

<b>Reference:</b> 20/00284/OUT	<b>Site:</b> Land west of Lytton Road River View Chadwell St Mary Essex
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Outline application with all matters reserved (except for access) for up to 140 dwellings, open space, parking and associated works including vehicular access onto the B149.

<b>Plan Number(s):</b>		
Reference	Name	Received
CHADs_GA_001_A	Proposed Illustrative Masterplan	05.03.2020
CHADs_GA_002_A	Site Location Plan	05.03.2020
CHADs_GA_011_A	Site Boundary Plan	05.03.2020
CHADs_GA_012_A	Route and Access Plan	05.03.2020
CHADs_GA_013_A	Heights and Density Plan	05.03.2020
CHADs_GA_014_A	Environmental Plan	05.03.2020
CHADs_GA_015_A	Landscape Areas Plan	05.03.2020
CHADs_GA_016_A	Local Amenities Plan	05.03.2020

The application is also accompanied by:

- Arboricultural Survey Report;
- Archaeology Desk Top Study
- Contamination Report;
- Design and Access Statement;
- Ecology Assessment and Biodiversity Questionnaire;
- Energy and Sustainability Statement;
- Flood Risk Assessment and Drainage Strategy;
- Health impact Assessment;
- Noise Assessment;
- Planning Statement; and
- Transport Assessment and Travel Plan.

<p><b>Applicant:</b> Greatview Properties Ltd</p>	<p><b>Validated:</b> 5 March 2020 <b>Date of expiry:</b> 14 June 2021</p>
<p><b>Recommendation:</b> Refuse planning permission</p>	

This application has been called in to be determined by the Planning Committee by Cllr Byrne, Cllr Potter, Cllr Rice, Cllr Sammons and Cllr Shinnick in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) to examine Green Belt issues.

**1.0 BRIEF SUMMARY**

1.1 This application seeks outline planning permission (with all matters reserved apart from access) for a residential development of up to 140 dwellings, with associated open space, parking etc. The application site is located within the Metropolitan Green Belt and on the south-western edge of Chadwell St. Mary, adjacent to the A1089 (T) Dock Approach Road.

**2.0 DESCRIPTION OF PROPOSAL**

2.1 The table below summarises some of the main points of detail contained within the development proposal:

Site Area	3.5 Ha
Number of Dwellings	<p>Private Housing (indicative): 12 no. one-bed flats 20 no. two-bed flats 29 no. three-bed houses 30 no. four-bed houses</p> <p>TOTAL – 91 no. units</p> <p>Affordable Housing (indicative): 24 no. one bed flats 16 no. two-bed flats 9 no. three-bed houses</p> <p>TOTAL – 49 no. units</p> <p>OVERALL TOTAL: up to 140 dwellings</p>
Building Height	Houses – two, three and four storeys (indicative) Flats – four storeys (indicative)
Parking	Houses – 136 spaces (2 spaces per dwelling) (indicative)

	Flats – 72 spaces ( 1 space per dwelling) (indicative) Visitors – 28 spaces (indicative)
Density	40 dwellings per hectare

2.2 This application seeks outline planning permission with all matters (appearance, landscaping, layout and scale) reserved for future approval, apart from access. Vehicular access into the site would be taken from a new road arm onto the existing roundabout located at the junction of the B149 (Chadwell Bypass / Woodview) and River View. An illustrative ‘Routes and Access Plan’ suggests an arrangement of primary and secondary roads within the site. A series of drawings accompanying the Transport Assessment indicate the geometry of the new road access arm, together with footpath extensions and an uncontrolled pedestrian crossing on Wood View.

2.3 A number of illustrative plans are submitted to indicate how a development of up to 140 dwellings could be accommodated on the site as follows:

- Routes and Access Plan

Indicates a main vehicular route aligned broadly north-south, with a series of secondary ‘mews streets’ accessed from the eastern side of the main route. This plan also show the position of the new road arm onto the B149 / River view roundabout junction.

- Heights and Density Plan

Indicates a potential arrangement of two, three and four-storey development across the site. Two and three-storey ‘Mews Houses’ are indicated are indicated on the eastern part of the site, with two and three-storey ‘Town Houses’ in the centre of the site and four-storey ‘Apartments’ located at the south-western corner of the site.

- Environmental Plan

Shows the indicative position of green areas for sustainable urban drainage systems (SUDS) within the site, the position of a 3m high acoustic barrier adjacent to the A1089(T) and a 6m wide ‘air quality margin’ adjacent to the southern and western boundaries.

- Landscape Areas Plan

Shows the indicative location of areas of both soft and hard landscaping to be located adjacent to site boundaries and between areas of built development.

### 3.0 SITE DESCRIPTION

3.1 The application site is a broadly triangular-shaped parcel of land extending to 3.5 Ha in area located on the south-western edge of the built-up area of Chadwell St Mary. The site has a frontage to Wood View of c.140m and a boundary of c.530m with the

A1089(T) Dock Approach Road. The site narrows considerably on the northern part, to a dimension of c.4m at the northern boundary. Although only indicative plans have been submitted, it is unlikely that development could be accommodated on the northern part of the site due to its narrow shape.

