

Reference: 22/01685/FUL	Site: Sandown Nurseries, Sandown Road, Orsett
Ward: Orsett	Proposal: Residential development comprised of 7 No. 2-bedroom bungalows with associated access, amenity and parking.

Plan Number(s):		
Reference	Name	Received
Existing Site Plan	21.7541/E101	16.12.2022
Location Map	21.7541/M001	16.12.2022
Location Plan	21.7541/M002	16.12.2022
Aerial Plan	21.7541/M003	16.12.2022
Proposed Floor and Roof Plans	21.7541/P202 Rev A	16.12.2022
Proposed Elevations	21.7541/P203 Rev A	16.12.2022
Proposed Site Plan	21.7541/P201 Rev D	16.12.2022
Tree Constraints and Protection Plan	DCV/SR/01 Rev A	16.12.2022
Proposed Site Plan	21.7541/P201 Rev E	19.04.2023
Dropped Kerb Provision	23024-001 Rev A	19.04.2023
Visibility Splays with Updated Road Layout	23024-002 Rev A	19.04.2023
Swept Path Analysis Private Car	23024-TK01 Rev A	19.04.2023
Swept Path Analysis Refuse Vehicle	23024-TK02 Rev A	19.04.2023
Layout Plan	2814/LP-01	19.04.2023

The application is also accompanied by:	
<ul style="list-style-type: none"> • Cover Letter • Planning Support Statement with Appendices (PSS1-PSS9) • Arboricultural Report and Impact Assessment, prepared by Moore Partners Ltd, dated 12.08.2021 updated 07.02.2022 • Flood Risk Assessment, prepared by Waterco, dated 10.02.2022 	
Applicant: Dosanjh Capital Ventures LTD	Validated: 16.12.2022 Date of expiry: 12.06.2023 (EOT agreed)
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee as the application was called in by Cllr B Maney, Cllr D Arnold, Cllr B Johnson, Cllr J

Duffin and Cllr G Snell in accordance with Part 3 (b) 2.1 (d) (i) of the Council's Constitution to consider the proposal against Green Belt policy.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the erection of 7 no. 2-bedroom bungalows with associated access, amenity areas and parking.
- 1.2 The proposed dwellings would be set in a linear formation, to the rear of a stretch of ribbon development fronting Sandown Road. The access to the dwellings would be taken from an existing vehicular access point located in the northeast corner of the site with an access track set adjacent to the rear gardens of the existing properties and to the front of the proposed dwellings. Parking provision would be provided to the front of each dwelling with private amenity spaces provided to the rear.
- 1.3 The bungalows would be uniform in terms of layout, scale and appearance and would measure a maximum of 8m wide, 11.9m in length and 4.92m in height. In terms of appearance, they are a typical example of a two-bedroom bungalow, with a hipped roof form.

1.1 SITE DESCRIPTION

- 1.2 The application site is located on the western side of Sandown Road, to the rear of a stretch of ribbon development, constructed along the frontage of the former Sandown Nurseries site. The site comprises 0.33 hectares of land, free from development, which is laid to grass. The site is bounded by close boarded fencing and an established row of trees.
- 1.3 The area surrounding the site is semi-rural in nature, the site is boarded by open countryside to the west, and residential properties to the north, east and south. The residential development along Sandown Road is mainly characterised by development fronting the highway, with two small cul-de-sac developments (one at the entrance of the road and at the end of the road).

1.4 RELEVANT PLANNING HISTORY

- 1.5 The following table provides the planning history of the former Sandown Nurseries site:

Reference	Description	Decision
08/01155/OUT	Erection of seven dwellings.	Approved

13/01154/OUT	Erection of 7 dwellings (Outline application with all matters reserved)	Approved
14/00290/CV	Removal of condition 12 (Junction Works) to approved application 13/01154/OUT (Erection of 7 dwellings (Outline application with all matters reserved))	Approved
14/01380/REM	Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings	Approved
15/01350/REM	Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings.	Refused
16/00833/CV	Variation of condition 12 [Number of plans] from approved application 14/01380/REM	Approved
19/00434/CV	Retrospective variation of condition 12 (approved plans) referred to in the original planning consent 14/01380/REM (Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings) to change of ground level to west boundary and changes to the street elevations of the dwellings.	Pending consideration

