

Planning Committee: 26 November 2020	Application Reference: 20/00957/FUL
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<b>Reference:</b> 20/00957/FUL	<b>Site:</b> Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Erection of four detached two bed bungalows

Plan Number(s):		
Reference	Name	Received
20010_A1-01	Proposed Elevation Plans	29th July 2020
20010_A2-01	Proposed Site Layout	29th July 2020
20102_A4-02	Existing Site Layout	29th July 2020
19.5957-M001	Location Plan	29th July 2020
19.5957-M002A	Location Plan	29th July 2020
19.5957-M003	Wider Settlement pattern	29th July 2020
19.5957-M004	Settlement Limits of Orsett Heath	29th July 2020

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Cover Letter</li> <li>- Planning Support Statement (Ref. 19.5957)</li> </ul>	
<b>Applicant:</b> Messrs J and M Gatrell JP & MD Properties Ltd	<b>Validated:</b> 28 July 2020 <b>Date of expiry:</b> 30 November 2020 ( <b>Extension of Time as Agreed</b> )
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr G Rice, Cllr L Worrall, Cllr V Holloway, Cllr S Shinnick and Cllr M Kerin in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to examine Green Belt issues and as the proposal has been advertised as a departure from the Development Plan.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission to erect four detached two-bedroom bungalows on the rear part of the site of the former Barmoor House. The rear garden of the former dwelling would be subdivided for each plot and off-street parking is proposed to be provided for each of the dwellings. Access to the properties would be achieved via Farm Road.

## 2.0 SITE DESCRIPTION

- 2.1 The site measures 0.2 hectares and is a largely triangular shaped plot located on the North West side of Farm Road. The site is within the Green Belt.
- 2.2 Planning permission to demolish the original 4-bedroom chalet dwelling (Barmoor House) and erect six, two-bedroomed detached bungalows was granted on 5th October 2018 (application reference: 18/01143/FUL). Five of the six bungalows are under construction and the application site has been created by omitting the recently permitted bungalow on Plot 1, allowing access to the pocket of land to the rear of the permitted bungalows.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/00763/FUL	Conversion and extension of one residential dwelling to five residential dwellings	Approved
18/01143/FUL	Demolition of house and outbuildings and replacement with 6No. 2 bed detached bungalows	Approved
19/01664/CV	Application for the variation of condition no 2 (plans) of planning permission ref 18/01143/FUL (Demolition of house and outbuildings and replacement with 6No. 2 bed detached bungalows) to extend the front bay window elevation outwards	Approved

The officer report for the 2018 application for the demolition of the outbuildings and the erection of the of 6 new dwellings noted that “[t]he proposal would result in a 1.2% decrease in volume of buildings across the site .... (1530 cubic metres against 1548.6 cubic metres as existing) and there would be a reduction in built footprint of 19.8sqm from 510.6sqm to 490.8sqm... Therefore it is considered that the proposal would represent the redevelopment of previously developed land which would not have a greater impact upon the openness of the Green Belt than the existing development. Therefore, the proposal would fall within one of the exceptions to inappropriate development in the Green as set out in paragraph 145 of the NPPF.”

The overall site has therefore accommodated the maximum amount of development that would be acceptable in relation to local and national Green Belt policy.

#### **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. No comments have been received.

##### **HIGHWAYS ENGLAND:**

- 4.3 No objection.

##### **ENVIRONMENTAL HEALTH:**

- 4.4 No objection, with conditions.

##### **HIGHWAYS:**

- 4.5 No objection, but further clarification is sought on detail relating to access, and bin store details.

##### **LANDSCAPE AND ECOLOGY ADVISOR:**

- 4.6 No objection, subject to conditions and mitigation.

#### **5.0 POLICY CONTEXT**

##### **National Planning Guidance**

- 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19<sup>th</sup> 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:

2. Achieving sustainable development;
4. Decision-making;
6. Building a strong, competitive economy;
12. Achieving well-designed places;
13. Protecting Green Belt land;

## 5.2 Planning Practice Guidance

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;
- Determining a planning application;
- Green Belt;
- Planning obligations;
- Use of planning conditions.