- 3.2 As noted above, the Dock Approach Road (A1089(T)) is located adjacent to the western boundary of the site. This road is within a cutting, between c.4-5m below ground levels on-site. A public right of way (PROW) (footpath no. 114) adjoins the eastern boundary of the site. This footpath connects to another PROW (bridleway no. 112) at the site’s northern boundary. This bridleway is aligned east-west and crosses over the A1089(T) immediately north of the site. A vehicular access track serving the rear of existing dwellings in Lytton Road also adjoins the majority of the eastern boundary. Open playing fields adjoin the north-eastern corner of the site.
- 3.3 Ground levels across the site rise gradually to the north. The site is within the low risk flood zone (Zone 1). The northern element of the site comprises part of a former landfill site. The site is within the Green Belt (GB) and is currently used for the grazing of livestock. The site is open apart from a small field shelter close to the southern frontage. Finally, the site lies within an impact zone because of its proximity to the Hangman’s Wood & Deneholes SSSI, located north-west of the site.

**4.0 RELEVANT PLANNING HISTORY**

Application Ref.	Description of Proposal	Decision
67/00057/FUL	Metal recovery by portable plant for a duration not exceeding 2 years	Refused
61/000877/FUL	Extraction of sand and gravel from 25.831 acres of land Woodview, Chadwell St. Mary and restoration of the site for school playing field use	Approved
19/01008/SCR	EIA screening request for development of the site to provide up to 180 dwellings with associated hardstanding, landscaping and public open space.	EIA not required

**5.0 CONSULTATIONS AND REPRESENTATIONS**

**5.1 PUBLICITY:**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notices. The application has been advertised as a departure from the Development Plan, a major development and as affecting a public right of way.

5.2 Thirteen individual letters of objection have been received, including letters from ward Councillors Muldowney and Chukwu, raising the following matters of concern:

- loss of Green Belt land;
- impact on infrastructure (schools, healthcare etc.);
- inadequate access;
- increased traffic congestion;
- inappropriate use of a former landfill site;
- loss of amenity;
- increased pollution;
- out of character locally; and
- impact on ecology.

### 5.3 CONSULTATION RESPONSES:

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)

### 5.4 ANGLIAN WATER:

No objection, suggest a number of informatives referring to waste water treatment.

### 5.5 CADENT (GAS):

Refer to the location of a low / medium pressure gas pipeline along the southern boundary.

### 5.6 ENVIRONMENT AGENCY:

Recommend that conditions to address ground contamination are attached to any grant of planning permission.

### 5.7 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

Recommend that pre-commencement conditions to secure archaeological investigation are attached to any grant of planning permission.

**5.8 ESSEX POLICE:**

Recommend that the developer seeks to achieve Secured By Design accreditation.

**5.9 HIGHWAYS ENGLAND:**

Recommend that a planning condition addressing site drainage is attached to any grant of planning permission.

**5.10 NATURAL ENGLAND:**

No objection, subject to a planning obligation to secure mitigation as part of the Essex Coast RAMS.

**5.11 NHS ENGLAND:**

Request a planning obligation to secure a financial contribution of £55,200 in order to mitigate impacts on primary healthcare provision.

**5.12 EDUCATION:**

Request a planning obligation to secure a financial contribution of £790,076 in order to mitigate impacts on school places locally.

**5.13 ENVIRONMENTAL HEALTH:**

Request clarification of the need for an air quality report if houses within the development are located within the exceedance line for nitrogen dioxide (NO<sub>2</sub>) associated with an Air Quality Management Area, clarification of acoustic works including detailed specifications for a 3m barrier, glazing and ventilation to houses located within the development and an intrusive investigation report to address the implications for the development of contaminated land associated with a former landfill to the north of the site.

**5.14 FLOOD RISK MANAGER:**

No objection, subject to conditions addressing surface water drainage.

**5.15 HIGHWAYS:**

Suggest a number of planning conditions and s106 obligations to mitigate the impact of the development on the local highways network. Travel plan conditions and obligations are also suggested.

**5.16 LANDSCAPE & ECOLOGY ADVISOR:**

No objections on landscape or ecological grounds, subject to mitigation measures.

**5.17 LISTED BUILDINGS / HERITAGE ADVISOR:**

No objection.

**5.18 PUBLIC RIGHTS OF WAY:**

Suggest improvements to footpaths and bridleways in the vicinity of the site.

**5.19 SPORTS & LEISURE:**

Suggest a financial contribution to mitigate the sports needs generated by the development.

**6.0 POLICY CONTEXT****National Planning Guidance**National Planning Policy Framework (NPPF)

6.1 The revised NPPF was published on 19 February 2019. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

- <sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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:

4. Decision-taking;
5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land;
12. Achieving well-designed places;
13. Protecting Green Belt land;
14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural environment.