1.6 CONSULTATION AND REPRESENTATIONS

1.7 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

1.8 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Thirteen (13) objections have been received which raise the following summarised concerns:

- Out of character with the area;
- Overdevelopment of Sandown Road;
- Cramped, overlooked, backyard development;

- Additional traffic and pollution;
- Additional pressure on sewerage and drainage;
- Land has purposely been left unmaintained and scattered with materials; this should be cleared and left for natural habitats;
- Potential damage to road from construction vehicles;
- Concerns regarding construction traffic;
- Environmental pollution including noise and dust;
- 7 dwellings will add more traffic than the road can cope with;
- The gardens are smaller than the rest of the gardens along Sandown Road;
- Loss of amenity for existing residents;
- Light pollution to rear rooms of existing properties to the front of the site;
- Suggestions that the land is not fulfilling Green Belt purpose is disputed;
- Green space is important;
- The justification for the access to local amenities is flawed and the walking distance is not based on that of an older person;
- The potential bungalows have been targeted at the older generation, but the site is not safely accessible for the elderly. There are no streetlights and no pavement down the road making this hazardous;
- Highway safety concerns;
- The unadopted road has recently been upgraded and there are concerns regarding the impact of the construction traffic on the road;
- The land was required to be landscaped and returned to Green Belt as part of the approval of the existing dwellings on the former nursery site;
- The failure of the developer to do this is now being treated as a reason to allow the proposed development;
- Flood risk concerns;
- Worsen the lack of services and infrastructure;
- Will create a precedent for backland development.

Concerns were raised that the entire street had not been individually notified. However, the application was advertised in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.9 HIGHWAYS:

Objection / further information required: *There remains concern with regards to the intensification of Sandown Road with the addition of further vehicles using the junction of Sandown Road/ A1013. Please can the applicant assess the impact of the development at the junction of Sandown Road/ A1013. The A1013 is a categorised route that is heavily used'.*

1.10 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

1.11 FLOOD RISK MANAGER:

No objection subject to a pre-commencement condition.

1.12 LANDSCAPE AND ECOLOGY ADVISOR:

No landscape or ecology objection subject to necessary RAMS mitigation and a landscape condition.

1.13 POLICY CONTEXT

National Planning Policy Framework (NPPF)

1.14 The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

1.15 National Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area

containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality
- Climate change
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Flood risk and coastal change
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing supply and delivery
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Use of planning conditions

1.16 Local Planning Policy Thurrock Local Development Framework (2015)

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

Spatial Policies:

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards

- PMD9: Road Network Hierarchy
- PMD15: Flood Risk Assessment

1.17 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

1.18 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.

1.19 ASSESSMENT

1.20 The material considerations for this application are as follows:

- I. Principle of the development and impact upon the Green Belt
- II. Access, Parking and Highway Safety
- III. Design and Layout and Impact upon the Area
- IV. Ecology and Landscaping
- V. Flood Risk and Drainage
- VI. Amenity and Impact on Neighbouring Properties
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT UPON THE GREEN BELT

1.21 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations.

- 1.22 The application seeks permission for 7 dwellings on a site which lies within designated Green Belt, it is therefore necessary to consider the following:
1. Whether the proposals constitute inappropriate development in the Green Belt;
 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.
- 1.23 Policies CSSP4 and PMD6 are applicable which seek to prevent inappropriate development and a loss of openness in the Green Belt other than where very special circumstances apply. Similarly, paragraph 137 of the NPPF states that the Government attaches great importance to the Green Belt and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 147 states that inappropriate development is, *“by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 maintains that *“Very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations”*.
1. Whether the proposals constitute inappropriate development in the Green Belt
- 1.24 At paragraph 149 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is the proposal would comprise inappropriate development with reference to the NPPF and Core Strategy Policy.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 1.25 Having established that the proposal constitutes inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 1.26 The proposal would introduce seven bungalows with associated development, which would clearly have a significantly greater impact on the openness of the Green Belt, than the existing undeveloped nature of the site. Consequently, the proposals comprise inappropriate development with reference to the

NPPF and Policy PMD6. Paragraph 138 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.

