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| <b>Reference:</b><br>19/01556/OUT | <b>Site:</b><br>Kings Farm / Thurrock Airfield<br>Parkers Farm Road<br>Orsett<br>RM16 3HX  |
| <b>Ward:</b><br>Orsett            | <b>Proposal:</b><br>Application for outline planning permission with all matters reserved apart from access: Proposed mixed use development comprising up to 750 no. residential dwellings, medical facility, retail and commercial units. |

**Plan Number(s):**

| <u>Reference</u> | <u>Name</u>             | <u>Received</u> |
|------------------|-------------------------|-----------------|
| LP001            | Location Plan           | 20 July 2021    |
| RS-1493-01       | Topographical Plan      | 15 October 2019 |
| MP0001 Rev F     | Illustrative Masterplan | 20 July 2021    |
| MP0007           | Indicative CGIs         | 20 July 2021    |

The application is also accompanied by:

- Planning Statement (July 2021)
- Design and Access Statement (July 2021)
- Health Impact Assessment May 2021)
- Biodiversity Net Gain Report (April 2021)
- Utilities Feasibility Report (January 2021)
- Cover letter (July 2021)
- Legal opinion (September 2019)
- Environmental Statement (ES) including -
  - Contamination Phase I Report (within ES document)
  - Landscape Strategy (within ES document)
  - Flood Risk Assessments (within ES document)
  - Phase I Contamination Report
  - Transport Assessment
  - Transport Assessment Addendum
  - Framework Travel Plan (within ES document)

**Applicant:**  
Grasslands Ltd

**Validated:**  
19 July 2021  
**Date of expiry:**

9 January 2023 (Extension of time)

**Recommendation:** Refuse planning permission

This application is scheduled for determination by the Planning Committee because the application is considered to have significant policy or strategic implications and constitutes a departure from the Development Plan (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council's constitution).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks outline planning permission for a mixed use development comprising up to 750 no. residential dwellings, medical facility, retail and commercial units. Specifically, a mixed residential and commercial development of up to 750 dwellings, 1,000 sq.m floorspace of Class A1 (according to the application form), however, the illustrative masterplan and the planning statement refer to a 0.5ha area to the south-west of the application site being reserved for 1,000 sq.m of shops, commercial uses and medical facility.
- 1.2 Planning permission is sought, in respect of details, solely for access. Other details of appearance, landscaping, layout and scale of the development have been reserved for future approval (as reserved matters) if outline planning permission is granted.
- 1.3 While not included in the description of development, the illustrative masterplan shows that all existing buildings would be demolished and the mobile home removed from the application site, as well as the removal of the tarmac from the airstrip.
- 1.4 Permission is sought for "up to 750 new dwellings"; as such, while not overt, this figure should be viewed as a maximum; indeed, the revised illustrative masterplan shows only 669 dwellings. Any reserved matters application will confirm how many dwellings are to be provided, nonetheless this cannot exceed any maximum number approved at Outline stage.
- 1.5 An indicative layout has been provided on the illustrative masterplan. Whilst this detail is not for consideration at this stage, it does indicate that a layout could come forward at the reserved matters stage which provides 669 dwellings across the site, together with retail and employment uses including a medical facility. The indicative general layout also shows that a pond could be provided as part of any detailed drainage plans (SuDS).

- 1.6 The proposal indicates that of the up to 750 total dwellings, 487 would be “market” dwellings with 263 provided as “social”; i.e. 35% of the total would be affordable housing. The illustrative masterplan (for 669 dwellings) also proposes to provide the policy-compliant 35% affordable dwellings and is indicated to provide:

| <u>House Type</u> | <u>No.</u> | <u>%</u> |
|-------------------|------------|----------|
| 1-bed flat        | 106        | 16       |
| 2-bed flat        | 80         | 12       |
| 2-bed FOG*        | 33         | 5        |
| 2-bed house       | 125        | 19       |
| 3-bed house       | 223        | 33       |
| 4-bed house       | 102        | 15       |

\*FOGs (Flats over garages)

- 1.7 The affordable housing is not identified to be split between, for example shared-ownership and social/affordable rent. The details submitted do not show whether any affordable dwellings would be provided as either first homes or starter homes. The submission does not specifically indicate how the affordable homes would be allocated across the sizes of dwellings proposed although the Design and Access Statement (DAS) and Planning Statement does indicate that the affordable housing would be “provided and dispersed throughout this mix” (see above).

Access

- 1.8 This is the only matter for detailed consideration at this stage. The application proposes that the sole vehicular access to the residential uses on-site would be from a brand-new access direct from the A128 to the east of the application site. The existing access onto Parkers Farm Road from the west would be closed and the residential curtilage of Kings Farm would be severed from its current direct access to the airfield/air strip such that its own vehicle accesses onto Parkers Farm Road would similarly no longer be available.
- 1.9 It is proposed on the illustrative masterplan that a substantial highway control feature would be provided in the form of a road realignment and a formal roundabout junction on the A128. This would require some loss of land from within the application site to highway land. There would be no vehicle access onto Parkers Farm Road to the west. It is proposed to provide an emergency access from the commercial area (indicatively located at the south-eastern part of the site) directly onto the A128, south of the proposed roundabout in case the sole access/roundabout is compromised/out of action. It is proposed that there is a pedestrian/cycle access to Parkers Farm Road. Indicatively vehicle access is shown to the north across the Mardyke tributary onto a current agricultural field.

- 1.10 Internal access is shown on the masterplan drawing to connect to the proposed A128 access via an entrance limb (main access point) and then a circular loop with spurs/cul-de-sacs which could access all of the dwellings and the proposed shops/commercial uses and medical centre. The illustrative masterplan indicates that the commercial uses would be located at the front of the site (south-eastern-most point) such that it would be clearly visible from the A128, albeit not directly accessed, it would be accessed via the first turning south off the main access road. Albeit that the plans also show an emergency vehicle point onto the A128 to the south of, and parallel to, the main access close to the proposed non-residential uses.
- 1.11 The illustrative masterplan shows pedestrian footways throughout the application site and the Landscape Strategy suggests that there would be cycleways/paths also.

#### Groundworks

- 1.12 Although landscaping is a matter of detail reserved for future approval (if outline planning permission is granted), flood mitigation / alleviation works are proposed which would include the re-profiling of ground levels. Flood compensation storage would be increased in the form of a new pond. The illustrative masterplan shows the new pond to be located to the north-west of the application site; although the Landscaping Strategy also shows a possible non-SuDS pond to the east of the site.

#### Landscaping

- 1.13 Although details of landscaping are reserved for future approval and there is limited soft landscaping within the site apart from grass which could be retained; the Landscaping Scheme proposes to not remove any existing boundary landscaping, except to provide the vehicle and cycle/pedestrian accesses. The submitted Landscape Strategy drawing indicates that there is intended to be a buffer of soft landscaping around a core where the housing would be provided. Such buffer would include a new woodland to the entrance from the A128: the wide, landscaping buffer is also shown to provide cycle paths and public open space (including equipped play areas)/habitat areas. Within the housing/buildings areas it is illustrated that a range of hard and soft landscape treatments could be utilised, including other public open space and hedgerow walkways.

#### Layout

- 1.14 While not for consideration at this stage, one indication of the way the site (with 669 dwellings) could be laid out is shown on the indicative masterplan (referred to above). The indicative plans show in terms of the core area of residential

development that it could potentially comprise flatted blocks, terraced houses, FOG (flats above garages) and detached houses. The proposed commercial/medical development is indicated to the south-eastern part of the site in a separated 0.5 ha zone, adjacent to the A128 with flats above.

### Scale

- 1.15 While again not for consideration at this stage, an indication of the scale of the development is provided on submitted illustrative masterplan drawings for 669 dwellings which list up to 4-bed houses and flats which could be up to three-storeys high. Apart from the overall floorspace of 1,000 sq.m, there is no clarification of the scale of the proposed commercial development, however, the Design and Access Statement indicates that flats may be provided above shops etc. within two- or three-storey buildings. No parameter plans have been submitted for consideration at the outline stage.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a roughly rectangular-shaped parcel of land, extending to approximately 31.2 hectares in area from the A128 to its east and Parkers Farm Road, Orsett to its west. The land currently comprises a private airfield with a tarmac air strip (approved in 2007) surrounded by grass (kept mowed). A grassed air strip runs alongside the tarmac air strip and a grassed cross-strip has appeared in later aerial photographs (crossing the tarmac air strip). To the south-west of the site is an Aero services building which provides maintenance/repair services. Most planes are parked outside to the immediate east/NE of the Aero services building where there are also there are a few buildings providing storage for equipment, together with a small, possibly “mess” building.
- 2.2 Beyond the aero services building (to its west) is an area of hardstanding used as a car park for approximately 15 cars; to the north of which is a mobile home. The only vehicle access point is to the west of the Aero services building onto Parkers Farm Road
- 2.3 The site is generally flat/level and low-lying within Flood Zone 1. A tributary of the Mardyke runs along the northern boundary of the application site. Details submitted indicate that the site does have some surface and ground level flooding issues associated with pluvial (rain) events.
- 2.4 The application site forms part of the Metropolitan Green Belt (MGB/GB). The northern boundary of the application site forms part of the external boundary of the Thames Chase Forest area.

- 2.5 The site is surrounded by open fields, many in agricultural use, with sporadic farm and other houses including Kings Farm itself, Greysteads and The Paddocks to the north of Kings Farm fronting to Parkers Farm Road and a public house “Dog and Partridge” is located to the south-eastern just outside of the application site on the A128. Along the A128 are some commercial sites; including directly to the north of the application site, on the other side of the ditch (Mardyke), which includes a residential property (El Toro).
  
- 2.6 The nearest settlements are Bulphan and Orsett. Bulphan, a village, lies to the north of the application site around 1km away and Orsett, a larger village, lies to the south, some 3km away.
  
- 2.7 The A128 which runs along the eastern boundary of the application site is a two-way carriageway borough distributor road. Parkers Farm Road to the west is a single carriageway road. Neither the A128 nor Parkers Farm Road have any footpaths at this point. There is a public bridleway (no. 178) running just outside and parallel to the southern boundary of the application site which connects Parkers Farm Road to the A128. There are no cyclepaths within the vicinity of the application site. There are no bus stops in the vicinity of the application site, although routes run north/south along the A128 – the 475 and 265.
  