#### National Planning Practice Guidance (PPG)

6.2 In March 2014 the 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. PPG contains subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality
- Appropriate Assessment
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Housing needs of different groups
- Housing for older and disabled people
- Housing supply and delivery



- Land affected by contamination
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability

### **Local Planning Policy**

#### Thurrock Local Development Framework (2015)

- 6.3 The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies 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)
- CSSP5 (Sustainable Greengrid)

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)

- CSTP27 (Management and Reduction of Flood Risk)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

### 6.4 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.

### 6.5 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.

## 7.0 **ASSESSMENT**

### 7.1 Procedure:

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, 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 Green Belt. Therefore the application will need to be referred under paragraph 4 of the Direction (e.g. Green Belt 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.

7.2 The main issue for consideration in this case is the assessment of compliance with planning policies for and impact on the Green Belt. The assessment below also covers the following areas:

- I. Principle of the development and the impact on the Green Belt;
- II. Design and layout issues;
- III. Landscaping and visual impact;
- IV. Traffic impact, access and car parking;
- V. Flood risk and drainage;
- VI. Effect on neighbouring occupiers;
- VII. Ecology and biodiversity;
- VIII. Noise;
- IX. Land contamination;
- X. Energy and sustainable buildings; and
- XI. Viability and planning obligations.

### 7.3 I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT ON THE GREEN BELT

Under the heading of Green Belt considerations it is necessary to refer to the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;
- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- iii. 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.

#### 7.4 i. whether the proposals constitute inappropriate development in the Green Belt:

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.

7.5 Clearly the proposals to construct up to 140 dwellings do not fall into any of the exceptions listed at (a) to (g) in the paragraph above. Consequently, the proposals comprise inappropriate development with reference to the NPPF. Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (2015) is generally consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the GB. In order to implement this policy, the Council will:

- maintain the permanence of the boundaries of the Green Belt;
- resist development where there would be any danger of coalescence; and
- maximise opportunities for increased public access, leisure and biodiversity.

7.6 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets as

appropriate the requirements of the NPPF. Consequently, it is a straightforward matter to conclude that the proposals for residential development constitute inappropriate development in the Green Belt.

7.7 ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it:

The analysis in the paragraphs above concludes that the proposed residential development is inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 143). However, it is also necessary to consider whether there is any other harm (NPPF para. 144).

7.8 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. Although this is an application for outline planning permission, with details of layout reserved, it is apparent from the submitted indicative drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development in an area which is currently open. Consequently there would be harm to the spatial dimension of 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.

7.9 It is considered that the proposed 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 development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with both residential and commercial elements. This activity would also impact negatively on the openness of the Green Belt.

7.10 Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

7.11 Paragraph no. 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 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.

7.12 In response to these five purposes:

- although the NPPF does not define the term, it is considered that the settlement of Chadwell St. Mary could reasonably be described as a “large built up area”. The site is located at the south-western edge of the settlement, occupying land adjacent to the A1089(T). Although the proposal; would extend the sprawl of the built-up area of Chadwell, the extent of the sprawl is limited by the presence of the A1089(T). Overall it is concluded that the proposal would result in some limited harm to Green Belt purpose (a);
- Chadwell St. Mary is separated from Little Thurrock and Grays to the west by a ‘corridor’ of open Green Belt land on both sides of the A1089(T). Therefore, at this broad geographic scale, it is considered that the proposed residential development would harm Green Belt purpose (b) which seeks to prevent neighbouring towns from merging;
- as the proposed residential development would be built on land which is currently open, there would be harm to purpose (c) of the Green Belt which is safeguard the countryside from encroachment
- however, as none of the settlements adjacent to the site can be described as historic towns, there would be no harm to Green Belt purpose (d);
- in general terms, the development could occur within in the urban area and, in principle; there is no spatial imperative why GB land is required to accommodate the proposals. The proposed development is inconsistent with purpose (e) of the Green Belt as the proposal might discourage, rather than encourage urban renewal.

7.13 In light of the above analysis, it is considered that the proposals would clearly be harmful to both the visual and spatial aspects of GB openness and would be contrary in varying degrees to purposes (a), (b), (c) and (e) of the above listed purposes of including land in the Green Belt. In accordance with paragraph no. 144 of the NPPF substantial weight should be accorded to this harm.

7.14 iii. 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

Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities:

*“should ensure that substantial weight is given to any harm to the Green Belt. VSC 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”.*

7.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of 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 VSC (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the Green Belt. The provisions of VSC 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 VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

7.16 The Planning Statement (February 2020) and additional representations submitted by the applicant (dated 29th September, 16th December and 18th December 2020) to accompany the application sets out the applicant’s case for VSC under the following main headings:

- I. Unmet housing need;
- II. Provision of affordable housing;
- III. Potential enhanced links to the Greengrid;
- IV. Proposed improvements to Orsett Heath recreation land;
- V. Cycle link improvements;
- VI. Visual improvements to the western entrance to Chadwell St Mary;
- VII. Socio-economic benefits;
- VIII. Cumulative VSC; and

IX. The considerations relied on by Members of the Planning Committee in resolving to approve the Wood View / Chadwell Road residential proposal (ref. 19/01373/OUT) apply to this case.

