

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

## Extraordinary Planning Committee

The meeting will be held at **6.00 pm** on **18 May 2017**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Richard Bowyer, Thurrock Business Association Representative  
Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors John Kent, John Allen, Jan Baker, Brian Little and Graham Snell

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 14</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 20 April 2017.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

**meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

- |           |  |                |
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|           | <p>The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <a href="https://www.thurrock.gov.uk/democracy/constitution">https://www.thurrock.gov.uk/democracy/constitution</a> Chapter 5, Part 3 (c).</p> |                |
| <b>9</b>  | <b>17/00301/NMA: 8 Crowstone Road, Grays, Essex, RM16 2SR</b>  | <b>25 - 32</b> |
| <b>10</b> | <b>16/01512/FUL: Land Adjacent Astons Villa And Appletons, Brentwood Road, Bulphan, Essex</b>  | <b>33 - 50</b> |

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Agenda published on: **10 May 2017**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Vision: Thurrock:** A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

## Minutes of the Meeting of the Planning Committee held on 20 April 2017 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker (*arrived at 18:13*), Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter (*arrived at 18:06*) and Gerard Rice(*arrived at 18:19*)

Steve Taylor, Campaign to Protect Rural England Representative

**In attendance:** Andrew Millard, Head of Planning & Growth  
Matthew Ford, Principal Highways Engineer  
Matthew Gallagher, Principal Planner (Major Applications)  
Jonathan Keen, Principal Planner  
Steven Lines, Senior Engineer  
Leigh Nicholson, Development Management Team Leader  
Chris Purvis, Principal Planner (Major Applications)  
Sarah Williams, School Capital and Planning Project Manager  
Vivien Williams, Planning Lawyer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **101. Minutes**

The minutes of the Planning Committee meeting held on 16 March 2017 were approved as a correct record.

### **102. Item of Urgent Business**

There were no items of urgent business.

### **103. Declaration of Interests**

Councillor Ojetola declared a Non-Pecuniary Interest regarding Item 8: 16/00307/FUL: Land to rear & north of Bannatynes Sports Centrem Howard Road, Chafford Hundred, Grays in that he had attended a meeting with the applicant, in the presence of Planning Officers. He had declared this when the application was first heard on 23 February 2017.

### **104. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

The Chair declared receipt of correspondence regarding Items 9, 10 and 11: 16/01574/FUL, 16/01582/FUL and 16/01698/FUL: C. Ro Ports London Ltd, Purfleet Thames Terminal, London Road, Purfleet, RM 19 1SD on behalf of all Members of the Committee in that an email had been sent to Members by the agent.

Councillor Churchman declared receipt of correspondence from a resident regarding Item 8: 16/00307/FUL: Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays. The Chair declared receipt of the same correspondence on behalf of all Members of the Committee.

#### **105. Planning Appeals**

The report provided information regarding planning appeals performance.

#### **RESOLVED:**

**The Committee noted the report.**

#### **106. 16/00307/FUL: Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays**

The Committee heard that the application had been presented to the Committee at the meeting on 23 February 2017 but had been deferred. The application sought planning permission for a mixed use residential development with 203 residential units, parking, commercial units and a doctor's surgery. The applicant had responded to Members' concerns and the Head of Terms and planning conditions had been amended.

*The Chair advised Members that Councillors Baker, Potter and Rice were unable to participate in the debate and vote for this item as they had not been present at the start.*

Members still expressed concerns regarding the number of parking spaces. Officers advised that the level of available parking was 'acceptable' in terms of the Council's Policy. As the properties were not for sale, but were part of a Private Rental Sector model it would be made clear to tenants that there were not guaranteed spaces. It was considered that mitigation such as the car club and parking management schemes, as well as proximity to the train station were sufficient.

The Chair expressed his own opinion that whilst 'acceptable' he did not feel it was correct, or in the best interest of the wider community and he was not in support of the application on those grounds. The Committee echoed his concerns that resident's vehicles would be displaced causing increased pressure in the surrounding area of Chafford Hundred, which was already hugely congested. Councillor Piccolo suggested that the Council should review its minimum standard for parking to avoid a recurrence with future applications. He was not satisfied that there was sufficient parking, but admitted he would support the application as it complied with existing policy.