- 2.8 Apart from the vehicle access onto Parkers Farm Road, there is an unused gate onto the A128 and another unused gate onto the public bridleway. There appear to be grass/soft features either side of each of these gates.
  
- 2.9 To the south-east of the application site on the opposite side of the A128 at Ongar Hall are two, Grade II Listed Buildings – the Hall itself and its Barn.

**3.0 RELEVANT HISTORY**

The planning history at the application site is extensive and varied. Prior to the airfield, the land was in agricultural use with Kings Farm containing a dwelling fronting onto Parkers Farm Road. The 2007 applications below were submitted following the service of Enforcement Notices. Relevant applications are as follows:

| <u>Application Reference</u> | <u>Description of Proposal</u>  | <u>Decision</u>      |
|------------------------------|---|----------------------|
| 07/00201/FUL                 | Use for stationing of mobile home for ancillary staff (retrospective) | Approved<br>02.03.09 |
| 07/00202/FUL                 | Change of use to include land to north of house as domestic curtilage | Approved<br>22.06.09 |
| 07/00203/FUL                 | Hardsurfacing of grassed runway                                       | Approved<br>20.07.09 |

|              |   |   |
|--------------|---|---|
| 07/00204/FUL | Retention of hard surfaced area and existing hangar building used in association with Kings Farm.   | Approved<br>03.03.09  |
| 08/00799/LDC | Unrestricted occupancy of main dwelling and residential curtilage as shown hatched black on the plan dated 8th October 2008.  | Deemed<br>lawful<br>08.10.08  |
| 09/00191/FUL | Amended 07/00204/FUL - Retention of hard surfaced area and existing hangar building used in association with Kings Farm.  | Approved<br>28.05.09  |
| 09/00193/FUL | Retention of hard surfaced area and existing hangar building used in association with Kings Farm  | Approved<br>20.07.09  |
| 14/00364/FUL | Extension to existing aircraft maintenance hanger   | Refused<br>30.05.14   |
| 14/00938/FUL | Extension to aero services hangar   | Approved<br>29.09.14  |
| 19/01557/SCR | Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Application for outline planning permission with all matters reserved apart from access for a proposed mixed-use development comprising 750 no. residential dwellings, medical facility, retail and commercial units. | EIA Required<br>15.10.19  |
| 20/00186/SCO | Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed application for outline planning permission with all matters reserved apart from access for a mixed-use development comprising 750 no. residential dwellings, medical facility, retail and commercial units together with ancillary development.   | Advice given<br>(as to the contents of the Environmental Statement to be submitted)<br>12.03.20 |

It should be noted that in approving (planning application ref. 07/00203/FUL), for the hard-surfacing of the then grass runway, Members considered that *“the overriding very special circumstances in the opinion of the Committee, were that this was an established airfield, the inclusion of a hard-standing runway would not undermine the openness of the greenbelt and would not detract from the local landscape policies and their importance...”*

## 4.0 CONSULTATIONS AND REPRESENTATIONS

### 4.1 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters occupiers, press advert and site notices. The application has been advertised as a departure from the Development Plan, a major development and as being accompanied by an Environmental Statement.

### 4.2 Eighty-two (82) individual letters have been received objecting to the application (including from Dunton Community Forum). The following matters of concern have been raised:

- unsafe / inadequate access/es
- increased traffic congestion particularly around proposed roundabout
- pollution and impact on air quality
- harm to amenity
- increased noise
- loss of airfield facility
- loss of Green Belt; reduce width of GB to be unacceptably narrow
- even if the site has some development, it shouldn't be fully developed
- it would be twice as big as Bulphan
- urban sprawl
- change the character of the area from rural to suburban
- unsustainable and remote location
- scale and height of development would be out of character in a rural area
- flooding, particularly surface flooding
- impact on ecological interests; and
- adverse impact on existing limited infrastructure inc. schools and connectivity

One letter has been received supporting the proposal subject to hedging being retained/improved along the boundary with the bridlepath and existing drainage



pipes under the airfield being retained/replaced to ensure that the farmers field can drain into the Mardyke.

#### 4.3 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)

#### 4.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections subject to conditions being attached to any grant of planning permission.

#### 4.5 ANGLIAN WATER:

No objections, confirm that they have assets in or in close proximity of the application site, indicate that wastewater treatment centre has capacity. Recommend a number of conditions/informatives relating to foul water drainage.

#### 4.6 NATURAL ENGLAND

No objections, note the site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

#### 4.7 LANDSCAPE/ECOLOGY ADVISOR

##### Landscape

Proposal would have an adverse effect on the local landscape character including for residents in Bulphan and surrounding lanes and for users of the public rights of way.

##### Ecology

The proposal would be likely to have an adverse in-combination effect on the integrity of the Thames Estuary and Marshes SPA.

#### 4.8 ENVIRONMENTAL HEALTH:

No objections subject to condition.

#### 4.9 NHS:

The location of the health centre is isolated for users off site and therefore it is recommended a developer contribution of £387,400 should be secured through a S106 agreement to help mitigate the impact of the development should planning permission be granted for additional provision off site.

#### 4.10 ESSEX COUNTY FIRE & RESCUE SERVICES:

No response received.

#### 4.11 ESSEX POLICE:

Require the scheme adopts Secured by Design (SbD) principles

#### 4.12 ESSEX & SUFFOLK WATER:

No response received.

#### 4.13 HIGHWAYS ENGLAND:

Holding objection until 20<sup>th</sup> December 2022 that permission is not granted. Insufficient information has been submitted to make a fully informed recommendation on whether the proposal would adversely impact on high level roads (A1089 and the A13 is needed). HE is yet to be satisfied that the proposals would not affect the safety, reliability and/or operation of the Strategic Road Network (SRN)

N.B. – this response recommends that the Council does not grant planning permission in this time period. It does not restrict planning permission being refused.

#### 4.14 ENVIRONMENT AGENCY:

No objections.

#### 4.15 EDUCATION:

A financial contribution of £7,608,716.79 will be required from the developer to mitigate the impact of the development on the provision of nursery, primary and secondary education.

#### 4.16 HOUSING:

No objection in principle, details provided on preference for split between unit types on site.

#### 4.17 PUBLIC HEALTH (THURROCK COUNCIL):

The proposal is too early, and the area lacks suitable facilities, considers the applicant should engage with the Local Plan process.

#### 4.18 HIGHWAYS:

Recommend refusal on the following basis:

- Some of the data assumptions are incorrect
- Lack of detail to show that a new roundabout on the A128/Brentwood Road can meet highway safety standards for both existing and proposed users
- There are no cycle or pedestrian links from/to the application site and none are proposed to connect the site to services - neither Parkers Farm Road nor the A128 have footpaths or cycle paths.
- The site is remote from shops and services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF,
- Concern regarding layout of roads within the application site as to whether they can accommodate larger vehicles turning

#### 4.19 URBAN DESIGN:

Recommend refusal on the following grounds:

- Unplanned incremental erosion of the Green Bel
- Landscape and visual impact
- A lack of local amenities, employment and public transport accessible by active travel (considering existing and proposed accessible provision)
- Reliance of private car due to location
- The site is close enough to Bulphan that it would significantly erode its rural setting but at the same time not close enough to provide an easily walkable (combined) settlement which promotes community cohesion and maximises local walkable amenities

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework (NPPF)

The NPPF was first published on 27<sup>th</sup> March 2012. The NPPF was revised in July 2018 and February 2019. It was revised again on 20<sup>th</sup> July 2021. The 2021 NPPF

sets out the Government's planning policies. It is a material consideration in any decision on planning applications. Paragraph 11 of the Framework expresses 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>8</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>7</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.*

**Footnotes:**

*7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt (GB), Local Green Space (LGS), an Area of Outstanding Natural Beauty (AONB), a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.*

*8 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 (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*

Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 (that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise; also known as “the primacy of the Development Plan” or “Plan-led system”) and s.70 of the Town and Country Planning Act 1990 (as amended) that the Framework is a material consideration in making planning decisions.

The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

The newest version of the NPPF (2021) post-dates the adopted 2015 Core Strategy and Development Management Policies such that where there is conflict with the NPPF, the NPPF policies will carry greater weight as a material consideration in any planning decisions.

## 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 included a list of the previous planning policy guidance (PPG/PPS) documents cancelled when the NPPF was launched. The 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:

- Climate change
- Design: process and tools
- Determining a planning application
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy; and
- Travel Plans, Transport Assessment and Statements

The NPPG is a rolling guidance note which is updated on a sporadic basis. Some parts of the NPPG remain as originally written, whereas other parts of it have been amended as and when changes mean that the guidance would be out of date otherwise. For example, when the NPPF was revised, the introduction of Design Codes and to reflect the new Biodiversity Net Gain requirements.

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

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (Core Strategy) in 2011. A Focussed Review of the Core Strategy was, following examination by the Planning Inspectorate, adopted on 28<sup>th</sup> February 2015. The following 2015 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
- CSSP2: Sustainable Employment Growth
- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt; and
- CSSP5: Sustainable Greengrid.

Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP8; Vitality and Viability of Centres
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP12: Education and Learning
- CSTP13: Emergency and Utilities
- CSTP15: Transport in Greater Thurrock
- CSTP16: National/Regional Transport Networks
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

- CSTP24: Historic Assets and Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Infrastructure Provision.

#### Policies for the 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
- PMD6: Development in the Green Belt
- 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
- PMD14: Carbon Neutrality
- PMD15: Flood Risk Assessment; and
- 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; 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 2015.

## 6.0 **ASSESSMENT**

6.1 As outline planning permission is sought a detailed analysis of design issues, layout and impact on residential amenity is not considered specifically at this stage.

6.2 The assessment below therefore covers the following areas:

- I. Principle of the development and impact on the Green Belt
- II. Other principle matters
- III. Traffic Impact, Access and Parking
- IV. Impact on Ecology and Biodiversity
- V. Ground Contamination
- VI. Noise and Air Quality
- VII. Energy and Sustainability
- VIII. Flood Risk and Site Drainage
- IX. Heritage Assets - Archaeology and Historic Buildings
- X. Planning Obligations

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

6.3 The main issue for consideration in this case is the assessment of compliance with planning policies for, and impact on, the Green Belt. In relation to the housing, retail, employment and community uses being proposed, the application site is not allocated for any of these uses and must therefore be considered as windfall housing, retail/town centre uses outside the designated retail hierarchy, employment uses outside any designated employment area and community uses out with an existing community. These aspects will be addressed in more detail below.

