently Thurrock as an authority is not delivering sustainable development for the people living in the Borough, in social and economic terms in particular. This application shall help correct this shortcoming.*

### Consideration

- 6.27 The fifth factor towards VSCs is somewhat confusing, the applicant does not justify the statement which is generic and needs explanation. When considering this specific site, the proposal is offering five units and in social and economic sustainability terms this is not significant irrespective of the (unclear) particular shortcomings which the applicant is referring to.
- 6.28 Further to this, Paragraph 11 of the NPPF states that the presumption in favour of sustainable development would apply unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt designation is classified as a protected area and there are clear reasons within the Framework for refusing the development due to the impact upon the Green Belt. Therefore the presumption in favour of sustainable development would not constitute a factor towards very special circumstances and is afforded no weight.

### *6) Innovative internal design*

- 6.29 The applicant states they consider the proposal offers a high-quality innovative design shaped around the site circumstance available.

### Consideration

- 6.30 The proposal is for single storey residential properties, the applicant does not specify what is *innovative* about the proposal. There does not seem to be any offering which is inventive or ground-breaking within the layout or design. As this point has not been clarified within the application this factor cannot be afforded any weight towards very special circumstances.
- 6.31 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	Housing Need	Very significant

Reduction in the openness of the Green Belt		weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.	Specialist older people's housing tailored to local need	Limited weight
	Sustainable central village location	No weight
	Previously developed land	No weight
	Correct lack of sustainable social and economic development	No weight
	Innovative internal design	No weight

6.32 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'.

6.33 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. In this instance it is considered that the applicant has not advanced 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 which could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to policies CSSP4 andPMD6of 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. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.34 The proposal would utilise a single access road which would be positioned along one side boundary in order to provide access to the rear of the site. Concerns have been raised by the Council's Highway Officer with regards to the suitability of the access onto High Road, the increase in the intensity of the use and the ability of the internal access road to accommodate all necessary vehicle movements including access by refuse vehicles. Whilst these concerns are noted it is considered that there is adequate scope within the site to alter the layout to provide a suitable internal road layout. In addition the matters relating to the use of the access point and the provision of suitable visibility splays could be addressed through appropriate conditions.
- 6.35 The proposed site plan indicates there would be two parking spaces per dwelling and visitor spaces. This would be sufficient to provide a suitable level of parking for future occupants.

### III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.36 The National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.37 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.38 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.39 Policy CSTP23 of the Core Strategy states the Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.
- 6.40 Whilst there are a number of existing single storey buildings in the surrounding area these are set in relatively informal layouts. The proposed dwellings would be single storey in scale and would extend in a formal layout towards the rear of the site. Whilst in isolation such a scale is preferable to two storey dwellings it would result in the introduction of a level of built form at a scale which would appear urban and significantly out of character to the rear of High Road. Therefore in conjunction with the position of the proposed dwellings this would lead to a level of bulk and massing which would appear out of character in the area to the rear of High Road. Given the

above the proposal would result in a significant adverse impact upon the generally open character of this area contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF.

6.41 The actual appearance of the buildings with the design of the facades is concerning as they appear almost utilitarian. Additionally the appearance is unbalanced and confused creating an awkward finish. There are large areas of blank wall which contribute to the unattractive aesthetics of the properties. From the Design and Access Statement it appears the applicant is proposing a modern appearance. Presently, the details of how the design shown on the plans could be interpreted to create an attractive modern building are not clear.

6.42 It should also be noted that the scheme is similar to the previous submission which was dismissed on appeal where the Inspector supported the Council's view:

*Within paragraph 23 the Inspector stated: "Since they would not follow the general building line which is characteristic of the area, they would appear an incongruous feature in the street scene. This would be contrary to Policy CSTP22 of the CSPMDFR which states that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context. It would fail to strengthen the sense of place, as required by Policy CSTP23 of the CSPMDFR and would fail to contribute positively to the character of the area in which it is proposed, as required by Policy PMD2 of the CSPMDFR."*

*Within paragraph 24 "The appeal scheme would also conflict with the Framework, which sets out the importance of achieving well-designed places and seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting."*

This supports the view that this form of development would be significantly out of character with the area.

6.43 With regards to neighbouring amenity the proposed dwellings would be located away from the nearest residential neighbours. In addition the dwellings would be single storey in scale. The relationship with neighbouring dwellings would ensure that there would not be a significant loss of light, overbearing impact or loss of privacy to neighbouring properties.

6.44 With regards to the amenity of future occupiers there would be sufficient space to provide suitable light and outlook to habitable rooms. The proposed dwellings would benefit from a suitable level of privacy. The rear gardens would be of sufficient size to provide suitable amenity for future occupiers.

6.45 As noted above, the amenity of both existing and the prospective residents in terms of loss of light, overbearing impact or loss of privacy to neighbouring properties is

considered acceptable. Nevertheless, there are significant concerns regarding the layout of the buildings and detailed design of the facades. Therefore, the proposal is considered contrary to the NPPF and policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

#### IV. ECOLOGY

- 6.46 The site has potential to support protected species, which would likely be restricted to nesting birds. The Council's Landscape and Ecology Advisor has confirmed that to avoid disturbing any nesting birds it would be necessary for any vegetation clearance to take place outside birds nesting season. They also advised that *there is potential for the site to be used by badgers as it is surrounded by areas of more established trees. If planning permission is granted a condition is sought requiring a badger survey to be undertaken to confirm that no badgers are present, to avoid a potential offence being committed.*
- 6.47 It is considered that the proposal would not unacceptably impact upon protected species as the above matters can be dealt with through planning conditions.

#### V. RAMS MITIGATION

- 6.48 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence and therefore it would be necessary for the local planning authority 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.

#### VI. OTHER MATTERS

- 6.49 The Police have raised concerns regarding the proposal due to the layout whereby the buildings are set back from the road and therefore there would be limited surveillance which is a safety concern. Therefore, should the application be recommended favourably a condition requiring Secure by Design would be required.

### 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed development is sited within the Green Belt and would not fall within one of the exceptions to inappropriate development as set out in the NPPF. Therefore it would result in inappropriate development in the Green Belt which is by definition harmful to openness.

- 7.2 The proposal would also introduce a significant built form into an area which is currently open and has little development. Therefore, the development would encroach upon the openness of the Green Belt resulting in actual harm to openness. The applicant has not advanced any circumstances that would amount to very special circumstances that could overcome the strong presumption against this type of proposal. The development is therefore contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF and is therefore harmful by definition.
- 7.3 The application is very similar to the previous application 19/00043/OUT which was dismissed on appeal and this application has not advanced any material considerations to alter this conclusion and would be more harmful to the Green Belt as it includes an extra dwelling.
- 7.4 The scale of the development and the formal layout would result in an urbanising appearance out of character to the rear of properties along High Road. Additionally, the detailed design of these properties appear unbalanced and unattractive. Therefore, the proposal is contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF.

## 8.0 RECOMMENDATION

### 8.1 Refuse planning permission for the following reason(s):

- 1 The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The circumstances put forward by the applicant would not amount to very special circumstances to clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.
- 2 The proposed dwellings, by reason of their design, scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area contrary to policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.

### Documents:

Planning Committee 22 October 2020	Application Reference: 20/01051/FUL
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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)

