

<p><b>Reference:</b> 20/01394/OUT</p>	<p><b>Site:</b> Kemps Farm Dennises Lane South Ockendon RM15 5SD</p>
<p><b>Ward:</b> Ockendon</p>	<p><b>Proposal:</b> Outline planning permission for the construction of 27 custom-build dwellings (Use Class C3), with all matters reserved with the exception of access.</p>

Plan Number(s):		
Reference	Name	Received
2404-04 F	Proposed Plans	16th October 2020
2404-04 F	Proposed Plans	16th October 2020
2404-05	Existing Site Layout	16th October 2020
2404-10 REV. D	Proposed Plans	16th October 2020
2404-11 C	Proposed Plans	16th October 2020
2404-12 C	Proposed Plans	16th October 2020
2404-13	Proposed Plans	16th October 2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Air Quality Assessment</li> <li>- CGI 1</li> <li>- CGI 2</li> <li>- Custom Build Needs Assessment</li> <li>- Design and Access Statement: Parts 1-6</li> <li>- Ecological Assessment</li> <li>- Flood Risk Assessment &amp; Sustainable Drainage Strategy</li> <li>- Heritage Assessment</li> <li>- Legal Opinion</li> <li>- Noise Assessment</li> <li>- Planning Statement</li> <li>- Sustainability and Energy Statement</li> <li>- Transport Note</li> <li>- Transport Statement: Parts 1-3</li> </ul>	
<p><b>Applicant:</b> Mr Lee Felstead</p>	<p><b>Validated:</b> 15 October 2020 <b>Date of expiry:</b> 15 February 2021 (Extension of Time as agreed by applicant)</p>

**Recommendation:** Refuse planning permission

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic implications involving development in the Green Belt (GB) (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution).

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks outline planning permission, with all matters reserved except access, for the construction of 27 custom-build dwellings. For information, the glossary at Annex 2 of the NPPF defines self-build and custom-build housing as:

*“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing ...”*

1.2 An indicative masterplan has been provided indicating that the plots would form a crescent around the existing pond and would also be situated to the north east of the existing development eleven dwellings approved by planning permission ref. 12/00871/FUL and south of the development of seven dwellings which has recently been completed (planning reference 15/00135/FUL).

1.3 The proposal would indicatively comprise four distinctive, customisable house types, although details of the appearance and scale is reserved for future approval. Details of access are for consideration as part of this submission and it proposed to gain temporary construction access from Dennis Road close to the northern boundary of the site, with operational access via a continuation of the existing access serving the dwellings recently constructed on-site. As per the existing 'Kemps Farm Mews' development, the proposal is for a 'gated' residential development.

**2.0 SITE DESCRIPTION**

2.1 The application site is an irregular shaped site to the north of South Ockendon. The site lies between Dennises Lane to the east and the M25 motorway to the west.

2.2 Adjacent to the site are the recently constructed dwellings. The Grade II Listed Kemp's Farm is centrally located within the site and Kemp's Farm Cottage, also Grade II Listed, is a short distance to the west of the site.

2.3 Access to the site is from a spur road off Dennises Lane. The site lies within the Metropolitan Green Belt (GB). The majority of the Kemp's Farm site is visible from the M25 which is elevated on an embankment in this location.

**3.0 RELEVANT HISTORY**

3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
12/00871/FUL	Conversion and restoration of existing curtilage listed buildings into 11 homes (3 x 1 bed; 4 x 2 bed and 4 x 3 bed) with associated parking and amenity areas, demolition of one building, and provision of new 5m bunding to northern boundary of the site, including enhanced landscaping.	Approved
13/00829/LBC	Listed Building consent for the conversion and restoration of existing curtilage Listed Buildings into 11 homes and associated parking and amenity areas, demolition of one building, and provision of new 5m bunding to the north of the site, including enhanced landscaping.	Approved
14/00109/FUL	Redevelopment of land for the provision of 11 new dwellings with associated access, parking provision and amenity space.	Refused
15/00135/FUL	Redevelopment of land for the provision of 7 new dwellings with associated access, parking provision and amenity space.	Approved
15/01369/CV	Variation of condition 5 [Removal of wording "Furthermore, and notwithstanding the details shown on the plans no habitable accommodation shall be formed within the roof areas of the dwellings hereby permitted without the prior written permission of the Local Planning Authority"] from approved planning application 15/00135/FUL	Approved
16/00607/NMA	Non material amendments to planning application 15/00135/FUL; Relocation of Gate House.	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)

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. The application has been advertised and publicised as a major development, a departure from the Development Plan and as affecting the setting of listed buildings. No comments have been received.