6.4 In relation to Green Belt, under this heading it is necessary to consider 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*
- iii. *whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations with either singly or cumulatively amount to the very special circumstances (VSC) necessary to justify inappropriate*



*development in the Green Belt.:*

Whether the proposals constitute inappropriate development in the GB

6.5 The application site is located wholly within an area of Green Belt (defined in the Core Strategy). Therefore, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting Green Belt land).

6.6 Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts and 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 are their openness and their permanence”.***

6.7 With regard to proposals affecting Green Belts, paragraph 147 states that:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (vsc)”.*

6.8 Paragraph 148 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the Green Belt and that vsc will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.9 With reference to proposed new buildings in the Green Belt, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the GB than the existing development; or*
- *not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.10 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (2015) is 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 Green Belt. 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.

6.11 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.

6.12 The applicants indicate, by way of a legal opinion submitted with the application, that they consider that the existing airfield is previously developed land in the Green Belt. The use of Green Belt land for airfield is ordinarily an inappropriate use, nonetheless, the aerodrome has existed for some time, albeit that planning records indicate that a large agricultural store was constructed under agricultural permitted development allowances and an application for a farm manager's office was submitted in 1989 (albeit later withdrawn).

6.13 By 2004 (when Enforcement Notices were issued in relation to some activities at the airfield) and later, in 2007 planning applications were submitted including to tarmac the airstrip, enable an extension to an existing hangar building and, in relation to Farm House, enable the extension of the house to include a private hangar and also to have the hangar and apron certified as part of a residential curtilage. The applicant's agent for the 2007 applications at that time confirmed that the site was a mixed use of residential and aerodrome (in the same ownership) and that this was therefore a sui-generis planning unit. By 2021 when this current application was validated, the use as an airstrip with some ancillary buildings and outside plane parking had been long established; the house, while its hangar has

been included within the domestic curtilage, continues to have no boundary treatment with the adjoining airfield.

- 6.14 Notwithstanding that the site may be previously developed land (PDL), the NPPF clarifies that any redevelopment of such PDL shall only be to the same extent to which it currently affects openness.  
Green Belt - Openness
- 6.15 Openness is identified in the NPPF as one of the Green Belt's essential characteristics.
- 6.16 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.
- 6.17 Given that some development has taken place with planning permission, the site can be considered to be previously developed land (PDL). However, by their very nature, aerodromes require no built form around any landing/take-off strip which might interfere with aircraft safety and very limited tree/hedge or other above ground planting. The airfield is therefore a ground/"0" level facility with a limited tarmac area and otherwise mown grass. It is therefore considered to be open, contributing heavily to the reasons for keeping this land within the Green Belt. In considering the application for the tarmac surface of the airstrip, Members specifically resolved to approve the scheme on the grounds that it had no impact on openness. In addition, the site forms, apart from some ancillary development (the hangar), part of a larger area of openness.
- 6.18 In relation to openness, planes taking off and landing do so within very limited time frames and in this case with no flood-lighting or control tower, only normally in daylight hours. This is similar to any road at ground level which is used only for passing/re-passing where there is no impact on openness when not in fleeting use (clearly bridges and tunnels are engineering earthworks and development of themselves but a small aerodrome such as this does not make use of such large engineered forms).
- 6.19 The Council's Green Belt Assessment (undertaken in January 2019 as a document to support the emerging Local Plan) identifies that the aerodrome lies in Area 14. In considering Area 14, the assessment indicates that it has "fundamental importance to the Green Belt and therefore low suitability for development". This stemmed from it assisting in safeguarding the countryside from encroachment by development, one of the purposes of including land within the Green Belt. As a result, it was concluded that Area 14 and the aerodrome located within it was right to continue to

form part of the Green Belt as it met the fundamental purposes of keeping the countryside open.

- 6.20 Even though the site may be considered to be PDL, and its redevelopment may not of itself be inappropriate development in the Green Belt, the NPPF caveats the level of redevelopment of PDL in the Green Belt to only that area which is not currently open (that any redevelopment does not have an impact on openness greater than currently – NPPF paragraph no. 149 (g)).
- 6.21 As a flat/ground level feature, the runway and grassed taxiways and plane parking areas are not considered to be above ground development and do not of themselves have any material impact on openness of the airfield site or the Green Belt. The hangar and storage buildings to the south-west together with the mobile home do have an above-ground impact on openness, as do the storage buildings, also to the south-west of the application site.
- 6.22 As the proposal is for the whole airfield to be built on/provided with urban features such as houses, shops and other commercial development, with associated features clearly the proposals to construct up to 750 dwellings and 1,000 sq.m. of shops and other commercial floorspace are not limited development but represent a large-scale mixed use development. Built development is proposed to extend over the full extent of the existing airfield, including the areas where only ground level works/landscaping is currently situated. Such provision of extensive built form would be alien in the current open landscape.
- 6.23 The proposal would result effectively in a new urban settlement which would encroach onto open land resulting in significant change to the Green Belt. This proposal therefore represents an ad-hoc approach to development which is not supported by the planning process. The more appropriate way for a development of this type to come forward would be through the Local Plan process, as part of a considered approach. Which if successful would allow for the boundaries of the Green Belt to be amended in a planned for approach, not in this ad hoc manner, where a large open space fortuitously exists.
- 6.24 The proposal would clearly and profoundly impact on the openness/open character of the existing application site and, as such, would significantly impact on the openness of the Green Belt. This would have an adverse impact on the purposes of including the application site within the Green Belt which is to prevent the encroachment of development into the countryside.
- 6.25 The suggestion by the applicant that this site would be one of many sites which could then come forward spreading north towards Bulphan (all utilising the proposed new access onto the A128) raises the concern that this would result in

urban sprawl over a significantly larger area, if a precedent is set though approving development at the application site. While no other proposal is with the Council currently and each case must be considered on its own planning merits, the suggestions in the Design and Access Statement and on the illustrative masterplan to provide vehicle accesses across the northern boundary raises this as a wider concern relating to the harm associated with allowing unconsidered, uncoordinated, ad hoc, unplanned development in the Green Belt.

6.26 The proposals would comprise a substantial amount of new built development in an area which is currently open, except for a hangar and some storage buildings to the south-westerly corner. Advice published in NPPG (2021) 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.

6.27 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 external footprint/envelope of development and building volume. The intended permanency of the development would therefore impact upon openness permanently.

6.28 The overall impression of the proposal is that the current open mainly grassed site would largely be replaced by urbanisation. There is currently a high level of visual connection with the wider GB when viewed from outside the site from glimpses passing in a car along the A128 to the east and from fields to the north, west and south of the application site. The appeal site therefore comprises open green land that has some visual connection to the wider area of Green B. In any event the development itself would fundamentally change the visual appearance of the site. This is because the buildings would be clearly visible above boundary hedging/gates etc., in particular from surrounding roads, public footpath/bridleways to the south and to a degree from public footpaths on elevated ground to the east of the application site

6.29 The overall housing layout shows closely grouped houses. Within this context the proposed waterbody and open spaces would have little meaningful function in terms of retaining openness in Green Belt terms. It is therefore considered that there would be very significant harm to the visual and spatial aspects of Green Belt openness.

- 6.30 In summary, the residential and commercial development would diminish openness (as a spatial concept) on the site itself. The indicative layout suggests that the majority of the site which lies both within and surrounded by Green Belt would experience a clear loss of openness. Therefore, with regard to the site as a whole, the proposal would result in harm to openness as a spatial concept. Furthermore, the introduction of built form in an undeveloped part of the site would mean the proposal would also have a greater visual impact on the openness of the Green Belt.
- 6.31 Due to its impact on openness of the Green Belt, the proposal would therefore be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the NPPF, as detailed above, and Policies CSSP4 and PMD6 of the Core Strategy 2015

#### Gren Belt Purposes

- 6.32 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a) to check the unrestricted sprawl of large built-up areas
  - b) to prevent neighbouring towns from merging into one another
  - c) to assist in safeguarding the countryside from encroachment
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.33 The effect these proposals would have on the Green Belt purposes is considered below:

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

This is not relevant to this proposal which would not be on the edge of any large built-up areas.

- 6.35 *b) to prevent neighbouring towns merging into one another*

While the proposal would lie to the south of Bulphan, this is not relevant to this proposal as it would not merge with any other settlements.

- 6.36 *c) to assist in safeguarding the countryside from encroachment*

The application site forms part of the Bulphan fen area and clearly in part of the open countryside in the area. There would be a significant encroachment in the countryside as a result of the proposals.

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

The proposal would not be located sufficiently close to any existing historic towns such that there would be no specifically adverse impact on them.

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

If large areas of the Green Belt are made available for new communities of 750 dwellings with ancillary shops and employment areas, this would not assist in the recycling of derelict and other urban land in existing urban areas in the Borough.

6.39 In conclusion under the headings (i) and (ii) it is concluded that the current proposals would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with Green Belt purposes (c) and (e). In accordance the NPPF substantial weight should be afforded to this harm to the GB.

### **Very Special Circumstances**

6.40 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. 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*”.

6.41 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 possible VSCs 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 a 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’.

6.42 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. Provision within the site to meet national standards (such as the Internal Space Standards) or the minimum policy requirements, such as the provision of public open space or provision of housing, will not normally be a very special circumstance of itself. Mitigation measures

designed to reduce the impact of a proposal (such as SuDS features and realignment of a road to accommodate a roundabout which only benefits the proposed development) 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-maker.