The Vice-Chair interjected that Members had focused entirely on the issue of parking with no comments around the quality of the build. The site had sat derelict for a decade and the longer it was left the more difficult it would prove to find a developer to take ownership. He felt the authority should do more to encourage development for homes in the area and he supported the application.

Councillor Ojetola explained that there had been much discussion about the quality of the design when the application had first been heard. The state of the site was a concern and he was keen to work with developers but there were real issues in Chafford Hundred around parking and congestion and the ratio of units to parking spaces was likely to exacerbate the problem.

It was proposed by the Vice-Chair and seconded by Councillor Piccolo that the application be approved subject to conditions as per the Officer's recommendation.

For: Councillors Kevin Wheeler (Vice-Chair), Steve Liddiard and Terry Piccolo.

Against: Councillors Tom Kelly (Chair) and Tunde Ojetola

Abstain: Councillor Colin Churchman

**107. 16/01574/FUL: C.Ro Ports London Ltd, Purfleet Thames Terminal, London Road, Purfleet, RM19 1SD**

The Principal Planner offered some context as there were three consecutive applications for the same site. These applications were connected and, if all three were successful, there would be a phased approach. This application sought permission for the demolition of existing structures and construction of a new roundabout and highway works at Stonehouse Corner / London Road, new secure site access and associated works. The proposal would reroute substantial numbers of HGVs away from the residential areas and there were no objections from the Environment Agency or on Highways grounds.

Councillor Churchman asked whether the majority of works would be completed off plot before joining the existing Stonehouse roundabout to minimise the impact on an already congested road network. The majority of the site was considered private land and work would be completed with suitable highways agreements to join up to London Road.

Councillor Rice queried the lack of objection from the Environment Agency compared to the comments from the Council's Flood Risk Manager. Members heard that the Environment Agency had no objections as the site was protected from flooding from the River Thames, but the Council's Flood Risk Manager was concerned about surface water drainage. Condition 16 ensured adequate measures for the management of surface water would be incorporated into the development.

Councillor Piccolo expressed concern that HGVs might travel through Purfleet in an attempt to avoid congestion at the Stonehouse roundabout and asked if anything could be done to ensure that would not happen. Members were advised that work was currently underway to develop a Freight Management Strategy for Purfleet. A planning condition addressing an HGV routing strategy could be found within the site-wide application.

The applicant, Joost Rubens, was invited to the Committee to present his statement of support.

Councillor Ojetola asked what impact the application would have on the wider Purfleet Regeneration Plan. This application had no significant impact. However the issue would be re-visited within the site-wide application.

It was proposed by Councillor Churchman and seconded by the Chair that the application be approved subject to conditions as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

**108. 16/01582/FUL: C.Ro Ports London Ltd, Purfleet Thames Terminal, London Road, Purfleet, RM19 1SD**

The application sought planning permission for the demolition of existing structures and construction of new internal access roads, structures including a bridge, and railway works.

Councillor Ojetola sought clarification around the shared access road for the Port and Unilever. There would be a single bridge but for security reasons it would be separated by a physical barrier.

The applicant, Joost Rubens, was invited to the Committee to present his statement of support.

Councillor Rice expressed his view that the Committee had a duty to protect both residents and employment opportunities within Thurrock. He felt there were sufficient safeguards in place so that the application was acceptable.

It was proposed by Councillor Rice and seconded by Councillor Ojetola that the application be approved subject to conditions as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

**109. 16/01698/FUL: C.Ro Ports London Ltd, Purfleet Thames Terminal, London Road, Purfleet, RM19 1SD**

Members were informed that the application sought full planning permission for the demolition of existing buildings and erection of new buildings and infrastructure. The application included the erection of a car storage building on the former Paper Mill land adjacent to the current site. The application included land which overlapped with existing permission for the Purfleet Centre however the land was currently under ownership of the applicant and there were no formal plans in the public domain regarding the Purfleet Centre Regeneration revised masterplan and therefore there were insufficient grounds to object to the application.

