

**OUTLINE PLANNING APPLICATION FOR UP TO  
90 DWELLINGS, CAR PARK, FOOTBALL PITCH  
AND CHANGING FACILITIES, AND  
ASSOCIATED INFRASTRUCTURE WORKS**

**BENNEL FARM, WEST STREET, COMBERTON**

**PLANNING STATEMENT ADDENDUM**

**ON BEHALF OF MR R.W.S. AND MRS S.E. ARNOLD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**APPLICATION REFERENCE: S/2204/15/OL**

**Pegasus Group**

Suite 4 | Pioneer House | Vision Park | Histon | Cambridge | CB24 9PT

**T** 01223 202100 | **W** [www.pegasuspg.co.uk](http://www.pegasuspg.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | London | Manchester

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## 1. INTRODUCTION

- 1.1 This Planning Statement Addendum has been prepared by Pegasus Group to support an outline planning application (reference S/2204/15/OL) for residential development at Bennell Farm, Comberton. It has been prepared to provide clarification to officers and sets out how an emerging site allocation has the potential to be a very special circumstance, when considering proposals on Green Belt land ahead of the formal adoption of that allocation. This Addendum therefore includes an overview of examples of other cases where an emerging allocation has contributed towards very special circumstances.
- 1.2 The Applicant's case for the presence of very special circumstances is set out in the original Planning Statement for this application; this Addendum expands on one element of that case. It should therefore be read in conjunction with the original Planning Statement and the plans and drawings submitted as part of the application.
- 1.3 This Addendum provides an update on matters relating to the application and is structured as follows:
- **Section 2** provides details of other schemes that have been permitted on Green Belt sites that are the subject of emerging allocations.
  - **Section 3** sets out the weight that should be accorded to the emerging allocation for decision-taking purposes.
- 1.4 Finally, a summary and conclusion is provided at **Section 4**.
- 1.5 Extracts of relevant decisions are included in the **appendices**.

## 2. PRECEDENT EXAMPLES

- 2.1 There have been several instances in recent years where local planning authorities, Inspectors and the Secretary of State have supported the view that that a site's status as an emerging allocation has formed very special circumstances to justify the grant of permission on Green Belt land in advance of its formal release from the Green Belt through the Local Plan preparation process.
- 2.2 We set out below several examples which demonstrate how this approach has been taken.

### Houghton Regis North

*Local planning authority: Central Bedfordshire Council  
Reference: CB/12/03613/OUT*

- 2.3 Houghton Regis North has been proposed as a strategic allocation within Central Bedfordshire. The site, currently within the Green Belt, was proposed in Central Bedfordshire's emerging Development Strategy and a planning application was submitted in 2012, running alongside the plan preparation process.
- 2.4 Central Bedfordshire granted permission for proposals on part of the site, known as HRN1, in June 2014. At that point, the Development Strategy had reached the pre-submission stage but had not proceeded to Examination. Officers considered that very special circumstances existed to justify the development, given the site's status as an emerging allocation.
- 2.5 Paragraph 3.10 of the Officer's Report (**Appendix 1**) stated:

***"3.10** The following are considered very special circumstances in favour of the application proposal: [...]*

*(3) The emerging Central Bedfordshire Development Strategy re-affirms the Houghton Regis North allocation for removal from the Green Belt and development for an urban extension of Houghton Regis to meet urgent need." [emphasis added]*

- 2.6 The Officer's Report states further at Paragraph 3.10:

*"Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan will serve*

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*no good purpose, other than to delay much needed housing and employment opportunities for the area*" [emphasis added]

- 2.7 Accordingly, the proposals were recommended for approval and permission was granted. Since then Central Bedfordshire Council has granted permission for two other parcels within Houghton Regis North for similar reasons (references CB/14/03056/FULL and CB/15/00297/OUT).
- 2.8 In each of the cases the decision has been referred to the Secretary of State, who has declined to call in the applications for his own determination, advising that *"planning decisions should be made at the local level where possible"*.
- 2.9 The Houghton Regis North decisions are therefore a recent example of decision-taking where the emerging allocation has formed very special circumstances.

Stanford-le-Hope

*Local planning authority: Thames Gateway Development Corporation  
Reference 10/50235/TTGOUT*

- 2.10 Land at Butts Lane, Stanford-le-Hope, Thurrock was identified as a broad location for housing development in Thurrock's Core Strategy, adopted December 2011. The site would not be formally released from the Green Belt until the adoption of a subsequent Site Allocations document. An application was made in 2010 for the residential development of the site but was refused and subsequently appealed. The Secretary of State recovered the appeal for his own determination; a public inquiry was held in October 2011 and the Secretary of State granted permission in March 2012 (decision letter and Inspector's Report at **Appendix 2**).
- 2.11 At the time of the inquiry Inspector's report the Core Strategy had been subject to examination but the outcome was not yet known. However, the inquiry Inspector considered that:

***"351.** There is a substantial need for deliverable housing, part of the site has been identified in the SCS [Core Strategy] process and to bring forward development on that part would not be against the aims and objectives of the development plan or the emerging development plan, just not accord with the process envisaged."* [emphasis added]

- 2.12 The inquiry Inspector proceeded to consider whether very special circumstances existed. They concluded:

*"356. [...] given the weight in relation to the need for housing (including affordable housing), the fact that part of the site has already been identified as having development potential and that bringing sites forward early is not against the principles of the EEP or SCS, I consider that these, and other benefits identified, amount to very special circumstances sufficient to outweigh the harm by reason of inappropriateness, and any other harm, and recommend that the application be approved."*  
[emphasis added]

2.13 The Secretary of State's decision letter reflects these findings, concluding that:

*"27. Having weighed up all the relevant material considerations, the Secretary of State concludes that given the fact that part of the site has already been identified as a broad location for development and removal from the Green Belt, and that bringing sites forward early is not against the principles of the development plan, the benefits of the scheme, including provision of housing to help meet a shortfall in the 5-year supply, provision of affordable housing and the proposed strategic open space clearly outweigh harm to the Green Belt and the other harm identified. He concludes that very special circumstances exist to justify development in the Green Belt."* [emphasis added]

2.14 Accordingly the Secretary of State allowed the appeal granted permission for the proposals. This case again demonstrates that a site's status as an emerging site allocation can contribute to very special circumstances.

Pieris Place, Upminster

*Local planning authority: Thurrock Borough Council*

*Reference: 14/01406/FUL*

2.15 An application was submitted in December 2014 for the development of 19 dwellings at Pieris Place, Bulphan, Upminster on Green Belt land. The site was identified for development in the Draft Site Allocations document, consulted on in 2013. The Site Allocations had been paused as the Council considered whether it was more appropriate to proceed with a single Local Plan following the publication of the Framework in 2012 – however the Council also intended to carry forward the existing proposed allocations into the new Local Plan.

2.16 In its conclusions, the Officer's Report (**Appendix 3**) considered that the emerging Site Allocation played a central role in the balance as to whether very special circumstances existed:

*"7.3 In this case the benefits of the scheme and the harm that would result are very finely balanced; however it is considered that the benefits of the scheme could be argued to collectively just tip the balance to constitute Very Special Circumstances, notably because of the sites allocation in the SADPD" [emphasis added]*

2.18 The application was ultimately approved by committee<sup>1</sup>; the consideration of the application again demonstrates that the emerging allocation contributed to the presence of very special circumstances.

Catherine Road, Benfleet  
Local planning authority: Castle Point Borough Council  
Reference: CPT/602/13/FUL

2.17 An application was submitted in November 2013 for 186 new homes at Catherine Road, Benfleet within the Green Belt. The Council agreed to include the site as part of the Borough's five year housing land supply on 5<sup>th</sup> December 2012, and to amend the Green Belt boundaries to allow for the site's allocation in the emerging New Local Plan. The site was formally identified as an emerging allocation in the draft New Local Plan published in January 2014.

2.18 The Officer's Report to the Council's planning committee in May 2014 (**Appendix 3**) considered the issue of Green Belt and noted at page 28:

*"... the need to identify an appropriate five year housing land supply, the limited capacity of the urban area to meet all housing land needs and the decision taken by the Council on the 5<sup>th</sup> December 2012 [in respect of the site's inclusion in the five year supply and progression as a site allocation into the Local Plan], which identified the site as being suitable for release, are considered to be very special circumstances, sufficient to justify development of the site."*

2.19 Whilst the application was ultimately refused for detailed design reasons, the Officer's Report presents another example of where the site's emerging allocation

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<sup>1</sup> Although the Officer's Report originally recommended refusal on flood risk grounds, a late submission of revised information allowed the objection to be overcome

status (in this case, at a particularly early stage of the plan preparation process) has been considered as a very special circumstance.



### 3. WEIGHT TO BE ACCORDED TO EMERGING POLICY

3.1 The examples within the previous section confirm that a site's status as an emerging allocation can contribute towards the presence of very special circumstances. To understand the extent to which that status might contribute towards very special circumstances, it is necessary to assess the weight that can be given to it. We set this out for policy H/1:h below with reference to the three criteria contained at paragraph 216 of the Framework:

- *"the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

#### Stage of preparation

3.2 The Local Plan is at an advanced stage of preparation. The plan and allocation H/1:h have undergone several rounds of public consultation before their submission, and are currently at the Examination stage.

3.3 A number of hearings on strategic matters were held in early 2015. The examining Inspectors published a letter containing their interim conclusions in May 2015, which indicated that an uplift in the housing requirement across Cambridge City and South Cambridgeshire may be necessary.

3.4 The Council has demonstrated its commitment to the Local Plan, agreeing to prepare and consult on modifications to address the Inspectors' concerns. Given the potential need to meet an increased housing requirement it is highly likely that the Council will need to maintain its existing proposed allocations and consider additional sites for development.

3.5 As such it is considered that the progression of the Local Plan, and the Council's ongoing commitment to it, means that it can be afforded greater weight at this stage.

Extent of unresolved objections

3.6 The proposed allocation received 32 objections through the Local Plan process. Although the Local Plan process allows a forum for these objections to be discussed and considered when deciding whether an allocation is sound, a planning application also allows for such consideration to take place alongside the detailed consideration of technical matters.

3.7 The following matters have been raised by objectors:

- **Flood risk:** The proposals have been assessed by both the Environment Agency and the Lead Local Flood Authority, neither of whom raised an objection and considered the proposals acceptable in flood risk terms, subject to the imposition of conditions.
- **Traffic and highways:** The Highways Authority has issued a number of comments which are to be addressed in an update to the Transport Assessment. Highways England has offered no objection in respect of the proposals' impact upon the Strategic Road Network.
- **Sewerage capacity:** Anglian Water has been consulted on the application. The sewerage infrastructure will need to be sufficient to accommodate the proposed development.
- **Sustainability of Comberton:** The Council has proposed that Comberton is upgraded from a Group Village to a Minor Rural Centre in the settlement hierarchy. The Village Services and Facilities Study<sup>2</sup> identifies a range of local services in Comberton and the Village Classification Report suggested an upgrade in the classification of Comberton to be carried forward into the Local Plan<sup>3</sup>.

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<sup>2</sup> Local Plan document reference number RD/Strat/240

<sup>3</sup> Local Plan document reference number RD/Strat/250

Consultation with the Local Education Authority has confirmed that there is spare capacity in local primary and secondary schools. NHS England has not sought contributions towards local health provision.

- **Green Belt:** Some objections have been received to the principle of Green Belt release. As this application demonstrates, very special circumstances exist which make the proposals acceptable in terms of national Green Belt policy.
- **Distribution:** One objector, the Quy Estate, has criticised the allocation of Green Belt sites at Comberton and Sawston, instead promoting a site at Fen Ditton. That site is also located within the Green Belt and in preparing the Local Plan the Council has not considered it appropriate to release the site from the Green Belt.

3.8 As such it is considered that the bulk of objections can and have been resolved through the technical work which has been undertaken and is continuing on this application. Correspondingly, it is appropriate to accord greater weight to the emerging allocation.

#### Consistency with relevant policies in the Framework

3.9 It is considered that the proposed allocation is fully compliant with relevant policies in the Framework.

3.10 The Framework sets out a policy imperative at paragraph 47 for local authorities to 'boost significantly' the supply of housing by meeting in full their objectively assessed needs for market and affordable housing. Paragraph 47 also requires local authorities to maintain a rolling five year supply of housing land (plus buffer).

3.11 The site is clearly envisaged as coming forward at an early stage, as shown in the submitted Housing Trajectory which considered the site capable of delivering dwellings from 2016/17 onwards. As such the proposed allocation plays an important part in meeting the requirements of paragraph 47 by providing a readily deliverable and developable scheme within the first five years of the Local Plan period.

3.12 The allocation is also consistent with other parts of the Framework, as demonstrated in the original Planning Statement for the application. This includes

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section 3 on supporting a prosperous rural economy, section 4 on transport, section 9 on Green Belt, section 10 on flood risk, section 11 on the natural environment and section 12 on the historic environment.

- 3.13 As such the proposed allocation can be given greater weight on account of its consistency with the Framework.

Conclusion

- 3.14 This section has shown how the emerging allocation meets the tests at paragraph 216 and as such greater weight can be given to it for decision-taking. Correspondingly, the site's status as an emerging allocation can be given greater weight in determining whether very special circumstances exist to justify the development.

#### 4. CONCLUSIONS

- 4.1 This Planning Statement Addendum has demonstrated how the grant of planning permission for the proposed development is acceptable in advance of the site's formal release from the Green Belt.
- 4.2 There are several examples where applications for proposed development on sites yet to be released from the Green Belt have been approved by local authorities, planning Inspectors and the Secretary of State. These decisions confirm that permission can be granted where very special circumstances have been demonstrated. The decision-taker can be confident that the emerging allocation of sites can be considered as part of the package of very special circumstances.
- 4.3 Common to the decisions cited in this Addendum are the sites' statuses as proposed allocations or broad locations for growth.
- 4.4 In the case of Bennell Farm, the factors which contribute towards very special circumstances include:
- The proposed allocation of the site which benefits from significant weight at this stage;
  - The comprehensive package of community benefits for Comberton and Toft which could not be realised on a development of a smaller scale;
  - The absence of a five-year housing land supply in the district; and
  - The effect that a shortage of housing will have on the wider economy of Greater Cambridge which suffers from acute affordability and housing supply problems.
- 4.5 These factors combine to create the very special circumstances to justify the grant of permission for the proposed development. Irrespective of our clear view that the overall 'package' should be considered to form very special circumstances, the decisions referred to in this Addendum demonstrate that the emerging allocation is a legitimate very special circumstance when considering Green Belt cases such as this. Therefore it is respectfully requested that permission is granted for the proposed development.

**APPENDIX 1:  
HOUGHTON REGIS NORTH - OFFICER'S  
REPORT TO COMMITTEE 28<sup>TH</sup> AUGUST 2013**

**Item No. 4**

<b>APPLICATION NUMBER</b>	<b>CB/12/03613/OUT</b>
<b>LOCATION</b>	<b>Houghton Regis North 1 (HRN1), Land on the northern edge of Houghton Regis, Bedfordshire</b>
<b>PROPOSAL</b>	<b>Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall, Parkside, Tithe Farm and Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Costin, Cllr Egan, Cllr Goodchild, Cllr D Jones, Cllr Nicols and Cllr Williams</b>
<b>CASE OFFICER</b>	<b>Lachlan Robertson (Consultant Project Manager)</b>
<b>DATE REGISTERED</b>	<b>24 December 2012</b>
<b>EXPIRY DATE</b>	<b>15 April 2013</b>
<b>APPLICANT</b>	<b>Houghton Regis Development Consortium</b>
<b>AGENT</b>	<b>Barton Wilmore LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application of local authority-wide and sub-regional impact.</b>
<b>RECOMMENDED DECISION</b>	<b>Minded to Grant Outline Planning Permission, subject to referral to the Secretary of State and completion of a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 as amended.</b>

### **Site Location:**

The site is a substantial area of largely arable farmland and covers an area of 262 hectares. It is situated on the northern edge of Houghton Regis, within the administrative boundary of Central Bedfordshire Council, but with a boundary also with Luton Borough to the south-east.

The site's boundary is defined by the M1 to the east, the A5120 Bedford Road and Bidwell village to the west, and the urban area of Houghton Regis to the south. To the north the boundary is defined by the alignment of the Highway Agency's proposed A5-M1 Link Road. The site is divided into two distinctive parts by Sundon Road.

### **The Application:**

Outline planning application with the details of access, appearance, landscaping, layout, and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3, A4, A5 (retail); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings, routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (March 2012)**

#### **South Bedfordshire Local Plan Review 2004 Policies**

GB2; BE8; T4; T10; T13; H4; E1; R3; R10; R11; R14; R15; R16

#### **The endorsed Luton and South Central Bedfordshire Joint Core Strategy (August 2011)**

#### **The Development Strategy for Central Bedfordshire (pre-Submission version)**

Proposed Policies:

1,2,3,4,6,11,12,14,16,19,20,21,22,23,24,25,27,28,29,30,31,32,33,34,36,43,44,47,49,56,58,60.

#### **Supplementary Planning Documents**

Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements). The Planning Obligations (South) SPD 2009. Managing Waste in New Developments SPD 2006. Dunstable Town Centre Master Plan 2012. Houghton Regis Town Centre Master Plan 2010.

Also: "Your Journey" Appendix F Local Transport Plan, Parking Standards for CBC 2012.



## General Introduction

This proposal is for a development of significant size within the Green Belt. It also lies on the edge of the Luton/Houghton Regis/Dunstable conurbation which is itself administered by two Local Planning Authorities: Central Bedfordshire Council and Luton Borough Council. The decision to be taken by this Committee will therefore be of importance to the Council and its neighbour.

The proposal, and those that will inevitably follow it, will change the physical, social and economic environment for the residents of the conurbation and beyond by providing or being associated with major new road infrastructure, significant amounts of new housing, new employment floorspace, open spaces, community facilities, shopping floorspace and public transportation.

For that reason, it is important that Members consider carefully the process by which it reaches a decision. This report is structured to assist the Committee in reaching a clear and lawful decision, taking into account all of the matters that it must.

The National Planning Policy Framework usefully sets out the first principle that must be applied:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” NPPF 2012*

This is caveated by the following: (author emphasis in bold)

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.” (NPPF 2012)*

Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, the history (particularly that relating to the Green Belt) of planning policy development that has supported the principle of an urban extension at Houghton Regis and the material considerations that apply specifically to this planning application.

## Executive Summary

- (i) **The application seeks planning permission for the provision of up to 5,150 dwellings, employment floorspace, and supporting retail, leisure and community facilities, as an extension to Houghton Regis.**
- (ii) **There has been a long history of promoting growth of the conurbation at Houghton Regis which originates with the principle of seeking growth points as sought by Government’s Sustainable Communities Plan in 2003, then specifically through the old Regional Spatial Strategy for the east of England, and the Milton Keynes South Midlands Sub Regional**

**Strategy.** This latter document of 2005 included the early recognition that there would be a need to consider the removal of Green Belt to the north of Houghton Regis and Dunstable for this purpose. This included also the need for a strategic road to link the A5 to the M1 via a new Junction 11a. All subsequent local actions for delivering a local plan, including the publication of local planning documents and associated public consultation have been predicated on this history and has occurred after the publication of the current Development Plan for the area.

- (iii)** The current Government support for new nationally important infrastructure (the A5 – M1 link road), economic growth and particularly housing, chimes with the Council’s promotion of a strategic urban extension (SUE) at Houghton Regis. The current planning application is on a substantial portion of that SUE and will, in addition, help fund and deliver that crucially important strategic link road.
- (iv)** The representations from the statutory and non-statutory consultees received reflect the complexity of a planning proposal on this scale. It is worthy of notice that there have been very few objections to the principle of development. But it must also be noted that there are a number of technical issues raised that the consultees expect to be dealt with by alterations to the proposals, use of planning conditions and the controlled implementation of the development at the detailed planning submission stages. The number of representations from local residents have also been few, with concerns raised about traffic, loss of green belt, scale of the retail proposals, impact during the construction period, fears for the quality of the development and the need for the development in principle.
- (v)** In assessing the proposals, it is considered that limited weight should be given to the current adopted Development Plan, due to its age, but that the proposals are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire. There will be harm to the Green Belt caused by the development but there are very special circumstances that can be taken into account. However, the Committee will also wish to take note of the lengthy history of examining the appropriateness of promoting development in the Green Belt in this specific location and that this should be an important material consideration that it should include in its decision making. The site’s current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.
- (vi)** A “parameters planning application” approach has been taken by the applicant to their submissions. This will be seen by the Committee as a different approach to that taken by other developers. However, it offers appropriate flexibility to a development on this scale to both the developer and to the Council, given that any permission will require implementation over a 20 year period and beyond.

- (vii) **An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way. The mitigation package includes; controls over development during construction, provision of necessary infrastructure, the production of strategies for environmental protection and the provision of community facilities.**
- (viii) **There are a number of issues arising from the proposals that are key to a commercially viable development as proposed but are also of significant concern to the statutory consultees, Luton Borough Council or Council advisors. These issues are:**
- **The amount of affordable housing that can be afforded by the development.**
  - **The impact of the development on the local highway network.**
  - **The scale of the retail proposals and consequential impact on town and neighbourhood centres.**
  - **The quantum of open space that is indicated.**
  - **The potential for impact on recreational and protected sites accessible to the public near the site.**
  - **The car parking standard used in the construction of the design principles proposed by the applicant which differ from the current Council standard.**
  - **The relationship between the development, the A5 – M1 link road and the Woodside Link.**

**Each of these issues is considered in detail and the Committee is presented with a detailed analysis of each item to assist its decision. It is not considered that the conclusion of the analysis of any of these issues requires planning permission to be refused taking into account the National Planning Policy Framework (NPPF).**

- (ix) **There are a number of key benefits that can be attributed to the scheme and that are material considerations that the Committee should take into account. In particular, in conjunction with the Department for Transport and the Highways Agency, the planning application will help fund and deliver the A5-M1 link road which is considered to be a nationally, regionally and locally important infrastructure project. The application will also deliver a substantial proportion of the housing proposed by the Development Strategy and for which there is underlying evidence of considerable need.**
- (x) **The NPPF requires the Council to consider carefully the commercial viability of proposals as part of their decision making. It is clear from the substantial Viability Appraisal work undertaken by the applicant and checked by the Council's specialist consultants that the scheme is not sufficiently financially viable in current economic conditions to afford**

**the full requirements for affordable housing and mitigation requirements this Council would normally expect as part of a major new development.**

**However, the applicants propose that as the economy improves and the development can afford to pay for more contributions, a review/uplift mechanism enabling the community to ultimately require and receive the full package sought be included in the Section 106 Planning Agreement. It is considered this represents an appropriate and fair approach, and is the commonly adopted approach to similar types of developments in the current climate.**

- (xi) The recommendation therefore is that this Council be minded to approve the planning application subject to the completion of a satisfactory Section 106 Agreement and that the application be submitted to the Secretary of State on that basis.**

### **Planning Context and History**

Many Members may be aware of the historical policy context relating to the site, but it is nonetheless worth revisiting before considering the merits of the proposals in more detail.

The application site has been identified as a site with the potential to accommodate sustainable mixed use development for a number of years. Regional Planning Guidance note 9 (2001) identified an area to the north of Luton/Dunstable/Houghton Regis, including the application site, as an area in which a mixed use urban extension should be brought forward as the most sustainable way of accommodating the bulk of housing development required in this area. At about the same time the emerging Bedfordshire County Structure Plan (deposit draft 2002) identified this same area for a strategic urban extension which would be an exception to the Green Belt, with a potential allocation of 6,000 residential dwellings.

This was brought into the Government's then "Sustainable Communities Plan 2003" and that part referring specifically to "Sustainable Communities in the East of England". The Luton/Dunstable/Houghton Regis area was specifically mentioned as a preferred option.

Taking this forward relied upon co-operative work and studies that led to the Milton Keynes and South Midlands Sub-Regional Strategy which proposed the area as a location for growth where it stated:

*"Luton/Dunstable/Houghton Regis, where the emphasis should be on building the principal growth towns into a vibrant, culturally diversified conurbation with a major improvement in the local economy and skills base, and capacity to meet housing need. This should be achieved through economic regeneration across the urban area, making the most of its location close to London and other economic drivers in the South East and its good transport links. (MKSMSRS 2005)*

Referring to the important need for new housing and development for the region, the document stated:

*"These exceptional circumstances require a review of the Green Belt around Luton/Dunstable/Houghton Regis to provide headroom for potential development needs to 2031 and specifically to accommodate sustainable mixed use urban*

*extensions which support the continued regeneration of the existing urban area.”  
(MKSMSRS 2005)*

In 2008 the new East of England Plan, the Regional Spatial Strategy (“RSS”) replacing RPG9, was adopted. The Milton Keynes South Midlands Sub Regional Strategy, insofar as its policies affected this site was enshrined within it. The RSS was considered at the Examination in Public of the review of the RSS, following which the Panel recommended two urban extensions within the MKSM Strategy Area Luton/Dunstable/Houghton Regis together with Leighton Linlade.

The effect of the new RSS and the Milton Keynes South Midlands Sub Regional Strategy was to allocate the Houghton Regis Strategic Urban Extension (within which the application is located) for residential, employment and supporting community uses, in an area where the Green Belt was to be rolled back, albeit with the Local Development Strategy being asked to set the exact boundaries.

Towards that end, a Joint Planning Committee from Luton Borough Council, the former South Bedfordshire District Council and the former Bedfordshire County Council was formally created to deliver ‘The Luton and South Bedfordshire Joint Core Strategy’. This document reached Examination Stage in 2011 and included land to the north of Houghton Regis as an urban extension. Following the withdrawal of that document and the dissolving of the Joint Committee for unrelated reasons, the proposal is now included within the Development Strategy for Central Bedfordshire which will be submitted to the Secretary of State in the near future. That Development Strategy includes a specific policy for the allocation of the Houghton Regis SUE and for the removal of Green Belt to accommodate it.

Further background information on the justification for the proposed removal of land north of Houghton Regis (along with other land proposed for removal to facilitate other development needed in the area) is contained in the Council’s published document, ‘Central Bedfordshire Development Strategy Green Belt Technical Note January 2013’. The Development Strategy will be submitted for Examination later this year.

The planning application submitted is for the greater part of the Houghton Regis SUE and has been made in the context of the requirement that a contribution is made towards the cost of the A5 – M1 link road and Junction 11a. The Secretary of State for Transport has indicated his intention to approve the road should planning permission be granted on the basis that the applicant will be contributing £45 Million. The Government will be contributing the remaining £127 Million to implement the scheme. The applicant has entered into an agreement with the Department for Transport to that effect.

There is no directly relevant history of previous planning decisions within the site relating to the proposal.

The next section deals specifically with the representations made by others on the planning application. Given the extent of the comments made, these have been summarised rather than reproduced in full. The full comments will be available at the Committee Meeting for reference. For clarity, the Case Officer has included a response where this would aid in the understanding of the comment made or where the report, when considered in its entirety, affords a straightforward response to be made.

**Representations:** *(comments by CBC Case Officer in italics)*

Toddington Parish Council     If the following comments are definitely enforced before work is started then the Parish Council has no objection at this stage.

Until jobs and infrastructure are in place work should not commence. It is essential that the A5-M1 Link Road, Junction 11a and the Woodside Link Road are completed first.

*[This would be impractical as it will be necessary to grow both jobs and housing together. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of development up to a maximum occupation of 1000 dwellings. The Council's highways officer accepts that the Transport Assessment information submitted with the application does not support such a restriction in the case of the Woodside Link.]*

The Parish Council would also like to express their concern regarding the lack of integration with the current Houghton Regis and feel that there is little evidence shown within the document and more needs to be done to ensure integration is made into the existing community.

*[The Design and Access Statement contains clear information on transport linkages for cars, buses (which link to the Guided Busway), cyclists and pedestrians and how they would be achieved. In addition, the community facilities envisaged could be reasonably expected to benefit both the existing and new residents.]*

The Parish Council would also like to see when public transportation is considered so that it takes into account making better links from other areas, such as Harlington Station through Toddington into Houghton Regis to improve services.

*[There will be support for new bus services in the early years of the development through the operation of a Travel Plan and the services will by necessity evolve as the development proceeds. However, with limited funds available, it will be necessary to prioritise support to links within the conurbation.]*

Chalgrave Parish Council     Comment that the plans make no mention of the Green Belt and that traffic issues in the town and villages will be exacerbated if the development proceeds before the A5 – M1 road is built.

*[The fact of the Green Belt is made clear in the submissions. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of*

*development up to a maximum occupation of 1000 dwellings. However it is unlikely that in practical terms more than 300 houses could be built in the time it will take to build the road. A condition, for other reasons, is to be imposed to this effect.]*

Utilities in the area are struggling and the development will reduce the standard of service to existing householders further. The large scale of development will strain police resources.

*[All such parties have been consulted and no objections in principle have been raised on these points. Other comments have been made from those parties and are set out later in the report.]*

Sundon Parish  
Council

Have major concerns about traffic through Streatley and Lower Sundon either through construction traffic or by reason of the extra housing. This road is heavily congested at morning and peak periods and no evidence in this application or the Development Strategy that this will be alleviated. Wishes to know what provisions will be made to deal with this.

*[There will be provisions to require a management plan to manage construction traffic to the site and with the opening of the A5 – M1 link at an early stage in the development, this can be used as a better alternative for such traffic.*

*The concern about increases in general traffic does require detailed analysis and the issue is therefore dealt with in section 8(c) of the report, below ]*

Condemns the incursion into the Green Belt and requests that replacement Green Belt land will be identified to replace that lost to this development.

*[The impact on the Green Belt is dealt with in full in section 3 of this report, below. The issue concerning replacement Green Belt is a matter for the Development Strategy to consider and this document does not envisage that replacement Green Belt will be sought.]*

Chalton Parish  
Council

Have commented as follows::

- The industrial units could reach up to 30 metres, which is too high, detracting from the views in the local area. It suggests that this is similar to the Vauxhall building and so suggests it will be for lorry based employment, will be seen from a distance and will therefore be worse.

*[The development is on a large scale and will have a variety of buildings and uses for employment purposes. In the context that this is the edge of the conurbation proposed for a major urban expansion, the proposal is of expected scale for similar uses already found in the area. The proposed warehouse up to the height indicated is located next to that part the motorway where similar buildings and uses exist. The parameters of the application do not propose buildings up to this height elsewhere.]*

- Question the appropriateness of this planning application before the Development Strategy is found sound.

*[Planning applications may be made at any time.]*

- CBC has promised that no development should commence before the A5-M1 Link Road is in place.

*[The Development Strategy (pre-submission) in paragraph 13.29 of that document states that there may be scope for early development before the A5 – M1 link road is in place provided that a transport assessment allows. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of development up to a maximum occupation of 1000 dwellings.]*

- The housing densities are too broad and so it is difficult to comment.

*[For a development on this scale, there will inevitably be a broad range of housing densities.]*

- There should be constraints on housing design to avoid bland design and to encourage a mix of styles. There should be no let up in design for affordable housing.

*[The intended quality of the development is shown in the Design and Access Statement. It will be for the Local Planning Authority to consider the detailed planning applications in the light of the commitments made by the applicant within that document. Master Plans and Design Codes can be required by the imposition of planning conditions to guide those submissions.]*

- Sufficient and realistic, off-road car parking should be provided. For non-residential development parking should be realistic and should not assume a high level of public transport use.

*[The application refers to the Council's parking standards that are no longer used by CBC. However, CBC have introduced new parking standards with a discretion that*



*allows any future detailed submissions to be analysed both for quality and realistic parking requirements.]*

- Concern that the developer has stated that they cannot commit to section 106 agreements. This suggests they will seek to push the development through before CIL comes into force and the area will gain little benefit from the scheme.

*[In the current economic climate, it is not unusual for an applicant to flag up the possibility they may not be able to meet planning policy derived requirements. This is dealt with comprehensively in section 9 of this report, below. As the ability of the Council to require CIL contributions is also subject to the economic and commercial conditions of the time, there is no guarantee that one method of delivering infrastructure delivers more to the benefit of the local area than another.]*

Dunstable Town  
Council

No objection. Members noted that they wish to see a sustainable mix of social and family housing suitable for a wide range of needs from single to multiple occupancy. Members also highlighted the need for adequate medical care and GP surgery facilities and education provision.

*[The development is on a scale and with a range of densities that will allow a wide range of housing types to be accommodated. Details of the provision of community uses are included in section 9 of the report, below.]*

Members also requested that the planning authority engage fully with the Town Council on all matters relating to future Community Infrastructure Levy and Section 106 obligations that might be placed on the developers.

Houghton  
Town Council

Regis Raise no objections provided that serious consideration is given to:

1. The key roads should be in place before any development.

*[See response to similar comments above]*

2. The scheme adheres to the Central Bedfordshire Design Guidance.

*[The Design and Access Statement sets out all the sources of information on design.]*

3. To think again about connections to Parkside Drive and Tithe Farm Road and the Woodside Link.

*[Following analysis of the application, these links are appropriate and necessary.]*

4. To create space for a park and ride scheme.

*[There are no proposals for such a scheme.]*

5. Connection to the railway stations at Luton and Leagrave.

*[Such connections by public transport and by cycling to Leagrave Station are proposed.]*

6. There is no mention of places of worship

*[The application includes this class of use and is available if the applicant is approached by a suitable user. However, no specific proposals are included in the illustrative Master Plan. Nevertheless, the use can be incorporated into the general community facilities that will be made a requirement by planning condition or Section 106 Planning Agreement in the event of planning permission.]*

7. The creation of car pools.

*[This would be one of several possible initiatives that could be considered for inclusion in the Travel Plans that will be required by planning condition.]*

8. To seek the allocation of land for a cemetery.

*[There are limited opportunities (see point 9 below) to incorporate such a use within the development area. It is possible to seek a financial contribution from the developer towards such a provision and this is considered within section 9 of the report.]*

9. Concerned about implications of the high water table on development as stated in the application.

*[The issue is known and is dealt with in the application both in the submitted drainage strategy, the comments of the drainage board, the CBC engineer and by the Environment Agency. There will be a requirement for planning conditions to ensure that appropriate solutions are used.]*

#### Neighbours

Thirteen objectors have submitted a number of objections which can be summarised as follows:

- The scale of development is too large for the area

*[The scale conforms with the proposals of the Development Strategy and considered appropriate by its supporting evidence.]*

- The current transport infrastructure is insufficient and this will be compounded by further development

*[The proposals include linkage to and new transport infrastructure is provided for.]*

- Concern regarding the level of provision for school places.

*[There will be a requirement for the provision of land and a contribution for the construction of schools at the necessary stages during the development.]*

- The building works, including traffic/road works, will create great upheaval to the existing residents in Houghton Regis and the wider area.

*[There will be impacts and there will in consequence be a need for a construction management plan to mitigate the impacts.]*

- The development will result in increased dust, noise and pollution, resulting in a detrimental impact to existing residents' health.

*[There will be impacts and there will in consequence be a need for a construction management plan and other monitoring and response planning conditions to mitigate those impacts.]*

- The development will adversely affect the local wildlife habitats. The area is home to foxes, Roe Deer and a large variety of bird species.

*[The site has been subject to formal ecological assessment and appropriate mitigation has been requested by the Council's ecology officer. This will be required by planning condition or by Planning Agreement.]*

- The development will adversely affect the values of residents' properties.

*[This is not a matter for consideration in a planning application.]*

- There are no references to new hospitals, clinics or doctors surgeries within the planning application. This causes great concern bearing in mind the large cutbacks of the sector. The Luton and District Hospital is at overcapacity. Local doctors surgeries are already at capacity.

*[The planning for appropriate services is now the responsibility of the new Care Commissioning Groups and NHS England. The application includes provision for land for new GP surgeries. The matter is considered in section 9 of this report,*

*below.]*

- There is an oversupply of petrol stations within the area already.

*[This is not a matter for consideration in a planning application.]*

- The area does not need further offices or storage areas. There are several buildings available already.

*[The evidence for such provision was part of the assessment of the proposed urban extension to the north of Houghton Regis as set out within the Development Strategy.]*

- The planning application does not identify the location of any new schools or nurseries.

*[The Design and Access Statement submitted with the application includes this information. Detailed siting will be a matter for later approval.]*

- The site is wholly Green Belt land

*[The implications of this are dealt within section 3 of this report, below.]*

- The field behind 111 Grove Road, Houghton Regis, already suffers from water retention and does not drain adequately.

*[Noted]*

- The development will negatively affect the existing resident's privacy.

*[The degree to which privacy is materially affected will be a matter for consideration when detailed applications are submitted.]*

- The development will remove valuable agricultural land.

*[This impact has been assessed as part of the evidence for the Development Strategy.]*

- Concerned that the development proposes a large number of retail uses when there are serious concerns that retail uses aren't viable in the area.

*[The applicant has proposed a substantial amount of retail floorspace based on a commercial assessment of the viability of promoting such uses.]*

- The proposals will reduce the amount of open space used for walking, cycling and playing in the area.

*[The application states that 30% of the site area will be open space and there will be new opportunities created as a result.]*

- The scale of the retail provision would have an unacceptable impact on the health of Dunstable town centre and planned investment in the Quadrant Shopping Centre.

*[The application has been assessed in some detail in this respect and further information is included in various sections of the report, below. It is concluded that there will be impacts but that they are not sufficient to justify refusal of the planning application.]*

- If the Council are minded to approve the planning application, it is requested that conditions are applied to restrict net sales areas, the split uses and unit sizes.

[Noted]

- Failure to satisfy the requirements of the sequential test, as set out in the National Planning Policy Framework.

*[This is a reference to the retail part of the NPPF. As it is a key issue, further information on this point is included in later sections of this report.]*

- The development will provide the opportunity for new take away retail premises.

[Noted]

- Concerns regarding the how the planning application will be considered in relation to the timetable for the Development Strategy. The Council have agreed that no development should occur before the A5-M1 Link Road is in place.

*[The Development Strategy (pre-submission) in paragraph 13.29 states that there may be scope for early development before the A5 – M1 link road is in place provided that a transport assessment allows. The Highways Agency responsible for the A5 – M1 link road has not objected to the commencement of development up to a maximum occupation of 1000 dwellings.]*

- There should be constraints on housing design in order to reduce the possibility of poor design.

*[This will be a matter for later consideration following the submission of detailed planning applications.]*

- The development should provide sufficient car parking for housing, non-housing and employment uses. Failure to do so will congestion the road networks.

*[This is a matter for consideration and is dealt with in section 8 of this report, below.]*

- Concern that the applicant is seeking to avoid paying CIL or sufficient Section 106 contributions. This also brings into question the viability of the entire scheme.

*[This is a matter discussed in section 9 of this report, below.]*

- The planning application does not provide space for places of worship and places for the respectful consideration of the deceased.

*[See points 6 and 8 of the Houghton Regis Town Council comments set out above.]*

- The illustrative Master Plan needs to consider additional vehicular access through Zones E, F G and H. Otherwise there is only one road through this area.

*[The illustrative Master Plan will be replaced by a Site Wide Master Plan, Area Master Plans and Design Codes which will include the network of roads necessary for the development.]*

- The scheme mentions cycling and walking routes identifying Houghton Hall Park as a possible route. While the emphasis on cycling is welcomed, Houghton Hall Park does not permit cycling.

*[Noted]*

- Long distance coach travel out of the area should be encouraged by the provision of a long distance coach stop with associated local long term parking.

*[There are no proposals in this respect.]*

- Question whether there is the opportunity to provide a car-pool sharing scheme to make a car available to residents when required.

*[This may be a matter considered by future Travel Plans]*

- Asks that an associated scheme might offer a shuttle bus service to the local railway station.

*[The bus services supported by the development will include services that link to a railway station.]*

One letter was received from a neighbouring potential developer wishing to comment on the planning application. This has been summarised below:

- Figure 2.4 of the Design and Access Statement identifies the clients land as “rear private gardens facing site boundary”. This is incorrect and the land contains various commercial buildings and areas of hard-standing.

*[Noted]*

- In figure 3.1 a hedge along the eastern boundary of the clients land was highlighted as a “hedgerow meeting historical criteria”. The client has previously spoken with DEFRA who consider the hedgerow unimportant historically and aesthetically.

*[Noted]*

- Figure 8.4 of the Traffic Assessment and Figure 4.1 should be clarified in respect of the access to a school playing field.

*[This is a matter that will require consideration in more detail in the future, should permission be granted, when the Area Master Plan for that area is considered.]*

- Concern is raised regarding the principle and the scale of the green link running through the client’s land.

*[This land lies outside of the application site boundary and will require discussion with the landowner should that site be brought forward for potential new development as suggested by this commentator.]*

- Clarification is sought regarding the future use of the Kingsland site.

*[The application leaves open the question whether the secondary school is to be provided on-site or on the Kingsland Campus. CBC’s Education Officer’s preference is for provision at Kingsland Campus.]*

## **Consultations/Publicity responses**

Anglian Water  
Services

Requests that informatives be added to any consent alerting the applicant to their interests and on the proper method for discharging trade effluent.

There is available capacity for foul drainage treatment.

Mitigation measures are required to ensure the development does not increase flood risk downstream. A drainage strategy condition is requested.

There is reasonable prospect that a drainage solution can be secured. Accordingly, subject to an appropriately worded condition securing a necessary drainage strategy, the risk of downstream flooding due the proposals should be mitigated. The condition will enable a foul water drainage solution to be progressed through the design process.

Bedfordshire and  
MK Waterways  
Trust

No Comment

Bedfordshire and  
Luton Fire and  
Rescue Service

Consider that the existing Fire Station at Dunstable will be adequate for the new development. Conditions are requested in the "Secured by Design" initiative as a protection for new housing.

As agreed with CBC, sprinklers should be installed in all new schools proposed and fire hydrants installed in accordance with national guidance. The current design standards for access and facilities when designing road layouts should be implemented. It is requested that certain obstructive traffic calming measures be not used.

The Building Regulations standard for access and facilities should be adopted.

It is requested that the service is informed of any road closures as a result of the development.

CBRE (on behalf  
of Mecator  
Trustees Ltd and  
others; owners of  
the Quadrant  
Centre, Dunstable

Object to the planning application on the following grounds:

- Failure to satisfy the requirements of the sequential test as set out in the National Planning Policy Framework
- The unacceptable scale of the proposal; and
- Its significant impact on the health of Dunstable Town Centre and planned investment in the Quadrant Shopping Centre.

There is insufficient attention paid the requirements of the NPPF and the guidance that underlies the approach taken, no sufficient testing of the capacity of the town centres to accommodate the additional floorspace and no recognition of the impact that the proposals will have on the existing town centres.



*[CBRE have submitted a substantial critique of the retail aspects of the proposal of which the above is a summary only. Therefore officers sought the independent view of a retail specialist to comment on that full representation. The independent consultant has made the following observations.*

*“4.3 A number of the issues raised by CBRE have already been highlighted earlier in this report, namely the sequential approach and the potential effect on the Quadrant Shopping Centre. It is worth noting that in raising concerns about the potential impact upon the planned investment in Dunstable town centre, no reference is made to a potential scheme coming forward shortly and instead make reference to the Council assembling significant parts of the town centre and the objectives of the Dunstable Masterplan SPD.*

*4.4 With regard to CBRE’s concern that the scale of the proposal is unacceptable, it is noteworthy that national planning policy does not reflect the separate test of scale that was formerly incorporated in PPS4. This is a notable shift in national planning policy.*

*4.5 Likewise CBRE places significant emphasis on there being insufficient ‘capacity’ to support the level of floorspace proposed at Houghton Regis urban extension. The assessment of expenditure capacity, or need, is not a development management test of the NPPF, or its predecessor PPS4. The absence of sufficient need / capacity on its own can no longer form a ground for refusal of an application for retail development. Conversely, the existence of need, on its own, does not necessarily mean that there will be no adverse impacts. Instead, the policy requirements to be satisfied are whether the proposal satisfies the sequential approach and that the development is unlikely to lead to a significant adverse impact on existing centres. We have assessed these policy requirements as part of our appraisal.”*

*Further assessment is made later in this Committee Report, below within section 8.]*

NHS England -  
Herts and South  
Midlands Area  
Team

No formal comments have been received.

*[Informal discussions with the team have indicated that there will be a need for land to be set aside for new facilities within the development area and that funding will be sought. This is to be investigated by them further. This will be a matter for consideration in any Section 106 Planning Agreement and is considered in the report below within section 9.]*

Bedfordshire  
Police  
(Architectural  
Liaison Officer)

Whilst there is no objection in principle to the development, there is objection to the “indicated proposals” on account of its non-compliance with standards previously agreed, “particularly considering prevailing levels of criminality in the adjacent existing developments in Luton and Houghton Regis.”

There are specific concerns on the following elements of the submitted Design and Access Statement:

- Objects to permeable developments
- Objects to perimeter blocks
- No consideration of evidence regarding the correlation between accessibility and crime
- The development will be “needlessly criminogenic”.
- The Design and Access Statement misleads the public into believing that community safety has influenced the scheme.

*[This refers to the Bedfordshire Community Safety Partnership Supplementary Planning Guidance 2005 and appears to relate specifically to the lack of cul-de-sacs apparent from the Design and Access Statement submitted with the planning application.]*

*The strength of feeling on one particular aspect (permeability) of the likely wider interests that the Police may have concerning a major new development is not surprising given that there has been a very public tension between those designers who seek open and accessible new developments and those in security that feel more control over public and private spaces reduces crime. However, the development is on such a scale that it offers plenty of opportunity for continued debate at a detailed design level. It is the case officer's view that the prevailing opinion of Urban Designers is towards creating designs that people find comfortable and secure without settling on one solution alone to designing out opportunities for crime.]*

Bedfordshire  
Rights of Way  
Association

No comments received

British Gas  
Transco

No comments received

Buckingham and  
River Ouzel  
Internal Drainage  
Board

It is considered that the buffer zones alongside watercourses should be clearly identified for use in maintaining the watercourse and not for other uses.

The basis for determining flood storage volumes has not been sufficiently clarified.

It would be preferable for strategic attenuation to be in the form of many small ponds provided in a phased manner rather than a single pond as offered as an option in the proposals. It is also queried if sufficient total water storage space has been provided.

*[These are matters that will be required to be detailed by planning conditions, including the requirements of the Environment Agency. It is at that stage that a decision can be taken on attenuation options.]*

Canal and River  
Trust

No comments to make

CPRE  
Bedfordshire

Do not, in principle, object to the concept of a Strategic Urban Extension at Houghton Regis North towards meeting the long-term housing growth needs of Southern Bedfordshire and the Luton, Dunstable and Houghton Regis conurbation. It follows that we have accepted, in principle that the land lying between the existing urban edge and the alignment of the future A5-M1 Link has to be released from Green Belt status to meet this purpose. The planning application is however premature and defective.

There are several inconsistencies between the application and the emerging Development Strategy.

It is unclear how the planning application for HRN1 can be determined within such an imminent timescale when the soundness of the Development Strategy will not have been considered until the end of the year.

*[There is no legal bar to a planning application being considered in advance of a Development Strategy, though the fact does mean that the Council cannot formally issue a planning permission until it has been referred to the Secretary of State who may then decide if referral to that office is required.]*

It is questioned why Central Bedfordshire Council should be entertaining the application at this stage when the funding contributions essential to the road are still not on the table. Given the need for a sound Development Strategy and for assurances regarding the funding and start date of the 'critical' A5-M1 Link Road, we question even further why the Council are entertaining the application at this stage.

*[The decision of the Secretary of State for Transport is that the A5-M1 link road and its financing by central government is dependent upon securing £45 Million towards the funding of the road which is in turn dependent upon planning permission being secured, which is in turn dependent upon the view of the Secretary of State dealing with the planning application, when it is referred to that office. That is why the planning application has to be considered by CBC. This "chicken and egg" situation is resolved only when both decisions are effectively made at the same time by both Secretaries of State.]*

While the difficulties currently prevailing in the housing market are understood, it is questioned why the application is being considered now when the situation may allow for a more positive 'upfront' commitment to be obtained from the applicants as to their S106 obligations in a year or so.

*[National Planning Policy Framework Guidance does not afford Councils the ability to defer planning decisions until better times arrive.]*

The Transport Assessment is inadequate as it should take into account the Stage 2 (December 2012) report by AECOM. In any event, neither report reflects the recently submitted application to almost double the passenger throughput of Luton Airport. Therefore the traffic modelling and the applicant's Environmental Statement cannot be considered as credible.

*[The CBC highways officer is content that the modelling undertaken allows an informed decision to be taken.]*

DEFRA	No comments received
English Heritage	No objections and welcomes the assessment of potential impacts on the settings of designated heritage assets in the area which shows limited impacts. It is hoped there will be proper integration of the historic environment within the overarching green infrastructure strategy.
Environment Agency	<p>Have submitted a comprehensive response which includes the recommendation that permission could be granted subject to a number of planning conditions being imposed. Some fourteen (14) conditions are suggested.</p> <p><i>[Subsequent discussions between the applicant and the EA have resulted in some amendments to those conditions and the case officer has made a number of adjustments to ensure they can be adequately enforced. These are set out in section 10 and the conditions sections of this report, below.]</i></p> <p>In detail, the representation covers technical comments, references to the Environmental Statement submitted with the application and provides additional information for the applicant. Only the first two sections are appropriate to reference here.</p> <p>Technical Comments</p> <p>A number of detailed technical questions arise from the information provided relating to:</p> <ul style="list-style-type: none"><li>• How the assessment of flood risk leads to the technical solutions proposed with further testing and more comprehensive solutions being investigated.</li></ul>

- The need to consider further issues arising from possible ground water conditions and any undiscovered contaminated land.

#### Environmental Statement

- There is a question as to whether buffer strips will be incorporated against ordinary watercourses.
- It is questioned if all areas of known flooding, flooding from blockages, sources of flood risk have been addressed.
- Concern about reference to groundwater pumping.
- Lack of reference to rainwater harvesting as an option.

*[The applicant has been made aware of these comments. It is considered that these matters can be addressed by planning conditions which require a detailed drainage strategy to be submitted for approval.]*

Friends of the Earth

No comments received

Highways Agency

Directs that a condition should be imposed that no more than 1000 dwellings should be occupied and that no Class B uses should be brought into use before the A5 – M1 link is open and in use.

*[These are mandatory conditions and the wording is included in the planning conditions section of this report, below.]*

Luton Borough Council

The Head of Planning at LBC has referred to a report to their Executive of the 15<sup>th</sup> April 2013 which includes their formal response to the application.

*[Only those comments specifically relevant to the planning application are included here.]*

In summary this is an objection to the application as follows:

1. There should be an opportunity for Luton residents to access up to 50% of the affordable housing provided on land North of Houghton Regis. Luton welcomes the on-going discussions with CBC in that respect. This would address the social needs for affordable housing within the conurbation as a whole. Otherwise it is considered that it will not meet the criteria for removal from the Green Belt.

*[The proper consideration for the making a decision on the planning application in respect of the Green Belt is not whether the application fails to address the needs for housing (and affordable housing in particular) for the conurbation as a whole (that is for the Development Strategy to consider), but whether or not the proposed housing and proposed affordable housing is of insufficient scale to form in itself a “very special circumstance” that allows the development to proceed. Any*

*discussions between the Councils on access to affordable housing by agreement between the parties is important to note but is not relevant to the consideration of the planning application. The Green Belt matter is considered in detail within section 3 of this report, below.]*

2. The transport impact of major amounts of development on Luton's border is of considerable concern. A package of mitigation measures to address the impacts from transport movements onto Luton's road network is required.

*[The applicant does not consider that such measures are required taking into account the Transport Assessment undertaken.]*

3. Luton remains of the view that the quantum of both convenience (food) and comparison floorspace proposed within the North Houghton Regis application is significantly larger than is appropriate for a development of this scale in such close proximity to Luton town centre and other centres, particularly in the north of the Borough.

*[In response partly to this concern, CBC commissioned an independent retail advisor to comment on the planning submissions on the retail aspect of the scheme and also requested further information from the applicant in respect of the concerns raised by LBC. This matter is considered in section 8 below.]*

4. Luton therefore objects to the Houghton Regis North Site 1 application unless:
  - a) on-going negotiations over access to up to 50% of affordable housing delivered in the urban extensions of Houghton Regis are successful in delivering a significant quantum of affordable housing for Luton's residents;
  - b) Luton receives adequate commitment to a phased delivery of transport infrastructure prior to significant development taking place in close proximity to its borders, along with a package of clear mitigation measures to address the impacts from transport movements onto Luton's' road network;
  - c) the quantum of retail floorspace to be located within the Houghton Regis urban extension is significantly reduced.

*[As none of these concerns can be accommodated for the reasons explained in section 8, below, it is therefore assumed that Luton Borough Council object on those grounds.]*

Ministry of Defence	No comments received.
MOA - Telecom	No comments received.
National Grid	<p>Supplied a standard letter advising of the applicant's responsibilities in respect of development near their apparatus.</p> <p><i>[The letter is relevant to applicants rather than to local planning authorities. However, there are a number of overhead pylons affected by the development and it is known that the applicant is in close contact with the relevant authorities.]</i></p>
Natural England	<p>Has submitted a detailed analysis of the impacts that the development will have on the natural environment both within and outside the site where significant protected areas may be affected. There is concern that there will be "recreational effects" associated with the scale of the development and that these impacts should be mitigated.</p> <p>This concern relates to adverse effects on the Sundon Quarry, Fancott Woods and Meadows, the Houghton Regis Marl Lakes SSSIs, Dunstable and Whipsnade Downs, Tottenhoe Quarry and Smithcombe, Sharpenhoe and Sundon Hills SSSIs.</p> <p>Such sites can be damaged by increased use, illegal or anti-social use, damage by people and dogs, and interference with the proper management of those areas.</p> <p>Evidence to that effect is provided by reference to statistics provided through Natural England's experience of other sites. It is estimated that half the population of the UK visits local green spaces with 10% visiting daily, 33% visiting several times a week and more than half visiting at least weekly. The majority travel by car an average of 5 miles. There is a concern that 21% of visitors do not stick to footpaths and will roam across a site at will.</p> <p>It can be expected that the development will result in a high number of dog walkers both walking to local spaces and driving to those further afield.</p> <p>The damage caused to the local SSSIs has been recorded from knowledge of their existing use. This includes neglect, uncontrolled vehicle access, fly tipping, illegal fishing, blocking streams, wrecking turf, setting fires, livestock being let out and pollution through dog faeces.</p> <p>Therefore a comprehensive mitigation package is recommended which will include resources for the more intensive management of those spaces likely to receive increased recreational use. There could be a contribution to physical improvements such as site furniture, new paths and fencing. There could be increased habitat creation, educational</p>

resources and extra staff to prevent anti-social behaviour. This could include establishing new or improved off-site recreational areas to divert impact from sensitive areas.

Comments are also given in respect on the on-site green infrastructure proposals. The intentions are welcomed but it is considered that insufficient on-site recreational space has been allowed for in the development. The positioning of spaces is not likely to encourage residents to walk on-site rather than travel off-site.

*[It is a general principle when considering planning applications that the developer should consider the mitigation of impacts that arise from their development. However, whilst Natural England has provided good evidence that increased public use does cause damage to sensitive sites, it is not possible or practical to attribute the potential of future damage to specific sites, to the proposed development. Nevertheless, it is reasonable to tackle the concerns by addressing the following within the planning application and in the following high to low priority order:*

- 1. Providing attractive, well managed open areas within the site. There will be a requirement within the Site Wide Master Plan and Area Master Plans to provide details of how that is to be achieved. There will be a requirement for the developers to contribute financially to the provision and also the management of those areas.*
- 2. To set aside funds to help protect the SSSIs which are the most sensitive to damage by visitors from the development.*
- 3. To make provision for funds to help protect the County Wildlife Sites.*

*However, there is limited funding likely to be available and therefore the issue is dealt with in more detail within section 9 of this report, below.]*

It is recommended that all hydrological matters should be secured by a planning condition.

It is recommended that arable plants could in part be retained by re-using the topsoil in appropriate places such as allotments.

It is recommended that a farmland bird mitigation area be provided.

It is recommended that soil handling is undertaken using established advice within the proposed Construction Environmental Management Plan.

*[These are matters that will be the subject of ecological and CEMP strategies required by planning condition or by the Planning Agreement.]*



Natural England has been in discussion on the issue of protected species and no issues are raised provided the mitigation presented in the ecology material presented is followed.

It is considered that adequate landscape mitigation has been proposed.

No concerns on air pollution matters are raised.

The Local Planning Authority is expected to consider impacts on other local sites, landscapes and habitats not covered by Natural England's interests.

*[CBCs ecology officer has been consulted and no additional matters have been identified.]*

Ramblers  
Association

No comments received

Royal Society for  
the Protection of  
Birds

No comments received

Sport England

Confirms that as no on-site playing fields are affected by the application, their comments are a response to a non-statutory consultation.

The application is of a scale that it is relevant to note the National Planning Policy Framework policies that:

- Take account of local strategies to improve well-being
- Deliver relevant facilities

#### Outdoor Facilities

It is noted that CBC is preparing a new playing pitch strategy but will not be ready to inform this application. It is further noted that Central Bedfordshire Council has inherited the South Bedfordshire Playing Pitch Strategy 2008 – 2021 and the Planning Obligations SPD 2009 (South) though they set conflicting standards for playing pitch provision. Sport England's view is the scale of development proposed and the resulting estimate of population increase suggests that there should be between 20.0 and 29.4 hectares of outdoor sports provision within the parameters of the planning submission.

Sport England is aware of the provision intended by the application based on the illustrative Master Plan (which allows for the maximum number of dwellings to be provided) and through discussions with the Council's officers. It is considered that there is likely to be a shortfall in provision and thereby additional pressure placed on existing outdoor leisure facilities in the area.

Sport England therefore objects to the planning application as the quantitative level of outdoor sports provision would not be sufficient for meeting the potential needs generated by the development.

Nevertheless, it is recognised that the site is constrained in the amount of land available for this use and is conscious of viability considerations in the current economic climate. It is willing to consider alternatives to on-site provision. A variety of solutions are suggested, if part of an overall package. For example:

- Enhancing existing public outdoor sports facilities through increasing the quality of open spaces to provide more carrying capacity, increasing usage through enhanced parking and changing facilities and using the emerging playing pitch strategy to identify suitable projects.
- Extending the Dunstablians Rugby Football Club pitches into the application site.
- The use of artificial grass pitches.
- The provision of Multi-Use Games Areas (MUGAs)
- The use of school pitches if constructed to a standard suitable for community use.

It is considered essential that the suggested 20 hectares of provision is explicitly guaranteed within the planning decision and should not be conflicted with other uses.

Within the Sport England “umbrella”, the views of a number of sports bodies has been collated and these are summarised below:

Football Association. Their experience suggests that at least 12.9 ha of space would be needed for football. Given that this is a substantial proportion of the on-site available land and there is a need to accommodate other sports, there will be a shortfall.

Rugby Football Union. The existing Dunstablians Rugby Club facilities are the nearest relevant facility and this would be put under pressure with a greater population. The club would need additional land to expand and financial contributions to enhance the facilities.

England and Wales Cricket Board. The area of the conurbation is served by a number of Cricket Clubs and the development will increase demand that the clubs may struggle to accommodate. There should be provision for additional pitches and facilities. The proposed secondary school within the development may offer some potential for meeting some of the ancillary (non-turf) needs.

England Hockey. No specific requirement is identified.

Sport England note that there will be a requirement for Master Plans following any planning permission. There will be a need to ensure that in their preparation, they accommodate properly laid out pitches, ensuring that the sports areas are not compromised by ill considered landscaping, engages experts to avoid ill-designed spaces, provides adequate parking and access and uses existing best practice guidance and advice.

It is recommended that there are conditions to ensure that proper investigation of the ground conditions takes place to then ensure that the playing pitches can be designed and constructed to a satisfactory standard. It is recommended that any Section 106 agreement and/or conditions include the details of ancillary facilities that should be provided.

Opportunities should be taken to extend Dunstablians RFC, improve the Tithe Farm Recreation Ground and the Kingsland Campus. In the latter case, if the playing pitches on that site are used to site the new school and indoor leisure facility, their loss should be replaced within the application site boundary in replacement.

*[There will be a requirement for further Master Plans which will identify the formal open spaces in greater detail for further approval as requested by Sport England. However, given that the planning application is in outline, it is not possible at this stage to provide the certainty that Sport England require that the formal outdoor sports pitches will be developed in the manner suggested to off-set the perceived shortage of land if the development was built to its fullest capacity and/or if playing pitches within Kingsland Campus are lost as a result of the need to construct a secondary school in that location. It is therefore relevant to consider what financial consideration may be made in lieu of providing 20 hectares of land instead of the maximum 29.4 hectares calculated as being required. To this would need to be added any loss of playing pitches at Kingsland Campus This is an important issue and is therefore considered in detail within section 9 of this report, below.]*

#### Indoor Facilities

Sport England considers that the development on this scale should provide for indoor sports facilities such as sports halls, swimming pools, health and fitness suites. It is noted again that the on-going Leisure Strategy is investigating this issue for the Council area as a whole. In this area, it is noted that the work undertaken to date suggests that there is a need to provide a replacement public leisure centre for Houghton Regis close to the site of the existing at Kingsland Campus. This would meet the needs for the development site as well. The proposal appears to contribute to that provision; this is welcomed though the details of how this is achieved are unclear.

*[The application is clear in that it proposes two alternatives: one locating the leisure centre on the site next to the secondary school or locating both these uses at Kingsland Campus. Contributions would therefore be either in the form of land and/or with some financial support towards its construction commensurate with the scale of the development proposed. Further public funds would therefore be required.]*

It is noted that the proposals include the provision of community centres. These should not compete with the leisure centre or involve unnecessary duplication.

It is noted that the application includes the provision of other recreational indoor spaces up to 5000 sqm in area. This is substantial and could accommodate additional commercial health and fitness centres. This could provide both competition to the public facility but also choice.

There is an opportunity to consider dual use facilities with the proposed new schools and efficiencies if located next to other sports facilities. This would need a planning condition to ensure that community use of school facilities is provided.

*[There is no need for a condition as under the terms of any Planning Agreement the provision and /or specification of the schools would be the responsibility of the Council and delivered under its own policies for dual use.]*

Finally, there will be a need to consider the long term maintenance of the facilities, including the securing of maintenance contributions through any S106 Planning Agreement. A planning condition, management plan and a phasing plan are recommended.

*[This is considered in the planning conditions section of this report, below.]*

Sustrans

No comments received

Thames Valley  
Water

No comments received

The Chiltern  
Society

The Chiltern Society objects to the application for the following reasons.

- It is outside the settlement boundary and within the Green Belt

*[This matter is dealt with in section 3 of this report, below.]*

- It is a Greenfield site, of high agricultural and landscape value. The application is considered to contravene Central Government and Central Bedfordshire Council policy regarding Green Belt land.

*[Ditto]*

- The building work will seriously damage the residential amenity of Houghton Regis.

*[This is an effect that will need to be balanced against the other public interests for supporting the development.]*

- The application will lead to the temporary and permanent closure of footpaths that currently cross the site.

*[This will be the case during the construction period, but there will be measures required in any planning permission to retain Public Rights of Way wherever possible and the creation of new beneficial routes.]*

- The development will extend the urban sprawl of the Houghton Regis, Dunstable and Luton conurbation in the countryside. This will damage the local green infrastructure and will detrimentally impact the village of Chalton and views south of Toddington.

*[There will be impacts upon and changes to the character of the area and to views from public vantage points. This will need to be balanced against any advantages of the development and any landscape mitigation required as part of any planning permission.]*

If the planning application is granted planning consent we would suggest the following conditions.

- No development should commence until (a) The Woodside Link road, and (b) the A5-M1 Link Road have been completed and are in operation along with Junction 11A on the M1.

*[This is unnecessary for the reasons set out in responses to similar comments made by others, above.]*

- Development should be limited to the area of land west of the M1 and south of Sundon Road. The remaining land should remain in the Green Belt to preserve its present status.

*[The planning application must be determined on the site area submitted.]*

The Chiltern  
Society Rights of  
Way Group

The biggest concern is that the Chiltern Way goes through the site and we would like this to be protected as much as possible. In particular the section which runs along the western edge, Footpath 45, should ideally be protected from development by

substantial planting. The section alongside the Ouzel Brook should also be protected. Bridleway 22 should be retained as an important link from the existing development.

Where possible the footpath and cycleway in this area are kept separate. Definitive paths should be aligned with proposed green corridors.

The Society would hope to see the other footpaths across the site protected and not extinguished. Diversions may be considered reasonable.

Any new paths should be definitive as this would allow them to be shown on Ordnance Survey maps and would mean they are likely to be maintained to a higher standard.

*[The details of how the ROWs will be treated will be required by condition and incorporated into the required Area Master Plan for that area.]*

The Chilterns  
Conservation  
Board

While the Chilterns Conservation Board will not be commenting on the application, they ask that the decision-maker considers:

- The Chilterns AONB Management Plan
- The Chilterns Building Design Guide and Supplementary Technical notes on Chilterns Building Materials
- The Environmental Guidelines for the Management of highways in the Chilterns
- The Board's Position Statement on Development Affecting the Setting of the Chilterns AONB

The Greensands  
Trust

No comments received

The Wildlife Trust

Comments that there are few features of interests from their perspective; with the exception of the brooks and some rich hedgerows. Therefore the application offers the opportunities for an enhancement of biodiversity.

These opportunities are to provide linkages between the rich calcareous grasslands around Sundon and the designated grassland sites around Totternhoe as envisaged in the Green Infrastructure Plan for Bedfordshire. This is to some extent achieved via the A5-M1 link corridor but the other "corridors" are narrow in places.

*[There is a limited ability to widen corridors without further compromising the viability of the development. However, there will be a requirement for a management plan for the open areas which can consider what can be done to assist this objective.]*

Outside the site there are a number of important sites which could be under pressure from greater public use caused by the development. These include SSSIs and County Wildlife sites.

There is national policy that requires strong protection with exceptions made only where the benefits of the development outweigh the undesirable impacts. As such impacts are envisaged, there is a need for enhancements to their management and physical infrastructure to help cope with the added pressure of people.

*[There is an intention to provide financial support to the management of SSSIs and the opportunity for such support to County Wildlife sites considered to be under pressure. The details are set out in section 9 of this report, below.]*

There is the concern that the application is in outline and so uncertainty about the location of Green Corridors. The application should contain firm commitments. Further attention is required to the land alongside the new Woodside Link.

*[It is considered that the requirement for a Site Wide Master Plan and Area Master Plans will allow a greater attention to detail to be formulated.]*

There is an opportunity for improving the biodiversity along Houghton Brook and it is noted that there is evidence of use by voles which are a protected species. The necessary drainage plans for the development should allow for the improvement of the Brook with a regular clean water supply to assist in creating suitable habitat. The extent of the development in this area challenges the ability for the remaining land to be viable for recreational, water management and biodiversity purpose.

*[This is accepted and whilst 30% of the site area (not including gardens) is available for green infrastructure and recreational use, it has not proved possible for a viable planning submission to be made with a greater proportion of open space included to satisfy all potential users and uses.]*

There is also an opportunity within the open areas to create new calcareous grassland.

*[The application identifies some areas alongside the strategic roads that can be used primarily for this purpose.]*

UK Power  
Networks

No comments received

Veolia Water

No comments received

Voluntary and  
Community Action  
South  
Bedfordshire

No comments received

**CBC Officer  
Responses**

Senior Engineer      The measures proposed for the attenuation of surface water from the development are acceptable in principle.

There will be a need, however, for further detailed assessments and proposals at the later design stages of the development.

There are areas within the site that have high ground water levels and some Sustainable Urban Drainage systems and soakaways will not be suitable. However, the Environment Agency's proposed flood storage project which is incorporated in to the development should, when implemented, assist.

Conditions will be required to ensure that surface water discharge systems are in place prior to commencement of the development as a whole and on each phase.

It is anticipated that there will be a new approval body for SUDS post April 2014. The developer will need to take account of this change as it will impact on their design and development of the site in the future.

Archaeologist      Comments that a considerable amount of pre-investigation work was undertaken prior to the submission of the planning application which has provided a considerable amount of information on the archaeology of the site.

This work has identified a number of archaeological sites and features of interest from broadly within the Neolithic, Bronze Age, Iron Age, Roman and Medieval periods. This work samples the site and therefore it can be expected that further investigation will reveal further sites and features. These are heritage assets of interest as defined in National Planning Policy Framework terms.

Given the extent of material discovered, it is likely that the proposed development will have a negative and irreversible impact on the archaeological remains on the site. None of the assets require preservation on site in line with current policy, but there will be a need for further recording as the development proceeds.

However, there may be an opportunity for preserving the site of the Roman settlement remains within an open space area shown on the illustrative Master Plan but that will depend on the amount of disturbance likely to occur in creating that public area.

There is an opportunity, not reflected in the application to date, to use the heritage assets as a focus for the wider green Infrastructure provision, However, it is also suggested that they may also form models for the new landforms that will be created



for the new development. This would be inappropriate.

The necessary further investigations should be the subject of appropriate conditions. The material collected to date and in the future should form the focus of future programmes of outreach and public engagement as it has, and will continue to provide, invaluable information to create a sense of place and identify for the development emphasising the antiquity and continuity of human settlement in the area.

*[The applicant has been informed of these comments in order to guide the Site Wide Master Plan and Area Master Plans. In addition, a suitable condition has been included within the planning conditions section of this report, below.]*

The Mineral and  
Waste Team

Expresses concern that whilst the relevant policies of the Waste Local Plan are referred to, the Council's 'Managing Waste in New Developments' SPD 2006 is not. However, it is noted that a Waste Audit has been submitted and is adequate for the purposes of an outline application. A further detailed Site Waste Management Plan and Materials Management Plan at the detailed reserved matters approval stages is recommended.

The development should include the provision of local "bring sites" for community use. The design of the area should accommodate appropriate outdoor storage areas, including for individual properties.

Finally, the site does not lie within a Minerals Safeguarding Area and no issues arise accordingly.

Sustainable  
Growth Officer

Comments on matters relating to energy and sustainability. Whilst the application commits to the principles of passive design and solar orientation, the illustrative Master Plan does not fully take this into account. It is to be hoped that the final Master Plans for the area will improve this aspect of good energy management.

The emerging Development Strategy for Central Bedfordshire includes a policy for improving the energy standards and water use standards above the current Building Regulations standards. It is disappointing that the application does not reflect those aspirations. If this aspect of the proposals is to improve, there will be a need for planning conditions and/or Section 106 Planning Agreement clauses. It is estimated that bringing the development up to the standard suggested would cost in the region of £11.3 Million to £30.6 Million for a 5150 dwelling proposal.

*[The planning application has been made to current Building Regulation standards rather than the aspirations of the emerging Development Strategy. This issue is dealt with in section 9 of the report, below. However, it is concluded that this cost is too great given the viability constraints of the*

*development and the need for other community infrastructure as required by current planning policy.]*

The Open Space and Green Infrastructure Team. (Open Space, Countryside Access, Ecology & Landscape)

### **Summary**

In summary there is a deficit in the calculated requirement of using current CBC standards in the provision of Open Space of 23.5 hectares. However, this has been discussed throughout the consideration of the application and with Sport England.

Further details will be required of children's play areas at the Master Plan stages.

The submitted Green Infrastructure (GI) strategy has taken account of national and local planning standards, but it is illustrative only and provides no certainty.

Some of the GI is in places alongside major roads and power lines which have the potential to be poorly designed. Consideration needs to be given of the connectivity of the site. More information is required.

The scale of the development will have a wider impact on the countryside and existing open spaces, exacerbated by the calculated deficit of formal and informal open space within the development site. In particular, the development has the potential to negatively impact on those sites as identified by Natural England if they are not supported financially by the development. This includes SSSIs and off-site recreational areas.

A phasing plan for the provision and delivery of open space on site is required.

*[The planning application is in outline and of a "parameters plan" style (see section 7 of this report, below) and therefore it is in the nature of the application that it will not have the extent of detail that will be necessary to pin down the how the open areas and connectivity will look and function once designed. In reaching a decision on an outline application of this nature, the main considerations are the principles behind the provision of Open Space within the development proposals, the conditions that may be required to establish those principles and provide the necessary detail and any financial requirements for the construction and maintenance of the specified facilities.]*

### **Detailed Consideration**

#### Open Space

The broad structure and layout of the open spaces fits with the Framework Plan.

The overall quantity of open space and GI is specified at 78 hectares, about 30% of the site area, not including private gardens, and is specified as landscaping bunds, sustainable urban drainage, formal open space and informal open space. There is a deficit of provision.

The application lacks detail and whilst it is expected that more detailed Master Plans will be submitted, there are issues that require resolving; particularly how the interrelationship of uses will work.

Commenting in respect of the provision of recreational Public Open Space, it is considered that there is a deficit in the provision of **formal open space** in consideration of the standards in use by CBC.

The application uses the Open Space standards of the South Bedfordshire Local Plan and the Planning Obligations Supplementary Planning Document for the south of Central Bedfordshire. These are out of date. The Council is in the process of developing a Leisure Strategy and new standards have been developed for that work. Interim standards have therefore been used to consider the proposals.

Policy 60 of the emerging Development Strategy for Central Bedfordshire, whilst not specifying an overall amount of open space, does contain detailed requirements on its purpose and quality and on the capacity of off-site open spaces affected by the development.

It has been agreed with the applicant that these can be used provided that the total amount required did not exceed 78 hectares. This is 23 hectares less than would normally be required.

The locations of two primary amenity sites as shown in the illustrative Master Plan relate well to the development. A further smaller area expands the existing Tithe Farm Recreational Ground and is a significant benefit to the area.

In respect of formal Open Space within that total of 78 hectares whilst the requirement is for 29.4 hectares of formal open space it has been agreed with Sport England that a compromise of 23 hectares should be sought provided there is provision at school sites and off-site contributions.

In respect of play areas, there should be a provision which relates to established standards used by CBC. However, it is recognised that the standards, when applied to a site of this scale, is too high. It is suggested that there should be 12 Neighbourhood Equipped Areas for Play (NEAPs), 17 Local Equipped Areas for Play (LEAPs) and within the latter, 17 Local Areas for Play (LAPs). These could be configured and combined in various ways as options.

*[There has been a considerable amount of discussion since these formal comments were supplied, between CBC officers, Sport England and the applicant's representatives. In summary, there will be a need to provide more detail on the size, quality and location of formal play facilities within the Site Wide Master Plan and the Area Master Plans. The financial implications of providing for these facilities are referred to in sections 8 and 9 below.]*

In respect of the provision of **informal open space**, there is a lack of information on how it will be designed and developed.

The strategy included with the application is compliant generally with national and local planning policies, though it is recognised that there is no certainty given that the application was submitted with an illustrative Master Plan.

There will be a need for information on:

1. What type of space, what it will include and what functions it would deliver.
2. Where the space will be
3. How much there will be
4. How the space relates to its surroundings.
5. The minimum areas of Green Infrastructure that will be delivered in the proposed green corridors.
6. The function of the area so identified
7. Safeguards about how they are treated, including surveillance by adjacent development.