1.27 In response to each of these five purposes:

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

6.9 The site is located within a semi-rural area outside the main village of Orsett. For the purposes policy, the site is considered to be outside of a large built-up area. Whilst the proposed development would represent the significant urbanisation of a site within the Green Belt, given the location of the site, somewhat removed from the larger built-up areas, it's not considered that the proposal would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

6.10 Similarly, to the above, given the location of the site in relation to the neighbouring towns, it is not considered that the development would conflict with this Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

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

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

6.12 The application site does not fall within an area considered to have a special character. Therefore, the proposal would not conflict with this defined purpose of the Green Belt.

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

- 6.13 There are no factors presented in this case as to why the development, could not occur in the urban area. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.
- 6.14 Given the latter, it is considered that the proposals would be harmful to openness of the Green Belt and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

- 6.15 The NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-maker.
- 6.16 The following very special circumstances have been set out within the submitted Planning Statement:
1. Lack of a 5-year housing land supply
 2. Small sites benefit
 3. The pre-existing built development that occupied the entire site
 4. The site's logical inclusion within an existing cluster of residential development
 5. The provision of 2 bed bungalows suitable for older residents
1. *Lack of a 5-year housing supply*
- 6.17 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm to constitute the very special circumstances justifying inappropriate

development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2021) does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, it is considered that the very significant benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.

- 6.18 The current proposal would provide 7 dwellings which would provide a limited contribution and benefit towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

2. *Small sites benefit*

- 6.19 The applicant refers to paragraph 69 of the NPPF. It should be noted that paragraph 69 relates to 'Plan Making' rather than 'Decision Making'. Whilst it is accepted that the provision of small sites is a key component to the delivery of housing and the economic benefits that flows from allowing for SME builders to deliver housing as well as the volume house builders, this is not something that this site alone, when compared to many others across the Borough, provides. It is considered that the weight in favour of the development from this argument is minimal and it is not considered that this argument falls within very special circumstances and therefore, does not justify inappropriate development in the Green Belt.

3. *The pre-existing built development that occupied the entire site*

- 6.20 The Applicant has put forward a position that the provision of pre-existing built form would result in very special circumstances. It is considered that this approach is flawed for a number of reasons. Firstly, there is no built form present on site and there is no 'fallback position' for development to be brought forward. Therefore, this is not considered to be very special circumstances. Furthermore, the application site historically sits within a larger parcel of land that had been used for a nursery. To the front of this site planning permission has been granted for housing. However, it must be noted that part of the reasoning for allowing the construction of this development was the removal of the structures on the application site.
- 6.21 The Minutes from the Planning Committee on 17 September 2009 state: "*the Chair advised the Committee that he felt that there were special circumstances, in that a large proportion of this dilapidated site would be retained as green open space [the area subject to the current application].*"

Councillor Lawrence informed the Committee that he felt the points made by the Chair ought to be commended. It was felt that on this occasion, if the application was to be approved, a lot of land would be returned to green belt and a number of dilapidated buildings would be removed...

6.22 The benefits of the loss of the buildings were a material consideration in favour of the previous application and therefore, it is not considered that this matter put forward weighs in favour of the current application.

4. *The site's logical inclusion within an existing cluster of residential development*

6.23 As discussed in further detail within this report it is considered that the proposed development does not represent the urban grain of the area and the provision of development on the site, irrespective of the site being located within Green Belt, would detract from the character and appearance of the area. Furthermore, the site is considered to be in a location with low accessibility credentials. It is not considered that the site forms a sustainable or logical expansion to the existing area.

5. *The provision of 2 bed bungalows suitable for older residents*

6.24 It is acknowledged that Government Guidance, in relation to older person housing, encourages people to remain in their homes, with support, rather than moving to care homes or similar accommodation. Notwithstanding this, there is no evidence that there is a specific need for this type of housing in this area and therefore, no substantive evidence that the dwellings would meet local community needs.

6.25 The location is not easily accessible or near to local facilities which are considered as an integral factor for older people's housing and therefore, this would weigh against the development.

6.26 Members are advised that there is nothing within the application that would indicate that these properties are anything other than traditional market housing. Specialist older person's accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents – the proposal does not make any such provisions. It should also be noted that the site is considered too small to feasibly accommodate such measures and therefore a condition or S,106 regarding these matters would not pass the appropriate 'test'.

6.27 The contribution the development would make towards housing supply should be given very significant weight (as described above). The applicant's suggestion that additional weight should be given to the proposal because the properties *could* be suitable for older residents is not accepted and this factor should not be given any additional weight.