The Principal Planner advised that, since publication of the agenda, the Health & Safety Executive had responded regarding development of the Paper Mill site. Due to the proximity to fuel storage on the Esso site the application should be dependent upon an additional condition requiring details of suitable cladding for the ground floor to all elevations of the car storage building to be submitted and approved by the Local Planning Authority.

The Chair queried the impact on the local highways network of traffic movements between the south park site and the car storage to be erected on the Paper Mill site. At present there was no through route and so vehicles would travel via London Road. He asked if there were any way to monitor movements and also to ensure that transporters would exit the site using the new roundabout, to avoid Jarrow Cottages. The Committee was assured that the purpose of the new access was to divert HGVs from London Road, the movement along London Road to the Paper Mill site would principally be cars. The applicant had sought potential access to a through route via the Esso terminal but at present the land belonged to a 3<sup>rd</sup> party and thus was not included within the application.

The Principal Highways Engineer informed the Committee that the Transport Assessment contained an extensive review of the application, particularly the car storage facility to the West. The sites were not a considerable distance apart, there was currently no HGV weight limit on that stretch of road and it was not in close proximity to the air quality area. Condition 25 outlined HGV routing and ensured that the HGVs would not pass Jarrow Cottages.

Councillor Piccolo asked for clarity on the location of the Paper Mill site in terms of the Purfleet Centre application. The paper mill site had been included in the Purfleet Regeneration plan however the proximity to the large

scale fuel storage on the Esso site placed severe limitations on its usage and it had never been shown to be developed for conventional buildings. Permission had also been previously granted for car storage on the site and so the principle of commercial use was established.

A Ward Councillor, Councillor Gerrish, was invited to the Committee to present his statement of objection.

The applicant, Joost Rubens, was invited to the Committee to present his statement of support.

Councillor Ojetola asked if it was possible to prevent traffic movements on London Road. The Committee was advised that as there was no agreement by the third party for use of the Esso land to connect the two sites it was not included in the application and the application should be considered as presented. The application was not considered objectionable from a highways point of view.

Councillor Ojetola referred to the Ward Councillor's comments around the impact on the Purfleet Regeneration Plan and asked how likely this application could be to have an impact. Officers confirmed they were happy with both the individual and cumulative impact on the objection points raised within the application. In particular the Environmental Statement considered cumulative impact including the approved Purfleet Centre masterplan.

Councillor Rice interjected that the site had been earmarked as regeneration land for employment but it was impossible to assess the impact without an updated application for the Purfleet Centre and it was unwise to jeopardise businesses within the area. He would support the application and felt the recommended planning conditions protected residents.

Councillor Ojetola agreed that Thurrock should support and encourage business within the borough but that should be balanced with the impact on residents. Though there could be some impact on future plans it could only be assessed on the facts presented.

Councillor Piccolo expressed his opinion that, in light of the job generation opportunity and use of the site, he could see no reason not to accept the Officer's recommendation.

Councillor Churchman urged the applicant to continue to pursue the possibility of access links through the land currently owned by a 3<sup>rd</sup> party.

The Chair expressed support for the application. It was positive regeneration for that part of Purfleet and while the Committee was right to be cautious of the overall impact the application had to be assessed on its own merit. The proposed development would allow for over 250 job opportunities and he welcomed the application in terms of the local economy. He echoed desires for the access road, if possible.

It was proposed by the Vice Chair and seconded by Councillor Churchman that the application be approved subject to conditions as per the Officer's recommendation and the additional condition required by the Health & Safety Executive.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

*The Chair adjourned the meeting at 20:13 and resumed at 20:20.*

*The Committee agreed to suspend Standing Orders and extend the meeting so that all applications could be heard.*

**110. 17/00194/FUL: Coryton Asset Ltd, Offices At Former Petroplus Refinery, The Manorway, Coryton, Essex, SS17 9LN**

Members were advised that the application sought permission for the demolition of existing structures, stockpiling of inert material, treatment of contaminated land and the creation of a temporary bio-remediation compound and associated ecological mitigation landscaping. These steps would usually be found as a condition in an application for permission to develop a site but instead with this application the applicant sought to frontload the planning process and obtain planning permission to undertake the contamination remediation work and ready the land for future development.