A variety of other play facilities are recommended. In general, there is a lack of information in order to be more precise as to whether an adequate provision is being made.

*[The planning application includes a considerable amount of illustrative material to show in principle how these areas can be developed. However certainty at this level of detail will be a matter for the Site Wide Master Plan and Area Master Plans as required by planning conditions.]*

### Countryside Access

The application should include an undertaking to produce an Access and Rights of Way strategy, produce design standards and undertake dialogue on how maintenance will be managed.

The information in the Design and Access Statement on how GI areas are to be treated is noted, but will need to be taken forward in Area Master Plans.

The principle of allowing the countryside to penetrate the development is welcomed, but challenged by the A5 – M1 link road. Every opportunity should be taken to link spaces into the

town. Pedestrian areas need to be well designed but informal areas will need to be designed to avoid anti-social behaviour. Open spaces and access routes need to be provided at the earliest stages. Care will be required to ensure that ecological areas, flood management areas and Rights of Ways are integrated well to avoid conflict.

### Ecology

The work of the applicant's ecological consultants has been satisfactory and the necessary mitigation proposals have been made, though its effectiveness will only become apparent when more details are supplied.

There is little or no provision specifically for the sake of biodiversity, but there may be opportunities for the creation of some chalk grassland. Narrow corridors of space are less beneficial and there is an opportunity for an area to the north east of the site to be designated for this purpose rather than the small pocket of residential use shown on the illustrative Master Plan.

Further attention to the re-use of soils rich in arable weeds is suggested. Opportunities to improve the habitat for voles should be taken, There are a number of trees that will require specific protection.

There is insufficient attention to surveying the trees on the site and there are a number of important specimens that will require protection.

*[There will be conditions and planning agreements requiring further details to be provided on countryside access and ecological matters arising from these comments and these are set out in Section 10 in this report, below.]*

### Landscape

There is a concern that the open spaces shown will be inadequate to contain all the uses required of it including landscape structure.

The assessment of landscape is according to the agreed methodology and evaluates the significance of the visual impact on the landscape well.

A number of viewpoints from within the Chilterns Area of Outstanding Natural beauty were considered and assessed as having some visibility albeit as part of a wider urban development as already exists and in the future. The future development would assist in mitigating the impact of the proposed large building.

There is a need to ensure that there is adequate space for structural planting. There is a need to explore cumulative impact, particularly from development in the north-east of the site. The composition of massing and materials will have an impact and needs to be borne in mind.

There is a need to link the landscaping programmes of the A5-M1 link road, the Woodside Link and the development together. How the gateway from the new Junction 11a is to be treated will benefit from consideration.

The existing urban edge of Houghton Regis here is surprisingly elevated. The proposed development follows the slope down to the Ouzel valley on to the Toddington hills and countryside beyond. More significant mitigation would be welcomed. There should be more planting along the principle roads.

There is an opportunity to provide a less harsh urban edge than exists at present. Given the density of the development, the structural landscaping will be dependant on the GI corridors shown. Care will be required to avoid reinforcing the harsh linear feature of power lines by planting rigidly along them. There is a concern that landscaping will be compromised by restrictions on planting.

More detail on how advanced structural planting and other structural planting will progress throughout the period of development will be required. Various suggestions for key planting areas are made.

At the detailed design stages, there may be opportunities for street scene enhancement. There may also be opportunities for landscaping enhancement outside the site to tie in with that occurring within the site.

*[Appropriate conditions for advanced landscaping and other landscaping programmes will be included as set out in section 10 of this report, below.]*

#### Off-site Contributions

It is considered that there is a requirement for financial contributions to off-set the potential for impact on local SSSIs, the strategic recreational sites situated within the Chilterns AONB and at Houghton Hall Park. This has been calculated at £1,809,100, £1,274,350 and £1,114,050 respectively.

*[There has been a considerable amount of discussion since these formal comments were supplied between CBC officers, English Nature, Sport England and the applicant's representatives. The financial implications are considered within section 9 of the report, below. In summary there will be a need to prioritise the requirements in the light of the available financial resources.]*

Trees and  
Landscape Officer

Comments on the planning submissions documents in respect of the Arboricultural Strategy and the landscape section of the Design and Access Statement. Given the level of detail possible in an outline application across such a large site, it is agreed as stated in those documents, that there will be a need for a planning condition to require detailed tree surveys, mitigation methods prior to the development of each phase of the development and long term maintenance arrangements put in place.

There are a number of important hedgerow features that deserve greater consideration as to their value.

It is strongly suggested that hedgerows should not form garden boundaries and should instead be included within buffer zones.

There should be periodic reviews of vulnerable trees such as Ash and management plans required.

*[Appropriate conditions have been included within the planning conditions section of this report, below.]*

Urban Design  
adviser to CBC

Comments that the Master Plan submitted with the application is illustrative only and that it is noted that there will be conditions requiring the provision of:

- A Site Wide Master Plan
- Area Master Plans
- Design Codes

Generally the proposed open areas shown on the illustrative Master Plan integrates well with the existing open spaces on the edge of Houghton Regis. The development should continue the use of the open spaces alongside the route of the proposed Woodside Link to integrate it into the centre of the town.

There will be a need for more buffer space between the employment zone and the residential land: shown on the illustrative Master Plan but not in the details of the formal submission documents.

It is noted that the application shows two options: keeping the Power Lines crossing the site or undergrounding them. The latter is preferred.

There is a broad range of densities shown on in the submission. These should be secured at the Master Plan stage to avoid the use of top of the range densities throughout the development.

There are a number of detailed comments on the content of the Design and Access Statement.

*[These have been relayed to the applicant's representatives. Many of the points raised are matters that can be considered at the Site Wide Master Plan stage.]*

Highways,  
Transport  
Rights of  
Way  
Team

There has been continuous dialogue with the applicant's planning and transportation consultants which have informed the views expressed.

*[These discussions have continued since these representations were formally submitted and any further information up the date of writing this report will be included here where relevant.]*

Comments that they are content with the traffic modelling that has been undertaken to assess the impact of the development.

In respect of the impact on the Highway network in the majority of locations, there is a reduction in traffic levels as a result of the new roads but there is a compensating increase in traffic as a result of the development. The development area is adjacent to Luton Borough Council's administrative area and, if it is found that the development will have an impact on the roads and public transport in their area, then any mitigation which may be required to make the development acceptable will need to be agreed with Luton Borough Council.

There is opportunity to develop some of the site before the A5 – M1 link and the Woodside Link are in place, but there will be a need for a condition to this effect.

In conclusion the proposals relating the development to the highway infrastructure proposed will operate satisfactorily.

The applicant should be aware of the new parking standards in operation within CBC.

There are various impacts on the area's rights of way that will require mitigation. Appropriate conditions will be required and there will be a need for an Access and Rights of Way strategy to be incorporated into the decision. There is potential for conflict between rights of way and the location of sustainable urban drainage schemes.

The Construction and Environmental Management Plan will need to be updated to include better references to the requirements concerning rights of way. There will be a need for informatives on how public rights of way should be treated.

A variety of improvements to the walking and cycling network are suggested.

There will be a need for financial support to establish in the early period, the necessary bus services for the new area.



There will be a need for a travel plan and including measures to support the current Travel Choices Project towards improving the use of means of travel other than the private car. A variety of sustainable transport measures have been identified which should receive financial assistance to allow their implementation.

*[These matters have been discussed with the applicant's representative in a series of further detailed meetings which have sought to agree the sustainable transport requirements to be included in any formal Planning Agreement.]*

Economic Growth,  
Regeneration and  
Skills Team

Comments that the application is welcomed in principle as it will deliver much needed jobs and investment.

In respect of the retail proposals the scale in terms of floorspace is similar to that at Kingston, Milton Keynes. This will have a major impact on the existing shopping centre hierarchy: notably Dunstable and Houghton Regis Town Centres and on investment and regeneration plans. The team have taken a view from specialist retail consultants, Montagu Evans and in summary their view is that:

1. the proposal will compete with and draw trade from Dunstable town centre and the White Lion retail park.
2. Developers and investors will be discouraged away from those areas.
3. Retailers will perceive the new area is more deliverable than difficult town centre sites.

However, the team also recognises the importance of the application to assist in delivering the new A5 – M1 link road and reduce the traffic congestion and environmental consequences of that within the town centre.

In respect of the employment proposals, the proposals will provide a substantial proportion of the new jobs calculated as required from assessment work undertaken previously by this Council. However, a large proportion of the proposed floorspace is given to warehousing proposals, whereas this area is a prime location for office development. A higher number of jobs could have come from a higher proportion of other business uses.

However, if other employment generating uses such as the retail uses are taken into account, then the total number of jobs that could be provided is estimated at 3,460 FTE.

It is requested that the developer invests in improvements to the existing Houghton Regis library and to allow space for a community library in one of the proposed new community hubs.

There is a requirement for the preparation of an Employment and Skills Plan to outline how local people will be able to access the job opportunities and businesses access the trade opportunities arising from the development.

There is also an opportunity to link with the National Skills Academy for Construction's Client Based Approach to employment and skills on construction projects. This will require the Council to sign up to that Approach and should be considered as an option.

The developer could contribute to a bursary scheme which would support non classroom based learning for young people to allow them to gain the skills necessary to access the new job opportunities.

*[The concerns in respect of the scale of the retail provision are significant. Partly for this reason, CBC commissioned a report from an independent retail consultant and the issue is dealt with in later sections of this report.]*

*In respect of library service and employment skills plans, appropriate clauses in a planning agreement can be included.]*

Senior Education  
Officer – Planning

Calculates that the development at its maximum parameter of 5150 dwellings would generate a need for new schools under the new primary/secondary model as will be implemented in this area from September 2013.

The scale of development is equivalent to 7 Forms of Entry. It is suggested that this will require three new 2FE primary schools plus an extension by 1FE to an existing school. The latter can be done by adding land from the developer's site adjacent to Tithe Farm School for an expansion.

It is noted that a secondary school is shown within the application site boundary as shown on the illustrative Master Plan. Whilst practical, this would also need some temporary arrangements to be put in place to cater for secondary school pupils until such time as the school was built.

*[From discussions that have taken place with the applicant's representatives since this response was made, it is apparent that the preferred solution of both the Education Officer and the developer is for a less costly and more beneficial solution of locating the new secondary school at Kingsland Campus associated with the existing school on the site.]*

Strategic Planning  
and Housing  
Team Leader

States that the Development Plan consists solely of the saved policies in the South Bedfordshire Local Plan Review (adopted January 2004). The previously saved policies from the Structure Plan were revoked.

The Joint Core Strategy for Luton and southern Central Bedfordshire was endorsed for Development Management purposes by Central Bedfordshire Council's Executive in August 2011 and still remains a material consideration. However, given the time that has elapsed since this endorsement and the progress now made on the Development Strategy, more weight should be given to the Development Strategy.

The pre-submission version of the Development Strategy was published in January 2013 and submission to the Secretary of State was expected in mid-June 2013.

However, the recent publication of information from the Office for National Statistics (ONS) has prompted a review of the population and household projections that underpin the Development Strategy. This review work is currently underway.

The circumstances that have led to this planning application being drawn up in advance of the plan-making process are understood. However, determining a planning application of this scale in advance of the plan-making process being completed should not be done lightly, if the integrity of the plan-led system is to remain. There would need to be significant benefits to the public interest to justify such a decision.

It is noticeable that there is no groundswell of public opinion against the proposal evident through the consultations on the Development Strategy and, indeed, this has been the case going back 7 or 8 years to previous Joint Committee consultations. Even objections to this proposal from the development industry have been relatively limited, with new sites being proposed in addition to, rather than instead of, Houghton Regis North.

The particular circumstances of this site mean it appears highly suitable for development, as set out in the Sustainability Appraisal report for the Development Strategy. Of particular note are the size of the site, its location adjacent to an area of high housing demand, its ability to deliver key road infrastructure to the benefits of the wider area and the relative lack of constraints. In my view, it is very difficult to envisage a strategy to meet housing needs that does not include, in some form, development of this site. This should be considered in relation to the question of prematurity.

This planning permission is needed as part of the specific funding arrangements for the A5-M1 link agreed with the Department for Transport. The Government's encouragement of growth in the national economic interest, evident from a number of recent ministerial announcements, also needs to be considered. Clearly there is a need for housing in the area and the 5-year supply of housing land is a consideration.

The site remains in the Green Belt until adoption of the Development Strategy (estimated at February 2014). Any consideration of an application before this date would be in the context of needing to demonstrate very special circumstances to justify development in the Green Belt.

In terms of the supply of housing land, the Council's published Housing Trajectory shows 10,247 dwellings being likely to be completed during the 5-year period from 1 April 2013 to 31 March 2018. Of these, around 1,050 are predicted to come forward from Houghton Regis North, with 100 dwellings in 2014/5. This is a challenging timescale and if early delivery is to be achieved, progress on an outline planning permission is needed at the earliest opportunity. This is a significant consideration.

The scale of overall housing provision broadly reflects the assumptions in the emerging Development Strategy.

A critical issue is the provision of affordable housing. With the site at Houghton Regis North representing such a significant element of the overall housing delivery in the Development Strategy, it necessarily represents a significant opportunity for the delivery of the overall affordable housing requirement. The 2012 Strategic Housing Market Assessment (SHMA) indicated a requirement for around 31.8% affordable housing over the plan period, over 9,000 affordable dwellings. In addition, Luton Borough Council has made it clear that they are unable to provide for the full extent of housing need arising in their area.

The Development Strategy policy requirement for this site would suggest around 1,500 affordable homes – a significant proportion of the total requirement for the area. Development viability will be an important consideration here and Development Strategy policy 34 places emphasis on the provision of a “viable degree of affordable housing”. This flexibility reflects recent Government pronouncements and statements in the NPPF. Nevertheless, there remains an acute need for affordable housing and we must do all we can to ensure maximum provision.

The scale of employment provision is also broadly in line with the Development Strategy. In line with Government guidance, the Development Strategy is not prescriptive about the type of employment uses expected. The emphasis in the planning application on B8 uses, above B1 and B2 uses, is a reflection of the current economic situation. I would hope that as detailed applications follow for this site and adjacent sites, a more broadly based employment offer might start to emerge.

The planning application proposes a significant level of new retail floorspace. Others, including Luton Borough Council, have raised objection to this and the possible impact it might have on surrounding centres. This will need to be assessed

independently.

Environmental Health Practitioner Recommends the provision and implementation of a Low Emission Strategy to minimise the impacts of the development by reason of emissions from traffic and the air quality concerns that arise. A monitoring of air quality regime should be required.

A number of conditions to that effect are proposed.

It is recommended that when detailed proposals are submitted that there is an acoustic assessment and a set of mitigation measures implemented should issues of noise impact arise. The preference is for good layout, screening and design be employed before considering high sound insulation or mechanical approaches to limiting noise as they are more sustainable in the longer term. Relevant data is provided for use in constructing the conditions.

There should be a requirement for the preparation and implementation of an odour mitigation scheme, a condition to control the details of any external lighting and a condition to assess potential contamination of the site and its mitigation if necessary.

Finally, it is recommended that there is a Site Wide Code of Construction Practice to deal with the environmental impacts of the various construction stages.

*[Appropriate conditions will be required and are set out in the planning conditions section of this report, below.]*

## **Determining Issues**

The “Determining Issues” in this report sets out the relevance of the current Development Plan to the decision, followed by the importance of the National Planning Policy Framework and the Green Belt.

Furthermore, there is detail on how the policy context above is reflected through the preparation of the emerging Development Strategy for Central Bedfordshire.

Therefore, the main determining issues for the application are considered in the following sections:

1. Compliance with the Adopted Development Plan for the Area.
2. Compliance with the National Planning Policy Framework.
3. The Green Belt and assessment of the potential “very special circumstances” that may arise.
4. The weight applied to the Luton and South Bedfordshire Joint Core Strategy.
5. The weight to the applied to the emerging Development Strategy for Central Bedfordshire.

6. The weight to be applied to the Houghton Regis North Framework Plan.
7. The nature of a “Parameters Planning Application” and its implications.
8.
  - a. Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.
  - b. Affordable Housing
  - c. Transport Impact
  - d. The Retail proposals and their impact
  - e. Green Infrastructure and Open Space
  - f. Off-site Impacts: SSSIs and recreational sites accessible to the public
  - g. Car Parking Standard
  - h. The A5 – M1 link road and the Woodside Link.
  - i. Design and Implementation.
9. The Viability Appraisal and consequences for a Section 106 Planning Agreement
10. The Requirement for Planning Conditions.

### **Considerations for determining the Planning Application**

#### **1. Compliance with the Adopted Development Plan for the Area**

- 1.1 The formal Development Plan for this area comprises The Minerals and Waste Local Plan (M&WLP) 2005 and the South Bedfordshire Local Plan Review (SBLPR) 2004.
- 1.2 The relevant policies of the SBLPR 2004 are listed at the start of this report. This list reflects the fact that only some of the policies have been “saved” for use. It is recommended that this Local Plan is to hand for sight of the wording of the policies. Of these policies, the following are directly relevant to the proposal and should therefore be taken into account. Each policy in turn is followed by a recommendation on the weight that should be applied to it when making a decision on the planning application.
- 1.3 In respect of the Green Belt, policy GB2 confirms that the site lies within the Green Belt where no exception for major development is made. Significant weight should be given to this policy. Therefore the Committee will need to consider whether there are any very special circumstances for development of the site.

*[The key issue of principle when considering the planning application is that as the proposed Houghton Regis North SUE allocation has not yet been formally confirmed in an adopted Development Plan, the application site has not yet been removed from the Green Belt. Therefore a key consideration in determining this application is whether the application is premature when read against policy GB2 in advance of the formal adoption of the replacement Development Plan. Then having considered that, whether there are very special circumstances that would support planning permission in advance of the adoption of the Development Strategy. It is a fact that the site lies in the Green Belt and so the planning application represents inappropriate development in the Green Belt.*

*Therefore it should only be permitted if very special circumstances (VSCs) apply. This argument is presented in detail within section 3 below. ]*

- 1.4 Policy BE8 lists a number of design considerations that development should generally take into account.

*[The proposed design treatment is included in the submitted Design and Access Statement (DaAS) submitted with the planning application.*

*In respect of this application, a commentary in respect of each criteria of the policy is provided below by the Case Officer:*

- (i) The proposal covers a wide area of rural fringe and agricultural land but there are no significant natural and built features that require specific protection and conservation. However, there are trees, small areas of woodland and brooks that are features that can be kept and enhanced to add to the attractiveness of the setting of any new development.*
- (ii) Similarly there is little character that is distinctive of the area, though there are landscaping opportunities within the site to assist in enhancing the appearance of the area; particularly after taking into account the most significant alteration to the character of the area in the likely visual impact of the new A5 – M1 Link Road and the substantial works for the new Junction 11a.*
- (iii) Whilst the policy seeks to “complement and harmonise with the local surroundings” the area is on such a scale that a more sophisticated approach is required. The DaAS includes an illustrative Master Plan which, though not part of the Planning Application, does include ideas that identify where the size, scale, density, massing, orientation, materials and overall appearance can raise the standard of design in the area. Crystallising the benefits of the development in this way will require planning conditions to ensure that design quality is maintained throughout the development period*
- (iv) The setting of the development in the landscape is also a key component of the DaAS and undoubtedly the development will have a significant impact both on views towards the northern edge of Houghton Regis and Dunstable and from views from the edge of the town such as the view northwards from Tithe Farm Road open space/ recreation ground. The policy asks for such views not to be harmed, to enhance them or to provide new ones. It is the latter part of the policy that is most relevant given the scale of the development and the new A5 – M1 Link Road.*
- (v) Providing suitable facilities for access by the disabled, elderly persons and young families is a matter that will mostly be considered at later design stages. However, the scale of the proposed development offers many opportunities for effective design for those groups to be employed.*
- (vi) Similarly, providing a layout and design to limit opportunities for crime to be committed is a matter that will mostly be considered at later design stages.*
- (vii) The policy asks that there is no unacceptable adverse effect upon residential amenity and privacy. This is particularly important given that the development shares a boundary with the majority of the entire rural edge of Houghton Regis, with many existing dwellings along that*

*boundary. It would be reasonable to expect that specific attention is paid to that relationship using planning conditions. Within the development itself, this would be a matter for later design stages with guidance from the Local Planning Authority in the form of the document: "Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements)".*

- (viii) The development includes new commercial uses which may generate noise or other pollution emissions. These are generally identified within the planning application and considered as part of the Environmental Statement. There will be a need to ensure that any required mitigation is identified specifically and dealt with at the relevant detailed design stage and also include all necessary planning conditions.*
- (ix) The policy seeks an efficient use of scarce resources and land. Once more the scale of the development offers a variety of opportunities. The application includes an Energy Statement that identifies many of those opportunities. Planning conditions that require the provision of Master Plans, Area Master Plans and Design Codes can identify specific ways of doing so.*
- (x) Lighting arrangements for the development are likely to be an important consideration at later design stages. The most significant lighting proposals will be associated with the A5-M1 Link Road, the Woodside Link and the commercial areas within the new development. Care will be required to ensure that lighting does not harm highway safety and general public amenity. Appropriate conditions will be required.*
- (xi) Approximately 30% (78 hectares) of the total site area will be open space and subject to some form of landscaping; not including private gardens and landscaped areas within commercial areas. A considerable amount of attention is paid to this aspect of the proposal within the DaAS.*

Finally, in accordance with this policy, the planning application is accompanied by a Landscape Assessment.

1.5 Policy T4 supports the new Guided Busway proposal.

*[No part of the site is affected by the Guided Busway directly, but the bus services proposed by the applicant will be linked to it. The proposed development is of a scale that the potential custom generated from the site will assist in supporting the Guided Busway.]*

1.6 Policy T10 sets out the considerations that will apply when looking at the provision of car parking in new developments.

*[However, the policy is written as a set of amendments to an earlier Parking Standards document published in 1994 which is itself now significantly out of date as is essentially superseded by the more recent National Planning Policy Framework statements. Therefore Policy T10 is no longer in day to day use by the Council. A new parking policy for Central Bedfordshire was approved by the Council in October 2012. For these reasons, it is considered that very little weight should be given to Policy T10 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments.]*

1.7 Policy T13 sought to safeguard future routes for major highways proposals.



*[The safeguarded route of the A5 – M1 link road overlaps with the application site. Of course, the exact position of the A5 – M1 Link Road route is now settled and therefore the planning application is, by the passage of time, no longer in conflict with this policy.]*

- 1.8 Policy H3 seeks the provision of housing to meet the needs of the elderly, single and other small households, with a third of all proposed housing to be on 1 and 3 bedroom types. Exceptions are allowed to the latter requirement if a rigid application of this would be inappropriate.

*[The application is of a scale that can accommodate a wide variety of housing types over a 20 year period, therefore over a long period of housing market and population change. A rigid application of the policy is therefore inappropriate. ]*

- 1.9 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.

*[However, this policy is out-of-date for the following reasons. The policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. In particular it is recognised that the proposed strategic urban extensions were promoted to assist in meeting the needs for housing across the whole of the conurbation and not just within South Bedfordshire: which is itself of course no longer in existence as a local authority area. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes*

*Therefore it is recommended that limited weight is afforded to this policy in respect of occupancy and indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of this development is of greater relevance. Other aspects of the policy remain relevant and the application is generally compliant with them.]*

- 1.10 Policy E1 requires employment development to be accommodated without unacceptable harm to the amenity of the surrounding area.

*[The development is of a scale that offers opportunities to design these areas in an acceptable manner and without harm to the amenity of the surrounding area.]*

- 1.11 Policy R3 identifies land for proposed new urban open spaces, One of these is identified as land between Houghton Brook. Sandringham Drive and Wheatfield Road at Houghton Regis.

*[Whilst this land lies outside of the application site boundary, it is relevant insofar as it lies in the area intended to accommodate the new Woodside Link (WSL) which is a major road required for the development to proceed. The WSL is the*

*subject of a separate planning application to the Planning Inspectorate under the Nationally Significant Infrastructure Project procedure.*

*The policy sought detailed proposals for enhancing and managing the area for informal and formal recreation use, though it is understood that such proposals were not in fact brought forward. It is considered that the policy should be given limited weight as it is clear that its purpose has not been pursued since 2004 and has subsequently been superseded by the aspiration to deliver the strategic link road proposal. ]*

- 1.12 Policy R10 sets out the requirements for play areas.

*[The application submissions refer to such provision, though the scale of the development is considerably higher than the scale likely to have been envisaged by this policy. Since this policy was established, new guidance was published in 2009 in the form of a Supplementary Planning Document for Planning Obligations in the old South Bedfordshire area and endorsed by the Council subsequently for use in that area. Nevertheless, the policy should be given substantial weight. There will be a need for appropriate conditions and clauses within a Planning Agreement to incorporate any specific or negotiated requirement at later design stages.]*

- 1.13 Policy R11 seeks a similar arrangement for formal and informal open spaces.

*[The same weight as above should be applied.]*

- 1.14 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces; including access and particularly close to urban areas.

*[The application has identified numerous rights of way and new facilities that it would facilitate to improve such facilities. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision.]*

- 1.15 Policy R15 seeks the retention of the existing public rights of way.

*[The planning application has a number of regionally significant footpaths and bridleways crossing the site and all will require incorporation into the development in a manner appropriate to their function. In addition, there will be a significant additional provision of footpaths and cycleways to link into the existing urban network. ]*

- 1.16 Policy R16 offers support to the provision of land for outdoor sport though referring also to the general Green Belt policy that buildings would not be appropriate. This policy is a material consideration and should be considered alongside the section in this report on the Green Belt.

## **2. Compliance with the National Planning Policy Framework (NPPF)**

- 2.1 For the reasons set out in the previous section, it is necessary to consider the planning application against the NPPF as a significant material consideration. The relevant part of the NPPF states that local planning authorities should apply the presumption in favour of sustainable development, which means that:-

*“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*— 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; or*

*— specific policies in this Framework indicate development should be restricted.”*

2.2 The fact that this is a large and complex planning application with significant impact on a wide range of subjects ensures that there is very little in the NPPF that isn't directly relevant to the decision of whether or not to grant planning permission. Therefore, in the following paragraphs, each relevant statement of NPPF policy is examined, compared with the content of the planning application and a conclusion is drawn as to whether a decision to grant planning permission is signalled.

2.3 **Do the proposals deliver sustainable development by its prospects for building a strong, competitive economy?** For the reasons set out in section 1, the basis upon which to make a judgement about whether these proposals deliver sustainable development is not fully contained in the adopted Development Plan. However, since the adopted Development Plan became operational, a considerable amount of work has been undertaken to provide context for planning for the economic growth of the general area. The planning application itself seeks to meet the needs of business and job creation as well as taking advantage of the natural opportunities for economic growth of the national economy that the area offers. Though not a definitive list, examples of the research that set out what those natural opportunities are can be found in:

- The economic development research that underpinned the old Regional Plans for the East of England
- The economic development research undertaken by Luton Gateway: including the Luton and South Bedfordshire Infrastructure Study.
- The substantial research that underpinned the Luton and South Bedfordshire Joint Core Strategy and which remains an important body of work, suitably updated, for the emerging Development Strategy for Central Bedfordshire.
- The work undertaken by the Council's Economic Development staff and their initiatives towards improving the economy and job prospects for the area.
- The research undertaken behind the subsequent positive decisions taken by Central Government towards constructing the A5 – M1 strategic link road and new junction 11a to the M1 motorway.

2.4 The applicant has highlighted the economic advantages of the proposal within their Planning Statement submitted with the application. They point to the proposal providing 32 hectares of employment land, up to 130,500 sqm of commercial floorspace and additional jobs from retail, schools, leisure and recreation facilities and services. They expect in the region of 2,500 permanent jobs and a further 2,500 temporary construction jobs over the lifetime of the development.

- 2.5 Central Bedfordshire Council is proactively planning for the development needs for business by ensuring that sufficient land is allocated in the forthcoming Development Strategy for new employment use. This is being allocated on several new employment sites, but includes the express requirement that significant new employment provision is included within the Houghton Regis North proposed Urban Extension. This is balanced by the allocation of sufficient housing to not only reflect the anticipated growth in the area but also to offer new business and employment opportunities. The planning application provides for 32ha of new employment land as part of its proposals and therefore can be considered to comply with emerging Development Plan policy and the NPPF in this respect.
- 2.6 The significance of the investment that both local government, national government and from the applicants for this planning application are making to the delivery of the A5 to M1 Link Road and Junction 11a is substantial. This infrastructure is crucial to open up opportunities for business investment; not least within Dunstable where it will help to ameliorate the congestion in the town centre. The Woodside Link Road in turn will offer an alternative route for business traffic that is currently hampered by poor connections to the motorway network. Together, the A5-M1 Link Road and the Woodside Link Road, present the opportunity to encourage significant new business investment in the area.
- 2.7 **How will the vitality of nearby town centres: including Houghton Regis, Dunstable and Luton be ensured?** The planning application proposes a range of retail and other uses that, at a total of 30,000 sqm gross floorspace, would be uses that would have been expected to be found within or, if necessary, on the edge of a town centre. It is of a scale that would represent a significant centre in its own right. However, this single planning application together with the remaining part of the proposed Houghton Regis North Urban Extension will itself generate a considerable demand for new retail services and expenditure. Add to this, the prospect of a substantial urban extension to the North of Luton and it raises the question of whether town centres can be expanded to meet the demand or if new centres of retail activity need to be formed. This is a matter which is dealt with in section 8 below.
- 2.8 The applicant has highlighted the advantages of the proposal in respect of the retail provision within their Planning Statement submitted with the application. They consider that the scheme will provide local retail floorspace, including a supermarket, provide improved choice and competition to the existing provision and add to the range of new retailers not currently present in the locality. The applicants also suggest that the new retail provision being planned will encourage local people to shop within the area and keep their expenditure local and that the additional spending power of new residents will benefit existing local centres.
- 2.9 The advice of an independent retail consultant has been sought by the Council and their detailed report is referenced here and available on the public file. The views of Luton Borough Council, Houghton Regis Town Council and Dunstable Town Council have also been considered. The conclusions of the Council's consultant are:
1. That the impact of the scale of the retail proposed has been underestimated by the applicant, however the consultant's own sensitivity testing concludes that

the proposals is unlikely to have a significant adverse impact on existing retailing centres.

2. That the Council will need to carefully consider the impact that the proposals may have on future investment in the Houghton Regis and Dunstable town centres.

3. There is concern about the robustness of the applicant's sequential approach where the applicant has not justified why there is no assessment of the ability of alternative sites to cater for retail provision.

4. That the Council should balance the negative impacts of a retail development that diverts investment against the beneficial impacts of the overall development. Such benefits are a material consideration.

5. Should the Council consider granting planning permission, the consultant recommends that conditions are added to restrict the net sales area to reflect that applied for, similarly to restrict the convenience/comparison goods balance and to restrict the maximum size of the units not otherwise defined.

However, in respect of item 1 and in the light of Luton Borough Council's concerns about impacts on neighbourhood centres other than Luton Town Centre, the applicant was asked to consider such areas afresh. The response received was as follows:

*"We write in respect of the above planning application following a request to provide additional information on the potential for impact on nearby neighbourhood centres in the Luton Borough Council administrative area. We understand this relates to the following centres, comprising those nearest to the application site:*

- *St Dominic's Square;*
- *Hockwell Ring; and*
- *Sundon Park.*

*We comment on the potential impact on these locations in more detail below.*

### **Summary of Findings**

*The Retail Assessment submitted with the planning application did not explicitly assess the quantitative impact on these locations individually, as they were included in the 'Other Zone 1b' impacts contained in the impact assessment (see Table 6 and 7, Appendix 5) The Retail Assessment found that cumulative impact on the convenience goods turnover of these other locations as a whole would be minimal at 3.0% in 2022, falling to 2.3% in 2031.*

*Luton Borough Council has recently published its 'Retail Study Refresh' prepared by White Young Green (WYG) and dated December 2012 (the "RSR") which includes a summary of the health of the centres and their role in the retail hierarchy moving forward. All three are considered by WYG to be appropriate for designation as Neighbourhood Centres instead of Local Centres as at present.*

*In understanding the potential for impact on these centres, we have therefore reviewed the RSR, in particular Appendix 3 (District and Neighbourhood Centre Assessment), and note the following:*

- *St Dominic's Square contains 14 units / 953 sq m gross floorspace. It has 1 vacant unit and its suburban nature means it serves a predominantly local function.*
- *Hockwell Ring contains 8 units / 654 sq m gross floorspace. It has 1 vacant unit and serves a distinctly day to day top-up function given its size, location and the limited nature of its retail / service function.*
- *Sundon Park contains 34 units / 2,388 sq m gross floorspace. It has 2 vacant units and is enhanced by its community facilities which help anchor the centre.*

*In our view, these centres are healthy with low vacancy levels and focus on providing a top-up convenience / service role to their local communities. They are each of a scale which provides an important local role, but local residents that use the centres will still primarily look to higher order centres / locations for their bulk / main food shopping and comparison goods needs.*

*They therefore provide a different type of retail offer to that proposed at the application scheme and local residents will continue to visit them for their day to day / local shopping and service needs. We do not consider that this position will change as a result of the application proposals. Given the size, offer and role of the above centres, it is not therefore considered that the scheme is likely to result in a significant adverse impact on them against the NPPF paragraph 26 tests. The application therefore complies with NPPF paragraph 27 in this respect."*

- 2.10 If the retail element is taken in isolation, the Council could reasonably be concerned about the impact that a retailing proposal would have on its existing town centres. Considering Luton town centre first, it was found in the consultant's report that the impact is not calculated to be sufficiently significant to justify refusal. The significance to Dunstable is potentially greater, but mostly due to the impact that the proposal would have on the decisions that others may wish to take on investing in the town centre: particularly in respect of the Council's interests in re-invigorating the centre around the Quadrant retail units.

The views of the company managing the Quadrant Centre, CBRE, are included in the representations section above.

Houghton Regis Town Centre could not be expanded sufficiently to cater for the scale of development proposed in the forthcoming Development Strategy, but that should mean that its current role in providing services is protected; not least to take advantage of the increased retail demand from the town's expansion.

- 2.11 However, this is not an isolated retail proposal and is set within the context of proposals for significant expansion to the local population and business environment. The scale of the retail proposal offers an opportunity to re-shape

much of the pattern of economic activity, including retail activity, with outcomes that are to some extent unpredictable. This is especially true in a national context where retailing patterns are being re-shaped by events that are inherently not in the control of the Councils, the developers and potential investors in town centre regeneration.

- 2.12 In conclusion, it is considered that the retail proposals are not in conflict with NPPF policy as it is calculated that there is not a significant adverse impact, though the potential for harming current development aspirations for Dunstable town centre should be weighed against other benefits of the proposals. Though not a matter for the consideration of this planning application, the research behind it suggests that a review may need to be taken of the future regeneration strategy that may need to be deployed for the Dunstable and Houghton Regis Town Centres. The above forms the NPPF background to the retail part of the considerations in section 8 of this report, below.
- 2.13 **Is the proposal supported by a Transport Assessment which promotes sustainable development and transport modes?** The application was submitted with a comprehensive Transport Assessment. This confirms the positive impact that the new A5 – M1 link road and the new Woodside Link road from junction 11a to Houghton Regis town centre will have on traffic patterns in the area. The application also includes proposals for a range of sustainable transport measures covering the full ambit of transport matters including roads, junctions, bus services, relationship with the new Dunstable to Luton Guided Busway, cycling, walking and the relationship of land uses to the transportation network.
- 2.14 **Does the proposal provide a wide choice of quality homes?** The scale of the proposal and the likelihood that the development will take about 20 years to complete will, by definition, ensure that a wide variety of housing will be provided. The evidence underlying the proposed Development Strategy suggests that there is a particular need for housing that is suitable for the elderly as well as a mixture of family homes, self-build homes and homes for small households. It is appropriate to ensure that variety in general market housing is provided for and should permission be granted, it is appropriate that Master Plans and detailed applications that come forward to reflect the latest available information on such requirements.
- 2.15 The proposed Development Strategy includes a policy which seeks 30% of the housing to be classed as Affordable Housing subject to the need to ensure that proposals remain commercially viable. This matter is dealt with in more detail later in section 5, paragraph 5.24 below.
- 2.16 **Does the proposal ensure good design?** The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level including: overall scale, density, massing, height, landscape, layout, materials and access of new development. The application includes a comprehensive Design and Access Statement that sets out the aspirations for the quality of the development, by character area. The application also includes commitments to produce an overall Master Plan for the site, Area Master Plans for particular sub-areas and Design Codes for individual developments. The parameters style of the application (see Section 7 below) takes advantage of the scale of the proposals by illustrating how different areas will have substantially differing densities which will add variety to the

appearance of the area. This is a reasonable approach as it allows the Council to consider and approve designs which conform to the latest standards of good design as it may evolve over the 20 year period of the development.

**2.17 Does the proposal promote healthy communities?** The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The proposal is of a scale that all of these activities will feature and all are covered within the description and content of the planning application.

**2.18 What appropriate weight is to be given to protecting the Green Belt?** This is fundamental policy within the NPPF which clearly states that inappropriate development (i.e. most new buildings) is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The policy states:

*“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.”*

This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately in section 3 below.

**2.19 How does the application handle the challenge of planning for climate change and the risk of flooding?** The NPPF seeks to move towards a low carbon future through choosing locations that encourage forward thinking on how to minimise the developments’ carbon footprint, supporting energy efficiency improvements and adopting national standards.

**2.20** The application includes a substantial amount of information within the Environmental Statement on this subject and this is dealt with in section 8 below. The Planning Statement submitted with the planning application states that all the development will be located in the areas of lowest flood risk (zone 1) and that there will be no increased flood risk as a result of the development. It also commits to providing a sustainable urban drainage scheme which would ensure that surface water run-off rate will replicate the existing rate for the site.

**2.21** The site is vulnerable in some areas to flooding from local brooks, though as a proportion of the overall site these are not significant in area. The illustrative Master Plan submitted with the application together with the detailed information on drainage across the site suggests that these areas vulnerable to flooding can largely be contained within undeveloped parts of the site: along green infrastructure corridors or as part of the drainage strategy for the development as a whole. Some additional protection and re-engineering of the flood area to the south-east corner of the site will also be required :

- to service the needs of the development,
- to accommodate the new Woodside Link road, and
- to assist the Environment Agency with its project to reduce the downstream



impact of the existing flooding problems that occur within the urban area of Luton.

- 2.23 **How do the planning proposals help to conserve and enhance the natural environment?** The application was submitted with a comprehensive set of documents covering this issue. Various proposals for enhancements have been included in the ecological survey and mitigation work, the Design and Access Statement and in the work undertaken to assess open space requirements. This explores the need to enhance a relatively poor quality site in biodiversity terms but also emphasises the need to protect existing natural assets such as the brooks, the hedgerows, and the significant trees. Proposals and suggested conditions to do so are included.

### 3. The Green Belt

- 3.1 The site subject of this planning application lies wholly within the approved Green Belt for the area. The proposed policy of the emerging Development Strategy suggests that the Green Belt in the area to the north of Houghton Regis and south of the proposed new A5 – M1 link road is removed to make way for the proposed urban expansion. There is a substantial body of evidence developed through that process which has concluded that it is appropriate to remove the Green Belt designation to allow for the urban expansion within which the application is set. However, this policy is not yet in place. Therefore it falls to the Council to determine whether “very special circumstances” exist for this development to proceed.
- 3.2 The first consideration is; what will be the harm to the Green Belt caused by the proposal? Green Belts are defined as serving the following purposes:
1. to check the unrestricted sprawl of large built-up areas;
  2. to prevent neighbouring towns merging into one another;
  3. to assist in safeguarding the countryside from encroachment;
  4. to preserve the setting and special character of historic towns; and
  5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.3 The proposal is of substantial size involving a development of 262 hectares, but it is not unrestricted in the sense that there is a substantial physical boundary within which it will be clearly contained: i.e. the approved line of the A5 – M1 strategic link road). Whilst the Green Belt **is harmed** by the proposal in this sense, it is recognised that this new road will form a strong physical boundary against further sprawl to the north of Houghton Regis by its nature.
- 3.4 The proposal sits within the context of a general character of the wider area which is of an almost seamless urban conurbation formed by Luton, Dunstable and Houghton Regis. Development to the north of the town will not significantly alter that character and **does not result in harm** by further merging of the towns.
- 3.5 The area affected is of a pleasant open rural and rural fringe character though the landscape analysis of the site concludes that the area does differ in quality across the site. However, the proposal by reason of its scale will encroach upon the countryside and **will be harmful** as a result.

3.6 There are a number of significant viewpoints to the north of the site looking towards the urban area. The character of that urban edge is modern and in parts industrial, particularly on the eastern fringes of the site where electricity pylons are located alongside the motorway, and indeed across the eastern part of the application site. There is **no special character that would be harmed** by this development.

3.7 The Luton/Dunstable/Houghton Regis conurbation does contain areas where urban regeneration is encouraged and where economic renewal is of particular importance. These areas were identified in the former Luton and South Bedfordshire Core Strategy and regeneration of those areas remain important objectives in current and emerging policy documents. This includes the areas also covered by Master Plans at Houghton Regis and Dunstable Town Centres.

It is not possible to produce clear evidence on whether or not the current proposal for this urban extension would harm that objective. However, it is significant that the quantum of growth that is currently being promoted by Central Bedfordshire Council and the concern, expressed by Luton Borough Council in response to the application, that this may not be enough to address the level of local housing need, does signal that the need for new development areas is significantly greater than can be accommodated solely within the existing urban area.

There is the question of the significant quantum of retail proposed and if that proposal therefore harms the regeneration of the town centres. However, as set out elsewhere it is not considered that the proposals will have a significant adverse impact on those interests. This is dealt with in section 8 in the report.

It is **not therefore considered that harm to** the objective to assist urban regeneration is caused by this development.

3.8 On the basis that there will be harm to the Green Belt by reason of the proposal's impact through extending an urban area into the countryside, then it is necessary to determine what "very special circumstances" may exist that clearly outweighs that harm.

3.9 There is no definition of the meaning of "very special circumstances" but there is a body of opinion expressed through dealing with planning appeals and challenges through the Courts in the past which can help the Committee reach a decision.

1. Does the application have a unique feature that outweighs the harm to the Green Belt?
2. Is there a substantial economic need, especially at a national or regional level?
3. Is there a substantial housing need that cannot solely be met within the urban area?
4. Are there substantial cultural, social or community benefits?

The important point to bear in mind is that these substantial benefits must arise from the unique circumstances of the proposal or otherwise it could be repeated too often, to the long term, cumulative harm of the Green Belt.

3.10 The following are considered very special circumstances in favour of the application proposal:

- (1) There is a clear urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and over the next 20 years;
- (2) Successive emerging Development Plans since 2001 have identified the application site as being suitable for removal from the Green Belt and allocation as a residential-led mixed use development. The abandoned Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding this site. Its intended removal from the Green Belt and its allocation for residential and commercial development was supported by both Councils at the Joint Planning Committee;
- (3) The emerging Central Bedfordshire Development Strategy re-affirms the Houghton Regis North allocation for removal from the Green Belt and development for an urban extension of Houghton Regis to meet urgent need.
- (4) CBC has shown its continued commitment to the development of Houghton Regis through the production of the Houghton Regis North Framework Plan 2012, adopted for Development Control purposes in advance of the adoption of the emerging Development Strategy.
- (5) The planning application will directly fund a £45m contribution towards the costs of the M1-A5 link road, which is identified in the Chancellor's Autumn Statement 2012 as a key infrastructure project for the nation. The funding contribution enabled by this development and delivery of the A5-M1 Link will generate a substantial amount of economic benefit to the wider area.
- (6) No formal Local Plan has been adopted since 2004, despite the clear continuing identification of the site in replacement planning policy documents. If subsequent Development Plan documents had reached adoption stage, then the application site would already have been allocated for residential development and removed formally from the Green Belt. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan will serve no good purpose, other than to delay much needed housing and employment opportunities for the area, and set back the delivery of the M1-A5 link Road and Junction 11a works to the M1 that is considered a nationally important infrastructure project.

3.11 Last October, the Secretary of State for Transport published an interim decision letter, following the report of his Inspector, on the proposed A5 – M1 Link Road confirming that he was minded to approve the scheme. The advantages of the scheme from a national, regional and local viewpoint were fully rehearsed in that decision letter and are not repeated here. However, the Secretary of State made it clear that the final decision will be issued as and when a planning

permission for the proposed development is issued thereby securing the remainder of the funding required to deliver the link road.

3.12 In relation to the proposed A5 - M1 Link Road, when commenting on Green Belt matters, it's worth noting that the Inspector concluded that:

- The scheme is not inappropriate development in the Green Belt;
- It does not materially compromise the purpose of the Green Belt;
- the Scheme would alleviate congestion, reduce journey times, allow for significant environmental improvements and facilitate the Government's growth agenda and therefore would clearly outweigh any harm to the Green Belt; and that
- these matters would constitute very special circumstances, sufficient to justify the scheme.

3.13 This strategic link road adjoining the development is a unique feature. The benefits of the new strategic road have been recognised through a separate process of formal application, Public Inquiry and decision making at a national level. The achievement of those benefits is directly linked to the delivery of this application. It is considered that this is a very special circumstance which outweighs the identified harm to the Green Belt.

3.14 The scale of the development proposal offers an opportunity for economic growth on a variety of fronts. Economic growth is a national objective, a priority of the Government and is an important material consideration set out in the National Planning Policy Framework. The proposal includes the provision of a substantial amount of new employment land and in particular the opportunity for firms to take advantage of the infrastructure assets unique to its location: new and fast access to the motorway network, new bus links via the Guided Busway project which is to be completed in September 2013, fast links to an international airport and on a scale that offers new opportunities to boost the local economy through the substantial new growth in spending as new families and businesses locate in the area.

3.15 This anticipated economic growth on this scale of development proposed is not unique in a national context, but neither are such large scale development proposals common. The proposal will certainly have a regional significance boosting construction, new opportunities for business expansion and creation, new national distribution opportunities and creating new consumer demand. In respect of the local economy, there will be more opportunities for employment in an area in which there is a particular need.

3.16 It is considered that the potential for this development to assist in providing economic growth opportunities on a large scale is itself a very special circumstance. It is further considered that the scale of the proposal offers sufficient benefits to substantially outweigh the harm caused to the Green Belt in this location.

3.17 The evidence underlying the proposed Central Bedfordshire Development Strategy (and the planning history beforehand) underlines the clear need for a substantial growth in housing in this area and is referred to elsewhere in this report. That need is identified as 28,700 homes over a plan period up to 2031. It is a need of a scale that has resulted in proposals for three major urban extensions totalling some 13,500 dwellings in addition to that sought from other

sources. This development proposal forms a significant part (5150 dwellings) of that proposed provision.

- 3.18 In the face of this substantial need, which arises not only from within the Central Bedfordshire area but also from its neighbour, Luton Borough, it is appropriate for the Committee to decide that the ability of the application to deliver a substantial portion of the required housing and its accompanying requirement for infrastructure is a very special circumstance. Bearing in mind that the evidence underlying the Council's proposed Development Strategy concludes that a release of Green Belt land is appropriate then it is also appropriate to take the view that the ability to address an identified need by means of the application proposals substantially outweighs the harm caused to the Green Belt.
- 3.19 The development proposal includes a variety of other community, social and cultural benefits in the form of community buildings, substantial public open spaces, leisure facilities and support for community initiatives. However, these are required by virtue of the scale of the development proposed and whilst they will have benefits to the local community as well, these are not sufficiently substantial to consider their provision as a very special circumstance. These benefits however support the identified economic and housing needs set out above.
- 3.20 In conclusion, whilst it is acknowledged that the proposals could be considered to be harmful to the Green Belt by encroaching upon the countryside, it is also considered that the historic strategic planning policy context, the delivery of the A5 – M1 strategic road, the significant economic growth potential for the area and the well evidenced and substantial housing need are all sufficient, "very special circumstances" to outweigh any harm caused.

#### **4. The endorsed Luton and South Central Bedfordshire Joint Core Strategy**

- 4.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The L&SCB JCS was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. The Joint Core Strategy, the Joint Committee itself and the East of England Regional Plan have fallen by the wayside, but the evidence that supported those policy documents remains supportive of a growth agenda for the Luton/Dunstable and Houghton Regis area.
- 4.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base for development management purposes on the 23<sup>rd</sup> August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. Thus the substantial work to provide a policy basis for growth and regeneration forms part of the context for this planning application.

- 4.3 It is for this Committee to consider the weight that it wishes to attach to this document. The following represents the view of the Case Officer on this point, taking into account the view expressed by the Strategic Planning and Housing Team Leader as set out in the representations above.
- 4.4 The Committee **could reasonably give some weight** to the fact that the current proposal complies with the policies contained in the L&SCB JCS document in that it proposed the allocation of land at Houghton Regis North for an Urban Extension and is based upon a history of policy development to that end. It is within that area that this planning application lies.
- 4.5 The details of the endorsed policies are not dealt with in this section as they appear again in the next section dealing with the Central Bedfordshire Development Strategy.

**5. The Development Strategy for Central Bedfordshire; Pre-Submission version 2013**

- 5.1 The Central Bedfordshire Development Strategy document is at a stage of production where it is ready to be submitted for Examination. At this stage, the weight to be given to the document is **significant and greater than the L&SCB Joint Core Strategy**. Once submitted, it would supersede that document. However, until it is formally adopted, the National Planning Policy Framework should carry greater weight.
- 5.2 The relevant policies of the Development Strategy for Central Bedfordshire pre-Submission version 2013 are listed at the start of this report and again here:

Proposed Policies:

1,2,3,4,6,11,12,14,16,19,20,21,22,23,24,25,27,28,29,30,31,32,33,34,36,43,44,47,49,56,58,60.

The following policies are specifically relevant to the proposal and should therefore be taken into account.

- 5.3 Policy 1 reaffirms the document's intention to be in accord with the NPPF presumption in favour of sustainable development. See paragraph 2.1 for details of what this means. Given that the current Development Plan is out-of-date in this regard, the presumption in favour of development applies, provided it accords with other policies.
- 5.4 Policy 2 sets out the growth strategy to meet the need for new homes in the period 2011 and 2031. North of Houghton Regis is listed as a growth location.
- 5.5 Policy 3 seeks to confirm that the Green Belt designation is to be removed from the land proposed for urban extensions: including North of Houghton Regis.
- 5.6 Policy 4 lists Houghton Regis as a major service centre where employment, shopping and community facilities are to be focussed.
- 5.7 Policy 6 proposes the provision of an additional 139 hectares of strategic employment sites, of which 32 hectares would be sought from the application site (Policy 60).

- 5.8 This suggests that the application is generally favoured by the emerging policies set out above.
- 5.9 Policy 11 largely re-affirms the intention to be in accord with the NPPF requirements on ensuring that new retail development is properly assessed in respect of the impact on existing town centres. Paragraph 2.7 in the NPPF section 2 above explains further and the retail issue is also examined in detail within section 8 of this report, below.
- 5.10 Policy 12 sets out the amount of retail floorspace that is believed to be required for the area up to 2031. This policy has been re-assessed in the light of new evidence made available after the document was written and is under consideration for amendment at present. It is likely that the amount of convenience floorspace will increase substantially due to the need to correct a factual error. This is an important potential factual change to the currently published Development Strategy. This is referred to by the applicant in their planning submissions and is discussed in section 8 of this report, below.
- 5.11 Policies 14 and 16 sets out the aspiration to revitalise Dunstable and Houghton Regis Town Centres and in particular to seek the re-development and expansion of the Quadrant Shopping Centre in Dunstable.
- 5.12 Please note that section 2 of this report, paragraphs 2.7 – 2.12 includes a commentary on the particular impact that policies 11, 12, 14 and 16 have in considering the merits of the planning application's retail proposals.
- 5.13 Policy 19 is a key proposal which has a direct application to the planning application and merits a more detailed consideration. It relates to the need to ensure that the necessary infrastructure is in place. The policy requires that all new development must be supported by the required infrastructure and that developers will be required to contribute, after viability testing, to offset the cost of new infrastructure.

Where, as in this case, the planning submissions make it clear that in the current economic conditions, not all of the required infrastructure can be provided then it follows, under this policy, that the Council will examine its requirements and will need to decide whether or not:

1. the shortfall falls below an acceptable minimum such that planning permission ought to be refused;
2. there is a mechanism whereby the infrastructure requirement can be provided when economic conditions improve; or
3. there is a reasonable case for reducing the requirement.

This issue is dealt with further in section 9.

- 5.14 Policy 20 seeks to encourage large developments to include provision for high speed broadband infrastructure.
- 5.15 Policy 21 seeks to provide appropriate community infrastructure, subject to viability, in the form of integrated community hubs, community facilities, faith spaces, social and community infrastructure. The planning application is of a scale that it is justified for the development to accommodate, either within the site or nearby, the full range of supporting community infrastructure. The key

document supporting this policy is the adopted Supplementary Planning Document for the southern part of Central Bedfordshire on Planning Obligations (2009). This issue is dealt with in section 9 below.

- 5.16 Policy 22 seeks to ensure that the development is provided with the required leisure facilities and open spaces either on, or where provision on-site is not possible, off-site. It also requires a contribution towards maintenance and running costs. As for policy 21, this is dealt with in sections 9 below.
- 5.17 Policy 23 seeks to protect, enhance and promote rights of way. In this case, the site area has a number of important routes that will require appropriate treatment.
- 5.18 Policy 24 seeks to ensure that new developments are made accessible and are connected to public transport. Policy 26 requires the submission of a Travel Plan. The planning application is of a scale that significant new routes and possibilities are available and featured heavily in the Travel Plan that was submitted with the application. This has been discussed in detail with the Council's transport officers. This issue is dealt with further in section 9.
- 5.19 Policy 25 seeks to facilitate the delivery of strategic transport schemes including the A5 – M1 Link Road and new Junction 11a to the M1 motorway. Provision is expected in parallel with or before the commencement of new development.
- 5.20 Policy 27 requires the provision of adequate car parking and unlike the Development Plan policy (section 1, paragraph 1.6 above) refers to the standards as set out in the Council document, "Design in Central Bedfordshire: A Guide for Development". However, a new parking policy for Central Bedfordshire was approved by the Council in October 2012. For these reasons, it is considered that no weight should be given to Policy 27 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments.
- 5.21 Policy 28 requires the provision of a Transport Assessment. This has been complied with in the planning application submissions and the subject of discussion with the Council's transport officers and the Highways Agency.
- 5.22 Policy 29 seeks the provision of 28,700 new homes in the period 2011 to 2031 and signals the provision of 11,500 within new strategic sites. Through Policy 60, one of these is Site 1 at Houghton Regis North, the majority of which is covered by this planning application which seeks permission for 5150 dwellings. **The planning application therefore represents some 18% of 28,700 homes proposed by the Development Strategy.**
- 5.23 Policies 30, 31, 32 and 33 all relate to the requirement to consider providing a variety of new homes to an appropriate mix, type for older persons, lifetime homes and for the gypsy, traveller and travelling showpeople communities. The planning application allows for the provision of all bar the latter type of accommodation. There will be a need for planning conditions to be applied to secure the types of accommodation that the relevant Council officers have deemed suitable for this site. This is dealt with in section 10 below.



- 5.24 Policy 34 seeks a provision of 30% of the proposed dwellings to be of the affordable housing type. It is this policy which falls in line with the NPPF whereby if less than the requirement is to be proposed, then a financial viability statement must make it clear why this is so. Much of the discussions with the applicant since the planning application was submitted has focussed on this matter and on the related matter of contributions to community infrastructure. This issue is dealt with further in section 9.
- 5.25 Policy 36 re-affirms the NPPF policy position on the Green Belt, the matter dealt with in section 3 above.
- 5.26 Policy 43 seeks the provision of a high quality of design, locally distinctive, efficient, respectful of neighbours and the historic environment, complementary to the landscape and adequately provisioned for the car forms of development. This is a similar policy to policy BE8 of the South Bedfordshire Local Plan Review (2004). The planning application responds to these requirements in the same way. The policy is related to policy 48 which seeks to reduce the impact of the development on climate change by means of design, though design is a matter for later stages of the planning application process.
- 5.27 Policy 44 expects developments to comply with National and Council standards for protection against pollution. The planning applications submissions on this matter have been the subject of considerable discussion with the relevant Council officers and these matters will be covered by means of planning conditions as set out in section 10 below.
- 5.28 Policy 47 seeks to provide a higher standard than the current statutory regulations requires for water and energy conservation. However, the techniques for raising the standard can incur considerable additional cost to a development and therefore the matter has been considered in the context of the viability work set out in section 9 below.
- 5.29 Policy 49 is a detailed policy on protection against flooding which encourages a strategic approach to the issue and sets out the sequential approach to ensuring that flood risk to properties is minimised. There is a small area of flood risk to parts of the planning application site in the south-eastern corner of the development area. This area is also subject to a current project promoted by the Environment Agency for a scheme to design a flood retention area linked to the mitigation of flooding that can affect areas to the south of the site within the urban area of Luton Borough.

The site is of a scale that a variety of methods, as set out in the Environmental Statement can be employed to minimise flood risk and to regulate in an appropriate manner the considerable run-off from the new built up area proposed. A selection of drainage strategies have been proposed and there will be a requirement for further detailed proposals to be submitted both as a firm strategy for the site as a whole and for each development area in the future. In addition, the proposal can facilitate the Environment Agency project. These are matters that are dealt with by means of the planning conditions as set out in the planning conditions section at the end of this report.

- 5.30 Policy 56 seeks to increase the amount of Green Infrastructure (GI), which is defined by and set out as a series of proposals within the Council's Green Infrastructure Plans. The related Policy 57 is a similar proposal for gaining new

areas of high biodiversity. The GI policy requires contributions from new development to help deliver this objective. The planning application site is of a scale that it can make a considerable contribution to creating new biodiversity and increasing local Green Infrastructure. The planning submissions refer to this within the Design and Access Statement and a considerable amount of discussion has taken place with relevant Council officers.

Similarly, there are a number of opportunities for enhancing areas within the site to increase biodiversity and the application submissions included an ecological survey which identified new opportunities to improve the area above its existing level. This issue is dealt with further in sections 8 and 9 of this report, below.

- 5.31 The relevant part of Policy 58 to this site refers to the requirement to submit a Landscape Character Assessment, to protect such landscapes where proposals will have an adverse impact on important features and to include proposals for enhancement where opportunities are available. A similar requirement to analyse and protect important woodlands, trees and hedgerows is included in Policy 59. A Landscape Impact Assessment was submitted with the application and the main findings are included in section 8 below. There will be a need for further detailed assessments of trees and hedgerows when detailed proposals are submitted as well as detailed strategic landscaping proposals. These are matters that can be dealt with by conditions and through the design process using the required Master Plans and Design Codes.
- 5.32 Policy 60 sets out the requirements for the Houghton Regis North Strategic Allocation. The application site lies within Site 1 of 2 identified in the policy and in respect of Site 1, expects the following to be delivered.
- **About 5500 homes** (this application covers most of the site and proposes a maximum of 5150 homes.)
  - **32 hectares of core employment land (B1, B2, B8)** (not defined within the application, but shown within the application as 130,500 sqm gross of floorspace for employment uses.)
  - **Commercial facilities, including local centres**
  - **Retail units, a foodstore and public house** (shown in the planning application as a maximum of 30,000 sqm of retail in total.)
  - **Education facilities** (not defined specifically in the planning application submission. However in later discussions the precise number and size of primary and secondary schools has been defined for the Planning Agreement purposes should this be required.)
  - **Retirement accommodation** (not defined specifically in the planning application submission, except by reference to a residential care home in the description of the development.)
  - **Community and health centre** (after discussions with the developer in this case, two centres are proposed)

The Policy also describes opportunities to assist Houghton Regis through the delivery of supporting infrastructure, integration with Site 2, new public transport routes including links to the new Guided Busway, the provision of new

green infrastructure, assistance to the Environment Agency in its project to provide a flood alleviation scheme at the south-eastern corner of the site at the Houghton Brook and the opportunity to incorporate measures to adapt to climate change and the measures that could be employed to assist.

The planning application has been designed to align closely to the details of this policy and much of the discussion during the course of its consideration has been seeking to respond to as many of the policy requirements as feasible. More detail is provided in section 9 below. However, in general it is appropriate to conclude that the planning application has taken full account of this policy and is broadly compliant with it.

- 5.33 The Development Strategy for Central Bedfordshire is not yet adopted policy, but is being prepared to deal with development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy has also been designed and seeks to be consistent with the NPPF. To that end, it is considered that its housing and employment policies that define a quantum of development, its retail policy and its policies about new infrastructure and its delivery are more up-to-date and should be given greater weight than those equivalent to or missing from the adopted SBLPR (2004).
- 5.34 The planning application conforms closely to the policy direction that the Council wishes to go and explicitly delivers a major part of the urban extension at Houghton Regis that the Council considers to be a key part of its Development Strategy.
- 5.35 **Taking all of the above policy analysis in previous sections into account, the Committee is advised to give substantial weight to the pre-Submission Development Strategy for Central Bedfordshire with the exception of retail policy 12 and parking policy 27 (which will need correcting). The reason is that the Development Strategy has been written to be in accordance with national planning policy as set out in the National Planning Policy Framework 2012.**
- 5.36 The Committee will recognise that this “weighting” appears not to give the Development Plan primacy when making a decision on a planning application. However, this is because in the Case Officer’s opinion, the current adopted Development Plan is not up-to-date sufficiently to deal with the planning application as submitted or to comply with the NPPF.

## **6. The Houghton Regis North Framework Plan October 2012.**

- 6.1 In anticipation that planning applications may be about to be submitted on some or all of the land interests within the proposed allocation of a Houghton Regis North strategic urban extension, the Council prepared and adopted the Houghton Regis North Framework Plan for Development Management purposes in October 2012.
- 6.2 The Framework Plan drew from the evidence base produced for the previously withdrawn Luton and Southern Bedfordshire Joint Core Strategy and from the work then underway for the Development Strategy for Central Bedfordshire. As its name suggests it is a broad look at what should be provided within the new urban extension to assist potential developers in putting together a planning application that the Council would like to consider positively.

- 6.3 The vision for the development set out in the Framework Plan is expressed simply as to ensure that any development connects with its surroundings, helps form new communities, contributes to a sustainable future, emphasises design, provides new business and employment opportunities and protects and enhances the area. A Plan was developed to show where the main elements of development and supporting infrastructure (roads, community facilities, open areas, schools, commercial areas, housing areas etc) were potentially to be located.
- 6.4 The planning application under consideration here was being developed under the terms of a Planning Performance Agreement at the same time as the Framework Plan was being produced. Therefore some care has been taken by the developer and officers to ensure that the eventual application conformed with its principles. In general, the planning application aligns itself to the adopted Framework Plan.

## **7. The nature of a “Parameters Planning Application” and its implications**

- 7.1 The Development Management Committee and most who follow its deliberations will be familiar with planning applications that are in outline, where only the site is defined; or is in detail where exact numbers of units, floorspace and uses will have been specified; or in some hybrid of both. The planning application here is different from that and is therefore unusual. It is described as a “Parameters Planning Application”. The Planning Statement describes this as follows:

*“The Parameters Schedule and Plans set the maximum extent of development, the land uses and minimum and maximum floorspace proposed. This provides a sound base for the Environmental Impact Assessment and for CBC to control development by setting the parameters for subsequent reserved matters submissions.”*

In practice, this means that once planning permission is granted, the developers will be free to choose what scale and form of development will be built constrained only by the range set out in the planning application or by any reasonable conditions which are imposed to restrict that choice. So, for example the planning application sets out a minimum of 4150 dwellings and a maximum of 5150. The actual number built at the end of the development period will be somewhere in-between. If a different range is wanted, a different planning permission will have to be sought.

- 7.2 The advantage of this approach is that this offers the developer flexibility in responding to market changes and the ability to plan ahead with reasonable certainty for the twenty years plus it will take to build out the site. The advantage to CBC lies in the ability to control through a single planning permission a long term development, from the outset. The main disadvantage is that it is not possible to predict the precise form of the development from the outset as would normally be the case.
- 7.3 This latter disadvantage can be dealt with by means of a range of planning conditions which can offer comfort to developers and Council alike that the development will proceed in a properly planned manner. These conditions are

for the provision of a Site Wide Master Plan, Area Master Plans and Design Codes which will require approval before development in those areas can proceed.

7.4 The parameters are as follows:

Minimum Parameter	Maximum Parameter	Notes and Comments
<b><i>Housing (C3)</i></b>		
4,150 units	5,150 units	Sub-divided into 10 assessment areas. Maximum floorspace 553,550 sqm gross.
<b><i>Residential Institutions (C2)</i></b>		
0 beds	75 beds	Maximum floorspace 4,000 sqm gross.
<b><i>Employment</i></b>		
Office Use (B1)	5,000 sqm gross	Within these figures there will be a minimum of 75,000 sqm gross and a maximum of 130,500 sqm gross permitted
Industrial Use (B2)	25,000 "	
Warehousing use (B8)	125,000 "	
Car Showroom	5,000 "	
Data Centre	5,000 "	
Petrol Filling Station	200 "	
<b><i>Retail</i></b>		
Main Foodstore (A1)	10,000 sqm gross	The main foodstore will not exceed 10,000 sqm gross. There will be a minimum of 1,000 sqm gross in specifically identified assessment areas. The maximum permitted total floor area will be 30,000 sqm gross.
Other Food (A1)	2,500 "	
Other (Comparison A1 use)	12,500 "	
Other retail (A2 – A5 uses)	5,000 "	
<b><i>Leisure and Community Facilities</i></b>		
Hotel (C1)	3,000 sqm gross	D1 and D2 uses will be a minimum of 15,000 sqm gross. There will be a maximum of 45,000 sqm gross. A maximum of 3,000 sqm gross will be for cinema use within Class D2.
Non-Residential Institutions (D1)	40,000 sqm gross	
Assembly and Leisure (D2)	5,000	

7.5 The Parameters Schedule also specifies ranges for the scale of development within individual areas, called "Assessment Areas", within the development. This detail can be found as table 6 within the Planning Application Booklet. What this reveals is that there could be a range of different residential densities across the site ranging from 20 dwellings per hectare to 120 dwellings per hectare.

7.6 Other parameters are specified where these assist in describing the application in sufficient detail to allow an Environmental Impact Assessment to be made. These are:

1. The extent of the proposed built-up area: i.e excluding open spaces and their associated works;
2. The range of likely building heights (up to 9 metres to 30 metres).and ground levels (-4 metres to +30 metres);
3. The range of residential types from studio apartments to 6 bedroom houses;
4. The extent of areas to be categorised as Green Infrastructure. This is a minimum of 30% of the site excluding private gardens;
5. Principal accesses and car parking standards.

7.7 The conclusions of the Environmental Statement (ES) submitted with the planning application, based on the above parameters, are set out in the next section. Each subject area is followed by an analysis of the impacts based upon both that ES and the subsequent views of relevant consultees. Other remaining relevant and significant material considerations raised by the consultees in respect of those matters covered by the ES are also addressed in the next section. Finally, there is a commentary on the implications for any decision of the application: including any need for mitigation, planning conditions and/or matters best addressed in a Section 106 Planning Agreement.

**8. (a) Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.**

8.1 The planning application was accompanied by a formal Environmental Statement (ES) as required by reason of the statutory Regulations. This is a substantial set of documents which form a considerable part of the material submitted with the planning application. There is a non-technical summary document which includes a description of the site, an analysis of the alternatives as required by the regulations and the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:

- Transport and Access
- Air Quality
- Noise
- Socio-economic impacts
- Waste
- Agricultural Soils
- Ground Conditions
- Water
- Ecology
- Heritage
- Landscape and Visual
- Cumulative and Residual Effects

*Note: remarks from the case Officer are in italics.*

## 8.2 Transport and Access.

The ES concludes that once the A5 – M1 link road and the Woodside Link road are completed, there would be an additional one lorry per hour for the remainder of the construction period on these new roads. This is low in comparison with the overall traffic. Before these roads are built however, there could be some adverse effect on local roads, though it is envisaged that construction traffic would be controlled through a Construction Environmental Management Plan.

*[This emphasises the importance of the early delivery of the strategic roads, not only for the benefits generally anticipated but also to ameliorate the impact of the development during the construction period. This applies not just from this development but also from other potential development proposals within the larger proposed Houghton Regis Urban Extension.]*

The ES states that the development will be designed and implemented in a manner which encourages sustainable transport to reduce the impact of the development from private car use. The ES anticipates that traffic from the proposed development will not have a significant effect on driver delay.

The ES also anticipates there could be an impact on bus services due to the increased demand. There will be a need for improvements to these services.

There could be adverse impacts on pedestrian use of Sundon Road which will require mitigation; including pedestrian crossings.

The new strategic roads are forecast to significantly reduce HGV traffic on local roads. This will then rise slightly due to the new development.

*[The ES has been examined by CBCs Highways officers and their comments are set out earlier in the report. They conclude that it is not necessary to await the completion of the A5 – M1 link and Woodside Link before development can commence. The proposals show linkages into the surrounding urban area, though many such as Tithe Farm School, the Tithe Farm Road Recreation Ground are not owned by the applicant. They area however controlled by CBC, and some identified links will need to be through land owned by other developers and landowners. There is a focus given to connections to local rail facilities in Luton and via the new Guided Busway.]*

## 8.3 Air Quality

The ES anticipates that dust may be generated during the construction period that could cause annoyance to dwellings near the working area. There will be a need for specific control measures and will be included within a Construction Environmental Management Plan (CEMP).

In the early stages of the development, there may be some parts of the current Air Quality Management Area at Luton that may experience an adverse effect. Once the development is complete however, the contribution of the traffic emissions to annual average nitrogen dioxide concentrations will not be significant.

Once the A5 – M1 link road is complete, the ES also expects there to be a reduction in carbon emissions.

*[CBC officers however take a more cautious view of the likely impacts and advises that there should be conditions requiring the monitoring of air quality and mitigation if necessary of potential air quality issues if arising from the development.]*

#### 8.4 Noise

The period where construction traffic is operating is likely to be the most consistent source of noise. However, it will be transient and limited to actual areas of construction. Conditions will confine it to specified daytime hours and threshold limits will be included within the CEMP. There will be a need for the CEMP to allow for further assessment of ground borne vibration.

Following construction, certain commercial and industrial uses may be a source of noise. These can be mitigated by locating them away from residential areas and by further assessment and mitigation at the detailed submission stages.

*[Again, CBC officers take a more cautious view of the likely impacts and advises that there should be conditions requiring the monitoring of noise and appropriate design solutions incorporated at the Master Plan stage rather than waiting until detailed design stages.]*

#### 8.5 Socio-economic Impacts

In respect of the creation of jobs, there will be benefits to the area. The estimate of construction jobs ranges from 2,289 to 3,429 person years. In terms of operational jobs a wider range is estimated from 1,210 to 4,490. There is the potential for indirect job creation resulting in an additional 1,690 to 2,558 person years of construction jobs and 661 to 2,452 additional operational jobs.

The population increase arising from the development is estimated to be between 9,877 and 12,257 persons (depending on the amount of new housing built within the parameters of 4150 – 5150 dwellings) using an average household size of 2.38 persons per dwelling. The requirement for school places will therefore be substantial as will the demand for new General Practitioner provision.

There is a need for new public open space of both an informal and formal type.

The ES does not anticipate a substantial impact on recreational countryside sites around Houghton Regis, though there will be some additional demands on those sites from new residents.

*[This aspect of the ES is contradicted by the comments on the application made by English Nature who foresee significant impacts on recreational and Site of Special Scientific Interest sites accessible to residents of the development area.]*

The development generates a significant potential demand and support for an indoor leisure facility with the obvious potential for a replacement to the existing facility at Kingsland Campus and/or co-located with a new secondary school.



There will also be a significant amount of potential expenditure that will become available in the area, benefitting local services and retail.

#### 8.6 Waste

There will be a significant amount of construction waste associated with the development: approximately 7800 tonnes. A Site Waste Management Plan will be put in place to reduce, reuse and recycle waste materials. There will be no impact on human health and the ecological receptors directly but there may be affects through the transportation of materials.

There will be operational waste arising from the development, though of no different kind from that currently arising from the general area. There is the possibility that a nearby proposed new facility [*at Thorn Turn*] will offer opportunities for dealing with waste from this site in the future.

#### 8.7 Agricultural Soils

The development will result in the loss of 259 hectares of a type of soil classified as “best and most versatile agricultural land”. This type of soil represents 60% of the total land area in Bedfordshire and the loss due to this development is 0.76% of that amount. Where possible, soil will be managed and re-used within the site.

#### 8.8 Ground Conditions

Investigations do not reveal the likelihood of significant contamination within the site. There is the potential for small scale local contamination associated with Chalton Cross Farm and some localised fly tipping along the edge of the built up area. Disturbance of these areas may cause contamination to be exposed to construction workers and watercourses.

There will be a need for further investigation and mitigation during the course of construction in those areas.

The surface to water table depth varies across the site. This will require mitigation during construction excavations and the quality of the ground water protected. There is also the potential for ground settlement and appropriate building designs will need to be specified accordingly.

#### 8.9 Water

Construction processes have the potential to be affected by groundwater flooding and in their turn to affect flows within the Ouzel and Houghton Brooks. There is a risk of contaminated run-off and temporary toilet and washing facilities posing a risk to water quality if not controlled. The CEMP will set out the management procedures necessary to mitigate these effects.

Once constructed, the development will have a low risk of river flooding as the built development is located outside the flood risk areas. However, the development itself could increase flood risk on the site and potentially further downstream. There will be a need for a package of mitigation measures. There is an outline surface water drainage strategy to show how the potential issue is mitigated.

*[The drainage strategy included within the application suggests a variety of measures that could be taken rather than constitute a strategy as such. Further submissions in this respect will be required at Site Wide Master Plan stage and all stages underneath to ensure that the appropriate mitigation measures are included and will not conflict with other uses of the site. For example, the development will need to avoid the situation where SUDs conflicts with the use of land for ecological or recreational purposes.]*

There will be a new foul water drainage system and such water from the site will be treated at the Dunstable and/or Chalton Wastewater Treatment Works.

#### 8.10 Ecology

The Houghton and Ouzel Brooks and their associated vegetation are considered to be of ecological value in their own right. The ES has identified a transient population of water voles and a population of a rare worm. There is evidence of otter occurring downstream of the application site. These areas will require protection and enhancement and will be the main focus of attention within the Construction Environmental Management Plan.

This will also apply to hedgerows where several will form the focus of new ecological corridors through the development. The appropriate protections that will apply to bats, badgers and roosting birds will also be included in the CEMP.

There will be unavoidable loss of bird species from the site associated with open farming. However, other species of birds will benefit from the changes through the new habitat created within open areas and gardens.