7.17 The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

7.18 I. Unmet housing need

Under this heading the applicant refers to the following factors:

The Council's most recent Housing Land Supply Position Statement (2016) refers to a housing land supply of 2.5-2.7 years. In all likelihood, the current figure is below this range. The Government's Housing Delivery Test (2019) showed that between 2016-2019 only 1,868 dwellings were built, representing 66% of a target of 2,835 dwellings. The Government has therefore recommended that the Council provide a 20% in addition to the 5 year housing land supply target. The applicant suggests that the new Local Plan will involve release of Green Belt land for new housing. The applicant has promoted the application site through the Local Plan process (Call for Sites), however, it is considered unlikely that the Local Plan will be adopted until 2022/23. The scheme can deliver housing within 3 or 4 years.

7.19 Assessment:

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. The adopted Core Strategy (2015) sets out the Council's targets for the delivery of new dwellings. Policy CSTP1 states that between April 2009 and March 2021, 13,550 dwellings are required to meet the overall minimum target of 18,500 dwellings (2001 -2021). In addition, provision is made for a further 4,750 dwellings between 2021 -2026. This is a total of 18,300 for the period 2009-2026, equating to an average of 1,076 dwellings per annum.

7.20 National planning policy as expressed at paragraph 59 of the NPPF states that (inter-alia) in order to support the Government's objective of significant boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 goes on to state that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should include a buffer of 20% where there has been significant under delivery of



housing over the previous three years, to improve the prospect of achieving the planned supply.

- 7.21 The most recent published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of date*". Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is common ground with the applicant that supply is less than the five year (+20%) requirement.
- 7.22 The applicant refers to the Government's Housing Delivery Test 2019, however since the application was submitted the Housing Delivery Test for 2020 has been published. The 2020 Test suggests a requirement for 3,088 new homes in the Borough between 2017-18 and 2019/20, of which 1,823 or 59% have been delivered. Given this undersupply, the test confirms that the 'consequence' for Thurrock is that the presumption in favour of sustainable development, as set out by paragraph no. 11 of the NPPF applies.
- 7.23 Although the presumption in favour of sustainable development is a consequence of under-supply measured against the Housing Delivery Test, (para. 11) is only engaged for sites or locations with a Green Belt 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. In that context officers consider that the contribution of the proposals towards five year housing land supply, although attracting significant weight, is not a sufficiently strong factor to justify a departure from normal planning policies.
- 7.24 II. Provision of affordable housing (AH)

Under this heading the applicant refers to the following factors:

There is a record of undersupply of AH in the Borough in recent years when compared to the Core Strategy policy requirement of 35% AH on qualifying sites. The proposals offer policy compliant AH of up to 49 units.

7.25 Assessment:

A number of recent appeal decisions in the Borough, including land at Little Thurrock Marshes and land adjacent Bulphan by-pass have confirmed that the contribution towards the delivery of AH, against a backdrop of an historic under-supply is a benefit that attracts significant positive weight in the planning balance. Nevertheless, Members of the Committee are reminded that the provision of AH is a component of the overall supply of new homes (NPPF para. no. 61 refers). The Committee is therefore advised against 'double-counting' the delivery of new homes and AH. Instead it is the delivery of new homes, including policy-compliant AH, which is the relevant factor attracting positive weight.

7.26 III. Potential enhanced links to the Greengrid

Under this heading the applicant refers to the following factors:

The Council's 'Greengrid Strategy 2006-11' refers to a 'Greengrid Opportunities Map' which includes a 'Proposed Strategic Green Link' from Tilbury Marshes to the centre of Chadwell St. Mary. The applicant suggests that this strategic link could be re-routed along the eastern boundary of the site and extend northwards to Orsett Heath.

7.27 Assessment:

It is emphasised that the 'Greengrid Strategy 2006-11' was published by the Council as part of the suite of documents and evidence supporting the Core Strategy (i.e. the development plan). Within the Core Strategy itself 'greengrid' is defined as a strategy which aims to develop multi-functional green spaces that connect the town and countryside within Thurrock and throughout South Essex. Core Strategy policy CSSP5 (Sustainable Greengrid) is one of five Borough-wide spatial policies which set out the spatial distribution, broad locations, allocations and key strategic schemes throughout Thurrock. This policy requires at (I.) that all development proposals take account of the objectives of the Greengrid network and where appropriate contribute to the management and enhancement of the Greengrid. However, Map 3 within the adopted Core Strategy provides only an indicative illustration of the elements of the Thurrock Greengrid. The 'Proposed Strategic Green Link' from Tilbury Marshes to the centre of Chadwell St. Mary should therefore be treated as indicative only.