Summary of Green Belt assessment

- 6.28 When undertaking a balancing exercise on Green Belt issues, a judgement must be made between the harm of the development and whether the harm is clearly outweighed by the cumulative benefits and/or very special circumstances. It must be noted that case law has accepted that a number of special circumstances can together be considered to be very special circumstances, and this must be a consideration in the determination of the application. A summary of the weight which has been attributed to the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Housing Need	Very significant weight
Reduction in the openness of the Green Belt		Small sites benefit	Limited weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Pre-existing built development that occupied the entire site	No weight
		Inclusion within an existing cluster of residential development	No weight
		2 bed bungalows could be suitable for older residents	No

- 6.29 The proposed development would result in harm to the Green Belt with reference to both inappropriate development and loss of openness. As discussed above several factors have been promoted by the applicant as 'Very Special Circumstances', the matter for judgement is:
- i. the weight to be attributed to these factors;
 - ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combines at this location to comprise 'very special circumstances'.
- 6.30 The various aspects put forward are discussed in detail above and do not amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. Furthermore, as discussed above the weight in favour of the development from each one of the arguments put forward is very limited.

Collectively, the weight of these benefits is still considered to be minimal and therefore, it cannot be considered that they collectively form 'Very Special Circumstances'. There are no planning conditions which could be used to make the proposal acceptable in this respect, in planning terms. Therefore, it is considered that the proposal is contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

II. ACCESS, PARKING AND HIGHWAY SAFETY

- 6.31 Sandown Road is a narrow unadopted highway accessed off Stanford Road (A1013). The development would provide seven 2-bed bungalows each served by two car parking spaces.
- 6.32 The proposed development would be accessed via the existing access point to the north-east of the site, the access track would run north-west along the side boundary of neighbouring property 'Dosanjh House' curving to the south running the length of the application site and along the rear boundary of the existing dwellings fronting Sandown Road, to provide access to the parking area to the front of each dwelling.
- 6.33 The Council's Highway Officers originally requested further information in relation to the pedestrian/cycle access to the site, the intensification of the use of the private access and roadway, the shortfall of the required parking provision, swept path analysis, visibility splays and vehicular crossover detail. A suite of documents were submitted during the course of the application, which satisfied a number of the concerns initially raised. However, concerns remained regarding the pedestrian and cycle access to the site, the intensification of the use of the private access and roadway and the shortfall in the required parking provision. Following the submission of a Technical Transport Note, concerns regarding the intensification of the traffic generated by the proposal on the wider road network are alleviated.
- 6.34 However, one of the key concerns raised by the Highway Authority related to on site car parking provision. This is based on an understanding that the site is in a 'Low Accessibility' area as set out within the adopted Parking Design and Development Standards document. As part of the original submission and then in response to this the applicant has argued that the site is within an area with 'medium accessibility' credentials as the development is within 300m of a well-served bus stop. However, this stance appears to solely relate to the access to the site rather than the site as a whole. The dwellings towards the southern end of the site fall outside of the 300m walking distance. Therefore, the development as a whole does not fall within an 'medium accessibility' area and therefore, two car parking spaces per dwelling would be required and four visitor car parking would be required, only two visitor spaces have been indicated on the site plan. Therefore, there is a shortfall of two car parking spaces, which could potentially lead to an impact on the free flow of traffic along the narrow highway, Sandown Road, contrary to Policy PMD8.

6.35 Sandown Road is an unmade narrow roadway with no footpath or streetlighting. The poor connectivity of the site is likely to discourage people from visiting the site by sustainable methods particularly at night, winter and inclement weather. Therefore, the distance to the bus stop becomes a relatively moot point as both visitors and future occupiers would be unlikely to use public transport due to the poor accessibility of the site and therefore, the development would encourage the use of private vehicles. Furthermore, the vehicular access would be the only pedestrian and cycle route into the site, the potential for conflict between the competing users of the access is likely to further encourage the use of private vehicles exacerbating the harm. It should also be noted that due to the nature of Sandown Road on-street parking is likely to have a demonstrable impact on the free flow of traffic through the creation of additional conflict on the highway.