The same will be true of arable plants.

The ES has considered the potential effects on local SSSIs and County Wildlife sites due to increased recreational use, potential for nutrient deposition and changes in hydrology. It is expected that these impacts are mitigated by providing on-site recreational land, controls over construction through the CEMP and measures to protect the quality of water entering the brooks.

#### 8.11 Heritage

The main significant impacts relate to the archaeology found on the site and expected to be found as the development proceeds. There will be a need for further work on a scheme of archaeological resource management including the recording and storage of found material.

There may also be impacts on the setting of nearby listed buildings and Scheduled Ancient Monuments insofar as their semi-rural settings will be compromised.

#### 8.12 Landscape and Visual

During the construction period and following the completion of the development, there will be adverse impacts on views from residential properties: particularly those along the edge of the development. There will also be impacts on views along existing public rights of way and roads.

The landscape features affected are the existing open fields that will be built upon and in the wider landscape (the Chalk Arc) the views to and from the North Luton Rolling Chalk Farmland and the Houghton Regis Farmland Slopes. There will be some mitigation within the site in the form of a proposed network of green spaces integrated into the retained hedgerows, trees and watercourses.

There will be an impact on the night landscape particularly from new artificial lighting. This has been assessed and mitigation will be required at the detailed design stage through the appropriate specification of public lighting equipment and controls on private equipment where appropriate.

#### 8.13 Cumulative and Residual Effects

The ES has also looked at the potential for impact when in association with other developments. The mitigation referred to in this section also applies to other sites within the Houghton Regis North urban expansion area,

##### **(b) Affordable Housing**

8.14 Central Bedfordshire Council currently pursues a policy of seeking around 30% of new housing from its planning permissions to be in the form of affordable housing. There are a variety of tenures accepted and it is also expected that they will reflect the type of housing most suited to the area's needs. The details of the actual provision on a site by site basis will vary according to the circumstances of that site.

8.15 If this was translated into a proposal for this application, there would be an expectation that it would deliver between 1,245 and 1,545 dwellings, in a mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.

8.16 The Strategic Planning and Housing Team Leader however points out that the requirement as presented in the emerging Development Strategy makes it clear that this provision must relate to a, "viable degree of affordable housing" and subject to the National Planning Policy Framework policy. This policy states:

*"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

8.17 The applicant has been clear from the outset that the challenging economic conditions and the exceptional costs that apply to this development has affected viability to the extent that the full expectations for affordable housing cannot be delivered. This issue is dealt with in more detail within section 9 of this report, below. The outcome is that the applicant proposes a contribution to affordable housing of between 415 and 515 dwellings, in a 50:50 mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.

- 8.18 The comments of Luton Borough Council (set out in the Representations section, earlier in this report) are taken from a report that its officers placed before its Executive on 15<sup>th</sup> April 2013. This refers both to concerns about the direction of Central Bedfordshire's emerging Development Strategy and the content of the planning application. In particular, Luton raises concerns that both the Development Strategy and the development will not deliver sufficient affordable housing for its needs.
- 8.19 However, as part of the original Luton and South Bedfordshire Joint Committee, both LBC and CBC will have been aware that the delivery of the substantial growth sought by both Councils was dependent on the delivery of a substantial amount of costly infrastructure. Both will also have been aware of the "Infrastructure Delivery Plan and Funding Study commissioned by both Councils and undertaken by AECOM which was completed in October 2010. The study determined that given the overall scale and spatial allocation of infrastructure required across Luton and southern Central Bedfordshire that there was going to be a significant infrastructure deficit and an understanding that this was likely to cause viability issues for whichever large scale urban extension was being considered around the Luton/Dunstable/Houghton Regis conurbation.
- 8.20 CBC, through its individual efforts and with the co-operation of the developer and the Department of Transport, has sought to secure one of the most significant and necessarily expensive infrastructure projects, the A5 – M1 link. This adds to the understanding that there will be an impact on the likely amount of affordable housing that can be obtained from this particular development.
- 8.21 Whilst not a matter that the Committee should take into account in the determination of this planning application, an arrangement is currently being investigated to enable LBC to gain access to a proportion of the affordable housing through the sharing of nomination rights to the affordable rented element of this and other schemes which comprise part of the Land North of Houghton Regis and Land North of Luton Sustainable Urban Extensions proposed within the Development Strategy.
- 8.22 Nevertheless, it is clear that the delivery of a significant amount of general housing will be of benefit to both local authority areas: particularly as it is acknowledged by LBC that they will have severe difficulty in providing sufficient housing within its own boundaries for the needs arising from the Borough.
- 8.23 There will be a need to secure the arrangements for providing affordable housing by means of a Section 106 Planning Agreement should the Committee be minded to approve planning permission.

**(c) Transport Impact**

- 8.24 The case officer has included responses to many of the specific issues raised by those commenting on the planning application within the representations section. However, some of the key issues that appear to be of common concern are as follows:
1. That the development should not proceed without the completion first of the A5 – M1 and/or Woodside Link roads.

2. To avoid connections to or impact upon existing roads; particularly to Pastures Way and within Luton Borough.
  3. That the current transport infrastructure is unable to cope with development on this scale.
  4. That there will be increased impact in the villages to the east of the motorway.
- 8.25 In respect of issue 1, the Highways Agency is content that some development can take place before the A5 – M1 link is completed. It has directed (i.e. it is mandatory), two planning conditions to this effect. This of course relates only to the impact on the strategic highway network. The Transport Assessment submitted with the planning application suggests that the local highway network is also able to accommodate some development from the site but only for the assumed short period until the expected completion of the Woodside Link. On that basis it is considered prudent to limit the number of dwellings that can be occupied before the Woodside Link is completed to 300 by the use of a planning condition. The conditions are set out in the relevant section of this report, below.
- 8.26 It is generally accepted that in the planning of major urban extensions, as many opportunities for creating transport linkages between the old and the new urban areas should be allowed as possible. It is also good practice to create the conditions that allow public transport services, cycleways and pedestrian links to be made in an effort to reduce the use of the car. In this particular case there is a significant opportunity to change the pattern of transport activity: not least through the ability of the development to take advantage of the soon to be opened Dunstable to Luton Guided Busway. Therefore, the standpoint that has been taken is to allow linkages to existing roads to maximise such opportunities unless there are good reasons to believe that such linkages would cause identifiable, and only then unacceptable, harm to the amenity of local residents or public highway safety.
- 8.27 However, this is an outline planning application and the Master Plan submitted was for illustrative purposes only. Notwithstanding that there will be a need to secure contributions for on and off-site transport support and improvement works for specific projects, it is for later design stages to determine the actual works and links that will be put in place. There are conditions which have been recommended to prepare, and then for CBC to approve, a Site Wide Master Plan and Area Master Plans that will allow a detailed assessment of road linkages for approval at that time.
- 8.28 The Council's Highways Officers are content with the traffic modelling that has been undertaken and can therefore be confident that the range of traffic and transport measures can be constructed from that understanding. These have been discussed in detail with the applicant and will form the basis of a financial undertaking secured by a Section 106 Planning Agreement. The details will be finalised within that agreement but in general the measures are:
- Financial support for a Travel Plan which will have a variety of measures for improving transport linkages and promotion of transport alternatives.
  - Financial support for new and enhanced bus services in the early years of the development.
  - New cycleway, pedestrian and public transport infrastructure and facilities.

8.29 In respect of the impact on roads within Luton Borough, the applicant has stated that their Transport Assessment does not support the need for additional measures. However, the applicant has considered the issue directly in discussion with transport officers within Luton Borough Council and the applicants transport consultants and both have identified a number of measures that may assist. This is set out in an additional document submitted to both Councils; "Transport Response to Luton Borough Council" dated July 2013. The measures identified are:

1. There will be a limit on the amount of development that may occur before the Woodside Link is opened.
2. Contributions to a traffic calming project under consideration by LBC in the vicinity of Pastures Way/Kestrel Avenue.
3. A traffic monitoring camera system at Legrave High Street/ Lewsey Road junction.

Financial support towards these measures could be considered (from funds obtained for transport improvements within the required Section 106 Planning Agreement) should Luton Borough Council agree that they deal with the objection they have raised and should it be clear that the measures are required to mitigate the impact of the development. It is understood that LBC will be submitting a response to the document shortly.

8.30 The applicant was asked to consider specifically the issue of potential impact of their development on the villages of Lower Sundon and Streatley. Their response is as follows:

*"The Central Bedfordshire and Luton Transport Model (CBLTM) has been used to assess traffic flows with the HRN1 development. The AM and PM peak traffic flows for the Sundon Road / Sundon Park Road junction have been examined to identify changes in traffic along Sundon Road and the route through Lower Sundon and Streatley. Three scenarios have been examined: these are the 2031 reference case without major transport infrastructure, the 2031 reference case with the A5-M1 Link and Woodside Link, and the 2031 HRN1 development scenario (J11A worse case). When the A5-M1 Link and Woodside Link are open, the route through Streatley and Lower Sundon will provide access to the new M1 J11A. The two-way traffic flows on Sundon Road to the east of the junction with the Sundon Park Road are summarised in Table 1 below.*

*Table 1 – Sundon Road traffic flows*

Peak period	2031 ref case	2031 with link roads	2031 with HRN1	Impact of link roads	Impact of HRN1	Net impact
AM peak (0800-0900)	1,305	1,488	1,587	183	99	282
PM peak (1700-1800)	1,239	1,470	1,569	231	99	330

*Table 1 shows that without the link roads or the HRN1 development, Sundon Road would have a traffic flow of around 1,300 two-way vehicles during the AM and PM peak hours in 2031. When the link roads open this increases by around 200 vehicles per hour at peak times which is on average less than two vehicles a minute in each direction. With the HRN1 development there would be an additional 100 vehicles. This equates to less than one additional vehicle a minute in each direction. These increases are not expected to have a significant impact on the capacity of the existing route.*

*Based on the additional traffic flows, it is not expected that mitigation measures will be required along the route through Streatley and Lower Sundon. However traffic-calming and environmental improvement measures through the existing settlements could be considered to reduce traffic speeds and improve existing conditions.*

- 8.31 On this basis it is considered that whilst the development has an impact on the villages concerned, this is marginal and does not require mitigation by this applicant. However, the Committee will wish to note that in course of the development and by the time of the opening of the Woodside Connection, this is an issue that the Council's highways officers may wish to re-visit to consider if traffic calming measures are required to make the route less attractive to through traffic.

**(d) The Retail proposals and their Impact**

- 8.32 Paragraph 7.4 above sets out the quantum of retail that is proposed. It totals 30,000 square metres gross as its maximum potential in a mixture of convenience and comparison goods stores, both in the form of a retail area close to the entrance to the site from the north-east corner and as may be located within the two community hub areas embedded within the site, as suggested in the illustrative Master Plan.
- 8.33 Although a matter to be determined at later design stages, these areas can visualised as forming two small neighbourhood centres with small shops and one larger retail area, forming part of a mixed use and commercial area. The Council's Economic Growth and Regeneration team compare the total floorspace to that similar to Kingston at Milton Keynes.
- 8.34 There are a number of retail studies, reports and assessments that in some manner or other have something to say about retail in the area of the application. They often refer to one another. They are listed here for clarity:
- The Retail Study (South Bedfordshire) undertaken by GVA Grimley in 2005
  - The Luton and South Bedfordshire Retail Study Update (commissioned for the Luton and South Bedfordshire Joint Committee) undertaken by White, Young Green in 2009
  - The Retail Study (Central Bedfordshire) undertaken by Roger Tym and Partners in 2012
  - The Retail Study Addendum (Central Bedfordshire, unpublished at time of writing) undertaken by Roger Tym and Partners 2013
  - The Retail Assessment for the Houghton Regis North Site 1 (submitted

- with this planning application) undertaken by Barton Willmore in 2012
- The 'Retail Study Refresh' (Luton Borough Council), prepared by White Young Green, dated December 2012
- The Audit of the Retail Assessment for the Planning Application at HRN1, prepared by Turley Associates in June 2013.

- 8.35 The Retail Assessment (RA) submitted with the planning application recognises that the proposals are more substantial than would be required if only the residents of their development were taken into account. It refers to and relies upon previous studies but offers a correction to the underlying assumption of existing retail floorspace made in earlier studies. It is this correction which forms part of the reason for CBC commissioning the Retail Study Addendum. It is assumed for the purposes of this analysis that this correction is accepted by all parties.
- 8.36 The RA looks at the impact across a wider area in the manner of any large scale proposal for retail uses. Members will have recent experience of such submissions in respect of the Morrisons supermarket at Houghton Regis town centre or the recent proposals at Leighton-Linslade.
- 8.37 In the RA submitted by the applicant, it is stated that the proposals form a mixture of local "top-up" shops and a large supermarket to serve both residents of the development and the wider area. The assessment is based on the requirements of the National Planning Policy Framework to assess impact on:
- Existing, committed and planned public and private investment in town centres in the catchment area of the proposal.
  - Town Centre Viability.

The RA concludes, following a detailed assessment, that:

- There are no available, suitable and viable opportunities for this proposal elsewhere.
  - There is no clear evidence that that the proposal will have a significant adverse impact on investment in town centres or likely to adversely impact on overall vitality and viability.
  - There will be a benefit in the generation of new expenditure which will be available to be spent in existing town centres.
  - There will be other benefits including improving local choice, accessibility, encouraging sustainable shopping patterns, clawing back expenditure leaking to other locations and the creation of new job opportunities.
- 8.38 There have been representations expressing considerable concern at the scale of the retail proposals. There are substantial comments received from CBRE (on behalf of the owners of the Quadrant at Dunstable) and from Luton Borough Council as set out above within the representations section above.
- 8.39 Due to the importance of this aspect of the application and the concerns expressed, a report was commissioned from specialist retail consultants, Turley Associates to critique both the Retail Assessment and the representations. The conclusions are reproduced in full as they contain important points that the Committee will wish to take into account.



8.40 **“5 Principal Findings and Recommendations**

5.1 *From our analysis of the Retail Assessment prepared by BW on behalf of the Houghton Regis Development Consortium, we have a number of concerns with the robustness of the approach adopted.*

5.2 *In terms of impact, we believe that this has been underestimated by BW and limited evidence has been provided to demonstrate that the proposal will not lead to an adverse impact on future investment. Despite this, with regard to the effect on the turnover of existing centres, the findings of our ‘sensitivity testing’ has demonstrated that the proposal is unlikely to lead to a significant adverse impact.*

5.3 *However, in terms of the impact on future investment, the Council will need to carefully consider the effect of the proposal and assess the implications the development may have on their objectives elsewhere in the Borough. Limited assessment has been provided by the applicant in respect of the effect of the proposal on future investment in Houghton Regis and Dunstable town centres.*

5.4 *We also have concerns with regard to the robustness of the sequential approach undertaken by BW. Again very limited justification has been provided to justify not applying a flexible approach in assessing alternative sites. Whilst the Practice Guidance provides scope for applicant’s not to adopt a flexible approach this relies on clear justification being provided. Therefore, the Council will need to be satisfied that any future arguments being presented by the applicant in support of the approach adopted is robust.*

**Recommendation**

5.5 *We recommend that the Council reaches a decision on the application that is based on an overall balancing of positive and negative impacts. It will be important for the Council to undertake a balancing exercise of adverse and beneficial impacts in reaching a judgement as to whether there are material considerations which would outweigh any adverse impacts of the proposal. [Case Officer emphasis]*

5.6 *In undertaking the balancing exercise, the Council should consider Section 7 of the applicant’s planning Statement and Section 8 of the applicant’s Retail Assessment, together with any further evidence submitted, which provide a summary of the benefits perceived to be associated with the proposal by the applicant.*

5.7 *Should the Council be minded to approve the application, we recommend that appropriate conditions are attached in relation to the following:*

- *Restriction on the net sales area of each element of the proposal to ensure the floorspace created reflects that being applied for.*
- *Appropriate convenience / comparison floorspace restrictions are attached, again to reflect the application submission.*
- *Restrictions on the maximum size of the units provided within the ‘other Class A1 convenience’.*

5.8 *In addition, should the Council be concerned that the proposal is likely to lead to a significant adverse impact on existing centres / investment, it may also be appropriate to provide further conditions relating to a restriction in the range of comparison goods permitted to be sold (e.g. a condition restricting the*

*sale of comparison goods to 'bulky goods' only). Such conditions are widely used. We believe that such restrictions would be beneficial in lessening any adverse impact on existing centres. Importantly, minimising the number of Open A1 comparison retailers that could be accommodated at Houghton Regis urban extension as part of the application proposal, will also assist in encouraging such retailers to be located elsewhere, such as in Dunstable town centre. It is unlikely that a number of retailers will have representation in both Dunstable town centre and as part of the Houghton Regis urban extension proposal.*

*5.9 It may also be appropriate to impose conditions relating to the maximum and / or minimum size of comparison units in order for the Council to gain greater control on their future use. Again, such conditions will assist in ensuring that the application proposal does not become a preferred location for retailers who may have otherwise located elsewhere in the absence of suitable premises, such as Dunstable town centre.*

*5.10 However, the appropriateness of such conditions will need to be considered in the context of the proposal intending to provide new local centres (with a wide variety of retailers / services) and the overall viability of the scheme. Given this, should the Council be minded to grant permission, it may be more appropriate to allow for a mix of bulky and non-bulky comparison floorspace.*

*5.11 The reasons for such conditions are to protect the vitality and viability of nearby town centres and because the retail impacts associated with the application have been assessed on the basis of the floorspace figures set out in the application documentation.”*

- 8.41 On this basis, the principle issue is in respect on the impact on investment in town centres. Whilst it is clear that none of the parties have been able to confirm that there will be a clear and identifiable loss of planned investment in the town centres whether at Luton, Dunstable or Houghton Regis, there is understandable nervousness that the delicate work that all Local Planning Authorities undertake to nurse its town centres through difficult times will be unbalanced by the scale and location of the proposals.
- 8.42 In the case of Houghton Regis, a substantial amount of investment by one supermarket operator has already taken place: and perhaps significantly, presumably in the clear knowledge that the expansion nearby was being planned. The core of mixed convenience and comparison shops that lie within the Houghton Regis town centre is unlikely (even taking into account the proposals in the Houghton Regis Town Centre Master Plan) to be capable of expansion to such an extent or breadth of retail offer that it could properly serve all the needs of the expanded town.
- 8.43 Dunstable Town Centre is a more obvious comparison to make with the proposals. Investment is planned via the Dunstable Town Centre Master Plan. Despite the fact that it is not clear how or when that investment will occur, this does suggest that there is a need to consider more widely again the purpose of the Town Centre and what type of investment is required. Clearly such consideration lies beyond the scope of dealing with this planning application. However, should the Committee be minded to grant planning permission, it should note and understand that plans to secure additional investment into Dunstable Town Centre are active and ongoing but are not yet finalised.

- 8.44 Luton Borough Council has not provided any substantive evidence to suggest that current investment plans in Luton Town Centre would be severely prejudiced by the retail proposals submitted as part of this application. However, again, should the Committee be minded to grant planning permission, it will note and understand that plans to secure additional investment into Luton Town Centre are continuing to be pursued by LBC. There is no evidence to show that the retail proposals which are part of this application will have a significant adverse impact adversely on the vitality and viability of Luton Town Centre or its local neighbourhood centres. Intuitively, this seems to be correct as it could be said that Luton Town Centre is large enough to compete very effectively with smaller centres (including the proposal) nearby. And also that its neighbourhood centres are serving local areas, as their designation suggests, in the same manner that the two proposed shopping areas associated with the proposed community hubs within the development serves their communities.
- 8.45 Ultimately, the Committee will wish to take into account the following material considerations in balancing against the issues identified in paragraph 8.38.
1. The overall benefit that the application as a whole will bring to the area.
  2. The importance of the development to deliver the A5 – M1 link road. (This in itself will have a beneficial effect on the environment of Houghton Regis and Dunstable Town Centres.)
- 8.46 In dealing with the planning application specifically before the Committee, there are these options:
1. To refuse the planning application. This is not recommended as the only supported reason would be the perceived impacts on the planned investment in existing town centres. As there is no evidence, other than the views of those making representations that this would be the case, this would require much further research to prove.
  2. **To be minded to grant approval only with restrictions on floorspace as set out in paragraph 8.38, *sub-paragraph* 5.7. This is the recommended option. This is discussed further in sections 9 and 11.**
  3. To be minded to grant approval with restrictions that also control the specific type of retail approved. This would be on the basis of the recommended conditions as set out in paragraph 8.38, *sub-paragraphs* 5.7, 5.8 and 5.9. This is not recommended for the reasons that this would impact on the viability of the development. This is discussed in section 9.
  4. To be minded to grant approval with restrictions as above but also to limit the total amount of floorspace to a lower quantum and/or staged throughout the period of the development to enable the retail floorspace to grow in parallel with the housing growth. This would be a method that could be used that might spread and limit the impact on the wider retailing catchment area. This is not recommended for the reasons that this would impact on the viability of the development. This is discussed in section 9.

**(e) Green Infrastructure and Open Spaces**

- 8.47 The development is short of Open Space and land for Green Infrastructure use as calculated by the Council's Green Infrastructure team and endorsed by Sport England. In respect of Open Space, the overall amount to be provided is 78 hectares, whereas the overall amount expected is greater, depending on the view taken about the quality of open spaces that are likely to be proposed when the formal Master Plans are submitted. This issue is rehearsed in detail in the representations recorded in the report, above.
- 8.48 The developer acknowledges that they have been unable to satisfy the calculated needs for formal recreational areas in order to fully comply with the Council's open space standards. However, it is reasonable to assume that those needs will arise over time as the population increases, it is therefore reasonable to include a financial contribution in lieu of provision, but only if there is an uplift in values sufficient to enable this to be afforded.
- 8.49 The solution is to look to a financial contribution towards enhanced and/or off-site play provision. This can be achieved via a contribution schedule that is included within a Section 106 Agreement. This is considered in greater detail in section 9 of the report, below. However, it should be recognised that this form of contribution is subject to the general requirement of the NPPF as quoted in paragraph 8.16 above. It is therefore proposed that this contribution is made only if the commercial viability of the development improves in the longer term.

**(f) Off-site Impacts: SSSIs/ recreational sites accessible to the public**

- 8.50 The development is likely to impact over the long term on areas outside the site that are publicly accessible and under strain from use. This included SSSIs and areas used for recreational purposes. It is suggested by the Council's Green Infrastructure team and endorsed by English Nature that such impacts can be mitigated by financial contributions to their improvement and wardening. This issue is rehearsed in detail in the representations recorded in the report, above.
- 8.51 The developer also acknowledges that they have been unable to satisfy the calculated needs for supporting measures to mitigate the anticipated impacts on local recreational resources and the SSSIs.
- 8.52 The solution is to look to a financial contribution towards such works and maintenance. This can be achieved via a contribution schedule that is included within a Section 106 Agreement. This is considered in greater detail in section 9 of the report, below. Again it should be recognised that this form of contribution is subject to the general requirement of the NPPF as quoted in paragraph 8.16 above. However, taking that general requirement into account, nevertheless it is considered that the protection of these areas, particularly the SSSIs is an important material consideration and therefore it is proposed that this contribution is made at an appropriate point in the development.

**(g) Car Parking Standard**

- 8.53 As described earlier in this report, the Parking Standards that this Council applies to new developments has also changed. The new Standards make it clear that good design and thoughtful layouts accommodating the practical

needs of the car are more important than the simple arithmetical application of a standard and that this should not prove to be a barrier to good quality developments nor an impact on the viability of a development.

More recent discussions with the applicant have resulted in their written statement which says:

*“We have reservations that we could actually achieve the policy requirements. We understand this is important to yourselves and are willing to explore, in the future, where the car parking standards may be incorporated into the scheme without compromising densities and quality.”*

However, the fact remains that the application explicitly requires consideration of the application using the Council’s previous standards and the Design and Access Statement reflects this position. The application states:

*“8.5 The development shall provide for parking standards as set out in the Adopted Supplementary Planning Document, Design in Central Bedfordshire A Guide for Development Design Supplement 7 Movement, Streets and Places Design (2010).”*

Nevertheless, the Council’s current parking policy includes the following statement:

*“If developers wish to implement a lower standard and can demonstrate it is robust for a particular location / particular set of circumstances (for example a block of flats on a cramped town centre site near a railway station) then this would be considered a departure from policy and would need the approval of the Council’s Planning Committee. Where planned parking provision is below the parking standards, any potential for on-street parking overspill from residential dwellings will be weighed in relation to the potential harm to environmental amenity and road safety.”*

- 8.54 In this case, it is considered that the planning application is on a scale that would allow for the Development Management Committee to exercise its discretion. It is recommended that it can be borne in mind that the development has every opportunity to demonstrate a reasonable approach to car parking in the future and that the discretion available can therefore be exercised now. It will be for future Development Management officers and Committees to consider each design and layout on their own merits to judge the adequacy of the access and parking provisions.

**(h) The A5 – M1 link road and the Woodside Link**

- 8.55 The planning application must be considered in association with two other schemes upon which it depends. The delivery of those schemes are also dependant on the planning application. The A5 – M1 link road has been given a conditional assent and an indication of funding by the Secretary of State for Transport, but only on this basis that there will be a contribution from this development of £45 Million as set out in a separate agreement between him and the developer.

In turn, by direction from the Highways Agency, the planning application can only be implemented in its entirety if the A5 – M1 link road is built and opened to general traffic.

In turn, the planning application, by reason of the analysis contained in the applicant's Transport Assessment and supported by this Council's Highways officers, can only be implemented in its entirety if the Woodside Link is open to general traffic.

In turn, the Woodside Link is a road scheme which is following a separate planning procedure as a Nationally Significant Infrastructure Development and that application is being considered by the Planning Inspectorate now.

- 8.56 The result of all these inter-relationships is that the Committee will wish to be satisfied that the consent and funding for the A5 – M1 link is in place and that consent is granted for the Woodside Link before planning permission is granted. Therefore, it is recommended that, if and when the application is referred to the Secretary of State for Planning, this position is drawn to his attention.

**(i) Design and Implementation**

- 8.57 The Committee may wish to note the proposal suggests that in any future Master Plan which is submitted under the terms of any planning permission, there will be a significant warehouse building to be designed and laid out which will be close to 100,000 square metres in floorspace. In a similar manner to the retail proposals, the warehouse proposal assists the viability of the scheme. It is recognised that this will skew the provision of employment due to its size, to a lower density of employment than would otherwise have been the case or anticipated in previous work in preparing the Development Strategy. However, it is important that the application is seen as a flexible consent that could allow, with the appropriate alterations to approved master plans, other employment proposals to emerge, should the market improve. Indeed, given the obligations that the developer will be under to provide value to its partners and shareholders and the requirements of the Section 106 Planning Agreement, there is a positive incentive to change to a wider range of B1-B8 employment uses if the commercial property market improves over the period of the consent.
- 8.58 Finally, there will be key requirements by planning condition which will flesh out the skeleton of this parameters style planning permission should it be granted. These are the conditions that will require Advance Infrastructure Works to commence, to submit and have approved a Site Wide Master Plan and then be followed by Area Master Plans. These in turn will guide Design Codes as specific areas of development within the site are brought forward. All of this has the result that the design and implementation of the development will be controlled by CBC for many years to come.
- 8.59 This planning application will begin a Development Management process of considerable complexity, impact on the daily activities of the Council, determine the character of the area and affect the lives of its residents and businesses for many years to come. It will be the quality of the Council's management of that process which will determine the quality of the development should this permission be granted.

**9. The Requirement for a Section 106 Planning Agreement**

9.1 Background

9.2 The Committee will be familiar with the procedures that allow a planning application to be granted permission conditional upon certain requirements being met. Usually these are in the form of planning conditions attached to the decision schedule, but it is also common for other planning requirements to be incorporated into formal Planning Agreements (known as Section 106 or S106 Agreements) where for technical or legal reasons a planning condition is unsuitable.

9.3 There is national guidance on the proper use of S106 Agreements but in general terms it is expected that the requirements will relate to matters that are directly relevant to the planning application in hand, capable of being implemented and that without that requirement being met, planning permission should be refused. Planning Authorities are expected to have policies to guide developers on what may be required. CBC has a range of policies as set out earlier in this report that will incur a requirement to enter into a S106 Agreement and there is a Supplementary Planning Document, the Planning Obligations (South) SPD 2009 which offers specific guidance on particular topics.

9.4 Given the scale of the development involved it was clear that there would be a considerable range of topics that might require a S106 Agreement. This Council entered into a Planning Performance Agreement with the developer in August 2012 where one of the specific actions agreed between the parties was to analyse the likely requirements and to prepare a suitable list. The CBC Project Team of officers was directly involved with the applicant’s Project Team in preparing the requirements. Where appropriate, external organisations were also consulted.

9.5 The development proposal is essentially the creation of a new piece of town. It can be no surprise to find that the development must contain land uses and services that are a mixture of that which are commercially driven and that which are public goods or provided on a charitable basis. Therefore, the accepted topics for consideration were as follows:

Education	Transport	Leisure, Recreation, and Open Space	Community Facilities
Health Care facilities	Environmental Impact Mitigation	Housing (including Affordable Housing)	Waste Management
Emergency Services	Community Development and ICT	Public Realm and Community Safety	Maintenance

9.6 From this, the Project Teams developed a specific set of requirements, many of which are referred to by individuals and organisations in their response to the planning application already set out in this Report.

- 9.7 However, the National Planning Policy Framework clearly requires local planning authorities to consider the overall viability of large scale development projects and to ensure that the requirements are not overly onerous. Therefore a financial assessment of the planning application was undertaken as described below.

#### Viability Appraisal

- 9.8 This section of the report sets out the conclusion of the Viability Appraisal work that has been conducted. The financial information that underpins these conclusions is the subject of commercial confidentiality as set out in the applicant's legal advisor's letter dated 5<sup>th</sup> March 2013 and included within the public planning application file. For this reason, the financial information is set out in a confidential Appendix included within the yellow coloured papers attached separately from this report, for the information of Members of the Committee.
- 9.9 When the planning application was submitted on 24<sup>th</sup> December 2012, the applicant supplied a Viability Statement (VS) which set out all the matters that would require consideration as potential financial or other in kind contributions arising from the Council's published policies and from the considerable pre-application discussions with CBC. In addition, the VS set out the process that would be followed in seeking agreement with the Council on the Heads of Terms within a Planning Agreement.
- 9.10 The key point made in the planning application submission documents was that the development was not viable at an affordable housing requirement of 30%. This triggered the requirement for the Viability Appraisal (VA) to be conducted transparently between the applicant and the Council such that all could be satisfied that the planning application could be permitted with an agreed level of mitigation satisfying all parties.
- 9.11 The VA is essentially a model of the viability of the planning application taking account of:
1. The income generated from the development (residential, commercial, retail sales etc)
  2. The costs of the development
  3. The required return on investment
  4. The cost of the mitigation and contributions package (mainly items required by planning condition or within a S106 Planning Agreement).
  5. The Land Value
  6. The exceptional costs of the applicant's offer to provide £45 Million towards the cost of the A5 – M1/J11a Link Road and the exceptional cost of providing the Woodside Link road/Electricity Grid re-cabling (estimated at £42 Million plus £10 Million of "risk").

Establishing what each of these values is likely to be has taken some considerable time. A report on has been prepared by the Council's consultants, EC Harris and is included in the commercially confidential Appendix to this report. However, broadly for the purposes of this report, it is important to be



aware of the following outcome of the VA.

9.12 It has been established to all the parties' satisfaction that the development is unviable taking account of the 30% affordable housing requirement and of the cost and income elements set out in the Appendix. It has also been established that the full contributions package as required by applying the Council's policies on supporting community infrastructure and reducing the impact of the development on the surrounding area cannot also be afforded in the short term given current economic circumstances.

9.13 The National Planning Policy Framework offers specific guidance in these circumstances. It states:

*"173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

And also;

*"176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily."*

Therefore it is incumbent on the Local Planning Authority to engage constructively with the applicant on the costs to allow the development to be acceptable in planning terms as well as enable to development to be commercially viable.

9.14 After detailed consideration of the Viability Appraisal and following careful consideration by this Council's Chief Executive and Corporate Management Team, the following arrangement is recommended.

It is to be assumed that CBC has confirmed that it will seek to support the development as follows:

1. Forward financing of the schools, and other community infrastructure whilst the development is underway, not just in the early years, but throughout the development period.
2. Underwriting the cost of the Woodside Link road.
3. Reducing its requirements for community infrastructure and affordable housing that it could otherwise have expected from national and local planning policies.

This is a context which would be a reasonable response to the commercial concern about viability, which has been expressed by the applicant, and to the economic climate. On this basis, it is considered that the following “package” represents a reasonable balance between mitigating the impact of the development, policy required contributions, affordable housing and the viability of the development.

### **Assumptions**

- A. Woodside Link – CBC will continue to underwrite the costs of the project. It will seek to retrieve that part beneficial to the applicant through the agreed uplift mechanism contained within the intended Section 106 Agreement.
- B. Car parking – The Council’s current car parking standards have not been reflected in the planning submissions. Whilst it is understood that the commercial view is that this has an impact on the viability of the development, nevertheless, those standards include a considerable discretion for the Council’s Development Management Committee to decide if the application of a reasonable standard in the light of the car parking provision contained in the designs of the detailed applications it receives.
- C. Kingsland Campus. It is noted that the applicant wishes it to be known that the S106 “offer” presented here depends upon the use of this land for a secondary school. The decision of the Council to do so is not a matter that can be decided within the context of the planning application. However, the Committee will note that the ability of a Section 106 Agreement to be concluded (setting the financial contribution that the applicant is willing to provide) requires the use of this land as a secondary school to be confirmed.
- D. Uses – It is assumed that the parameters of the planning application will be unchanged from those submitted.
- E. Phasing - There will be a need to understand the phasing of the development to ensure that the development proceeds in an acceptable manner. There will be a condition restricting the number of dwellings that can be built before the Woodside Link is open to public use, to 300 units. This generally accords with the technical assessment submitted with the application. There will also be conditions required by the Highways Agency requiring no more than 1000 dwellings to be occupied before the opening of the of the A5-M1 link road. Finally, there will be a condition requiring phasing plans to be submitted from time to time to ensure that the Council is made aware of the intended progress of the development.
- F. Code for Sustainable Homes – It is assumed that the development will proceed on the basis of the Building Regulation standards current at the time of development.
- G. Residential – All contributions relate to residential uses only.
- H. Off-site traffic improvements – Will only be required if included within the agreed Travel Plan.
- I. Review Mechanism – There will be a need for an “Uplift Mechanism” as set out in clauses to the Section 106 Agreement. This will capture an appropriate amount of value generated by the development after the developer has obtained a pre-defined return.

- J. Land for Community Use – It is assumed that the land required for two General Practitioner premises, two community facilities, schools, leisure facilities on-site and any other land required for the community benefit will be provided, serviced, at no cost to CBC.

**Structure**

1. It is recommended that the S106 payments will be based on 5150 units on a tariff basis per dwelling, payable upon occupation.
2. The “fixed” affordable housing level is recommended to be 10% on a 50:50 shared ownership and affordable rent basis.
3. The S106 payment deferral is recommended to be set at the occupation of 750 units, details to be negotiated. This allows the developer to make returns on the investment before his S106 liabilities bite.
4. Any indexation of the S106 contributions as may be agreed commences when the A5 – M1 link road is completed and open to general traffic.
5. Contributions from other developers from within the Houghton Regis urban extension area are to be off-set against the S106 items. This is largely due to an assumption that those developers who take advantage of the new A5-M1 link road (for which the applicant is paying a contribution of £45 Million) and the applicant’s land contribution to the Woodside Link, should also pay a fair and proportionate cost to towards them. The contribution suggested by the applicant is £14,908,529 and would reduce their contribution by that amount.

Item 5 is important as it means that the developer will not be paying £14,908,529 towards the Section 106 items. That money is to be sought from elsewhere.

9.15 Therefore, the proposed affordable housing package is for the provision of 10% affordable housing units which will be spread throughout the period of the development and in phased parcels, evenly split between shared ownership units and affordable rent units. This would provide for a total of 515 units.

9.16 The proposed mitigation items are as follows:

<b>Items</b>	<b>Maximum Contribution (excluding indexation) £</b>	<b>Notes</b>
Primary and Secondary Schools	44,596,000	Sufficient to provide for three primary schools, extension to one existing primary school and one secondary school with the latter provided off-site.  This meets the Council's calculated requirements.
Green Infrastructure facilities (Playing Fields, LEAPs, NEAPs etc)	3,690,000	This consists of the funding calculated by the developer for laying out and setting up open areas provided on-site and includes green corridors,

		play areas, and other spaces not developed on a commercial basis. It is not a sum of money offered to the Council but a commitment to providing the open areas.
Green Infrastructure (Maintenance)	4,000,000	This is a contribution to the continued maintenance of the open areas described above.
Transport	4,819,913	The substantial proportion of this contribution will be used for supporting new and enhanced bus services through the development in its early years.
Community Hall	1,160,000	Land will be provided by the developer for a community facility and this contribution will be for its construction.
Noise and Air Quality Monitoring	110,000	For equipment.
Tithe Farm Children's Centre	1,000,000	Allows for the replacement of the current facility as part of the re-organisation of the school to accommodate a potential bus link.
Health – Secondary Care contribution to off-site facility	2,925,000	Project to be identified.
Enhancements and support for the management of local SSSIs, offsite recreational sites and allotments	4,447,500	This responds to the need to protect the most vulnerable off-site resources from increased pressure of use.
Sustainable Transport (Public Transport only)	1,500,000	Provides further support of public transport services
Pedestrian/ Cycle links	619,700	Support for construction
Library	111,000	Supports alterations to increase capacity and new stock for Houghton Regis library.
Leisure Contribution	3,682,000	For enhancements or towards replacement facility.
Youth Service Support Facility	322,000	Allows for enhancements to one community facility to provide specialist services.

<i>Total</i>	72,983,183	<i>Note the actual amount made available by the developer reduces by £14,908,529 as explained in paragraph 9.14. Therefore the actual amount made available by the applicant for these items is £58,074,654</i>
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- 9.19 In addition, there are items that the applicant has not agreed to contribute towards which would normally be sought if planning policy and the Planning Obligations (South) SPD were to be rigorously applied. This includes the cost of building a second community facility (but land will be set aside), contributions to a cemetery, some community support measures, off-site improvements for provision of additional playing fields, the cost of building GP surgeries (but land will be set aside), waste collection support and some additional Travel Plan support.
- 9.20 However, these items could be funded from any contribution arising from the 'Uplift Mechanism', which will be required as part of any Section 106 Planning Agreement, should development values improve sufficiently. The applicant proposes that up to an additional £21 Million might become available in the future through that means. Other funding sources may also need to be explored.
- 9.19 It is recognised that one of the main reasons why the development is unable to afford the full package of contributions outright is the exceptional cost of providing £45 Million of support to the A5 – M1 link road. However, it is reasonable to expect that other developments within the Houghton Regis Urban Extension area should contribute a fair share of that cost.
- 9.20 It is considered that this represents an imaginative and commercially realistic proposal which provides for an implementable planning permission. It is based on an extensive amount of commercial development, including a substantial retail proposal and allowing formal substantial warehousing proposal to be promoted early in the development period. It provides for the opportunity to deliver necessary infrastructure for the scheme and allow for the possibility of an improvement to infrastructure provision over 20 years of the development period.
- 9.21 There will be a range of other matters that will require the provision of a S106 legal agreement including:
- The establishment of a nominations procedure for the affordable housing.
  - The provision of uplift and indexation clauses.
  - The procedure for submitting and implementing a number of strategies for the proper control of the development throughout the construction period: e.g. the Construction Environmental Management Plan. These are listed for information in the next paragraphs. The precise nature of the strategies will require discussion and completion before the S106 can be concluded.
  - Transfer of land for community benefit into public ownership and control.

- Allowing for the use of Kingsland Campus.
- Procedures to allow for the specification of the land and building required to be set aside for use as community and health facilities.
- Procedures for the specification of the community facility buildings.
- Provisions for the future management of open spaces.
- Provision off-site improvement works to the public highway.

The final details of this Section 106 Agreement will require completion before the application can be finally determined.

9.22 The Strategies and Management Plans that will be required to be included within the Section 106 Planning Agreement fall into the following categories:

- a) Strategies/Plans submitted with the planning application that require reference in the S106 to secure their implementation.
- b) As above, but where they are required to be altered in the light of their analysis during the course of the determination of the planning application.
- c) New Strategies/Plans arising from the analysis.

In many cases, some Strategies and Plans may be combined to simplify the process of approval and use.

- 9.23
1. The Green Infrastructure Strategy and Outdoor Sporting Facilities Strategy (including specifications of quantum required and open space management)
  2. The Site Wide Surface Water Drainage Strategy
  3. The Landscape and Biodiversity Management Strategy
  4. The Design and Access Strategy @
  5. The Site Wide Design Code (including pedestrian, cycling, highway and parking strategy) @
  6. The Area Design Code (including pedestrian, cycling, highway and parking strategy) @
  7. The Phasing Plan @
  8. The Framework Construction and Environmental Management Plan and Code of Construction Practice
  9. Ecological Mitigation and Enhancement Plan
  10. Landscape Management Plans
  11. Water Vole Protection Plan
  12. Arboricultural Implications Assessment, Method Statement and Plan for the preservation of specimen trees
  13. Bus and Public Transport Strategy
  14. Framework Travel Plan
  15. Site Specific Travel Plan
  16. Air Quality Low Emission Strategy @
  17. Noise and Vibration Mitigation Scheme @
  18. Sustainability Assessment
  19. Energy Statement
  20. Employment and Skills Plan @
  21. Public Art Plan
  22. Odour Mitigation Scheme @
  23. Site Investigation and Remediation Scheme - Contamination @
  24. Foul Water Scheme @

- 25. Site Waste Management Plan
- 26. The Education Facilities Plan including specification, timing of provision and delivery.
- 27. The Community and Leisure Facilities Plan including specification, timing of provision and delivery.

@ (may not be required if included as a planning condition)

## **10. Planning Conditions**

- 10.1 Unsurprisingly, a scheme of this size and range of uses will incur a considerable number of planning conditions. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirement here for ease of understanding.
- 10.2 There will be a number of technical conditions which will define the period of the consent (5 years), the period within which detailed consents must be sought (20 years), what details will be required and the specific description of the uses granted permission.
- 10.3 There will be conditions that will require the sequential provision of a Site Wide Master Plan, Area Master Plans, Site Wide Design Code, Area Design Codes, provisions for the early implementation of Advance Infrastructure Works and limits on how much development can proceed before the strategic roads are opened.
- 10.4 There will be conditions and/or S106 clauses to require the provision of a variety of strategies that will govern the details of the development. These include such matters as the Construction Environmental Management Plan, the Drainage Strategy, various ecological management plans and a variety of others. As seen above, some 27 such strategies have been identified. Work on the details of the Section 106 agreement may result in a decision to include many of them within planning conditions rather than within the Section 106 Agreement.
- 10.5 Finally, there will be a class of conditions that arise from the consideration of the scheme to assist in implementing the proposals. These include, a proportion of the development for offering to the self build groups, provided that there is a demand. There will also be conditions and informatives that seek to protect existing important features during the development phase such as retained archaeology, trees, public footpaths and bridleways.

## **11. Conclusion**

- 11.1 The application proposal is for the larger part of the Houghton Regis Urban Extension which is in turn part of the larger strategy for providing significant urban extensions to accommodate much needed additional housing and employment growth in the area. Much of that growth is being planned for in urban extensions not just here, but also at Leighton – Linslade and to the North of Luton. The application proposal is therefore a critical part of a larger strategy to provide not only significant growth within Central Bedfordshire but to accommodate the needs of a growing conurbation including Luton, Dunstable and Houghton Regis.

- 11.2 The balance to be struck in considering this application, involves the competing demands of commercial viability, loss of Green Belt, need for housing, the clear national priority for economic growth, landscape and ecological protection, urban regeneration, providing community facilities for a healthy population and meeting the Council's stated priority of delivering a major new strategic road of national significance. All in a context of reducing public services and public financial support.
- 11.3 It is considered that the scheme is insufficiently financially viable at present to afford the full requirements for affordable housing and the full package of mitigation. However, the mitigation package suggested above is still extremely significant and has been shaped by reference to identified local priorities. The work undertaken with the applicant's representatives has been conducted in an informed and conscious way to achieve the mitigation package and review/uplift mechanism which both parties believe best reflects local priorities. For example, the approach to the provision of green infrastructure, the forward funding (£45m) of the A5-M1 link road and new M1 junction before significant development is achieved all reflects local priorities. The application has been the subject of extensive consultation with a significant majority of responses not objecting in principle or positively supporting the proposals.
- 11.4 The Committee will wish to take into account that the planning application has been submitted in advance of the adoption of the Development Plan, in which the site is an allocated strategic development site proposed for removal from the Green Belt. However, it should also be recognised that the now revoked Regional Spatial Strategy for the East of England and the withdrawn Joint Core Strategy both identified the site as being suitable for removal from the Green Belt in order to help meet housing and employment need. The evidence base shows there is nowhere else more suitable for the growth to go. In considering the very special circumstances in relation to development in the Green Belt, it is concluded that the tests have been met. It assists in delivering the A5 – M1 link road. It is recognised that the planning application is critical locally, regionally and nationally in helping to boost much needed housing, infrastructure provision and economic investment.

### **Recommendation**

That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Head of Development Management be authorised to grant Planning Permission if the SoS does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

1. The development shall commence not later than five (5) years from the date of this permission.

Reason: To define the period of the permission

2. Before commencement of any of the development within each phase of development, details of access, appearance, landscaping, layout, and scale (hereafter referred to as the reserved matters) relating to that part of the



development shall be submitted to and approved by the Local Planning Authority and the development to be implemented in accordance with the approved details. Applications for approval of reserved matters for the development hereby permitted must be made to the Local Planning Authority within twenty (20) years from the date of this permission.

Reason: To define the period within which details pursuant to a full planning permission may be submitted and to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and Policy 60 of the emerging Central Bedfordshire Development Strategy (Pre-Submission).

*Informative: A 'phase' is defined as a development parcel or group of parcels of land that is shown on a phasing plan. Other conditions trigger the need to provide phasing plans to the Local Planning Authority to show the location, timing and delivery schedule for any development parcel, where development is defined in the Planning Acts.*

3. The development hereby permitted shall only be carried out in accordance with the Approved Plans drawing numbers:

Plan 1 or Plan 1A	Ground Levels;
Plan 2	Recreation and Ecology;
Plan 3	Visual Mitigation and Major Open Space;
Plan 4 or Plan 4A	Maximum Extent of Building Footprint and Maximum Building Height;
Plan 5	Primary Movement Corridor and Connection Zones;
Plan 6	Assessment Areas;
Plan 20684 216 Rev A	Application Site Plan; and

The Development Parameters Schedule (Section 6.0 of the Planning Application Booklet as submitted on 24<sup>th</sup> December 2012).

The details to be submitted in accordance with Condition 2 above and all other Conditions requiring submissions shall accord with the drawings detailed within this Condition.

Reason: For the avoidance of doubt and Policy 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

4. No more than 5,150 dwellings and no more than 202500 sq m of gross commercial floor space (to include mezzanines) within Class A1, A2, A3, A4, A5 (retail); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel); C2 (care home); D1 and D2 (community and leisure), and Sui Generis uses car showroom, data centre, petrol filling station (of the Town and Country (Use Classes) Order 1987 (as amended)) shall be constructed on the site pursuant to this planning permission in accordance with sections 2.0 Floorspace and Land Uses and 3.0 Location of Land Uses shown detailed on pages 17 – 21 (inclusive) and Plan 6 of the Planning Application Booklet submitted as part of this planning application reference CB/12/03613/OUT validated on 24 December 2012 (for clarification a copy is

attached to this planning permission).

Reason: For the avoidance of doubt and Policy 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

5. No development shall commence until a Site Wide Master Plan ('SWMP'), in accordance with the Conditions 3 and 4 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. Following approval of the SWMP any revised SWMP which may be produced, shall also be submitted and approved in writing by the Local Planning Authority.

The SWMP shall identify on a base plan of 1:5,000 in scale (unless otherwise agreed in writing) the broad location and approximate disposition of the following:

- 1) Residential uses
- 2) Location of Residential Self Build Areas.
- 3) Employment uses
- 4) Retail uses (to identify the location of the Main Convenience and Comparison Stores and the Local Centres)
- 5) Leisure uses
- 6) Educational uses
- 7) Community uses
- 8) Sui generis uses
- 9) Landscape Buffers
- 10) Retained landscaping
- 11) Structural landscaping
- 12) Major open spaces
- 13) Sports facilities
- 14) Recreational and Ecological corridors
- 15) Major water features
- 16) Principal public transport stops and corridors
- 17) Principal footpaths, public rights of way and cycle routes, including connections with the existing urban area
- 18) Walking, cycling and public transport route through Tithe Farm lower school.
- 19) Large-scale utilities infrastructure including large scale sustainable urban drainage structures.
- 20) Interfaces with neighbouring sites
- 21) The general location of sites to be used for self-build housing developments.
- 22) Zones in which noise mitigation measures might be necessary.
- 23) The general location of all other uses not specified above and identified in condition 5.

The development shall only be implemented in accordance with the approved SWMP.

Reason: To ensure that a Master Plan of a strategic nature is produced to assist in setting out the development in a planned manner and Policy 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission

*Informative: The submissions at this stage are intended to provide sufficient context to enable decisions to be subsequently made as to the acceptability of the more detailed submissions required at the Area Master Plan, Design Codes and reserved matters stages. Site wide submissions should be of a broad strategic nature.*

6. Before commencement of the development, a phasing plan shall be submitted to show the location, timing and delivery schedule of the following works for the approval of the Local Planning Authority. The works shall be known as Advance Infrastructure Works. Details of each of the following works shall be submitted in accordance with the phasing plan for approval by the Local Planning Authority:
  1. Advance structural landscaping,
  2. Earthworks,
  3. Formation of development platforms,
  4. Geotechnical assessment,
  5. Ground investigation (including an assessment of the suitability of land to be used for permanent flood mitigation for outdoor sports playing fields),
  6. Provision of new and (amendment to) existing strategic highway infrastructure including footways and cycle paths, and
  8. Strategic utilities provision.

All such submissions shall be supported by plans at an appropriate scale, which show:

- i. The proposed works in context, both existing and proposed; and
- ii. Any temporary treatment including hard and soft landscaping, boundary treatment etc works associated with the works.

The works shall be implemented in full accordance with the details approved.

Reason: To allow early work to be undertaken to set out the infrastructure necessary to begin the development.

*Informative: The purpose of this submission stage is to allow for the submission and approval (and thereby implementation) of advance infrastructure works before the Area Master Plan submission/approval stages. This is intended to cover issues such as structural landscaping which takes time to establish or for strategic road infrastructure which may be required earlier than built development.*

7. No development shall commence until a Site Wide Design Code ('SWDC'), in accordance with the approved details relating to Conditions 4 and 5 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. The SWDC shall detail the following:
  1. Site wide character and materials palette
  2. Site wide street surface materials palette
  3. Site wide landscape planting palette
  4. Site wide street furniture palette including cycle parking facilities
  5. Site wide lighting strategy
  6. Site wide signage strategy, including cycle and footpaths

7. Site wide public art strategy

Reason: To define the character of the development and to guide detailed submissions. and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission. and Paragraph 59 of the National Planning Policy Framework (2012).

*Informative: A submission at this stage is intended to provide sufficient context to enable decisions to be made subsequently as to the acceptability of the more detailed submissions required to be made in relation to the AMP and reserved matters. Site wide submissions should be of a broad strategic nature but should provide guidance on the individual issues against which more detailed submissions can be considered. It should be noted that approval will not be given to the AMP until these strategic documents are considered acceptable.*

8. No development shall take place prior to each phase of the Advance Infrastructure Works and no development shall take place prior to each phase of development identified in each Area Master Plan until a written scheme of archaeological resource management for that area has been submitted to and approved in writing by the Local Planning Authority.

The said development shall be implemented in full accordance with the approved scheme(s) of resource management.

This written scheme(s) will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Mitigation details for the preservation *in situ* and management of archaeological sites and features that have been identified for protection within each Area Master Plan area;
- (ii) Fieldwork in accordance with the agreed written scheme of archaeological resource management;
- (iii) Post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority);
- (iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority).
- (v) Programme of interpretation, public outreach and community engagement.

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the

development and to secure the protection and management of archaeological remains preserved within the development, Policy 45 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 128, 132 & 139 of the National Planning Policy Framework (2012).

9. A Low Emission Strategy (LES) shall be submitted to and approved by the local planning authority prior to the approval of the first reserved matters submitted under condition 2 and before the submission of the first Area Master Plan. Any revised LES, which shall from time to time be produced, shall also be submitted and approved by the local planning authority. The LES shall set out the air quality mitigation techniques that are to be applied across the development and include a monitoring strategy to assess the effectiveness of the mitigation. The monitoring strategy will set out how measurements will be taken, over what time periods monitoring will occur and what standards will be used to assess air quality (e.g. compliance with National Air Quality Strategy Objectives)..

The LES will be implemented in accordance with the details approved.

*Reason: To mitigate any air quality issues that will affect the public health of occupants of the development.*

*Informative: In assessing the mitigation techniques that may be applied, the following methods are recommended for consideration:*

- a. *Minimising emissions from approved uses through a consideration of potential air quality issues arising from their use, at the design stage.*
- b. *Encouraging commercial uses to employ low emission technologies and practices.*
- c. *Providing access to low emission vehicle re-fuelling infrastructure.*
- d. *Provision of inherent mitigation in the form of separation of emission sources and receptors.*
- e. *Maximisation of sustainable transport and minimising the need to travel.*

- 10 With the exception of Advanced Infrastructure Works submissions and before any other application is submitted for approval of details pursuant to Condition 2 for that relevant area, and following submission to the Local Planning Authority of the Low Emissions Strategy (LES) (pursuant to Condition 9), an Area Emissions Strategy (AES) shall be submitted for the relevant AMP area for approval by the Local Planning Authority. From time to time, a revised AES may be submitted for approval by the local planning authority. The AES shall generally accord with the approved LES and shall be implemented in accordance with the approved details. Such an AES should:

1. Assess the air quality of the area to ensure that the standards set in Condition 11 are likely to be met;
2. Identify the mitigation measures incorporated into the design consistent with the requirements of the LES.

Reason: To ensure acceptable air quality for future residents and users of the development.

11. Before each phase of development approved by this planning permission, no development shall take place until such time as a site-wide surface water drainage strategy for the site, based on sustainable drainage principles has been submitted to and approved in writing by, the local planning authority. The drainage strategy for each phase of development must accord with the agreed principles for the site-wide strategy and the Flood Risk Assessment, limiting surface water run-off from each development parcel to a rate no greater than the calculated Greenfield rates of 3.02l/s/ha.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policies 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 100, 102 & 103 of the National Planning Policy Framework (2012).

12. No development shall be commenced within each phase of development identified in each Area Master Plan of the development until details of a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the Site Wide Surface Water Drainage Strategy, and with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with Policies 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 100, 102 & 103 of the National Planning Policy Framework (2012).

13. No reserved matters pursuant to Condition 2 shall be submitted until an Area Master Plan ('AMP'), in accordance with the approved details relating to Condition 5 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority.

Each AMP shall be based on a 1:2,500 scale plan(s) and be supported by a written statement. Such AMPs shall include consideration and detail of the following issues for that area:

1. Maximum floor space for each land use;
2. A Phasing Plan to show the location of phases and including a timing and delivery schedule;
3. Ground levels plan to show existing land levels and final finished ground levels; such details to include cross sections with undisturbed local features for comparison purposes.
4. Extent of development area;
5. Building height ranges;
6. General location of landmark buildings and features;
7. Cross sections and perspectives of key streets, buildings and open spaces including adjacent areas (as built or as completed);
8. Access routes within the development area (vehicular, public transport, pedestrian and cycle) and the location of footpath, cycle path and public transport connections to surroundings areas and when these will

- become available for use;
9. A Public Rights of Way Scheme to show how ROWs will be incorporated into the development and during the construction of the development and specifying any diversions or extinguishments that are to be sought; (*Informative: such diversions and extinguishments can only be dealt with through a legal procedure separate from this planning permission*)
  10. The location of bus stops and electric vehicle charging points;
  11. The location of footpath and cycleway connections to the surrounding area;
  12. The location of formal Children's Play Areas.
  13. Areas to be protected from disturbance from construction or other works; to include public rights of way, areas associated with protected species, significant and specimen trees, woodland features, water features, buffer zones alongside all watercourses and archaeological areas
  14. The locations of all areas of Green Infrastructure to be included taking account of the principles of location and design set out in the SWMP, Site Wide Design Code and the Green Infrastructure Strategy (as appropriate);
  15. Ensure a provision of a variety of house types and accommodation;
  16. Identification of overhead power lines (where present);
  17. Identification of existing buildings where present and consideration of retention or demolition;
  18. Identification of the locations of substations.

Reason: To ensure that the Area Master Plans are of a localised nature and are produced to assist in setting out the details of the development in a planned manner To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) and Policies 43 & 60 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

*Informative: The submission at this stage is intended to provide sufficient context to enable decisions to be subsequently made as to the acceptability of the more detailed submissions required at the Area Design Code and reserved matters stages. Site wide submissions should be of a broad strategic nature.*

*Informative: All areas to be built upon, used for recreation or landscaping are to be covered by an Area Master Plan (AMP). These need to cover areas which may be considered self-contained. E.g. a residential area should contain the open space needed to serve that community, or it could be an AMP that covers a particular Green Infrastructure area such as a recreational area.*

*Informative: An AMP submission and/or an Area Design Code submission can be made to the Local Planning Authority at the same time or subsequent to the Site Wide Master Plan but not before.*

*Informative: The AMP is intended to set the broad master plan framework against which detailed submissions under Condition 2 can be assessed.*

14. No reserved matters pursuant to Condition 2 shall be submitted until an Area Design Code ('ADC'), in accordance with the approved details relating to Conditions 5, 7 & 13 of this planning permission, has been submitted to and approved in writing by the Local Planning Authority. An ADC requires detail of:
- a. The area to be covered by the code
  - b. Frontage types
  - c. Heights
  - d. Building forms
  - e. Architectural style and treatment
  - f. Treatment of public highways
  - g. Treatment of on and off highway walking and cycling infrastructure
  - h. Building materials palette
  - i. Surface materials palette
  - j. Street furniture and design and lighting design
  - k. Soft landscape
  - l. Signage
  - m. Broadband access infrastructure, smart access infrastructure or its equivalent
  - n. Operational outdoor sport facilities and structures associated with playing fields.
  - o. The treatment of land beneath retained electricity pylons

Reason: To ensure that the Area Design Codes are of a localised nature and is produced to assist in setting out the details of the development in a planned manner To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004), Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraph 59 of the National Planning Policy Framework (2012).

- 15 All reserved matters pursuant to Condition 2 shall include (where applicable) the following details, which shall be approved in writing by the Local Planning Authority prior to commencement of development of that reserved matters.

The development shall be implemented only in accordance with the approved details.

- a. To include a plan of the area at a scale of 1:500 and an updated layout plan of the AMP (or part where appropriate) at a scale of 1:1000;
- b. Landscaping, details of play areas and of all hard and soft landscaping;
- c. Materials (including all external materials, doors, windows, detailing, etc);
- d. Street lighting and street furniture;
- e. Boundary treatment;
- f. Surface finishes, hard landscaping details;
- g. Noise attenuation structures;
- h. Schedule of open space serving that part of the development (where



- residential) details to consist of amount, type and location and phasing;
- i. External lighting (not street lighting) (i.e. to buildings, car parks, etc.);
  - j. Details of cycle parking;
  - k. Details of television signal receivers and their location;
  - l. Details of energy collection systems and their location.
  - m. A Travel Plan.

Reason: To ensure that the Reserved Matters are produced with sufficient detail and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) and Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission

16 Applications for the approval of reserved matters pursuant to Condition 2 and any submissions for Advance Infrastructure Works required by Condition 6 shall be accompanied by a full BS5837 Tree Survey for the relevant area, including:-

- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each tree. The plan shall also show all hedges/hedgerows;
- b) A specific plan showing the location of, and allocating a reference number to the veteran Black Poplar Tree at Chalcutt Lodge and including details for its protection and retention during construction works thereafter.
- c) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraph (c) and (d) below apply:
- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development;
- f) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site; and
- g) any trees removed or to be retained which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) and (b) above. Any topping or lopping approved (in paragraph (e) above) shall be carried out in accordance with BS3998 (2010).

Reason: To safeguard the existing trees on the site in the interests of visual amenity and in accordance with Policy 59 of the emerging Development

Strategy Central Bedfordshire for Pre-Submission and Paragraph 118 of the National Planning Policy Framework (2012).

- 17 No development shall take place within each phase of development until a scheme that includes the following components to deal with the risks associated with contamination within that parcel has been submitted to, and approved in writing by, the Local Planning Authority:

1. A site investigation scheme for each phase of development, based on the Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected.
2. The results of the reserved matters phase site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any revisions to these components which may from time to time be prepared shall also be submitted for approval by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission. and Paragraphs 109, 120 & 121 of the National Planning Policy Framework (2012).

18. No development shall commence within each phase of the development (including any works of demolition) until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:

- a) Environment Management Responsibilities;
- b) Construction Activities and Timing;
- c) Plant and Equipment, including loading and unloading;
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;
- e) Details of site compounds, offices and areas to be used for the storage of materials;
- f) Utilities and Services;
- g) Emergency planning & Incidents;
- h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
- i) On site control procedures:
  - i. Traffic mitigation measures including traffic management and parking
  - ii. Temporary haulage routes
  - iii. Air and Dust quality
  - iv. Noise and vibration

- v. Waste and Resource Management
- vi. Agricultural Soils and Materials
- vii. Temporary surface water drainage during construction
- viii. Protection of Controlled Waters
- ix. Trees, Hedgerows and Scrub
- x. Ecology
- xi. Archaeological and Cultural Heritage
- xii. Visual and Lighting
- xiii. Utilities and Services
- xiv. Protection of water resources
- xv. Protection of species and habitats
- j) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;
- k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

Any development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

19. No development shall take place within each phase of development, until a Landscape Management Plan ('LMP') for that phase, including long-term design objectives for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved LMP.

The scheme shall include the following elements:

1. Detail extent and type of new planting (planting should preferably comprise native species outside of formal areas; if non-native species are to be used, they should be of value to wildlife – e.g. fruit bearing)
2. Details of any new habitat created on site in that reserved matters parcel
3. Plans showing the extent and layout of the water course buffer zone and how it will be managed over the longer term
4. Creation of a variety of flood plain habitats including a selection of flood plain meadow, ponds and temporary wetlands, reedbeds and wet woodlands as appropriate.

The Landscape Management Plan shall accord with the Landscape and Biodiversity Management Strategy as incorporated in the Green Infrastructure Strategy submitted as part of this planning application (reference CB/12/03613/OUT).

Reason: To protect wildlife and supporting habitat and in accordance with Policy 58 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraph 109 & 114 of the National Planning Policy Framework (2012).

20. No development shall take place within each phase of development which includes the Houghton Brook, until a Water Vole Protection Plan detailing the protection and/or mitigation of Water Voles (a protected species under The Wildlife and Countryside Act 1981 as amended) and their associated habitat during construction works has been submitted to and approved in writing by the Local Planning Authority.

The Water Vole Protection Plan shall then be fully implemented within each phase in accordance with the approved scheme. The plan shall include the following elements:

- a. Details of how the wetlands will be created while protecting the water voles;
- b. Future management of created habitats appropriate for water voles;
- c. Integration of protected species mitigation plan in the Landscape and Biodiversity Management Strategy; and
- d. A timetable for implementation.

Reason: To protect wildlife and supporting habitat and in accordance with Policy 57 of the emerging Central Bedfordshire Development Strategy (Pre-Submission) and Paragraphs 109 & 118 of the National Planning Policy Framework (2012).

21. No development shall take place within each phase of development until a method statement is submitted to, and approved in writing by, the Local Planning Authority setting out appropriate control measures in respect of plant species included on Part 2 of Schedule 9 of the Wildlife and Countryside Act, and in addition measures to prevent the spread of Signal Crayfish from the site as a result of construction and maintenance works for that phase.

The method statement shall include measures that will be used to prevent the spread of these species during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.

Development shall be undertaken fully in accordance with the approved method statement for each phase.

Reason: To protect flora and fauna and supporting habitat and in accordance with Policy 57 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109 & 118 of the National Planning Policy Framework (2012).

22. No development shall take place within each phase of development until a scheme for the noise mitigation measures for amenity areas of the proposed residential units (within that phase) against external noise together with details in relation to the subsequent maintenance of such mitigation is submitted to and approved in writing by the Local Planning Authority that when implemented will, unless otherwise agreed in writing by the Local Planning Authority, achieve outdoor noise levels not exceeding 55dB at all times.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

23. No development shall be commenced within a phase of the development until a scheme for the insulation of residential units is approved in writing by the Local Planning Authority. Indoor noise levels shall not exceed  $L_{Aeq}$  30dB at all times for both bedroom areas and other habitable rooms, and  $L_{Amax}$  45dB between the hours of 2300-0700 for bedroom areas.

Noise levels are to be achieved, where possible with the window open; however where this is not possible, details of other means of window glazing, background ventilation and temperature control design shall be submitted to, and approved by the LPA prior to installation.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.) and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

24. All fixed plant, machinery and equipment within the Class B2 and B8 uses shall not exceed the following vibration levels measured at the nearest residential receptor:

Maximum vibration dose value daytime.  $0.4 (ms^{-1.75})$ , 16 hr (0700 –2300) when measured in accordance with BS 6472: 2008 Guide to Evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting.

Maximum vibration dose value night-time.  $0.2 (ms^{-1.75})$ , 8hr (2300 –0700) when measured at the nearest sensitive receptor in accordance with BS 6472: 2008 Guide to Evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.) and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

25. No development shall take place within each phase of development which includes development within Use Classes A1, A3 – A5, B2, B8 and C1 until an odour mitigation scheme designed to mitigate odour emissions from development within Use Classes A1, A3 – A5, B2, B8 and C1, and the protection of the development from odour to include a timetable of works, for that phase has been submitted to and approved in writing by the Local Planning Authority.

The development shall only be implemented in accordance with the approved odour mitigation scheme for that phase.

Reason: In order to safeguard the amenity and interests of the community and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004) Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

26. No development shall take place within each phase of development until a scheme comprising details of connections to the existing public foul sewer system, including phasing, timetable of works, location, size of connection and installation of oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented fully in accordance with the approved details relating to this condition for each phase.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 44 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109 & 162 of the National Planning Policy Framework (2012).

27. No construction or re-contouring works shall take place on the development hereby permitted outside of the hours of 08.00 to 19.00 (Mondays to Fridays inclusive) and 08.30 to 13.00 on Saturdays, and not at all on Sundays and Bank Holidays unless otherwise agreed within the Construction Environment Management Plan.

Reason: In the interests of the amenity of existing residents and for the avoidance of doubt.

28. Not more than 1000 residential dwellings shall be occupied unless and until the A5-M1 Link Dunstable Northern Bypass as detailed in:

The M1 Motorway (A5-M1 Link Dunstable Northern bypass Connecting Roads) Scheme 20.. (“CRS”);

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No1.20.. (“SRO1”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No2.20.. (“SRO2”)

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Order 20 (“LO”)

is open and in use.

Reason : To ensure that the proposed A5-M1 Link Road will fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980. This is a Direction of the Highways Agency.

29. No Class B1, Class B2 or Class B8 development shall be brought into use unless and until the A5-M1 Link Road as detailed in

The M1 Motorway (A5-M1 Link Dunstable Northern bypass Connecting Roads) Scheme 20. ("CRS");

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No1.20.. ("SRO1")

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Side Roads Order No2.20.. ("SRO2")

The A5 Trunk Road (A5-M1 Link Dunstable Northern bypass) Order 20 ("LO")

is open and in use.

Reason : To ensure that the proposed A5-M1 Link Road will fulfil its purpose as part of the strategic road network in accordance with the Highways Act 1980. This is a Direction of the Highways Agency.

30. No more than 300 dwellings of the number hereby permitted shall be occupied until the infrastructure referred to as the Woodside Link or other such description as may be used for a road linking Junction 11a of the M1 Motorway and Porz Avenue has been opened to general traffic.

Reason: To ensure that the proposed Woodside Link will fulfil its purpose as part of the strategic and local road network without detriment to the local road network and to the general amenity of existing local residents.

31. If, during development, contamination not previously identified is found to be present at the site then no further development within that phase shall be carried out within the affected phase until the developer has submitted a remediation strategy (to include a timetable of works) to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority.

The approved remediation strategy shall be only be implemented as approved and in accordance with the submitted timetable of works.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

32. Where a remediation strategy is required under Condition 31, no occupation of development for the affected phase shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved in writing by the Local Planning Authority.

The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include the implementation of any further requirements as identified in the verification plan, which shall thereafter be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

33. No infiltration of surface water drainage into the ground, except that which is related to the development, is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

34. Where Piling and Ground Source Heat Pump (GSHP) Installation or any other development design using penetrative methods is proposed, a risk assessment (to include a timetable for any mitigation required) shall be submitted with each phase to demonstrate that there is no resultant unacceptable risk to groundwater. Such details shall be submitted to and approved in writing by the Local Planning Authority.

The approved risk assessment's mitigation requirements shall only be implemented as approved and in accordance with the submitted timetable.

Reason: To protect and prevent the pollution of controlled waters and in accordance with Policies 43, 44, 48 & 49 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraphs 109, 120, 121 & 122 of the National Planning Policy Framework (2012).

35. No development shall take place within each phase of development until a scheme for the provision of a specified number of self-build residential units (within a total requirement for the development of 100 self-build residential units) shall be submitted to the Local Planning Authority for approval. The scheme shall include:

1. Details of the arrangements that will ensure that the self-build units are constructed by bona-fide self build, co-operative organisations.
2. Phasing and the timing of the release of the sites over the period of the development.
3. Details of how the sites will be marketed and at a reasonable commercial value to bona-fide self-build organisations,

The marketing of the sites shall begin from the dates set out in the scheme and sites shall be made available according to the phasing schedule for a period of not less than five years. Should no interest at reasonable commercial terms be taken by the end of that period, the site shall return to



general housing purposes and this condition shall be deemed to have been discharged.

Reason: In the interests of ensuring that a wide variety of housing types and delivery methods are made available to the area.

36. No development shall take place within any phase of development until an Employment and Skills Plan has been submitted and approved by the Local Planning Authority. The development shall be implemented in accordance with the Plan as so approved.

Reason: To provide an opportunity for residents of the local area to access employment opportunities.

*Informative: The Plan can give priority to the local recruitment of construction employees, priority to local recruitment for general employees, commit to training schemes for local people, provide transport and bursaries to support local recruitment, set standards for recruitment and any other initiative beneficial to the local area's residents.*

37. No development shall take place within any phase of development as defined in Condition 13 until a Public Art Plan has been submitted to the Local Planning Authority for approval. The Plan shall include:

1. A management plan consisting of a summary of the knowledge, skills and time allowed for Public Art project management
2. A brief for the involvement of the artists, including what marketing will be undertaken to offer commissions, where Public Art is not already included in the architecture or landscaping of the scheme
3. An assessment of the positive impact the Public Art will have on the environment and / or the local residents.
4. A description of the commissioning and procurement process.
5. Details for future care and maintenance. Permanent works should be durable of good quality construction requiring very little if any maintenance

The marketing of the Public Art Plan shall adhere to the timetable set out in the Public Art Strategy and the commissions shall be made available accordingly.

Reason: In the interests of ensuring that a wide variety of public art is incorporated into the development in the interests of increasing the public enjoyment of the area.

38. The net floorspace of the 'Main Foodstore' (as defined in Condition 5) hereby permitted shall not exceed 6,500 square metres including any mezzanine or other floor inserted into a building capable of use as a net sales area. No more than 30% of the net retail sales area shall be used for the sale of comparison goods

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

39. The net floorspace of each on any 'Other Class A1 Convenience' stores (as defined in Condition 5) hereby permitted shall not exceed 500 square metres for each individual store, and together shall not exceed a total of 1,625 square metres, including any mezzanine or other floor inserted into a building capable of use as a net sales area. No more than 30% of the net retail sales area shall be used for the sale of comparison goods.

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

40. The net floorspace of the 'Other Class A1 Comparison' stores (as defined in Condition 5) hereby permitted shall not exceed a total of 8,750 square metres including any mezzanine or other floor inserted into a building capable of use as a net sales area.

Reason: To define the extent of the permission in the interests of limiting the impact of the development on the area.

### **Reasons for Granting Planning Permission**

1. The proposal falls wholly within an area where successive Local Planning Authorities (LPAs) have sought substantial development principally for housing and employment purposes, within a national, regional and sub-regional context of planning policy changes, including a review of the Green Belt boundary, and where the current LPA wishes to support the delivery of the A5 – M1 link road and Junction towards the overall objective of the economic development and regeneration of the wider area.
2. Planning Permission is considered to be appropriate as it complies with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and where the current Development Plan (the South Bedfordshire Local Plan 2001 – 2011) is not up-to-date in this respect.
3. The LPA has taken account of the Environmental Statement and considers that none of the identified impacts will harm the identified environmental interests provided that the appropriate mitigation is secured, where relevant, by planning conditions and clauses to be included within the proposed Section 106 Planning Agreement.
4. The LPA has taken account of the Viability Appraisal and considers that the planning permission can be granted conditionally, provided that a suitable Section 106 Planning Agreement can be completed to ensure that the appropriate contributions package is implemented. Also on this basis, it is considered that the provision of 10% of the housing as affordable housing is appropriate.
5. The LPA has considered each of the classes and individual items within the description of development and considered these to be appropriate to create a balanced and functioning urban extension. This includes, for the avoidance of doubt, a substantial retail floorspace proposal where the LPA considers that on balance there will be no substantial harm to retail centres within the general area and that it would contribute to the viability of the development which will

have an overall benefit to bring to the area. The development as a whole will deliver the A5 – M1 link road which in itself will have a beneficial effect to the environment of Houghton Regis and Dunstable Town Centres.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The application has been determined following the process contained within the signed Planning Performance Agreement held between Central Bedfordshire Council and the applicant, and has therefore been determined on a co-operative basis towards seeking solutions to problems arising.

**Notes to Applicant**

1. This decision must be read with the relevant Planning Agreement for this site and all requirements of that Agreement must be discharged or complied with.
2. Attention is drawn to the proximity of National Grid Apparatus and you are therefore advised to contact the local representative for this area accordingly.
3. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
4. Attention is drawn to the existence of Public Rights of Way crossing the site and the legal obligations that arise accordingly.
5. You are advised to contact the Highways Officer for Central Bedfordshire Council should you intend to seek the adoption of roads, footways and cycleways under the Highways Act at the earliest practical stage in the development.
6. The planning permission does not remove or otherwise prevent the exercising of any private rights that may affect the site; including private rights of access.