7.28 As noted in the site description above, a public footpath no.114 adjoins the eastern boundary of the site and the draft heads of terms suggested by the applicant for any

potential s106 obligation include unspecified reference to improvements to the local footpath / cycle network. Cycle link improvements are referred to by the applicant as a factor contributing to VSC and are considered at (5) below. Clearly there is an existing public right of way (footpath no. 114) adjoining the site and this links to bridleway no. 112 north of the site and to public footpath nos. 109 and 208 further north. Consequently there is an established network of local public rights of way. It is a policy objective of CSSP5 that that all development proposals take account of the objectives of the Greengrid network and at this stage, given the strategic nature of Greengrid, the fine-grain detail of how the Greengrid will be delivered on the ground have yet to emerge. In these circumstances only limited positive weight should be attached to the potential for enhanced links to the Greengrid.

#### 7.29 IV. Proposed improvements to Orsett Heath recreation ground

Under this heading the applicant refers to the following factors:

The applicant notes the location of the Orsett Heath recreation ground to the north of the site and suggests that the facility would benefit from investment. The applicant further suggests that there are no proposals to upgrade the recreation ground, but that a package of improvements through a s106 obligation could contribute towards VSC.

#### 7.30 Assessment:

The Orsett Heath recreation ground adjoins the site to the north and provides a number of playing pitches, hardsurfaced playing courts and spaces for informal recreation. Adopted Core Strategy policy PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities) is relevant to this proposal and states at (3.) that proposed development must ensure that:

- i. New open spaces, outdoor sports and recreational facilities are provided in accordance with adopted standards to meet the needs of the development and to address deficiencies.*
- ii. New facilities are fully integrated into the design of development schemes as an element of place making.*
- iii. Facilities are safe and easily accessible to all.*

*Where the Council considers that provision on-site is not feasible or appropriate, it will require developer contributions to improve existing, or provide new, spaces or facilities elsewhere.*

7.31 Although the layout of the proposal is a reserved matter and therefore not for consideration at this time, the submitted 'Landscape Areas Plan' suggests an

arrangement of hard and soft landscaped open spaces throughout the site. As the northern part of the site is narrow and probably unsuitable for built development, this part of the site would in all likelihood remain 'open' and could at least visually link into the adjoining recreation area. Therefore, and in accordance with policy PMD5, it is likely that new open space would be incorporated within the development.

7.32 The applicant's Planning Statement suggests:

*"Currently it is understood that there are no proposals to upgrade or enhance the facility at Orsett Heath, and a package of improvements provided through a s106 planning obligation financial contribution would provide another VSC".*

Members of the Planning Committee will be aware that Core Strategy policy PMD16 addresses the issue of developer contributions which will be sought:

*"... in accordance with the NPPF ... to contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed ... to meet the reasonable cost of new infrastructure made necessary by the proposal ..."*

Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- 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.

7.33 In order to justify planning obligations to meet these tests the Council has an Infrastructure Requirement List (IRL) which identifies a range of physical, social and green infrastructure projects which would engage dependent on the nature of a development proposal. In this case, the IRL identifies three infrastructure projects related to strategic green infrastructure or sport / leisure in Chadwell St. Mary associated with a residential proposal of this scale. None of these three identified projects refer to improvements at Orsett Heath recreation ground. Although the IRL is capable of update to include additional items, at the current moment improvements at the recreation ground have not been identified. Therefore, any financial contributions would be difficult to justify with reference to the IRL and would not be compliant with the NPPF. Accordingly, it is concluded that no positive weight should be attached to this factor.

7.34 V. Cycle link improvements

Under this heading the applicant refers to the following factors:

There are existing cycle links to the north and south of the site. The strategic location of the site could provide the opportunity to create a north-south link to join existing cycle routes together. This factor would benefit health and well-being in the Borough.

7.35 Assessment:

The Council's cycle map (June 2014) show the route of a signed and part traffic-free cycle route running east-west along the B149 to the south of the site and a traffic free cycle route also aligned east-west close to the site's northern boundary and corresponding to bridleway no. 112. The Council's web-site includes proposals for improving the Borough's cycle network, however there is no reference to creating a cycle link along the site's eastern boundary.

7.36 As per the applicant's case for demonstrating VSC under (IV) above, the IRL is applicable. In this case, although the IRL identifies infrastructure projects within Chadwell St. Mary related to active travel and sustainable transport, none of the identified projects refer to a cycle link along within or adjacent to the site. Layout is not a matter for detailed consideration at this point, but it could be expected that the arrangement of pedestrian and cycle routes within the site would in any case allow for movement from the south to the north of the site and vice-versa. Although the IRL is capable of update, the need for a cycle link in this area has not currently been identified on either the IRL or the Council's on-line cycle improvements plans. Consequently, financial contributions would be difficult to justify and would not necessarily be compliant with the NPPF. Accordingly, it is concluded that no positive weight should be attached to this factor.