### **Local Planning Policy**

## 5.3 Thurrock Local Development Framework (as amended) 2015

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Spatial Policies:

- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

Thematic Policies:

- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD6: Development in the Green Belt

- PMD7: Biodiversity and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy

#### 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**

#### Procedure:

With reference to procedure, this application has been advertised as being a departure from the Development Plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would not engage as the description of the development falls outside the ambit of paragraph 4 of the Direction. Therefore, the local planning authority (LPA) can issue the formal decision for the application without submitting to the Secretary of State.

#### 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and relationship of the development with its surroundings
- III. Amenity considerations
- IV. Access and Parking
- V. Landscape and Ecology
- VI. Infrastructure

## I. PRINCIPLE OF THE DEVELOPMENT

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 GB and the purposes of including land within it; and
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

### 1. Whether the proposals constitute inappropriate development in the GB

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 GB 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.”*

6.5 Paragraph 143 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

6.6 Paragraph 144 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the Green Belt and that Very Special Circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.7 With reference to proposed new buildings in the Green Belt, paragraph 145 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and

- burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the GB than the existing development; or
    - not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.8 The proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. Indeed, from the Planning History section above, Members will note that the site has been subject to the maximum amount of development that would be acceptable in compliance with national and local Green Belt policy. The application site is an open green space with no current built form. Consequently, as the application seeks permission for 4 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Green Belt which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 144), substantial weight should be given to this harm.

6.9 The applicant considers the site is within, a village, and this is assessed further into this report.

## 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 at the very edge of Orsett Heath. 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 the site where there is currently no built form. It is important to note that the scale of the development proposed, which includes 4 dwellings, associated hardstanding and vehicle access. 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 open 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 4 dwellings with associated hardstanding/vehicle accesses 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 a vacant open plot of land. 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. By nature of the fact the site is void of built form, the erection of four two-bedroom dwellings with associated residential paraphernalia would inherently harm the open character of the Green Belt. The amount of hardstanding and volume of structures would inevitably increase. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.
- 6.20 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.

- 6.21 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*".
- 6.22 The Planning Support Statement submitted indicates that the applicant considers the proposed development does not constitute inappropriate development in the Green Belt. The applicant considers that paragraph 145 of the NPPF is relevant, in terms of providing an exception to inappropriate development in the Green Belt. The applicant suggests that the following exception to Green Belt development applies:
- e) *limited infilling in villages;*
- 6.23 The applicant considers that with respect to 'limited infilling' that there are a number of factors capable of being relevant when it comes to considering the concept of openness of the Green Belt including how built up the Green Belt is at present and the views of the proposed works. However, with reference to the application site, the land is void of built form and is in fact open land. While it is appreciated there is residential development adjacent to the site and on the opposite side of the road, this does not negate the fact the application site is essentially an open plot of land. The visual impact is a key part of the concept of openness of the Green Belt and that greenness is a visual quality. Therefore, the Council takes the view that the built form in the immediate locality does not detract from the fact that developing the site would be harmful to the open character of the Green Belt and would, in turn, permanently harm the green character of the site. This is implicit in the NPPF at paragraphs 133-134 since the purposes of the Green Belt seeks to prohibit development by protecting its inherent character.

#### Definition of a village

- 6.24 There is no definition of what constitutes a 'village' in terms of paragraph 145(e) of the NPPF. The Green Belt washes over this part of the Borough both to the North and East of the Grays / Little Thurrock area however, there are areas of development that have been excluded from the Green Belt and comprise 'islands' of built development within it. One of these is Chadwell St Mary to the south-east of Orsett Heath which has more of the characteristics of a 'village' or a suburban settlement because it is where various local facilities such as schools, a library, doctor's surgeries and a number of shops are located. In contrast the application site lies outside Chadwell St Mary, in Orsett Heath. Orsett Heath, is a location that lacks the

amenities and services which would normally be associated with a village and it is not considered that the location could be termed a village for the purposes of the NPPF. It is also notable that the site does not lie within an Established Residential Frontage; (which is an area identified on the Core Strategy Proposals Map wherein development in the Green Belt is acceptable; without the strict criteria which usually apply).