**APPENDIX 2:  
STANFORD LE HOPE - SECRETARY OF STATE'S  
DECISION LETTER AND INSPECTORS REPORT  
22<sup>ND</sup> MARCH 2012**

22 March 2012

Mr M Hull  
Kember Loudon Williams Ltd  
Ridgers Barn  
Bunny Lane  
Eridge  
Tunbridge Wells  
KENT  
TN3 9HA

Our Ref: APP/M9565/V/11/2154021

Your Ref:10/50235/TTGOUT

Dear Mr Hull,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION BY BARRATT HOMES  
AT LAND SOUTH OF OXFORD ROAD, WEST OF BUTTS LANE,  
STANFORD-LE- HOPE, ESSEX SS17 0NW  
APPLICATION: REF 10/50235/TTGOUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Graham Dudley, BA(Hons) Arch Dip Cons AA RIBA FRICS, who held a public local inquiry between 18 and 25 October 2011 into your client's application for outline planning permission for the comprehensive development of land to provide a sustainable urban extension comprising up to 350 dwellings with associated infrastructure including: new vehicular accesses on to Butts Lane; new on-site accesses and road network; cycleway and footpath network; public open space including 51.5ha of strategic open space; landscaping and local community facilities, at land south of Oxford Road, west of Butts Lane, Stanford-le-Hope, Essex SS17 0NW in accordance with application Ref 10/50235/TTGOUT, dated 19 October 2010.
2. On 16 May 2011, the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the relevant planning authority, Thurrock Thames Gateway Development Corporation (TTGDC). The reason given for making the direction was that the Secretary of State was of the opinion that the application was one he ought to decide himself because the proposal may conflict with national policies on important matters.

### **Inspector's recommendation and summary of the decision**

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural matters**

4. In reaching his decision, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application (IR15).
5. The Secretary of State has taken account of the revision to the area of strategic open space, as noted at IR6, in determining the application.

### **Matters arising after the close of the inquiry**

6. Following the close of the inquiry, the Secretary of State received a representation from Mr D Harper dated 17 November 2011. He has taken account of this representation but, as it did not raise any new matters that would affect his decision, he has not considered it necessary to circulate it to all parties. Copies of this representation can be made available upon written request.
7. Following the Secretary of State's receipt of the Inspector's report, Thurrock Council adopted its Core Strategy and Policies for Management of Development Development Plan Document. The Secretary of State has had regard to the policies in the adopted plan, but given that the submission Core Strategy and the Council's Proposed Focused Changes were before the inquiry, he does not consider that they raise new issues relevant to this application that either affect his decision, or require him to refer back to the parties for further representations before reaching his decision.

### **Policy considerations**

8. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case, the development plan comprises the East of England Plan 2008 (EEP), the Thurrock Core Strategy and Policies for Management of Development Development Plan Document (CS), adopted December 2011, and those saved policies of the Thurrock Local Plan (LP), adopted in 1997, that have not been superseded by policies of the CS. The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the

Inspector at IR17 and CS Policies CSSP1, CSSP4, CSSP5, CSTP1 and CSTP2 (IR 24 and 25).

10. Other material considerations which the Secretary of State has taken into account include the national policy documents listed at IR22, Planning Policy Guidance 17: *Planning for Open Space, Sport and Recreation* (PPG17), Circular 05/05: *Planning Obligations*; Circular 11/95: *The Use of Conditions in Planning Permission*; and *The Community Infrastructure Levy (CIL) Regulations* 2010.
11. The Secretary of State has taken into account the Draft National Planning Policy Framework document, issued for consultation on 25 July 2011. However, as this document is still in draft form and subject to change, he has accorded its policies little weight.
12. In determining the appeal, the Secretary of State has had regard to the impact of the proposed development on the settings of the listed buildings at St Clere's Hall, referred to by the Inspector at IR14, and at St Margaret of Antioch's Church, referred to at IR274. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, he has paid special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they may possess.

### **Main issues**

13. The Secretary of State considers that the main issues in this case are:-

- a) Green Belt;
- b) Housing Supply;
- c) Affordable Housing;
- d) Strategic Open Space, Greengrid, Sports and Recreation;
- e) Impact on Listed Buildings;
- f) Other Matters;
- g) Conditions and Obligation.

### **Green Belt**

14. The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR265 – 289. He agrees with the Inspector that the proposed housing would be inappropriate development in the Green Belt and he has attached substantial weight to the harm caused due to inappropriateness (IR265). He has similarly attached substantial weight to the harm caused to the openness of the Green Belt (IR266), and agrees that development of the site would be harmful to the countryside (IR267). However, he agrees with the Inspector, at IR277, that harm to the Green Belt should be viewed in the context of the harm that the development of the land west of Butts Lane, identified as a broad location for development on CS Proposals Map Part 2 East (CSPM2E), would cause in the future, thereby considerably lessening the overall harm of this proposal.
15. The Secretary of State agrees with the Inspector that residential development at this site would remove the current purpose that the Green Belt is serving in preventing the edge of Stanford-le-Hope extending into the countryside (IR278).

He also agrees that the protection offered by the Green Belt, of preventing encroachment into what is currently countryside, would be lost in relation to the residential part of the proposed development (IR280). Like the Inspector, he considers that the proposal would be unlikely to considerably compromise the need for urban regeneration elsewhere in the borough at the current time (IR286). The Secretary of State agrees that the proposal will open up a very large area of land to the public for leisure and recreational purposes (IR287). With regard to the loss of the existing golf course, he attaches limited weight to the loss of this facility, given the availability of provision elsewhere (IR288). In addition, he agrees that whether or not Thurrock Council policies identify a need for the open space, the proposal will enable recreational use of the land by the general public creating a significant opportunity for outdoor recreation (IR289).

### Housing Supply

16. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR290 – 303 on housing supply in Thurrock. He considers that considerable weight can be attached to the housing supply requirements i.e. the provision of a minimum of about 18,500 homes between 2001 and 2021 (IR292) and he has taken account of the Statement of Common Ground concluding that the 5-year supply is between 3 years and 3.3 years (IR293). Like the Inspector, he has some sympathy for the managed approach to housing supply advocated by Thurrock Council (IR294) but he agrees that, even with the reduced requirements of this managed approach, it is clear that the targets for the next 5-year period will not nearly be achieved (IR298). The Secretary of State shares the Inspector's view, stated at IR303, that under-achievement of the accepted housing land supply against the planned housing trajectory is now clearly a situation where management action is urgently required in order to meet current housing land delivery requirements and to ensure that later years do not become unacceptably loaded by the now projected shortfalls against the target (IR303). He agrees that this matter contributes significantly towards very special circumstances in relation to development of the Green Belt (IR303) and considers that the scheme's contribution to meeting the shortfall in the 5-year supply of housing is a substantial benefit.

### *Bringing Sites Forward Outside of the Development Plan Documents*

17. The Secretary of State agrees with the Inspector's reasoning and conclusions with regard to bringing sites forward outside of the development plan documents, as set out at IR304 – 309. He accepts that the Site Specific Allocations Development Plan Document would consider timing of release, and it potentially could be decided that a later release would be more appropriate. However, given the substantial shortfall in the current 5-year supply, he agrees that it is hard to see how it would not be concluded that at least early release of the Inset Map 5 land (shown on CSPM2E) is required, if it were being actively considered at present (IR309).

### Affordable Housing

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on the provision of affordable housing at IR310 – 315. He accepts that the provision



of 35% affordable housing is sought in the CS, but agrees that, given the current economic circumstances and the difficulty in achieving a lesser provision in the past, providing 35% affordable housing during the current economic situation should be considered as a beneficial material consideration (IR314). He agrees that the past shortfall in affordable housing provision and the ability of this site to provide a substantial amount of affordable houses in accordance with the requirements of the CS in the next five years is a substantial material consideration (IR315).

#### Strategic Open Space, Greengrid, Sports and Recreation

19. The Secretary of State agrees with the Inspector's reasoning and conclusions with regard to the impact of the proposal on strategic open space and greengrid, sports and recreation, as set out at IR316 – 330. He has carefully considered the concerns of Natural England, referred to at IR325, and agrees that it is essential to have the strategic open space at the application site to deflect visitor pressure and residents away from the Mucking Flats Site of Special Scientific Interest, and part of the Thames Estuary and Marshes Special Protection Area and Ramsar Site. He further agrees that the application site, being at the very edge of Stanford-le-Hope and on the footpath network, would provide good access (IR326). Like the Inspector, he considers that while the proposal does neither fully fit the description of a park and garden, nor fully the description of country park, it would serve some of their purposes and have some limited benefit in terms of need, in relation to the identified shortfall in parks and gardens. It would also improve connectivity between Thurrock's urban areas and the Green Belt (IR328).
20. The Secretary of State agrees that the proposed open space would have considerable benefits in deflecting visitors away from the Thames Estuary and Marshes, relieving pressure on important sites, which Natural England considers to be important (IR329). He agrees that the provision of the strategic open space associated with the development is a significant material consideration, contributing towards very special circumstances (IR330).

#### Impact on Listed Buildings

21. For the reasons given by the Inspector at IR274 - 276, the Secretary of State considers that the special architectural and historic interest of St Margaret of Antioch's Church and St Clere's Hall and their settings would be preserved.

#### Other Matters

22. The Secretary of State agrees with the Inspector's reasoning and conclusions with respect to the other matters set out at IR331 – 343.

#### Conditions

23. The Secretary of State has considered the proposed conditions, the Inspector's assessment of these at IR253– 258, and national policy as set out in Circular 11/95. He agrees with the Inspector's assessment that the conditions are necessary and he considers that they comply with the provisions of Circular

11/95. The Secretary of State is satisfied that the reasons given by the Inspector for the conditions in Annex 1 of his report with reference to LP policies and the emerging CS policies are still relevant, following the adoption of the CS, which also supersedes specified LP policies.

### Planning Obligation

24. The Secretary of State has considered the planning obligation, the Inspector's assessment of it at IR259 – 264, the provisions of the CIL Regulations 2010 and the guidance in Circular 05/2005. He agrees with the Inspector that the provisions of the obligation comply with the guidance in Circular 05/2005 and meet the tests of Regulation 122 of the CIL Regulations 2010 (IR264).

### Overall Conclusions

25. The Secretary of State agrees with the Inspector's overall conclusions, as set out at IR344 – 357. He considers that development of the application site is not consistent with the development plan as it is Green Belt (IR344). He notes that in the Core Strategy the northern part of the proposed housing site is identified as a broad location for the release of land from the Green Belt in CSPM2E, although the intention is that development will only be permitted on Green Belt land where it is specifically allocated and required to maintain a 5 year land supply. He has gone on to consider whether there are material considerations of sufficient weight to overcome this. He considers that the proposed development would cause substantial harm in terms of being inappropriate development in the Green Belt, cause substantial harm to Green Belt openness and considerable harm to the visual amenity of the countryside, changing its character and appearance from countryside to urban (IR344). He further considers that the early release of Green Belt land for development would cause harm to the ability to coordinate the release of land (IR346) but considers that development of the CSPM2E area of land now would only be likely to mean that it is developed earlier rather than not at all, and that this reduces the weight to be given to the harm from development of that land, in terms of the Green Belt, amenity, and character and appearance (IR347).

26. The Secretary of State considers that, even with the proposed back loading to counter the economic situation, it is clear that the 5-year housing land supply in the current housing trajectory will not be achieved by a considerable margin (IR348) and considers that in these circumstances, the plan, monitor and manage approach requires that consideration should be given to bringing deliverable sites forward and that this is promoted not only by PPS3, but by the development plan (IR349). He considers that the provision of 35% affordable housing in the current economic climate is a substantial benefit of the scheme (IR352) and that provision of strategic open space, with enhancement to the land and contribution towards the greengrid, to also be a significant benefit of the proposal (IR353).

27. Having weighed up all the relevant material considerations, the Secretary of State concludes that given the fact that part of the site has already been identified as a broad location for development and removal from the Green Belt, and that bringing sites forward early is not against the principles of the development plan, the benefits of the scheme, including provision of housing to help meet a shortfall

in the 5-year supply, provision of affordable housing and the proposed strategic open space clearly outweigh harm to the Green Belt and the other harm identified. He concludes that very special circumstances exist to justify development in the Green Belt.

### **Formal Decision**

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission for the comprehensive development of land to provide a sustainable urban extension comprising up to 350 dwellings with associated infrastructure including: new vehicular accesses on to Butts Lane; new on-site accesses and road network; cycleway and footpath network; public open space including 42.3ha of strategic open space; landscaping and local community facilities, at land south of Oxford Road, west of Butts Lane, Stanford-le-Hope, Essex SS17 0NW in accordance with application Ref 10/50235/TTGOUT, dated 19 October 2010, subject to the conditions set out at Annex A of this letter.
29. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
30. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
31. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

### **Right to challenge the decision**

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
33. Copies of this letter have been sent to Thurrock Thames Gateway Development Corporation and Thurrock Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours sincerely,

**Pamela Roberts**

Authorised by Secretary of State to sign in that behalf

## ANNEX A – SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.

The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

2. Subject to compliance with the requirements of any other conditions, the submission of Reserved Matters for any part of the site or phase shall demonstrate conformity with the following key design parameters accompanying the application:
  - (a) The approach to building height detailed on the 'Building Heights' plan ref: D1291-GA-103 accompanying the application;
  - (b) The vehicle access points, pedestrian and cycle links and network detailed on the 'Access Parameters Plan; ref: D1291-GA-104 accompanying the application;
  - (c) The desire to retain and accommodate the trees detailed on 'Proposed Layout and Tree Removals' plans: 200905-P-02-01 (Top of site), 200905-P-02-02 (Middle) and 200905-P-02-03 (Bottom of site) and associated 'Arboricultural Impact Assessment' (Oct 2010);
  - (d) To create pedestrian and cycle networks through the site as illustrated on Figure 7.11 Revision D;
  - (e) The desire to create a road hierarchy as detailed in Section 4.4.3 'Street hierarchy and types' on page 47 of the Design and Access Statement (15<sup>th</sup> October 2010) and at figure 4.6 (page 49).
3. In the event that there is more than one phase, prior to the submission of any Reserved Matters pursuant to Condition 6, a Design Code shall be submitted to, and approved in writing by, the Local Planning Authority. The Design Code shall, where relevant, have reference to the Design and Access Statement supporting the outline application, and shall in any case address and codify the following matters:

*Built form:*

- Block structure

- Building forms and types
- Use of building heights to enhance legibility
- Corner treatments
- Elevation composition
- Placement of entrances
- Building materials palette

*Public realm:*

- Landscape design principles
- Street types
- Surface materials palette
- Street furniture and design of play equipment, lighting and boundary treatments
- Planting palette
- Integration of car parking and traffic calming measures
- Incorporation of public art

*Private space;*

- Living standards which will establish a benchmark for detailed submissions to be assessed against, e.g. storage provision for individual dwellings, provision of private outdoor space
- Integration of usable terraces and balconies

*Other matters:*

- Character areas
- Types of refuse and recycling storage
- Cycle parking
- Standards to be applied (including back-to-back distances, car parking ratios, garden sizes) which shall have regard to the adopted standards

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 6 shall comply with the 'Mandatory' sections of the Design Code and shall have regard to the illustrative material and non-mandatory codes. Construction shall be in accordance with the 'Mandatory' section of the approved Design Code. There shall be no amendment to the approved Design Code.

4. The development shall not be begun until a detailed programme of phasing of the Development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include;

- a. A plan defining the extent of the works comprised within each phase;
- b. Details of the number of residential units to be accommodated within each phase;
- c. A strategy for accommodating the affordable housing;
- d. The infrastructure works to be included within each phase, including works within the existing highway;
- e. A timetable for the implementation of works within each phase;
- f. Detail of the timing for the provision of the Community Building;
- g. Details of the quantum of open space to be provided in each phase and a timetable for its provision;
- h. Details for the landscaping and works associated with the 42ha of Strategic Open Space together with details of the timing of its provision for use by the public.

The development shall be implemented in accordance with the approved Phasing Strategy.

5. Development shall not commence on any phase (as so defined pursuant to the approved Phasing Strategy under Condition 4) until details of:
  - (a) the Layout of that phase of the new development;
  - (b) the Scale of that phase of the new development;
  - (c) the Appearance of that phase of new development;
  - (d) the Means of Access approved by this permission. Such details shall include access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
  - (e) the Landscaping of that phase of the site (hereinafter called the 'Reserved Matters'), have been submitted to, and approved in writing by, the Local Planning Authority for that phase. Development shall be carried out in accordance with the approved details.

For the purposes of this condition, 'Development' shall exclude: demolition, archaeological investigations, and investigations for the purpose of assessing ground conditions.

6. The development hereby permitted shall:
  - (a) Not exceed 350 residential units (Use Class C3);
  - (b) Accord with the extent, location and quantum of the following uses detailed on drawing D1291-GA-102 accompanying the application:  
'residential, roads and local open space',  
Strategic Landscape Buffer - screen planting',

'other local open space'.

(c) Contain a series of public open spaces of at least the extent and distribution shown on the drawing D1291-GA-102.

(d) Include a Community Building (Use Class D2 - Assembly and Leisure) of 300sq,m within the area detailed for 'Residential' or 'Community Centre' on plan D1291-GA-102 accompanying the application.

(e) Include 42.33ha of 'Strategic Open Space', the extent and location of which shall accord with the details on plan Figure 7.11 Revision 'D'.

(f) The mix of units to be delivered by the totality of development shall comprise a mix not exceeding 15% one and two bedroom flats and 85% houses.

Each application for Reserved Matters incorporating residential units shall be accompanied by:

(i) a schedule of residential accommodation proposed within that phase(s) together with an updated schedule of residential units to be delivered by further phase(s) of development,

(ii) an updated illustrative Masterplan of the totality of the residential development at a scale of 1:1000 together with a site wide plan;

(iii) details of how the development proposed would ensure that the remaining quantum of development permitted and the requirement for open space can be satisfactorily accommodated on-site having regard to the requirements of this condition.

7. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a Sustainable Design and Construction Code for that phase. The Sustainable Design and Construction Code shall:

(a) detail the area to be covered by the Sustainable Design and Construction Code;

(b) detail when development is proposed to commence and be completed on that phase;

(c) provide a brief review of the technical solutions prevailing at the time;

(d) indicate how the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;

(e) detail the sustainable design measures incorporated into the phases, including but not limited to, building orientation, passive solar gain and sustainable landscape design, water conservation and efficiency measures;

(f) detail how this phase will contribute to the residential development as a whole securing at least 10% of its energy from decentralised and renewable or

low carbon sources;

- (g) confirm the Code for Sustainable Homes (or an equivalent assessment method and rating) standard(s) to be achieved for the proposed building(s) having regard to the requirements of this condition and contain an interim certificate by an accredited assessor for the Code for Sustainable Homes (or an equivalent assessment method and rating) confirming that the design for the dwellings within that phase achieve the Code Level specified;
- (h) detail how sustainable construction methods will be utilised.

The Code for Sustainable Homes level to be achieved by the residential development shall be:

Those dwellings completed, or in the case of apartment buildings substantially completed, during the period up to and including 2012 will meet Code for Sustainable Homes (CSH) Level 3 as a minimum;

Those dwellings completed, or in the case of apartment buildings substantially completed, from 1st January 2013 onwards will meet Code for Sustainable Homes level 4 as a minimum;

For those dwellings completed, or in the case of apartment buildings substantially completed, post 2014 there shall be a presumption for the phase to meet Government targets for Code for Sustainable Homes prevailing at the time of completion of the phase, unless it is demonstrated, via a submission with the Sustainable Design and Construction Code, to the satisfaction of the Local Planning Authority that this is not feasible or viable and that a lower standard should be applied.

The Sustainable Design and Construction Code for the relevant phase shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development on that phase.

Development shall be carried out in accordance with the approved Sustainable Construction Code for that phase. Within 3 months of the first occupation of each dwelling (or apartment) (or at an alternative time first agreed in writing), a 'Post Construction Review' carried out by a suitably qualified person shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the required Code for Sustainable Homes level has been met for each dwelling. Prior to the residential occupation of 90% of the phase, written confirmation shall be submitted to and agreed in writing by the local planning authority, that the energy efficiency measures and measures to secure the energy from decentralised and renewable or low-carbon sources has been



incorporated in the manner agreed.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

8. The dwellings and flats on the site shall meet the Lifetime Homes Standard. The reserved matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a statement outlining the specification for Lifetime Home applied and detailing the proposed development's compliance with that specification. Development shall be undertaken in accordance with the approved details.
9. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a 'Scheme for Noise Insulation' for the dwellings which should accord with the Noise Impact Assessment accompanying the outline application (Ardent Consulting, ref: H160-008, Oct 2010). The measures shall; (a) propose appropriate measures to ensure that the noise level within any habitable room meet 'good' internal noise standards in BS8233:1999 and (b) detail the measures proposed to ensure that the external noise environment is acceptable having regard to World Health Organisation values for Community noise in specific environments.

There shall be no residential development undertaken on that phase until such a scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The measures agreed in writing with the Local Planning Authority shall be incorporated in the manner detailed prior to the residential occupation of the residential units to which the mitigation is specified and such measures shall thereafter be permanently retained in the agreed form.

For the purposes of this condition 'Residential Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

10. Until the landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority pursuant to the Reserved Matters, all existing trees, shrubs and hedgerows on the site shall be retained and shall not be

felled, lopped or topped without the prior written consent of the Local Planning Authority. If any existing trees, shrubs or hedgerows are removed without such consent or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the Local Planning Authority, such replacement to take place within the first planting season after the Local Planning Authority's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of those works.

11. The Reserved Matters details to be submitted in accordance with Condition 5(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Residential Landscape Scheme') relating to the 15ha parcel comprising the residential area, strategic landscape buffer and boundary with Butts Lane as detailed on Plan ref L D1291-GA-102 (ie. all the site except the Strategic Open Space). The Residential Landscape Scheme shall include, but not be limited to, details of:
- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
  - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
  - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - (d) Surfacing materials,
  - (e) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428 and BS5837:2005,
  - (f) Details of the extent and method for translocating the existing hedge adjacent to Butts Lane.
  - (g) Pit design for tree planting within streets or areas of hard landscaping,
  - (h) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
  - (i) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins, location of play areas,
  - (j) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
  - (k) Whether such land shall be accessible by the public and the management principles for such area,

(l) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.

(m) The location, enclosure, surfacing, landscaping and play equipment for the play spaces

(n) Programme of Implementation and maintenance.

The Residential Landscaping Scheme, associated works and play areas shall be completed in accordance with the approved programme that has been approved as part of the reserved matters.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas and play equipment shall be in strict accordance with the approved details.

12. The Reserved Matters details to be submitted in accordance with Condition 6(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Strategic Open Space Landscape Scheme') relating to the 42.3ha parcel comprising the strategic open space as detailed on Figure 7.11 Rev D (i.e. all areas except the Residential Area and associated open space). The Strategic Open Space Landscape Scheme shall include, but not be limited to, details of:
- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
  - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
  - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment),
  - (d) Surfacing materials,
  - (e) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
  - (f) Locations and specifications and product literature relating to signs, seats, bollards, planters, refuse bins,
  - (g) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected

on site,

(h) Whether such land shall be accessible by the public and the management principles for such area,

(i) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.

(j) Implementation timetables,

(k) Programme of maintenance.

The Strategic Open Space Landscape Scheme and associated works shall be completed in accordance with a programme that has been agreed in writing by the Local Planning Authority.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas shall be in strict accordance with the agreed details.

13. Unless contaminated, overburden, top-soils and sub-soils resulting from ground works shall be retained on-site for purposes including landscaping. Such soils shall be stockpiled and managed in a way to ensure that different soils are not mixed, contaminated or damaged by vehicles or construction. During site preparation and construction, no waste material shall enter the site.
  
14. Notwithstanding the details accompanying the application, prior to the commencement of development, a scheme of highway works in Butts Lane shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:
  - (a) Design, layout and construction details of the junctions comprising the northern T-junction and the southern roundabout;
  - (b) Details of road widening;
  - (c) Details of sight splays;
  - (d) Details of the footway(s) and cycleways(s);
  - (e) Details of a minimum of four pedestrian refuges;
  - (f) Traffic calming measures, including gateway features;

- (g) Traffic safety measures, including the use of anti-skid surfacing;
  - (h) Details of signage;
  - (i) Details of drainage;
  - (j) Details of works to repair and or relay the surface course of the highway (including footways);
  - (k) Details of tie-ins to existing footways and carriageways;
  - (l) A scheme of lighting, including lux levels;
  - (m) Details of any parking restrictions within the public highway;
- shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved highway works shall be completed prior to the first occupation of any dwelling served by that junction as defined in the phasing plan required by Condition 4.

For the purposes of this condition, 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

15. Application(s) for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) and (d)) shall include (where applicable) the following details: Movement network including layout of streets, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways and footpaths. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction. It shall also detail how that phase fits into a comprehensive movement network for the totality of the site and links off site.

(a) External lighting (including to roads, car parking areas, footways / cycleways) and shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation. The external lighting shall be provided in accordance with the approved details and timescales.

(b) Street furniture,

(c) Surface finishes,

(d) Cycle and car parking,

(e) Signage,

(f) Estate road construction and geometry. Details of whether such roads are proposed to be put forward for adoption by the Local Highway Authority

(g) Drainage (including to roads, car parking areas, footways / cycleways)

(h) Timescale for the provision of this highway infrastructure.

The details submitted pursuant to this condition shall (where applicable) accord with the mandatory parts of the Design Code approved pursuant to Condition 3 unless otherwise first agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timescales or in accordance with any variation first agreed in writing by the Local Planning Authority.

16. Vehicular access to the residential development shall be from Butts Lane in the manner approved and there shall be no other means of vehicular access to the residential element of the site.
17. Residential units within any phase of development shall only be brought into residential occupation when there is a consolidated and surfaced carriageway and footway (apart from the wearing surface) necessary to connect that part of the development to the existing highway and footpath network. Furthermore, the footways and footpaths commensurate with the frontage of each dwelling or apartment building shall be constructed and completed within six months from the date of the first occupation of that dwelling or apartment building.
18. Application(s) for approval of Reserved Matters pursuant to Condition 5 part (e) 'Landscaping' shall include a comprehensive network of paths for pedestrians and cyclists linking through the site joining on to the existing off-site network of footpaths.

The details shall:

follow the network of routes detailed on plan ref: Figure 7.11 Rev D

- include details of construction and surface finish,
- measures to prevent unauthorised vehicular / motor cycle access;
- include details of signage
- include the timetable for provision

The paths shall be formed in accordance with the agreed timescale and thereafter permanently retained and maintained in the agreed form.

19. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall include;

(a) details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the residents of the development.

(b) details of the number, size, location, design and materials of cycle parking facilities to serve visitors.

Such provision shall be in accordance with the following standards specified in the application (unless a variation to these standards is first agreed in writing with the Local Planning Authority):

- 1 secure covered space per dwelling (including per flatted unit). None if garage with sufficient accommodation is provided within the curtilage
- 1 space per 8 dwellings for visitors

Such cycle parking facilities as approved under reserved matters shall be installed on site prior to the occupation of the units they serve and shall thereafter be permanently retained for sole use for cycle parking.

20. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall;

a. show provision for the parking and / or garaging of private cars in accordance with the standards for allocated and unallocated parking spaces specified in the outline application unless a variation to these standards is first agreed in writing with the Local Planning Authority.

b. be accompanied with a Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.

The reserved matters shall detail the parking allocation for that phase. Residential units shall only be occupied within a phase of development when the vehicular accesses, car parking areas and turning areas serving that unit have been constructed in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

The parking spaces shall thereafter be retained for the parking of cars. The Parking Management Strategy for this phase shall be implemented and thereafter retained for the duration of the residential use in accordance with

the approved Car Parking Management Strategy.

21. Prior to the commencement of the first residential phase of the development, a Travel Plan for the site will be submitted to, and approved in writing, by the Local Planning Authority. The Travel Plan shall accord with the Framework Travel Plan (Oct 2010) accompanying the application and shall provide the following:

- Identify the objectives for Travel Plan for the site (including targets for trip reduction and modal shift having regard to the phasing of the development);
- The key processes they should include (e.g. surveys, consultation, monitoring etc.),
- Measures that may be employed to bring about the aims and objectives of the travel plan and the establishment of a Travel Plan Coordinator.
- The monitoring regime to include details of the timing and methodology for undertaking monitoring and review.
- Details of specific measures to be implemented to promote the use of sustainable modes of transport; including the provision of a 'Welcome Pack' for each dwelling providing information to promote modal shift to public transport, walking and cycling.
- Details of penalties to be applied in the event that targets are not met;

No residential occupation of the units shall take place until the Travel Plan has been approved in writing by the Local Planning Authority. The approved Travel Plan and the measures therein shall be implemented in accordance with the details contained within the approved Travel Plan and shall remain in force for the period stated in the Travel Plan.

The monitoring shall be undertaken in strict accordance with the agreed scheme and the outcomes of the monitoring shall be made available to the Local Planning Authority in accordance with the agreed monitoring regime. If the agreed targets are exceeded then the applicant or their successor in title shall submit to the Local Planning Authority a 'Remedial Action Plan' which shall include details of the measures to be employed, the timetable for their implementation and monitoring. The commitments explicitly stated in the Remedial Action Plan shall be binding on the applicants or their successors in title.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of



assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

22. Development (other than that required to be carried out as part of an approved scheme of remediation) must not commence until parts 1 to 4 of this condition have been complied with.

*(PART 1) Site Characterisation and Remediation Strategy;*

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the local planning authority:

A) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

*(PART 2) Implementation of Approved Remediation Scheme;*

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation).

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

*(PART 3) Verification Plan;*

Following completion of measures identified in the approved remediation scheme and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and

the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

*(PART 4) Reporting of Unexpected Contamination;*

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

23. The development / use hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:
- a) determine the existence, depth, extent and character of any filled ground.
  - b) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.
  - c) A copy of the site survey findings together with a scheme to bring the site to a suitable condition in that it represents an acceptable risk including detailing measures to contain, manage and/or monitor any landfill gas with a potential to reach the site shall be submitted to and agreed in writing with, the Local Planning Authority prior to, the commencement of development hereby permitted.

Formulation and implementation of the scheme shall be undertaken by competent persons. Such agreed measures shall be implemented and completed in accordance with the agreed scheme. No deviation shall be made from this scheme.

Should any ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in the scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be implemented in accordance with the agreed scheme.

The developer shall give one month's advanced notice in writing to the Local

Planning Authority of the impending completion of the agreed works. Within four weeks of completion of the agreed works a validation report undertaken by competent person or persons shall be submitted to the Local Planning Authority for written approval. There shall be no residential occupation of the site or the individual unit affected until the Local Planning Authority has approved the validation report in writing.

24. Prior to the commencement of demolition, remediation or development on any phase of the development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority covering either the totality of development or a defined phase in accordance with the agreed Phasing Strategy. The CEMP shall be in accordance with the details contained in the outline application and shall include, but not be limited to, details of:
- (a) Hours and duration of any piling operations,
  - (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
  - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (d) Details of construction access;
  - (e) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
  - (f) Details of any temporary hardstandings;
  - (g) Details of temporary hoarding;
  - (h) Method for the control of noise with reference to BS5228 together with a monitoring regime
  - (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
  - (m) Dust and air quality mitigation and monitoring (to have regard to the measures outlined in the Environmental Statement para 9.7 - 9.77 accompanying the application),
  - (k) Water management including waste water and surface water discharge,
  - (l) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
  - (m) A Site Waste Management Plan,
  - (n) Ecology and environmental protection and mitigation,
  - (o) Community liaison including a method for handling and monitoring complaints, contact details for site managers.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

25. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 08:00 - 18:00 hours, Saturdays 08:00 - 1300 hours unless in association with an emergency.
26. No phase of development shall take place until samples of the materials to be used in the external construction (including surfacing materials for buildings and hard landscaping) for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in strict accordance with the approved samples.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

27. No phase of development shall take place until a brick panel showing a sample of the proposed brickwork and the colour, type and texture of mortar courses is constructed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved panel.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

28. Applications for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) Layout (c) Appearance and (d) Means of Access) shall include: full details of all the number, size, location, design and materials of bin and recycling stores to serve that phase of the development together with details of the means of access to bin stores for residents and refuse operatives, including collection points if necessary.

The development shall make provision for:

- 1 x 180 litre container for refuse, 1 x 240 litre container for recycling and 1 x 240 litre container for kitchen and garden waste per residential dwelling.
- Flats containing more than 4 units shall be provided with communal bins. The calculation used for refuse and recycling provision shall be as follows:

- o Number of households x 180-litre capacity (residual waste)
- o Number of households x 240-litre capacity (dry recycling)

The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential or commercial units they serve and shall be constructed and permanently retained in the form agreed.

29. No phase of development shall take place until detailed drawings and sections of the existing and proposed levels of that phase, the levels of the surrounding area and adjoining buildings (where applicable) and the finished floor level of the building(s) hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be in strict accordance with the details agreed.
30. Development shall not commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The Surface Water Drainage Scheme shall have regard to the 'Flood Risk and Drainage Assessment' (ref: H160-03, Oct 2010) accompanying the application and shall:
- a) Assess whether there is an unacceptable risk to controlled waters from infiltration of surface water drainage into the ground post the approved works of remediation to the site pursuant to condition 22 of this permission;
  - b) Detail all surface water from parking, servicing and manoeuvring areas being passed through a Class 1 oil interceptor prior to disposal to groundwater, watercourse or surface water sewer;
  - c) Include infiltration drainage as a priority wherever this can be shown to be a practicable means for achieving surface water drainage for areas within the site;
  - d) Include the means for all volumes of surface water generated on site in excess of the soakage capacity of the site's infiltration devices to be attenuated on site for all storms up to and including the 1 in 100 year storm event (including agreed PPS25 allowances for climate change over the development lifetime).
  - e) Include a timescale for undertaking the works;
  - f) Detail how the scheme shall be maintained and managed after completion.

In addition, the Surface Water Drainage Scheme shall include;

- g) Means of ensuring that peak discharges leaving the site to Anglian Water

Services Limited's surface water sewer are within acceptable levels required by Anglian Water Services Limited and in any event not greater than 20 litres per second.

h) All volumes of surface water generated on site in exceedance of the peak discharge rate limitations shall be attenuated on site for all storms up to and including the 1 in 100 year event (including agreed PPS25 allowances for climate change over the development lifetime)

i) Details of how the scheme shall be maintained and managed after completion.

The approved Surface Water Drainage Scheme shall be implemented in strict accordance with the approved details and timescale. Notwithstanding this, there shall be no residential development until such time as it has been demonstrated that the quantity and flow rate of surface water discharge from the site is within the capacity of the off-site receptor, and this has been evidenced to, and agreed in writing by, the Local Planning Authority. The measures to maintain and manage the Surface Water Drainage Scheme shall be put in place and thereafter retained.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

31. The Reserved Matters details to be submitted in accordance with Condition 5 ((c) Appearance) containing details of residential units within a phase of development, shall include a scheme for the provision and implementation of water efficiency for the residential units within that Phase. Such a scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of development of residential units on that phase. The works / scheme for each unit shall be constructed and completed in accordance with the approved plans/specification before occupancy of that unit and thereafter retained.
32. Development shall not commence until a Foul Water Drainage Strategy to serve the totality of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the means of connection, phasing of provision and capacity of the receptor system.  
The foul water drainage systems shall be constructed in accordance with the

approved strategy and maintained thereafter in accordance with it. There shall be no occupation of any building in the relevant phase of development until the approved foul water drainage system is in place.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

33. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds (i.e. within 1<sup>st</sup> March to the end to 30<sup>th</sup> September) except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds.
  
34. PART A - Prior to the commencement of development or site clearance, a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Management Plan shall be based upon the details proposed within the Environmental Statement accompanying the planning application and shall include details of:
  - (a) phasing of operations,
  - (b) the further survey work undertaking (including a further bat, great crested newt, reptile, invertebrate and botanical surveys), the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan,
  - (c) the mitigation and measures outlined within the Biodiversity Management Plan will be implemented;
  - (d) methodologies for translocation of protected species (where relevant);
  - (e) suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
  - (f) the methods for the protection of existing species in situ (where relevant);
  - (g) any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
  - (h) general ecological mitigation applying to the program of construction works;
  - (i) an assessment of the works required for management and who will undertake such works,G) a monitoring programme in accordance with the Environmental Statement.

The Biodiversity Management Plan shall be implemented in accordance with

the approved plan and timescale. Any translocation undertaken shall be verified in writing to the Local Planning Authority by an independent qualified ecologist within 28 days of undertaking the translocation.

35. An 'Ecological Monitoring Programme' shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The Ecological Monitoring Programme shall include details of ecological surveys and botanical and invertebrate recording to assess seeding success, plant colonisation and the use of the site by UK BAP species and to identify remedial action, if required, at years 1 and 2 post completion of the final phase.
36. All electrical and telephone services to the development shall be run underground.
37. There shall be no residential occupation on site until the existing golf-pro shop illustrated to the east of the 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application is demolished and all the resultant material removed from the site. Following its demolition, the site of the golf-pro shop shall be used solely as part of the Strategic Open Space and associated car parking.
38. Part A - An archaeological evaluation by trial trenching shall be undertaken on the residential element of the proposed site prior to the submission of reserved matters, with the Evaluation Report submitted with the first reserved matters application. This work shall be undertaken in accordance with an Archaeological Brief first approved in writing by the Local Planning Authority.

Part B - An Archaeological Mitigation Strategy shall be submitted with the first reserved matters application and approved by the Local Planning Authority prior to the commencement of development.

Part C - No development or preliminary groundworks shall commence until the satisfactory completion of fieldwork, as detailed in the agreed Archaeological Mitigation Strategy, and the Local Planning Authority has given its written agreement that the works have been undertaken in the manner agreed.

Part D - The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).



This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report to be completed within one year of the completion of fieldwork.

39. Prior to the commencement of development, the site shall be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. This survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to, and approved in writing, by the Local Planning Authority prior to the commencement of development on site, including any clearance works. Eradication and control of the Knotweed shall be in accordance with the approved scheme.
40. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no electrical substations and gas governors shall be erected on the site without the prior written approval of the Local Planning Authority (through the submission of Reserved Matters). Notwithstanding the illustrative details accompanying the outline application, such structures shall be located within the area detailed for 'residential, roads and local open space' on drawing D1291-GA-102.
41. The Community Building hereby permitted shall be used as a Community Centre (i.e. where members of a community gather for group activities, social support, public information and other purposes) and for no other purpose (including any purpose in Class D2 'Assembly and Leisure' of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
42. Notwithstanding the terms of any licence issued for the premises, the Community Building shall be cleared of all occupiers by 22:00 hours Monday to Sunday. The premises shall not open before 07:30 hours Mondays to Saturdays or before 08:30 hours on Sundays.
43. Prior to the first residential occupation, apartments if any shall be equipped with a communal TV and radio aerial and satellite dish. Details of the size, external appearance and the positions of the communal TV and radio aerial and satellite dishes shall be submitted to, and agreed in writing with, the Local

Planning Authority prior to the installation of such systems. Development shall be in strict accordance with the agreed details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no satellite dishes or aerials shall be fixed to the buildings hereby permitted without the prior written approval of the Local Planning Authority.

44. The car park detailed as 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application shall be made available for car parking in association with the use of the Strategic Open Space hereby permitted in accordance with the details submitted pursuant to Condition 4 (the Phasing Plan). Prior to the use of the car park in association with the open space, a parking management plan shall be submitted specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.



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# **Report to the Secretary of State for Communities and Local Government**

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 8 December 2011**

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**The Town and Country Planning Act 1990**

**Thurrock Thames Gateway Development Corporation**

**Application by Barratt Homes**

Inquiry commenced on 18 October 2011 with the site visit on 25 October 2011

Land South of Oxford Road, West of Butts Lane, Stanford Le Hope, Essex SS17 0NW

File Ref: APP/M9565/V/11/2154021

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**File Ref: APP/M9565/V/11/2154021**

**Land South of Oxford Road, West of Butts Lane, Stanford Le Hope, Essex SS17 0NW**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 16 May 2011.
- The application is made by Barratt Homes to Thurrock Thames Gateway Development Corporation
- The application Ref 10/50235/TTGOUT is dated 19 October 2010.
- The development proposed is outline planning permission for the comprehensive development of land to provide a sustainable urban extension comprising up to 350 dwellings with associated infrastructure including: new vehicular accesses on to Butts Lane; new on-site accesses and road network; cycleway and footpath network; public open space including 51.5 ha of strategic open space; landscaping and local community facilities.
- The reason given for making the direction was that the Secretary of State is of the opinion that the application is one that he ought to decide himself because he considers the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - A) The extent to which the proposed development is in accordance with the development plan for the area including any 'saved policies'.
  - B) The extent to which the proposed development is consistent with emerging changes to the development plan, including consideration of the weight to be attached to them.
  - C) The extent to which the proposed development is consistent with Government policies in Planning Policy Guidance Note 2: Green Belts [PPG 2], with particular regard to: inappropriate development in the Green Belt and, if it is inappropriate, whether very special circumstances exist which clearly outweigh the harm to the Green Belt caused by reason of its inappropriateness and any other harm.
  - D) The extent to which the scheme would be consistent with the purposes of including land in the Green Belt.
  - E) Whether the proposed development would harm the visual amenities of the Green Belt by reason of siting, materials and design.
  - F) The extent to which the proposed development might contribute to the achievement of the objectives for the use of land in Green Belts as set out in paragraph 1.6 of PPG2.

**Summary of Recommendation: The application be approved subject to conditions**

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**Procedural Matters**

1. The inquiry was held between the 18 October 2011 and 21 October 2011 and was completed on the 25 October 2011.
2. Thurrock Thames Gateway Development Corporation were minded to approve the application, subject to conditions and obligation, but referred the application to the Secretary of State under the terms of the Town and Country Planning Act (Consultation) (England) Direction, as a departure from the development plan.
3. This report includes a description of the application site and surrounding area, the gist of the cases made at the inquiry and my conclusions and recommendation. I have attached all documents, including proofs of evidence, statements, open and closing submissions and plans and all information submitted at the inquiry. These are as originally submitted and

do not take account of how the evidence may have been affected during the inquiry. The Core Documents and numbering was set up prior to the Inquiry. Some documents that were being considered for inclusion as Core Documents were decided not to be necessary or were found in other documents already available. I have left these numbers in the list of core documents with a blank entry.

4. The emerging Core Strategy was subject to Examination by an inspector earlier this year and the Examination Fact Checking Report is expected in November 2011; subject to the findings, adoption early in 2012 is anticipated. Significant comments or changes in relation to the subjects covering this application, such as housing supply and use of Green Belt sites etc, would require further consultation with the parties.
5. Similarly, introduction of the National Planning Policy Framework and formal abandoning of regional spatial strategies is likely to have an impact on the cases put forward. Should this occur during the course of consideration of the application, the parties would need to be consulted.
6. As the playing fields are not to be provided on the land adjacent to the school, the strategic open space described in the application description is reduced to about 42.3 hectares.

### **The Site and Surroundings**

7. A detailed and reasonable description of the site and area can be found in the statement of common ground<sup>1</sup>. A plan showing the site in its local context can be found at BAR9, Appendix 1, Fig 3 and in the Additional Figures to Appendix 1; Fig 6A shows a representational layout of the application site. Plans are found at CD22-30.
8. The housing would be to the west of Butts Lane, partly on an area of agricultural land, currently unmaintained and unused for this purpose, which is immediately to the south of the existing residential development fronting Oxford Road. The land is generally rough pasture, with two large agricultural buildings that are used in association with the golf course and agricultural land. This area of land is broadly identified on Inset Map 5<sup>2</sup> as the location of an area of Green Belt land for possible future development. The remainder of the housing would be to the south of this land on the golf course, also running parallel with Butts Lane. The boundary of the proposed new housing to the south and east has effectively been determined by the 15m contour, shown orange on BAR9, Appendix 1, Fig 3.
9. The remainder of the application site to the west of Butts Lane forms the St Clere's Hall Golf Course. The character of this land is typical of a managed golf course, with areas of rough grass, fairways, bunkers and close mown greens and tees. There is also a small golf pro shop that would be removed as part of the development. There are also areas of trees, some of which

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<sup>1</sup> CD85 – page 6, section 2. Also see BAR9 – page 9 Section 2.2 and Environmental Statement CD3 and the Design and Access Statement – CD5 which includes many photographs of the area

<sup>2</sup> CD85 – appendix 9, inset map 5 – Part of the emerging Core Strategy

are native and others less so, including leylandii, so while not a 'natural' landscape it fits reasonably well within the surrounding countryside.

10. The land in the surrounding area is of a gently undulating nature, and at the application site there is a shallow rise up from Butts Lane, towards Buckingham Hill Road and Footpaths 41 and 42. Contours can be seen on Fig 1. The remainder of the application proposal to the west of Butts Lane would be strategic open space on the remainder of the golf course. A nine hole golf course would remain outside the red line of the application site, where 'Singlewell' is denoted on BAR9, Appendix 1, Fig 3.
11. There is a small isolated parcel of land (8.8 ha) to the east of Butts Lane and to the south of the school. It was initially anticipated that this would be used for the provision of playing fields for use in association with the adjacent school, but because of the presence of a gas pipeline, this was not acceptable on health and safety grounds. The land will therefore remain in agricultural use.
12. The main urban area of Stanford-le-Hope is to the east of Butts Lane with the town centre not far from where the station is marked on fig 3. The area of land to the south of Stanford-le-Hope and the railway line and above 'Mucking' on fig 3 is currently used for waste purposes, but part of it is now being restored as the Thurrock Thameside Nature Park.
13. To the north of the proposed housing area, and between the existing housing near Oxford Road and St Clere's Hall (marked yellow on fig 6A) are former agricultural buildings. This land has planning approval for 14 dwellings.
14. St Clere's Hall is a grade II\* listed building and has a listed grade II outbuilding to the north east. Details of the building, list descriptions and assessment of the development on these can be found in the Environmental Assessment<sup>3</sup>.

### ***Environmental Assessment***

15. There is an Environmental Statement with appendices<sup>4</sup> produced in relation to The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and a non-technical summary<sup>5</sup>. Consultation responses have been received in relation to the original application and taken into consideration<sup>6</sup>. I consider that the information provided is sufficient to meet the requirements of the Regulations in relation to the development proposed and circumstances at the application site and to enable the Secretary of State to determine the application.

### **Planning Policy**

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<sup>3</sup> CD3 – section 14

<sup>4</sup> CD3

<sup>5</sup> CD4

<sup>6</sup> File 1

16. The development plan for the area includes the East of England Plan [EEP] 2008 and the Thurrock Local Plan [LP], adopted in 1997. The statement of common ground sets out all the policies relevant to the application<sup>7</sup>. The main policies relevant to the issues identified by the Secretary of State are as follows.

*East of England Plan [EEP]*

17. EEP Policy SS3 identifies key centres for development and change where new development should be concentrated, including Thurrock urban area. EEP Policy H1 sets out regional housing provision with a target of 18,500 homes between 2001 and 2021, with the minimum still to be built noted in the EEP as being 14,250. Paragraph 5.4 of notes accompanying policies indicates that local planning authorities should plan for an upward trajectory of housing completions, seeking first to achieve the annual average development rates for 2006-21 as soon as possible, then to make up any shortfall from the period before that rate is achieved. It is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while development plan documents, which give effect to the EEP are put in place. EEP Policy H2 relates to affordable housing noting that at regional level delivery should be monitored against the target for some 35% of housing to be affordable coming forward through planning permission granted after publication of the RSS.

*Thurrock Local Plan [LP]*

18. A number of the policies in the LP are the subject of a saving direction and continue in force. Policy BE3 sets an expectation of 10% of the gross area of development sites to be laid out as open space and this is reinforced by LP Policy LR6. LP Policy BE10 seeks appropriate contributions to infrastructure necessary as a result of the effects of the development. LP Policy GB1 has similar aims and objectives to Planning Policy Guidance Note 2 – Green Belts [PPG 2], resisting development of the Green Belt other than for appropriate development or in very special circumstances. LP Policy GB9 resists the loss of good quality agricultural land to irreversible development.
19. Policy LN2 refers to identified landscape improvement areas that include the application site, where sympathetic landscape schemes are expected in association with new development. Policy LN12 seeks landscape schemes to make provision for new wildlife habitat creation and management, and LP Policy LN16 notes that development in identified ecological corridors will only be permitted where the nature conservation interest of the area is retained. Stanford Road forms part of an Ecological Corridor.
20. LP Policy H5 seeks affordable housing in development, the level of which is to be agreed by negotiation. LP Policy CF2 seeks contributions toward community facilities related to the scale and nature of the proposal.

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<sup>7</sup> CD85 – page 15, section 5

21. LP Policies BE1 expects good design and BE4 that landscape proposals should be submitted concurrent with the scheme, but these matters are reserved, so details can be considered at that stage.

#### *National Policy*

22. I have taken into consideration relevant national policy, including Planning Policy Statement 1 – Delivering Sustainable Development, Planning Policy Guidance Note 2 – Green Belts and Planning Policy Statement 3 Housing.

#### *Other Policy Documents*

23. Thurrock Thames Gateway Development Corporation is not the plan making authority for the area, but it has produced a number of master plans and other guidance for development, but as these are non-statutory documents they carry limited weight.

#### *Emerging Core Strategy [SCS]*

24. The emerging core strategy is at a reasonably advanced stage, having been the subject of an examination, but the outcome is as yet unknown. Therefore, in principle the weight to be attached to its policies is limited. If the outcome of the examination becomes available during consideration of the application, then this is likely to need reassessment. In addition, some of the relevant parts of the SCS relate closely to previous requirements of the RSS and to government guidance and where this occurs the relevant parts should incur more weight. SCS Policy CSSP4 relates to maintaining a sustainable Green Belt and SCS Policy CSSP5 to provision of a sustainable greengrid .
25. SCS Policy CSSP1 relates to sustainable housing and locations and SCS Policy CSTP1 relates to strategic housing provision and SCS Policy CSTP2 relates to the provision of affordable housing and again the seeking of a provision of about 35% which accords generally with the EEP.

### **Planning History**

26. Details of the planning history of the site are set out in the Statement of Common Ground<sup>8</sup>. While there are a significant number of applications, most relate to the golf facility/agricultural use. None appears directly relevant to the proposed development, but it can be seen that an application for an 80 bedroom hotel was refused in about 2000 and the subsequent appeal dismissed. As noted above, permission was granted for 14 houses on land adjacent to St Clere's Hall in 2011.

### **The Proposal**

27. The proposal is for outline planning permission and includes up to 350 dwellings. While it is noted as being 'up to' the applicant confirmed at the inquiry that its intention is to construct 350 dwellings. All matters apart from access are reserved at this stage. Plans showing the scheme are CD22 to CD30. The non-illustrative plans are 09/164/01 Rev D – Location Plan,

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<sup>8</sup> CD85 – appendix 1



D1291-GA-102 – Land use map, D1291-GA-103 – Building Heights, D1291-GA-104 – Access Parameters Plan, H160-010 Rev B – Proposed Improvements to Butts Lane, H160-010 Rev A – Compact Roundabout at School Exit and priority access opposite No 53 / 55 and H160-012 Rev A – Potential Road Safety Scheme – Walton Hall Road. In terms of the scale of the buildings proposed, heights are identified on plan D1291-GA-103 and layout on D1291-GA-100 Rev B<sup>9</sup>.

28. It includes two vehicular accesses to Butts Lane, improvements to the nearby highway network, open space within the site, a large area of Strategic Open Space, landscaping, links to the existing footpath network, a community building on site and demolition of the existing golf pro-shop.

### **Other Agreed Matters**

29. There are two statements of common ground submitted in relation to the inquiry: the first relates to planning matters<sup>10</sup> and is between the applicant and Thurrock Thames Gateway Development Corporation and the second relates to highway matters<sup>11</sup> and is between the applicant and Thurrock Council. Also relevant is a statement of common ground between Thurrock Thames Gateway Development Corporation and Thurrock Council relating to a range of matters associated with submissions to the Examining Inspector for the Core Strategy; relevant to this application are matters relating to housing supply<sup>12</sup>. A Section 106 Obligation has been submitted and is signed by the relevant owners and Thurrock Thames Gateway Development Corporation<sup>13</sup>.

### **The Case for Barratt Homes**

30. The case for the applicant is set out in the application documentation CD1 – CD30 and BAR1 – BAR9. The proofs of evidence for the applicant's witnesses are at BAR8 and BAR9. The material points are: -

### ***Green Belt***

31. It is acknowledged that the proposed housing development would be inappropriate development in the Green Belt, as defined by PPG 2 and therefore paragraphs 3.2 to 3.3 of PPG 2 are relevant. There is no prohibition of development in the Green Belt; the presumption against inappropriate development can be set aside if there are very special circumstances which clearly outweigh the harm by reason of inappropriateness and any other harm. These very special circumstances may include a combination of all material considerations<sup>14</sup>.

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<sup>9</sup> CD23 and 24 – See also note handed in to inquiry relating to sizes – INQ7

<sup>10</sup> CD85

<sup>11</sup> CD86

<sup>12</sup> CD85 – appendix 8

<sup>13</sup> INQ4

<sup>14</sup> BAR8 - pages 7/8

32. Reference is made to the Ardale School appeal decision<sup>15</sup> where 5 year land supply, affordable housing, sustainability of location, benefits of open space, recreation provision, wildlife protection, allotments and landscaping were taken into consideration.
33. The case here is that the provision of affordable housing and strategic open space on their own are sufficient to be considered as very special circumstances. In addition to these are matters related to the suitability of the site in relation to the development plan and emerging policy; housing delivery and delivery of the core strategy in relation to housing and affordable housing shortfall; compliance with major purposes of including land in the Green Belt, limited harm to openness and the visual amenities of the Green Belt by reason of siting, material and design; achieving objectives of use of land in the Green Belt; merits of new Green Belt boundary and suitability of the proposal in respect of other adopted and emerging policy<sup>16</sup>.
34. EEP Policy SS4 notes that the approach to development in other areas should be defined. Thurrock Council, at paragraph 3.38 of the Thurrock LDF Core Strategy [SCS] and Policies for Management of Development DPD – Submission Draft, February 2010<sup>17</sup>, notes that new homes will be provided mainly on previously developed land at Corringham and Stanford-le-Hope but there will be some Green Belt land release around Stanford-le-Hope. EEP Policy SS7 notes that the broad extent of Green Belts is appropriate and should be maintained and Thurrock is not an area where it is suggested that the Green Belt boundary should be reviewed. Nevertheless, PPG 2 permits review if there are exceptional reasons. Thurrock Council has conducted a review.
35. The SCS notes that, except for the limited specific planned Green Belt releases, there will be no Strategic Scale releases of Green Belt. The EEP Policy SS8<sup>18</sup> notes that some urban fringe sites can be considered for urban extensions and within the SCS Thurrock Council has identified sites on the edge of Corringham and Stanford-le-Hope as urban fringe sites, including a large part of the application site. It notes that the council will release land within the Green Belt if required on the urban edge of Stanford-le-Hope for dwellings and at Corringham to provide for a replacement secondary school. Therefore, notwithstanding that the proposed site is larger than that identified by the council in the SCS for potential release, it is generally consistent with the EEP strategy and policy for Green Belt release.

***Suitability of the site in respect of the development plan and emerging policy***

36. PPS1 paragraph 10 notes that where there is conflict between policies in a Regional Spatial Strategy or a development plan document, 'the most recent policy takes precedence'. The East of England Plan of 2008 is more up to date than the Thurrock Borough Local Plan of 1997. In addition,

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<sup>15</sup> BAR8 – Appendix 3

<sup>16</sup> BAR8 – page 9 paragraph 5.6

<sup>17</sup> BAR8 – CD34

<sup>18</sup> BAR8 – page 15 paragraph 6.20

emerging policy is a material consideration, which in relation to this application is the emerging Core Strategy.

37. Planning Policy Statement 3 – Housing [PPS 3], updated in 2011, retains the requirement for a local planning authority to identify and maintain a rolling five-year supply of deliverable land for housing. This is reinforced by the draft National Planning Policy Framework which intends to extend the 5 year period to 6 years. The land identified must be deliverable i.e. available, suitable and achievable.<sup>19</sup>
38. Local planning authorities should also identify suitable sites for future years, illustrating expected rates of delivery, including identifying strategic sites critical to the delivery of the housing strategy in the plan period. The supply of housing should then be actively managed over the 5 year period. The advice is that where performance is within 10-20% of target no action is required. Here actual performance is significantly outside 20% of the housing land requirements set out in the East of England Plan 2008 paragraph 5.4 and few management actions have been taken to rectify the shortfall<sup>20</sup>. Where a five year supply has not been identified on deliverable sites, PPS 3 notes that the local planning authority should consider favourably planning applications for housing having regard to policies in PPS 3.
39. It is acknowledged that as the Draft National Planning Policy Framework [NPPF]<sup>21</sup> is only at consultation stage, so the weight that should be attached to it is limited. The thrust of this document is for the increase in supply of housing to meet local needs and to encourage growth. Provided development is carried out in a sustainable way and meets local need, it should be supported. It also identifies that local planning authorities should identify 20% more housing supply than needed to ensure that the supply anticipated is met and that windfalls should not be taken into consideration in the first 5 years of the anticipated supply figures, unless there are genuine local circumstances indicating otherwise.
40. The East of England Plan 2008 [EEP] is adopted and currently should be considered as being part of the development plan as identified in the Cala Homes judgement. The EEP reflects the housing Green Paper – Homes for the Future: More Affordable, More Sustainable – July 2007, which promoted the increase in housing provision, including socially rented and low cost ownership and therefore does not have dissimilar objectives to the NPPF.
41. The EEP notes the pressure for housing around London and the acute need for affordable housing in coastal and rural areas, such as the application site location. It seeks an upward strategy of housing completions to meet that targeted for each year and then to meet any shortfall in completions prior to that. It notes that it is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while

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<sup>19</sup> BAR8 – page 11 paragraph 6.5

<sup>20</sup> BAR8 – page 12 paragraph 6.7

<sup>21</sup> BAR8 – pages 12 and 13

development plan documents are put in place. This approach was supported in the Ardale School appeal<sup>22</sup>

42. EEP Policy H1<sup>23</sup> requires a minimum of 18,500 new dwellings to be provided in Thurrock Urban Area up to 2021. This is a minimum and it makes clear that more housing can be provided on previously developed land outside the Thames Gateway, indicating that more housing is required. EEP Policy SS3 directs development towards existing centres, including the Essex Thames Gateway where the application site is located. Although the submission Core Strategy does not identify Stanford-le-Hope and Corringham as a key centre, they are identified in the emerging Core Strategy at Policy CSSP1 as a broad location where land release in the Green Belt and on the urban fringe is to be considered.
43. Even if the EEP were to be abolished it remains necessary to achieve sustainable development and growth and there is a pressing need for more housing than identified in the EEP.

#### *Thurrock Borough Local Plan*

44. The statement of common ground<sup>24</sup> sets out the saved policies in the Thurrock Borough Local Plan 1997 [LP]. No weight should be given to the housing strategy of the plan because its predictions were only up to 2001. LP Policy BE2 requires a minimum of 10% of the gross site area to be urban open space, which is provided by the proposal. LP Policy BE10 requires the necessary infrastructure to be provided as is the case here and LP Policy BE11 expects energy efficiency to be taken into consideration. LP Policy BE4 encourages submission of landscape schemes with development and this is reiterated in LP Policy LN2 for areas designated as landscape improvement areas. Significant amounts of open space, new habitat creation and public access are proposed.
45. Policy H5 requires affordable house provision which should be negotiated with the developer. The proposal would include 35% affordable housing and would be consistent with the requirement in the EEP. LP Policy CF2 relates to the provision of community facilities and here a community hall is proposed. Contributions would be made in relation to LP Policy CF8 for provision of health and welfare facilities where necessary for the new development.
46. Full weight should be attached to Green Belt policy GB2, which reflects PPG 2. LP Policy LR8 relates to recreation and Leisure provision and LP Policy LR6 requires 10% of the gross site area for open space and LP Policy LR7 children's play space. The proposal provides significant amounts of open space and children's play areas. LP Policies T8 and T11 encourage the provision of new footpaths and cycleways, which are included in the proposal<sup>25</sup>.

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<sup>22</sup> BAR8 – appendix 3 Inspector's report paragraph 25

<sup>23</sup> BAR8 – page 14 paragraph 6.16

<sup>24</sup> CD85 – statement of common ground at paragraph 5.4

<sup>25</sup> CD30 - figure 7.11D

*Submission Core Strategy[SCS]*

47. This was published in 2010 and was based on the EEP. It has been subject to public consultation and an Examination between March and May 2011. The council intend to review the Core Strategy in the light of any changes proposed through the emerging National Planning Policy Framework. Changes were proposed at the examination that have required further public consultation. The Fact Checking Report should be published in November with adoption of the SCS early in 2012. Given there are objections, the applicant considers only limited weight can be given to the emerging Core Strategy and where there is objection to polices, these should receive less weight.

***Housing Assessment in Thames Gateway, South Essex***

48. The Thames Gateway South Essex Strategic Housing Market Assessment (2008) [SHMA]<sup>26</sup> and associated update Thames Gateway South Essex: Strategic Housing Market Assessment: Update Report, May 2010<sup>27</sup> provide the strategic housing assessment for the area. These indicate that Thurrock has a steady rise in population, with a 7.5% increase over a nine year period up to 2009. It notes that Thurrock, Basildon and Southend will contribute most to employment growth between 2010 and 2030 and that Thurrock has the lowest stock of vacant properties and is suffering from a severe contraction in its available housing supply.
49. The Chelmer Model<sup>28</sup> run by Cambridge Econometrics provided projections in support of the RSS review 2010, but that has now been terminated. The Office for National Statistics indicates that the population of Thurrock will increase from about 156,200 to 183,200 people between 2011 and 2031. The Department of Communities and Local Government projects that households in Thurrock will increase from 66,000 to 82,000 between 2011 and 2031<sup>29</sup>. It is estimated that the need for housing between 2001 and 2021 is 17,000 and between 2001 and 2026 is 20,500, but there have only been about 5,038 built. This gives an annualised requirement of 11,962 up to 2021 and 15,462 up to 2026.
50. The EEP requirement is for 18,500 dwellings between 2001 and 2021, so with only 5,038 built the residual is 13,462 dwellings, with a need for a further 4,750 up to 2026. Therefore, whether the current need for dwellings or the requirement of the EEP is considered, a substantial number of dwellings are required per annum, estimated to be between 1,030 (up to 2021) and 1,236 (up to 2026) and as completions are slow it is more likely to be nearer the higher figure.
51. Thurrock Council in its submissions in relation to the SCS Examination utilised data from the Chelmer Model. This submission confirmed there has been considerable net immigration into Thurrock. It suggests that there

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<sup>26</sup> CD38

<sup>27</sup> CD37

<sup>28</sup> BAR8 – appendix 13 – extracts from the Chelmer Model

<sup>29</sup> BAR8 – appendix 13

would be a need for about 13,000 households between 2011 and 2026 and 16,200 between 2011 and 2031. It also noted that it would be prudent to maintain a substantial contingency. Taking into consideration the CLG projections for housing<sup>30</sup> even without the RSS the housing required up to 2026 would be closer to 15,462 than the 13,000 predicted by Thurrock Council. Even taking the minimum figure anticipated of 1,030 dwellings per annum, with the recommended 20% addition to ensure completion there would be a need for 6,180 dwellings against the 5 year proposed supply figure of 4,612 dwellings. This is a positive consideration for the scheme.

### ***Managing Housing Supply and Delivery***

52. Thurrock Core Strategy [SCS]<sup>31</sup> Policy CSTP1 looks for managed delivery of at least 18,500 houses in accordance with the EEP between 2001 and 2021. 92% of new residential development is to be on previously developed land up to 2021. This target was the subject of much comment at the examination because there was little confidence that it could be achieved based on the sites identified and the historic delivery identified in the Annual Monitoring Reports. In any case, Mr Moseley has indicated that the 92% target would be breached by the identified Green Belt sites anyway. The assessment is that 9% would be on Green Belt land, leaving only 91% on previously developed land. Therefore, the increase of 1.4% flowing from this site would be marginal and should be afforded limited weight.
53. The second part of SCS Policy CSSP1 (1ii) notes housing delivery will be managed by allowing development on Green Belt sites that have been specifically allocated and where it is required to meet the 5 year housing land supply. So even with the high (92%) previously developed land target it is still necessary to allocate some Green Belt land. In this situation there is no adopted development plan document showing Green Belt site allocations. That aspect of the emerging policy cannot be satisfied, although part of the application site is indicated for allocation. So the SCS is moving toward an allocation at the application site. In this respect the Secretary of State noted in relation to the Bata Field Inquiry<sup>32</sup> that ideally the release of Green Belt sites should be through appropriate development plan documents, but also noted there was no reliable information setting out proposals to address the shortfall. Similar reasons apply here, but in this case part of the site is indicated for release from the Green Belt for residential development and there is a shortfall in the five year housing land supply. PPS 3 requires a flexible and responsive supply of housing land.
54. Some tolerance is acceptable in relation to supply meeting allocations, but the acceptable range is between 10 and 20%. Here the supply on the council's estimates is about 3 to 3.3 years so there is a shortfall of about 40%, which is well outside the acceptable range. The applicant's estimate for the 5 year period is that only about 2 years supply has been achieved.

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<sup>30</sup> BAR8 – Appendix 13

<sup>31</sup> CD34 – CSTP1 page 62

<sup>32</sup> BAR8 – appendix 2 Inspector's report paragraph 347

55. The council say that it is the current economic situation that is the constraint to development rather than land not being available. However, if the last two years are excluded and only figures from 2001 to 2008 are considered, over the 7 year period there is only an annualised completion rate of 689 dwellings. The five year land supply projection was considered at the Bata Field Inquiry last year<sup>33</sup>. It was found to be seriously flawed, being an overestimate that did not bear robust examination against the deliverability test of PPS 3. A similar conclusion was reached in the Ardale appeal decision<sup>34</sup>.
56. In view of the continuing delays to the production of the Development Plan Document for site specific allocations and the SCS, the Secretary of State should make a positive decision in relation to this proposal based on the emerging policy. The landscape assessment shows that the development proposed is right for the surrounding landscape.
57. The second part of SCS Policy CSSP1(1ii) allows Green Belt housing releases to meet the 5 year housing supply, which the evidence shows is necessary. PPS 3 notes that authorities must ensure a flexible and responsive supply of housing land and this shortfall was recognised by the Secretary of State at the Bata Field inquiry, noting agreement with the inspector that the shortfall represents a failure to deliver a flexible and responsive supply of housing in relation to housing targets required by the EEP. The council accepts in the statement of common ground that there is only a 3 to 3.3 year housing supply, a shortfall of 40% well outside the 10-20% range suggested in PPS 3. The applicant considers the true 5 year land supply figure to be nearer 2 years and it has been like this for many years.
58. The annual monitoring report of 2010 shows the average supply to be 560 since 2001, only 560 per annum and 60% of the annualised requirement of 925 by 2021. The identified supply has not been met historically and is unlikely to be met in the future. While it is noted that PPS 3 refers to taking account of current market conditions, if the last two years are ignored the annualised figures for the seven years up to 2008 are only 689 dwellings per annum. There was still a shortfall in the most buoyant of times and PPS 3 paragraph 60 also requires need to be considered. The Thurrock Thames Gateway Development Corporation has found it necessary to recommend approval for Green Belt schemes and Thurrock Council has consistently objected.
59. The annual monitoring review for 2005 showed that 4,859 dwellings were required, but with only 1,531 built, there was a 69% shortfall. The 5 year housing land supply was assessed at the Bata Field inquiry last year and was found to be seriously flawed by being an overestimate and not bearing robust examination against deliverability. The inspector noted that the situation was serious and the requirement to consider applications favourably is clearly engaged<sup>35</sup>. A similar conclusion was drawn in relation to the Ardale School appeal.

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<sup>33</sup> BAR8 – appendix 2

<sup>34</sup> BAR8 – appendix 3

<sup>35</sup> BAR8 – appendix 2, Inspector's report paragraph 335

60. Thurrock Thames Gateway Development Corporation noted in its annual monitoring prediction 2010 that 1,923 dwellings would come forward on land owned by them, but now following review they consider it is more likely to be only 735. SCS Policy CSTP1 seeks to increase the supply of deliverable housing sites where it appears that the five year housing supply will not meet the required dwelling provision.
61. Thurrock Council claim that it can increase housing delivery in the mid part of the plan period to overcome and make good the deficit that has persisted since 2001 and that the proposed management of supply should be allowed to progress. This is inconsistent with the EEP, and the joint position adopted with Thurrock Thames Gateway Development Corporation in relation to the SCS examination, as well as with PPS 3.
62. Given the historic rate of supply, this trajectory is unlikely to be achieved. There is not enough supply of housing on either previously developed land or Green Belt land. The highest rate of release in 2004/5 was only 1,167, so to achieve in excess of 1700, so objecting to Green Belt land release such as Bata Field and Aveley By-Pass appears naïve and will not deliver the required housing growth in this area.
63. The council is relying too heavily on small previously developed land sites, which are unviable given current uses, and others have constraints such as at Belmont Allotments<sup>36</sup>. Barratt Homes, who are experienced developers in the area, do not consider housing requirements of the trajectory can be met on previously developed land alone. In any case, the council expect the release of Green Belt sites to meet the trajectory, including part of the application site for about 184 dwellings. Delaying the proposal coming forward will mean a large shortfall will be rolled forward to the next plan period and the deficits will persist. The focus should be on the remaining 166 units proposed (over and above the 184) and whether the harm of these is outweighed by the various material considerations.
64. Thurrock Council's policy of directing land to previously developed land effectively means most will be in the urban areas to the west of the district. Barratt Homes made representations at the SCS inquiry for more to be in the east of the district to take advantage of employment opportunities such as London Gateway, which would be a more sustainable approach<sup>37</sup>. Even without this SCS Policy CSSP1 seeks 580 dwellings towards Stanford-le-Hope, with focus on regeneration and development on brownfield land. So in broad terms 281 dwellings are required in outlying settlements south of the A13 (580 less that approved at Bata Fields). 330 are required on Green Belt land at Stanford-le-Hope before 2021, and a further 250 between 2021 and 2026. 611 of these are expected by 2021 and an additional 250 by 2026 – 861 in total.
65. It cannot be claimed that this proposal is against the council's strategy as it is partly on Green Belt land they have identified for development, south of the A13. With the lack of deliverable sites, the strategy would not be

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<sup>36</sup> BAR9 – page26, paragraph 6.55

<sup>37</sup> BAR9 – page 27, paragraph 6.58



undermined. It is well located in terms of the Green Belt and sustainable development. It has been the subject of comparative assessment, so a decision can be made in advance of the Site Specific Allocations Development Plan Document.

66. 653 dwellings have been permitted in the Green Belt, so with the application site there would be about 1003 dwellings in the Green Belt. The Final Draft RSS Compliance Sieving Schedule of the proposed Focused Changes notes a requirement of 17,350 dwellings for April 2011 and March 2026 of which 4,750 for the period 2021 to 2026 (950 per annum) and 12,600 dwellings for the period 2011 – 2021. So if 12,600 dwellings are needed between 2011 and 2022, it is 6300 per 5 year period. The 653 dwellings with permission are about 10.3% of that 5 year total. This development would provide a further 270 in the first 5 years and 80 in the second five years. On this basis there would be about 14.6% of dwellings on Green Belt land which is compliant with SCS Policy CSSP1 2 (i). This also accords with SCS Policy CSSP1 2 (ii) which sets the intention for 80% of housing on previously developed land and SCS Policy CSSP1 2 (iii) that says no more than 20% shall be on Green Belt land. SCS Policy CSTP1 notes the intention to increase supply should the 5 year supply not materialise.
67. SCS Policy CSSP1 notes that with various releases of Green Belt land, if taken with other unidentified releases, such as Bata Field etc, the total release of Green Belt land would still only be 13.6%, well below the 20% maximum. The proposal would be consistent with emerging policy. The Strategic Land Availability Assessment<sup>38</sup> identifies the part of the Green Belt site identified for release as having the possibility for between 147 and 221 dwellings, (average 184), so the site is supported in broad terms by this. The increased area is to take account of the shortfall in the 5 year supply and topographical assessment of the site. It is consistent with SCS Policy CSSP1 3 (iv).
68. SCS Policy CSSP1, Part 4 identifies a further provision of 250 dwellings for Stanford-le-Hope between 2021 and 2026, giving a total allocation of 580. The draft Key Diagram for Thurrock Council's Proposed Submission Draft details 680 additional dwellings. There is insufficient previously developed land for this number of houses, without Green Belt release. SCS Policy CSSP4 notes the retention of Green Belt, apart from the broad areas of land identified, but it does allow release based on an exceptional housing need, and presumably this has been identified, as up to 20% of provision is anticipated on Green Belt land in the future.
69. SCS Policy CSSP4 notes that the broad extent of Green Belts will be maintained except for the proposed urban extensions, noting proposals would be resisted where there would be danger of coalescence, and the opportunity for increased public access, leisure and biodiversity would be sought. SCS Policy CSSP4 2(ii) indicates the council's support for improving connectivity between Thurrock's urban areas and the Green Belt. Policy

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<sup>38</sup> CD45

- CSSP4 also seeks to reinforce the Green Belt boundaries, which would be achieved by the belt of trees proposed around the edge of the housing.
70. Policy CSSP5 supports the Greengrid which it notes as being part of the Core Strategy, with Stanford-le-Hope, Corringham and Horndon-on-the-Hill listed as improvement zones for the Greengrid. The criteria include delivery of semi-natural green space, multi-functional green space, ecosystem opportunities and safeguarding bio-diversity and geology.
71. SCS Policy CSTP1 sets out the strategic housing requirements, noting the period for the 5 year supply is between 2011 – 2016. It notes that site allocations will be on the basis of the Site Specific Allocations Development Plan Document, but that maintenance and delivery will be based on the plan, monitor and manage approach, requiring delivery to be tracked and to actively seek to increase the supply of housing where the 5 year supply does not exist. Thurrock Council Assessment of 5 year Housing Land Supply 2010 (March 2010)<sup>39</sup> notes that in addition to the identified 5 year land supply there will be a contingency reserve of housing sites. This clearly is not happening. Thurrock Council is not maintaining a 5 year deliverable land supply.
72. SCS Policy CSTP1 recommends the density range for developments, with which the applications proposals are consistent. Local assessments including the Thurrock Council Housing Needs Survey (2004) identify the need for affordable housing. The statement of common ground<sup>40</sup> acknowledges the significant shortfall with a backlog of 439 units. The demand for housing by people dependent on the public sector has grown by 20% over the past year, with 2500 on the Housing Register, with 117 of these allocated the highest 'gold' priority<sup>41</sup>. The requirement of 35% affordable housing with 70% of that being socially rented and 30% intermediate housing is carried into SCS Policy CSTP2. The application site would achieve the required mix of housing. This exceeds the 30% to be provided at Bata Fields site, and St Chad's School where zero affordable housing was allowed. The fact that few sites are currently offering any affordable housing and this site is offering substantial affordable housing must be a material consideration in favour of this proposal.
73. SCS Policies CSTP9 to CSTP13 aim to secure new leisure, community, education and health facilities with new developments. The proposal would provide a village hall and appropriate contributions through the completed obligation. SCS Policies CSTP18 and CSTP19 relate to green infrastructure and bio-diversity, seeking a net gain in these; the application proposals go well beyond what might normally be expected by this policy.
74. The Site Specific Allocations Development Plan Document - preferred Options 2007<sup>42</sup> is the latest publication, but is now out of date. The council's latest advice on its website is that a new Issues and Options document is to

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<sup>39</sup> CD40

<sup>40</sup> CD85

<sup>41</sup> BAR8 – page 38, paragraph 7.8

<sup>42</sup> CD43

be published after adoption of the core strategy and probably results from the Focused Changes made during the SCS Examination. Therefore, little weight should be attached to the 2007 document.