6.36 Therefore, given the unjustified shortfall of visitor parking spaces the use of conditions to overcome the concerns has been considered however, in this instance it is not considered that they would mitigate the potential harm.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.37 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high-quality built environment for all types of development.

6.38 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with the NPPF and Policy PMD1, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials and ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

6.39 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

6.40 The siting of the proposed dwellings, behind the properties to the east, is considered to be wholly out of keeping with the prevailing character and appearance of Sandown Road, which is made up of dwellings which front the highway, with the exception of two small cul-de-sacs. The proposed row of dwellings would be sited directly the rear of a row of existing dwellings, parallel to the garden space of the dwellings to the east, which is in stark contrast to the more spacious grain found in the wider area. The pattern of

development fails to maintain or enhance the prevailing character and appearance of the area.

- 6.41 This concern about design and character is exacerbated by the proposed car parking provision, which would dominate the front of the properties, along with the hardstanding provided for access and turning.
- 6.42 Whilst there is no specific objection to the design approach for the bungalows it is considered that the use of the same design for every dwelling results in a bland and repetitive enclave of residential development. The acceptability of the design approach, for one bungalow, does not overcome the harm highlighted above. The use of the same property design further erodes the limited architectural merit of the entire scheme as this does not represent the character of the area which is made up of properties of different styles and designs. Therefore, it is considered that the proposal conflicts with Policies CSTP22 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the guidance contained within the National Planning Policy Framework 2021.

IV. LANDSCAPE AND ECOLOGY

- 6.43 Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF both requires that developments secure a net gain in terms of biodiversity and ensure that suitable regard is has to the presence of protected species and habitats. Therefore, no concerns or conditions are recommended in this respect.
- 6.44 The Council's Landscape and Ecology Advisor has confirmed that the site is considered to have limited ecological value and that no trees would be directly impacted by the proposal. Therefore, subject to imposition of a landscaping condition, if the application were to be approved, no concerns in relation to ecology or landscape are raised.
- 6.45 In terms of an off-site impact, the application site is located within a Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. Natural England advise that Local Authorities must undertake a Habitat Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 6.46 A HRA has been undertaken which concludes that the project will have a likely significant effect on the sensitive interest features of the European

designated sites without mitigation and that, therefore, a financial contribution at a tariff of £156.76 is necessary per dwelling (total £1,097).

- 6.47 The necessary financial mitigation has not been paid or secured via a S106 agreement; in the absence of securing the contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

V. FLOOD RISK AND DRAINAGE

- 6.48 The Application has been supported by a Flood Risk Assessment (FRA). The site is located within flood zone 1 which has a low risk of flooding however, it is at higher risk of surface water flooding. The assessment concludes that the increased surface water runoff could be mitigated by a suitable drainage scheme. The FRA provides five recommendations, all of which would be considered necessary and secured by an appropriately worded condition/s, should the application be approved.
- 6.49 The Council's Flood Risk manager has reviewed the submitted FRA and raise no objection subject to a pre-commencement condition to secure a surface water drainage scheme and strategy, to ensure the proposed development, for its lifetime, is safe from flooding and does not cause flooding elsewhere. The imposition of this condition is considered necessary, should the application be approved.

VI. AMENITY AND IMPACT ON NEIGHBOURING PROPERTIES

- 6.50 As set out above, the proposed development is located directly to the rear of a row of seven, two-storey dwellings fronting Sandown Road.
- 6.51 The front elevations of the proposed bungalows would be located at a minimum distance of 25m from the rear elevations of the existing dwellings and around 14m from the rear boundary and amenity space associated with the existing dwellings. The proposed bungalows are single storey in nature, thereby lacking first floor windows, this combined with the separation distance is considered to mitigate any demonstrable harm to the existing properties, in terms of overlooking, overshadowing or an overbearing impact. The existing first floor windows serving the existing dwellings would have a view of the front of the proposed dwellings. However, the distance would mitigate any harmful overlooking into the windows of habitable rooms within the frontage of the proposed dwellings.
- 6.52 As described above, the access track would run north-west along the boundary of neighbouring property 'Dosanjh House' and along the rear boundary of all seven of the existing dwellings. Limited information in respect of the impact of the proximity of the access track to 'Dosanjh House' and to the rear gardens of all seven adjoining neighbours has been submitted. Concerns are raised in respect to the potential noise and disturbance arising from the traffic generated by 7 residential units which could have a significant

impact on the amenity and ability of the existing residents to enjoy their relatively small rear gardens.