6.43 While not overt the Planning Statement and additional representations submitted by the applicant to accompany the application sets out the applicant's case for VSC under the following main headings:

1. Provision of new market and affordable housing
2. Provision of connectivity improvements
3. Provision of new, public open space
4. Provision of new employment units
5. Provision of medical centre and shops and
6. Early delivery of development

6.44 1. Provision of new market and affordable housing

Under this heading the applicant refers to the following factors:

- Core Strategy policy CSSP1 (Sustainable Housing and Locations) recognises that it will be necessary for the Council to release land from the Green Belt to meet housing need
- The Council's draft Local Plan Issues and options (Stage 2) consultation states that (i) the Council will have to consider releasing land from the Green Belt to accommodate new homes and supporting facilities (page 33) and (ii) the Council considers that given the acute shortage of land currently identified as being available to meet housing need over the plan period the exceptional circumstances required by the NPPF to justify some changes to Green Belt boundaries can be clearly demonstrated (page 50)
- the current NPPF places greater emphasis on ensuring a sufficient supply of new housing and introduces a Housing Delivery Test (paragraph 75)
- there is a considerable historic shortfall in meeting the Borough's housing targets and there is a significant shortfall in meeting the five-year supply
- the South Essex Strategic Housing Market Assessment (2016) refers to an annual objectively assessed need of between 919 and 973 dwellings per annum and an affordable housing need of 555 dwellings per annum
- the application site is deliverable and proposes policy compliant affordable housing (35%), i.e., min 234 dwellings. The site could help to meet affordable housing need ahead of the anticipated timeframe for the Local Plan.



For the above reasons the applicant considers that the provision of market and affordable housing should be given very significant weight. The applicant also points out that while the vsc should not relate to new housing provision *alone*, Government advice is that housing provision can form part of the vsc to justify inappropriate development in the Green Belt when this benefit is considered alongside one or more other benefits.

Consideration

- 6.45 The adopted Core Strategy (2015) sets out the Council's targets for the delivery of new dwellings. 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.
- 6.46 Paragraph 73 of the NPPF 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.
- 6.47 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). his statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of 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, West Thurrock Green 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.
- 6.48 A five-year housing land supply cannot be currently demonstrated. A 2.5-2.7 years supply was previously considered by a Planning Inspector as a "*serious shortfall*" when considered against the NPPF objective of boosting significantly the supply of housing.

- 6.49 In a recent local Appeal Decision (APP/M1595/W/21/3285432 Greenwise Nurseries, Vange dated 28.10.22) the Planning Inspector noted that *“the Council does not have a five-year supply of housing sites in place. Paragraph 11d)i of the Framework indicates that the application of polices in the Framework that protect areas or assets of particular importance provide a clear reason for refusing a proposed development. Footnote 7 that corresponds to paragraph 11d)i lists land designated as Green Belt amongst those that are of particular importance. Even if the shortfall in housing land supply is acute, this substantially reduces the weight that can be given to the development’s contrition to housing land supply. I, therefore, give such housing contribution very little weight.”*
- 6.50 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm such as to constitute a VSC justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revisions of the NPPF (2019 and 2021) do not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, an appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that *“even so, unmet need on its own, is highly unlikely to amount to vsc”*.
- 6.51 The proposal, while contributing to an identified affordable housing need re-using previously developed land (pdl), would *cause substantial harm to the openness of the Green Belt* and would therefore, in accordance with NPPF paragraph 149 (g) second part, be inappropriate development in the green belt as it would have a greater impact on the openness of the Green Belt than the existing development. In relation to the provision of affordable housing to meet an identified need, the proposal would cause substantial harm to the openness of the green belt and 2/3rds of the housing would be for market housing (rather than affordable housing) which would not contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 6.52 While the scheme is in outline, and it is not clarified which part(s) of the site would provide the 35% affordable housing as opposed to the 65% of the dwellings which would be for market sales; notwithstanding, to provide 232 affordable dwellings would be highly likely to cover upto a third of the 31.2 ha site, i.e., around 10 hectares of land in the Green Belt. The affordable housing would not however be provided without being ancillary to the market housing element and therefore the site is not solely for affordable housing.
- 6.53 A recent Planning Inspector’s decision (Greenwise) concluded that as *“to the development’s contribution to housing land supply. I, therefore, give such housing contribution very little weight.”* That view was expressed in relation to a scheme for 60 dwellings. It is considered that with up to 750 dwellings proposed here that the

weight to be attached would be more than at that other site, and in accordance with other such schemes it is considered the provision of new dwellings would attract “significant weight” in the Green Belt balance.

## 2. Provision of connectivity improvements

6.54 The applicants indicate in their submission (in particular in the Transport Assessment Addendum) that the site’s connectivity can be improved by:

- 1) Rerouting of a bus route to come into the application site from the A128
- 2) The provision of a travel plan which would include a car share scheme
- 3) The provision of footways and cycleways within the application site and along the A128 to the extent of the application’s frontage onto the A1284)
- 4) The provision of a new footpath/footway and realignment of Parkers Farm Road/Church Road with a 2m wide footway to provide access to the Bulphan infant/junior School
- 5) The provision of additional access points onto the public bridleway to the south of the application site
- 6) The provision of accesses (vehicle/pedestrian/cycle) to the north of the application site to extend to Bulphan to the north, via a proposed urban extension to Bulphan.
- 7) The use of part of a cycle route (identified as part of a leisure ride) along Parkers Farm Road for access to senior schools and neighbouring villages via lower-level rural roads.

## Consideration

6.55 The site is remote and new connections would be needed. While the proposals to improve connectivity would appear to seek a good level of connectivity, they rely on others to either provide services (bus providers and the Council), rely on others to provide the land (for the pedestrian footway along Parkers Farm Road/Church Road and links to the north) or require planning permission (the pedestrian footway involves engineering earthworks; and further residential development to the north). None of these appears to be arrangements which are agreed in advance and therefore there is some concern that such provision will not be made or may only be agreed in part.

6.56 The applicants suggest that other landowners will all agree to the use of their land and that the Highway Authority (HA) will agree to the realignment of Parkers Farm

Road through a S106 legal agreement. At this stage, there is no written confirm from either other owners or the HA that this is a scheme which would be supported, indeed, the HA has raised concerns. The site currently is only accessed by private vehicles (car and airplanes). It is considered that the connectivity of the site would increase, however with no confirmation that the plans outside the site would materialise, the connectivity would be likely to remain poor and, as such, that the connectivity proposals would carry limited weight.

### 3. Provision of new public open space

- 6.57 While layout and landscaping are reserved matters, the illustrative masterplan indicates that a large green space would be provided to the front (East) of the application site onto the A128 with other smaller spaces internally provided as urban spaces. The illustrative masterplan also shows areas of landscaping, habitat creation and ponds / waterways providing flood attenuation and ecological interest which are identified in the applicant's submitted Landscaping Scheme and Ecological mitigation scheme. The public open space is cited as a recreational resource which would support the objectives of NPPF.

### Consideration

- 6.58 At the outset it should be borne in mind that that the application seeks outline planning permission with the matters of layout and landscaping reserved for subsequent approval. Accordingly, the various site / master plan and landscape scheme/parameter plans submitted to support the application should be considered as illustrative only and representing one possible way in which the development might be accommodated on the site. Nevertheless, the indicative layout accompanying the submission shows an area adjacent to the A128 which would be provided as public open space, located to the north-east of the proposed loop road. The size of this POS is not identified and differs from the size shown on the indicative landscape plan (which appears slightly larger).
- 6.59 Although the indicated North-Eastern POS area would be free from built development and partly open, it is important to note that this open space is proposed to perform a number of functions. It is proposed to introduce woodland into this area (a mainly alien feature in a fenland landscape) in part as a visual and screening buffer from the noise and traffic activity associated with the busy and fast (50 miles per hour) A128 and the noise and activity associated with the traffic relating to the only vehicle access proposed into/out of the large housing estate proposed. It is likely that additional noise will be created by vehicles braking, queuing/idling and speeding up while negotiating the proposed new roundabout. It is also intended to provide new habitat as part of the submitted Ecological Mitigation Strategy.

- 6.60 In the north-western corner of the site, an open area (c.2.2Ha in extent) is indicated to provide a flood storage area, close to Parkers Farm Road and existing residential properties. The Flood Risk Assessment (FRA) proposes an area for the compensatory storage of floodwater located to the north-west. This area would be lowered to create an attenuation 'basin'. There would be times of the year when the basin is occupied in full or in part with water, thereby diminishing its utility as public open space. Even in a potential prolonged period of dry weather when the margins of the basin would be dry, public access to this space would still be limited. For these reasons, this part of the site would have limited value as public open space.
- 6.61 It is recognised that the proposed illustrative public space at the entrance of the site would be usable by members of the public who currently live elsewhere in the Borough albeit that it would not be very obvious to people outside the site itself. Notwithstanding, it would require users from around the area to cross open green belt land either by car along the A128 or walking along the existing public footpaths or on Parkers Farm Road to enter the urbanized area before accessing the urban POS. While it is considered that the new POS would provide some level of amenity, it would be of limited benefit to the wider public due to its remote/unsustainable location.
- 6.62 The largest area labelled public open space is the proposed wooded belt which is situated close to the busy A128. This would take significant time to develop (as trees are rarely planted as mature), and it is unclear how welcoming and attractive this area would be for recreational purposes. An area is shown in the northwest corner of the site as the proposed SUDS location; however it is not clear if this would have any function as an open space. A narrow 'central spine' is proposed which is shown as a linear cycleway adjacent to a swale and narrow verges. The precedent images for the landscaping associated with the narrow perimeter path network do not correspond to the limited areas that have been shown on the master plan. It is not clear how attractive these would be for recreational use.
- 6.63 The indicative layout of the development suggests other areas of open space within the site, however these spaces are limited in size (such as the hedge walkways) and are otherwise incidental (grass verges/areas around car parks) to the residential and commercial development. Consequently, these areas do not contribute to meaningful public open space provision.
- 6.64 The exact type and quantity of open space may be capable of meeting the requirements, however without more specific proposals it is unclear whether the Open Space requirements would be met. In addition, where any open space will serve an ecological or flooding mitigation function as well as recreational function it

is not considered that it would provide Public Open Space; the provision of new public open space will need to meet policy requirements and would result in solely mitigating the impact of the proposal; it should therefore be should be given very limited weight.

#### 4. Provision of new employment units

- 6.65 Employment Land and Units are normally comprised of Class B1, B2 and B8 uses. The applicants indicate that 1,000 sq.m of floorspace would be provided for a variety of uses such as A1 (shops), B-uses and a D-Use (medical facility). The applicants have not provided a breakdown of the uses such that, although all will provide an element of employment, the suggested 50 full-time and 50 part-time jobs (as indicated on the application form) cannot be verified. The illustrative masterplan does indicate that a 0.5ha area would be devoted to these mixed uses but it is unclear how much would fall within the B-type uses and could be considered to be employment land/uses as a result.