75. Thurrock Thames Gateway Development Corporation has produced a series of masterplans to help guide the decision making process, while the development plan was in preparation. In the Bata Field inquiry these were given little weight by the inspector. The Thurrock Thames Gateway Development Corporation is not a plan making authority and the applicant concurs with the inspector's approach.

### *Housing Delivery*

76. The Bata Fields case is very relevant to this application. It was also found there that there was a significant shortfall in delivery and the Secretary of State noted that the shortfall represents a failure to deliver a flexible and responsive supply of housing in relation to the housing targets required by the East of England Plan and that was a material consideration in favour of the proposal<sup>43</sup>. The housing supply shortfall here is also substantial and requires management in line with policies and advice in Planning Policy Statement 3 – Housing. The Bata Fields inquiry also concluded that the provision of 30% affordable housing would be a major benefit<sup>44</sup>. While Thurrock Council say that the developers are holding on to land and not developing housing at the moment, that is not the case with Barratt Homes. Delivery of development at this site can be realistically contemplated as the option was negotiated in 2010, and so takes account of the downturn. A phased implementation has been confirmed<sup>45</sup>, providing about 270 units by 2016. The applicant is an experienced house builder and knows the market - INQ14 shows that Barratt Eastern Counties have been able to build houses since 2008 and are continuing to identify sites for housing development.

### ***Purposes of the Green Belt***

#### *Unrestricted Sprawl*

77. Development that is constrained is not inconsistent with this purpose. The proposed development would be well located in relation to the existing landscape, sitting in a low depression and contained by Oxford Road and other urban form, that would provide a built backdrop to the proposal. The proposed thick planted screen would be set along the western fringe of the development. It would not be seen as unrestricted sprawl, but as a well contained urban extension, as anticipated by the SCS for part of the application site.

#### *Merging of towns*

78. The nearest settlements are some distance away and are not visible, so with the physical features surrounding the development, including Buckingham

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<sup>43</sup> BAR8 – page 36, paragraph 7.1 and appendix 2, paragraph 13 of decision

<sup>44</sup> BAR8 – appendix 2, Inspector's report paragraph 308

<sup>45</sup> BAR8 – page 55/56, phasing and delivery

Hill and the proposed belt of trees there would be no perception of physical coalescence occurring<sup>46</sup>.

#### *Countryside encroachment*

79. It is acknowledged that there would be encroachment into the countryside, but the harm is limited by the robustness of the Green Belt boundary and some encroachment is already anticipated by the SCS with the identification of part of the land on Inset Map 5. Therefore, encroachment should only really be considered in relation to the additional housing area, over and above the Inset Map 5 land.

#### *Assisting urban regeneration*

80. The need for the release of land to meet the 5 year housing supply is so pressing that the release of this site or others like it would not inhibit the development of the identified previously developed land sites in the Strategic Housing Land Availability Assessment. This is particularly the case as the Inset Map 5 part of the site is anticipated for development in the next 10 years alongside the currently identified previously developed land. In addition, many of the identified previously developed land sites have various constraints that mean they would not come up for development in the same time scale as the application site, so would not be affected<sup>47</sup>. There are no previously developed land sites in Stanford-le-Hope or Corringham that could be affected by development at the application site.
81. At the Bata Field Inquiry the inspector noted that the East of England Plan does not envisage the release of Green Belt land to meet housing targets, but without Green Belt release there was very little prospect of meeting the 5 year housing land supply. He concluded that effectively means that some Green Belt release would have to be considered, as recognised by Thurrock Thames Gateway Development Corporation in its Aveley By-pass decision and Thurrock Council in the proposed SCS and by the inspector in the Ardale School case.

#### *Openness*

82. It is accepted that openness will be eroded as a consequence of the built development at the application site. It will be mitigated by the proposed planting and some degree of loss of openness is envisaged in the SCS with the future development of the Inset Map 5 part of the site. It is not considered that the harm to openness is so significant that it and other harm would not be outweighed by the benefits of the proposal.

### ***Objectives of using land in the Green Belt***

#### *Access to open countryside*

83. The proposal would create links to the countryside from footpaths 224, 41 and 49, enhancing links to the countryside from nearby urban areas. The

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<sup>46</sup> BAR8 – appendix 7 – shows distances to nearest settlements and page 3 42 paragraph 9.3

<sup>47</sup> BAR8 – page 43, paragraph 9.7

existing land is in agricultural use and the golf course used only by members of the private golf club, so currently public access to the land is limited. The proposal would significantly improve access and contribute to the Greengrid strategy<sup>48</sup>.

#### *Outdoor sport and recreation*

84. There would be no outdoor sport on site, but the strategic open space would provide the opportunity for outdoor recreation on a type of amenity land not found elsewhere in the area. Suitable contributions are proposed towards sports facilities to be provided elsewhere<sup>49</sup>.

#### *Derelict land*

85. The land is not damaged or derelict.

#### *Conservation interests*

86. The strategic open land would be improved, providing ecological enhancement<sup>50</sup>.

#### *Agricultural land*

87. The agricultural land (Inset Map 5 land) would be lost, but this has been 'set aside land' for some time, so would not actually be lost to agriculture and some agricultural land would be retained<sup>51</sup>.

### ***Landscape Assessment***

#### *Identification of the residential development site*

88. In deciding on the location for residential development, the Green Belt status of site, the Thurrock Landscape Capacity Study[TLCS]<sup>52</sup>, The Thurrock Greengrid Strategy 2006-2011<sup>53</sup>; Thurrock Council's Site Specific Allocations Development Plan Document – Preferred Options<sup>54</sup> and the decision of the golf club to focus on the 9 hole course, were taken into consideration.
89. It is recognised that the new residential development will inevitably cause harm to the Green Belt as it is 'inappropriate development' and built development where there is currently none, so there will also be a loss of openness. The landscape assessment shows that it is possible to minimise that harm through location.
90. The application site is identified as being in area D5 in the Thurrock Landscape Capacity Study, where the initial assessment concluded that the

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<sup>48</sup> BAR8 – page 47, paragraph 11.2

<sup>49</sup> BAR8 – page 47, paragraph 11.3

<sup>50</sup> BAR8 – page 47, paragraph 11.6

<sup>51</sup> BAR8 – page 48, paragraph 11.7

<sup>52</sup> CD55

<sup>53</sup> CD55

<sup>54</sup> CD43

area has low sensitivity to small scale urban development<sup>55</sup>. Small scale is defined as new development that either individually or cumulatively would equate to an urban land use approximately up to the size of East Tilbury (45ha)<sup>56</sup>.

91. In the second stage of the assessment related to Stanford-le-Hope the Thurrock Landscape Capacity Study identifies four indicative settlement opportunities, all within the Green Belt. Two of these relate to Stanford-le-Hope. They are both considered to have low-moderate capacity for development, where low capacity is defined as 150-399 dwellings and moderate as 400-999.
92. The most distinctive feature of the Landscape Character Area is the elevated broad, rounded ridge that runs through its centre, with the top at Buckingham Hill, which is considered to be the principal unifying feature of the area. The principal consideration for the proposed development is that it should avoid the ridge and maintain open views to the south. Long distance views of the ridge are also important. There are currently limited positions for these views and increasing opportunities to appreciate them are desirable.
93. Two of the recommended locations from the Thurrock Landscape Capacity Study were picked up by Thurrock Council and included in the SCS<sup>57</sup>, including the Inset Map 5 land that is part of the application site. During that inquiry, maps were prepared showing the broad location of the proposed areas for removal from the Green Belt<sup>58</sup>. The area identified appears to be 'set aside' agricultural land. The reason why the south part was probably not considered was that it was an active golf course. The owners have now decided to concentrate only on the 9 hole course and driving range, making the part of the golf course adjacent to the Inset Map 5 land available for development.

#### *Landscape Assessment*<sup>59</sup>

94. The broad, rounded ridge that characterises the Linford/Buckingham Hill Urban Fringe has the effect of isolating the north eastern side of the application site from the wider landscape to the west, which is in the Green Belt. This, with other ridges in combination, forms a shallow depression either side of Butts Lane. The area identified for residential development sits low down. With the golf course land, the development can be located on the lowest land, which is also relatively flat, so there would be significant topographical screening from the wider landscape to the south and west. Development here also relates well to the existing urban area of Stanford-le-Hope. The 15m contour has generally been used to define the development edge. The site is contained to the north and east by the urban areas of Stanford-le-Hope.

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<sup>55</sup> CD55 – Page 24

<sup>56</sup> CD55 – Page 10 paragraph 3.2.5

<sup>57</sup> CD34

<sup>58</sup> CD69 – Insert Map 5

<sup>59</sup> BAR9 – page 9, paragraph 2.2

95. The southern edge of the development is again determined by topography and also the existing pedestrian network, specifically footpath 49<sup>60</sup>, providing a link to the proposed open space without going through the development and enabling a cyclepath to be included. Woodland would be provided on the slope of Buckingham Hill, as recommended in the Thurrock Landscape Capacity Study as being desirable.
96. The area to be removed from the Green Belt as proposed in the SCS does not coincide with any physical features, including properties opposite in Butts Lane, but only to current land use, which is set to change with the golf club's changed plans. While the area of the proposed development is larger than the broad indication on Inset Map 5, it responds much more to the topography and urban area and allows for the creation of significant open space within the development site. Almost 35% of the development site would be open space. This will benefit future residents of the development, as well as existing residents, particularly in Butts Lane. It also allows a much softer edge at the new junction with the Green Belt.

*Impact on amenity of the Green Belt<sup>61</sup>.*

97. The area of the application site has an 'urban fringe character' and the golf course, with leylandii, poplars and bunkers currently detracts from the distinctiveness of the natural landscape. As noted above, the site is well located in relation to the topography of the area and the proposed woodland on the side of Buckingham Hill will reinforce the topographical screening, providing a soft edge to the housing where it is visible from more distant locations. These would be mainly public views, created by the access to the open space provided through the development. The woodland would also provide a backdrop to the development when viewed from Butts Lane. It is accepted that the part of the land within the application site allocated for potential development would also have similar properties, but would not gain the benefit of the screening provided by the proposed woodland.
98. The landscape advisor for Thurrock Thames Gateway Development Corporation felt that, although the quality of the landscape is quite poor, and both the boundaries to the golf course and the school playing fields are unattractive, it still retains a sense of openness from the road and public footpath, which would be lost should development take place. It has been acknowledged that there will be a loss of openness, but the landscape strategy will retain positive elements of the existing landscape in Butts Lane, while improving other parts in the context of the proposed urban development. The existing hedge, because it is over 30 years old, is regarded as an important hedge, but it is unmanaged and in poor condition. The proposal would retain as much of the existing hedge as possible, transplanting it where necessary for sightlines, with managing and reinforcing elsewhere. This will be a significant visual improvement.
99. There will be a visual change for those using Butts Lane, as the open impression provided by the land beyond will be replaced by views of houses.

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<sup>60</sup> BAR9- appendix 1, fig 7

<sup>61</sup> BAR9 – page 14 paragraph 3

However, the linear park will improve the rural characteristics of the remainder of the site and create an attractive sense of place. The character and appearance of the site will be appropriate to the adjacent urban area. In relation to the part of the site that is already identified for potential development (Inset Map 5) there would be little difference in relation to this proposal, although if it were developed as identified in the SCS, there would be no opportunity for the linear park to improve appearance and development would be likely to be denser here.

100. The open space will have a moderate beneficial impact on the visual amenity of the Green Belt. The local landscape character will be restored from the golf course through native planting and management, and views from the open space would be accessible to all.
101. The proposal provides two options for a robust Green Belt boundary, either tight around the housing development or around the woodland buffer on rising land; either would be a secure boundary<sup>62</sup>.

*The objectives for the use of land in Green Belts<sup>63</sup>*

102. The housing development site would no longer contribute to the achievement of the objectives for the use of land in the Green Belt as set out in paragraph 1.6 of PPG 2. However, the wider enhancement of the site outside the housing development would provide opportunities for public access to the countryside, outdoor recreation, retain and enhance the natural landscape and secure conservation interests. 8.8ha of the site would be retained as agricultural land, fulfilling objectives for land in the Green Belt.
103. While part of the site would be lost to golf, this is a private club and studies show this is only used by a small proportion of the population<sup>64</sup>, while local parks are visited by a large proportion of the population. The open space proposed will create opportunities for access to the countryside and elevated views of the surrounding countryside. It would fit in with Strategic Green Links proposed within the Thurrock Greengrid Strategy as agreed in the statement of common ground<sup>65</sup>. It is also noted that the proposals for the site and subsequent management would enhance ecological potential<sup>66</sup>. The site is not damaged or derelict, so this aspect of the use of land in Green Belts is not relevant.

*Benefits of the open space*

104. While it is accepted by Thurrock Thames Gateway Development Corporation that the open space would support the aims of the Greengrid Strategy, the need for the Strategic Open Space is not agreed. Greening the Thames Gateway development has been an important part of the development plans

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<sup>62</sup> BAR9 – appendix 1, figure 8

<sup>63</sup> BAR9 – page 24, paragraph 3.6

<sup>64</sup> BAR9 – page 24, paragraph 3.6.3

<sup>65</sup> CD85 – SofCG, paragraph 6.64

<sup>66</sup> BAR9 – page 25, paragraph 3.6.7



for the area<sup>67</sup>. The intention was to provide a greenspace network consisting of attractive and accessible landscape, ranging from parks and gardens to wild coast marshes.

105. The development of the strategy behind the Greengrid and open space and relationship between the various documents is set out in a note handed in to the inquiry<sup>68</sup> with an analysis of the need identified in the Thames Gateway South Essex Greengrid Strategy (CD53) set out in INQ8. The Greengrid proposals for this area are in the Thames Gateway Strategy, South Essex Greengrid<sup>69</sup>. The application site is identified as an area providing the opportunity for the creation of new strategic open space for incorporation in the Greengrid<sup>70</sup> and for protection, improvement and enhancement of existing designated open space, and for the creation of new links and open spaces for incorporation into the Greengrid<sup>71</sup>. The Thurrock Strategic Area Framework of the South Essex Greengrid Strategy shows two suggestions for parks. The Bluehouse Country Park is only indicative, but appears to include land at the application site.
106. In addition, the Thurrock Green Infrastructure Plan 2006-2011<sup>72</sup> builds on the South Essex Greengrid Strategy. Map 4<sup>73</sup> shows the area including the application site. This identified Strategic Multifunctional Greenspaces and Strategic Links. The Bluehouse Country Park was carried through from the South Essex Greengrid Strategy. While it is suggested that the park be developed from mineral workings (Orsett Quarry) just to the south of the application site, this area has very steep gradients with stability issues and a concern in relation to public access. This is not public land and Thurrock Thames Gateway Development Corporation does not consider that restoration of the quarry could be enforced, so use of this for a greenspace is not being actively pursued.
107. The application site would also fit in with the proposed Greengrid Strategy<sup>74</sup>, allowing paths across the site and avoiding the need to walk along dangerous roads. A bridleway can also be included, linking with footpath 41, but there are no other bridleways adjacent to the site to link into.
108. The strategic open space proposed would provide a Strategic Multifunctional Greenspace in the locations shown on Figures 1 and 2 in the Thurrock Greengrid Strategy 2006/2011<sup>75</sup>, alleviating an identified deficiency.
109. It is acknowledged that the Thurrock Thameside Nature Park is being formed and is to protect, improve and maintain the environment, providing

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<sup>67</sup> BAR9 and CD70 – Creating sustainable communities: Greening the Gateway A greenspace strategy for Thames Gateway (ODPM & DEFRA). CD71 – Greening the Gateway Implementation plan

<sup>68</sup> INQ22 – Note by Ms Bolger

<sup>69</sup> CD53 and BAR9, appendix 2 – executive summary

<sup>70</sup> CD53 – page 41

<sup>71</sup> CD53 – Greengrid connections identifies proposed connections close to the application site

<sup>72</sup> CD50

<sup>73</sup> CD50 – fig 4.14, Map 4

<sup>74</sup> BAR9 – page 34, paragraph 4.5

<sup>75</sup> CD54

access and education for the public. This will fulfil the needs of the Greengrid Strategy in that location, but would not meet the identified need for a Strategic Multi-functional Greenspace. The Thameside Nature Park is not close to Stanford-le-Hope, as will be the proposed open space, and the Thurrock Thameside Nature Park will be an important area for nature conservation and the conservation and enhancement of the marshland landscape. It would not generally be appropriate to be in close proximity to a town. The application site will provide an area for public access and informal recreation. The two sites have very different roles to play within the Strategic Links and as Greenspace opportunities. It is also noted in the Thames Gateway Greengrid Strategy – South Essex<sup>76</sup> that the application site and land to the south and west of the application site does not fall into the catchment area of either a metropolitan or district park. In fact none of the area of Stanford-le-Hope falls within the catchment of a district park. Accompanying text notes that figure 19 delineates the catchment area for Regional, Metropolitan and District Parks and areas not covered by the catchment area define deficient areas<sup>77</sup>. It is the applicant's view that there is a need for the open space and associated Greengrid.

### **The Case for Thurrock Thames Gateway Development Corporation**

The case for Thurrock Thames Gateway Development Corporation is set out in Doc TTG1 and also see Committee Reports in FILE2. The material points are: -

110. Planning Policy Statement 3 – Housing paragraph 9 notes a key goal is that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. This includes a mix of high quality homes in a mix of tenures and a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate, and addresses any shortfalls in the supply of market housing.<sup>78</sup>
111. PPS3 requires maintenance of a 5 year supply of deliverable land for housing, particularly with reference to making planning decisions. Paragraph 54 notes, drawing on information from Strategic Housing Land Availability Assessment and other relevant evidence, that local planning authorities should identify sufficient specific deliverable sites to deliver housing in the first five years of the plan. To be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document, be available, suitable and achievable. It also requires identification of land supply for the following years. Paragraph 57 requires the identified land to be managed to ensure a continuous supply. Where there is less than a five year supply of deliverable sites, PPS3 notes authorities should favourably consider planning applications for housing, having regard to the policies in PPS3<sup>79</sup>.

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<sup>76</sup> CD53 – section 2, fig 19

<sup>77</sup> INO8 – Analysis of need for the strategic open space

<sup>78</sup> TTG1 – page 13, section 8

<sup>79</sup> TTG1 – page 14 paragraph 8.1.7

112. There is a requirement for housing implementation strategies, with targets and trajectories with risk assessment, engagement with stakeholders, monitoring and action to ensure a five year housing land supply. It is not just identifying targets etc, but management action is required to deliver the 5 year supply. It is noted that where performance is within 10% - 20% of the trajectory there may be no need for specific management actions.
113. In this area there is a serious shortfall in deliverable land for housing and no management action has been taken to address it<sup>80</sup>. There are question marks over the council's ability to implement the managed delivery approach now being put forward or to address the undersupply in a timely manner.
114. The National Planning Policy Framework is only a consultation document, but the aim is a clear indication of the government's 'direction of travel' in planning policy, removing brownfield targets, identification of an additional 20% of land in the five year housing supply, retention of Green Belt protection and provision of green infrastructure.
115. The development plan includes the East of England Plan (May 2008) and the Adopted Thurrock Local Plan (1997). These remain in place although it is accepted that the aim to abolish regional spatial strategies is a material consideration. This acknowledges that land around London experiences most pressure for housing and paragraph 5.4 notes local planning authorities should plan for an upward trajectory of housing completions, seeking first to achieve the annual average development rates for 2006 – 2021 as soon as possible, then to make up any shortfall from the period before that rate is achieved. It notes that it is important that policies in existing plans do not constrain inappropriately the build-up of the housing building rate, while development plan documents, which give effect to the RSS, are put in place.
116. EEP Policy H1 requires a minimum of 18,500 new dwellings in Thurrock. The figure applies to land in the Thurrock Thames Gateway and includes Stanford-le-Hope<sup>81</sup>. The past performance level up to 2011 in Thurrock equates to only 533 units per year, a residual undersupply of 392 homes per annum. The current proposed Housing Trajectory Chart does not anticipate meeting the RSS target until 2014/2015. In this situation the council should not be constraining the house building rate while development plan documents, which give effect to the Regional Spatial Strategy, are put in place. EEP Policy SS3 identifies Key Centres for Development and change and EEP Policy SS4 explains the approach to rural areas and the role of the Local Development Documents. The emerging SCS identifies that Stanford-le-Hope and Corringham will accommodate 580-680 additional homes, of which 325 will be on Green Belt land. The SCS has been put forward as being in conformity with the EEP, so it can be concluded that Thurrock Council consider the planned housing and release of Green Belt in this location accords with EEP Policy SS4.

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<sup>80</sup> TTG1 – page 15 paragraph 8.1.9

<sup>81</sup> CD64 – Thurrock Spatial Plan

117. EEP Policy SS7 explains that the broad extent of Green Belts is appropriate and should be maintained, but the policy does identify strategic review of the Green Belt can take place, although Thurrock is excluded. However, the SCS is seeking to identify Green Belt releases for housing. EEP Policy SS8 recognises that some urban fringe sites may be used to accommodate urban extensions<sup>82</sup>.
118. The SCS<sup>83</sup> has been the subject of a Public Examination. At the request of the inspector in October 2010, at the pre inquiry meeting, a Proposed Focused Changes – Tracked Changes was produced<sup>84</sup>. Since the inquiry earlier this year there have been a number of proposed focused changes. Thurrock Council consulted on Proposed Focus Changes – Clarification which set out changes to draft policies<sup>85</sup>. This also sought to clarify broad locations for Green Belt development and Inset Map 5 is relevant. It is anticipated that the fact checking report will be issued in November 2011. Approval if found sound would be some time in 2012.
119. The SCS identifies 18,500 new homes by 2021 and up to a further 4740 dwellings to meet provision to 2026 and beyond, with an emphasis on achieving a more balanced supply. This effectively seeks to achieve the EEP requirement of 18,500 between 2001 and 2021, giving an annual requirement of about 950 dwellings per annum and to maintain the same growth to 2026. The SCS aim is to provide most housing on previously developed land and in the five key areas, which do not include Stanford-le-Hope. However, EEP Policy SS4 does not rule out development outside the key areas.
120. It is recognised that there will be major import/export business employment in the area and the SCS<sup>86</sup> notes new homes will be provided mainly on previously developed land at Corringham and Stanford-le-Hope and that there will be some Green Belt land release around Stanford-le-Hope. In relation to Green Belt releases, it is noted that where release of the Green Belt is required, the overall scheme will provide for measures to enhance the surrounding Green Belt land and incorporate design features that reinforce and secure defensible Green Belt boundaries.
121. Inset Map 5, showing one of the broad areas for Green Belt release near Stanford-le-Hope, is on part of the application site. The Thurrock LDF – Site Specific Allocations Development Plan<sup>87</sup> has part of the site identified (Inset map 5)<sup>88</sup> in the ‘reasonable alternatives – other preferred options’ and the Green Belt land identified on inset map 5 is estimated to have a capacity of between 147 to 221 dwellings (mid point 184) in the Strategic Housing Land Availability Assessment (2010)<sup>89</sup>. With the additional land included in this

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<sup>82</sup> TTG1 – page 18, paragraph 8.2.13

<sup>83</sup> CD34

<sup>84</sup> CD76

<sup>85</sup> CD77

<sup>86</sup> CD34 paragraph 3.38 p31

<sup>87</sup> CD43 and see Doc TTG1 page 22 paragraph 8.5.15

<sup>88</sup> [CD 85 statement of Common Ground, appendix 9](#)

<sup>89</sup> CD45

proposal to that identified on inset map 5, there would be 166 extra units in relation to the mid point of 184.

122. Other broad locations for housing in the Green Belt are set out in the inset maps<sup>90</sup>. The proposed spatial distribution of land for housing is set out in SCS Policy CSSP1. Because the annualised housing provision of 950 homes has historically not been met and because the Thurrock Council has planned housing provision based on the trajectory in the Annual Monitoring Review<sup>91</sup>, it is not anticipated or planned to meet the 1260 units per annum until 2017 – 18. (It was also acknowledged at the inquiry that the lesser targets set in the trajectory will not be met. The figure of anticipated housing supply in the 5 year period in the Annual Monitoring Review 2010 was 4,612, but this is now going to be about 3,720.)
123. SCS Policy CSSP1, Part 1(i) notes the intention to have 92% of new housing on previously developed land to protect the surrounding countryside and Green Belt. With the phasing envisaged in the Strategic Housing Land Availability Assessment (2010), there are six Green Belt sites that could form part of the 10 year land supply, that could accommodate up to 1,245 units. There is a distinction between previously developed land in Green Belt and non previously developed land in Green Belt. The only Green Belt site with part previously developed land is at Thurrock and Basildon College. If all those sites came forward it would give rise to 9% of new residential development in the Green Belt, not on previously developed land. So this alone would exceed the 92% target for previously developed land by 1%. The addition of the extra Green Belt land use at the application site would only make a difference of a further 1.4%<sup>92</sup>.
124. SCS Policy CSSP1, Part 1 (ii) notes that development will only be permitted on greenfield and Green Belt land where it is specifically allocated for residential development and where it is required to maintain a five year rolling housing land supply. There are only two sites meeting these criteria, which are at Bata Fields and Aveley Bypass. Both are included in the Annual Monitoring Review 2010 five year housing supply calculations. Even with the inclusion of these two sites, there is only 2.66 years housing land supply using the residual method.
125. PPS 3 requires authorities to have a flexible and responsive approach to housing supply<sup>93</sup>. The ability of allocated Green Belt sites to address the chronic shortfall in housing land is questionable. Thurrock Council is currently undertaking a call for sites in relation to the Site Specific Allocations Development Plan Document, but the timescale for production of this makes it unlikely that additional allocations would come forward before 2013. This time scale was considered at the Bata Field Inquiry, where it was noted, 'ideally, consideration of the release of Green Belt sites would be undertaken through the production of appropriate Development Plan

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<sup>90</sup> TTG1 page 22 tables 1 and 2

<sup>91</sup> CD74

<sup>92</sup> TTG1 – page 24 paragraph 8.5.21

<sup>93</sup> PPS3 – paragraphs 52 - 54

Documents... in these circumstances, there is no reliable information setting out proposals for how the shortfall will be addressed<sup>94</sup>.

126. SCS Policy CSSP1, Part 1 (iii) notes that the council has and will continue to identify broad locations for release of land in the Green Belt in accordance with Policies CSTP1 and CSSP4 to help maintain the 5 year rolling land supply. Thurrock does not have a 5 year land supply available and deliverable and in these circumstances SCS Policy CSSP1 directs what action will be taken, including the identifying of locations for release of land in the Green Belt. As it is questionable that current Green Belt allocations will meet this need and the anticipated time scale for the Site Specific Allocation Development Plan Document, there is currently limited ability to identify further land for housing.
127. SCS Policy CSSP1, Part 1 (iv) notes the policy to direct housing to broadly defined locations that make optimum use of previously developed land, including within the Green Belt, where appropriate. SCS Policy CSSP1, Part 2(i) notes that at least 85% of new housing in the 5 year period 2011-2016 should be allocated on previously developed land, including within the Green Belt where appropriate. Based on the capacities in the Strategic Housing Land Availability Assessment (2010), the two sites on the inset maps of Aveley Village Extension and Bata Field with an additional 14 houses on the St Clere's Hall site give a total of 653 units. This would represent only 10.3% of the housing provision for the period 2011-2016 (6,300)<sup>95</sup>.
128. If the application proposal were allowed, it would generate an additional 270 houses in the first five years, taking the total to 14.6% of the housing provision for 2011-16 on Green Belt land, which would not result in a breach of the 85% target contained in the SCS Policy CSSP1, Part 2 (i).
129. SCS Policy CSSP1 Part 2 (ii) and (iii) notes that in the period 2011 – 2026, 80% of development should be allocated to previously developed land locations, including previously developed land within the Green Belt where appropriate and to broadly define locations for the release of land within the Green Belt in accordance with SCS Policies CSTP1 and CSSP4 for the period 2011-2026 to accommodate no more than 20% of new housing development. The overall requirement of housing for this period is 17,350 dwellings, equating to about 3,470 new houses in the Green Belt. The seven Green Belt sites identified in the inset maps<sup>96</sup> have a capacity of about 1,526 units, 8.79% of the new housing development for the Green Belt and only 44% of the provision anticipated for the period. The additional 166 units from the application site would increase this figure to 9.78% well within the 20%, so over the remainder of the plan period 2011-2016 it would not be contrary to SCS Policy CSSP1 Part 2 (ii) and (iii)<sup>97</sup>.
130. SCS Policy CSSP1 Part 3 seeks to identify the broad location for housing in the period 2011-21 where Stanford-le-Hope and Corringham have an

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<sup>94</sup> CD67 – page 63 paragraph 347

<sup>95</sup> TTG1 – page 26 paragraph 8.5.30

<sup>96</sup> CD77

<sup>97</sup> TTG1 – page 27 paragraph 8.5.37

indicated capacity of 330 new dwellings, with an indication of a limited release of Green Belt land in two locations. SCS Policy CSSP1 Part 4 identifies a further provision of 250 homes in the area for 2021–2026, giving a total allocation in Stanford-le-Hope and Corringham of 580 for 2011-2026, although the draft 'Key Diagram for Thurrock Council Proposed Submission Draft' details 680 additional dwellings for the area<sup>98</sup>.

131. SCS Policy CSSP4 (Sustainable Green Belt) seeks to maintain the Green Belt boundaries, except for the urban extension broad locations identified, and notes proposals will be resisted where there is a danger of coalescence. There is no such danger at the application site. The policy also notes that opportunities for increased public access, leisure and biodiversity will be maximised, which would be provided by the proposal.
132. SCS Policy CSSP4, Part 1 notes that the aims for the Green Belt are, without prejudice to, and pending the formal review of, the Thurrock Core Strategy and Development Plan Documents. Thurrock Council intends to review the SCS, which may alter the approach to the competing demands of the Green Belt. Part 3 of the policy relates to housing supply, where it is detailed that there would be an additional 580-680 homes in Stanford-le-Hope and Corringham, of which 328 are expected to be on Green Belt sites for the period 2011-2021.
133. SCS Policy CSSP4 Part 2 (ii) states the council's support for improving connectivity between Thurrock's urban areas and the Green Belt and Part 4 seeks to reinforce the Green Belt boundaries through structural enhancement of local landscape features and implementation of the Greengrid Strategy.
134. The foreword to SCS Policy CSSP5 (Sustainable Green Grid) sets out that the greengrid is a key priority for the council and criterion iv emphasises the role of developer contributions in delivering the strategy. Under Part 2, Stanford-le-Hope and Corringham/Langdon and Horndon-on-the-Hill are listed as an 'improvement zone' for greengrid infrastructure.
135. SCS Policy CSTP1 sets out strategic housing provision with the 'Proposed Focused Changes', altering the 5 year plan period to 2016. Criteria 1(iv) notes housing will be allocated in accordance with the Site Specific Allocations Development Plan Document, which will not realistically be available until 2013. Criteria 1(v) and (vi) require a managed delivery approach to ensure the maintenance of the 5 year supply in accordance with PPS 3. It notes the council will actively seek to increase the supply of deliverable housing sites where it appears that the five-year housing supply will not meet the required dwelling provision.
136. The Housing Trajectory Chart<sup>99</sup> identifies 4,612 units for the period 2011-2016. The council acknowledges, in the light of further evidence, that this is

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<sup>98</sup> TTG1 – page 28 paragraph 8.5.43

<sup>99</sup> CD74 Chart 1 – taken from the Annual Monitoring Report 2010 (CD46). See also TTG1 pages 30/31

not likely to be achieved and that about 3720 is the appropriate figure<sup>100</sup>. This will not meet the requirement for housing on an annualised basis as agreed in the statement of common ground<sup>101</sup>, or the aims set out in the Housing Trajectory Chart. In the Bata Field inquiry, the inspector notes a serious shortfall in housing land supply<sup>102</sup>. A similar conclusion was drawn by the inspector in the Ardale School appeal decision<sup>103</sup>.

137. SCS Policy CSTP1, Criterion 1, Part (vi) seeks to increase the supply of deliverable housing sites where it appears that the five year housing supply will not meet the required provision. It is now clear that the housing supply when viewed against an annualised figure or the Housing Trajectory Chart will not be achieved, but this was not anticipated in the Annual Monitoring Review 2010, so no specific actions are identified to bolster a flagging supply.
138. There is mention of a contingency pool in Table 4 in the forward to the draft Policy CSTP1, noting that the Strategic Housing Land Availability Assessment (2010) pool identifies alternative or additional housing sites that can be brought forward into this time period if required<sup>104</sup>. A contingency of 1000 units is noted in Table 4(b)<sup>105</sup>. The council initially appeared to be relying on sites not yet shown to be deliverable within 5 years to counter any shortfall. But the sites are not identified, and neither are what actions are necessary to enable the sites to be deliverable and capable of being included in the 5 year land supply. Two of the sites initially included in the Annual Monitoring Review 2010 were unlikely to be available in 5 years<sup>106</sup> and were not brought into the Annual Monitoring Review 2010. It is now common ground that the five year land supply falls short of that identified in the Annual Monitoring Review 2010 and the Strategic Housing Land Availability Assessment (2010).
139. SCS Policy CSTP2 relates to the provision of affordable housing, with a requirement of 35% affordable housing in a mix of 70% socially rented and 30% intermediate housing. The proposed development would include 35% affordable housing, with a balanced mix of dwelling types to meet the needs of the community.

### *Highways*<sup>107</sup>

140. The Highway Agency raised no objection, subject to appropriate contributions/highway works and requiring a travel plan. While it is accepted that some of the junctions will have an increase in traffic flow as a consequence of the development, there are proposals to improve these in

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<sup>100</sup> INQ11 – revised figures.

<sup>101</sup> CD85 – appendix 8

<sup>102</sup> BAR8 – Appendix 2 Inspector’s report paragraph 336

<sup>103</sup> BAR8 – Appendix 3 Inspector’s report paragraph 41

<sup>104</sup> CD76 page 69

<sup>105</sup> CD76 page 70

<sup>106</sup> TTG1 – page 34 paragraph 8.5.61

<sup>107</sup> TTG1 – page 45, paragraph 9.4



association with other development, so subject to appropriate contributions towards these improvements there is no objection<sup>108</sup>.

141. Queuing does occur at the London Road/Butts Lane Mini Roudabout in the weekday peak times as a result of westbound traffic queuing back from the traffic signals at the Stanford Road junction, blocking access to Butts Lane. This can be mitigated by widening the road to extend the left turn lane and by having queue detection in the road linked to the traffic signals. This would be part of the obligation and would mitigate harm from the development<sup>109</sup>.
142. While there would be no capacity problems along Walton Hall Road, East Tilbury Road, and Buckingham Hill Road, there is a history of accidents along Walton Hall Road, which involve drivers losing control. Mitigation can be provided in the form of speed reduction measures and anti-skid surfacing that would sufficiently mitigate harm from the increased use.
143. Congestion also occurs at the school opposite the site, but this stems from inadequate parking for staff, giving rise to their parking in the children's drop-off area, which in turn results in children drop-offs occurring in the bus stopping space. This can be mitigated by improvement to staff parking facilities, which will be enabled by an appropriate contribution.
144. The Transport Assessment finds that the additional number of pedestrian trips would have only a negligible impact. Thurrock Council Highways does not agree, and have concerns over pedestrian safety at the level crossing barrier. The Transport Assessment predicts at peak morning times only an additional 5 people waiting on the west side of the barrier if the worst closure time of about 15 minutes were to occur. With the normal shorter closure time there would only be about 1 additional person waiting<sup>110</sup>. While there are recommendations for improvements to the crossing, it is not considered proportionate on the basis of the likely increased use for the applicant to be required to address this issue. Network Rail were consulted about the application, but did not respond.
145. No objection has been raised to the proposal by Thurrock Council Highways or the Highway Agency on the grounds of safe and efficient operation of the highway network and the proposal would accord with Local Plan Policy BE1.

### *Sustainable Development<sup>111</sup>*

146. The site is close to footpaths and cycle routes and within walking distance of services within the town, and bus stops serving a number of routes to surrounding settlements and the mainline railway station. The site would also be convenient for employment locations, including London Gateway. This is supported by inclusion of the site in the SCS, which advances part of the site for future housing development. The proposal would have walking and cycle routes around the site and would accord with Local Plan Policy T8

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<sup>108</sup> TTG1 – page 48 paragraph 9.4.16

<sup>109</sup> TTG1 – page 48 paragraph 9.4.21

<sup>110</sup> CD10 - paragraph 6.6 and 6.8

<sup>111</sup> TTG1 – page 50, paragraph 9.4.28

and T11. In addition, the proposed Travel Plan would promote travel to and from the site by more sustainable means of transport and therefore the proposal would accord with the EEP.

147. It is expected to meet the Essex Planning Officers' Association parking standards which in relation to this development are very similar to that which would be required through SCS Policy PMD8 and associated guidance and it is anticipated that cycle parking can be provided. The measures to promote changes in travel behaviour, including a shift to more sustainable forms of transport, and provision of enhanced pedestrian and cycle links, conform to the EEP Policies T1, T2, T4 and T13.

#### *Education*<sup>112</sup>

148. The consultation response from Thurrock Council Children, Education and Families confirmed that they do not seek an education contribution from the development, although part of the infrastructure items include a contribution towards further and higher education provision.

#### *Healthcare*<sup>113</sup>

149. There is a need for improved healthcare in the area and the Thurrock Thames Gateway Development Corporation Document Planning Obligations Strategy<sup>114</sup> identifies that deficit. It was originally proposed for a new facility to be provided on site, but The East Thurrock Masterplan<sup>115</sup> specifies that, amongst other things, the existing Health Practice at Stanford-le-Hope should be expanded. The financial contribution would make adequate contribution towards this aim and would be proportionate to the increase in residential population, complying with Local Plan Policy CF8 and SCS Policy CSTP11.

#### *Community Facilities*<sup>116</sup>

150. SCS Policy CSTP10 encourages the development of multi-functional community facilities as an integral part of all major development. The application proposes a 300sqm community building on site and to put in place a management company to manage and maintain it, which would comply with SCS Policy CSTP10.

#### *Sports and recreation facilities*<sup>117</sup>

151. SCS Policy CSTP9 and PMD5 are relevant. The current base for assessing the impact of the proposal on existing sports facilities is Thurrock Council's Community Needs and Open Spaces Strategy<sup>118</sup>, Sport and Active Recreation Strategy for Thurrock<sup>119</sup> and Thurrock Outdoor Sports Strategy.

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<sup>112</sup> TTG1 – page 459, paragraph 9.9.5

<sup>113</sup> TTG1 – page 6, paragraph 9.9.6

<sup>114</sup> CD62

<sup>115</sup> CD65

<sup>116</sup> TTG1 – page 6, paragraph 9.9.7

<sup>117</sup> TTG1 – page 6, paragraph 9.9.8

<sup>118</sup> CD48

<sup>119</sup> CD52

The methodology used to assess the need for facilities broadly conforms with PPG17. A shortfall of 3 adult football pitches in Stanford-le-Hope and Corringham is identified, but an element of the shortfall will be made up with new football pitches at Gable Hall School, Corringham. The development would result in a population of about 840 which would necessitate about 1.09ha of land for outdoor sport purposes. The applicant is proposing to make a commuted payment toward sport and recreation provision off-site. It is considered that this would accord with the aims and objectives of SCS Policy CSTP9 and PMD5.

152. There would be the loss of an 18 hole golf course. PPG17 seeks to maintain the provision of existing facilities and SCS Policy CSTP9 seeks to safeguard existing and future provision of leisure, sports and open space facilities. It notes the loss of a particular facility would only be allowed where appropriate alternative provision can be made elsewhere. This approach was supported by Sports England.
153. The applicant has submitted a report which seeks to establish the extent of demand for use of the existing golf course. Sports England considered this to be a sound and a comprehensive assessment of the golf facility need in the area and that the applicant has demonstrated a lack of need for the facility or its replacement.

## **Green Belt**

### *Inappropriate development*

154. It is common ground that the proposal would be inappropriate development in the Green Belt.

### ***Consistency with the 5 purposes of the Green Belt (Planning Policy Guidance Note 2 – Green Belts [PPG 2] paragraph 1.5.)***

#### *To check unrestricted sprawl<sup>120</sup>*

155. The SCS anticipates some release of Green Belt on the urban fringes of Stanford-le-Hope and Corringham, including part of the application site. The Environmental Statement<sup>121</sup> explains how the proposal would respond to its surroundings. The northern boundary is clearly defined by residential development fronting Oxford Road, the eastern boundary by Butts Lane, the southern boundary is in line with the southern boundary of Stanford-le-Hope, although with the playing fields of St Clere's School between, and the western boundary would be defined by the local topography, approximately following the 15m contour at the foot of Buckingham Hill and contained by the open space and landscape buffer.
156. The extent that the proposal would enlarge the urban area is logical given the topography of the site and the extent of the existing urban area. The existing and proposed containment are important to ensure that the development would not represent unrestricted sprawl.

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<sup>120</sup> TTG1 – page 64, paragraph 9.13.2

<sup>121</sup> CD3 – appendix 7.1

### *Preventing Neighbouring Towns Merging<sup>122</sup>*

157. The proposal would make Stanford-le-Hope closer to Southfields, the closest developed area, but this is over 1km to the west and would only be marginally closer than existing development along Oxford Road. The extent of separation from adjoining areas and topographical features means there would be no coalescence or perception of coalescence of neighbouring towns.

### *Safeguarding the Countryside from Encroachment<sup>123</sup>*

158. The residential development would encroach into the agricultural land and golf course. The encroachment would be contained as described above with the woodland belt providing an appropriate visual screen and edge definition to the development, acting as a robust and defensible boundary.

### *Historic Towns*

159. This is not considered relevant.

### *Urban Regeneration*

160. Development at the application site would not assist the regeneration of urban areas through diversion of development to brownfield sites, as clearly this is a greenfield site. Notwithstanding this, it is considered that the amount of harm to the Thurrock Council and Thurrock Thames Gateway Development Corporation strategies for regeneration would be limited.
161. Policies focus development in urban areas, but it is recognised that accommodating the levels of housing growth necessary in a sustainable way will require Greenfield/Green Belt land releases, including for the 5 year supply. The current economic climate and heavy reliance on urban development of complex brownfield sites has contributed, in part, to reductions in anticipated housing delivery. The immediate need for housing land, acknowledged by previous inspectors and the secretary of state indicates that there is an urgent need to bring forward a limited amount of additional housing land. The use of this site now would not exceed the SCS overall target for housing on non previously developed land during the plan period. Therefore, it is considered that allowing the application before the result of the Examination into the SCS is known would not prejudice the effectiveness of the SCS. Release of the application site would play a positive role in increasing the momentum and delivery of housing in the area and a timely contribution to the delivery of housing alongside the emerging development of London Gateway Port.

### *Visual Amenities and Openness of the Green Belt*

162. The element of the proposal for open space would maintain the openness of the Green Belt and not conflict with the purposes of including land within it. 350 houses on currently largely open agricultural land and golf course,

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<sup>122</sup> TTG1 – page 66, paragraph 9.13.6

<sup>123</sup> TTG1 – page 66, paragraph 9.13.8

apart from farm buildings, trees and hedgerows, would result in harm to openness of this part of the Green Belt. However, it is considered the new development would relate well to the urban areas of Stanford-le-Hope.

163. The majority of the site is within the Lindford/Buckingham Hill Urban Fringe Landscape Character Area and has been identified in the Thurrock Landscape Capacity Study<sup>124</sup> as having low sensitivity to a small urban extension, being close to other housing and away from the visually prominent ridge. The local topography, particularly the higher ground and the adjacent urban area, limits views of the proposed residential development.
164. The existing mature tree belt, containing a number of mature pine trees would be retained and incorporated into new planting at the edge of the development. The existing tree belt running north/south close to the western boundary would also be retained. There is one tree in the site that is subject to a tree preservation order, but this is dead and can therefore be removed. There is a prominent, large oak tree in the development site, but this is proposed to be retained. The development will involve the loss of a significant length of hedgerow along Butts Lane, but part of this would be transplanted to a new alignment with restorative management. While Local Plan Policy BE4 notes that development that would harm important landscape features, such as hedgerows, should not be permitted, it is difficult to see how the site could be developed without some partial loss. The transplanting and new hedgerow along the road would mitigate the loss.
165. It is also considered that the removal of leylandii and hybrid poplar trees from the golf course and replacement with native species would be beneficial in landscape terms and development of wildflower meadows would provide important habitat and visual interest, mitigating the harm of the residential development and hedge loss.
166. The landscape assessment accords with the requirements of SCS Policy CSTP23, but the development would impact on the existing landscape character, contrary to Local Plan Policy GB2. However, the proposed landscape features and strategic open space would enhance the landscape character of the area and would help, in part, to mitigate the impact of the residential element of the development. This harm, together with harm to openness, needs to be weighed against the benefits, for the purposes of PPG 2.

***The Extent the Development Contributes to the Objectives for the Use of Land in Green Belt (Planning Policy Guidance Note 2 – Green Belts [PPG 2] paragraph 1.6***

*Access to open countryside for the urban population*

167. The land is currently private, so the public open space proposed would, with the creation of footpaths and tracks, connect to the nearby urban area and

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<sup>124</sup> CD55 – page 37

footpath network and there would be a bridleway across the site. The proposal enhances the opportunities to access the countryside for the urban population.

#### *Opportunities for outdoor sport*

168. The proposed Strategic Open Space and open space greatly exceeds the needs arising from the proposed development when assessed against the emerging standards and would assist in the provision of outdoor recreation opportunities near to the urban area, and form part of the wider greengrid network. There would be the loss of an 18 hole golf course, but as noted above, the applicant has demonstrated a lack of need for the facility or for any form of replacement.

#### *Retention of attractive landscape and nature conservation interests*

169. The features of the golf course would be removed, including trees of limited landscape value, such as the leylandii. New planting, including native species of trees would be beneficial in terms of landscape and ecology and the proposed wildflower meadow would provide important habitat and visual interest. Overall there would be a beneficial impact on the landscape character that would help mitigate harm arising from the proposed residential element of the development. There is also potential to achieve a net biodiversity gain through the implementation of species specific mitigation and appropriate long term management of the Strategic Open Space.

#### *Derelict Land*

170. None of the land is derelict.

#### *Agricultural Land*

171. Part of the site (that identified on Inset Map 5) would be lost to agriculture, but has not been in actual agricultural production for some time. Part of the site adjacent to the playing fields across Butts Road from the main area of the application site would be retained in agricultural use.

#### **Very Special Circumstances**

172. It is considered that land supply and housing delivery, delivery of affordable housing and delivery of green infrastructure should be considered in relation to very special circumstances.
173. EEP Policy H2 notes that affordable housing should be delivered with a regional expectation of 35% of housing being affordable. Local Plan Policy H5 requires an appropriate level of affordable housing, with no specific number identified, although accompanying text indicates a provision of at least 20%. The SCS Policy CSTP2 seeks 35% of affordable housing, which would be provided by the proposal.
174. Housing delivery has been considered above. There is an acute housing land supply issue that needs to be addressed. Policies do not prevent sites being brought forward, but actively seek to increase supply of housing sites where it appears that the five year supply will not meet the required provision.

Some Green Belt release on a smaller scale than now proposed is envisaged for Stanford-le-Hope in the SCS. While there should be a plan led system to identify development sites, it is not yet known if the SCS will be found to be sound and even if it is, it will take until at least 2013 for the Site Specific Allocations Development Plan Document to be produced.

175. The application site would play a positive role in increasing momentum and delivery of housing in the area and PPS 3 notes that, in the absence of a 5 year land supply, the decision maker should favourably consider this type of application.
176. The proposal would provide a good mix of high quality housing in accordance with development plan policies, including 35% affordable. It would meet policy criteria in relation to sustainable design and construction in a sustainable location, making effective and efficient use of the site.
177. The Housing Needs Survey of 2004<sup>125</sup> formed part of the evidence base for the SCS and this noted a need for 204 affordable houses per annum. Total delivery between 2003 and 2010 has been 358, just 51 per year. This for the larger sites is a provision at the rate of about 14% of all housing provision, below the 20% suggested by Local Plan Policy H5 and the 35% in the SCS. Thurrock Council Housing's response to the application notes that demand for publicly assisted housing has grown by 20% in the past year. There is a severe shortage of affordable housing and in the Bata Field appeal this was noted as being relevant in relation to very special circumstances.
178. It is considered that the affordable housing is a significant benefit which adds weight to the very special circumstances. This approach is consistent with the decision in relation to the Aveley By-pass site and the inspector's report in relation to Bata Fields, which concluded there is also a demonstrable shortfall in affordable housing completions measured against need which weighs substantially in favour of allowing the scheme<sup>126</sup>.

#### *Green Infrastructure*

179. The need for public open space is an established requirement of the local plan. The Community Needs and Open Spaces Study<sup>127</sup> assess open space requirements and this includes parks and gardens, amenity green spaces, children's play space, outdoor sports facilities, allotments and community gardens. The 42.3ha of Strategic Open Space and 2.14ha of open space greatly exceeds the needs arising from the development when assessed against the emerging standards.
180. SCS Policy CSTP20 seeks to encourage new provision, particularly to address areas of deficiency identified in the Open Spaces Strategy 2006/2011<sup>128</sup>. When landfilling operations and restoration of the Mucking Landfill site have been completed, the former landfill site will form the

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<sup>125</sup> CD41

<sup>126</sup> BAR8 – appendix 2, Inspector's report, page 66, paragraph 362

<sup>127</sup> CD48

<sup>128</sup> CD51

Thurrock Thameside Nature Park, creating 319ha of public open space. It is considered that the proposed Strategic Open Space would primarily offer informal recreational opportunities similar to that envisaged for the Thurrock Thameside Nature Park. The Community Needs and Open Spaces Study shows that Stanford-le-Hope and Corringham have an existing and projected surplus in terms of natural and semi natural green space<sup>129</sup>.

### *Greengrid*

181. EEP Policy ENV1 states that areas and networks of green infrastructure should be identified, created, protected and managed to ensure that an improved and healthy environment is available for the benefit of present and future communities. The Greengrid strategy is set out in The Greengrid Strategy 2005<sup>130</sup>, The Greengrid Strategy for Thurrock 2006-2011<sup>131</sup> and the Green Infrastructure Plan for Thurrock 2006-2011<sup>132</sup>. SCS Policies CSSP5 (sustainable greengrid) and CSTP18 (Greengrid Infrastructure) seek to deliver the Greengrid Strategy.
182. There would be significant connections to the greengrid<sup>133</sup>. The Greengrid Infrastructure Plan sets out infrastructure opportunities in Thurrock and that identified on the Local Opportunities Map 4 – East Tilbury, Stanford-le-Hope and Corringham covers the area of the application site.
183. The Strategic Open Space and the network of links provided through the development site would enhance both the proposed strategic green links 9 and 10, provide a better link between footpath 41 and 49 and remove the need for strategic link 9 to use Butts Lane. It could provide a connection for walkers and cyclists using footpath 81 and footway/cycleway (Stanford Road) to footpath 41. The link would provide an alternative route to Buckingham Hill Road and facilitate part of the strategic link 10, providing a safe and convenient route away from the busy Buckingham Hill Road.
184. It would provide a direct and traffic free route from footpath 224 and the cycle route along the A1013 (Standford Road) to St Clere's School. It would improve access from the urban fringe to the countryside, providing key linkages in the greengrid strategy and would be of wider community benefit. It would also provide a bridleway from the north east corner of the site boundary with Standford Road across the site and linking to footpath 41. The proposal would enable horse riders to go from Stanford Road southwards and join footpath 41, with the link in the site being designed as a bridleway.
185. The Community Needs and Open Spaces Strategy<sup>134</sup> does identify a shortfall in playing field provision. Sports provision is covered by SCS Policy CSTP9 and PMD5. For the proposed population of about 840 people at the application site there would be a need for about 1.9ha of land for outdoor

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<sup>129</sup> CD48 – pages 77/79

<sup>130</sup> CD53

<sup>131</sup> CD54

<sup>132</sup> CD49/50

<sup>133</sup> BAR9 - appendix 1 figures 4, 5 and 6.

<sup>134</sup> CD48



sports. This would not be accommodated on the proposed on-site open space. However, the proposed contribution provided through the obligation would be adequate to cover this requirement<sup>135</sup>.

186. While the majority of the Strategic Open Space proposed does not explicitly form part of a local opportunity envisaged in the greengrid strategy, this does not preclude it from supporting a number of the aims of the Thurrock Greengrid which would enhance accessibility and be capable of being considered as a very special circumstance.
187. Thurrock Thames Gateway Development Corporation considers that the benefits of the proposed development in terms of housing supply, provision of affordable housing and contribution to the greengrid amounts to very special circumstances that would outweigh the harm through inappropriateness, openness and all other harm identified.

### **The Case for Thurrock Council**

The case for Thurrock Council is set out in Doc TC1. The material points are: -

#### ***Very Special Circumstances put forward by the applicant***

##### *Development of the site consistent with the Regional Spatial Strategy?*<sup>136</sup>

188. EEP Policies SS1 and SS2 seek to achieve sustainable development directing significant growth to the region's major urban areas and EEP Policy SS3 notes that development should be concentrated at specific locations, including Thurrock. EEP Policy SS5 notes priority for achieving regeneration. EEP Policy SS7 indicates that the broad extent of Green Belts should be retained and, where strategic reviews are identified, none are in Thurrock.
189. Thurrock Urban Area is a key centre for change where local development documents should promote urban renaissance, re-using previously developed land and making best use of the Thames Riverside to bring about substantial quality of the urban environment. So while the development might be in accordance with the general thrust of other policies in the plan, nowhere does it say these would outweigh the normal restrictions of development in the Green Belt.
190. The Core Strategy concentrates the regeneration of Thurrock in 5 areas. The LDF will provide for 18,500 new homes by 2021 and up to a further 4750 dwellings to meet need to 2026 and beyond. Most of these would be within the Thurrock Urban Area Key Centre for Development and Change which does not include Corringham and Stanford-le-Hope.
191. SCS Policy SS01 seeks to achieve sustainable communities, focusing development in urban areas. SCS Policy SS011 seeks to sustain and enhance the open character of the Green Belt allowing development only in very special circumstances. SCS Policy CSSP1 relating to sustainable housing and locations notes growth will be achieved through managed

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<sup>135</sup> TTG1 – pages 60-61 paragraphs 9.9.8 – 9.9.10

<sup>136</sup> TC1 – paragraph 2

regeneration and renewal of previously developed land and if necessary through greenfield release well integrated with neighbourhoods in Thurrock. A plan, monitor and manage approach is to be adopted. The council has prepared a Housing Trajectory, which identifies how the rolling five year supply relates to the current market outlook and anticipated recovery in the housing market. SCS Policy CSSP1 directs residential development to previously developed land and indicates that development on the Green Belt will only be permitted where it has been specifically allocated for residential development and where it is required to maintain a five year rolling housing land supply. 330 houses are indicated on Green Belt land near Corringham and Stanford-le-Hope, with the final site boundaries to be included in the adopted site specific allocations development plan document and identified on a proposals map.

192. Inset Map 5 does show part of the application site as land to be removed from the Green Belt, but only as a broad location which it is noted should not be taken to represent a defined site boundary. It cannot be reasonably construed from this that the final Sites Specific Allocations Development Plan Document will encompass the whole of the housing proposed at the site. Proper preparation of the Development Plan Document will allow a detailed comparison of alternative sites. The extent of development on Inset Map 5 is logical given that it coincides with the end of the existing development on the other side of Butts Lane.
193. The council agrees with the applicant that the identified housing numbers will not be achieved by use of urban land alone<sup>137</sup>, but by a proper process of consideration of where the release should occur and at what scale is necessary, so release now would be premature.
194. SCS Policy CSSP4 also directs development to previously developed land and promoting the regeneration of derelict and under-used land within identified regeneration areas. It reiterates the intention to maintain the purpose and function and open character of the Green Belt. It also notes the broad locations for the release of Green Belt land at Stanford-le-Hope to provide 328 houses. It is noted that the council considers that only relatively small scale allocations in the Green Belt are necessary to meet housing needs and this would be subject to review<sup>138</sup>. The proposed Green Belt release included two other sites<sup>139</sup> apart from the application site and the 328 houses relate to all three sites, not just one. An application for up to 185 dwellings has already been submitted in relation to land adjacent to the A13/A114 (Inset map 3)<sup>140</sup>. The council's intentions for the site indicate that the site might be suitable for between 147 and 221 dwellings, a mid point of 184. Therefore, the size of the proposal is not supported by the SCS.

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<sup>137</sup> TC1 – paragraph 2.12

<sup>138</sup> TC1 – paragraph 2.17

<sup>139</sup> CD69 – Representations on Proposed Focused Changes Clarifications - maps 3 and 4

<sup>140</sup> CD69 – Representations on Proposed Focused Changes Clarifications - map 3

### *Housing Land Supply*

195. PPS 3 requires a 5 year deliverable land supply to be identified. Deliverable is explained, but not how it should be calculated. The requirement to show that sites are achievable has introduced a peculiarity into housing land supply that is not found elsewhere in planning policy requirements. If market conditions are such that developers are choosing not to take up opportunities, because of economic conditions and intend to 'land bank' or sell sites, then they will not be achievable, because they have no immediate intention to develop them. The answer suggested by some developers is to release more sites, but the same economic conditions may well apply.
196. There are various ways the 5 year total can be defined. Thurrock Thames Gateway Development Corporation and the applicant assume annualised figures based on the EEP. The council does not consider this to be the most sensible interpretation of the requirements based on the intent of PPS 3. The 5 year requirement was to ensure councils were responsive to the market and provide housing land to meet market needs. The council's approach is set out in the SCS and its assessment of the 5 year housing land supply need<sup>141</sup>. This accords with PPS 3 paragraph 61. The approach was amplified in the Written Statement Matter 3a to d Housing Supply and Locations Issues to the Core Strategy Inspector's Matters<sup>142</sup>.
197. The council maintains that its approach based on the current market conditions is the correct approach and to blindly follow annualised figures from the EEP is not appropriate and not a basis for releasing unallocated land in the Green Belt. The council accepts, as set out in the statement of common ground that based on an annualised approach there would be shortfall in the 5 year supply. But this does not reflect current market conditions and the management that is necessary.
198. The Strategic Housing Land Availability Assessment update will form part of the evidence base for the LDF and review is necessary to take account of changes that have occurred in housing supply since the previous assessment and this will feed back into the SCS and inform the Sites Specific Allocations Development Plan Document. A 'call for sites' is part of this process and has been undertaken, but this does not include re-submission of sites already considered where there has been no change in circumstances. This has resulted in 48 new sites of various sizes coming forward. In addition, the Annual Monitoring Review will be published by the end of the year.
199. The council is close to putting a plan led approach in place for making considered judgements about the future land releases that must be considered preferable to ad hoc decisions being made on sites considered in isolation. A decision to allow this would require a view to be taken that the council's approach set out in the SCS is wrong, but that is for the deliberations of the Core Strategy Inspector and this decision should not be pre-empted as there is no imperative for this. The council's approach is

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<sup>141</sup> TC1 – appendix 5

<sup>142</sup> TC1 – appendix 6

aligned with market conditions and follows advice in Planning Policy Statement 12 [PPS 12] - Creating strong safe and prosperous communities through local spatial planning, relating to ensuring the necessary land is available at the right time and in the right place to deliver the required new housing. PPS 3 notes that the quantity of housing should take account of demand as well as need.

200. PPS 3 may well have assumed that the future demand would continue and probably grow, and the 5 year requirement only makes sense in that context. Currently we have a lack of demand and it is a reasonable assumption that this will continue for a while. PPS 3 indicates that there can be departure from what is planned/forecast. While paragraph 64 does refer to acceptable ranges within 10-20%, this is only an example and not a rule. PPS 3 paragraph 65 notes that if the performance is outside of acceptable ranges the local planning authority should establish why and take appropriate action. It clearly is acceptable to undershoot the targets and it is for the local planning authority to decide on the action required.
201. If the housing land supply target is calculated using the plan average figure this gives 4750 units (950 x 5). The council calculates the 5 year supply as being 3788<sup>143</sup>, which is about 80% of the 4750 target, so would in fact be within the example range of PPS 3 i.e. 20%.
202. An annualised residual figure set out in the EEP by the council is 1,138, equating to 5,690 for the 5 year period. The calculated supply of 3788 would be within 33% of this target, which is not unacceptable, given the current market conditions. There is no merit in compromising other planning objectives in the current economic situation, particularly the release of unallocated sites in the Green Belt. If the annualised figure is to be adopted this would mean a requirement in the short term of about 2022 units<sup>144</sup> If this was justification for very special circumstances, because of their attractiveness and ease of development, there would be a rush of applications on Green Belt sites in the next 5 years. That is evident from recent examples locally. The effect on spatial strategy, infrastructure planning and Green Belt would be profound.
203. Tighter lending from banks and weak wage growth means that demand is down and likely to remain down, as supported by the Oxford Economic Report for the Home Builders Federation<sup>145</sup>. Concerns about the balance between greenfield and brownfield land being brought forward has been expressed in response to consultation on PPS 3<sup>146</sup>.
204. Also pertinent to the way plans are envisaged is The Growth Fund – Programme of Development Guidance 2008<sup>147</sup>. This notes that the programme should be focused on the delivery of a housing growth trajectory based on RSS housing provision targets, and in relation to

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<sup>143</sup> This figure was revised at the inquiry

<sup>144</sup> TC1 – paragraph 3.29

<sup>145</sup> TC1 – appendix 7

<sup>146</sup> TC1 – appendix 8

<sup>147</sup> TC1 – appendix 11

potential phasing of development, notes 'where this occurs you may wish to generate trajectories demonstrating delivery against phasing, bearing in mind that the impact of phasing as opposed to the use of annualised rates should be nil over a single whole plan period. In other words the key to looking at the trajectory is in understanding the difference between planned rates and completions at the end of the plan period'<sup>148</sup>. It also recognises that housing supply can be 'lumpy', changing significantly as sites come forward. This shows that the annualised figures from the EEP are not the only way the 5 year land supply figures can be calculated. This is supported by reference to the Local Development Framework Monitoring : A good Practice Guide and PPS 3 Regulatory Impact Assessment<sup>149</sup>.

205. In addition, an MP raised a question asking for a nationally accepted method to calculate land supply. In reply to other questions, Grant Shapps did not address this. If it had been the case that there was an obvious method already set out in PPS 3 it would have been very easy to say so<sup>150</sup>.

### *Supply of Housing Land*

206. It is widely reported that the number of homes being built has fallen to the lowest in peacetime since 1923. In 2008/9 only 130 dwellings were completed in Thurrock and only 88 in 2009/10. There is no correlation between this and the supply of housing land in Thurrock. The supply of housing land did not 'dry up' in Thurrock in those two years. The immediate constraint on delivery is the lack of effective demand brought about by economic uncertainty, constraint on mortgage lending and funding for developers. Major developers have cut back on house completions<sup>151</sup>. In Barratt's annual accounts<sup>152</sup> it is noted that the key restriction on the industry is the availability of mortgage finance. It notes with demand continuing to be constrained the industry responded by opening fewer sites and controlling stock better. It notes that while the improved balance between supply and demand has stabilised prices, it has done little to address the nation's fundamental housing shortage.
207. The report notes that priorities have been driving efficiency and optimising selling price growth. As a result, the company has reduced volumes and driven significant margin improvements, with selling prices increasing. It also notes they have been able to secure a strong flow of potentially high margin sites, acquiring wherever possible on deferred terms and now ensure they secure only the best opportunities and that the group has a strong land bank. Taylor Woodrow<sup>153</sup> takes a similar approach to maximising value rather than volume, identifying availability of mortgages as being a major constraint. It has a landbank of 6 years. Persimmon

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<sup>148</sup> TC1 – appendix 11 – Annexe B, Frequently Asked Questions

<sup>149</sup> TC1 – paragraph 3.49 – 3.54

<sup>150</sup> TC1 – appendices 15 and 16

<sup>151</sup> TC1 – paragraph 3.58

<sup>152</sup> TC1 – appendix 17

<sup>153</sup> TC1 – appendix 18

Homes annual report shows similar indications<sup>154</sup>. It is clear from this that land supply is not the problem.

208. If further land is released in addition to that already proposed, it will reduce the likelihood that more difficult to develop sites in less attractive urban locations will be developed, which is against the strategies of urban renewal and maximising brownfield development. A decision to approve Green Belt development on this basis will encourage others to pursue the same approach, using the same arguments. This is evident from representations made by Icen Projects, who wish to see a release of Green Belt land in the eastern end of Thurrock, contrary to the proposed SCS. The location of sites would effectively be at random, only depending on whether developers want to gamble on getting permission, and would not be based on comparison of the relative merits of different sites.
209. There is no guarantee that the site would be developed in the short term, because the macro economic conditions are likely to be the same, so developers will concentrate on increasing margins and not volume as seen above. The site's development may therefore only deal with need in the longer term, which the council's approach already covers. The prime example of this is the Aveley site, where permission was granted on Green Belt land with the advice of Barratt Homes that it would commence development later this year. The site was factored into the council's five year land supply. Development has not commenced and the site is up for sale. Disposal will inevitably mean delay, and if there is no new owner who will the council consult on intention in order to assess achievability of delivery of the site in relation to future annual monitoring reviews?
210. In relation to the Bata Field appeal<sup>155</sup> the Secretary of State only gave limited weight to the need for more land to be brought forward. It was noted that the housing land supply situation does not warrant planning permission being granted for this proposal. In the Ardale<sup>156</sup> School appeal there was apparent agreement between Thurrock Thames Gateway Development Corporation and the applicant that the 5 year land supply could not be achieved, with the inspector concluding the situation was 'dire', but he still concluded the Ardale School appeal housing land need did not outweigh the harm to the Green Belt. He also noted that it was unrealistic to expect completions to immediately reach the rate assumed under the Regional Spatial Strategy, mindful of the fact that the economy has slowed considerably and it is difficult to sustain high volumes of house sales. Development on those sites would also have been less intrusive than that proposed on this site<sup>157</sup>, because of the surrounding development and topography.
211. The Secretary of State concluded, in relation to the Bata Field development, even in the light of the proposal to abolish Regional Spatial Strategies, that there was a need for more land to be brought forward for housing, but only

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<sup>154</sup> TC1 – appendix 19

<sup>155</sup> TC1 – appendix 22

<sup>156</sup> TC1 – appendix 21

<sup>157</sup> TC1 – appendix 23

gave limited weight to this in relation to releasing that site for development. It was the quality of the design and sensitivity to the setting that tipped the balance in favour of granting permission. Another difference between the current situation and that at the time of consideration of the Bata Field development is the SCS is now much closer to resolution and this application site is not contained in the same way with a defensible boundary as the inspector identified in relation to Bata Field site.

212. Although not related to housing, in relation to another appeal in West Thurrock, the inspector noted 'it is not my role to pre-empt the site allocations process through the development plan process'<sup>158</sup>.

### *Affordable Housing*

213. Affordable housing shortfall should also not necessarily lead to an approval of housing development. Affordable Housing is a normal requirement in connection with market housing. The Bata Field site was allowed, but not specifically because it was a means of remedying a shortfall in affordable housing. Similarly, with the Ardale School appeal, the inspector concluded that the availability of affordable housing would be an undeniable benefit, but not of overriding importance, either on its own or along with other matters. In this respect, PPS 3 paragraph 29 and SCS Policy CSTP2 note that whatever the desirability of such provision in connection with market housing, it is something to be achieved only if it is viable, i.e. there is no absolute requirement and under-provision against a need should not be a matter that stands in the way of permitting market housing. Provision of affordable housing is not a very special circumstance.
214. In addition, there is no certainty that the affordable housing at 35% would be provided. There have recently been applications on other sites for reduction in the provision of affordable housing which has been allowed<sup>159</sup>. A significant reason is the change in funding by the government of Registered Social Landlords and the Affordable Rent model. The expectation is that the ability to provide affordable housing will reduce<sup>160</sup>. Evidence to the London Assembly's Planning and Housing Committee<sup>161</sup> suggests there will be a tension between affordability and volume of dwellings and that the numbers of properties built by housing associations is likely to be lower than in the past. The Peabody Trust indicates that whereas over 50% of funding for affordable housing was capital grants, this would now reduce to, at the most, no more than 20%.
215. Thurrock Thames Gateway Development Corporation planning committee considered two proposals, one to reduce the amount of affordable housing at Drapers Yard, Grays, and the other to reduce the number of units overall, with a consequent reduction in the affordable housing percentage at Arisdale Avenue. Drapers Yard was for 30% affordable housing and was only granted on 10 June 2010. Thurrock Thames Gateway Development

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<sup>158</sup> TC1 – appendix 25

<sup>159</sup> TC1 – paragraphs 4.3 – 4.09

<sup>160</sup> TC1 – paragraphs 4.10 - 4.14

<sup>161</sup> TC1 – appendix 28

Corporation has had to agree to only 5 affordable units (3% of the total housing)<sup>162</sup>. The proposal for Arisdale Avenue has had to be reduced from 65 units overall to 33 units, to provide a more saleable mix, with only 4 affordable houses.

216. The issues affecting London will not be exactly the same in Thurrock and there are likely to be some self imposed limits by the Registered Social Landlords<sup>163</sup>. There can be no certainty that the affordable housing provision will come forward and it should not be taken into consideration in the very special circumstances balance.

### *Green Infrastructure*

217. The council agrees with the Thurrock Thames Gateway Development Corporation that there is no identified need for the informal recreation facility of the proposed strategic open space, particularly with the new facility at the Thurrock Thameside Nature Park, which is being formed as part of the restoration of land that formed the Cory waste site. The proposed open space would offer very similar facilities to those envisaged at that park, which will soon be available. An application has been submitted to extend the period for restoration of the Thurrock Thameside Nature Park to 2016, which is yet to be determined. The site would be managed by Essex Wildlife Trust under a lease from Cory Environmental. The site is at least 263ha and is substantial and the Trust already manages Stanford Warren, a 17ha nature reserve next to the landfill site.
218. In addition, there is likely to be permission for further gravel extraction on the adjacent East Tilbury quarry, which when worked out will be restored for nature conservation, which is anticipated to be in about 9 years time.
219. The proposed open space exceeds what is required for a development of this size and there are no policies that require developers to rectify deficits in open space provision in the wider vicinity. However, SCS Policy CSTP18 (green infrastructure) notes that the council will create green assets where appropriate and will require a net gain in green infrastructure in order to address existing and developing deficiencies, and opportunities to increase green infrastructure will be pursued in new developments. Guidance on the provision of green infrastructure will be identified in a future Greengrid Supplementary Planning Document. If a proposal provides what is expected, then it is not a very special circumstance. Where a proposal provides greater than what is expected, but the facility is not needed, then again it is not a very special circumstance. The proposed green space does not meet an identified need.
220. Thurrock Council's Community and Needs and Open Spaces Study 2005<sup>164</sup> identifies for Stanford-le-Hope and Corringham a substantial existing and projected surplus in natural green space (about 600ha). This is without the Thurrock Thameside Nature Park and East Tilbury Quarry. Langdon Hills

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<sup>162</sup> TC1 – paragraph 4.5 – 4.8

<sup>163</sup> TC1 – paragraphs 4.15 – 4.19

<sup>164</sup> TC1 – appendix 35



Country Park is also a short distance away<sup>165</sup>. Concern is expressed in the study in relation to the 300m and 2km accessibility of these spaces. But as on Map 28<sup>166</sup>, it can be seen that only the northern extremity of Corringham does not fall within the 2km criteria, but this area is the closest to the Langdon Hills Country Park and the proposed space would not improve on this distance.

221. Similarly, the proposed open space would not assist in the 300m accessibility criteria, apart from perhaps a few houses fronting Butts Lane. In addition, the approach to these standards has now changed and smaller spaces can be included as set out in the SCS. Stanford-le-Hope is not deficient in natural green space that is reasonably accessible. The 300m standard is reasonable when considering open space in relation to new development, but it is unrealistic to expect those developments to make up for deficiencies in the area. It is accepted the proposal would increase choice, but this is not a very special circumstance.
222. The proposed open space does not appear to fill any gaps in terms of improving bio-diversity and if there are some improvements these are likely to be marginal, particularly in the light of the Thurrock Thameside Nature Park and East Tilbury Quarry Proposals. The ecological benefits are not such that they would outweigh the harm to the Green Belt<sup>167</sup>. While there will be good elevated views from the proposed open space, similar or better views will be available from the Thurrock Thameside Nature Park. Linkages to footpaths would have limited value, as they effectively only provide alternative routes to those already available. It is accepted that the proposed routes would be more attractive than the existing routes along roads. Notwithstanding the objectives of the proposed greengrid, it is not considered this matter would outweigh the harm to the Green Belt.
223. The proposals for the Greengrid routes are schematic only – it was never the intention to have the route across the middle of the playing fields. It would be better to seek to improve the connection of footpath 41 with Mucking Wharf Road, as this will be the access to the Thurrock Thameside Nature Park.
224. While the Bluehouse Country Park was identified schematically, it was intended to coincide with the quarry and area of unimproved acid grassland found on Buckingham Hill. There is no short term prospect of the quarry workings ceasing and it is the council's view that the Bluehouse Country Park will be considered a non-starter and removed from future plans as it is not needed to address any deficiency. It is likely that the proposed Greengrid Supplementary Planning Guidance will firm up linkages to the Thurrock Thameside Nature Park.