- 6.25 In light of the above, the proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. The application site is an open green space with no current built form. Consequently, as the application seeks permission for 4 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Metropolitan Green Belt, which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 144), substantial weight should be given to this harm.
- 6.26 The case put forward by the applicant above is not accepted, and for reasons noted above, the Council takes the view that the proposal would constitute inappropriate development. No formal Very Special Circumstances have been submitted, as the applicant does not consider this application represents inappropriate development. However, the applicant has submitted considerations in favour of the development. Given the Council's view of the development these have been assessed in terms of whether they represent benefits which would clearly outweigh the harm to the Green Belt and therefore give rise to very special circumstances for approving the application.
- 6.27 The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

*a) Outdated Local Plan*

- 6.28 The Council has the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] which has been found to be NPPF compliant at that time. This is the current Development Plan for the Borough. The duty in s. 70(2) of the Town and Country Planning Act, which is supplemented by the duty in section s.38(6) of the Planning and Compulsory Purchase Act 2004, is that in making planning decision "the determination must be made in accordance with the plan unless material considerations indicate otherwise". The application site is shown outside of any allocation for housing or other development, on the Proposals Map which accompanies the Core Strategy (2015). As a very special circumstance, no weight is afforded to this factor.

*b) Housing provision – Lack of a 5 year housing supply*

- 6.29 The current proposals would, with 4 units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy 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, recent appeal decisions in Thurrock have clearly stated that this single issue of housing land supply 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.

### Green Belt Conclusions

- 6.30 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. It is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and would reduce the openness of the Green Belt. Furthermore it is considered that the proposals would cause some harm to role which the site plays in fulfilling the purposes for including land in the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant's case no formal very special circumstances have been put forward, but two considerations have been provided. An assessment of the considerations promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

<b>Simplified Summary of Green Harm and applicant's case for Very Special Circumstances</b>			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Outdated Local Plan	No Weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Lack of 5 year Housing Supply	Significant Weight

- 6.31 Within the table above, only one of the two factors promoted by the applicant can be assessed as attracting any degree of 'positive' weight in the balance of considerations. 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 inappropriate development, loss of openness and conflict with a number of Green Belt purposes. Two factors have been promoted by the applicant as comprising material considerations required to justify inappropriate development and it is for the Committee to judge:

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

6.32 It is considered that the applicant has not advanced any factors which would cumulatively 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, PMD2 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.

## II. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

6.33 The proposal would provide four detached bungalows which would be situated to the north east of the former Barmoor House site, set behind the previously approved bungalows which are to be situated along Farm Lane. Vehicular access to the site would continue to be provided from Farm Road, which is a private road.

6.34 The development would result in four single storey dwellings finished in either render or brick with a tiled hipped roof. The properties created would be of a traditional bungalow design and largely similar, although some would have a different orientation.

6.35 The internal sizing of the dwellings is considered acceptable, as is the private amenity area for each dwelling.

6.36 The proposed siting of the proposed dwellings would result in development within an area which is currently open and free from any built development. In addition to the harm to the openness of the Green Belt, the development would negatively impact upon the rural character and appearance of the area.

## III. AMENITY CONSIDERATIONS

6.37 The flank of the new dwelling at Plot 4 would be 1.25m from the flank of the property at 3 Longley Mews. This is considered acceptable as the new property is single storey, and the flank wall is that of a detached garage. There is also a window in this

flank, this again is considered acceptable with a condition to ensure fencing of at least 1.8m in height is retained on this boundary.