4.3 ANGLIAN WATER:

No objections.

4.4 ARCHAEOLOGY:

Trial trenching and excavation recommended.

4.5 EDUCATION:

Request a financial contribution to mitigate the impacts of the residential development on nursery and secondary education.

4.6 ESSEX POLICE:

Secured by Design accreditation recommended.

4.7 ESSEX & SUFFOLK WATER:

No comments received.

4.8 EMERGENCY PLANNING

No objections.

4.9 ENVIRONMENT AGENCY:

No comments received.

4.10 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.11 FLOOD RISK MANAGER:

Holding objection issued, based on outstanding surface water drainage issues.

#### 4.12 HERITAGE ADVISOR:

Objects on the grounds of harm to the setting of the adjacent Listed Buildings.

#### 4.13 HIGHWAYS:

Recommend refusal on basis of intensification of an existing junction in a rural location, poor accessibility and the lack of public transport facilities.

#### 4.14 HIGHWAYS ENGLAND:

No objections.

#### 4.15 LANDSCAPE AND ECOLOGY:

Detailed landscape scheme recommended.

### 5.0 POLICY CONTEXT

#### **National Planning Guidance**

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

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;
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:

- Appropriate Assessment
- Before submitting an application
- Design
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Green Belt
- Housing needs of different groups
- Making an application
- Natural environment
- Rural housing
- Self-build and custom housebuilding
- Use of planning conditions

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

Overarching Sustainable Development Policy:

- OSDP1: (Promotion of Sustainable Growth and Regeneration in Thurrock)

Spatial Policies:

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

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)

## Policies for the Management of Development

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. 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:

- 6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to

grant planning permission (contrary to recommendation), the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to the provision of buildings where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e. GB development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact on the Green Belt;
- II. Access, traffic impact and parking;
- III. Heritage impacts;
- IV. Ecology;
- V. Surface water drainage;
- VI. Developer contributions; and
- VII. Other matters.

#### I. PRINCIPLE OF DEVELOPMENT AND IMPACT ON 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 (VSC) 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. As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
- 6.6 Although only outline planning permission (including from access) is sought for the proposed residential development it is apparent from the submitted indicative drawings that built development and accompanying curtilages, parking etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development on predominantly open Green Belt land. Consequently, there would be clear harm to openness. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;
  - the duration of the development, and its remediability; and
  - the degree of activity likely to be generated, such as traffic generation.

- 6.7 It is considered that the proposed residential development would have a detrimental impact on both the spatial and visual aspects of openness (i.e. an impact as a result of the footprint of development and building volume). The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the residential development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the proposed dwellings would generate traffic movements and this activity would also impact negatively on the openness of the Green Belt. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.
- 6.8 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

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

- 6.9 The site is located within a rural area outside the main settlement of South Ockendon. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. At a broader geographic scale the nearest large built-up areas are located at Upminster to the north-west and South Ockendon to the south-east. The proposed development would represent the addition of significant new urban form on the site, but it is not considered that the proposals would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

*b. to prevent neighbouring towns from merging into one another*

- 6.10 As noted above, the site is located outside of South Ockendon and broadly in between South Ockendon and Upminster to the north-west. Therefore and albeit to a limited degree the proposals would incrementally merge the two towns.

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

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped site. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

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

6.12 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*

6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the GB. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.

6.14 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary in varying degrees to purposes (b), (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

6.15 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 GB. 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.

6.16 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*".

6.17 The applicant has put forward the following case for very special circumstances within the Planning Statement submitted with this application:

*a) The delivery of custom-build housing and the lack of five year housing supply*

6.18 The applicant has put forward that the NPPF makes it clear that LPAs should plan for people who want to build their own homes; that in the UK custom house building is relatively low; that government targets for 100,000 self-build homes in 10 years equates to 107 per LPA for the next 5 years and that the proposal is uncommon, with only one other custom-build site in Thurrock. They continue that as of April 2016 there were 63 people on the register for the custom build houses in the Borough and there is no provision in the current Core Strategy for custom build. The applicant indicates significant weight should be provided in the determination of the application. The applicant provides details from a range of sites, including a site in Great Dunmow (appeal ref: APP/C1570/A/14/2223280) where the Inspector in allowing the appeal noted there had been "little opportunity for self-builders in recent years" and that demand existed for self-build evidenced by the self-build register maintained by the Council. And further, accordingly, "the provision of custom/self – build housing [should be afforded] significant weight".