#### Consideration

- 6.66 The economic benefits of the proposals, through the provision of jobs in shops, possible offices and other business uses and a medical centre have not been fully detailed.
- 6.67 There is no evidence that additional employment land is needed in this area so this factor has limited weight. In any event, there is no calculation as to whether 50 full time and 50 part time jobs would be provided or whether they would provide sufficient employment opportunities for around 3,000 new inhabitants of the proposed settlement.
- 6.68 The Thurrock Employment Land Availability Assessment (2017) identifies a need for a more varied 'offer' in terms of industrial and commercial floorspace is already known. For the reasons set out, this factor attracts only limited weight.

#### 5. Provision of Medical Centre and Retail

- 6.69 The applicants indicate that the provision of shopping/other uses and a medical centre would support the community proposed, as part of a settlement.

#### Consideration

- 6.70 For reasons already given above, the provision of shops and other commercial uses and a medical centre would provide to a degree for the proposed residents. It is also possible that such ancillary services would provide for other existing

residents. However, the proposals are not well defined in the proposal and the medical centre are not a requirement in policy terms nor from the viewpoint of the NHS. It is considered that while they would provide ancillary services, their remote location would also be likely to attract mainly private vehicle traffic while being inappropriate development in the Green Belt of themselves. It is not considered that any weight should be given to this factor.

#### 6. Early Delivery of the Scheme

- 6.71 The applicants indicate that the scheme has attracted a number of developers and that they can move forward towards an early delivery of the scheme once outline permission is received. Information provided by the applicants suggests a 5-10 delivery time period (say 2027-2032); albeit that there is no actual delivery timeline provided or phased delivery.

#### Consideration

- 6.72 While it is positive to hear that there are developers interested, no details of which developers or timetabling for the submission of reserved matters or commencing development/completing development have been submitted. It may be that development would come forward relatively quickly at the application site given its currently open and undeveloped nature provides a virtual “clean slate” for development. While the bringing forward of any approval in a timely manner is welcomed, it is not clarified how this scheme would be brought forward more quickly than any other scheme with this starting point such that it is not considered a particular benefit of itself. This could be given some weight if the timing is exceptional but in lieu of there being limited details of timings identified, this factor attracts only very limited weight.
- 6.73 Green Belt Conclusions (recap):

It is concluded that the proposals comprise inappropriate development with reference to paragraph 147 of the NPPF. Consequently, the whole scheme would be inappropriate development which would be harmful by definition with reference to paragraph 147. The proposals would reduce the openness of the Green Belt on the site as a result of the construction of the residential and commercial buildings and associated development; it would also increase the amount of land forming the public highway. The proposals would materially reduce openness, giving rise to significant harm. With reference to the purposes of the Green Belt defined by NPPF paragraph 138, the current scheme would result in encroachment and loss of open/undeveloped green belt land contrary to Green Belt purposes c) and e). In accordance with NPPF paragraph 149 “substantial” weight should be given to this harm.

6.74 With reference to the applicant’s case for VSC, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

| <b>Brief Summary of Green Belt Harm and Case for VSC</b> |               |   |               |
|--|---------------|---|---------------|
| <u>Harm</u>  | <u>Weight</u> | <u>Factors Promoted as VSC</u>                              | <u>Weight</u> |
| Inappropriate development                                | Substantial   | provision of new market and affordable housing              | Significant   |
|  |               | Provision of new affordable housing at 35% of the total     |               |
| Reduction in the openness of the GB                      |               | Provision of connectivity improvements                      | Limited       |
| Conflict with GB purposes (c) and (e)                    |               | Provision of new, public open space                         | Limited       |
|  |               | Provision of new employment units                           | Limited       |
|  |               | Flood risk alleviation                                      | Limited       |
|  |               | Compliance with Core Strategy strategic policy / objectives | No weight     |

6.75 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by 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 GB. Several factors have been promoted by the applicant as comprising the VSC necessary to outweigh the harm so as to enable the approval of inappropriate development and it is for the Committee to judge

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

6.76 Members of the Planning Committee are reminded of the content of NPPF paragraph 148 which states:



*“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 (emphasis added) outweighed by other considerations.”*

- 6.77 A decision dismissing an appeal against the refusal of a continuing care retirement centre in the West Midlands GB (APP/Q4625/W/19/3237026) addressed the GB balancing exercise and concluded:

*“When drawing this together, it is my judgement that the other considerations advanced by the appellants would result in a very finely balanced decision. However, for VSC to exist, the other considerations would need to clearly outweigh the substantial harm to the GB by reason of inappropriateness, openness and purposes of the GB ... In other words, for the appeal to succeed, the overall balance would have to favour the appellants’ case, not just marginally, but decisively.”*

- 6.78 Therefore, and although every case must be considered on its own merits, the benefits of the proposals must clearly or decisively outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist.

- 6.79 In this case, it is considered that the benefits of the proposals do not clearly outweigh the Green Belt harm due to inappropriate development or the other harm identified. And, as a consequence Very special circumstances (VSCs) do not exist which outweigh the harm identified.

## II. OTHER PRINCIPLE MATTERS

- 6.80 The site is not allocated for either housing/commercial or retail development, as such, the proposals are considered as windfall housing and an out of town / location for main town centre uses.

### Housing

- 6.81 Development Management Policy PMD6 (Development in the Green Belt) allows some residential development as per the requirements of paragraph 149 of the NPPF.
- 6.82 While the proposal is for a mixed-use development providing ancillary shops and employment for the proposed 750 households (the size of a larger new village), it is not considered that this is a location which is sustainable for these uses. The proposed shops and employment uses appear to be simply ‘added on’ to try to ameliorate the remote location of the site and day-to-day sustainability issues relating to the existing distances to existing settlements and services, the lack of

public transport, footpath and cycle path accessibility to existing shops and services.

- 6.83 As such the proposal represents a partly self-contained/isolated new settlement (albeit that the level of retail/employment is unlikely to be sufficient for the number of new occupiers and there is no school or other community facilities, bar the medical centre, to be provided). There is no policy in the Core Strategy which promotes a separate new settlement on Green Belt land in this location. While there is no specific policy relating to new settlements in the district, this relatively isolated location would be likely to result in an increase in car-borne traffic as proposed community and other facilities would be limited and occupiers would need to travel down the A128 which has no footpaths and very limited bus services/no bus stops to access higher level services and facilities. The NHS has not identified a need for a medical facility at the site such that this part of the proposal is not required in planning terms.
- 6.84 Policy CSTP1 of the Core Strategy does not predict or promote any developments of this type in this area. As such, the proposed 750 dwellings would be windfall development. As the proposal would provide housing “en bloc” it would not represent the usual small site nature of windfall housing, often on a site/sites which becomes available after the larger site allocations have been made.
- 6.85 It is acknowledged that the Council has yet to identify site allocations following adoption of the Core Strategy in 2015. However, work is progressing (via the new Local Plan) and there is some background evidence of both need and land availability:
- 6.86 The Housing Land Availability Assessment (produced by David Lock Associates as part of the evidence base for the new Local Plan in October 2017) indicates in relation to site ORS\_57 (the number allocated to the application site, including Kings Farm) that it is not a suitable site for development, mainly due to the Green Belt constraint on development but also as it has a Flood Zone 2 area adjacent to its western boundary, that it is likely to be Best and Most Versatile Agricultural land and as it is located more than 40 minutes from existing facilities meaning that walking and cycling opportunities are limited.
- 6.87 It is noted that some Green Belt may need to be declassified by changing Green Belt boundaries to meet housing needs through the new Local Plan, however, submitting a planning application in advance of such careful decisions being made does not of itself mean that such applications should necessarily succeed.

### Retail

- 6.88 Core Strategy Policy CSTP7 identifies the existing retail hierarchy comprising Lakeside regional centre, Grays town centre, local and neighbourhood centres. Bulphan is not identified within the retail hierarchy.
- 6.89 Policy CSTP8 (Vitality and viability of existing centres) states that the Council will maintain and promote the retail function of existing centres and will aim to guide and encourage development to existing centres and that it will also resist proposals for main town centre uses (such as retail) in out of town locations where other locations are available.
- 6.90 Retail policy CSTP8 indicates that new retail development should be located in existing retail areas to provide for the hierarchy of existing settlement patterns where they are in the most sustainable locations – near to railway stations and bus stations. The proposal would provide 1,000 sq.m of retail floorspace (as indicated on the application form; albeit that the illustrative masterplan indicates that this may be split to provide other uses such as commercial and a medical centre). It also needs to be noted that the Transport Assessment Addendum of April 2022 indicates that the retail/commercial floorspace would be 4,200sq.m; as this has not been split and differs from the planning application, it is not clear if the proposed retail element would be above the NPPF trigger for a Retail Impact Assessment – see below.
- 6.91 The NPPF requires that for retail and leisure development outside town centres a 2,500 sq.m floorspace threshold is used as a trigger to undertake an impact assessment. As there is no clarity in the submission about how much retail floorspace would be provided, the impact assessment (which may be required) has not been undertaken. It is not possible to quantify the proposal's impact on existing centres within the hierarchy. Notwithstanding, even at 1,000 sq.m this is a significant amount of retail floorspace proposed outside the current retail hierarchy and would, as a minimum provide a parade of shops (and/or a larger store).
- 6.92 While any shops, commercial and other facilities could cater for the proposed occupiers of the 750 dwellings (a population size likely to be in the order of 1,500 – 2,500 people), shops here could be an attractor for others living locally in existing villages and remote dwellings (often farmhouses) as well as passing trade from the A128. Therefore, not only would there be limited public transport but it is likely that such retail provision in this remote location in open countryside would attract high numbers of private vehicle transport journeys; away from the established town/village centres affecting their vitality and viability to a degree.
- 6.93 It is therefore considered that the proposal is likely to have an adverse impact on existing urban centres identified within the retail hierarchy contrary to Policy CSTP7 and CSPT8 of the Core Strategy 2015.