## **The Case for RAID and the Stanford Forum**

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<sup>165</sup> TC1 – appendix 36

<sup>166</sup> TC1 – appendix 35

<sup>167</sup> TC1 – paragraph 5.12

The case for RAID and the Stanford Forum is set out in RAD1 and RAD2 and FILE3 and FILE4. The material points are: -

225. The Issues and Options phase of the East Thurrock Master Plan was the most responded to of all the Thurrock Thames Gateway Development Corporation Master Plans. There was no mention of development of the application site in that inquiry. Thurrock Council's Issues and Options Phase also had a large response. This did show a possible release of Green Belt land, but this only included part of the application site (for about 175 houses).
226. One of the Green Belt sites at Manor Way has an application for development and RAID did not object to the principle of that development as it was identified in the plan process, other than in relation to access. We are not against development in principle. Mention is also made of Bata Fields where Green Belt land has been approved for development at appeal. This shows the erosion of Green Belt land in the area, far greater than envisaged in the Core Strategy.
227. The LDF at appendix 4 has the Housing and Infrastructure Needs Trajectory. It shows 187 dwellings for Stanford-le-Hope and this figure has been extrapolated for the infrastructure needs of the area. Allowing a development of up to 350 houses will place unwarranted demands on the existing infrastructure. Barratt Homes conjoin the figures for Stanford-le-Hope and Corringham, but if this had been the intention in the plan they would have been one figure. This means that one geographical area is bearing the brunt of development on the Green Belt.
228. The SCS<sup>168</sup> indicates a 5 year requirement of 595 dwellings on Green Belt land in the whole of Thurrock. This figure has already been exceeded with decisions regarding Aveley and East Tilbury. With a further release of up to 328 houses in Stanford-le-Hope there is a real danger the LDF will be compromised. The Thurrock LDF was formulated to regenerate the run-down built-up areas, while maintaining the visual openness and village setting.
229. The proposal would not be in line with PPS 3, which requires that the spatial vision for the area is reflected in proposed development as well as being in line with housing objectives, and would undermine the wider policy objective of regenerating the borough.
230. At the time of formulating the East of England Plan, the economic growth targets reflected a buoyant economy, when the financial crisis that has occurred was not foreseen. The world economy has changed dramatically, so to follow those targets is to deny the reality of today's economic climate. Given the likelihood of abolition of the Regional Spatial Strategies, the housing requirements in it should be given little weight. The Bata Field and Arisdale Ave sites were decided prior to the proposed abolition.

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<sup>168</sup> SCS - policy CSTP1 section 11 table b

231. The Callcutt Review of Housebuilding Delivery (2007) and The Housing Markets and Planning Analysis Expert Panel – Factors Affecting Housing Build-Out Rates: A report for CLG by Professor David Adams and Dr Chris Leishman<sup>169</sup> indicate that it is market forces and hence developers that control the rate of housing completions. A managed delivery approach as utilised by Thurrock Council is best suited to the current situation, allowing a flexible approach to current need and economic factors.
232. According to a Shelter Report<sup>170</sup>, Thurrock has the third highest number of repossessions in England and the highest in the East of England Region. Availability of mortgages to first time buyers and families is lower than it has been for years. This indicates that it is not the land supply that is the problem, but that there is no need for housing. To blindly follow targets set in more affluent times ignores the reality of the current situation.
233. Developers are using the lack of housing supply, which they control, as being a very special circumstances and justification for release of Green Belt land at low cost enabling them to gain enhanced profit in the future. There is no sign of an immediate recovery, but when it does occur it is not likely to be a sudden surge in growth, but a gradual improvement, which would allow time for appropriate sites to be brought forward. House sales are very low, with a Royal Institution of Chartered Surveyors report indicating that on average its members had sold only 14 houses each during the last 3 month period<sup>171</sup>.
234. While Thurrock Thames Gateway Development Corporation recommended approval, the chairman of the planning committee noted at the time that they were 'between a rock and a hard place', and would normally have refused development on Green Belt land, but were concerned that Barratt Homes would appeal the decision if that were the case.

### *Transport*

235. The Transport Assessment does not give a true picture of the vehicle numbers that queue at the level crossing when the barriers are down. Vehicles on the westbound approach regularly get to 28 in number during the am peak, and the eastbound approach 34 during the pm peak. The westbound traffic queue extends back along Church Hill and into Corringham Road on more than one occasion each morning, causing blockage in the High Street. Some vehicles then drive down the wrong side of the road to drop people off at the station, causing a dangerous situation. This would be exacerbated by increased traffic. When the barrier is lifted, there is a surge of traffic along the road which mixes with school traffic and causes difficulties for drivers turning out from adjoining minor roads. Vehicles then have to edge into the traffic which can cause traffic to stop completely, causing gridlock. This situation is reversed in the evening.

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<sup>169</sup> RAD – appendices 3 and 4

<sup>170</sup> RAD – appendix 5, Shelter Report - 'England Repossession Hotspots 2010/2011 pages 6 and 24

<sup>171</sup> RAD – appendix 6, RICS Newsletter published on 13 September 2011

236. The Transport Assessment refers to the Bata Field Inquiry and the East Tilbury Crossing, where a further 6/8 cars was considered to be acceptable. However, the queues at the Stanford-le-Hope crossing are far longer than at East Tilbury and tailbacks do not affect the town centre as they do at Stanford-le-Hope.
237. The Transport Assessment has taken into consideration the Bata Fields development, but not the potential development of the Bata factory site. This site could generate up to an additional 500 homes along with factory space and this would considerably increase traffic flows down Butts Lane.
238. Development of the DP World Development may also have an impact and with increased HGV usage The Manorway could become a rat run, which already occurs when there are problems on the motorway.
239. Development in East Tilbury also needs to be taken into consideration. East Tilbury falls within the St Clere's School catchment area and Stanford-le-Hope and Corringham are the nearest shopping centres. So future development in these areas should also be taken into consideration.

*Amenity of residents*<sup>172</sup>

240. Residents opposite the entrance to the site will suffer from the glare of headlights from cars leaving the site, which will affect their peace and tranquillity. The four traffic islands proposed along Butts Lane will reduce considerably the amount of on-street parking available to residents and there is insufficient capacity in the side roads to accommodate the overflow.

*Open Space*<sup>173</sup>

241. The development provides ten times more open space than is required for the development and is an oversupply that should not carry any greater weight than if it were the appropriate size. It does not relate to the development proposed. A large country park (Thurrock Thameside Nature Park) is being built at Mucking less than a mile away, so it is likely the proposed open space would be under utilised.

*Openness of the Green Belt*<sup>174</sup>

242. The openness of Butts Lane would be lost. This is the only place in Stanford-le-Hope where there are houses on one side of the road and open space on the other. Elsewhere, there is an abrupt junction of housing and countryside. This provides important visual amenity derived from the feeling that at least part of Stanford-le-Hope is still a village abutting countryside.

*Foul Drainage*<sup>175</sup>

243. There have been problems with foul discharge into the streets of Stanford-le-Hope, especially during heavy rain, when the existing system cannot

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<sup>172</sup> RAD1 – page 14, paragraph 4.2.1

<sup>173</sup> RAD1 – page 14, paragraph 5.1

<sup>174</sup> RAD1 – page 15, paragraph 5.1.3

<sup>175</sup> RAD1 – page 16, paragraph 6.1

cope. Some mitigation has been done by Anglian Water, but RAID is fearful that another 350 homes discharging into the limited system would cause the previous problems to recur.

*St Clere's School*<sup>176</sup>

244. St Clere's School is at full capacity, so with the recent increase of the catchment area to include East Tilbury and this proposed development it will become over subscribed. Currently there are only 3 spare places in year 10, and year 9 is over subscribed by 3 places. Local residents may not be able to get their children into the school, resulting in the need to travel to distant schools. The school is an import aspect of community life, and the inability to get children into the school could cause friction in the community.

*Community Facilities*<sup>177</sup>

245. There is a lack of community facilities in the area, especially village halls. A hall is proposed in the development, but it will be run and managed only by those living in the development. While it is to be made available to all, it could be managed so that it was fully utilised by those in the development, reducing the benefit to the rest of the community. The open space would also be managed by the same group, potentially removing the benefit of the open space from existing local residents.

*DP World and Logistics Park Development [DPWL]*<sup>178</sup>

246. The employment opportunities to be provided by the DPWL development have been used as justification for housing around Stanford-le-Hope. However, estimates for employment opportunities there have been continually revised down. RAID believes the likely figure would be in the region of 12,000. These benefits will not be seen for at least 3/4 years. The intention when this development was considered was that Thurrock would provide a substantial amount of the employment development in the area, with housing being provided elsewhere, ensuring there was no need for release of Green Belt land.

*Howard Tenens Appeal*

247. This was decided in the light of the government's aim for an economic led recovery and job creation. Even in the light of this and other benefits the development was refused, largely because of the adverse impact on the Green Belt, which was in fact also previously developed land.

*Localism Bill*<sup>179</sup>

248. This is expected to get Royal Assent in November and is a material consideration. The local residents have taken an active part in the development plan process so they have an expectation that the outcome

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<sup>176</sup> RAD1 – page 16, paragraph 7.1

<sup>177</sup> RAD1 – page 17, paragraph 7.2

<sup>178</sup> RAD1 – page 18, paragraph 8.1

<sup>179</sup> RAD1 – page 20, paragraph 10.1

would be adhered to. If it is not it would have a devastating effect and could lead to apathy in the future.

### **Written Representations**

249. Letters and consultation responses to the original application are contained in FILE 1 and FILE 3. There were 167 letters from individuals in relation to the original application. Responses in relation to the inquiry are found in FILE 4. There were 24, including a 102 page petition.
250. The majority of written representations make a similar case to that identified by RAID and the Stanford Forum.
251. Icen Projects make no case in relation to the merits or otherwise of the application site, but having been involved in another call-in inquiry in the area confirm its view that the current shortfall in 5 year housing supply is very serious and there is a pressing need for more housing. It is concerned that Thurrock Council has overestimated identifiable housing supply and pushed its obligation to deliver housing to the longer term.
252. Natural England notes the proximity of the site (0.75km) to Mucking Flats Site of Special Scientific Interest (SSSI), part of the wider Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. Natural England considers that it is imperative that the issue of potential recreational disturbance arising from the incoming residents, who may choose to visit the closest foreshore, is addressed. It is noted that the Environmental Statement<sup>180</sup> considers this matter and aims to deflect visitor pressure from the SSSI. Natural England, having reviewed the Environmental Statement and the extent and quality of alternative green space to be provided (42.73 ha of strategic open space) is satisfied that there will be no likely significant impact on the Thames Estuary and Marshes SPA/Ramsar site, but in coming to this view it was essential that the proposed green space is delivered as stated in the Environmental Statement.

### **Conditions and Obligations**

#### ***Conditions***

253. The Thurrock Thames Gateway Development Corporation's suggested conditions are contained in appendix 5 of the statement of common ground<sup>181</sup> and my recommended conditions are attached as annex A to this report. The following comments refer to the corporation's numbering. The reasons for the conditions are set out in Annex 1.
254. Many of the conditions allow for informal modification and adjustment with the use of terms such as 'unless otherwise agreed in writing with the local planning authority'. If changes are required in relation to conditions, these should be the subject of formal applications to the council, to ensure that

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<sup>180</sup> CD3

<sup>181</sup> CD85

notification of relevant interested parties occurs. The wording of conditions where this has occurred has been amended.

255. Condition 1: I consider that it would be appropriate to use the standard conditions relating to outline planning permissions with a modified time scale. I accept that the 'standard' time scale should be shortened to encourage delivery of that part of the housing within 5 years, as this would form part of the very special circumstances identified and the applicant considered this to be reasonable and achievable.
256. Condition 7 : The applicant questions the need for this condition if the details of the design are to be submitted as one operation as part of the reserved matters application. However, I do not see that the condition would prevent an application in the way envisaged. If that were to occur then the information provided could ensure that it satisfied this condition. However, if the development were to be spread over a long period, which is partially anticipated by the phasing proposed, it is reasonable to ensure that the standard of construction meets the up to date requirements. I therefore consider that the condition should remain unchanged.
257. Condition 21 relating to a travel plan is not considered necessary as the provision of a travel plan coordinator and submission of a travel plan is a requirement of the planning obligation.
258. Condition 31 relates to conservation of potable water. The applicant objects to the condition on the grounds that appropriate 'grey water' systems are not readily available or suitable for the type of development proposed. While I acknowledge that may be the case, this could be simply a matter of collecting some rainwater in a butt for use in the garden and therefore consider it reasonable that the matter should be addressed by this condition.

### ***Planning Obligation***

259. Details of the planning obligation are set out in Section 7 and Appendix 4 of the statement of common ground<sup>182</sup>. Agreed mitigation measures in relation to highway matters are set out in the statement of common ground on highways<sup>183</sup>. A signed and dated obligation is found at INQ4. Section 7 of the statement of common ground sets out the policy basis for the various elements of the obligation.
260. Part 1 of the obligation relates to highway works and travel plan. It requires the developer to undertake provision of schemes and complete highway works in accordance with the scheme, with dedication of relevant parts as a highway, adopted and maintained at public expense. It requires the provision of a travel plan and to manage and monitor its implementation for a period of 5 years from completion, amending the travel plan as necessary to achieve the aim of reduction in private car use. The obligation includes contributions toward road safety, the provision of a school travel plan and

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<sup>182</sup> CD85

<sup>183</sup> CD86 – page 42 paragraph 5.42

travel plan monitoring fee. The developer also agrees not to object to any application for an Order to provide a bridleway across the application site between identified points and to provide and dedicate such a route.

261. Part 2 relates to open space, play equipment, community building, SUDs, biodiversity measures and management plan. Details of these will be submitted to the council for approval and to follow through in relation to the agreed details. The community building will be made available for assembly and leisure purposes by residents of the site, other parts of the administrative area of Thurrock and surrounding areas and by community, voluntary, charitable, social or recreational groups or organisations based or operating in such area or other users serving or benefiting the residents of such area for assembly and leisure purposes.
262. Schedule 2 relates to the provision of affordable housing, requiring compliance with the target tenure mix and at least 35% of the residential units on the development or phase.
263. The obligation also requires the development corporation to use money for purposes identified and to consult with the council in relation to highway works and travel plan.
264. I consider that these elements of the obligation are fairly and proportionately related to the development proposed, comply with the guidance in Circular 05/2006 and meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010.



## **Inspector's Conclusions**

*[In this section the numbers in parentheses [n] refer to the preceding paragraphs.]*

### **Green Belt**

#### *Inappropriate Development*

265. There is agreement that the proposed housing would be inappropriate development in the Green Belt [31, 154]. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight is attached to the harm because of inappropriateness. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### *Openness of the Green Belt*

266. In relation to the proposed housing development, the existing agricultural buildings and golf pro shop, which would be removed, [8, 9], are small. The application site, apart from some trees and perimeter hedges, is very open agricultural land and a golf course. The proposed development of mainly 2 and 2.5 storey units and a community building would add substantial bulk of built form, alien to the countryside and Green Belt and would completely compromise the openness of this part of the Green Belt, causing significant harm to its openness and substantial weight should be attached to this harm. The remainder of the application site would remain open, but the maintenance of the status quo on the remainder of the site does not add or subtract weight in terms of openness.

#### *Visual Amenity and Green Belt Boundary*

267. The application site is on the urban fringe of Stanford-le-Hope, separated from the main area of Stanford-le-Hope by Butts Lane, but it adjoins the housing fronting Oxford Road. The housing development at the site would completely change the character of the land from countryside to urban, which would be harmful to the countryside. However, once constructed the housing development would be seen as an urban extension to and in the context of the adjoining built development of Stanford-le-Hope and would not appear isolated or out of place.
268. Butts Lane has a mixed character where it abuts the application site. The first part near to Oxford Road has an urban character, with residential development on each side. From the start of the application site, Butts Lane retains some urban character until the end of the school, with housing and school buildings on one side of the Lane. The agricultural land to the west and the boundary hedge provide a partial rural character, and the field provides a rural outlook from the existing houses and the Lane. The change of this to urban character would cause some harm in terms of amenity and character and appearance. Beyond the school buildings, Butts Lane has the character and appearance of a rural lane, with hedges close to the road on each side.

269. The siting and layout of the proposed development has been logically arranged, responding not only to the contours of the land [94], but also to the extent of existing development at the edge of Stanford-le-Hope. The extent of the new housing to the west would be generally in line with the extent of existing houses in Oxford Road and the extent to the south would be in line with existing housing to the east, beyond the school playing fields. Thurrock Council considers the logical end at the south to be as indicated by the proposed release of Green Belt land, as shown on Inset Map 5, being just beyond the existing housing on Butts Lane and near the school buildings. While there is some logic to this in terms of development along Butts Lane, in the wider circumstances of housing in Stanford-le-Hope the proposed boundary further south would also be a logical location to end the future Green Belt.
270. I consider that the application site housing would result in a logical location for what would effectively become the new Green Belt edge and the south and western boundaries would be fixed positions, being the extent of the houses and gardens along this edge, and this would be reinforced by the proposed belt of tree planting. I therefore consider that a strong new Green Belt boundary could be established on completion of the development and that it would be well integrated with the current housing in Stanford-le-Hope.
271. The proposal would include significant landscaping that would be finalised in the reserved matters applications. The intention is to retain and reinforce as much as possible of the hedge along Butts Lane, relocating parts of the hedge where works to the road necessitate. There would be a linear landscaping strip along the edge of Butts Lane [99], and a large open space in the middle of the houses (central park), leading into the strategic open space. There would also be a significant tree belt to the west and south of the development [98]. Clearly it would not be possible to mask the large development of houses proposed when viewed from either Butts Lane or from the surrounding countryside, including Buckingham Hill, and as noted above a change in character of the land would be inevitable, but I consider that the proposed landscaping would significantly mitigate the impact and would help to amalgamate it into this urban fringe location, which was identified in the Thurrock Landscape Capacity Study<sup>184</sup> as having low sensitivity to a small urban extension [163].
272. In addition, the character of the strategic open space would be improved by restoring it, using native planting and removing the unnatural features of the golf course [100]. This would considerably improve the natural landscape and countryside on the application site beyond the housing development [252].
273. Materials and design are reserved matters in relation to the outline application and are therefore not for detailed consideration here. However, if the principle of development is accepted at the site, there should be no reason why appropriate materials and design for the proposed buildings

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<sup>184</sup> CD55 – page 37

could not be achieved at the reserved matters stage, providing a sustainable development.

274. St Margaret's of Antioch Church in Stanford-le-Hope is a grade 1 listed building, dating mainly from the 14<sup>th</sup> century, but with some 12<sup>th</sup> and 13<sup>th</sup> century remains. It is an important listed building with its significance and special architectural and historic interest relating to its age, detailing and historical development. The church is a reasonable distance from the application site, so the proposal would have little direct impact on it. However, I consider the setting of the church to be wide, because the tower rises distinctly over the surrounding development in Stanford-le-Hope and can be clearly viewed from the surrounding countryside, particularly from Buckingham Hill. I therefore consider the site would be within its wider setting.
275. However, when viewed from a distance the church is seen mainly in the context of its urban setting of buildings and trees. The proposed development, while extending the edge of Stanford-le-Hope out a little way, would have no material impact on the overall appearance, character or special architectural and historic interest of the church, as the context of buildings and trees, surrounded by countryside would be relatively unchanged in the distant and wider views. I therefore consider that its setting would be preserved.
276. St Clere's Hall is also a listed building [14] and adjacent to the application site. Its immediate curtilage is surrounded by trees and it is well screened from the application site. The land immediately adjacent to it would not be directly affected by the housing proposal. The landscape beyond the building would change from a golf course to strategic open space, but this would have no impact in relation to the listed building. I consider that the special architectural and historic interest of St Clere's Hall and its setting would be preserved.
277. In terms of considering the harm of the development, it is material that part of the site has already been identified in the SCS for residential development at some time in the future. It is only one of the sites identified, and timing and assessment of if and how it should come forward would occur through the Site Specific Allocations Development Plan Document. But as noted under housing supply, given the shortage of supply of land, for the purposes of this decision it must be realistic to expect it to be developed at some stage, and sooner rather than later. Therefore, the harm to the Green Belt and surrounding area in association for the proposed development should be viewed in the context of the harm that the development of the land identified by Inset Map 5 would cause in the future, considerably lessening the overall harm of this proposal in terms of Green Belt, its amenity and the character and appearance of the countryside, and providing considerable benefits in terms of the greenlinks and to some extent open space [96].

## ***Purposes of including land in the Green Belt (PPG 2 Paragraph 1.5)***

### *Unrestricted Sprawl*

278. Currently the Green Belt at the application site does serve the purpose of preventing the edge of Stanford-le-Hope extending into the countryside. The Green Belt designation is serving this purpose by preventing development of the site in an unrestricted way, by requiring the presence of very special circumstances to justify it, but Green Belt designation does not completely prevent development. Nevertheless, the residential development at the site would remove this current purpose that the Green Belt is serving on the housing area of the application site [155]. The provision of the open space and continuation of agricultural use on the remainder of the application site would not conflict with this purpose, but could help reinforce it.

### *Prevention of neighbouring towns from merging*

279. There is a reasonable amount of space between Stanford-le-Hope and Southfields, which is the nearest settlement, being over 1km to the west [157]. The proposal would not make Stanford-le-Hope closer to Southfields, as the proposed housing would be no nearer to Southfields than the existing housing that fronts Oxford Road. The southern edge would be nearer Linford to the south, but this again is a considerable distance away and Buckingham Hill intervenes, preventing any visual link. I do not consider that the proposal would have any significant effect in relation to the merging of towns.

### *Safeguarding the Countryside from Encroachment*

280. The Green Belt designation has to date helped to ensure that the application site has not been unsuitably developed, preventing encroachment of Stanford-le-Hope into the countryside. Clearly this protection would be lost in relation to the residential part of the proposed development and encroachment into what is currently countryside would occur. The provision of the open space on the majority of the application site, which would retain its Green Belt designation, would ensure that the remainder of the site continues to protect the countryside from encroachment and be beneficial.

### *Historic Towns*

281. This is not relevant in relation to the proposal [159].

### *Assisting in urban regeneration*

282. Thurrock Council identifies EEP Policies SS1, SS2, SS3, SS5 and SS7 which encourage development in urban areas and retention of the Green Belt [188]. The SCS also concentrates on regeneration directing development to five major areas. Strategic Spatial Objectives found in the SCS at Table 3 seek to achieve sustainable communities focusing development to urban areas. SCS Policy CSSP1 also directs housing development towards managed urban regeneration and to previously developed land [191]. However, this policy also notes that the council should continue to identify broad locations for release of land in the Green Belt in accordance with SCS

- Policies CSTP1 and CSSP4, to help maintain the 5 year housing supply [125].
283. Restricting development on greenfield sites, which are generally more attractive to develop, will in principle help to encourage development of more difficult Brownfield urban sites. Therefore, allowing development at the application site, which would increase housing supply, may have some effect on the overall demand for housing in the area, potentially making it less attractive to develop urban previously developed sites.
284. However, Thurrock Council acknowledged in evidence at the inquiry that there are no significant urban sites in Stanford-le-Hope and Corringham that would be affected in this way. In addition, the development of the site and delivery of the housing would not exceed the SCS overall target for housing on non-previously developed land during the overall plan period, identified in the SCS [161], so in this respect it would not ultimately significantly compromise the outcome of the SCS Examination although it would reduce options when considering the Site Specific Allocations Development Plan Document. In addition, the current 5 year delivery of housing is so far below what is expected, even as anticipated by Thurrock Council in the SCS Housing Trajectory, that there will still be a very substantial need for more housing, in addition to that provided at the application site, that could still be directed to previously developed land and urban sites.
285. I accept that there needs to be a balance of releases and that developers will be likely to look for greenfield development in preference to more difficult urban sites [207-208]. This is a matter of judgement of economic conditions. There is no doubt of the continued need for dwellings, or that demand has been low since the economic downturn. It is my view that it should be anticipated that demand will increase in the next few years, and therefore planning for growth anticipated by Thurrock Housing Trajectory should be planned for.
286. Thurrock Thames Gateway Development Corporation's view is that reliance on urban development of complex brownfield sites has in part contributed to the poor housing delivery in relation to the 5 year housing requirement [161]. I consider that release and early delivery of housing of the application site could help with momentum and help meet the substantial current need for more development in the area. Given the extensive need generally it would be unlikely to considerably compromise the need for urban regeneration elsewhere in the borough at the current time. It would accord with the aims and objectives of PPS3 and the SCS to release sites in order to manage and maintain the 5 year housing supply, but would rely on early delivery.

***Use of land in Green Belts (Planning Policy Guidance Note 2 – Green Belts Paragraph 1.6)***

*Opportunities for access to the open countryside for the urban population.*

287. I consider the need for the open space provision and greengrid strategy in greater detail below. However, while there is some argument related to the

need for the Strategic Open Space, it clearly will open up a very large area of land to the public for leisure and recreational purposes and would be accessible, not only from the proposed dwellings, but also from existing dwellings across Butts Lane and those close to Oxford Road. In addition, it would serve the purposes of the Greengrid strategy, linking more distant routes and access for people further afield.

#### *Opportunities for outdoor sports and recreation*

288. The application site would not offer opportunities for outdoor sport and the existing use for a golf course would be lost. The study undertaken by the developer indicates that there is a reasonable supply of golf courses in the area and that the loss of this golf course would not cause difficulties in relation to outdoor sporting opportunities [84,103,153]. This conclusion was supported by Sport England. A member of the golf club identified at the inquiry the benefit of having a local facility and also that the decline in club membership had occurred, particularly more recently, because of the uncertainty surrounding the course and proposed development. However, even taking this into consideration, I consider that only limited weight should be attached to the loss of this facility, given the availability of provision elsewhere.
289. In addition, whether or not Thurrock Council policies identify a need for the open space, the proposal will enable recreational use of the land by the general public creating a significant opportunity for outdoor recreation.

#### **Housing Supply**

290. It is well accepted that there is a general need for new housing, with supply having been poor over the last few years. Evidence presented [48-51] indicates a considerable need locally. Even Thurrock Council's calculations show a need for about 13,000 dwellings between 2011 and 2026 and Thurrock Council accepts the overall rate of housing supply should be in accordance with the EEP.
291. Extensive detailed evidence has been presented in relation to housing supply and the ability of the SCS to meet the level of supply identified. Much of the detail seems to me to be more appropriate to assessing whether the SCS is sound or not. Clearly, it is not the role of this planning decision or report to pre-empt the findings of the Examination that has taken place, and which will have considered the necessarily much wider extent of evidence in coming to a conclusion on the soundness of the SCS. Therefore, my conclusions only take account of the level of detail relevant to reaching a recommendation in relation to this application.
292. While there is some doubt now over the future of the EEP, the housing supply figures identified by it have not been changed for the SCS, and were the EEP to be withdrawn there is no suggestion at this stage that the housing supply figures would be altered. I therefore consider that considerable weight can be attached to the housing supply requirements set out in the EEP (INQ19 Section 5 page 30) and SCS i.e. the provision of a minimum of about 18,500 homes between 2001 and 2021 [42, 50, 190]. In terms of housing supply, I consider that little weight should be given to the

local plan as this is now old and essentially intended to serve up until about 2001 [44].

293. There is no argument between the parties that where a shortfall in delivery of housing is anticipated that a managed approach to increasing supply is required. However, there is disagreement between the applicant and Thurrock Council on the way the annual housing requirement should be calculated and what management is required. The applicant believes the approach consistently taken elsewhere is to annualise the figures by dividing the number of houses required by the number of years for supply, giving the required annual supply. Any under/oversupply from a previous year is then adjusted in the next year. It is common ground that if annualised figures were used the 5 year housing supply would not be achieved [202]. The Statement of Common Ground between Thurrock Thames Gateway Development Corporation and Thurrock Council [29] in relation to the SCS concluded that the 5-year land supply is between 3 years (RS residual) and 3.3 years (15 years supply) [54].
294. Thurrock Council does not consider under current economic circumstances that the annualised method of calculation is the most sensible approach but, in accordance with PPS3 paragraph 61, the managed approach to housing supply required is to take account of the current exceptional situation created by the economic downturn and market conditions in the rate of delivery [196, 197, 198]. I have some sympathy for this approach. It seems to me that currently we do have exceptional circumstances and to expect housing delivery, which is essentially market led and mortgage funded, to continue at a consistent rate would be overly optimistic.
295. Barratt Homes chairman in the annual report, clearly identifies that the current problem of housing supply is not related to land supply, but mainly to the availability of mortgage finance and notes the company's current approach of limiting supply to enhance demand and income [207]. The applicant notes that Barratt Eastern Counties have been delivering housing on a number of sites in the region since 2008 [76]. Thurrock Council notes that available housing land has not dried-up during the downturn; there have been sites available for development, but these have not been taken up or delivered by developers [206].
296. The applicant also identified in answers to questions at the inquiry that plainly the company is a commercial operation and cannot afford to develop sites at a loss. Therefore, where sites have permission from the past with an option negotiated prior to the downturn, it would be unlikely to be commercially viable to go ahead with that scheme now. Thurrock Council also indicated that it had had to negotiate on the provision of affordable housing on other sites with permission, because the viability of the permitted developments had changed with the economic situation.
297. The acceptability of Thurrock Council's approach to managing housing supply is a matter for the SCS Examination, but for the purpose of this decision I accept it as presented in the Housing Trajectory of the Annual Monitoring Report 2010 page 24 (CD46). The basic strategy is to manage the supply by having a reduced requirement in the early years when

demand is low, but with increased supply requirements later in the period when the economic situation should have improved.

298. However, while accepting this as the approach for housing supply over the plan period, it is clear that, even with the reduced requirements of this managed approach, the targets for the next 5 year period will not nearly be achieved. The Council's AMR gives a figure of 4,612 dwellings in the 5 years, but Thurrock Council acknowledges that the likely outcome now is only 3,720 deliverable dwellings, a substantial shortfall (INQ11). However, on a positive note it was reported to the inquiry that the supply for 2010/11 anticipated to be 292 units has almost been achieved, with completion of 290 units. Notwithstanding this, the overall undersupply will not only have an adverse effect on short term housing supply, but the further transfer of the shortfall in the early years to later years will substantially increase the target requirements for the later years, beyond that shown in the current trajectory.
299. This needs to be viewed in relation to housing completions for housing supply in the past, including before the economic downturn. From 2001 to 2008 the annualised completion rate of housing is about 689 dwellings, which against an annual supply target of between 925 and 950 dwellings is still a considerable shortfall at a time when the economy was buoyant [12]. The supply of housing in the later years of the plan, using the managed approach of the Housing Trajectory, is likely to be under significant pressure because of the way it is back-loaded and this will become a substantially more difficult target to meet, if the early years of the managed approach do not reach their targets. The historical rates of delivery do not give any confidence that the subsequent rates of required delivery, increased by the now anticipated early years shortfall, would be achieved.
300. PPS 3 paragraph 57 requires land in the 5 year supply period to be managed to ensure a continuous supply. Where there is less than a five year supply of deliverable sites, PPS3 notes that authorities should consider favourably planning applications for housing, having regard to the policies in PPS 3. It gives an example where performance is between 10% and 20% less than anticipated, there may be a need for specific management action [24]. The lack of deliverable supply here is close to the lower end of this figure and that is in relation to the managed Housing Trajectory that has already taken into consideration the economic situation by back-loading delivery. The East of England Plan at paragraph 5.4 notes that local planning authorities should plan for upward projections seeking to first achieve the annual average development rates as soon as possible.
301. SCS Policy CSSP1 also promotes the plan, monitor and manage approach and identifies that action should be taken where the supply would not be met, including identifying land on Green Belt sites where it is required to maintain a 5 year rolling housing land supply. Thurrock Council is reviewing the housing supply and is currently undertaking a call for sites in relation to the Site Specific Allocations Development Plan Document (CD45). It is also considering release of sites in its control, at no profit, to appropriate social housing developers to ensure some house building is brought forward. However, even assuming a smooth passage for the SCS and this document



it is unlikely to be finalised until at least 2013 [26] and there was no evidence to indicate what the timescale would be in bringing forward Thurrock Council's own land for development.

302. The applicant also contests the figures of the council, considering the shortfall in housing land supply to be even greater [54]. In addition, the applicant refers to the draft National Planning Policy Framework, which intends to extend the 5 year period to 6 years for identification of deliverable housing land [37]. However, at this stage I attach limited weight to the draft National Planning Policy Framework as it is only at consultation stage.
303. It is my view, even putting aside the applicant's view on supply and the draft National Planning Policy Framework, that under-achievement of the accepted housing land supply against the planned Housing Trajectory is now clearly a situation where management action is urgently required in order to meet current housing land delivery requirements and to ensure that later years do not become unacceptably loaded by the now projected shortfalls against the target. This matter contributes significantly towards very special circumstances in relation to development in the Green Belt.

#### ***Bringing Sites Forward Outside of the Development Plan Documents***

304. Thurrock Council notes that a main purpose of EEP Policies is to direct development towards urban centres and previously developed land, noting Policies SS1, SS2, SS3, and SS5 and that the broad extent of the Green Belt should be retained [188]. The SCS concentrates the regeneration of Thurrock to five areas and does not include Stanford-le-Hope [190]. It notes that SCS Policy SS01 seeks to achieve sustainable communities focusing development in urban areas. Policy SS011 seeks to sustain and enhance the open character of the Green Belt and SCS Policy CSSP1 to managed regeneration and renewal on previously developed land. Thurrock Council says the proposal would harm the objectives in both the EEP and SCS of urban renewal and retention of the Green Belt. While accepting that some Green Belt release is likely to be required, it should be in a managed way through the SCS and Site Specific Allocations Development Plan Document [206-208].
305. However, while I accept that would be the best approach, the method for management, as noted above, through the SCS and Site Specific Allocations Development Plan Documents is not in place and will not be for some time. In these circumstances the East of England Plan, at paragraph 5.4, notes that it is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while development plan documents, which give effect to the plan, are put in place. With the Site Specific Allocation Development Plan Document not expected until 2013 [135], this is a situation where the delay should not be a constraint. SCS Policy CSTP1 Part 1 (iv) notes that the Council and partners will actively seek to increase the supply of deliverable housing sites where it appears that the five year housing supply will not meet the required dwelling provision.

306. SCS Policy CSSP1, while emphasising managed growth and regeneration and use of previously developed land, also acknowledges that there will be a need for some greenfield release that will be well integrated with existing neighbourhoods in Thurrock. The application site would be reasonably integrated as noted in relation to character and appearance. It notes the intention to have 92% of development on previously developed land. If all the Green Belt sites identified for development in the SCS were developed it would give rise to about 9% of new development outside previously developed land, exceeding the 92% target. The additional development on Green Belt at the application site would add about 1.4% to this [123].
307. SCS Policy CSSP1 notes that development will only be permitted on greenfield and Green Belt land where it is specifically allocated and where required to maintain the 5 year land supply. The two sites meeting these criteria at Bata Fields and Aveley By-pass are already included in the five year housing supply calculations. Therefore, as noted above, the second part of the criteria relating to the need to maintain the five year housing supply is relevant. SCS Policy CSSP1, Part 1 (iii) notes that 'the Council has and **will continue to** (my emphasis) identify broadly defined locations for the release of land within the Green Belt in accordance with SCS Policies CSTP1 and CSSP4'. Identification of further Green Belt sites is potentially anticipated in a situation where the housing land supply is not being delivered. Therefore, release of further, as yet unidentified, Green Belt land, is not ruled out by SCS policies, albeit that it would be best to be done through a current Development Plan Document if it were available. In addition, PPS 3 requires a flexible and responsive approach to housing supply.
308. The time scale for land supply was also considered at the recent Bata Fields Inquiry, where it was accepted that the ideal situation would be for identification of Green Belt land releases through Development Plan Documents, but concluded in the circumstances that there was no current reliable information for this to occur [125]. It is also clear that release of the application site for development would not mean that subsequent targets for use of non-previously developed land, as set out in SCS Policy CSSP1 Part 2, would be breached [129].
309. Two broad locations for housing on Green Belt land have been identified in Stanford-le-Hope and Corringham. One of these is identified on Inset Map 5 [8] and forms the northern part of the proposed housing on the application site. I accept that the Site Specific Allocations Development Plan Document would want to consider timing of release, and it potentially could decide a later release would be more appropriate. However, given the substantial shortfall in the current 5 year supply it is hard to see how it would not be concluded that at least early release of the Inset Map 5 land is required, if it were being actively considered at present.

### **Affordable Housing**

310. EEP Policy H2 notes that affordable housing should be delivered with a regional expectation of 35% of housing being affordable. Local Plan Policy H5 requires an appropriate level of affordable housing, with no specific

number identified, although accompanying text indicates a provision of at least 20%. The SCS Policy CSTP2 seeks 35% of affordable housing.

311. There is no argument that there is a substantial shortfall in the delivery of affordable houses. The Housing Needs Survey of 2004 noted a need for 204 affordable houses per annum, but between 2003 and 2010 only 358 have been delivered (51 per year) [177]. Thurrock Council argues that this should not constitute nor contribute to very special circumstances [213]. Thurrock Council cites the Bata Fields and Ardale School appeal findings [213]. It also refers to PPS 3 and SCS Policy CSTP2 that note affordable housing is something to be achieved only if viable, so under-provision against a need should not be used to justify market housing.
312. Thurrock Thames Gateway Development Corporation notes the substantial need for affordable housing [174-178] and considers this to be a very special circumstance, also referring to the Bata Field Inquiry. At Bata Field, the inspector concluded there was a demonstrable shortfall in affordable housing completions which, measured against need, weighs substantially in favour of allowing the scheme. In the Ardale School Appeal the inspector found the housing land supply situation and affordable housing of material significance. He noted the availability of deliverable affordable housing was an undeniable benefit. It is not the case that it was found this could not be a material consideration that amounted to very special circumstances, but in the Ardale School case the harm to the Green Belt and other harm was not outweighed by the benefits identified.
313. Thurrock Council and Thurrock Thames Gateway Development Corporation acknowledged that it is currently difficult to deliver affordable housing, even on sites where provision has been agreed. It was noted at the inquiry that developers are requesting that agreed numbers of affordable houses are reduced in order to make development of those sites viable [215].
314. I accept that the provision of 35% affordable housing is sought in the SCS, and to some extent complying with what is required might not be considered as an 'additional benefit' in terms of material considerations. However, given the current economic circumstances and the difficulty in achieving a lesser provision in the past, I consider that in this situation, providing 35% affordable housing during the current economic situation should be considered as a beneficial material consideration.
315. At the application site Barratt Homes will be able to meet the 35% provision of affordable housing and confirmed that it is deliverable, with an obligation completed to that effect. I consider that the past shortfall in affordable housing provision and the ability of this site to provide a substantial amount of affordable houses in accordance with requirements of the SCS in the next five years is a substantial material consideration.

### ***Strategic Open Space and Greengrid, Sports and Recreation***

316. The Community Needs and Open Space Strategy identifies a need for sports and recreation facilities through SCS Policies CSTP9 and PMD5 [185]. The requirement for 1.09 ha for sport would not be accommodated on site, but suitable provision is made through a financial contribution in the completed

obligation. Other open space needs set out in SCS Policy PMD5 would clearly be met by the open space provided by the scheme, including the central park. The main issue in relation to this is whether the Strategic Open Space and contribution it would make in terms of the Greengrid Strategy should be a material consideration with regard to demonstrating very special circumstances, as put forward by the applicant.

317. Neither Thurrock Council nor Thurrock Thames Gateway Development Corporation consider that policies directly identify a need for the strategic open space provided, but Thurrock Thames Gateway Development Corporation consider that the contribution the routes through the site would make to the Greengrid is a benefit and material consideration.
318. The Department for Environment, Food and Rural Affairs document 'Creating Sustainable Communities: Greening the Gateway – A greenspace strategy for Thames Gateway (2004)' recognised the need for greenspace as an important part of regeneration and development of the area. It notes that all open space is important, serving different needs, and that it would be privately as well as publicly owned, delivering wide ranging benefits. The strategy was identified to be delivered through the development plan system and local plan partnership regeneration frameworks (CD70 and CD71).
319. Around 2005/6 a partnership of various bodies, including Thames Gateway South Essex Partnership and Thurrock Council produced 'Thames Gateway South Essex – Greengrid Strategy'. While the proposals in this are generally relatively diagrammatic, the strategic framework and guidance in section 4, Fig 26 identifies the Greengrid passing close to or through the application site, with strategic parks identified at Corys Country Park (now the Thurrock Thameside Nature Park) and the Bluehouse Country Park, which covers some of the application site. However, under guidance it states 'Develop disused mineral workings as parks as and when land becomes available in strategic locations identified: Cory and Bluehouse Country Parks' [224].
320. While the applicant considers this would not be suitable for a country park, because of the steep gradients and stability issues [106], given the identification of 'mineral workings', it seems to me that while the application site is partly covered by the location for a park on the map, the intention was to make use of the gravel pit adjacent to the golf course, as and when it became available.
321. The Green Infrastructure Plan for Thurrock 2006-2011 – Thurrock Greengrid Strategy, continues to identify the Cory and Bluehouse country parks (CD49/5 Fig 4.8). East/west and north/south routes of the Greengrid are shown passing through parts of the application site (CD49/50 fig 4.14). This document notes that country parks within Thurrock have also been identified in addition to the Open Space categories, although they did not form part of the Open Space Strategy (CD51). Thurrock Greengrid Strategy 2006-2011 – Creating a sustainable network of multi-functional greenspaces and links within Thurrock's towns and countryside' also identifies the Corys and Bluehouse parks and Greengrid.

322. Thurrock Council says there is no need for the proposed Strategic Open Space so close to the Thurrock Thameside Nature Park. However, the above documents show that there has been an intention to have two parks for a long time. Even if only the gravel pit next to the golf club were what was intended to be used, it would be even closer to the Thurrock Thameside Nature Park. My instinct is that the original intention was to find a use for the waste site at Cory and the gravel pit next to Bluehouse Farm as first identified. Given the proximity of The Thurrock Thameside Nature Park it does not seem necessary to have another country park and it would be hard to justify it on the basis of need alone.
323. Policy CSSP4 notes that proposals that would result in coalescence would be resisted, but also requires the opportunity for greater public access and biodiversity to be sought. The proposal would not cause coalescence and would overall result in greater public access and improved biodiversity [69].
324. The appellant notes that the Thurrock Thameside Nature Park would have a different purpose to that of the open space. While enabling access to the public its main purpose is nature conservation and education and it would not meet the needs of a multi-functional greenspace [109]. It is also noted in the Thames Gateway Greengrid Strategy – South Essex that the application site and land to the south and west of the application site does not fall into the catchment area of either a metropolitan or district park. None of Stanford-le-Hope is in the catchment of a district park and it notes this as a deficiency.
325. Natural England has concerns about the development [252] in relation to Mucking Flats, which is only about 0.75km from the application site and is a Site of Special Scientific Interest, and part of the wider Thames Estuary and Marshes Special Protection Area and Ramsar Site. It concludes that it is essential to have the strategic open space at the application site to deflect visitor pressure and residents away from the Thames Estuary and Marshes.
326. One of the findings in relation to the Thurrock Council Community Needs and Open Spaces Study (CD48) is that Country Parks are positively regarded, but tend to exclude those people who have no independent transport. It notes that Stanford-le-Hope and Corringham are not well provided for, but that was in 2005 and not with the Thurrock Thameside Nature Park. While the Thurrock Thameside Nature Park will be reasonably close to Stanford-le-Hope, the application site being at the very edge of Stanford-le-Hope and on the footpath network would provide good access.
327. There is little evidence to suggest that the 'Bluehouse' gravel pit workings would cease in the near future, but that there is a likelihood of them continuing for some time. However, if the gravel pit were to become available, as it is next to the application site, there is no evidence to suggest that it could not be used for the purposes first identified in the greengrid strategies, along side the application site if found to be appropriate.
328. The Thurrock Council Community Needs and Open Spaces Strategy does not identify a specific need for the proposed strategic open space, but it does identify a shortfall in parks and gardens. So, while the proposal does neither

fully fit the description of a park and garden nor fully the description of a country park, it would serve some of their purposes and have some limited benefit in terms of need, in relation to the identified shortfall in parks and gardens. It would also support SCS Policy CSSP4 2(ii), which indicates the council's support for improving connectivity between Thurrock's urban areas and the Green Belt [69].

329. More importantly, I consider that the arrangement of the various routes through the Strategic Open Space, including the bridle way, would have substantial benefits in relation to achieving/improving the Greengrid. This is not only because of the provision of the routes through the site, linking up a number of existing footpaths and enabling use of the network with considerably less need to use busy local roads, but also because the use of the routes would be greatly enhanced by the presence of the open space provided. The open space would also have considerable benefits in deflecting visitors away from the Thames Estuary and Marshes, relieving pressure on important sites, which Natural England considers to be important.
330. To my mind, the Strategic Open Space is a substantial benefit that is associated with the development of the current application site. Should the development of the Inset Map 5 land progress through the Site Specific Allocations Development Plan Document in isolation from the remainder of the application site, which I consider is likely sooner rather than later given the housing supply situation, the benefits of the strategic open space would most likely be lost. I conclude that the provision of the strategic open space (over and above that which would need to be provided in relation to policies) is a significant material consideration, contributing towards very special circumstances.

## **Other Matters**

### ***Sustainable Development***

331. The application site is on greenfield land, so in terms of land use is not as sustainable as development on previously developed land. However, in terms of location, it is close to the edge of Stanford-le-Hope, which has good services and facilities in walking and cycling distance of the proposed houses [146], and the site would be connected into local networks. In addition, it would encourage more sustainable use of transport through the Transport Plans proposed for the school and proposed housing. Design of the houses is not to be considered at this stage, but there is no reason why appropriate energy efficient houses should not be achieved in association with proposed conditions.

### **Highways**

332. RAID and the Stanford Forum and many interested parties are concerned about the impact the development would have on traffic in Butts Lane and on surrounding roads, particularly at peak times when associated with queuing traffic at level crossings and arrival and departure times at St Clere's School, opposite the application site. They would prefer to see the main access to the site taken away from Butts Lane, but this is not an

acceptable solution to the Highway Authority. RAID and other residents are particularly concerned that the number of cars identified in the applicant's survey of queuing at the level crossing is not representative of what actually occurs. The Transport Assessment is at CD10 and refers to queues in excess of between 13 and 18 vehicles at the level crossing<sup>185</sup> and at the inquiry it was acknowledged that queues would have been longer than this. Interested parties refer to queues regularly of 60 cars and sometimes when delays occur on the railway, it can be up to 100 cars.

333. However, while I accept that increased traffic flows will be a result of the development, the number of cars added over the course of the day and at peak times, relative to the large number of cars queuing at the crossing, would only make a small difference. Clearly the cars from this development will increase traffic flows and that is acknowledged in the transport assessment. In my view, the mitigation measures, such as improving the lanes at the Butts Road junction and having queue detection loops, will help to manage flows, ensuring that there would be no significant impact from the development and possibly some additional benefit. These matters would be covered by the submitted obligation.
334. Similarly it is acknowledged that there could be potential impact in relation to school arrival and leaving times. To help alleviate problems, funding for on-site staff parking places is proposed, leaving the drop off points for buses and parents free for use, and to fund a travel plan for the school to encourage use of alternative means of transport. Again this aspect would be covered by the obligation submitted.
335. The increase in vehicle movements from the site would also have some effect on the road system in the wider area. While these effects are not sufficient to justify the proposal to fully fund required alterations to appropriate junctions, it is reasonable that some contribution is made towards them. The effect on the surrounding area has been identified by the transport assessment and recognised by Thurrock Thames Gateway Development Corporation [140-143] and appropriate mitigation measures agreed with Thurrock Council Highways. I consider that, with the proposed mitigation required by conditions and the obligation, the proposal would not have an unacceptable effect in relation to the surrounding highway network.

#### *Education and St Clere's School*

336. RAID and a number of interested parties are concerned that the school would not be able to accommodate the children that would come to live in the new houses and, in particular, they could displace children already in the area, and perhaps prevent siblings attending the same school [244]. Advice was sought through the asset development advisor by Thurrock Thames Gateway Development Corporation. While it is noted that the development is in the catchment of St Clere's School and Stanford-le-Hope Primary School, it was observed that the primary school is not full, nor are other schools in a 2 mile radius. It was noted that St Clere's School is currently over-subscribed, but because of the revision of forecasted

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<sup>185</sup> CD10 – page 66, paragraph 6.81

numbers for the area, an educational contribution for expansion because of the proposed development, would not be sought, now or in the future (File 1 appendix 16). I therefore do not consider that problems with enrolment to St Clere's School should be anticipated in the future.

337. RAID complain that if the development is permitted it would override all the results on consultation that has occurred in relation to production of the Local Development Framework and identification of sites for development, which did not identify the whole of the application site [248]. In its and other residents' views this does not accord well with the principles of localism promoted by the Government. While I sympathise to some extent with this, as noted above, there are good reasons why more land for the five year housing supply is likely to be needed to be identified, and it is not unreasonable that development at the application site should be considered in terms of making up the shortfall. In addition, the current process has enabled interested parties to put forward their views on the development and these have been taken into consideration.

#### *Amenity of neighbours [240]*

338. The proposed main access to the development would be opposite Nos 53 and 55 Butts Lane. The owners and RAID are concerned that headlights from vehicles would cause an unacceptable nuisance to the occupiers. While I acknowledge there is some risk of headlight beams projecting to these houses, any harmful effect of them would be mitigated by boundary features and curtains within rooms, which are a normal feature and expected to be drawn at night, when car headlights would be on. In my opinion, there would not be a significant harmful impact on these neighbouring occupiers caused by car headlights.

#### *Surface Water Drainage*

339. Residents have made reference to existing surface water drainage problems and consequent flooding. I accept that there are limitations in relation to the existing surface water drainage system, and that controlled surface water flows from the development into the existing drains will be necessary. On site storage arrangements are proposed and the Environment Agency and Anglian Water consider that the information submitted indicates that an acceptable surface water drainage system can be achieved and raise no objection on flood risk grounds, subject to conditions and obligations.

#### *Foul Drainage [243]*

340. Residents' concerns about the ability of the foul drainage system are confirmed by consultations with Anglian Water, which notes that there would be an unacceptable risk of flooding downstream without appropriate mitigation. The problem is not at Tilbury Sewage Treatment Works, which has adequate spare capacity, but with the sewerage system near to the application site. Anglian Water recommend an appropriate condition to ensure suitable arrangements are made, and the Environment Agency recommends that development is not commenced until adequate capacity has been provided. The applicant's suggested solution is to connect the



sewerage outflow from the site to the existing system further away from the application site, by-passing the problem area.

341. I consider that there would be methods of overcoming this problem, but in relation to the suggested condition it should be more strongly worded than proposed in the statement of common ground, preventing development commencing until the design for the foul drainage has been submitted to and approved in writing by the planning authority and that no building should be occupied until the approved system has been constructed.

### *Community Facilities*

342. RAID notes the lack of village halls in the area [245] and therefore in principle the proposed hall should be welcome and a positive consideration. Their concern relates to the way that it would be run and managed by those living in the new development. While it is noted that it should be made available for all, RAID considers that it could be managed in a way that it is fully utilised by those in the new housing, leaving little ability for existing residents to use it.
343. The obligation requires that the community building is made available as a community centre for assembly and leisure purposes by residents of the site, other parts of the administrative area of Thurrock and surrounding areas and by community, voluntary, charitable, social or recreational groups or organisations based or operating in such area or other users serving or benefiting the residents of such areas for assembly and leisure purposes. A requirement is that a management plan is submitted to the planning authority for approval. I am satisfied the community building would provide a service to all those in the area and this could be ensured through the obligation.

### **Conclusion and very special circumstances**

344. Development of part of the application site at this time for housing is not consistent with the Local Plan, East of England Plan or the SCS, as the site is in the Green Belt and not currently identified for development. However, it could accord with Green Belt policy if there were found to be very special circumstances as identified by PPG2. It will cause substantial harm in terms of being inappropriate development, cause substantial harm to openness and considerable harm to the visual amenity of the countryside, changing its character and appearance from countryside to urban. I have accepted, because the application site is on the urban fringe, that once developed it would appear as an extension of Stanford-le-Hope.
345. I accept that the new Green Belt boundary would be logical in relation to the other parts of Stanford-le-Hope and would be readily defensible, but I do not consider this to be a 'positive' benefit that should add weight in terms of very special circumstances.
346. Policies in the East of England Plan and the SCS follow the general approach of Planning Policy Statement 3 – Housing, looking for a plan, monitor and manage approach to housing land supply. In furtherance of this the SCS has identified the Inset Map 5 area of the application site for possible future development. The intention is that the Site Specific Allocations Development

Plan Document would decide on which sites identified should be brought forward and when, enabling releases of Green Belt to be coordinated with take-up and development of previously developed land sites. The loss of the ability to coordinate this balance by early release of Green Belt land would cause harm.

347. However, given the severe shortage of housing in the identified 5 year housing land supply, I consider that it is likely that some Green Belt land would be brought forward at an early stage, so development of the Inset Map 5 area of the site now would only be likely to mean it is developed earlier rather than not at all, so I consider that this reduces the weight to be given to the harm of development of the Inset Map 5 land, in terms of the Green Belt, amenity, character and appearance .
348. The Inspector's view in relation to the SCS Examination is yet to be published. In principle, the approach of Thurrock Council in relation to responding to the current economic situation does not appear to be unreasonable. However, even with the proposed back loading to counter the economic situation, it is clear that the 5 year housing land supply in the current Housing Trajectory will not be achieved by a considerable margin, requiring even more back loading.
349. When the extent of housing that would be required towards the end of the period is considered against what has been achieved in the past 'buoyant' times, it would appear that a very difficult task would be set for the later years of the Trajectory. In these circumstances the plan, monitor and manage approach requires that consideration should be given to bringing deliverable sites forward. This is promoted not only by Planning Policy Statement 3, but by the East of England Plan and the SCS.
350. Therefore, bringing the site forward for development is not against the principles and aims of the East of England Plan or the SCS. However, the mechanism, particularly the Site Specific Allocations Development Plan Document, would be by-passed. I accept that this does mean that a fully managed approach would not be achieved, in that other sites that might be developed first are not able to be assessed. However the East of England Plan also notes that development should not be put on hold waiting for the appropriate planning documents to be produced. This is such a case.
351. There is a substantial need for deliverable housing, part of the site has been identified in the SCS process and to bring forward development on that part would not be against the aims and objectives of the development plan or the emerging development plan, just not accord with the process envisaged.
352. The provision of 35% affordable housing in the current economic climate is clearly a substantial benefit. Very little affordable housing is being achieved on other sites and even where it was previously agreed, the level of provision is being reduced. Normally I would not consider delivery of affordable housing in line with policy requirements to be a 'positive' benefit and therefore would not contribute to very special circumstances, but in the current economic climate if the affordable housing were to be delivered

soon, at that rate proposed, it would be a substantial material consideration contributing towards very special circumstances.

353. The provision of the Strategic Open Space may not fully accord with meeting a specific deficit identified in Thurrock Council's policies, but it does enable good connections associated with the identified location for the greengrid. The Strategic Open Space also provides a positive environment for the greengrid and an excellent opportunity for providing public access to open countryside for the population of Stanford-le-Hope, an identified aspect to be considered for Green Belt land under paragraph 1.6 of PPG 2. The land would also be improved, benefiting the countryside. While some of the application site would be retained in agricultural use, this is not a specific 'benefit' that adds positively towards very special circumstances. However, overall, I consider the Strategic Open Space, enhancement to the land and contribution towards the greengrid to be a significant benefit of the proposal, contributing substantial weight towards very special circumstances.
354. Overall, assuming that the provision of the houses would come forward in the short term as proposed, along with the affordable housing, I conclude that the accumulation of the benefits of the scheme would amount to material considerations that would together be very special circumstances that outweigh the harm to the Green Belt and other harm identified. This is a balanced decision as to some extent much of the special circumstances rely on a large proportion of the development being completed in the time scale put forward.
355. The adjustment of the standard timing conditions means that the reserved matters would have to be agreed quickly and an early start made, so by this stage the developer would have made a substantial commitment to the project, through design and applications, which should be taken into consideration. However, it should also be noted that not much on-site work has to be completed to demonstrate commencement of a planning permission, enabling the permission to be maintained into the future without completion of the houses. If construction occurred at a much later stage than envisaged, economic circumstances may not be the same and the very special circumstances may not have the same weight and this is a matter for the Secretary of State to consider.
356. Notwithstanding that there can be no certainty of early development, given the weight in relation to the need for housing (including affordable housing), the fact that part of the site has already been identified as having development potential and that bringing sites forward early is not against the principles of the EEP or SCS, I consider that these, and other benefits identified, amount to very special circumstances sufficient to outweigh the harm by reason of inappropriateness, and any other harm, and recommend that the application be approved. I include as Annex A conditions that I recommend be imposed and which I consider are necessary to achieve a satisfactory standard of development.

## **Recommendation**

357. I recommend that the application be approved subject to conditions.

*Graham Dudley*

Inspector

## **APPEARANCES**

### **FOR BARRATT HOMES:**

Mr M Lowe	QC, Instructed by Mr M D Hull
He called	
Ms M Bolger CMLI, Dip LA, BA Hons LA, PGCE, BA Hons Eng	Liz Lake Associates, Chartered Landscape Architects
Mr M D Hull BA, MA, MRTPI	Director of Kember Loudon Williams LLP, Planning and Environmental Consultants
Mr M Last	Highway consultant

### **FOR THURROCK COUNCIL:**

Mr J Pereira,	Of Counsel, instructed by Miss Tasnim, Head of Legal Services
He called	
Mr P Clark BSc Environmental Planning, MRTPI	Principal Planning Officer, Strategic Planning Team, Thurrock Thames Gateway Development Corporation

### **FOR THURROCK THAMES GATEWAY DEVELOPMENT CORPORATION**

Mr P Shadarevian	Of Counsel, Instructed by Mr D Moseley
He called	
Mr D Moseley MA Hons DMS MRTPI	Planning Development Officer, Thurrock Thames Gateway Development Corporation

### **FOR RESIDENTS AGAINST INAPPROPRIATE DEVELOPMENT & STANFORD FORUM (RAID)**

Mr T Piccolo  
    He called  
    Mr T Piccolo

### **INTERESTED PARTIES:**

Cllr Shane Hebb	Local Councillor, Stanford-le-Hope West
Mr C W Hurst	Local resident
Mr K Osborne	Chair of St Clere's Golf Club
Mr D Figes	Local resident
Mrs E Ross	Local resident

## CORE DOCUMENTS

### Documents 1 to 20 submitted with the planning application

Document	CD1	Application Forms and Certificates
	CD2	Planning Statement (Kember Loudon Williams, October 2010)
	CD3	Environmental Statement (Kember Loudon Williams, October 2010)
	CD4	Non-technical Summary for Environmental Statement (Kember Loudon Williams, October 2010)
	CD5	Design and Access Statement (Rummey Design, October 2010)
	CD6	Statement of Community Involvement (Hard Hat, October 2010)
	CD7	Sustainability Statement (Daedalus)
	CD8	Flood Risk and Drainage Assessment (Ardent, October 2010)
	CD9	Services Statement (Ardent, October 2010)
	CD10	Transport Statement (Ardent, October 2010)
	CD11	Framework Residential Travel Plan (Ardent, October 2010)
	CD12	Arboricultural Impact Assessment (Tim Moya Associates, Oct 2010)
	CD13	Safer Routes to School Assessment (Ardent, September 2010)
	CD14	Public Rights of Way Assessment (Ardent, 2010)
	CD15	Noise Impact Assessment (Ardent, October 2010)
	CD16	St Clere's Hall Golf Club Needs Assessment (SLC, Jan 2011)
	CD17	Road Safety Audit Stage 1 (M&S Traffic Ltd, Jan 2011)
	CD18	Stanford-le-Hope Sports Contribution Paper (SLC, Jan 2011)
	CD19	Cultural Heritage Desk Based Assessment (CgMs, Sep 2010)
	CD20	Butts Lane, Stanford-le-Hope H160-09 'Access Options Appraisal December 2010' (Ardent, Dec 2010)

### Document 21 Additional information submitted in relation to the application

CD21	Letter from Liz Lake Associates dated 14 January 2011 to Martin Hull
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### CD 22 to 31 – See Plans Below

### Documents 32 and 33 - TTGDC Committee Reports

Blue folder	CD32	Planning Report to TTGDC's 14 <sup>th</sup> February 2011 Planning Committee
Blue folder	CD33	Supplementary report to TTGDC's 14 <sup>th</sup> February Planning Committee

### Core Documents submitted in relation to the application prior to the inquiry

- CD34 Thurrock LDF Core Strategy and Policies for Management of Development DPD – Submission Draft, February 2010
- CD35 Thurrock LDV Core Strategy – Final Draft RSS Compliance Sieving Schedule of the Proposed Focused Changes, 10<sup>th</sup> March 2011
- CD36 Thurrock Borough Local Plan 1997
- CD37 Thames Gateway South Essex: Strategic Housing Market Assessment: Update Report, May 2010
- CD38 Thames Gateway South Essex Strategic Housing Market Assessment (SHMA) (2008) (handed in at inquiry)
- CD39 Thurrock Council Assessment of 5 year Housing Land Supply 2010 (January 2011)
- CD40 Thurrock Council Assessment of 5 year Housing Land Supply 2010 (March 2010)
- CD41 Housing Needs Survey 2004
- CD42 Chelmer Model for the East of England Plan Review (Summer 2009)
- CD43 Thurrock LDF – Site Specific Allocations Development Plan Document (November 2007)
- CD44 Thurrock LDF Topic Supplement 1A: Assessing an appropriate level of housing, Thurrock Council (16 Nov 2010)
- CD45 Strategic Housing Land Availability Assessment (SHLAA) (4 volumes), February 2010
- CD46 Thurrock Council Annual Monitoring Report 2010
- CD47 Thurrock Council Annual Monitoring Report 2005
- CD48 Thurrock Council Community Needs and Open Spaces Study 2005 (pages 40 – 59 handed in at inquiry)
- CD49 Thurrock Green Infrastructure Framework Plan
- CD50 Green Infrastructure Plan for Thurrock 2006-11
- CD51 Open Spaces Strategy 2006 – 2011 (contents and page 27 handed in at inquiry)
- CD52 Sport and Active Recreation Strategy for Thurrock (TTGDC and Thurrock Council, 2007)
- CD53 Thames Gateway South Essex Green Grid Strategy (2005)
- CD54 Thurrock Green Grid Strategy for Thurrock 2006-2011
- CD55 Thurrock Council Landscape Capacity Study (Chris Blandford Associates, March 2005)
- CD56 Thurrock Biodiversity Study 2006-2011 (EECOS)
- CD57 Creating Sustainable Communities: Delivering the Thames Gateway (ODPM, 2005)
- CD58
- CD59
- CD60
- CD61 TTGDC Planning Obligations Strategy – Technical Report
- CD62 TTGDC Planning Obligations Strategy – (TTGDC, 2010)
- CD63 TTGDC Regeneration Framework (TTGDC, 2006)
- CD64 TTGDC Spatial Plan (TTGDC, 2006)
- CD65 TTGDC East Thurrock Masterplan (TTGDC, 2009)
- CD66 TTGDC Thurrock Regeneration Plan (TTGDC, 2010)
- CD67 Appal Decision – Bata Field (November 2010) Ref APP/M9565/A/09/2114804 (BAR 8 appendix 2)
- CD68 Appeal Decision – Arndale School (Jan 2010) Pins ref

- APP/M9565/A/09/2112346 & APP/M9565/A/09/2112350 (BAR 8 appendix 3)
- CD69 Core Strategy and Policies For Management of Development (Core Strategy) – Post Submission Representation on Proposed Focused Changes – Clarification (March 2011)
- CD70 Creating sustainable communities: Greening the Gateway – A greenspace strategy for Thames Gateway 2004
- CD71 Creating sustainable communities: Greening the Gateway Implementation Plan 2005
- CD72 Planning Application No 11/50297/TTGCND by Cory Environmental Ltd Proposed variation of Conditions 2, 4 and 14, Planning Ref 06//00663/TTGND: Mucking Landfill Site, Mucking
- CD73 -
- CD74 Thurrock Council's 'Housing Trajectory Chart' extracted from 2010 AMR
- CD75 List of saved Policies in the Thurrock Local Plan (1997)
- CD76 Thurrock Local Development Framework: Core Strategy and Policies for Management of Development, DPD – incorporating 'Proposed focused changes – tracked changes' November 2010
- CD77
- CD78 TTGDC Document '5 year land supply in Thurrock', July 2011
- CD79 Thurrock Council's AMR 2008
- CD80 Extract from Thurrock Council's 'Assessment of Thurrock Minerals and Waste Sites – Issues and Options – December 2009'
- CD81 MB Figure 4: Proposals from the Thurrock Greengrid Strategy (BAR 9 appendix 1)
- CD82 MB Figure 5: Thurrock Thameside Nature Park (BAR 9 appendix 1)
- CD83 MB Figure 6: Outline Strategic Open Space Proposals (BAR 9 appendix 1)
- CD84 Promoting Recovery in Housing Supply, DCLG, April 2010
- CD85 Statement of Common Ground (July 2011)
- CD86 Statement of Common Ground Highways (August 2011)

## **APPLICANT'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY**

- Document BAR1 Urban Design Statement - Kevin Radford (July 2011)
- BAR2 Urban Design Statement of Kevin Radford - Appendix A
- BAR3 Urban Design Statement of Kevin Radford – Appendix B
- BAR4 Flood Risk and Drainage – Written Statement Ardent ( September 2011)
- BAR5 Highways – Written Statement – Ardent (September 2011)
- BAR6 Health and Safety Review of Proximity of High Pressure Gas Pipelines – Cooper Associates (September 2011)
- BAR7 Ecology and Nature Conservation Statement – Liz Lake Ass (September 2011)
- BAR8 Proof of Evidence of Martin Hull with appendices 1 - 13
- BAR9 Proof of Evidence of Michelle Bolger with appendices 1 - 4



### **THURROCK COUNCIL'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY**

Document TC1 Proof of Evidence of Paul Clark with appendices PC1 – PC41 and summary proof

### **THURROCK THAMES GATEWAY DEVELOPMENT CORPORATION'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY**

Document TTG1 Proof of Evidence of David Moseley with appendices DM1 – DM3 and summary proof

### **RAID & THE STANFORD FORUM'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY**

Document RAD1 Summary Proof of Mr T Piccolo  
RAD2 Proof of Evidence of Mr T Piccolo with appendices 1 to 7\_\_\_\_\_

### **INTERESTED PARTIES AND CONSULTATION RESPONSES**

Document FILE1 Consultation Responses  
FILE3 Notifications and Representations relating to the original application  
FILE4 Representations received in relation to the inquiry

### **DOCUMENTS SUBMITTED AT THE INQUIRY**

Document INQ1 Notification letter  
INQ2 Opening statement for the applicant  
INQ3 Opening submissions on behalf of Thurrock Thames Gateway Development Corporation  
INQ4 Planning Obligation  
INQ5 LDF monitoring information  
INQ6 Thurrock Council's response to scoping opinion  
INQ7 List of intended building sizes  
INQ8 Note by Ms Bolger relating to CD53  
INQ9 Pages 49 – 53 – Community Needs and Open Spaces Study – Thurrock Council  
INQ10 Thurrock Council's response to Mr Hull's appendix 9A and 9B  
INQ11 Written statement of Thurrock Council clarifying position on total number of dwellings comprising the five year supply  
INQ12 Extract from the Open Spaces Strategy pages 21 and 22  
INQ13 HSE's Land Use Planning Methodology  
INQ14 Factual note on Barratt Eastern Counties Trading Position  
INQ15 Ms E Ross statement  
INQ16 Mr D Figes statement  
INQ17 Cllr S Hebb statement with attachments  
INQ18 Committee report for development at Aveley

- INQ19 East of England Plan
- INQ20 Planning Obligations Strategy Thurrock Thames Gateway Development Corporation
- INQ21 Planning Obligation Policy References
- INQ22 Note 2 by Ms Bolger
- INQ23 Secretary of State Report on Application S/2009/1943/FUL
- INQ24 RAID and The Stanford Forum closing statement
- INQ25 Thurrock Council's opening statement
- INQ26 Thurrock Council's closing submissions
- INQ27 Thurrock Thames Gateway Development Corporation closing submissions
- INQ28 Applicant's closing submissions

## **PLANS**

### **Plan Documents CD 22 – 30 Plans considered with the application**

- CD22 09/164/01 Rev D – Location Plan (Non Illustrative)
- CD23 D1291-GA-100 Rev B – Indicative Block Layout (Illustrative)
- CD24 D1291-GA-102 – Land use map (Non illustrative)
- CD25 D1291-GA-103 – Building Heights (Non illustrative)
- CD26 D1291-GA-104 – Access Parameters Plan (Non illustrative)
- CD27 H160-010 Rev B – Proposed Improvements to Butts Lane (Non illustrative)
- CD28 H160-010 Rev A – Compact Roundabout at School Exit and priority access opposite No 53 / 55 (Non illustrative)
- CD29 H160-012 Rev A – Potential Road Safety Scheme – Walton Hall Road (Non illustrative)
- CD30 Fig 7.11 Rev D – Outline Proposals for new Strategic Open Space at St Cleres (Illustrative)

### **Document 31 Superseded Master Plan**

- CD31 D1291-GA-100 – Stanford-le-Hope illustrative Master plan (Superseded)

## Annex 1

### Proposed Conditions

1. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.

The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

**Reason:** Permission is granted having regard to the very special circumstances advanced in this case, including the contribution towards the supply of housing and affordable housing. To establish a timescale for the submission of reserved matters and implementation, having regard to the scale of development and Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Subject to compliance with the requirements of any other conditions, the submission of Reserved Matters for any part of the site or phase shall demonstrate conformity with the following key design parameters accompanying the application:
  - (a) The approach to building height detailed on the 'Building Heights' plan ref: D1291-GA-103 accompanying the application;
  - (b) The vehicle access points, pedestrian and cycle links and network detailed on the 'Access Parameters Plan; ref: D1291-GA-104 accompanying the application;
  - (c) The desire to retain and accommodate the trees detailed on 'Proposed Layout and Tree Removals' plans: 200905-P-02-01 (Top of site), 200905-P-02-02 (Middle) and 200905-P-02-03 (Bottom of site) and associated 'Arboricultural Impact Assessment' (Oct 2010);
  - (d) To create pedestrian and cycle networks through the site as illustrated on Figure 7.11 Revision D;
  - (e) The desire to create a road hierarchy as detailed in Section 4.4.3 'Street hierarchy and types' on page 47 of the Design and Access Statement (15<sup>th</sup> October 2010) and at figure 4.6 (page 49).

**Reason:** To ensure that individual reserved matters and phases follow master planning principles, do not prejudice the ability to deliver the development in a manner which is coherent and compliant with Local Plan Policies BE1, BE4, LR6, T1 and T11 and RSS Policies ENV1, ENV3, T2, T9 and Emerging LDF Core Strategy Policies PMD1, PMD7 and PMD2.

3. In the event that there is more than one phase, prior to the submission of any Reserved Matters pursuant to Condition 6, a Design Code shall be submitted to, and approved in writing by, the Local Planning Authority. The Design Code shall, where relevant, have reference to the Design and Access Statement supporting the outline application, and shall in any case address and codify the following matters:

*Built form:*

- Block structure
- Building forms and types
- Use of building heights to enhance legibility
- Corner treatments
- Elevation composition
- Placement of entrances
- Building materials palette

*Public realm:*

- Landscape design principles
- Street types
- Surface materials palette
- Street furniture and design of play equipment, lighting and boundary treatments
- Planting palette
- Integration of car parking and traffic calming measures
- Incorporation of public art

*Private space:*

- Living standards which will establish a benchmark for detailed submissions to be assessed against, e.g. storage provision for individual dwellings, provision of private outdoor space
- Integration of usable terraces and balconies

*Other matters:*

- Character areas
- Types of refuse and recycling storage
- Cycle parking
- Standards to be applied (including back-to-back distances, car parking ratios, garden sizes) which shall have regard to the adopted standards

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 6 shall comply with the 'Mandatory' sections of the Design Code and shall have regard to the illustrative material and non-mandatory codes. Construction shall be in accordance with the 'Mandatory' section of the approved Design Code. There shall be no amendment to the approved Design Code.

**Reason:** To ensure that the proposed development is visually satisfactory, provides satisfactory living conditions for future residents and that consistency is maintained throughout the development. To accord with the Development Corporation's published guidance and to ensure compliance with Local Plan Policy BE1, BE2, LR6, T11 RSS Policy ENV7, T9 and emerging LDF Policies CSTP29, PMD2, PMD9, PMD12.

4. The development shall not be begun until a detailed programme of phasing of the Development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include;
- a. A plan defining the extent of the works comprised within each phase;
  - b. Details of the number of residential units to be accommodated within each phase;
  - c. A strategy for accommodating the affordable housing;
  - d. The infrastructure works to be included within each phase, including works within the existing highway;
  - e. A timetable for the implementation of works within each phase;
  - f. Detail of the timing for the provision of the Community Building;
  - g. Details of the quantum of open space to be provided in each phase and a timetable for its provision;
  - h. Details for the landscaping and works associated with the 42ha of Strategic Open Space together with details of the timing of its provision for use by the public.
- The development shall be implemented in accordance with the approved Phasing Strategy.

**Reason:** To ensure the timely delivery of infrastructure and to protect the amenity of the area. To ensure the public open space is provided and in a timely manner. In accordance with Thurrock Borough Local Plan Policies LR4, LR6, BE3, BE4 and BE10 and emerging LDF Policy CSTP22 and PMD2.

5. Development shall not commence on any phase (as so defined pursuant to the approved Phasing Strategy under Condition 4) until details of:
- (a) the Layout of that phase of the new development;
  - (b) the Scale of that phase of the new development;
  - (c) the Appearance of that phase of new development;
  - (d) the Means of Access approved by this permission. Such details shall include access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
  - (e) the Landscaping of that phase of the site (hereinafter called the 'Reserved Matters'), have been submitted to, and approved in writing by, the Local Planning Authority for that phase. Development shall be carried out in accordance with the approved details.

For the purposes of this condition, 'Development' shall exclude: demolition, archaeological investigations, and investigations for the purpose of assessing ground conditions.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the reserved matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced at outline stage, assessed and agreed and to which the reserved matters should adhere.

6. The development hereby permitted shall:
- (a) Not exceed 350 residential units (Use Class C3);
  - (b) Accord with the extent, location and quantum of the following uses detailed on drawing D1291-GA-102 accompanying the application:  
'residential, roads and local open space',  
Strategic Landscape Buffer - screen planting',  
'other local open space'.
  - (c) Contain a series of public open spaces of at least the extent and distribution shown on the drawing D1291-GA-102.
  - (d) Include a Community Building (Use Class D2 - Assembly and Leisure) of 300sq,m within the area detailed for 'Residential' or 'Community Centre' on plan D1291-GA-102 accompanying the application.
  - (e) Include 42.33ha of 'Strategic Open Space', the extent and location of which shall accord with the details on plan Figure 7.11 Revision 'D'.
  - (f) The mix of units to be delivered by the totality of development shall comprise a mix not exceeding 15% one and two bedroom flats and 85% houses.