7.37 VI. Visual improvements to the western entrance to Chadwell St Mary

Under this heading the applicant refers to the following factors:

The view of the 'entrance' into Chadwell St. Mary from the west is seen as a row of fencing and the backs of houses. The proposed redevelopment of the site offers the opportunity to significantly enhance the entrance to the town as seen from the west.

7.38 Assessment:

This is an application seeking outline planning permission only for a residential development of up to 140 dwellings. Therefore, aside from the principle of residential development and whether the site can satisfactorily accommodate that quantum of development, the only matter where 'full' details have been provided relates to access (i.e. accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network). Therefore, the details of the appearance,

landscaping, layout and scale of the proposed development do not form part of the submission and are not for consideration at this stage. As noted at paragraph 2.3 above, a number of illustrative drawings have been submitted to demonstrate how a development of 140 dwellings could be accommodated on-site. However, these drawings only show one possible design solution. Therefore, although the applicant refers to a view across the site from the west towards garden fences and the backs of existing dwellings, there is no reason to suggest that the proposals would result in a significantly enhanced view. Indeed, due to the position of the A1089(T) along the site's western boundary, the applicant's submitted Noise Assessment recommends the installation of a 3m high acoustic barrier along the western site boundary.

7.39 Members of the Planning Committee are reminded of the content of NPPF paragraph no. 133 which defines the essential characteristics of GBs as their openness and permanence. Guidance within NPPG confirms that openness is capable of having both spatial and visual aspects. As this is an application for outline planning permission accompanied by illustrative drawings only, there can be no certainty or confidence that the visual amenities of the site would be significantly enhanced. Indeed a new 3m high acoustic barrier along the western boundary could represent a visually strident and urbanising feature. Accordingly, this factor can be afforded no positive weigh in the consideration of whether VSC exist.

7.40 VII. Socio-economic benefits

Under this heading the applicant refers to the following factors:

- a) the development could facilitate local employment;
- b) provide new homes;
- c) create enhancements to local recreational land'
- d) provide investment into the town;
- e) Enhance the visual appearance of an entrance to Chadwell St. Mary; and
- f) Improve cycle / pedestrian links.

7.41 Assessment:

The majority of factors cited by the applicant under this heading replicate considerations already brought forward and considered elsewhere in this report.

7.42 Paragraph 8 of the NPPF describes the three objectives of the planning system in achieving sustainable development as:

- a) an economic objective;

- b) a social objective; and
- c) an environmental objective.

If approved, during the short-term construction phase there would be some economic benefit associated with on-site employment opportunities. In the longer term, the new households created would through household expenditure, contribute to the local economy. However there would not be a significant long term positive impact due to the limited number of units. The economic benefits of the development should be weighed against the environmental objective of sustainable development which in this case corresponds with protecting Green Belt land. It is not considered that the economic objective outweighs or supersedes the environmental objective and therefore this factor is afforded very limited positive weight.

#### 7.43 VIII. Cumulative VSC

Under this heading the applicant refers to the cumulative effect of the above factors which they consider would outweigh harm so as to result in VSC.

#### 7.44 Assessment:

As noted at paragraph 7.15 above a cumulation or aggregation of factors and considerations can combine to clearly outweigh Green Belt and any other harm such that VSC exist. However, as noted above the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the Green Belt.

7.45 It is considered that the issue of the potential contribution towards housing land supply, including the provision of policy-compliant affordable housing is a factor which attracts significant positive weight in the planning balance. The potential for enhanced links to the Greengrid and the socio-economic benefits of development are considerations which attract limited or very limited weight in the planning balance. However, the remaining factors cited by the applicant above attract no weight.

7.46 Paragraph no. 143 and 144 of the NPPF are unequivocal in stating:

*"Inappropriate development is, by definition, harmful to the GB and should not be approved except in VSC ... VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

Experience from recent large-scale planning appeals in the Borough involving residential development (land at Little Thurrock Marshes / land adjacent Bulphan bypass) confirm that even though the provision of housing (including affordable housing) attracts significant and other factors such as connectivity improvements and economic benefits attract positive weight, the cumulation of these factors does not clearly outweigh Green Belt harm. Therefore, in this case it is considered that the cumulation of benefits does not combine to clearly outweigh the harm to the GB such that VSC do not exist.

7.47 IX. The considerations relied on by Members of the Planning Committee in resolving to approve the Wood View / Chadwell Road residential proposal (ref. 19/01373/OUT) apply to this case

Under this heading the applicant refers to the various benefits and considerations referred to by Members of the Planning Committee in November 2020 in resolving to grant planning permission (contrary to Officer recommendation) for a residential development at a site c. 300m to the west.