### Employment Uses

- 6.94 Overall Employment Policy CSSP2 identifies Key Strategic Economic Hubs. The application site is not located in one or near one.
- 6.95 CSTP6 (Strategic employment locations) states that *where proposals for new economic development are proposed outside the Primary and Secondary Industrial and Commercial areas, the Council will make an assessment against the following criteria: (i) Compatibility with uses in the area surrounding the proposal and potential impacts on those uses and (ii) Capacity and impact on the road network and access by sustainable modes of transport.*
- 6.96 It is not clear from the application form whether any employment use (original Use Class B1, B2, B8) would be included. However, the supporting documentation does refer to some of the 1,000 sq.m of “other” floorspace identified on the layout plans in the south-eastern corner as being for employment and the application form does indicate that some 50 full-time and 50 part-time jobs would be created.
- 6.97 Whilst this is positive in some respects, the large amount of new floorspace proposed may not provide the jobs for the community in the way intended, contrary to Policy CSTP6 and could lead to increase use of the highway and incompatible uses contrary to Policy CSTP6.

### Community Facilities inc. Medical Centre

- 6.98 Policy CSTP10 (Community Facilities) states that the Council will promote provision of new community facilities on sites for new development where they meet an identified need.
- 6.99 Policy CSTP11 (Health Provision) states the Council will work with partners to deliver “III. Health care facilities that are located according to need, and which are accessible to all people in the Borough, including by public transport, cycling or walking and IV. Health care facilities that meet existing and future community needs, including those needs arising from the new housing and employment that will be developed in the Borough over the lifetime of the plan.”
- 6.100 The size of the proposal at up to 750 dwellings is large enough, and far enough away from other towns/villages as to require other ancillary services such as indoor community space for example multi-purpose community use floorspace. None is proposed.

- 6.101 The proposal does seek to provide one facility - a Health Centre. Again, there is no indication of a size on the application form albeit that it could be included within the 1,000 sq.m of non-residential floorspace. The Transport Assessment Addendum of April 2022 suggests that the Health Centre would be 1,500 sq.m on its own – but this figure is incompatible with the information provided on the submitted application form.
- 6.102 The NHS have responded to consultation to indicate that having viewed the Health Impact Assessment that *“The population arising from the development alone would generate the need for 128.5m<sup>2</sup> of additional primary healthcare floorspace, which is much smaller than the minimum size of 750m<sup>2</sup> needed for a facility to be viable.” Therefore the NHS consider that “A new larger facility within the site could provide additional capacity to address the deficit in capacity currently experienced at existing surgeries. However, the location is isolated from existing communities. A short-term subsidy is proposed to extend an existing bus service, but it is likely that most staff and patients would rely on private cars to access the site rather than sustainable or active means of transport.” They conclude that “A financial contribution of £387,400 towards the extension of capacity at existing premises would be a more acceptable form of mitigating the impacts of this development.”*
- 6.103 While the NHS indicate that there is a need for increased medical services provision to cover the population proposed by the application, they consider that the amount of floorspace included in the Transport Assessment Addendum would be double that required to be viable but also significantly above that needed by the proposed population. The NHS have identified that existing facilities would need to be improved to cater for the need arising.
- 6.104 The applicant has, with other developers/landowners indicated that they are hopeful that this application site forms part of a wider new settlement which would extend between the airfield and Bulphan; it seems that the idea to provide a medical centre is partly with this proposed larger settlement in mind, albeit that there are no other current planning applications submitted. There are no proposals with the Council for the wider removal of Green Belt land to provide a new settlement which could raise sufficient demand for such a separate facility. It is in any event, premature to consider a wider scheme which has not been subject to the high-level scrutiny required by the NPPF through Local Plan Policy consideration.
- 6.105 It is therefore considered that a contribution towards medical provision is needed. While “on-site” provision can reduce car travel for those living on site, providing medical facilities in a remote location is likely to increase distance travelled by private vehicles (for both staff and patients) which is not sustainable and not therefore something that the NHS requests and it may attract further visits from residents from other areas, resulting in increased traffic and vehicle movements. It

is therefore considered that a contribution towards medical provision is needed, secured through a legal agreement would be appropriate if planning permission is forthcoming.

Conclusion on other matters of Principle;

- 6.106 The analysis in the paragraphs above concludes that the residential and commercial development is inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 143). Consequently, it is a straightforward matter to conclude that the proposals for extensive redevelopment, residential and commercial development constitute inappropriate development in the Green Belt which is unacceptable in principle.
- 6.107 It is also considered for the reasons details above that commercial and/or retail uses would be likely to be undesirable on this site, at any of the scales variously promoted though the application and that the on-site medical provision would likely be in excess of the requirements of the development. Therefore, the commercial uses would also be harmful as being outside designated settlements and likely to result in more movements to and from the site, reducing sustainability and increasing vehicle movements.

### III. HIGHWAYS & TRAFFIC CONSIDERATIONS

- 6.108 The planning application is accompanied by a Transport Assessment Addendum (TAA) and a Travel Plan. Although this is an application for outline planning permission, details of access (i.e. accessibility to and within the site in terms of the positioning and treatment of circulation routes) are for consideration as part of this submission.
- 6.109 Policy PMD9 (Road Network Hierarchy) of the Core Strategy indicates that the Council will not only give permission for new access where there is no possibility of safe access being taken from an existing or proposed lower category road and that all new accesses or improved access on any category of road would only be allowed where they do not compromise highways or pedestrian safety, the free flow of traffic and do not impact on the street scene or amenity.
- 6.110 The A128 at the eastern boundary of the site is a 'Level 1 Strategic Non-Trunk' road. One point of access for vehicles is proposed to serve the whole development. Firstly, to serve the proposed residential development, the A128 would be re-aligned and a full roundabout is proposed to be provided. A series of lower category roads along a loop would penetrate through the site to serve the proposed dwellings. The main entrance from the roundabout would be for two-way traffic.

- 6.111 The access to the commercial area (as shown on the illustrative masterplan) just inside the site to the south, would be provided at the end of a short section of link road with parking and turning areas serving the proposed retail, commercial and medical centre uses only.
- 6.112 It is also proposed that an emergency vehicle access would be provided onto the A128; the illustrative masterplan shows that this would be to the south of the roundabout close to the shops and other commercial uses and accessed north of the car park areas. Albeit illustrative, the Masterplan shows this route as single carriageway. No specific details such as visibility splays etc have been provided for this access onto the A128.

Strategic Road Network:

- 6.113 As the site is located adjacent to the A128 and because traffic associated with the development could impact upon the (national) Strategic Road Network (SRN) at the A1089 and A13 via the proposed new junction, National Highways (NH) has been consulted on the proposals. In responding to the originally submitted TA, a number of queries were raised by NH. Responding to a subsequent revision to the TA, NH have maintained their concerns regarding the possible impact on the SRN by retaining their holding objection. NH therefore comment that the applicants have not provided sufficient justification that the higher order roads including the A13 and A1089 would not be adversely impacted by the proposal and retain a holding objection. This does not preclude a refusal being recommended but it does mean that more work would be required by the applicants to overcome the concerns expressed. Notwithstanding, the applicants have now had two opportunities to overcome the NH concerns and have not provided sufficient justification to outweigh the possible harm to traffic movement on the transport network. This is not something that can be resolved later by attaching conditions.
- 6.114 The Council's Highway Officers have responded that they are concerned regarding the provision of an access at this point on the A128. Their concerns are in relation to the data submitted being either out of date, missing or missing the required information:
- the applicant has not proved that a new roundabout on the A128/Brentwood Road which is a Level 1 Strategic Non-Trunk Road can meet highway safety standards for both existing and proposed users;
  - neither Parkers Farm Road nor the A128 have footpaths or cycle paths;
  - the site is remote from shops and services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF, Chapter 9, as it does not promote sustainable transport as a whole;

- the proposed roundabout has not been agreed and tracking details together with a Stage I Safety Audit are needed; the remote nature of the site means that higher than normal levels of car trips would be expected for the up to 750 new dwellings which might have up to 3 cars each (to meet parking standards);
- concern regarding indicative layout of roads within the application site as to whether they can accommodate larger vehicles turning; and
- this proposal is considered contrary to Core Strategy policies CSTP14/15/16.

### Connectivity

- 6.115 The Planning Statement and Design and Access Statement (DAS) indicates that pathways and cycleways would be provided throughout the application site area with access onto Parkers Farm Road to the west of the application site. The scheme also proposes that there would be pedestrian access to the south onto the east/west Public Right of Way and footways are shown either side of the A128 to the extent of the application site.
- 6.116 There are no existing pedestrian footpaths to either side of Parkers Farm Road/Church Road north up to houses in Bulphan, nor designated cyclepaths. Parkers Farm Road is a quieter, single carriageway rural road with links to both a bridleway and public footpaths in the locality including the one (PRoW) directly to the south of the application site, nonetheless Parkers Farm Road's use is currently limited as there are few residential properties fronting onto it.
- 6.117 The Council's Highway Officers have indicated the site is remote from shops and services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF, Chapter 9, as it does not promote sustainable transport as a whole.
- 6.118 If the nearest primary school (located in Bulphan) were to have capacity (or capacity could be increased), then there may be around 175 additional under 11-year olds needing to use the Parkers Farm Road to walk/cycle to/from school. This is not considered likely to occur, such that occupiers of the new development would be highly likely to rely on private car use.
- 6.119 The applicant's Transport Assessment Addendum (TAA) indicates that Parkers Farm Road/Church Road 'could be provided with a new 2m wide footpath to the eastern side up to Bulphan's existing footpath network where a non-controlled crossing would be provided to enable users to cross to the existing footpath on the western side of the road'. There is no controlled crossing point on Fen Lane near the school. The plans in the TAA show a footpath to link into the application site at the north-westernmost point at the back of the SuDS feature crossing over into a neighbouring field and the Mar Dyke (main river) before running west to exit onto



Parkers Farm Road. The details would involve engineering earthworks to realign Parkers Farm Road to the west and recut the existing ditch on the eastern side, some of which would then provide a culvert for the water flow. The plans show new vehicle passing points and a formalisation of kerb upstands to the new footpath. The footpath scheme would involve the removal of a number of boundary trees/shrubs and/or the removal/cutting back of existing field boundary hedging.