Each application for Reserved Matters incorporating residential units shall be accompanied by:

- (i) a schedule of residential accommodation proposed within that phase(s) together with an updated schedule of residential units to be delivered by further phase(s) of development,
- (ii) an updated illustrative Masterplan of the totality of the residential development at a scale of 1:1000 together with a site wide plan;
- (iii) details of how the development proposed would ensure that the remaining quantum of development permitted and the requirement for open space can be satisfactorily accommodated on-site having regard to the requirements of this condition.

**Reason:** In the interests of creating a balanced community and housing supply whilst ensuring that the development can be successfully accommodated within the site. To ensure that public open space, public realm and play space is adequately provided. In accordance with PPG17, Local Policies LR6, LR7, BE3 and BE4, emerging LDF Policies PMD5, PMD2, CSTP22. (i-iii) To ensure that individual reserved matters and phases do not prejudice the ability to deliver the development hereby permitted in an acceptable manner.

7. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a Sustainable Design and Construction Code for that phase. The Sustainable Design and Construction Code shall:
- (a) detail the area to be covered by the Sustainable Design and Construction Code;
  - (b) detail when development is proposed to commence and be completed on that phase;
  - (c) provide a brief review of the technical solutions prevailing at the time;
  - (d) indicate how the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;
  - (e) detail the sustainable design measures incorporated into the phases, including but not limited to, building orientation, passive solar gain and sustainable landscape design, water conservation and efficiency measures;
  - (f) detail how this phase will contribute to the residential development as a whole securing at least 10% of its energy from decentralised and renewable or low carbon sources;
  - (g) confirm the Code for Sustainable Homes (or an equivalent assessment method and rating) standard(s) to be achieved for the proposed building(s) having regard to the requirements of this condition and contain an interim certificate by an accredited assessor for the Code for Sustainable Homes (or an equivalent assessment method and rating) confirming that the design for the dwellings within that phase achieve the Code Level specified;
  - (h) detail how sustainable construction methods will be utilised.

The Code for Sustainable Homes level to be achieved by the residential development shall be:

Those dwellings completed, or in the case of apartment buildings substantially completed, during the period up to and including 2012 will meet Code for Sustainable Homes (CSH) Level 3 as a minimum;

Those dwellings completed, or in the case of apartment buildings substantially completed, from 1st January 2013 onwards will meet Code for Sustainable Homes level 4 as a minimum;

For those dwellings completed, or in the case of apartment buildings substantially completed, post 2014 there shall be a presumption for the phase to meet Government targets for Code for Sustainable Homes prevailing at the time of completion of the phase, unless it is demonstrated, via a submission with the Sustainable Design and Construction Code, to the satisfaction of the Local Planning Authority that this is not feasible or viable and that a lower standard should be applied.

The Sustainable Design and Construction Code for the relevant phase shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development on that phase.

Development shall be carried out in accordance with the approved Sustainable Construction Code for that phase. Within 3 months of the first occupation of each dwelling

(or apartment) (or at an alternative time first agreed in writing), a 'Post Construction Review' carried out by a suitably qualified person shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the required Code for Sustainable Homes level has been met for each dwelling. Prior to the residential occupation of 90% of the phase, written confirmation shall be submitted to and agreed in writing by the local planning authority, that the energy efficiency measures and measures to secure the energy from decentralised and renewable or low-carbon sources has been incorporated in the manner agreed.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** To ensure that the development is sustainable in accordance with national government advice contained in 'The Code for Sustainable Homes: Setting the Sustainability Standards for New Homes', PPS1 and PPS22 and Local Plan Policy BE11, Development Corporation published guidance and RSS Policies ENG1 and ENG2 and emerging LDF Policy PMD2 and PMD12.

8. The dwellings and flats on the site shall meet the Lifetime Homes Standard. The reserved matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a statement outlining the specification for Lifetime Home applied and detailing the proposed development's compliance with that specification. Development shall be undertaken in accordance with the approved details.

**Reason:** To accord with the details submitted with the application and to produce flexible, accessible and adaptable homes appropriate to diverse and changing needs. To accord with emerging LDF Policy CSTP1 and PMD16.

9. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a 'Scheme for Noise Insulation' for the dwellings which should accord with the Noise Impact Assessment accompanying the outline application (Arden Consulting, ref: H160-008, Oct 2010). The measures shall; (a) propose appropriate measures to ensure that the noise level within any habitable room meet 'good' internal noise standards in BS8233:1999 and (b) detail the measures proposed to ensure that the external noise environment is acceptable having regard to World Health Organisation values for Community noise in specific environments.

There shall be no residential development undertaken on that phase until such a scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The measures agreed in writing with the Local Planning Authority shall be incorporated in the manner detailed prior to the residential occupation of the residential units to which the



mitigation is specified and such measures shall thereafter be permanently retained in the agreed form.

For the purposes of this condition 'Residential Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** To accord with the details submitted with the application. In the interest of the amenities of future occupiers. To accord with emerging LDF Policy CSTP22 and PMD2

10. Until the landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority pursuant to the Reserved Matters, all existing trees, shrubs and hedgerows on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the Local Planning Authority. If any existing trees, shrubs or hedgerows are removed without such consent or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the Local Planning Authority, such replacement to take place within the first planting season after the Local Planning Authority's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of those works.

**Reason:** To ensure that landscaping is not removed in advance of the consideration of landscaping, in the interests of visual amenity and can biodiversity. To accord with PPS9, PPG17 and Local Plan Policies BE1, BE4, LR7 and LN12 and Emerging LDF Policies PMD7, CSTP19 and PMD2.

11. The Reserved Matters details to be submitted in accordance with Condition 5(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Residential Landscape Scheme') relating to the 15ha parcel comprising the residential area, strategic landscape buffer and boundary with Butts Lane as detailed on Plan ref L D1291-GA-102 (ie. all the site except the Strategic Open Space). The Residential Landscape Scheme shall include, but not be limited to, details of:
- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
  - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
  - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - (d) Surfacing materials,

- (e) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428 and BS5837:2005,
- (f) Details of the extent and method for translocating the existing hedge adjacent to Butts Lane.
- (g) Pit design for tree planting within streets or areas of hard landscaping,
- (h) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
- (i) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins, location of play areas,
- (j) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
- (k) Whether such land shall be accessible by the public and the management principles for such area,
- (l) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.
- (m) The location, enclosure, surfacing, landscaping and play equipment for the play spaces
- (n) Programme of Implementation and maintenance.

The Residential Landscaping Scheme, associated works and play areas shall be completed in accordance with the approved programme that has been approved as part of the reserved matters.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas and play equipment shall be in strict accordance with the approved details.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the Habitat Survey and that adequate provision is made for open space and play equipment in the interests of the amenity of future occupiers. To accord with PPS9, PPG17 and Local Plan Policies BE1, BE4, LR7 and LN12, Emerging LDF Policies PMD2, PMD7, CSTP22 and CSTP23.

12. The Reserved Matters details to be submitted in accordance with Condition 6(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Strategic Open Space Landscape Scheme') relating to the 42.3ha parcel comprising the strategic open space as detailed on Figure 7.11 Rev D (i.e. all areas except the Residential Area and associated open space). The Strategic Open Space Landscape Scheme shall include, but

not be limited to, details of:

- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
- (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
- (c) Written specifications (including cultivation and other operations associated with plant and grass establishment),
- (d) Surfacing materials,
- (e) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
- (f) Locations and specifications and product literature relating to signs, seats, bollards, planters, refuse bins,
- (g) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
- (h) Whether such land shall be accessible by the public and the management principles for such area,
- (i) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.
- (j) Implementation timetables,
- (k) Programme of maintenance.

The Strategic Open Space Landscape Scheme and associated works shall be completed in accordance with a programme that has been agreed in writing by the Local Planning Authority.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas shall be in strict accordance with the agreed details.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the Habitat Survey and that adequate provision is made for open space and play equipment in the interests of the amenity of future occupiers. To accord with PPS9, PPG17 and Local Plan Policies BE1, BE4, LR7 and LN12 and emerging LDF Policies PMD2, PMD7, CSTP22 and CSTP23.

13. Unless contaminated, overburden, top-soils and sub-soils resulting from ground works shall be retained on-site for purposes including landscaping. Such soils shall be stockpiled and managed in a way to ensure that different soils are not mixed, contaminated or damaged by vehicles or construction. During site preparation and construction, no waste material shall enter the site.

**Reason:** To ensure the retention of existing soils on the site for landscaping purposes and to minimise the impact of the development on groundwater, residential amenity and highway network. Furthermore, importing waste material would raise alternate environmental concerns, which would need to be considered afresh. In accordance with PPS25, emerging LDF Core Strategy Policy PMD1.

14. Notwithstanding the details accompanying the application, prior to the commencement of development, a scheme of highway works in Butts Lane shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:
- (a) Design, layout and construction details of the junctions comprising the northern T-junction and the southern roundabout;
  - (b) Details of road widening;
  - (c) Details of sight splays;
  - (d) Details of the footway(s) and cycleways(s);
  - (e) Details of a minimum of four pedestrian refuges;
  - (f) Traffic calming measures, including gateway features;
  - (g) Traffic safety measures, including the use of anti-skid surfacing;
  - (h) Details of signage;
  - (i) Details of drainage;
  - (j) Details of works to repair and or relay the surface course of the highway (including footways);
  - (k) Details of tie-ins to existing footways and carriageways;
  - (l) A scheme of lighting, including lux levels;
  - (m) Details of any parking restrictions within the public highway;
- shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved highway works shall be completed prior to the first occupation of any dwelling served by that junction as defined in the phasing plan required by Condition 4.

For the purposes of this condition, 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** Whilst the points of access / egress to and from the site are acceptable, amendments to and further detail of the highway works are needed, in the interests of safety and amenity. To accord with PPG13, The Manual for Streets and Local Plan Policies

BE1 and T11 and emerging LDF Policy PMD2 and PMD9.

15. Application(s) for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) and (d)) shall include (where applicable) the following details: Movement network including layout of streets, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways and footpaths. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction. It shall also detail how that phase fits into a comprehensive movement network for the totality of the site and links off site.

(a) External lighting (including to roads, car parking areas, footways / cycleways) and shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation. The external lighting shall be provided in accordance with the approved details and timescales.

(b) Street furniture,

(c) Surface finishes,

(d) Cycle and car parking,

(e) Signage,

(f) Estate road construction and geometry. Details of whether such roads are proposed to be put forward for adoption by the Local Highway Authority

(g) Drainage (including to roads, car parking areas, footways / cycleways)

(h) Timescale for the provision of this highway infrastructure.

The details submitted pursuant to this condition shall (where applicable) accord with the mandatory parts of the Design Code approved pursuant to Condition 3 unless otherwise first agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timescales or in accordance with any variation first agreed in writing by the Local Planning Authority.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and in the interests of safety, amenity and sustainability. To accord with PPG13, The Manual for Streets and Local Plan Policies BE1, T8, T11, LR17 and LDF Policy PMD2, PMD8 and PMD9.

16. Vehicular access to the residential development shall be from Butts Lane in the manner approved and there shall be no other means of vehicular access to the residential element of the site.

**Reason:** In the interest of amenity, in accordance with Policy BE1 and emerging LDF policies PMD1 and PMD2.

17. Residential units within any phase of development shall only be brought into residential occupation when there is a consolidated and surfaced carriageway and footway (apart from the wearing surface) necessary to connect that part of the development to the existing highway and footpath network. Furthermore, the footways and footpaths commensurate with the frontage of each dwelling or apartment building shall be constructed and completed within six months from the date of the first occupation of that dwelling or apartment building.

**Reason:** In the interests of highway safety, amenity and convenience. To accord with PPG13, Local Plan Policies BE1, T8, T11, LR17 and LDF Policy PMD2 and PMD9.

18. Application(s) for approval of Reserved Matters pursuant to Condition 5 part (e) 'Landscaping' shall include a comprehensive network of paths for pedestrians and cyclists linking through the site joining on to the existing off-site network of footpaths.

The details shall:

follow the network of routes detailed on plan ref: Figure 7.11 Rev D

- include details of construction and surface finish,
- measures to prevent unauthorised vehicular / motor cycle access;
- include details of signage
- include the timetable for provision

The paths shall be formed in accordance with the agreed timescale and thereafter permanently retained and maintained in the agreed form.

**Reason:** The site is located within the Metropolitan Green Belt wherein permission is granted having regard to the very special circumstances including the provision of publicly accessible open space. To ensure that the development incorporates suitable access to the wider footway network and has suitable access within the strategic open space, in the interests of accessibility and promoting sustainable forms of transport, in accordance with PPG13, Local Plan Policies BE1, T8, T11, LR17, LR18 and LDF Policies CSTP5, CSTP9, CSTP15, CSTP20, PMD2 and PMD9.

19. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall include;

(a) details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the residents of the development.

(b) details of the number, size, location, design and materials of cycle parking facilities to serve visitors.

Such provision shall be in accordance with the following standards specified in the application (unless a variation to these standards is first agreed in writing with the Local

Planning Authority):

- 1 secure covered space per dwelling (including per flatted unit). None if garage with sufficient accommodation is provided within the curtilage
- 1 space per 8 dwellings for visitors

Such cycle parking facilities as approved under reserved matters shall be installed on site prior to the occupation of the units they serve and shall thereafter be permanently retained for sole use for cycle parking.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity, in accordance with PPG13, EPOA parking standards and emerging LDF Policies PMD8.

20. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall;

a. show provision for the parking and / or garaging of private cars in accordance with the standards for allocated and unallocated parking spaces specified in the outline application unless a variation to these standards is first agreed in writing with the Local Planning Authority.

b. Be accompanied with a Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.

The reserved matters shall detail the parking allocation for that phase. Residential units shall only be occupied within a phase of development when the vehicular accesses, car parking areas and turning areas serving that unit have been constructed in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

The parking spaces shall thereafter be retained for the parking of cars. The Parking Management Strategy for this phase shall be implemented and thereafter retained for the duration of the residential use in accordance with the approved Car Parking Management Strategy.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure that satisfactory provision is made and retained for car parking, in the interests of highway safety, convenience, amenity and promoting alternative means of transport, in accordance with PPG13, Local Plan Policy BE1 and emerging LDF Policy PMD8.

21. Prior to the commencement of the first residential phase of the development, a Travel Plan

for the site will be submitted to, and approved in writing, by the Local Planning Authority. The Travel Plan shall accord with the Framework Travel Plan (Oct 2010) accompanying the application and shall provide the following:

- Identify the objectives for Travel Plan for the site (including targets for trip reduction and modal shift having regard to the phasing of the development);
- The key processes they should include (e.g. surveys, consultation, monitoring etc.),
- Measures that may be employed to bring about the aims and objectives of the travel plan and the establishment of a Travel Plan Coordinator.
- The monitoring regime to include details of the timing and methodology for undertaking monitoring and review.
- Details of specific measures to be implemented to promote the use of sustainable modes of transport; including the provision of a 'Welcome Pack' for each dwelling providing information to promote modal shift to public transport, walking and cycling.
- Details of penalties to be applied in the event that targets are not met;

No residential occupation of the units shall take place until the Travel Plan has been approved in writing by the Local Planning Authority. The approved Travel Plan and the measures therein shall be implemented in accordance with the details contained within the approved Travel Plan and shall remain in force for the period stated in the Travel Plan.

The monitoring shall be undertaken in strict accordance with the agreed scheme and the outcomes of the monitoring shall be made available to the Local Planning Authority in accordance with the agreed monitoring regime. If the agreed targets are exceeded then the applicant or their successor in title shall submit to the Local Planning Authority a 'Remedial Action Plan' which shall include details of the measures to be employed, the timetable for their implementation and monitoring. The commitments explicitly stated in the Remedial Action Plan shall be binding on the applicants or their successors in title.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with Policy T13 of the Local Plan and guidance in Planning Policy Guidance note 13 '*Transport*' and emerging LDF Policies CSTP14, CSTP15, PMD8 and PMD10.

22. Development (other than that required to be carried out as part of an approved scheme of remediation) must not commence until parts 1 to 4 of this condition have been complied with.



*(PART 1) Site Characterisation and Remediation Strategy;*

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the local planning authority:

A) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

*(PART 2) Implementation of Approved Remediation Scheme;*

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation). The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

*(PART 3) Verification Plan;*

Following completion of measures identified in the approved remediation scheme and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

*(PART 4) Reporting of Unexpected Contamination;*

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning

Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with PPS23, adopted Local Plan Policy BE26 and Emerging LDF Policy PMD1.

23. The development / use hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:
- a) determine the existence, depth, extent and character of any filled ground.
  - b) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.
  - c) A copy of the site survey findings together with a scheme to bring the site to a suitable condition in that it represents an acceptable risk including detailing measures to contain, manage and/or monitor any landfill gas with a potential to reach the site shall be submitted to and agreed in writing with, the Local Planning Authority prior to, the commencement of development hereby permitted.

Formulation and implementation of the scheme shall be undertaken by competent persons. Such agreed measures shall be implemented and completed in accordance with the agreed scheme. No deviation shall be made from this scheme.

Should any ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in the scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be implemented in accordance with the agreed scheme.

The developer shall give one month's advanced notice in writing to the Local Planning Authority of the impending completion of the agreed works. Within four weeks of completion of the agreed works a validation report undertaken by competent person or persons shall be submitted to the Local Planning Authority for written approval. There shall be no residential occupation of the site or the individual unit affected until the Local Planning Authority has approved the validation report in writing.

**Reason:** To ensure that any potential risks arising are properly assessed and that the development incorporates any necessary measures and subsequent management measures to satisfactorily deal with contamination / gases in the interests of amenity and

public health, in accordance with PPS23, adopted Local Plan Policy BE26 and Emerging LDF Policy PMD1.

24. Prior to the commencement of demolition, remediation or development on any phase of the development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority covering either the totality of development or a defined phase in accordance with the agreed Phasing Strategy. The CEMP shall be in accordance with the details contained in the outline application and shall include, but not be limited to, details of:
- (a) Hours and duration of any piling operations,
  - (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
  - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (d) Details of construction access;
  - (e) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
  - (f) Details of any temporary hardstandings;
  - (g) Details of temporary hoarding;
  - (h) Method for the control of noise with reference to BS5228 together with a monitoring regime
  - (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
  - (m) Dust and air quality mitigation and monitoring (to have regard to the measures outlined in the Environmental Statement para 9.7 - 9.77 accompanying the application),
  - (k) Water management including waste water and surface water discharge,
  - (l) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
  - (m) A Site Waste Management Plan,
  - (n) Ecology and environmental protection and mitigation,
  - (o) Community liaison including a method for handling and monitoring complaints, contact details for site managers.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

**Reason:** In the interests of protecting amenity, highway safety, sustainability, minimising impact upon the environment and ecology and ensuring that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. To accord with the ES and Emerging LDF Policy PMD1.

25. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 08:00 - 18:00 hours, Saturdays 08:00 - 1300 hours unless in association with an emergency.

**Reason:** In the interest of residential amenity. To accord with emerging LDF Policy PMD1.

26. No phase of development shall take place until samples of the materials to be used in the external construction (including surfacing materials for buildings and hard landscaping) for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in strict accordance with the approved samples.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in Policy BE1 of the 1997 Thurrock Borough Local Plan, Development Corporation published guidance and emerging LDF Policy PMD1.

27. No phase of development shall take place until a brick panel showing a sample of the proposed brickwork and the colour, type and texture of mortar courses is constructed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved panel.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy BE1 of the Adopted Local Plan and emerging LDF Policy PMD1.

28. Applications for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) Layout (c) Appearance and (d) Means of Access) shall include: full details of all the number, size, location, design and materials of bin and recycling stores to serve that phase of the development together with details of the means of access to bin stores for residents and refuse operatives, including collection points if necessary.

The development shall make provision for:

- 1 x 180 litre container for refuse, 1 x 240 litre container for recycling and 1 x 240 litre container for kitchen and garden waste per residential dwelling.
- Flats containing more than 4 units shall be provided with communal bins. The calculation used for refuse and recycling provision shall be as follows:
  - o Number of households x 180-litre capacity (residual waste)
  - o Number of households x 240-litre capacity (dry recycling)

The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential or commercial units they serve and shall be constructed and permanently retained in the form agreed.

**Reason:** To ensure that adequate and satisfactory provision is made for the storage and collection of refuse and recycling, in the interests of amenity and sustainability and to accord with PPS10, Local Plan Policy BE1 and Thurrock Council's Guidance 'Design and construction of dwelling houses and residential areas for waste collection services and refuse vehicle access - Policy and Guidance Notes (Nov 2008). To accord with emerging LDF Policy CSTP25.

29. No phase of development shall take place until detailed drawings and sections of the existing and proposed levels of that phase, the levels of the surrounding area and adjoining buildings (where applicable) and the finished floor level of the building(s) hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be in strict accordance with the details agreed.

**Reason:** The plan submitted with the application is indicative and does not give sufficient details of final levels. Such details are required in the interests of ensuring a satisfactory relationship both within the development and the surrounding areas. To accord with emerging LDF Policy PMD1 and PMD2.

30. Development shall not commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The Surface Water Drainage Scheme shall have regard to the 'Flood Risk and Drainage Assessment' (ref: H160-03, Oct 2010) accompanying the application and shall:

- a) Assess whether there is an unacceptable risk to controlled waters from infiltration of surface water drainage into the ground post the approved works of remediation to the site pursuant to condition 22 of this permission;
- b) Detail all surface water from parking, servicing and manoeuvring areas being passed through a Class 1 oil interceptor prior to disposal to groundwater, watercourse or surface water sewer;
- c) Include infiltration drainage as a priority wherever this can be shown to be a practicable means for achieving surface water drainage for areas within the site;
- d) Include the means for all volumes of surface water generated on site in excess of the soakage capacity of the site's infiltration devices to be attenuated on site for all storms up to and including the 1 in 100 year storm event (including agreed PPS25 allowances for climate change over the development lifetime).
- e) Include a timescale for undertaking the works;
- f) Detail how the scheme shall be maintained and managed after completion.

In addition, the Surface Water Drainage Scheme shall include;

- g) Means of ensuring that peak discharges leaving the site to Anglian Water Services Limited's surface water sewer are within acceptable levels required by Anglian Water Services Limited and in any event not greater than 20 litres per second.
- h) All volumes of surface water generated on site in exceedance of the peak discharge rate limitations shall be attenuated on site for all storms up to and including the 1 in 100 year event (including agreed PPS25 allowances for climate change over the development lifetime)
- i) Details of how the scheme shall be maintained and managed after completion.

The approved Surface Water Drainage Scheme shall be implemented in strict accordance with the approved details and timescale. Notwithstanding this, there shall be no residential development until such time as it has been demonstrated that the quantity and flow rate of surface water discharge from the site is within the capacity of the off-site receptor, and this has been evidenced to, and agreed in writing by, the Local Planning Authority. The measures to maintain and manage the Surface Water Drainage Scheme shall be put in place and thereafter retained.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** To assess and prevent the pollution of groundwater and flooding through development, to protect water quality, to improve habitat and amenity, and to ensure that there are adequate arrangements determined for the future maintenance of the surface water drainage system, in accordance with Planning Policy Statement 25 – Development and Flood Risk (PPS 25) and in accordance with emerging LDF Policy PMD1, PMD2 and PMD15.

31. The Reserved Matters details to be submitted in accordance with Condition 5 ((c) Appearance) containing details of residential units within a phase of development, shall include a scheme for the provision and implementation of water efficiency for the residential units within that Phase. Such a scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of development of residential units on that phase. The works / scheme for each unit shall be constructed and completed in accordance with the approved plans/specification before occupancy of that unit and thereafter retained.

**Reason:** To ensure the sustainability of the potable water supply to the development and wider area through efficient use of water resources, to accord with emerging LDF Policy PM12 and the ES (Part 12).

32. Development shall not commence until a Foul Water Drainage Strategy to serve the totality of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the means of connection, phasing of provision and capacity of the receptor system.

The foul water drainage systems shall be constructed in accordance with the approved strategy and maintained thereafter in accordance with it. There shall be no occupation of any building in the relevant phase of development until the approved foul water drainage system is in place.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** To prevent the increase in flood risk, pollution and detriment to public amenity through provision of suitable water infrastructure, in accordance with PPS25, emerging LDF Policies PMD1, PMD2 and PMD15.

33. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds (i.e. within 1<sup>st</sup> March to the end to 30<sup>th</sup> September) except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds.

**Reason:** To comply with the requirements of the 'Extended Phase 1 Habitat Survey' and ensure effects of the development upon the natural environment are adequately mitigated and in order to comply with PPS9, Local Plan Policy LN12 and emerging LDF policy PMD7.

34. PART A - Prior to the commencement of development or site clearance, a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Management Plan shall be based upon the details proposed within the Environmental Statement accompanying the planning application and shall include details of:

- (a) phasing of operations,
- (b) the further survey work undertaking (including a further bat, great crested newt, reptile, invertebrate and botanical surveys), the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan,
- (c) the mitigation and measures outlined within the Biodiversity Management Plan will be implemented;
- (d) methodologies for translocation of protected species (where relevant);
- (e) suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
- (f) the methods for the protection of existing species in situ (where relevant);

- (g) any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
  - (h) general ecological mitigation applying to the program of construction works;
  - (i) an assessment of the works required for management and who will undertake such works,
- G) a monitoring programme in accordance with the Environmental Statement.

The Biodiversity Management Plan shall be implemented in accordance with the approved plan and timescale. Any translocation undertaken shall be verified in writing to the Local Planning Authority by an independent qualified ecologist within 28 days of undertaking the translocation.

**Reason:** To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981, in the interest of protecting and promoting biodiversity. In accordance with PPS9, Thurrock Local Plan Policy LM12 and emerging LDF Policy PMD7.

35. An 'Ecological Monitoring Programme' shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The Ecological Monitoring Programme shall include details of ecological surveys and botanical and invertebrate recording to assess seeding success, plant colonisation and the use of the site by UK BAP species and to identify remedial action, if required, at years 1 and 2 post completion of the final phase.

**Reason:** In the interest of protecting and promoting biodiversity. In accordance with PPS9, Thurrock Local Plan Policy LM12 and emerging LDF Policy PMD7

36. All electrical and telephone services to the development shall be run underground.

**Reason:** In the interests of visual amenity and the integrity of the design.

37. There shall be no residential occupation on site until the existing golf-pro shop illustrated to the east of the 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application is demolished and all the resultant material removed from the site. Following its demolition, the site of the golf-pro shop shall be used solely as part of the Strategic Open Space and associated car parking.

**Reason:** To accord with the details submitted with the application. To enhance the character and openness of this part of the Metropolitan Green Belt.

38. Part A - An archaeological evaluation by trial trenching shall be undertaken on the



residential element of the proposed site prior to the submission of reserved matters, with the Evaluation Report submitted with the first reserved matters application. This work shall be undertaken in accordance with an Archaeological Brief first approved in writing by the Local Planning Authority.

Part B - An Archaeological Mitigation Strategy shall be submitted with the first reserved matters application and approved by the Local Planning Authority prior to the commencement of development.

Part C - No development or preliminary groundworks shall commence until the satisfactory completion of fieldwork, as detailed in the agreed Archaeological Mitigation Strategy, and the Local Planning Authority has given its written agreement that the works have been undertaken in the manner agreed.

Part D - The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report to be completed within one year of the completion of fieldwork.

Reason: To ensure appropriate assessment of the archaeological implications of any development and the subsequent mitigation of adverse impacts, having regard to the requirements of policy BE25 of the Thurrock Borough Local Plan 1997, PPS5 and emerging LDF Policy PMD4.

39. Prior to the commencement of development, the site shall be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. This survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to, and approved in writing, by the Local Planning Authority prior to the commencement of development on site, including any clearance works. Eradication and control of the Knotweed shall be in accordance with the approved scheme.

**Reason:** To ensure the safe destruction and prevention of spread of Japanese Knotweed in the interest of biodiversity.

40. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no electrical substations and gas governors shall be erected on the site without the prior written approval of the Local Planning Authority (through the submission of Reserved Matters). Notwithstanding the illustrative details accompanying the outline application, such structures shall be located within the area detailed for 'residential, roads and local open

space' on drawing D1291-GA-102.

**Reason:** In the interests of visual amenity, the integrity of the design and to prevent encroachment of built development. To accord with emerging LDF Policy PMD2.

41. The Community Building hereby permitted shall be used as a Community Centre (i.e. where members of a community gather for group activities, social support, public information and other purposes) and for no other purpose (including any purpose in Class D2 'Assembly and Leisure' of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** In the interests of amenity and to ensure that the development remains integrated with its immediate surroundings as required by policy BE1 of the Thurrock Borough Local Plan 1997 and emerging LDF Policy PMD1.

42. Notwithstanding the terms of any licence issued for the premises, the Community Building shall be cleared of all occupiers by 22:00 hours Monday to Sunday. The premises shall not open before 07:30 hours Mondays to Saturdays or before 08:30 hours on Sundays.

**Reason:** In the interest of amenity. To accord with emerging LDF Policy PMD1.

43. Prior to the first residential occupation, apartments if any shall be equipped with a communal TV and radio aerial and satellite dish. Details of the size, external appearance and the positions of the communal TV and radio aerial and satellite dishes shall be submitted to, and agreed in writing with, the Local Planning Authority prior to the installation of such systems. Development shall be in strict accordance with the agreed details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no satellite dishes or aerials shall be fixed to the buildings hereby permitted without the prior written approval of the Local Planning Authority.

**Reason:** In the interest of visual amenity

44. The car park detailed as 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application shall be made available for car parking in association with the use of the Strategic Open Space hereby permitted in accordance with the details submitted pursuant to Condition 4 (the Phasing Plan). Prior to the use of the car park in association with the open space, a parking management plan shall be submitted specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.

**Reason:** To ensure that satisfactory provision is made and retained for car parking and to

prevent conflicts with adjacent land uses.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

**APPENDIX 3:  
PIERIS PLACE, BULPHAN – OFFICER'S  
REPORT TO COMMITTEE 2<sup>ND</sup> APRIL 2015**

Planning Committee 02.04.2015	Application Reference: 14/01406/OUT
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<b>Reference:</b> 14/01406/OUT	<b>Site:</b> Pieris Place  Brentwood Road  Bulphan  Upminster  RM14 3TL
<b>Ward:</b> Orsett	<b>Proposal:</b> Residential development of land for 19 units (Outline Application with all matters reserved) including strategic landscape/noise attenuation buffer

<b>Plan Number(s):</b>		
Reference	Name	Received
13.2335.E101	Site Layout	22nd December 2014
13.2335/SK02	Site Layout	22nd December 2014
13.2335/M001	Location Plan	22nd December 2014
13.2335/M002	Site Layout	22nd December 2014
09-521/1	Site Layout	22nd December 2014
13.2335/SK01	Site Layout	22nd December 2014
13.2335/P201 REV A	Site Layout	22nd December 2014

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>– Preliminary Ecological Assessment</li> <li>– Reptile Survey Report</li> <li>– Noise Assessment</li> <li>– Transport Assessment</li> </ul>
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Planning Committee 02.04.2015	Application Reference: 14/01406/OUT
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<ul style="list-style-type: none"> <li>- Travel Plan Framework</li> <li>- Planning Support Statement</li> <li>- Notice 11</li> <li>- Drainage Strategy</li> <li>- Flood Risk Assessment</li> </ul>	
<b>Applicant:</b>  Smart Planning	<b>Validated:</b>  22 December 2014  <b>Date of expiry:</b>  23 March 2015
<b>Recommendation:</b> To Refuse	

This application is scheduled as a Committee item due to its strategic policy implications.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This is an outline application with matters relating to appearance, landscaping, layout and scale being reserved ('the reserved matters'). The application is accompanied by an illustrative site plan which details a development consisting of 19 detached dwellings with a main access road from Church Road running north to south with cul-de-sacs running east to west. The indicative layout shows parking, amenity space and areas of landscaping.
- 1.2 The information submitted with the application indicates the scale of the dwellings to be two or two and a half storeys in height. The indicative layout shows traditional pitched roof dwellings with integral and detached garages.
- 1.3 This application is a resubmission of a previous development consisting of 47 units. The previous application was recommended for refusal but was withdrawn by the applicant prior to consideration of the application at Planning Committee in April 2014.

### Procedure



1.4 This application has been advertised as being a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

## **2.0 SITE DESCRIPTION**

2.1 This triangular-shaped site comprises 3.2 Ha and is found immediately east of the village of Bulphan. The site is located to the east of the A128 Bulphan Bypass and is bordered to the immediate north by Church Road and east by Brentwood Road. A telecommunications mast is situated to the immediate south of the application site.

2.2 The site is occupied by a metal clad barn and polytunnels, the latter of which are in a poor state of repair. A modular / portable building is also found in the northern portion of the site. There is existing vegetation on the majority of all boundary.

2.3 The site is located within the Metropolitan Green Belt.

## **3.0 RELEVANT HISTORY**

3.1 The site has the following history:

- 93/00651/FUL : Retention of barn erected on land - Refused
- 94/00296/FUL: Alterations and retention of barn - Refused
- 94/00297/FUL: Alterations and retention of barn - Approved

- 94/00502/FUL: Proposed excavation of pond and earth to be used for screening, bund and landscaping. - Approved
  
- 95/00004/GDO: Personal communications system - Approved
  
- 96/00906/FUL: Stationing of Portakabin for incidental sales/office use erection of a polytunnel - Approved
  
- 97/00945/FUL: Mobile Home - Refused
  
- 00/01170/FUL: Retention of dwelling house. - Refused
  
- 04/00518/LDC: Residential flat conversion in existing barn. - Unlawful
  
- 10/00058/FUL: Demolition of existing barn and associated buildings and construction of new six bedroom detached house and detached 3 vehicle garage – Withdrawn.
  
- 14/00029/OUT: Outline Application for Residential Development Incorporating Associated Private Amenity Space, Car Parking, Areas of Public Open Space and Strategic Landscape/Noise Attenuation Buffer. All Matters reserved (47 dwellings indicated on plan). The application was recommended for refusal for the reasons set out below but was withdrawn prior to consideration at Planning Committee.
  - Inappropriate development in the Metropolitan Green Belt with no very special circumstances which would outweigh the harm arising. There was other harm identified relating to lack of information in relation to landscape and ecology and arboriculture;
  - Increase in Flood Risk without adequate mitigation measures;
  - Lack of contribution towards strategic infrastructure and affordable housing;

- Highways issues including lack of access to sustainable modes of transport, detrimental impact upon the safety and free flow of traffic on the A128.

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

##### **PUBLICITY:**

- 4.1 The application has been advertised by site notice, press notice and individual neighbour letters. 12 responses have been received, 9 in support and 3 in objection. The matters raised are summarised below:

##### **Support**

- Creation of jobs;
- Landscaping;
- Much needed amenity;
- Tidying of waste ground;
- Additional housing to encourage more businesses including a new shop;
- Additional funding for schools and additional pupils would make it more viable;
- Reduction in fly-tipping, fly-grazing and other inappropriate activity on the site;
- Less road traffic accidents involving horses;
- This would add to the new houses planned for West Horndon and Dunton;
- The development is more in keeping with surroundings.

##### **Objection**

- Green Belt seeks to preserve rural open spaces around London. This site is between Havering, Basildon and Brentwood, outside main towns;
- Inappropriate development in the Green Belt;
- The vast majority of the site is undeveloped and cannot be considered to be previously developed land;
- The junction of Church Road/A128 is difficult to negotiate at peak hours and this application does not seek improvement;
- Lack of provision within the local school which is already oversubscribed;
- The occupants of the site could not safely walk to school across the A128;
- There is a lack of infrastructure provision including doctors surgery, public house, shop;
- Access to the site;

- The site is located in an unsustainable location;
- Additional traffic;
- Additional pollution;
- Out of character;
- Unmet housing need is not a reason for approval of inappropriate development in the Green Belt with no very special circumstances;
- Smaller residential developments proposed or constructed in the Green Belt have been refused planning permission and have been required to remove development as a result of formal enforcement action. There needs to be a consistent approach as smaller plots for residential development have been refused;
- The poor state of the site is not a reason for justifying new residential development on the site;
- Approval of this application sets a worrying precedent;
- The development is premature as policy has not been adopted for allocation of new development sites;
- The redevelopment of the site could reduce the use of brownfield sites in more sustainable locations;
- Lack of connectivity to the main village.

4.2 Detailed below is a summary of the consultation responses received. The full text can be viewed via the Council's website via public access at the following link:

[www.thurrock.gov.uk/planning/14/01406/OUT](http://www.thurrock.gov.uk/planning/14/01406/OUT)

#### HIGHWAYS:

4.3 No objections subject to conditions.

#### ENVIRONMENT AGENCY:

4.4 The response raises an objection on flood risk grounds. They endorse the objection raised by the Council's Flood Risk Manager with regards to the management of surface water on this site (see below). In addition, the Flood Risk Assessment (FRA) does not comply with the requirements set out in Planning Practice Guidance so is not a suitable basis for assessment to be made of the flood risks arising from the development. In addition, the Environment Agency advise that the FRA fails to provide details of a workable solution for managing surface water, provide evidence of infiltration testing in line with BRE365 specifications or sequentially considered potential locations for surface water drainage features.

#### FLOOD RISK MANAGER

- 4.5 The most recent response (17<sup>th</sup> March 2015) advises that the applicant has not identified a viable drainage strategy. The surface water is proposed to discharge to a 'piped watercourse at the southern site boundary'. In line with previous communications, it is not considered this watercourse is capable of accepting additional flows. It is recommended that the applicant investigate the potential for a connection to the piped watercourse understood to cross the site approximately a third of the way up the site, from the southern boundary, as a potential discharge destination. A survey of the watercourse/culvert through the site to its downstream connection to main river should be undertaken to determine its condition/capacity to accept additional flows.
- 4.6 The applicant is advised to update the layout plan to indicate the proposed discharge point on the site and the connectivity of the proposed attenuation ponds.

#### ANGLIAN WATER:

- 4.7 No objection, subject to conditions.

#### LANDSCAPE AND ECOLOGY:

- 4.8 No objection on landscaping, ecology or biodiversity grounds.

#### ENVIRONMENTAL HEALTH:

- 4.9 No objections, subject to conditions.

#### EDUCATION:

- 4.10 It is advised that any permission for this development is subject to a Section 106 Agreement to ensure contributions towards nursery, primary and secondary facilities.

#### HOUSING:

- 4.11 No objection. The applicant has offered to make a contribution to provide 35% of the development as off-site affordable provision (6 units). The applicant's rationale for off-site provision is considered to be sound.

## 5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

The NPPF was published on the 27 March 2012. Paragraph 13 of the Framework sets out the presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38(6) of the Planning and Compulsory Purchase Act 2004 and s70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

- 5.1 Annex 1 makes clear that Development Plan policies should not be considered out-of-date simply because they were adopted prior to publication of the Framework. It also sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the Framework. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals.
4. Promoting sustainable transport
  6. Delivering a wide choice of high quality homes
  7. Requiring good design
  8. Promoting healthy communities
  9. Protecting Green Belt land
  10. Meeting the challenge of climate change, flooding and coastal change
  11. Conserving and enhancing the natural environment

#### Planning Practice Guidance (PPG)

- 5.3 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 42 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:
- Climate change
  - Conserving and enhancing the historic environment
  - Design
  - Determining a planning application
  - Flood Risk and Coastal Change

- Health and wellbeing
  - Natural Environment
  - Noise
  - Planning obligations
  - Travel plans, transport assessments and statements in decision-taking
  - Use of Planning Conditions
  - Water supply, wastewater and water quality
- 5.4 Detailed below are two relevant extracts from the NPPG with regards to housing land supply and the Green Belt;
- 5.5 *'Do housing and economic needs override constraints on the use of land, such as Green Belt?*

*The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.*

*The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.*

*The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan'. (Paragraph: 044Reference ID: 3-044-20141006)*

*'In decision taking, can unmet need for housing outweigh Green Belt Protection?*

*Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt'. (Paragraph: 034 Reference ID: 3-034-20141006).*

## **Local Planning Policy**

Thurrock Local Development Framework (2011)

- 5.6 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Adopted Interim Proposals Map accompanying the Core Strategy identifies the application site as being within the Metropolitan Green Belt. The following Core Strategy policies apply to the site:

#### SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock<sup>1</sup>

#### THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision Of Affordable Housing
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness<sup>2</sup>
- CSTP25: Addressing Climate Change<sup>2</sup>
- CSTP26: Renewable or Low-Carbon Energy Generation<sup>2</sup>
- CSTP27: Management and Reduction of Flood Risk<sup>2</sup>
- CSTP33: Strategic Infrastructure Provision

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity<sup>2</sup>
- PMD2: Design and Layout<sup>2</sup>
- PMD6: Development in the Green Belt<sup>2</sup>
- PMD7: Biodiversity, Geological Conservation and Development<sup>2</sup>
- PMD8: Parking Standards<sup>3</sup>
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans<sup>2</sup>
- PMD12: Sustainable Buildings<sup>2</sup>
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment<sup>2</sup>
- PMD16: Developer Contributions<sup>2</sup>

[Footnote: 1 New Policy inserted by the Focused Review of the LDF Core Strategy. 2 Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. 3 Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].



### Focused Review of the LDF Core Strategy (2014)

- 5.7 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

### Broad Locations & Strategic Sites' focused review of the LDF-CS (2013)

- 5.8 The above was subject to consultation between January and March 2013. The Focused Review was restricted to the single issue of whether or not the Core Strategy should be amended to identify and allocate additional Broad Locations and Strategic Sites for housing-led development including the release of land from the Green Belt. One of the objectives of the review was to provide the opportunity to identify additional Broad Locations or Strategic Sites that may be able to contribute to the 5-year supply buffer and/or medium-term (years 6-10) housing land supply position in Thurrock.
- 5.9 The focused review accepted that there is a shortfall in the five year housing land supply + 20% buffer requirement. Three sites were identified with an indicative capacity of between 880 and 1,330 dwellings. This document has been parked in light of the preparation of a new Local Plan which will consider how to address future housing land supply.

### Draft Site Specific Allocations and Policies DPD

- 5.10 This Consultation Draft "Issues and Options" DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD 'Further Issues and Options' was the subject of a further round of consultation during 2013. In this document the site is detailed as a "Housing Site Without Permission - ORS38". The indicative housing density of the site is 12 and the likely phasing 11-15 years.
- 5.11 The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

### Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

5.12 The above report was considered at the February 2014 Cabinet meeting. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough's Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan.

## 6.0 ASSESSMENT

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

- I. Development plan designation and principle of development
- II. Harm to the Green Belt and Other Harm
- III. Whether the harm to the green belt is clearly outweighed by other considerations, so as to amount to the very special circumstances
- IV. Access, traffic and highway impacts
- V. Site Layout, Design and Sustainable construction
- VI. Landscape and Ecology
- VII. Flood risk
- VIII. Impact of noise upon the development
- IX. Developer contributions and affordable housing

### I. DEVELOPMENT PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

6.2 The Adopted Interim Proposals Map accompanying the LDF Core Strategy (2011) designates the site as being within the Metropolitan Green Belt. Paragraph 89 of the NPPF states that 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'. The NPPF sets out a limited number of exceptions, the proposals which include the construction of 19 dwellings do not fall into any of the exceptions and therefore constitutes inappropriate development.

6.3 Paragraph 87 of the NPPF states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 88 goes on to state; '*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'.*

- 6.4 Notwithstanding the NPPF's presumption in favour of sustainable development (para 14), Policies in the NPPF clearly indicate that development in the Green Belt should be restricted and sets out the test by which inappropriate development should be judged. The NPPF does not seek to define further what 'other considerations' might outweigh the damage to the Green Belt.

## II HARM TO THE GREEN BELT AND 'OTHER' HARM

- 6.5 Having established that the proposal constitutes inappropriate development in the Green Belt, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.6 At paragraph 79, 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 are their openness and their permanence.
- 6.7 With regards the impact on openness, the site, according to the paragraph 2.4 of the Applicant's Planning Statement, has been previously used for a nursery. The growing of plants such as those in a nursery is generally considered to be horticulture, which is included in the definition of agriculture. Therefore, this is not considered to be Previously Developed Land (PDL) as defined within Annex 2 of the NPPF which specifically excludes land that is or has been occupied by agricultural or forestry buildings, so could not be considered to be appropriate development. The proposals would comprise a substantial amount of new buildings in an area which is principally free from built development. It is considered that the amount and scale of development proposed would considerably reduce the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be accorded significant weight in consideration of this application.
- 6.8 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:
- i. to check the unrestricted sprawl of large built-up areas;*
  - ii. to prevent neighbouring towns from merging into one another;*

- iii. to assist in safeguarding the countryside from encroachment;*
- iv. to preserve the setting and special character of historic towns; and*
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

6.9 The proposal would involve the construction of a housing development outside the boundaries of the village of Bulphan and the development would be built upon an area separated from the village by the A128. It is considered that the development proposed would be contrary to purposes (iii), and (v) detailed at paragraph 80 of the NPPF. In addition, there would be substantial harm by reason of loss of openness.

6.10 Other harm identified relates to flood risk because the development would potentially place properties at risk from surface water flooding. The Council's Flood Risk Manager has objected to the proposal and has requested further information regarding the mitigation measures to deal with risk associated with surface water flooding and the proposed discharge point which does not appear to be in a suitable condition to accept additional flows. Again, weight is given to the potential harm arising.

6.11 In addition, the Environment Agency has placed a holding objection on the application. Without the assurance that the proposal would not lead to harm to the locality due to flood risk, the potential harm caused by the development by flood risk should weigh against the proposal. This matter is discussed in detail later in this report.

### III WHETHER THE HARM TO THE GREEN BELT IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS, SO AS TO AMOUNT TO THE VERY SPECIAL CIRCUMSTANCES

6.12 The Planning Statement submitted by the applicant to accompany the planning application sets out the applicant's case for development. This can be summarised under five headings;

- a. The poor state of repair of the existing buildings in an area surrounded by residential uses. The proposal would improve the landscape aesthetic;
- b. The need to provide high quality, larger housing within the Borough;
- c. The allocation of the site within SSADPD which has passed the sustainability appraisal;
- d. The site has been put forward in the 2015 "Call for Sites" in the new Local Plan, with the assumption that the site would be accepted again;

- e. Lack of 5 year housing supply. The applicant has cited Butts Lane and Purfleet Road as examples where housing has been accepted within the Metropolitan Green Belt.

6.13 Neither the NPPF nor the LDF-CS provide guidance as to what can comprise 'very special circumstances', either singly or in combination. Some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances.

6.14 The section below summarises and considers the arguments advanced. The conclusions of this report will assess whether the harm to the Green Belt is clearly outweighed by other considerations, either collectively or individually.

a) *The poor state of repair of the existing buildings in an area surrounded by residential uses. The proposal would improve the landscape aesthetic;*

6.15 The applicant states that the redevelopment of the site would improve the quality of the site. According to the applicant, the site is a former nursery. The site presently accommodates a barn which is of substantial construction, typical of many agricultural buildings within the Green Belt. There are also polytunnels within the site that are currently dilapidated. There is hardstanding which has limited impact upon the landscape. A storage container is also found on site.

6.16 All of the existing buildings and structures on the land are typical of many agricultural sites within the Borough. The letters from residents also refer to materials dumped within the site and the potential for fly tipping. Photographs of the site show there is small areas of materials such as bricks and wood etc. It is not considered that the appearance of the site is so poor or that the previous use was un-neighbourly/non-conforming to justify the residential re-development of the site. This factor, when taken alone, should therefore be afforded very little weight in consideration of this planning application.

b) *The need to provide high quality, larger housing within the Borough;*

6.17 The applicant states that the development would deliver high quality, larger homes in the Borough for which there is an established need. Whilst the Council expects all new development to be of the highest quality, there is no identified need within the Core Strategy or the Council's Housing Needs Survey specifically for larger homes.

6.18 The applicant has made a commitment to ensure a high specification is used in the construction of the dwellings and also to ensure compliance with Sustainable Homes Code Level 5. The code level is one level higher than the current policy requirement of Level 4 and the applicant's high quality design

could be incorporated into a design code. This matter could be controlled via condition and would support the applicant's case for very special circumstances.

c) The allocation of the site within SSADPD which has passed the sustainability appraisal:

- 6.18 The site was allocated as a potential housing site within the LDF-CS Site Allocations DPD. As detailed in the policy section of this report, work to progress this document has now paused in favour of progressing a new Local Plan for the Borough. Paragraph 216 of the NPPF states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent there are unresolved objections to the relevant policies and the degree of consistency in the emerging plans with the NPPF.
- 6.20 Before work paused, the DPD reached 'Preferred Option' stage. The Council has accepted that those sites identified within the DPD would be carried forward into the Local Plan. Therefore, considering the current lack of a more up-to-date development plan document, the allocation of the site for housing within the former DPD affords some weight in favour of the development.

d) The site has been put forward in the new "call for site" in the new Local Plan with the assumption that the site would be accepted again:

- 6.21 The applicant has very recently promoted the site through the 'Call for Sites'. As set out above, the Council has accepted that those sites identified within the DPD would be carried forward into the Local Plan and the applicant's recent promotion of the site demonstrates that the site is available and deliverable. However, the simple fact that the site has been put forward in the recent call for sites can be afforded no weight.

e.) Lack of 5 year housing supply. The applicant cites Butts Lane and Purfleet Road as examples where housing has been accepted within the Metropolitan Green Belt.

- 6.22 The 2014 Authority Monitoring Report ('AMR') details that the identified five year supply represents 60% (or 3.0 years of supply) of the five year requirement. When the 20% buffer is taken into account, the supply represents 50% (or 2.5 years of supply) of the five year requirement. This site was not included in that assessment as it was formerly projected that this would form part of the delivery in the plan period 11-15 years, after 2020. As detailed in the AMR and other parts of this report, the Site Specific Allocations DPD is to be reassessed and a new call for sites is taken place. At this juncture, some weight should be afforded to the lack of 5 year housing supply as forming part of the applicant's Very Special Circumstances.

- 6.23 The applicant cites an appeal decision in relation to Butts Lane (application reference 10/50235/TTGOUT) and the Planning Committee's decision to 'approve' an application for the site at London Fire Brigade (application reference 12/01119). They seek to highlight the approach by the Council and Inspectors in relation to large development sites within the Green Belt when the Council has a lack of a five year housing supply.
- 6.24 The matter of housing delivery contributes towards very special circumstances and should therefore be accorded weight in the consideration of this application. Nevertheless, the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'Very Special Circumstances' justifying inappropriate development on a site within the Green Belt (Paragraph 034 Reference ID: 3-034-20141006).
- 6.25 The crucial consideration here is whether the applicant's case for Very Special Circumstances clearly outweighs the in-principle harm due to the inappropriateness of the development and the harm arising from the loss of openness resulting from an increase in the built form and the potential for increased flooding in the area.
- 6.26 In concluding this section, each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. In this case the proposal is very finely balanced; however it could be argued that the benefits of the scheme could collectively just tip the balance to constitute Very Special Circumstances, notably because of the site's allocation in the 'parked' SADPD. However, there remain outstanding flooding concerns which are detailed below.

#### IV. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

- 6.27 The applicant has submitted a Transport Assessment and a Travel Plan Framework assessing the impact upon the junction and mitigation measures for encouraging more sustainable modes of travel in accordance with Policy PMD10 and the guidance within the NPPF.
- 6.28 The junction capacity assessment submitted by the applicant indicates that the development traffic would not result in capacity related delays at the Church Road/A128 junction. This has been agreed by the Council's Highway Team. There are therefore no objections in relation to Policy PMD9 or the guidance within the NPPF.
- 6.29 The Travel Plan Framework submitted by the applicant confirms that the residents of the proposal would largely depend on the private car for most trips, which would impact upon Bulphan Bypass, a Level 1 Corridor of Movement and Brentwood Road. In order to mitigate this, the applicant proposes the creation of a Travel Plan Steering Group to oversee implementation of proposed Travel

Planning measures for 5 years following first occupation of the dwellings. Initially it would be for the developer (or successor in title) to become the Transport Coordinator during the construction phase of development that would set up a community travel plan website. Upon the first anniversary of onsite occupation, or when 50% of the dwellings are occupied the Coordinator would set up a Steering Group including residents and likely, the Travel Plan Co-ordinator at the Council for 5 years to reduce the need to travel by private car. The Steering Group would promote of existing public transport routes, car sharing and encouraging walking and cycling to services. Subject to conditions requiring this to be implemented, including penalties if the agreed travel plan targets are not met, the mitigation measures would adequately minimise reliance on the private car in accordance with Policy PMD10.

- 6.30 The indicative layout plan shows three parking spaces per unit, which accords with the Council's Draft Parking Standards. However, there should be the provision of an additional five visitor parking spaces (0.25 spaces per dwelling), with at least one designated as a disabled space, which should be accommodated on street. This is not currently shown on the submitted plan but could be stipulated in conditions to any consent given. In addition, secure, covered cycle and powered two wheel vehicle (PTW) parking needs to be provided, cycle spaces within the dwelling and communal space for PTW. Subject to conditions attached to ensure provision of adequate parking the development would accord with Policy PMD8.

In conclusion under this heading, there are no highway objections.

#### V. SITE LAYOUT AND DESIGN / SUSTAINABLE CONSTRUCTION

- 6.31 Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.

LDF-CS Policy PMD1 states that 'Development will not be permitted where it would cause unacceptable effects on:

- i. the amenities of the area;
- ii. the amenity of neighbouring occupants; or
- iii. the amenity of future occupiers of the site.



- 6.32 The parameters plans suggest that the site would be developed with large detached properties which would be set in generous plots loosely organised in a semi-Arcadian pattern of development. The proposed layout and general design approach is considered appropriate in its context. The layout would amount to 6 dwellings per hectare (dph) providing significant opportunities for high quality landscaping and amenity space for future residents. Owing to the plot sizes and the orientation of the properties, there would be no issues in relation to loss of amenity or privacy arising.
- 6.33 Part 2 of Policy PMD2 states that the Council will use the *Building for Life* criteria to evaluate new development proposals. It is considered that the illustrative development demonstrates a degree of conformity with the Building for Life Standards and the Urban Design and Layout conform with criteria (i-vii) of LDF-CS Policies PMD2 (Design and Layout) and LDF-CS Policy CSTP22. No objection is raised under this heading.
- 6.34 The illustrative material submitted with the application is encouraging as it represents a good opportunity to introduce high quality, exemplar executive housing in this part of the Borough. The applicant has agreed to develop a design code which could be secured via planning condition to ensure that the final development is of the very highest quality.

#### VI. LANDSCAPE AND ECOLOGY

- 6.35 The scheme has been significantly revised when compared to the previously withdrawn application. The reduction in unit numbers from 47 to 19 has allowed for the buildings to be set back further from the boundaries which would assist in reducing their visual impact. It would also allow for most of the boundary hedging to be retained and reinforced with additional planting. Other elements, such as ponds and grassland, could also provide additional biodiversity value if appropriately designed.
- 6.36 The Council's Landscape and Ecology Advisor has raised no objection to the application, commenting that the preliminary ecological reports submitted with the application are appropriate for the site. Those reports recommended the retention of hedging for bat habitations and that a reptile survey is undertaken. Subject to adherence to the mitigation measures recommended, including a method statement for site clearance, the proposal would not significantly harm biodiversity. The proposal would therefore, not be contrary to Policy PMD19 of the Core Strategy or Section 11 of the NPPF. No objection is raised under this heading.

#### VII. FLOOD RISK

- 6.37 The application includes provision for drainage ponds and other areas for water to infiltrate to reduce the risk of flooding.

6.38 The site is located in Critical Drainage Area 11 in the Council's Draft Surface Water Management Plan; so designated due to its high risk of flooding from surface water flooding and record of historical flooding in Bulphan village. The applicant is proposing to connect surface water runoff from the development to an ordinary watercourse that flows through Bulphan village. Whilst it is acknowledged that storm flows will be attenuated on site, there is currently uncertainty about the watercourse's capacity to accept additional base flows and the size of the proposed development's drainage system to accommodate runoff in times of heavy rainfall. In order to overcome these concerns and remove our objection on flood risk grounds the applicant is requested to:

1. Confirm the presence of a culverted watercourse through the development site;
2. Confirm proposal to include discharge point on the culverted watercourse within the boundary of the development site or approval from third party if off site; and
3. Confirm that adequate volume of attenuation (e.g. ponds) will be provided on site to cope with a surcharged outfall situation (i.e. storage on site to manage flows when the culverted watercourse is in full flow conditions).

6.39 These matters have been raised with the applicant on numerous previous occasions through the current, previous and pre-application stages of the development. Unfortunately, the matters remains outstanding and the Council is awaiting further information to be submitted regarding the matter. However, currently the applicant would fail to mitigate harm arising from additional flood risk contrary to Policies CSTP27 and PMD15 of the Core Strategy and Section 10 of the NPPF. Until further information is provided the application is recommended for refusal on the basis of the inability to mitigate the impact upon flooding in the area.

#### VIII. IMPACT OF NOISE UPON THE DEVELOPMENT

6.40 The site is located to the east of the A128 Bulphan Bypass, a Level 1 Corridor of Movement that links the A13 and A127. The A128 is also the main link from residential settlements to the south of the borough with Brentwood to the north. Noise pollution could be a significant issue emanating from this development and the Council needs to be satisfied that the development would not cause any detriment by virtue of noise.

6.41 The application has been accompanied by a noise assessment which makes recommendations to mitigate harm arising from noise.

6.42 The assessment recommends a scheme of soundproofing for the dwellings and provision of an acoustic barrier; the findings of the report and methods of

mitigation have been agreed by the Council's Environmental Health Officer and subject to the imposition of conditions, it is considered that the proposal would accord with Section 30 paragraph 008 of the Planning Practice Guidance and Policy PMD 1 of the Core Strategy.

#### IX. DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING

- 6.43 The Thurrock Council Core Strategy indicates that the Council will seek to secure planning obligations towards the cost of local infrastructure when new development is proposed. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.44 The Council's Education Team has advised the development would place pressure on existing education provision at nursery, primary and secondary level within local schools.
- 6.45 LDF-CS Policy CSTP2: (The Provision of Affordable Housing) seeks the minimum provision of 35% of the total number of residential units built to be provided as Affordable Housing. Part 2 of this Policy states '*The Council will seek Affordable Housing to meet local needs on qualifying sites subject to:*
- i. its suitability for on-site provision;*
  - ii. the economics of providing affordable housing;*
  - iii. the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site; and*
  - iv. the mix of units necessary to meet local needs and achieve a successful sustainable socially inclusive development'.*
- 6.46 In terms of delivery, in the decade up to 2013 581 affordable housing completions have been achieved at an average rate of 58 dwellings per year. The Housing Needs Survey (HNS) from 2004 produced by consultants on behalf of Thurrock Council identified an annual level of affordable housing need of 204 units and recognises that the supply of affordable housing has historically been well below this figure. The SHMA (2008) identified that the annual net affordable housing need for Thurrock had increased to 524 per annum (p208). The SHMA-UR (2010) recognised that Thurrock will have to increase housing output substantially in order to meet housing targets (para 4.8). The SHMA-UR (2010) identified that there remains an acute level of housing need (6.19). The (SHMA-FR (2013) set out future housing requirements and the affordable housing target for the period 2011-31 which identifies higher levels of affordable housing

delivery than those achieved to date (i.e. 36% of an annual housing requirement of 1,030).

- 6.47 The shortfall in five-year housing land supply considered at (a) above will continue to limit the ability to address identified need for affordable housing within Thurrock.
- 6.48 The application makes no provision for on-site affordable housing, but would make provision as an off-site payment. Policy CSTP2 states that off-site contributions will only be considered in exceptional circumstances and evidence of this would be required to be supplied by the applicant.
- 6.49 The applicant's justification is that the site is rural, some distance from anything other than village amenities and services, and the limited number of affordable units in the scheme (six) would make it difficult to find a registered provider. The Housing Service accept these factors and consider it appropriate in this instance to allow an off-site contribution. The proposed affordable housing provision would make a valuable contribution to meeting the '*extensive and acute affordable housing need requirement demand*' in Thurrock identified in the SHMA-UR (2010) and assist in increasing the rate of affordable housing delivery.

## **7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL**

- 7.1 Inappropriate development is, by definition, harmful to the Green Belt. In light of the analysis of this report, the amount and scale of development proposed would considerably reduce the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be accorded significant weight in the consideration of this application.
- 7.2 Having regard to the case advanced by the applicant, it is considered that there are factors which weigh in favour of the proposal:
- There is an unfulfilled need having regard to the supply of specific deliverable sites. The proposal would provide a benefit in contributing towards the shortfall in the supply of new housing as set out in the LDF-CS delivery targets and as required by the NPPF.
  - The site has been identified as a housing site in the Council's LDF SADPD; although the progress of the SADPD has been 'parked' in favour of progressing a Local Plan, the sites allocation shows the Council's intention for this site to be developed for housing.
  - The development is capable of delivering affordable units to help address the shortfall and meet identified housing needs in the Borough.

- The development would result in the re-development of the site for high quality, sustainable, large detached housing the Borough.

7.3 The balancing exercise is whether the factors outlined above, clearly outweigh the harm which would be caused to the Green Belt and the other harm identified. In this case the benefits of the scheme and the harm that would result are very finely balanced; however it is considered that the benefits of the scheme could be argued to collectively just tip the balance to constitute Very Special Circumstances, notably because of the sites allocation in the SADPD.

7.4 In terms of other harm, the development would potentially place properties at risk from surface water flooding; there remains uncertainty about the watercourse's capacity to accept additional base flows and the size of the proposed development's drainage system to accommodate runoff in times of heavy rainfall. The application is recommended for refusal on these grounds.

## **8.0 RECOMMENDATION**

8.1 To Refuse for the following reasons:

### **Reason(s):**

1. Policy PMD15 (Flood Risk Assessment) of the Core Strategy indicates that all applications where the development site is 1 Hectare or greater in area and in Flood Zone 1 areas should be accompanied by an appropriate Flood Risk Assessment (FRA) which indicates how flood risk can be managed for the life of the development and that development which does not make adequate provision to address floor risk issues is not appropriate.

The NPPF indicates that where development is proposed in flood risk areas development can be approved provided that development is appropriately flood resilient and resistant, including safe access routes and that any residual risk can be safely managed.

The information submitted by the applicant does not contain appropriate information in relation to flood risk, in particular surface water drainage mitigation to enable proper assessment of Flood Risk. Therefore, the Council is not satisfied the development can be accommodated whilst also adequately mitigating flood risk accordance with above guidance and advice.

### **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/14/01406/OUT](http://www.thurrock.gov.uk/planning/14/01406/OUT)

Alternatively, hard copies are also available to view at Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL.

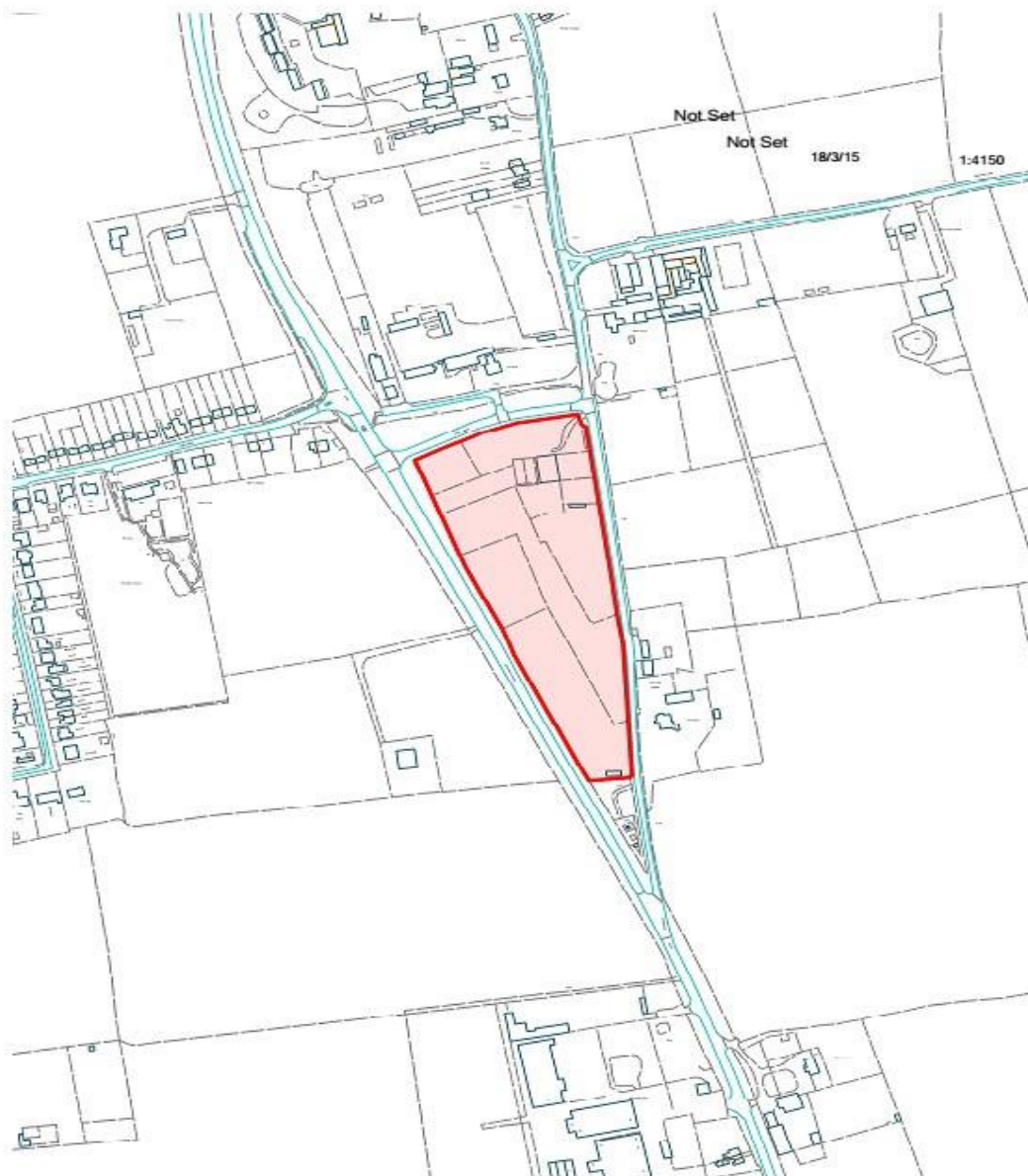
This plan is produced for Planning & Building Control Regulation purposes only.

No further copies may be made

Application No: 14/01406/OUT

Pieris Place, Brentwood Road

Bulphan, Essex



**APPENDIX 4:  
CATHERINE ROAD, BENFLEET – OFFICER'S  
REPORT TO COMMITTEE 6<sup>TH</sup> MAY 2014**

## ITEM 1

**Application Number:** CPT/602/13/FUL

**Address:** LAND ADJACENT TO FELSTEAD ROAD AND  
BOWERS ROAD, BENFLEET, ESSEX  
(Boyce & Appleton Ward)

**Description of development:** 178 DWELLINGS WITH ASSOCIATED ACCESS,  
INFRASTRUCTURE AND PUBLIC OPEN  
SPACE, TO INCLUDE FORMATION OF  
COMMUNITY WOODLAND

**Applicant:** REDROW HOMES LTD AND THE  
LANDOWNERS

**Officer:** I. SHETH

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### Summary

This application seeks full planning permission for 178 dwellings with associated access, infrastructure and public open space, including the provision of community woodland areas.

Residential development of the site has been identified as inappropriate development in the Green Belt, which would normally attract a recommendation of refusal.

However, inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances. In this instance, the site has been identified as forming part of the Council's five year housing land supply and this is considered to amount to the very special circumstances needed to justify otherwise inappropriate development.

This factor alone however does not outweigh the objections raised to the proposal on the basis of overdevelopment of the site as demonstrated by the poor layout, provision of inadequate isolation spaces, poor setting in the streetscene, the consequent cramped urban appearance and domination of the proposed development by car parking.

The proposal also fails to adequately mitigate the impact of the development on a protected species.

It is considered that the proposal is too focused on achieving the greatest number of dwellings on the site and good design and layout has been sacrificed to achieve an inappropriate quantum of development.

The proposal is therefore recommended for **REFUSAL**.



## **Site Visit**

It is recommended that Members visit the site prior to the determination of the application.

## **Introduction**

The application site is irregular in shape and is located to the east of Felstead Road. It has a maximum width of approximately 390m, a maximum site depth of some 313m and an area of some 8.7 hectares (ha). The site lies within an area allocated for Green Belt purposes within the Council's Adopted Local Plan.

The site is bounded by Felstead Road to the west, Bowers Road to the north, Catherine Road to the east and the rear and side boundaries of properties located on Clarence Road North, Downer Road, Kale Road and The Chimes. The site rises from west to east ranging between 38m AOD against the site's western boundary to 64m AOD to the east adjacent to Catherine Road.

The site currently contains some 10 dwellings, two commercial equestrian businesses with stables, a haulage yard and large areas of private woodland. A number of trees, the subject of Tree Preservation Orders are present, together with significant trees that are not the subject of any orders. Six Badger setts have been identified within the site.

To the east of the site are further dwellings characteristic of the Green Belt and to the west of the site is the Holy Family Catholic Primary School and Kents Hill Junior School. To the south and north-west, the land is residentially developed and allocated for residential purposes.

## **The Proposal**

This is an application for full planning permission for 178 dwellings with associated access, infrastructure and public open space, including the provision of community woodland areas.

160 units are proposed for open market sale of which 9 are five bedroomed houses, 128 are four bedroomed houses and 23 are three bedroomed houses.

18 units (approximately 10%) are proposed as affordable units of which 4 are three bedroomed houses and 14 are 2 bedroomed houses.

Two areas of woodland are proposed within the development having an area of some 1.71ha. These areas are to provide recreational facilities for the local community and are intended to enhance the biodiversity of the site as a consequence of their proper management.

Excluding the areas of woodland, the proposed development provides a density of some 25.5 dwellings per hectare (dph).

The houses are a combination of two and three storey properties, with the third storey contained within the roof space served by pitched roofed front dormers and

rear roof lights. The properties are shown to have heights ranging from 8.3m to 9.7m.

Materials for the dwellings are proposed to be a mix of Ibstock Thakeham red multi stock, Queensbury Yellow Stock brick and render for the elevations, and Forticrete Gemini Mixed Russet and Gemini slate grey roof tiles.

Although no boundary treatment details have been provided for the site's external boundaries, for the plots within the site, the boundary treatment is indicated to be a combination of 1.8m high brick walls and close boarded fencing.

The properties are provided with parking in a combination of forecourt spaces, rear court spaces and single and double garaging; only seven of the provided garages are shown to be compliant with Essex Parking standards. One visitor parking is provided within the development.

Vehicular access to the site is to be provided via Bowers Road with Downer Road and Felstead Road forming the primary vehicular links to the existing local highway network.

The internal highway network comprises a short stretch of road with pavement along the currently unmade sections of Felstead Road and Downer Road, to the south of Bowers Road, beyond which shared surfaces and private drives serve the individual dwellings. The applicants have stated that except for the private drives, the other roads are proposed to be adopted by the Highway Authority. This has not been confirmed by the Highway Authority.

### **Submitted Documentation**

The application is accompanied by the following documents, which are available to view on the Council's website:

- Planning Statement
- Design and Access Statement
- Tree Survey Report, Arboricultural Impact Assessment and Draft Tree Protection Plan
- Environmental Statement
- King John's Community Woodland Strategy
- Landscape and Visual Impact Assessment
- Transport Assessment
- Statement of Community Involvement
- Site Waste Management Plan
- Sustainability Statement
- Archaeological Desk Based Assessment
- Initial Construction Noise Assessment for Proposed Residential Development
- Air Quality Scoping Report for Proposed Development
- Phase 1 Geoenvironmental Assessment
- Utilities Statement
- Flood Risk Assessment

### **Relevant Planning History**

Parts of this site have an extensive and somewhat chequered history of planning applications; however none of these is directly relevant to the consideration of the current proposal.

With regard to the current proposal a request for a screening opinion in accordance with Regulation 13 of the Environmental Impact Assessment (EIA) Regulations was received in May 2012. It was determined, following consultation with Natural England that as a consequence of the proximity of the site to the Benfleet and Southend Marshes Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI) Thundersley Common SSSI, Great Wood and Dodds Grove SSSI and Pitsea Marsh SSSI and the potential impacts on the aforementioned designated sites, the site was considered to represent an environmentally sensitive area within which development of the scale and type proposed should attract an EIA.

During consideration of the request for a scoping opinion it was agreed that the Environmental Statement would be a single issue report dealing with ecology.

In terms of the application formal pre-application advice was also initially sought in 2012. The initial 'Pegasus' concept comprised residential development within a woodland setting and was considered an appropriate basis for submission of an application by members.

Since the submission of the original concept plan the applicants have met with the Council and Officers of the Essex Urban Design Team on many occasions, the most recent being in early 2014. Throughout these discussions the applicants have sought to intensify the level of development on the site, significantly reducing the woodland setting. The applicants have been advised by the Planning Authority that whilst the principle of the residential development of the site would be considered favourably in the light of the Council's need for housing land, failure to acknowledge the special attributes of the site or deviation from the original concept could be prejudicial to determination of the application.

## **Relevant Government Guidance and Local Plan Policies**

### National Policy Planning Framework

Paragraphs: 2, 9, 10, 11, 12, 14, 17, 19, 32, 34, 36, 47, 49, 50, 56, 57, 58, 59, 60, 61, 62, 64, 69, 73, 94, 96, 109, 110, 118, 123, 159, 169, 170, 173, 196, 197.