7.48 Assessment:

It is a basic tenet of the decision-taking process for planning applications that each case is assessed on its own individual merits and with reference to the policies in the Development Plan. The fact that Members of the Planning Committee weighed the Green Belt harm differently than Officers for a nearby site does not set a precedent whereby Officers should be inconsistent in their advice or recommendation. This factor is immaterial to the consideration of the current case.

7.49 Green Belt Conclusions:

Officers conclude that the proposals for residential development on the site comprise inappropriate development with reference to NPPF paragraph no. 145. Consequently, the development would be harmful by definition with reference to paragraph no. 143. The proposals would reduce the openness (in both spatial and visual terms) of the Green Belt. With reference to the purposes of the Green Belt defined by NPPF para. 134, the proposals would result in varying degrees of sprawl, coalescence and encroachment contrary to Green Belt purposes (a), (b), (c) and (e). In accordance with NPPF paragraph 144 "substantial" weight should be given to this harm.

7.50 With reference to the applicant's case for other considerations, an assessment of the factors promoted is provided in the detailed analysis above. However, for convenience, the weight which can be attached to the factors promoted by the applicant can be briefly summarised as:



<b>Summary of GB Harm and other considerations promoted as clearly outweighing harm such that VSC exist</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors promoted by the applicant</b>	<b>Weight</b>
Inappropriate development	Substantial	Unmet housing need including the provision of affordable housing	Significant positive weight
Reduction in the openness of the GB		Potential enhanced links to the Greengrid	Limited positive weight
Conflict (to varying degrees) with a number of the purposes of including land in the GB – purposes (a), (b), (c) and (e).		Proposed improvements to Orsett Heath recreation land	No weight
		Cycle link improvements	No weight
		Visual improvements to the western entrance to Chadwell St Mary	No weight
		Socio-economic benefits	Very limited positive weight
		Cumulative VSC	Not material
		The considerations relied on by Members of the Planning Committee in resolving to approve the Wood View / Chadwell Road residential proposal (ref. 19/01373/OUT) apply to this case	Not material

7.51 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 by other considerations, including the benefits of the development, must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and some conflict with the purposes of the Green Belt. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. 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 VSC.

- 7.52 Members of the Planning Committee are reminded of the content of NPPF paragraph 144 which states:

*“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) outweighed by other considerations.”*

- 7.53 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case it is considered that the contribution towards housing land supply (including affordable housing provision) is a material considerations which weighs strongly in favour of the proposals. There are also limited socio-economic and Greengrid benefits weighing in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above and in light of the policy ‘test’ at NPPF paragraph no. 144 that harm must be clearly outweighed for VSC to exist. For this application it is considered that the benefits of the proposals do not clearly outweigh the Green Belt harm and as a consequence VSC do not apply.

- 7.54 Notwithstanding the Green Belt considerations detailed above, which are of paramount importance in this case, it is also necessary to consider the relevant material planning considerations set out below. The assessment of other matters (below) is without prejudice to the conclusions reached regarding Green Belt issues.

7.55 II. DESIGN & LAYOUT ISSUES:

In addition to the NPPF, which emphasises the importance of good design, Core Strategy policy CSTP22 (Thurrock Design) requires proposals to have, inter-alia, a *‘positive response to the local context’*, and policy CSTP23 (Thurrock Character & Distinctiveness) seeks inter-alia to *‘protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place’*. Policy PMD2 states *‘Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views ... and natural features’*.

- 7.56 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide (titled ‘Designing in Context’) requires applicants to appraise a development site by taking the following considerations into account:

- understanding the place;
- working with site features;

- making connections; and
- building in sustainability.

7.57 The proposal is submitted in outline form, with details reserved for future approval except for means of access. Nonetheless, an indicative layout drawing has been provided with the application. The layout demonstrates a development which would have a mix of houses and flats with associated open space. The illustrative layout drawing therefore indicates a form of development which would accord with Core Strategy policy PMD5 (which requires new development to provide areas of public open space on-site).

7.58 The proposals would result in a maximum density of c.40 dwellings per hectare, although as the northern part of the site is considered unsuitable for built development (due to its size and shape), the net density of residential development would be higher. Core Strategy policy CSTP1 (Strategic Housing Provision) adopts a design-led approach to density, but nevertheless seeks a density range of between 30-70 dwellings per hectare outside of town centre locations, regeneration areas etc. (as is the case here). The likely net residential density of the proposals would be within this range.

7.59 Notwithstanding the Green Belt policy issues considered above, there is no reason to suggest that the detailed layout and design of the proposals would not accord with policy and achieve an acceptable level of design.

### 7.60 III. LANDSCAPE & VISUAL IMPACT

Without prejudice to the impacts on the visual aspect of Green Belt openness considered above, general comments (reflecting the 'outline' nature of the proposals) have been received from the Council's landscape and visual advisor. In summary, there are no objections to the development on landscape grounds. However, there is concern that the amount of development proposed could restrict the opportunity to provide significant on-site amenity and play spaces and will achieve only a limited amount of planting on the western boundary buffer to the A1089(T). Nevertheless, as the details of layout and landscaping are reserved matters, these concerns would not form a reason for refusal.