- 6.120 It should be noted that the suggested footpath or road realignment works are not included within the application site's red line and that the indicated works are outside of the applicant's control. It is considered that planning permission would be required for the engineering earthworks proposed, and that none of the land-owners affected have been formally notified of the footpath and realigning and possible footway provision on Parkers Farm Road/Church Road, except as a possible S278 highway scheme. The applicant indicates they have separately contacted any owners and that they are willing to allow the footpath/footpath/realigned road to cross over their land such that they proposed this can be agreed to via a S106 legal agreement. As these proposed works are outside the scope of the current planning application, the impact along Parkers Farm Road/Church Road has not been assessed as part of this current application, nonetheless the proposal would alter the road such that it would have a greater area of hardstanding and formal curbing/footway such that it would have a more urban appearance/function.
- 6.121 The TAA does not provide any details of a segregated cycle path to either Parkers Farm Road or the A128. The TAA indicates that new pedestrian paths would be provided to the east/A128 along the site boundary only, nonetheless there are no current footpaths on either side of the A128 to link to.
- 6.122 While Parkers Farm Road/Church Road do connect with the Primary School in Bulphan about 1.3km away (further for properties further to the east of the application site), the nearest Secondary School is either in South Ockendon or Corringham / Stanford-le-Hope. It is proposed that an existing bus route could be diverted into the application site and that the applicants are prepared to support this financially for a limited period. However, the current time-table is very limited such that it is unclear if all school children could or would use the bus to get to/from school, particularly if that requires a connecting bus on their journey. The long-term viability of this proposal is questionable.
- 6.123 The Council's Highways Officer has also considered the content of the revised TAA and considers that the applicant has not proved that a new roundabout on the A128/Brentwood Road can meet highway safety standards (Stage 1 Safety Audit) for existing and proposed users, that there are no cycle or pedestrian links from/to the application site and none are proposed to connect the site to services etc.

Neither Parkers Farm Road nor the A128 have footpaths or cycle paths and the site is remote from shops and services and public transport and would rely almost entirely on private vehicles.

6.124 It is therefore considered that the scheme does not represent a sustainable development with good connectivity, even with the public transport and walking/cycling measures proposed. In particular, there are limited facilities in the existing settlement which could be reached on foot and children would have limited opportunities to either walk/cycle or use public transport to access relatively distant secondary schools, meaning that most journeys will be made by private vehicles such that it does not comply with NPPF, Chapter 9, as it does not promote sustainable transport as a whole. Overall this proposal is contrary to Policies CSTP16 and PMD9 of the Core Strategy and relevant criteria of the NPPF in relation to sustainable highways development.

### Car Parking

#### Parking - Residential

6.125 Policy PMD8 requires that development be carried out in accordance with adopted standards. While this is essentially a consideration as to whether the details (normally submitted at reserved matters stage) are sufficient to meet car parking standards, it is appropriate at the outline stage to consider how many parking spaces will be needed for cars, vans, taxis, shared transport (e.g. car club), mopeds, motorbikes, cycles including kids, cargo etc., scooters and other motorised transport such as electric vehicles for old/infirm (otherwise known as motorised scooters) for the quantum of floorspace and size of dwellings proposed.

6.126 For dwellings the 2022 Parking Design and Development Standards require a minimum of 2 car parking spaces for houses and up to 1 parking spaces per flat (dependant on size). Given the site's remote location, if the development were to proceed, reliance on private vehicles would be high and the remote nature of the site means that higher than normal levels of car trips would be expected for the up to 750 new dwellings which might have a minimum of 2 car parking spaces each (to meet parking standards). In addition, the Highways Officer indicates that 2% of spaces if provided should have Electric Vehicle (EV) Charging provision.

#### Parking - Other uses

6.127 While details have not been provided and there is no confirmed breakdown in the planning application form nor in an overarching supporting document (Planning Statement or Design and Access Statement) of how much floorspace would be allocated to each use, the original planning application indicates that there would be

1,000 sq.m. in retail use. The Transport Assessment, without explanation as to where the figures are taken from, indicates that it has assumed that there would be 4,500 sq.m of retail uses and 1,500 sq.m of medical facility floorspace. Given that these figures are not submitted across the suite of planning application documents but only in a later supporting document relating to transport issues, it is not clear that these would be applicable at the reserved matters stage.

- 6.128 It is not possible to identify at the outline stage how much parking provision would be needed for the non-residential uses as there is insufficient/conflicting information so to determine how many would be needed.
- 6.129 Notwithstanding, the details submitted under the reserved matters submissions should meet parking standards as prescribed. A suitable condition could be attached to any planning approval. Nevertheless, as set out above, given the remote location of the site and very limited public transport and walking / cycling availability, occupiers and users of the proposed non-residential floorspace would be heavily reliant on private car journeys.

#### IV. ECOLOGICAL CONSIDERATIONS AND BIODIVERSITY

- 6.130 The site does not form part of any statutory site of designated ecological interest. A Landscape and Ecology Plan accompanies the current application which provides mitigation measures for protected species on the site, mitigation for loss of habitats and additional enhancements.
- 6.131 The habitat survey confirms that most of the site comprises species-poor grassland with features such as hedges, longer grass and ditches confined to the boundaries. The protected species assessment and additional surveys recorded badger activity, foraging bats, nesting birds and 3 species of reptiles mainly confined to the site boundaries. Fifteen breeding territories for skylark were recorded within the main site. The invertebrate assessment did not consider the site offered important habitat features for invertebrates. The ecological assessment has been undertaken in accordance with good practice guidance. The effects have been assessed as mainly minor adverse at a site level which is considered appropriate. There would be potential to mitigate these effects through carefully designed mitigation.
- 6.132 The site is within the Essex Coast RAMS zone of influence (ZOI) and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. The scheme is for more than 100 units therefore a separate Habitat Regulations Assessment (HRA) is required to consider what additional mitigation is required above the standard tariff payment to deliver the measures to address direct and in-combination effects of recreational disturbance on SPA.

- 6.133 A HRA has been submitted with the application. The Stage 2 – Appropriate Assessment scopes out likely significant effects on the Thames Estuary and Marshes Special Protection Area (SPA) arising from direct habitat loss or physical damage to habitats that support qualifying species, or other impacts, including hydrological damage, pollution or physical disturbance, during construction due to the distance between the development site and SPA. Breeding and wintering birds surveys undertaken at the site did not record significant numbers of birds associated with the Thames Estuary and Marshes SPA and Ramsar on the development site. It is concluded that the site does not provide supporting habitat to the SPA and is not functionally linked to it. The Council's Landscape and Ecology Advisor considers that these conclusions are appropriate. As a result, the likely significant effects will relate solely to recreational pressures.
- 6.134 The Statement to inform a HRA sets out a recreational disturbance mitigation package. The financial contribution is based on a total of 669 units although it is noted that the proposal is for up to 750 dwellings. The figure of 669 has been used for the HRA; however, the tariff to be paid would be dependent on actual number of units permitted at reserved matters (if outline permission were to be granted). A contribution will be needed towards the SPA/Ramsar to ensure that additional recreational activity arising from the new occupiers is mitigated, together with an improved on-site mitigation package at the reserved matters stage.
- 6.135 The figure of 669 has been used for the HRA; however, the tariff to be paid would be dependent on actual number of units permitted at reserved matters. The current tariff is £137.71 per dwelling.
- 6.136 In addition, the public open space provision that has been proposed as part of this scheme as meeting the requirement for the need to provide high quality, informal semi-natural areas. These features are considered to be of limited value for recreational users. It is not considered that there is scope to provide sufficient land within the application site to provide high quality, informal semi-natural areas.
- 6.137 Based on the concerns identified above regarding the adequacy of the proposed mitigation within its HRA the Council's Ecology Advisor advises the HRA is not currently sufficient to confirm that the proposal would not have any adverse in-combination effects on the integrity of the Thames Estuary and Marshes SPA.
- 6.138 Planning conditions could be used to secure augmented mitigation measures and consequently there are no objections to the proposals on ecological grounds at this stage providing the off-site contribution could form part of a S106 legal agreement and further measures could be integrated at the reserved matters submission stage.

## V. GROUND CONTAMINATION:

- 6.139 A Phase I Desk-top Contamination assessment has been submitted with the application which concludes that due to the nature of the use (airfield and previously agriculture) that there is limited likelihood of contamination.
- 6.140 The Environmental Protection Officer has reviewed the submitted Phase I Desk-top Assessment and concluded that a Phase II Contaminated Land assessment will be needed via a suitably worded condition.

## VI. NOISE AND AIR QUALITY:

- 6.141 There is no noise assessment submission. The main noise (apart from the current aircraft noise itself) is from traffic using the A128. The Environmental Protection Officer has written to advise in relation to occupational noise (for potential future residents) that, depending on the layout design, a traffic noise survey may be required. Some noise protection measures to some habitable rooms to achieve the required good internal noise standards: with reference to BS8233:2014 Sound Insulation and Noise Reduction for Buildings – Code of Practice may be required if the survey proves it necessary. Also, dependant of the final design, mitigation measures for the amenity areas may be necessary with regard to achieving the recommended noise levels with reference to Outdoor Living Areas: in the WHO - Guidelines for Community Noise. A noise assessment could be submitted with the reserved matters submission(s) if outline permission were to be granted.
- 6.142 The Council's Environmental Protection Officer confirms that there are no air quality issues arising from the proposed development, the closest Air Quality Management Areas being located to the west within Grays and east at Tilbury.
- 6.143 A revised Construction Environmental Methodology Plan (CEMP) and a full noise assessment with mitigation measures would need to be submitted with the reserved matters application(s), if outline permission were to be granted.
- 6.144 Planning conditions could be used to secure the proposed mitigation measures and consequently there are no objections to the proposals on noise or air quality grounds.