### Castle Point Borough Council Adopted Local Plan 1998

EC2 – Design

EC3 – Residential Amenity

EC5 – Crime Prevention

EC7 – Natural & Semi Natural Features in Urban Areas

EC13 – Protection of Wildlife & their Habitats

EC14 – Creation of New Wildlife Habitats

EC21 – Woodland Management & Tree Preservation Orders

EC22 – Retention of Trees, Woodland & Hedgerows

EC23 – Tree & Shrub planting

H7 – Affordable Housing

H9 – New Housing Densities  
H10 – Mix of Development  
H11 – Accessible & Wheelchair Housing  
H13 – Location of Development  
H17 – Housing Development – Design & Layout  
T2 – Intensification of Access Use  
T8 – Car Parking Standards  
RE4 – Provision of Children’s Play space & Parks  
CF1 – Social & Physical Infrastructure & New Developments  
CF13 – Phasing of Development  
CF14 – Surface Water Disposal  
CF15 – Water Supply

### Residential Design Guidance

RDG1 – Plot Size  
RDG2 – Space Around Dwellings  
RDG3 – Building Lines  
RDG4 – Corner Plots  
RDG5 – Privacy and Living Conditions  
RDG6 – Amenity Space  
RDG7 – Roof Development  
RDG8 – Detailing  
RDG9 – Energy & Water Efficiency & Renewable Energy  
RDG10 – Enclosure & Boundary Treatment  
RDG11 – Landscaping  
RDG12 – Parking & Access  
RDG13 – Refuse & Recycling Storage

Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)

Developer Contributions Guidance SPD – Adopted 1<sup>st</sup> October 2008

### **Consultation**

#### Highway Authority

The Highway Authority would not wish to raise an objection to the above application but would advise that all housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

In addition the following conditions are recommended:

1. Prior to occupation, Downer Road and Felstead Road shall be suitably upgraded where appropriate to provide 5.5m carriageway width and 1.8m footways on both sides.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate crossing.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under-body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

9. The public's rights and ease of passage over public footpath 44 and bridleways 54, 55 and 56 shall be maintained free and unobstructed at all times until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development

Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. All single garages should have a minimum internal measurement of 7m x 3m, All double garages should have a minimum internal measurement of 7m x 5.5m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

13. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14. Prior to occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including provision of a Travel Plan Co-ordinator to give advice and to pay a £3,000 monitoring fee to ECC. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

15. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

16. Prior to commencement of development a contribution of £5,000 towards the implementation of parking restrictions in the vicinity of the site along Bowers Road, Felstead Road.

Reason: To make adequate provision within the highway for deter indiscriminate parking in the vicinity of the site as a result of the proposed development and adjacent school.

17. Prior to occupation of development, the Bus Stops along both directions of travel on Kents Hill Road in the vicinity of Bowers Road shall be upgraded to provide Real Time Information boards and other relevant infrastructure where appropriate including raised kerbs and provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

#### NOTES:

18. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council on 0845 603 7631

19. The Highway Authority cannot accept any liability for cost associated with a developer's improvement. This includes design check safety audits, site supervision, a commuted sum for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973.

20. It appears that difficulties may be encountered with levels on this site, it is recommended that the applicant be required to submit details of road gradients with the detailed application.

21. Steps should be taken to ensure that the developer provides sufficient turning and off loading facilities for delivery vehicles within the limits of the site, together with an adequate parking area for those employed in developing the site.

Upon subsequent discussions with the Highway Authority, Condition No. 6, was amended to require the private drives to be 4.1m rather than 5.5m.

Furthermore, Highway Authority has also clarified that no discussion has been taken place in respect of highway adoption.

#### NHS Property Services

A contribution of £48000 is sought for capital expenditure to accommodate additional healthcare demands.



## Anglian Water

### Assets

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

### Wastewater Treatment

The foul drainage from this development is in the catchment of Benfleet Sewage Treatment Works that at present has available capacity for these flows.

### Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to the sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. They would advise them the most suitable point of connection.

### Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option.

Building Regulations on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. However, clarity is needed. The planning application states that surface water is to be disposed off to methods other than a public sewer. The Flood Risk Assessment confirms connection to the public surface water network at several points.

Requests that the agreed strategy is reflected in the planning approval and that the following condition to be attached to any consent granted:

No hardstanding areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

## Environment Agency

Have no objection provided the conditions below, relating to surface water management, are appended to any planning permission granted. Our detailed comments on this, as well as advice regarding foul water disposal, pollution control and sustainability, are provided below:

### Surface Water Management

Our maps show the site lies in Flood Zone 1. Flood zone 1 is defined in PPS25 'Development and Flood Risk' Table D.1 as the zone of low probability flood risk. This zone comprises land assessed as having less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).

In accordance with Table 1 of the Technical Guidance to the National Planning Policy Framework (NPPF), a Flood Risk Assessment (FRA) by Ardent, referenced N620-01 and dated November 2013, has been submitted in support of the application, which has a site area of over a hectare.

We have reviewed this document and consider that the proposed development will only be acceptable if the following measure(s), as detailed in the Flood Risk Assessment submitted, are implemented and secured by way of a planning condition on any planning permission.

#### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Ardent, Report reference N620-01, dated November 2013, and the following mitigation measures detailed within the FRA:

1. Surface water to be limited to discharge rates as outlined by Anglian Water when discharging to the public surface water sewer. Demonstrated in FRA table Table 6-2: Green Field Run-off Rates and Agreed Surface Water Discharge Limits.
2. If surface water does not discharge to the public sewer and at a rate specified by Anglian Water then flows must be limited to 1 in 1 year Greenfield run off rate.
3. Storage is to be provided on site for the 1 in 30 year and 1 in 100 year plus climate change rainfall run off rate. As detailed in Section 6.13 of the FRA.
4. Confirmation of ongoing management and maintenance of SuDS structures detailed in section 6.14.

#### Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To ensure the SuDS system is maintained and operational for the lifetime of the proposed development.

#### Condition

At the detailed design stage, if the intention is for surface water to be conveyed to infiltration features, modelling of the surface water drainage system, including pipe network, will be required to ensure that in a range of events up to and including the critical duration 1 in 100 year return period event, including allowances for climate change, the system will be able to manage the expected volumes of water without causing nuisance or damage.

#### Foul Water Disposal

Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

### Pollution Prevention

The pollution of ground water and/or surface water is an offence under the Environmental Permitting Regulations (England and Wales) 2010.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

### Sustainability

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:

- Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.
- Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.
- Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.
- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108. Reference should also be made to the Climate Change section of the draft National Planning Practice Guidance, in particular: “Why is it important for planning to consider climate change?” and “Where can I find out more about climate change mitigation and adaptation?”

<http://planningguidance.planningportal.gov.uk/blog/guidance/>

Additional guidance on considering climate change for this proposal is provided in an appendix at the end of this letter.

#### Advice to applicant

There is a non main river culvert crossing the site. This does not seem to have been identified in the FRA. The developer should consult with Essex County Council as Lead Local Flood Authority with regards to its location and the potential impact of this development on it, and also whether this has or could cause localized flooding issues and restriction in the SuDS design for the site.

The proposals may include landscaping within the development area. The re-landscaped land may have an impact on overland flow routes. If this is the case then these need to be explored and if there is an impact on overland flows, then adequate mitigation must be proposed.

Building Regulations have a hierarchy of surface water techniques. Infiltration systems should be utilized as a preference unless there are reasons why they cannot be used. It is then preferable to discharge at a restricted rate to a watercourse, with discharge to a sewer system the least preferred option.

#### Essex Design Team

Unfortunately, despite our best diplomatic efforts to improve the design during pre-application dialogue with the applicant, the design has not evolved sufficiently and in many areas has regressed with the latest proposals. The scheme is now far removed from the original Pegasus concept plan which had a more extensive and bolder green network for example. It is currently of extremely poor design considering the opportunity and environmental sensitivities, and we would therefore recommend refusal. On reflection the scheme appears to have been far too financially (e.g. density) driven (beyond viability) and we now think a reality check considering design approach is required from the applicant to promote good design or at least ensuring avoidance of poor design, i.e. in accordance with the *NPPF*, *Castle Point (CP) Residential Design Guidance*, *Essex Parking Standards* and national design guidance such as outlined in *By Design: Urban Design in the Planning System* and the *Urban Design Compendium*. In this respect we think even moderate density reductions are likely to bring significant improvement and which in turn will add value to individual homes.

Our more detailed comments are outlined below which build on outstanding issues from Peter Dawson's latest pre-application design comments:

#### Character

The local area is suburban and generally lacks distinctive character except for the existing woodland which is a feature of this site and surrounding plots leading to local woods. There is an opportunity to retain and respond (through good building and landscape design) to the woodland character, balanced with the need for development. We feel that woodland has been integrated to a too limited degree and on balance proposals would be unreasonably urbanising / suburbanising and not in a good way. Further related comment is provided under *Green Network* and *Housing Design*.

#### Recommendations:

- Undertake a local vernacular study to appreciate historic vernacular including materials and to inform/inspire proposals irrespective of style (modern/traditional). Also consider greater use of timber in response to woodland setting.
- Identify townscape strategy with regard to key vistas, gateways, landmarks, corners (e.g. see CP Residential Design Guidance: RDG4 - Corner Plots) of for guidance) and open space edges. For example, this might involve balconied properties overlooking woodland spaces, an attractive landmark property at the end of a key vista,
- gateway treatment off Bowers Road etc. The substation should also be moved away from its prominent vista-stopping location, assuming it is not to be dressed as an attractive landmark feature.
- Ensure streets are better defined through a better and more complementary mix of buildings and planting and using more bespoke house types especially in response to townscape opportunities.

#### Car Parking

Appropriately designed-in car parking is a key ingredient for good design. In this respect, the scheme is far too car parking dominated, being in conflict with the Essex Parking Standards (EPP) and CP Residential Design Guide (*RDG12 - Parking & Access and 5.14*). For examples, (i) front in-curtilage parking would dominate roughly half the streets in conflict with “quality urban design dictates that care should be taken that this does not result in streets dominated by parking spaces in front of dwellings” (EPP, p.37)“, 90 degree on-street parking would inappropriately dominate some streets (e.g. associated with social housing), (iii) garages are sometimes clumsily located and unnecessary intrude upon street scenes, e.g. plots 36, 100, 103 and 149, (iv) and rear communal parking courts for affordable housing would inappropriately intrude on street scenes and, unless adequate windows are provided to adjoining gable, lack natural surveillance.

Recommendations: Redesign parking in accordance with standards and spirit of Essex Parking Standards, e.g. consider greater use of side (incurtilage), (overlooked) courtyard and parallel (instead of 90 degree) on-street parking.

#### Green Network (for wildlife, amenity, walking and cycling)

The sensitive development context suggests the need for the retention of a meaningful open space/woodland network concept, supported by good landscape design and allied to recreational amenity, walking and cycling. In contrast, the proposals have incrementally watered down this potential concept (e.g. it's much reduced from Pegasus's original concept plan) so we are now just left with a relatively squeezed, poorly defined and a largely detached loop of woodland/open space of limited recreational or access use (including numerous pathway gaps).

#### Recommendations:

- Moderately increase extent of retained woodland and open space, to that of or equivalent to the original Pegasus concept plan, and ensure network links to surrounding green/wildlife networks (e.g. Catherine Road linking to Coombe Wood),
- Improve edge treatment to spaces, e.g. legible shape, fronting development, responsive architecture which provide an attractive backdrop and takes

advantage of the view, relocate parking (say to rear courtyards) and minimise roads,

- Better permeate woodland character to other streets, e.g. through well-defined tree-lined avenues.
- Better align to strategic walking and cycling network (e.g. safe route to the primary school, contributing to green routes to Coombe Wood, off-road foot/cycle routes through spaces) and fill in gaps between pathways (e.g. around the main woodland spaces and linking to streets).
- Actively define recreational use,
- Consider piled and raft foundations to increase retention of existing trees near to proposed buildings, and
- Involve specialist landscape design input.

### Housing Design

The scheme overly relies on standard (could-be-anywhere) house types – the ‘Balmoral’, ‘Canterbury’, ‘Marlborough’ etc, with no evidence they either relate to or are informed by the general local area (materials and historic vernacular) or the specific site context (woodland, topography and layout). For example, with regard to layout there is little or no design response to positively address and distinguish townscape opportunities - key vistas, gateways, landmarks, corners, open space edges - elements which would lend the development character, legibility and aid way-finding. The scheme also appears too reliant on similar format detached housing typologies of limited visual interest, often including often over-dominate garage, which, together with a lack of planting, too loosely (spatially) define the street and in a way which lacks character. For recommendations see *Character*.

### Tenure Mix

The tenure mix is too overtly visible in the design: for sale - primarily large detached ‘executive’ style houses with on plot parking, affordable – distinct enclaves of basically styled small terraced housing with communal/on-street parking.

### Recommendations:

Ensure scheme is tenure blind through improved pepper-potting and visibly comparable design quality.

### Relationship with Neighbouring Properties

Some back-to-back relationships appear too tight. For examples:

- Plots 146-7 have two storey houses with the rear elevation approximately 9m from the rear boundary of existing properties which is the minimum outlined in the CP Residential Design Guidance, whereas within this context here residents currently benefit from a woodland aspect and screening we would normally expect a 15m distance to safeguard privacy and outlook – this being the general standard adopted in the Essex Design Guide for example. Similarly, Plots 91-94 appear even closer (to a remaining house), which though backing onto the less sensitive side aspect, is probably unreasonably close considering the existing context. In both areas we would recommend replacing (too squeezed) cul-de-sacs with a more traditional and spacious street-facing arrangement.
- Plot 135 appears unnecessarily overbearing in relation to adjoining properties on The Chimes and considering the existing woodland context.

- Plots appear too close to Bowers Road considering the leafy aspect currently afforded facing properties and the potential for a more characterful street. Here we would recommend the need for a more complete/defined/widened landscape buffer relative to different sections of the street and helping form a well-defined green corridor and including showing the retention of street trees to the formal section of verge alongside Bowers Road.

Recommendations: See above points.

### Streets and Connections

This development might set a precedent for further development of nearby plots, yet might not facilitate good street design, considering proposed development would overly squeeze sections of Bower Road and Catherine Road.

The shared space approach is in principle welcomed though for many streets isn't supported by the layout, considering just one access serves most dwellings, lack of passive traffic calming measures (e.g. streamlined routes, standardised road widths and no chicanes or road narrowing) and the potential for on-street parking obstruction due to a lack of defined on-street visitor spaces.

Pedestrian links to the south are generally poorly defined and the lack of any vehicular access on this side will increase traffic (detouring) elsewhere. Further Secure by Design issues relate to the proposed pathway from Clarence Road North running to the hidden rear of newly proposed dwellings.

Recommendations:

- Show detailed drawings for improved links with regard to Bowers Road, Catherine Road, Kale Road and Clarence Road, including ensuring there are at least pedestrian links to the latter two.
- Explore with the Highways Authority also providing a vehicular entry (only access) from the south to spread the load on local streets, minimising unnecessary detouring and maximising the potential for shared surfacing.
- Redesign area of plots 143-149 so that development fronts the pathway and street.
- Consider shared surfacing approach, ensuring it is accompanied light traffic flows and passive calming measures.

### Backing-On

A number of properties back onto the street, raising Secure by Design (as well as privacy) issues, unless the street benefits from overlooking development on the other side of the street and where an adequate landscape buffer protects rear boundaries from intrusion. In this respect (i) plots 97-100 have insufficient natural surveillance and 80-90, and (ii) plots 80-90 and especially 101-102 appear particularly vulnerable and exposed without a more demonstrably appropriate landscape buffer.

Recommendation: Improve referred to landscape buffers and redesign area for plots 91-100 - removing the cul-de-sac and ensuring properties face existing streets.

Essex County Council: Education

There should be sufficient school and early years & childcare capacity in the area and therefore there will be no S106 request from an education perspective.

#### Essex Police Architectural Liaison Officer

No comments received.

#### Refuse and Recycling Manager

All the adopted roads will be fine for collection and will not cause a problem, as these can simply be kerbside collections.

Any private road, whereby the furthest house is 25m from the adopted part of the highway, a concrete collection point will be required for the presentation of the refuse and recycling.

#### Natural England

This application is in proximity to the Thundersley Great Common Site of Special Scientific Interest (SSSI) and the Benfleet & Southend Marshes SSSI, which is also classified as a Special Protection Area (SPA) and a Wetland of international importance under the Ramsar Convention (Ramsar Site).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Benfleet & Southend Marshes SPA/Ramsar site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Thundersley Great Common and Benfleet & Southend Marshes SSSIs have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. We note that a GI strategy has been submitted with the proposal. Natural England endorses the incorporation of GI into this development as a means of ensuring sufficient open space on site, and mitigating potential recreational impacts to local SSSIs.

Evidence and advice on green infrastructure, including the economic benefits of GI, is available on the Natural England Green Infrastructure web pages.



### Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and

capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

### Essex County Council Archaeological Observations

The Historic Environment Record shows no known or recorded archaeological deposits within the proposed development area; however, there are Iron Age, Roman and medieval finds within the surrounding area. The limited development in the area means that any undisturbed archaeological deposits within the proposed area have the potential to be well preserved.

The desk based assessment submitted with the application, undertaken by CgMs, confirms that there are no known archaeological deposits recorded within the EHER. However, there are finds and features in the vicinity. The Thames Gateway Historic Environment Characterisation shows that the development area extends over two character zones one of which has been identified as having good archaeological potential and is sensitive to change. The limited amount of archaeological knowledge in this area can also be explained by the lack of modern investigation that has taken place. The large scale development at Benfleet had no archaeological investigation undertaken prior to its development. As stated within the desk based assessment there is the potential of archaeological deposits being found in this area, however, it is unlikely that these will be of national significance.

Therefore to ensure appropriate recording of previously unknown archaeological deposits that are likely to survive within the development area the following archaeological approach is recommended in line with the National Planning Policy Framework:

**RECOMMENDATION:** An Archaeological Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the initial excavation of trial trenches across the site followed by targeted open area excavation of archaeological deposits identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced by this office detailing the work required on request.

#### County Planner

No Comment received

#### Essex County Fire and Rescue Service

Access for Fire Service purposes has been considered in accordance with Essex Act 198-Section 13.

The following areas appear to be accessed via 'Private Drives' which will need to comply with A.D. "B" Section 16 and in particular will need to be in accordance with the minimum carrying capacity where it is necessary for Fire Appliances to access across these drives (current gross weight of pumping appliance is 17.8 tonnes):

Plots 36, 37, 38, 95, 96, 97, 119, 120, 133, 134, 135, 136, 146, 147, 148, 149, 152, 153, 157, 158 – all of these appear to culminate in dead end situations and access needs to be achieved to within 45 metres of every part of the dwellings, with turning facilities provided to eliminate the need for fire appliances to reverse greater than 20 metres. Alternatively consideration should be given to the installation of sprinkler systems within the properties at the extremes of these distances.

Needs clarification in respect of the area denoted 'Emergency Access' adjacent to Plots 86 and 87 on the plans.

#### Essex Fire Water Supplies Co-ordinator

Following a review of the documents, additional hydrants will be required within the curtilage of the site, at positions to be decided, subject to any mains scheme the Water Authority may wish to implement.

Once you are in receipt of the proposed mains scheme, could this information be forwarded to us so that the new hydrant locations can be suitably identified.

For information, a newly installed fire hydrant must be on a water main which is capable of providing the required 25 ltrs/sec (1500 ltrs/min) for the purpose of fire fighting.

#### Essex Badger Protection Group

On reading the Environmental Statement regarding the badgers, it states that the main sett is to remain and that some of the other active setts are to be closed. These setts would be used periodically during the year, closing them would cause the badgers to re-dig where the old sett was or on other parts of the development. One of the possible places for the new sett to be dug would be the gardens of the new homes.

There will be a loss of the badgers habitat and foraging territory caused by this development, therefore the badgers would be forced to use the new homes gardens or grassland within the development. This could cause problems where dogs are present. Nearby woodlands are Coombe Wood which is on the other side of the busy A13 or Thundersley Glen which once again the badgers would need to travel across busy roads to reach. Both these woods already have their own badger territories, all this makes these two woods unsuitable foraging habitats for the badgers on this proposed development site. If the badgers were to use these two woods it would likely cause a much high mortality rate through road kills then what we already have for the area.

It is planned that the existing woodland becomes community woodland, nowhere in the report do I see who is going to manage this woodland. My main concern with a community woodland is the persecution this is likely to cause to the badger population living there. Pathways going too close to the sett could cause a disturbance to the badgers, by loose dogs going onto the sett and smaller dogs going down into the sett, which could be fatal for the dog. Children playing on the sett could cause disturbance and even damage to the sett.

### Badgers & Planning

The existence of badgers and their setts on a development site must be taken into consideration, within the planning process. Local planning authorities should follow the guidance in the National Planning Policy Framework. The guidance states that local planning authorities should make sure that the impacts of planning decisions on biodiversity and conservation are fully considered. The interpretation of this for badgers means that:

1. Planning decisions should be based on up-to-date reports about the location of badger setts and their foraging grounds.
2. Planning decisions should aim to maintain, restore, or add to the badger's habitat.
3. The aim of a planning decision should be to prevent harm to the badger's territory.
4. If a planning decision was to result in causing harm to the badgers territory, and was not compensated for in the developers mitigation, then planning permission should be refused.

Local authorities need to encourage development away from where there would be a substantial negative impact on the badger population of that area.

The badger reports and mitigation measures should be made available to the planning authorities and committees and other interested parties. The badger survey should not just include the site, but also land within 500m of the site. If there is a proposed road there should be a survey of a 1km corridor, 500m either side of the centre line of that road. When mitigation measures are required they should be completed prior to any work on the site starts.

Local planning authorities have a duty to ensure that all development activities do not breach the requirements of the Protection of Badgers Act 1992. If the developers are in breach of the Act, then mitigation must be put in place to prevent this continuing.

Planning permission should only be granted when the effect on the badger population can be adequately mitigated. The density of the existing area and of the proposed development would mean that maintaining enough foraging areas for the badger population must be a significant consideration when deciding on a planning application. Badger setts should not become part of private gardens or the gardens used to compensate for the loss of foraging land in a new development. Also planning permission must not be granted where badgers will be confined to a small space with no green corridors to other foraging areas.

#### Legislative context

Section 40(1) of the Natural Environment and Rural Communities (NERC) (2006) Act places a direct statutory duty to conserve biodiversity on all public authorities. Planning authorities therefore have a legal duty to take action to protect and enhance Biodiversity Action Plan habitat and species populations when determining planning applications.

Legally protected species in England include those covered by the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should take steps to secure the long-term protection of the species populations concerned with planning conditions and/ or obligations as appropriate.

#### Castle Point Strategic Planning Policy Officer

The land the subject of application No. CPT/602/13/FUL is identified within the draft New Local Plan as a proposed housing site at draft policy H9. This follows the decision taken by the Full Council in December 2012 to identify the site for inclusion within the five year housing land supply.

The draft New Local Plan was published for consultation in January 2014. The consultation closed on the 28th March 2014. At this point in time I cannot advise you of the outcomes of the consultation; however an initial review of comments indicates that there are objections to this proposed housing allocation, which will need to be considered before a decision can be taken as to how to proceed. When a decision is taken to proceed with the New Local Plan it will then be subject to pre-submission consultation before being submitted to the Secretary of State for examination. It therefore has some way to go before it can be adopted.

The National Planning Practice Guidance states under the Local Plan heading that 'decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF'. I would suggest that given the stage in production and given that there are objections to this proposal that need to be considered, limited weight can be given to the housing proposals set out in the draft New Local Plan.

That being said, I would draw your attention to the Strategic Housing Land Availability Assessment Update 2013. This shows that the Council does not have a

five year housing land supply at present. It also shows that in order for the Council to identify a five year housing land supply, it will be necessary to release some land from the Green Belt. It will therefore be necessary for you to consider whether a) this site represents a sustainable location for development; and b) whether the need for housing represents a very special circumstance whereby development should be exceptionally permitted in the Green Belt.

In terms of sustainability, I would refer you to the evidence base which underpins the draft New Local Plan including the Sustainability Appraisal of Sites, the Green Belt Boundary Review, the Transport Modelling Report, the South Essex Surface Water Management Plan, the draft New Local Plan Sequential and Exceptions Test, and the Local Wildlife Site Review. Additionally, I would refer you to policy H9 of the draft New Local Plan. Whilst I would not advocate the direct application of this policy at this time, the criteria included within the policy are designed to improve the sustainability of development in this location based on the evidence collected, and should therefore be given careful consideration in determining an application for housing development in this area.

#### Environmental Health Officer

No objection. Requests the following information to be conveyed to the developers:

Under Pollution Act 1974 the following hours for audible construction works are enforceable:

Monday to Friday – 8am to 6pm

Saturdays – 8am to 1pm

Sunday and Bank Holidays – No works

#### **Public Consultation**

311 consultation responses were received which made the following comments and objections:

- Brownfield sites should be developed before Greenfield sites.
- Loss of wildlife.
- Area is a green lung.
- Area is Green Belt.
- Number of dwellings far too great and cannot be supported by existing infrastructure.
- Loss of character of the area.
- All local schools at capacity.
- Pedestrian access to schools will become more dangerous.
- Traffic congestion
- No provision within the scheme for visitor parking.
- Loss of long established trees, many of which have Tree Preservation Orders
- Minimal amount of woodland being kept.
- Proposal will destroy important archaeological history.
- Loss of privacy.
- Loss of residential amenity.
- Potential drainage problems.

- Not adequate affordable housing.
- Seeks clarification if the Bowers Road/Catherine Road junction will be closed off to road vehicles.
- Majority of the site is woodland – not previously developed land.
- Inadequate car parking provision for the development.
- Dominance and overlooking issues.
- Noise and disturbance during construction.
- Car parking area for the school as proposed during the exhibition for public consultation has no longer been provided.
- Submitted plans differ greatly from the ones shown at the public meeting (exhibition).
- Accusation that the woods are mostly used for flytipping is misleading.
- More 4 bed properties – not adequate mix to consider first time buyers.
- Will lead to increase in surface water.
- Wildlife surveys are not up to date.
- Dwelling types do not suit the agreed housing needs of Castle Point.
- High density development.
- Loss of woodland.
- Proposal not in keeping with the character of the area.
- Lack of local facilities to support the proposed development.
- Pollution from traffic.
- Noise in the area would increase.
- Trees along Bowers Road should be retained.
- If consent is granted, the unadopted section of Bowers Road should not be allowed to use for site traffic.
- Residential gardens have been excluded from being classed as previously developed.
- Issues of maintenance of Community Woodland.
- There is a so called natural spring at the top of the development in Bowers Road which is constantly flowing down to developed part of Bowers Road – Has this been assessed?
- Issues in terms of layout & density of building.
- Issues in respect of design, appearance and material.
- Contrary to previous planning and appeal decisions.
- Sewers and surface water at present overloaded.
- Large proportion of support letters are from outside the Borough.
- The issue of the river culvert identified by Environment Agency has not been looked into.
- Issues in respect of vehicular access.
- Inadequacy of parking/loading/turning will result in an increase of on-street parking off site.
- Already sewage back up and blockage in the area.
- Query regarding how the woodlands will be maintained.
- Support letters have indicated that this area is set up for drug deals which are not true.
- Over shadowing issues.
- The accident assessment period used covers a period the majority of which is prior to the road layout changes to A13 with bus lanes.

- No cognisance has been taken of traffic flows at school drop off and pick up times in the Development Impact Analysis.
- Can trees be retained on the Community Woodland areas?
- Considers that Castle Point's population has not increased in the last decade.
- Considers that the Transport Assessment is flawed.
- Proposal may be in breach of Human rights Act.
- If something could be done about mass immigration problem; no more housing would be required.
- This area is used by many local groups.
- Although does not object to the development of this area, it should be on a much reduced scale and revised access points.
- By proposing the inclusion of an attenuation pond, the developer is admitting that the drainage installed will at times not be able to cope.
- Health risks from stagnant water of the pond.
- Safety issues from the pond.
- Where will the water go when the pond overflows?
- Surface water flooding issues.
- If housing is really needed, and this site needs to be developed; limit the number of houses and exclude plans to build on plots 91-100 & 132-158.
- By allowing some areas to be developed, CPBC can keep control of planning and protect the areas that need to be protected.
- There are multiple and duplicated support entries from people who are probably friends & relatives of people who will profit from this development.
- What plans are being put forward to improve the roads in the area?
- No footpaths within the development.
- Plots 56, 91, 100 forward of the building line in Bowers Road.
- What form of barrier will be there between Kale Road and the new development to restrict access off Kale Road?
- Only 2 residents in Kale Road have been notified.
- Local Council provision of waste disposal is poor.
- Health issues from overdevelopment.
- Issues of emergency access.
- Submitted badger survey contains outdated data.
- No provision of development for ageing population.
- Accepts that the principle of development on this site has been supported, but has major concerns about the proposal.
- Landscaping proposals do not mitigate impacts on wildlife because they create pockets of open space with no connectivity between them & other areas. This precludes the free movement of small invertebrates, mammals and other biodiversity.
- No clear proposals towards achieving sustainability like water harvesting, solar gains, etc.
- No evidence that employment during construction will bring benefit to immediate area.
- Discrepancies in information about site access.
- There is not a shortage of affordable local housing for first time buyer in the area and the loss of woodland and wildlife is therefore not justified.
- Boundary ownership issues.
- No details of boundary treatments of the site.



- Benfleet has an overwhelming amount of woodland so it would not be problem if the site is used for more homes.
- The site should go ahead as it is previously developed land so that natural Green Belt areas can be saved.
- Feels there is need for more housing in the area.
- Supports the development as would like to buy a property in this development.
- Pleased to see woodland spaces open to public rather than privately owned and overgrown woodland.
- Council is way behind in respect of housing provision
- Only a few houses will be in the affordable housing bracket.
- Local services already over stretched.
- Train services at saturation point.

### **Comments on Consultation Responses**

- Since the submission of the application, the drawings have been amended by the applicants to provide a revised site boundary.
- The Education Authority has commented that there is sufficient Early Years & childcare capacity in the area.
- Noise and disturbance during construction is not a material planning consideration.
- The proposed woodland areas are a part of application site. If approval is granted for the proposal; these woodland areas would be required to be retained.
- The requirement for adequate garage sizes is discussed in the evaluation.
- Conditions recommended by the Highway Authority may be attached to any consent granted.
- The NHS contributions can be required via a S106 agreement.
- The conditions suggested by County Archaeology can be attached to any consent granted.
- Other relevant issues are discussed within the evaluation of the proposal.

### **Evaluation of Proposal**

The issues to be considered are the principle of development, design and layout, the density and mix of housing, the provision of affordable housing, highways and car parking, accessibility and crime prevention, ecology, trees, landscaping and other matters. ecological considerations, highway considerations, refuse and recycling and land contamination.

#### **(i) The Principle of Development**

The site, the subject of the application is allocated for Green Belt purposes.

Para 79 of the National Planning Policy Framework (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 are their openness and permanence.

Para 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 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.

Para 89 of the NPPF states that a local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt; exceptions to this are:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As can be seen, paragraph 89 indicates that complete or partial redevelopment of previously developed sites need not be inappropriate, provided that this would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Turning first to the issue of whether this site might be considered as previously developed land, it is noted that the site is only partially developed with significant areas being undeveloped or providing woodland. It is not therefore considered that the site, in its entirety, may be considered previously developed land. It is not therefore considered that the proposal is fully within the scope of development envisaged by paragraph 89 of the NPPF.

The second element to consider is the impact of the proposal on the openness of the Green Belt or the purposes of including the land within the Green Belt, compared to the existing situation.

As previously identified, the site currently comprises of some 10 dwellings, with two commercial equestrian businesses with stables and a haulage yard. It is intended to replace these with 178 two/three storey dwellings with garages/parking spaces. It is clear that the scale of the proposed development would be materially larger than that

the proposal seeks to replace and as a consequence the proposal could be said to have a greater impact on openness and therefore the strategic function of the Green Belt in this location. If this view were held, then the development cannot fall within the exceptions to inappropriate development listed at paragraph 89 of the NPPF.

Based on the facts that the site is only partially developed and may not therefore be considered to be a wholly brownfield site and that the proposed development has a greater impact on the openness of the Green Belt, it is not considered that development of the site can be automatically justified on the basis of the guidance provided in the NPPF.

The proposal therefore constitutes inappropriate development in the Green Belt.

Prima facie, the proposal should therefore attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances which would justify a departure from the policy requirements.

This Authority defines very special circumstances as those which are individual or unique to the particular site, or at the very least incapable of frequent repetition.

It has been suggested within the submitted Planning Statement that the 5 year housing land supply shortage, the sustainable location of the site and the identification of the site as being suitable for development by Castle Point Borough Council's Full Council, provide very special circumstances which support the principle of the release of this land from the Green Belt.

It has also been suggested that the redevelopment of the site will provide an opportunity for the creation of community woodland which is again cited as a special circumstance justifying development of this site.

Although the provision of the community woodland would be of benefit to the local community, it is not considered that this aspect of the proposed development would result in such special circumstances in itself to justify a departure from the policy requirements.

However, the need to identify an appropriate five year housing land supply, the limited capacity of the urban area to meet all housing land needs and the decision taken by the Council on the 5<sup>th</sup> December 2012, which identified the site as being suitable for release, are considered to be very special circumstances, sufficient to justify development of the site.

Although all of the identified sites would need to be formally identified within the emerging New Local Plan, the decision taken by the Council in this respect is considered to represent a change in the circumstances of this site significant enough to represent a very special circumstance, the weight of which is considered sufficient to outweigh the harm to the Green Belt. Taken together with the other considerations examined, the principle of the proposal is considered acceptable.

Furthermore support for this approach can be found in the Written Ministerial Statement dated 6<sup>th</sup> September 2012 which states:

*As has always been the case, councils can review local designations to promote growth. We encourage councils to use the flexibilities set out in the National Planning Policy Framework to tailor the extent of Green Belt land in their areas to reflect local circumstances. Where Green Belt is considered in reviewing or drawing up Local Plans, we will support councils to move quickly through the process by prioritising their Local Plan examinations... There is considerable previously developed land in many Green Belt areas, which could be put to more productive use. We encourage Councils to make best use of this land, whilst protecting the openness of the Green Belt in line with the requirements in the National Planning Policy Framework.*

No objection is therefore raised to the proposal on Green Belt grounds.

## **(ii) Design and Layout**

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout and of external materials which are appropriate to its setting and which do not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

The National Planning Policy Framework similarly seeks well designed development.

The proposal seeks to provide residential development whilst retaining two areas of woodland with a connecting green link. The original concept discussed during pre-application meetings was of a development with a much more extensive and bolder green network resulting in a residential development within a woodland setting. The submitted proposal is now far removed from the original concept; the proposed development now preserving two strips of woodland within a residential development. It is therefore considered that the proposal does not take the opportunity to retain or respond to the existing woodland character. This is regrettable, resulting in a poorer environment and a missed opportunity to create a very attractive and high quality scheme. However, whilst the original concept has been lost; the proposal still retains substantial areas of woodland (some 16000m<sup>2</sup>) and under the circumstances, where an identified need for housing is present; it is not considered that a refusal based purely on inadequate woodland setting could be successfully sustained on appeal.

In terms of access the layout provides two routes off Bowers Road with the remainder of the site being served by shared surfaces and private drives creating two main avenues and eight housing enclaves.

No vehicular access to the site is proposed from the south of the site via Kale Road or Downer Road which reduces the site permeability. However, this reflects the views of local residents, as expressed during the applicants own consultation exercise and that undertaken by the Planning Authority, which express concerns over rat running and extraneous traffic through adjoining areas. Whilst the loss of permeability is regrettable and will place all traffic pressure on Bowers Road and its access points, it is not considered that these concerns create a robust reason for refusal.

In visual terms, the attempts to limit permeability have resulted in the creation of discordant features. For example the junction of the internal roads with Downer Road at the southern boundary of the site results in an awkward, unaligned junction. Whilst the objective for such alignment is appreciated, it is considered that other methods of restricting vehicular movements could be devised which was visually more attractive and spatially logical. However, whilst disappointing, it is not considered that this provides a robust reason for refusal. No objection is therefore raised to the proposal on this basis.

Finally it is considered that the layout fails to make best use of the vistas created. For example it is noted that a proposed substation is to be located at the western end of one of the main routes across the site in a very visible and vista stopping location. It is considered that a less conspicuous location for this type of structure should be sought. Whilst a minor point, it is considered that the insensitive siting of the substation demonstrates a lack of care taken in the creation of the layout.

The proposed development provides a mix of dwellings across the site, comprising of 2 & 3 bedroomed terraced, 3 bedroomed semi-detached, 4 bedroomed semi-detached and detached houses and 5 bedroomed detached houses.

The majority of the houses are proposed as 2 storey in height, however a number of the houses are shown as 3 storey with the third floor contained wholly within the roof and served by pitched roofed dormers to the front roof plane and roof lights to the rear roof plane.

The dwellings are mainly rectangular in plan form, but there are also a number of 'L' and 'C' shaped dwellings. Detail and articulation is provided to the dwellings with the provision of flat and pitched roofed canopies over front doors, projecting gable features at first floor level, Juliette bay windows and semi-circular brick arches

In terms of materials, it is proposed to use a mix of materials comprising facing bricks, roof tiles and render. Ibstock Thakeham Red Multistock and Queensbury Yellow Stock are proposed to be used for facing bricks, Forticrete Gemini Mixed Russet and Slate Grey are proposed to be used for roof tiles and render is proposed to be in 'Silver Pearl' colour.

The properties in the surrounding area are provided with a mixed palette of materials and in principle the use of the proposed materials would be acceptable; although the opportunity to reflect the woodland setting has not been taken. The Senior Urban Design Consultant has commented that greater use of timber in response to the woodland setting should be considered. A condition can be attached to any consent requiring the submission of alternative materials. Subject to such a condition, no objection is raised to the general palette of materials proposed.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. For new large scale

developments a different character, with varying plot sizes, can be created, however this must be accompanied by a robust design rationale.

Plot sizes for the frontage development would appear to be broadly consistent with the development in the surrounding residentially allocated area. Within the development plot sizes become more restricted in some areas, but this does not detract unduly from the character of the proposed development or the wider area. No objection is therefore raised to the proposal under RDG1.

RDG2 states that the space around all new development should be informed by the prevailing character of space around the dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern.

In forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between properties and the boundary.

For new large scale developments a different character, with varying degrees of space around the dwellings, can be created, however this is expected to be accompanied by a robust design rationale.

The character of the surrounding area is essentially of dwellings with a minimum of 1m isolation space to either side – unless a garage is provided up to the boundary on one side.

The proposal exhibits a number of plots where two storey dwellings are located directly on the side boundary. This produces a visually mean and cramped form of development and inappropriate setting for the proposed dwellings. Examples of this can be found at Plots 81, 82, & 161. This particular deficiency in the layout was identified in the pre-application advice but has not been remedied in the submitted proposal.

Furthermore, the proximity of dwellings to boundaries also has implications for the future maintenance of properties and for the amenity of the occupiers as vehicles of the occupiers of the adjoining properties would in some cases be located immediately adjacent to the side walls of the neighbouring properties.

Such layout is considered unacceptable and an objection is therefore raised under RDG2.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however it must not repeat poor forms of development. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern.

For new large scale developments a different character, with varying building lines can be created, however, this must be accompanied by robust design rationale.

In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

Whilst the proposed development creates a different character, it is considered that the proposed dwellings within the development facing Bowers Road and Catherine Road would still need to be informed by the prevailing building lines within the streetscene, thus reflecting the setting of the adjoining development and the character of the area.

The dwellings on the northern side of Bowers Road are generally set some 5 – 6m from the highway boundary. This creates an attractive spacious setting. The proposed dwellings on the southern side of Bowers Road would be set some 3m – 4m from the highway boundary whilst the dwelling on plot 55 would appear to be located on the highway boundary. The setting of the proposed development, whilst more limited than that existing to the north, is not considered so cramped that a reason for refusal on this basis could be sustained on appeal.

The dwelling on Plot 55 would appear to be located on the Highway boundary and as a consequence the dwelling has no setting. Ordinarily this layout would attract a recommendation of refusal because of the mean and cramped appearance it would lend to the development. However in this instance the proposed dwelling would in effect terminate a vista and as such it is not considered that a reason for refusal based solely on the proximity of the dwelling to the northern boundary of the site would be supported on appeal.

It is however considered that such setting demonstrates the very tight and cramped nature of the proposed development.

In terms of the impact of the proposed development on Catherine Road, it is noted that Plot 97, fronting Catherine Road, is also located right up to the highway boundary. The dwellings to the eastern side of Catherine Road provide a minimum set back of some 4.5m to the highway. The proposed location of the new dwelling, by reason of its proximity to the highway boundary would create an obtrusive and overdominant feature in the streetscene, detrimental to the character and appearance of the wider area. This feature again speaks to the overdevelopment of the site.

Within the site further examples of a poor relationship between proposed dwellings and the highway network can be identified.

Paragraph 5.5.2 of the preamble to RDG3 states that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms, and accommodating the storage and service requirements of the properties.

Paragraph 5.5.3 of the preamble states that such spaces can provide a buffer from the activities of the neighbouring public areas, such as the street or parking or servicing areas, as well as from neighbouring developments.

Within the scheme a number of dwellings are placed in very close proximity to the carriageway. Examples portraying this can be found on plots 9, 22 & 175. This situation also extends to other plots on the site. The dwellings in these instances are considered to be too close to the shared areas, providing poor defensible space and poor setting to the dwellings. The situation is exacerbated by the provision of private

drives and shared surfaces, placing dwellings in even more close proximity to vehicular movements.

This deficiency in the layout was identified in the pre-application discussions, however this issue has not been remedied in the current submission.

It is considered that the proposal fails to provide appropriate setting to the dwellings within the proposed development and results in a contrived and congested form of development, detrimental to the character and appearance of the area and detrimental to the amenity of future occupiers of the development. An objection is therefore raised under RDG3 to the proposed development.

RDG3 also states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

Whilst the proposal provides acceptable relationships to dwellings within the development, it is considered that some of the dwellings fail to provide acceptable relationships to the existing dwellings adjoining the site. The proposed dwellings at Plot Nos. 80-90, for example have their backs facing Bowers Road the boundary of which will consequently be defined by fences and or walls, with little opportunity for landscaping, presenting a stark and very urban elevation to the street. It is not considered that this makes a positive contribution to the character and appearance of the area and whilst this does not result in any issues of overdominance or overshadowing to the properties adjoining the site in this location it does demonstrate the poor quality of the layout.

The dwellings on Plots 135 and 136 are located in close proximity to the party wall boundaries of the existing neighbouring properties; the flank wall of the dwelling at Plot 135 being located some 2.5-4m from the party wall/rear boundaries with Nos. 6 & 7 The Chimes and the rear wall of the dwelling at Plot 136 being located some 5m from the party wall/rear boundary with No. 20 Kale Road. It is considered the two storey nature of the proposed dwellings which would be located in such close proximity to these neighbouring dwellings would result in dominance of these neighbouring dwellings. An objection is therefore raised to the proposal on this basis.

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active frontages to all elevations that face the public realm.

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

Corner Plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in new large scale development, in all appropriate cases opportunities should be taken to create feature dwellings on corner locations, which enhance legibility.

Most of the corner plot dwellings within the proposed development provide bland or blank flank elevations to the return frontages. It is not considered that the proposed development has evolved applying a townscape strategy which would identify key vistas, gateways, landmarks or corners and this represents a significant deficiency in



the application which is apparent at many locations. For example, the dwelling on the corner plot at the entrance of the development at Plot 55 not only fails to provide an appropriate setting for the dwelling which would create a kind of gateway development, but also provides a bland elevation in the streetscene in Bowers Road. Similarly other dwellings proposed on corner plots fail to provide adequate interest and articulation in all the elevations facing the public realm. It is not considered that any opportunities have been taken to create feature dwellings on corner plots to enhance legibility which sometimes can be achieved even by varying the use of materials. It is accepted that the proposed development uses a varied palette of materials; however, these have not been used effectively to reflect a townscape strategy.

Furthermore, the proposal seeks to provide a 1.8m high boundary treatment comprising of either close boarded fence or brick boundary wall along the return frontages of the corner plots. Whilst in some instances, these are considered acceptable, in some instances the proposal results in long an unattractive boundary treatments. For example there are two 10m long boundary walls on either side of the dwelling at Plot 166 and a 21m long boundary wall along the return frontages of Plots 125 and 126. It is considered that the proposed boundary treatments fail to provide a good enclosure to the street in this location and fails to appropriately integrate the development into its woodland setting. As a consequence it is considered that the proposal presents a poor and confusing layout, lacking distinguishing and distinctive townscape features. An objection is therefore raised to the proposal on this basis, under RDG4.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level and 15m at second floor level.

The proposed development generally provides the requisite 9m space to the boundaries on most of the properties. However, the dwelling at Plot 136 only provides a distance of some 5m towards the western side, to the rear boundary. The dwelling at Plot 146 provides a distance of some 8m to the rear boundary and the dwelling at Plot 140 provides only 6m to the rear boundary. It is considered that the failure of the scheme to meet the requirements of the Policy in respect of these plots is considered likely to lead to issues in respect of loss of privacy and overlooking and demonstrates the very restrictive nature of the development. An objection is therefore raised to the proposal under RDG5.

The proposal also seeks to provide three storey houses, with provision of pitched roofed dormers to the front and roof lights in the rear elevation. In some instances the proposed roof lights do not provide the requisite distance of 15m to the rear boundary. However, these roof lights provide secondary light to the bedrooms they serve and it is considered that a condition requiring these roof lights to be fixed shut and obscure glazed can be attached to any consent granted.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m<sup>2</sup> of amenity space per habitable room.

The applicant acknowledges that not all of the proposed properties are provided with the requisite amenity area and has submitted a garden compliance drawing which indicates the properties which would not meet the requirements of the guidance. In the past the Authority has adopted a strong line on the provision of amenity space but in isolation this objection has not been supported on appeal. However, in this case it is considered that the inability of the site to meet minimum standards in respect of amenity area provision demonstrates again the very tight and congested form of development and supports the extant objection based on overdevelopment.

It should be noted that deficiencies in amenity area provision were identified in the pre application discussions. This matter has not however been remedied.

RDG8 requires the design of all development to result in well proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

Whilst in most cases the fenestration is proposed to be aligned both vertically and horizontally, quite a few of the dwellings on corner plots do not follow this pattern. Plots 62, 75, 98, 102, 106, 110, 119, 126, 160, 162 and 165 provide three windows; two at ground floor level and one at first floor level, in the elevations along the return frontages. This sort of arrangement results in the fenestration not being balanced and proportionate.

Whilst this would not be in compliance with RDG8, it is not considered that a refusal on this basis could be successfully sustained on appeal and no objection is therefore raised.

This matter does however speak to the poor attention to detail exhibited throughout the scheme.

RDG10 states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.

The proposal seeks to provide enclosures in form of 1.8m high boundary walls and wooden fences. Whilst no details of the brick to be used have been submitted; it is noted that this kind of boundary treatment is characteristic of residential areas. However, it should be noted, as discussed previously under RDG4, that the boundary treatment in some locations extends for long stretches which detracts from the character and appearance of the development.

The proposal seeks to provide landscaping treatment to the front of the enclosures fronting the public realm; for example, a hedge having a height of some 0.6m to 0.8m is proposed to the front of the 1.8m high boundary wall stretching along Plots 125-126. However, it is not considered that this would be adequate to reduce the impact of this long stretch of wall within the streetscene. Furthermore, it is not considered that the proposed boundary treatment adequately reflects the woodland character of the area. An objection is therefore raised to the proposal under RDG10.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all

occupiers. All communal waste points and waste storage facilities should be provided with suitable landscaping and screening.

Residents should not have to transport refuse and recycling unreasonable distances from their dwelling to the communal waste collection points or storage facilities. Such areas should be accessible for waste collectors from the point at which refuse vehicles can receive waste.

The Refuse and Recycling Officer has commented that all the adopted roads can be used for collection and any private road where the furthest house is more than 25m from the adopted part of the highway should be provided with a concrete collection point for the presentation of refuse and recycling.

Although the agent for the application has confirmed that the shared surfaces are proposed to be adopted, the Highway Authority has commented that no discussions have taken place in this respect, It is therefore currently unclear how refuse collection will be executed within the proposed estate. However, subject to the proposed highways being constructed in a manner be able to withstand the weight of a 32 tonne refuse vehicle, it is considered that the refuse collection from the estate could be achieved. Subject to a condition requiring the highways to be constructed to an appropriate specification no objection is raised to the proposal on this basis.

The submitted Refuse Strategy Plan shows a number of temporary bin storage points. No details of these have been provided. However, these can be controlled by condition.

Overall in terms of layout and design, it is considered that the proposal is far too focused on achieving the greatest number of dwellings on the site and that good design and layout has been sacrificed to achieve a higher intensity of development. An objection to the proposal is raised accordingly under Policy H9 of the Council's Adopted Local Plan.

### **(iii) Density and Mix of Housing**

Government guidance makes clear that density is a relevant consideration in the determination of applications. Policy H9 of the Adopted Local Plan is concerned with housing densities. It states that the optimum density for any site will be the number of dwellings capable of being accommodated whilst ensuring that the development will not be harmful to the character of the site and its surroundings including any natural features and attributes, and that the layout is both functional and attractive with adequate building lines, landscaping, setting for the building, and space around the building.

The application site is some 8.7ha in area and inclusive of the provision of woodland areas achieves a density of some 20.4 dwellings per hectare. Excluding the areas of the woodland which is some 1.71ha, the proposal would achieve a density of some 25.5 dwellings per hectare. This density is relatively low for an urban site; however it has resulted from the need to accommodate a number of issues within the scheme, key amongst which is the need for the site to accommodate open space and woodland.

Whilst it is acknowledged that the overall development density is low, it has resulted in a form of development that appears inappropriate and cramped. As has been demonstrated above, it is considered that the proposal fails to provide an attractive layout with adequate building lines, setting for the dwellings and space around the dwellings. An objection is therefore raised to the proposal on the basis of density of development.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements.

The proposed development comprises of a mix of two bedroomed, three bedroomed, four bedroomed and five bedroomed dwellings; these being terraced, semi-detached and detached houses. This is considered to be an appropriate mix in the locality and no objection is raised to the proposal on this basis.

### **(iv) Affordable Housing**

Policy H7 of the Local Plan is concerned with the provision of affordable housing and states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.

The Council's Developer Contributions Supplementary Planning Document (SPD) requires the provision of 35% of affordable housing on sites on 15 proposed units or more.

The proposal seeks to provide 18 affordable units on site which is equivalent to some 10% affordable housing. This is much lower than the Policy requirement and prima facie should attract an objection. However, paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability costs. To

ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicants have submitted a Viability Statement to establish that the provision of affordable housing is not achievable on this site. The submitted Viability Statement appears to indicate that the development of the site would result in a net loss and states that on the basis of their submitted calculations 0% affordable housing provision is supportable. Nevertheless the applicant seeks to provide 18 units on the site.

This submission is somewhat puzzling and further consideration of the submitted viability statement suggests that further information is required in order to fully appreciate the viability of the development. In particular further information is required on:

- (i) land value i.e. comparable evidence on land values,
- (ii) build costs and how these relate to the appraisal are required. Reference is made to BCIS but more details are needed on how the figure used in the appraisal relates to it. A detailed cost plan needs to be submitted.
- (iii) infrastructure costs and how they have been costed and
- (iv) demolition costs and how they have been costed.

In addition an appraisal needs to be provided on the scheme with affordable housing at 35% to show a Policy compliant scheme and the viability gap.

In the absence of this information it is not considered that issues of viability maybe reliably determined. It is not therefore considered that the applicants have adequately demonstrated a lack of viability sufficient to justify a significant reduction in affordable housing provision and an objection is therefore raised on the basis of Policy H7.

#### **(v) Highways and car parking**

Many local residents have expressed concern over traffic implications arising from the proposed development. The Highway Authority however has raised no objection to scheme subject to a number of conditions which relate primarily to the construction, layout of the highways, monitoring fees and contributions which may be accommodated within conditions attached to any consent for the site. It should be noted that whilst in highway terms no objections are raised the requirements of the Highway Authority will have implications for the layout of the site which are not currently accommodated. For example, the Highway Authority requires private drives to be a minimum of 4.1m in width for the first 6m from the shared surface. Whilst in some instances, this is already achieved some of the private drives are quite restricted in width. It is considered that the need to widen the private drives would lead to further detriment to the setting of the dwellings. This again is considered to demonstrate the mean and cramped form of development.

In terms of parking Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking

standards. These are set out in the Essex Planning Officers Vehicle Parking Standards 2009. Standard C3 is relevant to residential development.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

Where the provision of in-curtilage parking for individual dwellings is contained within the dwelling in the form of garages (semi-integral or integral), carports and recesses, they should be an integral part of the dwelling and must be consistent with the overall architectural approach of the dwelling.

Policy EC2 of the Adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient.

In terms of the quantity of parking provision on the site, the standards require the provision of 2-on site spaces for dwellings with 2 or more bedrooms. Each dwelling within the proposed scheme should therefore be provided with at least 2 car parking spaces.

Parking spaces may be in the form of garages, carports or forecourt parking. Where parking is provided within garages, these must have a minimum width of 3m and a minimum depth of 7m.

In terms of information on garage sizes the submitted documentation exhibits discrepancies. Whilst the Planning Statement states that all the garages are provided in accordance to the requisite size stated in the parking standards and the drawing 'garages plans and elevations' show internal dimensions of 7m by 3m, the garages on the site layout plan (Drawing no. 7726/04) show garages with a depth of some 6m only in many cases. Compliance with the guidance and the submitted Drawing no. 7726/04 will have implications for the layout of the site and particularly for the amenity areas of a number of dwellings. However, it is not considered that the stated deficiency in garage depth, whilst being inconsistent with the standards, would necessarily prejudice use of the garages for the parking of vehicles. No objection is therefore raised to this element of the proposal.

In many instances the proposal seeks to provide 2 or more car parking spaces to the front of the properties. Such provision would mitigate the inadequacies identified in respect of the garages but has the adverse consequence of producing a scheme which is visually dominated by car parking provision. Consideration of the layout shows that in-curtilage parking would dominate a significant proportion of the plots, particularly those providing smaller forms of development and the affordable housing provision. This results in an unattractive form of development which fails to meet the high quality of development being sought both at local and national level. Such provision does represent an objection the proposal.

In terms of the proposed parking to the front of the dwellings on the forecourts, the proposal results in varied issues in respect of safe and convenient modes of movement. The proposed parking to the front of the dwellings in some cases creates

awkward relationships with the main entrances to the dwellings. It is not considered that such an arrangement results in a safe and convenient mode of movement and given the potential inconvenience of such an arrangement it is considered likely to deter occupiers of those dwellings from parking in that location resulting in on-street parking to the detriment of traffic flows and highway safety.

Furthermore the location of some parking spaces, especially those provided on private drives will necessitate occupiers having to reverse long distances in order to reach those parts of the highway network where vehicles may be safely and conveniently turned. Plots 36, 79, 95, and 135 are examples of plots with such inconvenient parking provision. It may be noted that vehicles parked at Plot 36 would need to reverse some 46m on the private drive before being able to turn and move into forward gear.

This situation can be found in a number of locations across the site and it is considered that not only would it result in inconvenience to the occupiers of the dwellings but also result in danger to drivers and pedestrians. It is therefore not considered that the proposal results in adequate, safe and convenient parking provision for the development and again demonstrates that the site is being too intensively developed.

The Essex Parking standards require the provision of 0.25 visitor parking spaces per dwelling. The proposed development provides one visitor car parking space to serve all 178 dwellings, representing a deficiency in unallocated visitor parking of 44 spaces. However many of the larger dwellings provide three parking spaces and can therefore accommodate visitors. This is not available to occupiers of the smaller dwellings and as a consequence visitors to these properties are likely to park on the highway to the inconvenience of adjoining residents. Whilst this deficiency could be remedied to serve the existing number of dwellings, this could only be achieved at the cost of the retained woodland which is undesirable. A reduction in the number of dwellings on the site could however facilitate a solution.

The proposal seeks the provision of community woodlands with a variety of recreational facilities provided within them. Such facilities are considered likely to attract members of public from the surrounding area, many of whom may travel to the site by car. It is considered that the lack of visitor parking spaces or pedestrian links within the development is likely to either frustrate the use of these community woodlands or result in significant on-street parking by users to the detriment of the amenity and convenience of the future occupiers of the site.

In conclusion on parking provision, it is considered that whilst the general quantum of allocated parking is adequate, in many instances the relationship between the parking provision and the dwellings and adjoining highway is unsatisfactory, resulting in a car dominated environment and inconvenient and unsafe parking provision. An objection is raised accordingly.

In respect of the unallocated visitor parking provision, this is inadequate and would be likely to result in vehicles being left on the highway to the danger and inconvenience of other road users. Remedy of this situation for the proposed number of dwellings is only likely to be achieved at the cost of the community woodland which would be regrettable.

Remedy could be achieved however through a reduction in the number of dwellings provided. The scheme is therefore considered to represent overdevelopment of the site.

An objection is therefore raised to the proposal under Policies T8 and EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

#### **(vi) Accessibility and Crime Prevention**

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

The submitted Design and Access Statement states the proposed site layout ensures that all types of people will be able to gain easy access into the site, regardless of age, disability, ethnicity or social grouping.

The proposed dwellings will comply with the requirements of Part M of the Building Regulations to ensure that a level access is provided to the principle entrance of the dwelling as well as providing a ground floor W.C.

Whilst the accessibility to the dwellings would not be an issue on this basis, it is still not considered that the use of shared surface across the site would provide easy access into the site for some disabled people.

This view is supported by the 'Manual for Streets' which at para 7.2.10, states that shared surfaces can cause problems for some disabled people. People with cognitive difficulties may find the environment difficult to interpret. In addition, the absence of a conventional kerb poses problems for blind or partially-sighted people, who often rely on this feature to find their way around. It is therefore important that shared surface schemes include an alternative means for visually-impaired people to navigate by.

Furthermore, the 'Manual for Streets' at Paragraph 7.2.14 states that subject to making suitable provision for disabled people, shared surface streets are likely to work well in short lengths, or where they form cul-de-sacs.

The proposal fails to provide any alternative means of access for visually impaired people. Furthermore, the shared surfaces are proposed for significant lengths serving most of the development. Concern is therefore raised in respect of the extensive use of shared surfaces

An objection is therefore raised to the proposal on the basis of Policy H11 of the Council's Adopted Local Plan.

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of



minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- Access and Movement
- Structure
- Surveillance
- Ownership
- Physical Protection
- Activity
- Management and Maintenance

The submitted Design & Access Statement states that the proposal responds to Secured by Design Criteria, by the creation of the following:

- All spaces are well defined as either private or public which is secure.
- All areas of development are overlooked by dwellings, thus providing natural surveillance.
- Footpaths and accesses are well located with secondary escape routes limited.
- Areas of open spaces are generally overlooked and will be planted with species to provide protection of dwellings curtilage where necessary.
- Parking is predominantly on plot where there is good surveillance.
- Various pedestrian routes have been created and maintained within the proposal to give permeability to the site layout, which will encourage pedestrian movement around the site and natural community surveillance.

The proposed layout is considered capable of meeting the seven attributes. No objection is therefore raised to the proposal on this basis.

## **(vii) Ecology**

Nature conservation and the protection of the natural environment of the application site and wider surroundings have previously been, and continue to be, a major planning consideration in the securing the proper development of this site. These issues are interrelated and as such will be discussed in detail together.

There are a number of provisions contained within the Adopted Local Plan and in the National Planning Policy Framework which need to be considered in the determination of the application. These are set out below.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

Policy EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management.

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

Paragraph 109 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

In paragraph 118 it states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

Whilst the site itself is not identified as an important wildlife habitat it contains significant woodland and therefore has the potential to provide wildlife habitat. It is therefore incumbent upon the Planning Authority to consider the implications of the proposed development for local wildlife.

Natural England had initially expressed concern in respect of the impact of the proposed development on nearby nationally designated sites. On consideration of the detailed scheme however Natural England has now confirmed that the proposal would have no adverse impact on any statutorily protected sites or landscapes and has no objection to the proposal. It does however advise the Planning Authority to consider the proposal in the light of its standing advice on protected species.

The applicants have submitted an ecological survey of the site the findings of which reveal that the site itself comprises buildings and hardstanding, broadleaved woodland, scattered trees, mature trees, scrub, tall ruderal vegetation, amenity grassland, neutral grassland, amenity planting and ponds.

The habitats identified have been categorised as being of moderate local ecological value supporting a modest faunal interest, with six Badger setts present. Small roosts of common bat species were also recorded in three buildings and the site was noted to be utilised by a number of common bat species for foraging and commuting.

The site was also noted to support a range of common bird and invertebrate species.

In terms of ecological measures to be taken to facilitate development, it is intended to manage the retained woodland to enhance its biodiversity value and to maintain the main badger sett present on the site. It is however intended to remove the other five setts which comprise annexe, subsidiary and outlier setts, two of which are recorded to be inactive. The Ecological Report states that although there will be some loss of foraging opportunities, suitable setting habitat will be available within retained woodland within the site. The report also states that mitigation measures will be introduced during construction and post development in order to protect the badgers on the site.

It is further intended to provide bird and bat boxes, tiles and/or bricks across the site in order to compensate for the loss of bat roosts arising from the development of the site.

Whilst the provision of bird and bat boxes are considered a reasonable response to the need to compensate for lost bird and bat habitat on the site, it is not considered

that the measures proposed in respect of the badgers are acceptable. The submitted documents do not indicate the number of badgers present on the site or the extent of the current foraging area. It does however suggest that the badgers will not be adversely affected by the loss of five of the existing six setts and that the significant loss of foraging area can be compensated for by the badgers foraging over a wider area. Land to the east and at Thundersley Glen and to the north at Coombe Wood are specifically identified as suitable sites to provide such foraging areas. This response seems entirely unsatisfactory. The areas of land identified are beyond the control of the applicant and their availability for foraging cannot therefore be guaranteed by the applicants. Furthermore, it assumes that these areas provide suitable forage, that there are no badger clans on the adjoining land and that the 'Felstead badgers' will be free to forage in these areas and not come into conflict with other groups. In the absence of any studies to indicate the biodiversity of the adjoining land and the presence and size of badger groups in adjoining areas it is not considered that reliance can be placed on the applicant's suggestion and the welfare of the badgers cannot therefore be safeguarded with any certainty. Such proposals do not therefore represent adequate mitigation.

In addition foraging within Coombe Wood would require badgers to cross the A13. It is not considered that such action may be safely undertaken.

The applicants state that areas of woodland would be retained within the site and that these can provide foraging areas for the Badgers, However, it is clear from the submissions that the primary purpose of the woodlands is to provide a community recreational facility with a number of sport and recreational facilities provided and events and activities arranged within it. Whilst some of these activities are educational in nature, introducing school children in particular to nature and nature conservation, concern is raised over the capacity of the retained woodland to fulfil these requirements whilst at the same time providing safe and secure habitat for protected species.

Mitigation in respect of preventing interference with the single retained badger sett seems to be restricted to the planting of brambles and similar plants in a 20m zone around the sett, although in some instances such planting would appear to conflict with trails and footpaths to be provided through the woodland.

In the light of these concerns it is not considered that the needs of the badgers in particular have been properly considered in the layout and an objection is raised accordingly under Policies EC13 of the adopted Local Plan and paragraph 118 of the NPPF.

It is noted that whilst the ecological report makes reference to the fact that the site provides habitat for many common invertebrate species no mitigation measures are proposed for these species.

Similarly no reference is made to reptiles.

It is not possible therefore to conclude that the ecological implications of the proposal have been fully considered.

#### **(viii) Trees**

The application site is the subject of a Tree Preservation Order (TPO/7/92) and is otherwise heavily treed. An arboricultural report was therefore submitted which identifies the trees that will need to be removed as a part of the proposal. This includes areas of woodland inclusive of an area that is the subject of a Tree Preservation Order as well as many other mature and semi-mature trees.

The proposal would retain a canopy cover of some 10064m<sup>2</sup> of the existing woodland and new trees are also proposed as a part of the proposed landscaping scheme. However, the proposal would still fail to reflect the original concept of an arcadian scheme of residential development set in a woodland setting. As such the proposed significant loss of trees would result in the loss of the character of the site and the area and this is regrettable. However, the principle of the development of this site for residential purposes has already been accepted and the loss of woodland/trees is necessary to achieve any residential development on this site.

Whilst the loss of woodland would be likely to have a significant impact on the character and appearance of the site, it is noted that a number of trees are to be retained and appropriate protection would be provided to these trees during the construction process.

Whilst the loss of trees/woodland on site is regrettable, it is not considered that a refusal on this basis could be successfully sustained on appeal, given the identified need for housing and the specific identification of this site as a site suitable to contribute towards meeting that need.

No objection is therefore raised to the proposal on the basis of loss of trees under Policy EC21 of the adopted Local Plan or national guidance as contained in the NPPF.

## **(ix) Landscaping**

RDG11 of the Residential Design Guidance states that the public realm contained within large scale residential development should be set out in a landscaping scheme.

Landscaping schemes are expected to include planting plans, identifying plant species, types, sizes, numbers, densities, planting regime and aftercare.

The maintenance and management of landscaping areas should be set out in a landscaping scheme and will be secured through the use of appropriate planning conditions or planning obligations.

A landscaping scheme has been submitted as a part of the application. Trees, shrubs, hedges, herbaceous plants and grassed areas are proposed as a part of the landscaping scheme. These are of varied species and mostly perennial in nature. Whilst it is proposed to provide substantial planting within the development, it is not considered that the woodland character has been adequately permeated to the streets e.g. through well defined tree-lined avenues. The provision of forecourt parking on most plots even further exacerbates the lack of woodland character within the streets.

Furthermore, the proposal only seeks to provide a small strip of landscaped area along Bowers Road. It is considered that such minimal landscaping along the Bowers Road frontage fails to adequately promote the site as a development in a woodland setting and produces a stark and unattractive feature to Bowers Road.

The proposal in its entirety fails to integrate the woodland character of the site within the proposed development and an objection is therefore raised under RDG11 of the Residential Design Guidance.

## **(x) Other Matters**

### **(a) Infrastructure**

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

The Highway Authority and the NHS have both requested contributions in relation to the proposed development. Such contributions can be secured through a Section 106 Legal Agreement attached to any consent granted.

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's playspace and parks. It states that the Council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

Table G.13 of the Adopted Developers Contributions SPD details information with regard to the provision of space for young people and children. The document further states that there is poor provision for this group and recommends that the Council seek new provision where possible and appropriate. Where new development increases local need developers will be required to contribute towards the long term costs of maintaining such facilities.

Natural England also endorses the provision of Green Infrastructure in its response.

The application includes the provision of community woodlands with play areas within the site. The total public green space to be provided within the site, as stated in the King John's Community Woodland Strategy is some 17,100m<sup>2</sup>. The provision of these areas would meet the open space needs of children and young people on the site. The maintenance and management of these areas is to be secured through a Section 106 Legal Agreement.

### **(b) Amenity**

Policy EC3 of the Adopted Local Plan is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

It is not considered that the proposed development would result in such significant detriment to the surrounding residential amenities on the basis of traffic, noise, fumes or other forms of disturbance that a reason for refusal on this basis could be successfully sustained at appeal.

### **(c) Sustainability**

The applicant has submitted a Sustainability Statement which states that the whole site will achieve the energy performance targets set by Part L1A of the Building Regulations. Such development would meet the energy performance standards equivalent to the Code for Sustainable Homes Level 3 mandatory energy and carbon emissions targets.

Consideration has also been given to water efficiency which would include measures such as provision of water butts, provision of low water consumption toilets and water efficient appliances.

Materials can have a significant impact on environmental performance, both in construction, but also ongoing use. Through construction, where those materials are sourced from, the means of extraction and manufacture, how far they travel and so forth; all have varying effects on the environment.

It is proposed to source locally available building materials and to source timber from well managed and licensed European sources to reduce transportation. It is considered that adherence to these measures will facilitate the sustainability of the site.

Management of waste in the design of buildings is proposed to be delivered by the adoption of standardised building components and modular construction methods where possible. This would avoid wastage during the construction process. Off-cuts and unavoidable waste material will be segregated for recycling or safe landfill disposal as appropriate.

A Site Waste Management Plan has been submitted as a part of the application. Subject to this being fully implemented no objection is raised to the proposal on the basis of sustainability.

#### **(d) Flood Risk and Drainage**

Anglian Water, Essex & Suffolk Water and the Environment Agency were consulted on the application.

Anglian Water is responsible for the foul sewerage system in the area and has stated that there are no assets owned by the Anglian Water or those subject to an adoption agreement within the site boundary.

The foul drainage from this development is in the catchment of the Benfleet Sewage Treatment Works at present has available capacity for these flows.

Anglian Water has also commented that the preferred method of surface water drainage would be to a sustainable drainage system with connection to the surface water system seen as a last resort.

The Environment Agency has also commented in relation to surface water drainage, and having reviewed the submitted Flood Risk Assessment (FRA), has no objection in principle to the development. It did however request the imposition of several conditions on the grant of any consent.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires all areas of hardstanding to be designed in a manner to limit surface water runoff.

The proposal seeks to provide shared surfaces and other hardsurfaced areas within the development. The impact of these in respect of surface water run-off therefore needs to be considered.

No information has been submitted as a part of this application on the type of material to be used for the shared surface or the hardstandings.

Some information on how the surface water will be dealt with has been provided in the submitted Flood Risk assessment. However, there is some conflicting information in respect of the surface water disposal; at paragraph 6.10 the report states that each network drains to an existing Anglian water manhole and the Drainage Strategy Plan within Appendix F shows the provision of conveyance swales and pipes which lead water to the proposed pond. Furthermore, it shows the provision of geo-cellular storage which is proposed to be maintained by a private management company appointed by the developer. It is not clear from the



submission therefore as to the manner in which the surface water disposal is to occur.

Furthermore, no details of the proposed pond have been provided other than the statement that it would have a capacity of some 375m<sup>3</sup>. No details of the depth of the pond or the treatment of the edges have been provided to consider safety risks. Also, more details are needed in respect of instances when this pond would overflow.

From, the details submitted, it is not considered that flood risk arising from the development of the site can be determined.

The Environment Agency has also commented that there is a non main river culvert crossing the site. This is not identified in the FRA and the applicants have stated that such culvert does not exist. In view of the inconsistency between the parties, it is considered that greater investigation of this aspect of the proposal is required and the potential impact of such culvert appropriately considered.

### **(e) Contamination**

Paragraph 109 of the NPPF states that new development should not put at unacceptable risk from, or be adversely affected by soil, air, water, noise pollution or land instability.

The applicants have submitted a Phase I Geo-environmental Assessment Report with the planning application. Although this desk study did not reveal any significant on-going potential sources of contamination on or off-site, it recommends further investigation works and risk assessment. It is considered that a condition can be attached to any consent granted requiring a submission of such further investigation and appropriate mitigation.

An Air Quality Scoping Report has also been submitted which concludes that the impact of the development on air quality is considered to be insignificant.

An Initial Construction Noise Assessment for Proposed Residential Development has also been submitted which concludes that it is not envisaged that construction noise will exceed 65dB(A) at closest receptors.

The Environmental Health Officer has not objected to the proposal on the basis of air quality or noise impact.

No objection is therefore raised to the proposal on this basis.

### **Conclusion**

Residential development of the site has been identified as inappropriate development in the Green Belt, which would normally attract a recommendation of refusal.

However, inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances. In this instance, the site has been identified as forming part of the Council's five year housing land supply and this is

considered to amount to the very special circumstances needed to justify the otherwise inappropriate development.

This factor alone however does not outweigh the objections raised to the proposal on the basis of overdevelopment of the site as demonstrated by the poor layout, provision of inadequate isolation spaces, poor setting in the streetscene, the consequent cramped urban appearance and domination of the proposed development by car parking.

Furthermore the scheme fails to make appropriate provision of affordable housing. In the absence of a robust viability report to demonstrate that the requisite levels of affordable housing cannot be achieved an objection is raised to the proposal on this basis.

In addition it is not considered that adequate consideration has been given to the impact of the proposal on badgers present on the site.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My **RECOMMENDATION** is the application be **REFUSED** for the following reasons:

1. The proposal represents unacceptable overdevelopment of the site as demonstrated by the poor layout, provision of inadequate isolation spaces, inadequate private amenity depths, poor setting in the streetscene, provision of inadequate amenity areas, the consequent cramped urban appearance and the domination of the proposed development by car parking contrary to Policies EC2 and H9 of the Council's Adopted Local Plan, RDG2, RDG3, RDG5, RDG6 and RDG12 of the Residential Design Guidance and National Guidance as contained within the National Planning Policy Framework and Guidance .
2. The proposal fails to create feature dwellings, designed to turn corners, on corner locations within the site. The proposed dwellings on corner plots fail to provide adequate interest and articulation in all the elevations facing the public realm. The proposal is considered to present a poor and confusing layout, lacking distinguishing and distinctive townscape features contrary to Policy EC2 of the adopted Local Plan, RDG4 of the Residential Design Guidance and Government Guidance as contained in the National Planning Policy Framework and Guidance.
3. The proposal, by virtue of its relationship with the neighbouring dwellings to the south at Nos. 6 & 7 The Chimes and No 20 Kale Road would be likely to lead to undue dominance of these properties to the detriment of the amenity of the occupiers thereof, contrary to Policy EC2 of the adopted Local Plan, RDG3 of the Residential Design Guidance and Government Guidance as contained in the National Planning Policy Framework and Guidance.
4. The proposed development fails to adequately address boundary treatments on corner plots resulting in long stretches of boundary walls/fences along the return frontages in many locations. It is considered that this results in an obtrusive and unattractive form of development detrimental to the character of the streetscene contrary to Policy EC2 of the Council's Adopted Local Plan, RDG10 of the

Residential Design Guidance and Government Guidance as contained in the National Planning Policy Framework and Guidance.

5. The proposal fails to provide adequate affordable housing on site contrary to Policy H7 of the Council's Adopted Local Plan and the Developer Contributions Supplementary Planning Document.
6. The proposed provision of car parking spaces to the front of dwellings in some instances result in the blocking of the entrance doors. It is considered that this situation is likely to dissuade the occupiers of these dwellings from parking in that location, leading to increased parking on the highway, to the detriment of the amenity of the adjoining residents and the safety and convenience of the other highway users contrary to Policy EC2 of the Council's Adopted Local Plan.
7. The proposed development fails to provide adequate unallocated visitor parking spaces within the development. It is considered that this would lead to vehicles being left on the highway, to the detriment of the character and appearance of the estate and the amenity of adjoining residents and to the danger and inconvenience of other road users, contrary to Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.
8. The proposal, by virtue of the provision of shared spaces and the non-availability of alternative means to navigate by, fails to ensure accessibility to the site to some disabled people contrary to Policy H11 of the Council's Adopted Local Plan.
9. The proposal, by virtue of the absence of clear and adequate details in respect of the surface water disposal and identification of the culvert identified by the Environment Agency fails to demonstrate that flood risk would not be increased on the site, contrary to Government guidance as contained in the National Planning Policy Framework.
10. The proposal by reason of the limited landscaping proposals fails to adequately promote the site as a development in a woodland setting and by virtue of very limited landscaping within the scheme and along Bowers Road results in a stark and urban form of development, in conflict with the original woodland concept for the development of the site and detrimental to the character and appearance of the area contrary to Policy EC2 of the Council's Adopted Local Plan and RDG11 of the Residential Design Guidance.
11. The proposal fails to demonstrate full consideration of the ecological implications of the development or provide appropriate mitigation of the impact of the proposed development on a protected species, contrary to Policy EC13 of the adopted Local Plan and Government Guidance as contained in the National Planning Policy Framework and Guidance.