### 7.61 IV. TRAFFIC IMPACT, ACCESS & CAR PARKING

The planning application is accompanied by a Transport Assessment (TA) and a supplementary TA Addendum submitted in response to comments from the Council's Highways Officer.

- 7.62 The updated consultation response received from the Highways Officer agrees with the conclusions of the TA that the development would not have any significant impact locally. However, there is concern that development will have an impact on the Cross Keys junction and the junction of Marshfoot Road and the A1089(T). Therefore, if a recommendation to grant planning permission were before the Committee s106 planning obligations and conditions would be required to mitigate impact on the highways network.
- 7.63 Based on the indicative mix of residential accommodation, the applicant proposes 2 car parking spaces per house (total 136 spaces), 1 car parking space per flat (72 spaces) and 28 car parking spaces for visitors. Members of the Planning Committee are reminded that this is an application for outline planning permission such that the layout of the development, including the number of car parking spaces, is reserved for future approval. Without prejudice to the Green Belt considerations detailed above, it is considered that a planning condition could be used to required reserved matters submissions to comply with the Council's draft car parking guidance.
- 7.64 Highways England have been consulted as the site adjoins the A1089(T) and no objections are raised, subject to condition. In summary under this heading, it is concluded that there are no objections to the principle of the development on highways grounds, subject to planning obligations and conditions.

#### 7.65 V. FLOOD RISK & DRAINAGE

The site is located within the low risk flood zone (Zone 1). However, as the area of the site exceeds 1 hectare the application is accompanied by a Flood Risk Assessment. The consultation response from the Council's Flood Risk Manager confirms no objection to the proposals, subject to conditions requiring submission and approval of a detailed surface water drainage scheme.

#### 7.66 VI. EFFECT ON NEIGHBOURING PROPERTIES

The proposed housing layout is indicative only, but there is currently no reason to suggest that the amenities of adjoining residents could not be adequately safeguarded.

#### 7.67 VII. ECOLOGY & BIODIVERSITY

The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). The application is accompanied by an Ecological Survey undertaken in 2017. Although this survey is older than good practice recommends, the Council's Landscape & Ecology Advisor considers that there have been no significant changes in the habitat features on site since the survey

and, as the site of generally low ecological value, the 2017 conclusions are still appropriate. The survey report recommends that a reptile survey be undertaken to confirm presence/absence of animals as the site contains some suitable habitat around the perimeters. Were permission to be granted a planning condition could be used to address this matter, as well as securing ecological mitigation during any construction activity.

#### 7.68 VIII. NOISE

Give the proximity of the site to the A1089(T), the application is accompanied by a Noise Assessment which concludes that mitigation is required in the form of a 3m high acoustic fence along the site's western boundary. The Council's Environmental Health Officer confirms that noise mitigation measures will be required and that a 3m barrier will provide a reduction in noise levels across the site. A planning condition could be used to secure the barrier, along with details of glazing specifications.

#### 7.69 IX. LAND CONTAMINATION

As part of the site comprises a former landfill site, a Phase 1 Ground Contamination Desk Study accompanies the application. This document recommends that further investigations are undertaken. The Environment Agency confirm that planning conditions should be attached to any grant of planning permission to address the risk to controlled waters.

#### 7.70 X. ENERGY & SUSTAINABLE BUILDINGS

Policy PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) is also relevant to both the residential and football stadium elements of the proposals and requires 20% of energy needs to be generated on-site from these sources, unless unviable. The application is accompanied by an Energy & Sustainability Statement, which given the outline nature of the proposals sets a strategy. It is considered that a planning condition could be used to ensure that the development is policy compliant.

#### 7.71 XI. VIABILITY & PLANNING OBLIGATIONS

The proposals include policy-compliant affordable housing (35%) and in these circumstances no financial viability report is required. If the recommendation before the Planning Committee was to grant planning permission a number of planning obligations would be required via a s106 legal agreement. However, in light of the fundamental Green Belt objection to the application negotiation of a legal agreement has not been pursued with the applicant.

## **8.0 CONCLUSIONS AND REASON(S) FOR RECOMMENDATION**

- 8.1 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 VSC 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 varying degrees of harm to some of the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although both significant and limited weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. NPPF paragraph no. 144 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. It is concluded that the benefits of the development do not clearly outweigh identified harm and consequently a case for VSC does not exist.
- 8.2 Subject to potential planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise, flood risk or other planning considerations. However, the Green Belt issues remain the primary matter which is of paramount importance in the consideration of this case. Consequently, it is recommended that planning permission is refused.

## **9.0 RECOMMENDATION**

- 9.1 Refuse planning permission for the following reason:

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 a), b), 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).

### Positive and Proactive Statement

The local planning authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