## VII: ENERGY/SUSTAINABILITY/MITIGATING CLIMATE CHANGE

- 6.145 While many measures will need to be fully incorporated at the reserved matters submissions stage, the applicants have submitted details relating to energy saving and CO2 emissions as follows:

*“The development may be designed through appropriate measures (such as solar energy / photovoltaic panels and other means) to comply with the Council’s target for 15%\* clean energy can also be satisfied at the same time, in line with CSPMD Policy PMD13 (Decentralised, Renewable and Low Carbon Energy Generation). In addition, the site’s size and configuration allow for a layout to be employed that would feature a substantial proportion of south facing homes, to benefit from passive solar gain and accordingly a source of clean energy, plus energy efficiency.”*

- 6.146 Core Strategy Policy CST25 (addressing climate change) states, amongst others, that the Council will require climate change adaptation measures and technology to be considered from the outset in any development proposal including reduction of emissions, renewable and low carbon technologies, passive design, recycling and waste minimisation, and through the application of green infrastructure techniques.
- 6.147 Additionally, Policy CST26 (energy regeneration) states that the Council will look to encourage opportunities to generate energy from non-fossil fuel and low-carbon sources amongst other methods.
- 6.148 The proposal is in outline and much detail is therefore missing at this stage. Nonetheless with this type of “blank sheet” scheme it is considered that it could be augmented such that it could be capable of meeting climate change mitigation and low energy policies of the Core Strategy and DM Policies Local Plan (2015) and relevant paragraphs of the NPPF (2021); notwithstanding, as no specific commitment has been made by the applicants at the outline stage, suitable conditions would need to be attached to any approval requiring that details are submitted at the reserved matters stage to meet policy requirements.

#### VIII FLOOD RISK & SITE DRAINAGE:

##### 6.149 Tidal/River flooding:

The site is located in the low probability flood risk area (Zone 1). The site and surrounding areas benefit from tidal defences on the banks of the River Thames. These tidal defences protect the site and surrounding land to a 1 in 1,000 year flood event standard. The tributary of the Mar Dyke running along the northern boundary of the application site is a ‘main river’, as defined by the Environment Agency (EA), albeit a small tributary at this point. There is a small area of Flood Zone 2 to the west of the application site however no Flood Risk Zone 3 within the application site boundaries or in the immediate surrounding area.

6.150 While the application site is not within Flood Risk Zones 2 or 3, it is a large residential development (with some other proposed uses) such that a Flood Risk Assessment (FRA) has been submitted. The applicant's FRA indicates that, as the area is prone to surface water flooding, it will be necessary to incorporate a SuDS compliant strategy to prevent any increased risk of on or off-site flooding; that the size of the attenuation features (assuming no infiltration) would need to be as shown on the submitted plans, and that the floor levels of the proposed dwellings should be set 225mm above ground level.

6.151 Surface Water flooding:

The application site is located in an area of fen land. Apart from the Mar Dyke Main River to the northern boundary, there is also a ditch located to the eastern side of the application site beyond the A128 and there is a large pond to the north beyond the tributary. Due to its low-lying nature, many objectors have indicated that the application site does flood/suffer from water pooling when there is heavy rainfall and is one reason for the landing strip to have a slightly raised solid tarmac-ed surface. In addition, the farmer who owns a field to the south of the application site has indicated that water from his field flows into underground pipes heading north across the application site and discharging into the Mar Dyke Tributary.

6.152 The EA's Surface Water flood maps shows some potential for flooding, mainly to the west/north of the application site but also running across the site from south-west to north-east. The highest level flood risk is to the north-west and south-west with mid/low across the full extent of the application site.

Detailed Flood Risk Mitigation Measures

6.153 The existing topography of the site and surrounding areas is generally flat and low lying. In order to address potential surface water flood risk issues surface water attenuation storage would be provided on-site through the formation of an intermittent pond to the north-western corner where levels would be reduced to form this basin. It is proposed additionally to provide ponds across the site as well as a linear water feature; it is not clear however if these would be needed to provide additional SuDS features.

6.154 Flood storage compensation, maintenance of the storage area, finished floor levels, resistance and resilience measures and safe access could be designed-in to incorporate climate change allowances at the reserved matters stage.

6.155 The Environment Agency have indicated that they have no concerns relating to flooding. Notwithstanding, it is considered that the proposal could be provided in detail at the reserved matters stage such that it could be designed to mitigate any

fluvial related flooding. Therefore, subject to relevant planning conditions requiring further details to be provided at the reserved matters stage, it is not considered that there are flood risk objections to the overall strategy for the proposed development. Drainage issues could be covered by a condition if permission were to be granted.

## IX. HERITAGE ASSETS - ARCHAEOLOGY AND HISTORIC BUILDINGS

- 6.156 Core Strategy Policy PMD4 on Historic Environment indicates that the Council will seek to preserve historic buildings and assets.

### Archaeology

- 6.157 The Council's Historic Environment Advisor indicates that the Historic Environment Record shows the proposed development lies within an area of known archaeological deposits south of the medieval village of Bulphan. The area around Bulphan contains a number of medieval moated sites, of 15th-18th century date, indicative of a dispersed settlement pattern. One of these is located north west of the proposed development at Martins Farm (EHER 5216). Recent assessment of cartographic evidence indicates the presence of a property within the development area on the 1777 map. The surroundings are characterised by areas of Fen and Heath, notably at Bulphan and Orsett. Excavations at Bulphan Fen identified extensive archaeology including Romano-British burials and paleo-environmental remains (EHER 5215). Prehistoric features have been excavated south of the proposed development as part of the Horndon to Barking Gas Pipeline (EHER 16871). Other features are likely to be present within the proposed development. A condition could be attached to any approval for trial trenching and recording, as appropriate.

- 6.158 A condition to undertake necessary trial trenching and recording should therefore be attached to any approval. Due to its nature, there would need to be a pre-commencement condition.

### Historic Buildings

- 6.159 There are historic buildings to the south east of the application site, however, given that no historic building would be directly affected by the proposed development it is not considered that any issues arise. This may need to be revisited if a significantly different scheme (to the illustrative masterplan) were to be submitted at the reserved matters stage such that this is provisional on the development being well contained and screened within the existing boundaries of the application site.

## X. PLANNING OBLIGATIONS



6.160 A number of consultees responses refer to the need to provide works and/or contributions towards facilities which would be needed due to the development. Such measures would need to be included in a S106 Legal agreement under the following Heads of Terms (should planning permission be forthcoming):

- Provision of Affordable Housing (35%)
- Highway Works (new junction, footways etc.)
- Ecological Mitigation on identified protected sites – 750 x £137.71 (2022/23 tariff) = £103,282.50 (based on no of dwellings, this may need to be re-calculated once the reserved matters are submitted)
- Medical care provision (off site) - £387,400.00 – Peartree Surgery & Orsett Surgery
- Education provision - £7,608,716.79
- Landscape maintenance plan (more than 5 years)

6.161 The above are requirements in relation to Policies in the Core Strategy including Policy PMD16 (developer contributions).

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

7.1 The principal issue for consideration is whether the proposals accord with planning policies for the Green Belt. In light of the assessment above, it can be concluded that the scheme represents development which is “by definition” harmful to the Green Belt and the purposes of including land within the Green Belt. The development would also result in harm to the openness of the Green Belt. The proposal therefore constitutes inappropriate development which does not accord with Policies of the Thurrock Core Strategy (2015) nor does it accord with the relevant Green Belt sections of the NPPF (2021) (Part 13).

7.2 The substantial provision of residential development proposed together with ancillary development including shops, possible other employment uses and a medical centre on this remote/isolated application site would result in a significant increase in private vehicle travel in the locality resulting in unsustainable development likely to add to climate change concerns as well as significant connectivity issues.

7.3 Significant harm is also identified to the existing visual amenities of the fen landscape caused by the loss of openness and the harm to the existing verified fen character of the landscape in which the application site is located.

- 7.4 Insufficient information has been submitted to determine whether the proposal would have any adverse impact on the national road network, local issues including the substantial increase in the use of an existing busy road (the A128) is considered to result in harm to the use of the current network, notwithstanding that the scheme proposes a large roundabout on the distributor road.
- 7.5 While some benefits are identified by the applicant, it is not considered that they, either singly or cumulatively, clearly outweigh the identified harm such that Very Special Circumstances exist to warrant a departure from the Core Strategy or the NPPF.
- 7.6 The significant harm to the Green Belt is the principal issue of paramount importance in the consideration of this case. This harm is not clearly outweighed by benefits and there are no material considerations which would indicate that a decision should be made otherwise than in accordance with the adopted Local Plan. Consequently it is recommended that planning permission is refused for the reasons set out below.

## 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 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.

By reason of the scheme being for a large housing estate with ancillary urban-led development, the proposals are considered to constitute inappropriate development with reference to paragraph 149 (inappropriate buildings – shops, services and a medical centre) and 149 g) (inappropriate buildings – dwellings - due to harmful impact on openness) of the NPPF. The proposals would also be contrary to purposes c) and e) of the five Green Belt purposes, which are that the proposal would not assist in safeguarding the countryside from encroachment (c) and not assist in urban regeneration, by encouraging the recycling of derelict land (e and would, by definition be harmful to the Green Belt.

The identified harm to the Green Belt and other harm identified is not clearly outweighed by other considerations, either singly or in combination, such as to amount to the very special circumstances required to justify inappropriate

development in the green belt. The proposals are therefore contrary to Part 13, paragraphs 138, 148 and 149 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 proposals would, by reason of the combination of the high number, scale, density, proposed storey-heights and the extent/spread of proposed dwellings and other built forms across the majority of the 31.2 ha application site, result in harm to openness and permanence which are the essential characteristics of Green Belts, contrary to paragraph 137 of the NPPF and CCSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
- 3 The proposal would result in a large urban settlement which would be harmful to the existing/established visual and landscape characteristics of the fen countryside contrary to Policy CSTP18 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

The proposal would, by reason of the proposed retail, employment uses and the medical centre in this remote/unsustainable location, result in an unsustainable pattern of development which would cause an unacceptable increase in private vehicle traffic contrary to modal shift expectations, in particular along the A128, cause some loss of vitality and viability of the retail hierarchy's existing town centre uses and facilities particularly in Bulphan and Orsett and not meet the Borough's identified medical facility needs, contrary to paragraphs 142 and 143 of the NPPF and Policies CSSP1, CSTP6, CSTP8 and CSTP11 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

- 5 Insufficient information has been submitted as to whether the proposal would adversely impact on the strategic road network (A1089 and A13 ); as such, National Highways and the local planning authority is not satisfied on the basis of the current submission that the proposals would not adversely affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111) and highway safety concerns are raised in relation to the local road network contrary to Policies CSTP16 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
- 6 The proposed mitigation measures in the Travel Plan and Transport Assessment Addendum are not, due to their reliance on other landowners and the Council making the provision outside the application site boundary, of sufficient robustness to provide adequate connectivity to existing services such as to overcome the

shortcomings associated with the site's remote/unsustainable location, contrary to Policies CSTP15 and CSTP33 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 reasons 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)