6.19 The applicant has also put forward the lack of a five year housing supply in Thurrock.

Consideration

6.20 Given that both these cases relate to provision of housing, they will be considered as a joint justification.

- 6.21 The provision of custom-build homes is a specific market area which government guidance seeks to develop and it is acknowledged that the Core Strategy does not presently provide any sites specifically for this purpose.
- 6.22 The Council is currently preparing a new Local Plan which will factor this type of housing as part of the allocations. It is not clear whether the developer has considered any other sites prior to putting this one forward; however, given the recent appeal decisions in similar, local planning authorities, the government drive to encourage varied forms of housing and the lack of a 5 year supply, it is considered that this matter can be attributed significant weight in the determination of the application.
- 6.23 The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt. The housing land supply consideration carries significant positive weight for planning applications within the Borough. However, the NPPF's presumption in favour of sustainable development (para. 11) is only engaged for sites or locations with a GB designation after they have been shown to satisfy Green Belt tests (either of being appropriate development or demonstrating VSC). If Green Belt policy provides a clear reason for refusing permission, there is no scope for the presumption to apply. It is clear from the NPPF (para. 133) that the permanence of the Green Belt is one of its essential characteristics, and this is inevitably eroded if Green Belt land is released to meet a shortfall in the five year housing supply or affordable housing needs, and in that context it is considered that the contribution of the proposals towards five year housing land supply is not a sufficiently strong factor to justify a departure from normal planning policies.

*b) Zero carbon;*

- 6.24 The applicant has put forward that Policy CSTP25 seeks to reduce emissions and introduce low carbon technologies, and that furthermore the Planning White Paper states that from 2025 new homes should be producing 75-80 less CO<sub>2</sub> emissions. The carbon dioxide emissions reduction strategy for the proposals aims to reduce carbon emissions from the development to net-zero, greatly exceeding policy position and responding positively to the Climate Emergency declared by Thurrock Council in October 2019.

Consideration

- 6.25 Policy CSTP25 seeks to reduce emissions and introduce low carbon technologies. The NPPF also highlights the importance of supporting a transition towards a low-carbon future.

- 6.26 Given the expectations of local and national policy, any proposal should meet these requirements. However in this case and despite the case presented for VSC, no detailed reports have been provided to justify or evidence how this development would achieve a zero carbon rating. The application is for outline consent with all matters reserved, except for access, and therefore no specific details for the development are provided. Similarly, the dwellings are proposed to be custom build and as such there is a degree of flexibility for each owner.
- 6.27 Accordingly, this factor is afforded no weight in the consideration of the proposal.

*c) The site's positioning in a national growth area;*

- 6.28 The Planning Statement identifies the site as positioned within a national growth area, but provides no further explanation or justification.

Consideration

- 6.29 Thurrock is widely recognised as a growth area within the Thames Gateway, however this refers to the Borough in its entirety and should not be interpreted as justification for ad hoc development in the Green Belt. This factor is not unique to the application site and does not temper the harm to the Green Belt, nor demonstrate any spatial imperative why Green Belt land is required to accommodate the proposals.
- 6.30 Accordingly, this factor is afforded no weight in the consideration of the proposal.

*d) Providing a high-quality design / placemaking;*

- 6.31 The applicant states that the proposals seek to build on the high-quality design principles of Phase 1. Although in outline form, the submitted 'Design Code' (which would be a condition in the event of permission being granted) would ensure that features such as boundary treatments, landscaping, frontage arrangements and materials would ensure the development when built would be high quality and that the large building plots would provide a mix of housing that is not well provided for in the Borough.

Consideration

- 6.32 The Council's Design Strategy and Residential Alterations and Extensions guide put good design at the heart of all development proposals. The NPPF also highlights good design as being indivisible from good planning. Good design should be a given in any proposal. In any event in this case, the design of the development is a reserved matter which is not able to be fixed at this stage.

6.33 Accordingly, this factor is afforded no weight in the consideration of the proposal.

e) *The role of the application site in the Green Belt;*

Consideration

- 6.34 The matter of the value of the site in contributing to the purposes of the Green Belt has been addressed above. The applicant maintains the application site does not make a significant contribution to the purposes of the Green Belt and cites ‘The Thurrock Strategic Green Belt Assessment Stages 1a and 1b (January 2019) to justify their position. The Thurrock Strategic Green Belt Assessment Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the Green Belt in terms of their ‘contribution’ to three of the five Green Belt purposes. The site is identified as forming part of strategic parcel no. 31 and paragraph 6.1.13 (conclusions) includes this parcel in a recommendation for more detailed scrutiny and assessment. Furthermore, the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock Green Belt Assessment Stages 1a and 1b as a technical document that “...does not specifically identify any sites or broad areas of Green Belt for development as any decision on the need to amend the boundary of the Green Belt in Thurrock must be taken as part of the wider plan-making and evidence development process...”.
- 6.35 Consequently, the conclusions of the Green Belt Assessment have only very limited weight in the consideration of this case. As set out above, it is considered that the development of the site as proposed would be harmful to a number of the purposes of including land in the Green Belt.
- 6.36 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	Provision of custom-build housing; Ability to positively contribute towards housing land supply	Significant weight
Reduction in the openness of the Green Belt		Zero Carbon	No weight

Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		The sites positioning in a national growth area	No weight
		High quality design and place-making	No weight
		Role of the application site in the Green Belt	Very limited 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 is considered further in this report. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and the matter for judgement is:

- 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 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, 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. ACCESS, TRAFFIC IMPACT AND PARKING

6.39 The highway considerations are assessed against a number of Core Strategy policies including CSTP15 (Transport in Greater Thurrock), PMD8 (Parking Standards), PMD9 (Road Network Hierarchy), PMD10 (Transport Assessments and Travel Plans) and the guidance in Chapter 9 of the NPPF and PPG.

6.40 When considering development proposals, paragraph 108 of the NPPF should be taken into account; it seeks to ensure that: (a) appropriate opportunities to promote

sustainable transport can be taken up; (b) safe and suitable access to the site can be achieved for all users; and (c) significant impacts on the transport network (capacity and congestion) or highways safety can be mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 6.41 The application site is located in an unsustainable location (with regard to accessibility by walking, cycling and public transport) accessed via Denises Road, which is a country road. There are no footways on either side of the road to provide pedestrian access to and from the site at the existing site entrance, nor are there footways along the main route of Denises Road. Other footpaths in the area are located away from the site and involve paths crossing fields and woodlands, which are unsuitable in hours of darkness and when weather conditions are poor. There are no cycle routes serving this area, the nearest signed cycle route is located to the West of the M25. In terms of access to public transport there are no bus routes along Denises Road and the nearest bus routes serves South Ockendon, to which there are no sustainable transport links. Both Upminster railway station, to the north-west, and Ockendon would require vehicle usage to access.
- 6.42 Reference is made in the applicant's Transport Note to the possible provision of a footpath connecting the site to public footpath 139, southbound via Denisses Road. However this cannot be guaranteed as it falls beyond the redline boundary for the application site and is beyond the applicant's control.
- 6.43 Taking into account these considerations it is more likely that the proposal would result in a high dependency on private car use. Denisses Road is a fast, (60mph) rural road, narrow in places with no footways to encourage walking to and from the site. Therefore it would be difficult for future residents and users of the site to access the site and the wider area through alternative sustainable transport modes such as walking, cycling and public transport.
- 6.44 As the site is located in an unsustainable location it is likely to be highly dependent on private vehicle usage contrary to the requirements of the paragraphs 102 and 103, and 108 – 111 of the NPPF, which seek to support opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas. The proposal is contrary to Policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF in this regard.

### III. HERITAGE IMPACTS

- 6.45 The application site is within the setting of two Grade II Listed designated heritage

assets, Kemps (List UID: 1111627) and Kemps Cottage (List UID: 1308865). The Listed buildings represent the surviving elements of an historic farmstead and the historic rural setting of these assets has already been harmed by the residential development to the east and the presence of the M25 Motorway to the west.

- 6.46 Policy PMD4 states *'the Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock's built or archaeological heritage assets'*. When assessing the impact upon a designated heritage asset the NPPF advises on differing levels of assessment, these are 'total loss of the heritage asset', 'substantial harm' and 'less than substantial harm'.
- 6.47 The further development of the site as proposed would result in the cumulative escalation of harm to the setting of the designated heritage assets. The scheme has not considered the orientation of the historic farmstead and the Council's Historic Buildings and Conservation Advisor considers that this harm could not be mitigated through any appropriate design approach, or the use of traditional materials and indeed the principle behind the development of the site is problematic. The magnitude of change to the setting of the listed buildings is far too great and the result would be to isolate the historic farmstead within an urbanised housing estate
- 6.48 The Council's Historic Buildings and Conservation Advisor is concerned that *"The scheme would eradicate the character of the surviving historic setting of the Listed, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990"* and advises, in regard to the NPPF tests that the impact falls within the 'less than substantial harm' test. When assessed against the criteria of the NPPF paragraph 196 states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*
- 6.49 The assessment is a matter of judgement. The only factor which can be considered a public benefit is the ability to positively contribute towards housing land supply, however given that no affordable housing is proposed this weighting would be limited.
- 6.50 On balance, it is considered that the benefits of the scheme would not outweigh the 'less than substantial harm' impact upon the two designated heritage assets. As a result the proposal would be contrary to policies PMD4 and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the National Planning Policy Framework 2019.