- 6.38 Due to the orientation of the proposed window arrangement and the distance between the new windows and the existing surrounding properties, there are no other amenity concerns.
- 6.39 The Council's Environmental Health Officer has advised that road traffic noise from the A1089 Dock Approach Road would affect the development site. Therefore, if permission were to be granted, a condition should be included on any consent granted to ensure a noise assessment is carried out to determine the acoustic environment for the development and any required mitigation.
- 6.40 The proposal would result in the loss of some of the garden space for the properties that are currently under construction. However the dwellings would still have garden space at a level similar to neighbouring properties in Longley Mews. In addition the gardens would remain of a depth that would ensure the new properties would not be overbearing to these occupiers. However, this does not detract from the assessment that the provision of new dwellings and their associated garden spaces and associated accoutrements would be seriously damaging to the character and openness of the Green Belt.
- 6.41 In light of the above, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF in so far as it relates to the provision of amenity space and living conditions.

#### IV. PARKING AND ACCESS

- 6.42 The proposal shows a total of 8 car parking spaces proposed for the development, equating to 2 spaces per dwelling. The proposal satisfies the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision however, the Council's Highway Officer has raised concerns regarding the lack of visibility site splays shown at the proposed access to Farm Road.
- 6.43 The Highway Officer has also raised concerns regarding the suitability of the access for refuse vehicles. Whilst the existing refuse collection is via Farm Road, access to these additional properties would be via the proposed access, adjacent to the newly permitted bungalows. A refuse storage area has been shown on the proposed site plan nearer to Farm Road, however this shows insufficient space given that Thurrock Council use three waste bins. Similarly, the applicant has failed to demonstrate that service vehicles would be able to access and turn within the confines of the site.
- 6.44 The proposal therefore fails to demonstrate sufficient means of access, servicing and visibility site splays contrary to policies PMD2 and PMD9 of the Core Strategy.
- 6.45 The Council's Highways Officer has further commented in relation to the suitability and upkeep of Farm Road, however it is a private road which is not maintained by the Council. As such the upkeep of the road is a private matter and one that cannot be considered as part of this application. The agent has confirmed that while the

client does not own the private road, the land has the benefit of a right of way with or without vehicles over Farm Road leading into Heath Road.

#### IV. LANDSCAPE AND ECOLOGY

- 6.46 It is noted that most of the site is currently being used for site storage during the development of the adjacent site, however there are some larger trees growing at the northern end of the site which are shown to be retained. In principle it is considered that this could be achieved; given the relative distance between the boundary and the proposed plots the retention of these trees would not harm the amenities or living conditions of potential occupiers.
- 6.47 Were permission to be granted a condition requiring submission and approval of an arboricultural method statement would be reasonable, to ensure adequate protection for these trees during construction. This should consider the effects of the current storage of material close to the trees and determine whether measures are required to remediate the compaction that has occurred around the tree roots.
- 6.48 The Landscape and Ecology Advisor also commented on the ecological impacts of the proposed development. The application site falls within the Zone of Influence (Zoi) within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.49 In the event that planning permission was to be granted this contribution would be secured through a suitably worded legal agreement.

#### V. INFRASTRUCTURE

- 6.50 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.51 National Planning Practice Guidance states that local planning authorities must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced.

- 6.52 Other than the request for payment towards the RAMS, there are no other required contributions or mitigation.

## **7.0 CONCLUSIONS AND REASONS FOR REFUSAL**

- 7.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are any factors or benefits which clearly outweigh harm such that a departure and comprise the VSC necessary for a departure from normal policy to be justified.
- 7.2 The proposals are 'inappropriate development' in the Green Belt would lead to the loss of openness and would cause harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. It is concluded that the benefits of the development do not clearly outweigh harm and consequently the application is recommended for refusal. The site is considered to have reached the limit of development that is appropriate for it, by virtue of the earlier permission for 6 bungalows, which was policy compliant.
- 7.3 In addition to the Green Belt harm, the proposed vehicle access is deficient and would be harmful for manoeuvring, access and highways safety and amenity.

## **8.0 RECOMMENDATION**

- 8.1 Refuse for the following reasons:

- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. 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 LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework 2019.
- 2 The proposed vehicular access would, by reason of its siting, width and lack of visibility site splays, be likely to result in awkward access and manoeuvring of refuse and delivery vehicles and thereby adversely impact on pedestrian and highway

safety. The proposal is therefore contrary to Policies PMD2 and PMD9 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.

**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)