- 6.53 There is a reasonable expectation that residents are able to enjoy their properties without undue impacts in relation to pollution, including noise. Often noise can be hidden by ambient background noise however, this is unlikely to happen in either places where the ambient background noise is low, such as this semi-rural area, or at specific times such as evenings and weekends when the ambient background noise will be lower.
- 6.54 The proposed development, given the number of units and proximity to the neighbouring properties and private rear gardens, has the potential to create a demonstrable level of noise and disturbance due to the close relationship between the access way and the existing dwellings. This is considered to be exacerbated by the relatively remote location of the site, where occupiers are likely to be heavily reliant on private motor vehicles. No detail has been provided as to the background noise to allow meaningful consideration of this matter. The Council is therefore, unable to make an informed decision regarding the impact of the development on the amenity of the adjoining residents and the potential for noise and disturbance to have an unacceptable impact on the reasonable amenity levels of the existing residents.
- 6.55 The Applicant has provided comments in relation to the concerns highlighted above in respect to noise and disturbance, stating the number of vehicular movements would be minimal. No technical information has been provided in order to allay the concerns highlighted above.

Therefore, it is considered that insufficient information has been submitted in order to assess the harm from the development or the potential to impose a condition to mitigate any detrimental impacts that may arise from the proposal, contrary to policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

VIII. OTHER MATTERS

- 6.56 The submitted planning statement refers to approved developments within the area that the Applicant believes are comparable to the proposal. It is an accepted point of planning law that planning applications should be determined on their own merits and as highlighted above, there is considered to be significant harm arising from the proposed development. The weight attributed to the planning history of the area is not considered to justify or outweigh the harm highlighted above.

1.28 CONCLUSIONS

- 1.29 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition and would result in further

harm by introducing built form onto a site free from development. The area on which the dwellings are proposed was specifically meant to be returned to open land as part of the original 2008 and other previous permissions as part of a very special circumstances case. The provision of seven dwellings and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also conflict Green Belt purposes (c) and (e). The factors promoted by the applicant would not clearly outweigh the identified harm to the Green Belt.

- 1.30 Further, the proposed backland development is considered to have a detrimental visual impact on the character and appearance of the site and surrounding area. Concerns are raised in relation to the potential highway safety and free flow of traffic given the lack of required visitor spaces and the impact of the access, access track and parking provision on the amenity of the adjoining neighbouring properties. Lastly the necessary financial mitigation has not been secured in respect of the RAMS as discussed above. The proposed development is considered to be contrary to Policies CSTP22, PMD1, PMD2, PMD7 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

1.31 RECOMMENDATION

- 1.32 **REFUSE** for the following reasons:

1. The proposed development would represent inappropriate development in the Green Belt and have an unacceptable effect on the openness of the Green Belt and the purposes of including land within the Green Belt. No material considerations have been advanced of sufficient weight to represent the very special circumstances necessary to justify inappropriate development in the Green Belt. The development is, therefore, unacceptable and contrary to Policies CSSP4 and PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.
2. The proposed development would form backland development, which would not respect the existing urban grain of Sandown Road. The layout, uniform appearance and form of the proposal would be out of keeping with the prevailing character and appearance of the area and would represent an urban intrusion into the countryside. development that would have a detrimental impact on the character and appearance of the site and the surrounding area. The proposal is therefore considered to conflict with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
3. The proposed development provides insufficient visitor parking provision as set out by the adopted Parking Design and Development Standards, it has not

been demonstrated undue harm through the provision of on street car parking would not occur, potentially impacting the free flow of traffic through the creation of additional conflict on the highway contrary to Policy PMD8 and PDM9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.

4. Insufficient information has been submitted to determine if the proposed development would result in a demonstrable level of noise pollution to the detriment of the amenity of adjoining residents. Furthermore, the lack of information has resulted in the Council being unable to ensure that detrimental impacts in relation to noise, disturbance and pollution could be adequately mitigated through the imposition of conditions. Given the potential significant adverse impacts to the amenity of the neighbouring residents the development fails to comply with Policies PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.
5. In the absence of payment, of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development of the dwellings would have an adverse impact on the European designated nature conservation sites, contrary to Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

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

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