#### IV. ECOLOGY

- 6.51 The site comprises mainly recently disturbed ground with the vegetation dominated

by ruderals and species poor grassland. There is a small fishing lake stocked with carp within the western part of the site. Tree belts and hedges are confined to the site perimeter. The site is bounded by the M25, Dennises Lane and arable farmland.

- 6.52 The application is supported by an ecological assessment, which concludes that the site has limited ecological value at present and that the proposed development offers potential to deliver biodiversity enhancements.
- 6.53 Although the plans submitted at this outline stage are indicative, the Council's Ecology Advisor has raised concerns that the level of development indicated would provide little space for additional landscape enhancement measures although the acoustic bund around the northern and western boundaries will be retained and provides the main opportunity of landscape enhancement. Furthermore, the boundary vegetation beside Dennises Lane appears to require removal to allow the construction of the some units. This would open up views into the site which are currently well-screened; this would not be an ideal resolution.
- 6.54 An image within the Design and Access Statement shows some dwellings extending out over what is currently the fishing lake. In principle this is considered acceptable given its current low ecological and amenity value, however, were permission granted it would be important that a detailed scheme for landscaping and maintaining the lake is developed which will not only consider how it is landscaped but will ensure that there are not water quality issues in the future.
- 6.55 Planning conditions could be used to secure the proposed mitigation measures and consequently there are no objections to the proposals on ecological grounds.

## V. FLOOD RISK AND SITE DRAINAGE

- 6.56 At the time of writing, there is an outstanding holding objection from the Flood Risk Manager, based on the following:
- Discharge rates;
  - Whether there are any ditches/waterbodies which can be discharged into;
  - Urban creep allowance;
  - Surface water treatment;
  - Where the drain discharges to, and who owns the drain.
- 6.57 Were permission to be granted, it would be possible to address these concerns through further negotiation or relevant planning conditions.

## VI. DEVELOPER CONTRIBUTIONS

- 6.58 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 contribute to proposals to deliver 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.
- 6.59 Certain Core Strategy policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.
- 6.60 The Infrastructure Requirement List (IRL) provides an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.61 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
- a) necessary to make the development acceptable in planning terms;*
  - b) directly related to the development; and*
  - c) fairly and reasonably related in scale and kind to the development*
- 6.62 Through the consultation process to this application and assessing the information contained within the Council's IRL the proposal would fall within the category H1 scenario for housing development [between 11-50 dwellings]. The following planning obligations have been identified for this proposal:
- Education - A financial contribution of £108,926.31 towards Nursery and Secondary education.
- 6.63 If the planning application were to be considered acceptable, as submitted, then the planning obligations would be necessary to comply with paragraph 56 of the NPPF.

## VII. OTHER MATTERS

- 6.64 The Council's Environmental Health Officer has recommended conditions relating to noise mitigation, air quality and a Construction and Environmental Management Plan (CEMP).

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

- 7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. The proposal is therefore objectionable in principle and very special circumstances are required to be demonstrated to clearly outweigh harm. The applicant's case for very special circumstances has been carefully considered but does not clearly outweigh the significant harm to the Green Belt.
- 7.2 The site is located in a particularly rural part of the Borough and is unsustainable in terms of its location, which is distant from local facilities, community services, essential support facilities and a choice of transport modes. In this regard, the proposal runs contrary to policies CSSP1, CSSP4 and PMD2 and Chapter 2 of the NPPF.
- 7.3 The application site is also within the setting of two Grade II Listed designated heritage assets. It is considered that the proposal would unacceptably impact upon these heritage assets. In this regard, the proposal runs contrary to policies PMD4 and CSTP24 and paragraphs 193 and 197 of the NPPF. This harm would not be outweighed by the limited benefits offered by the scheme in terms of housing provision.

## **8.0 RECOMMENDATION**

- 8.1 The Committee is recommended to refuse planning permission for the following reasons:
1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes c) and e) of the Green Belt, as set out by paragraph 134 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals

are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

2. The proposal would create an isolated residential development at a site that is located in an unsustainable location, distant from community services, essential support facilities and a choice of transport modes. As such the proposal would represent an unsustainable form of development in an unsustainable location, contrary to policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF
3. The development, would, by reason of its siting, and scale in close proximity to designated heritage assets, be harmful to the setting of these assets. This harm would not be outweighed by the limited benefit of the scheme in terms of the provision of an additional residential unit. As a result the proposal would be contrary to policies PMD4 and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the NPPF.

#### 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. 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: <http://regs.thurrock.gov.uk/online-applications>