The agent, Lyndon Gill, was invited to the Committee to present his statement of support.

Councillor Ojetola queried why no figure for the financial contribution towards Habitat Management had been provided within the application. The Committee was advised that until the necessary works had been completed the monetary value required was unknown; however Condition 6 ensured that any off site ecological mitigation measures would be presented in the Habitat Management Plan. Therefore any financial contributions would be unknown until the further survey work had been undertaken (condition 5). The conditions required approval from the local planning authority.

Councillor Rice expressed excitement at an application to clean up areas within Thurrock ready for employment, proving Thurrock was viable and open for business. He offered his support.

The Vice-Chair agreed and recalled the impact when the site closed. Thurrock seemed to be reinventing itself and he expressed admiration for the application for looking to clean up the site.

Councillor Piccolo was pleased to see an applicant seeking permission rather than it being imposed as a condition for a development proposal.

Councillor Ojetola noted the positives from the applications presented at this meeting and the large number of job opportunities being provided for Thurrock.

It was proposed by Councillor Rice and seconded by Councillor Churchman that the Committee formally determined that the development proposed would not have a likely significant effect on a European site either alone or in combination with other plans or projects, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

It was proposed by the Councillor Liddiard and seconded by Councillor Churchman that the application be approved, subject to the s106 agreement and conditions, as set out in the Officer's report.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

**111. 16/00767/TBC: Open Space Adjacent Delargy Close Defoe Parade And Brentwood Road, Chadwell St Mary, Essex**

The Principal Officer advised the Committee that the application sought planning permission for a residential development of 53 affordable units, with a mixture of 1-2 bedroom flats, 1-2 bedroom bungalows and 3 bedroom houses.

Councillor Ojetola sought clarity as to why there was no mention of a financial contribution towards education, and why it was deemed the proposal offered improved open spaces. Members were advised that the applicant indicated the viability of the development was marginal. The site would provide 100% affordable housing and 3 high-quality outside space areas. In addition the proposed development would provide homes for existing residents and accordingly not create new pressures in terms of residents and an increased education burden would not therefore arise. In terms of the improved outside spaces the site currently was a walkthrough rather than a destination and was not well used at present. The application proposed 0.5 hectare of high quality

open space with structural planting and a poppy meadow, which would be accessible to everyone, not just residents of the new development.

Councillor Piccolo asked for confirmation that there would still be access for members of the public to get through if the current site was used as a footway. Members were assured that there would be footpaths so the links through the site would remain, and would be both better and safer for pedestrians.

Councillor Piccolo expressed concern, recalling a recent application to reduce the affordable housing provision of a development following unforeseen costs. He asked for guarantees that, given the marginal viability of the development, all appropriate investigations and had been carried out to avoid the provision for this development being compromised. The Committee was advised that the development's funding was based upon provision of entirely affordable housing.

The Vice-Chair enquired whether the properties would be run by the Council or a Housing Association. Members were advised that the scheme was for social housing units.

The agent, Michelle Minogue, was invited to the Committee to give her statement of support.

Councillor Rice, as a Chadwell-St-Mary Ward Councillor, welcomed the application. He felt the development would provide valuable units, particularly the bungalows which might help free larger, family homes by relocating sole tenants. Councillor Rice said there were currently around 8000 people on the Council's waiting list and these were the first Council homes to be built in Chadwell since the 1970s. He informed the Committee that the Chadwell-St-Mary Community Forum supported the scheme, and so did he.

Councillor Ojetola also welcomed the development and agreed that it was well designed and would be good for the area. While he understood the reasons in this instance, he was cautious that there were seemingly an increased number of applications which could not provide financial contributions, and suggested the Council should do more to concrete the details around this. On the whole however he felt the scheme in question was quite brilliant and he offered his support.

The Vice-Chair suggested this application could stand as a blueprint for other Local Authorities, and that it should be replicated throughout Thurrock. He expressed his view that the Committee, Officers and applicant should be proud and that it was a very well designed development.

Councillor Baker agreed entirely that this was a very welcome application and there should be more of its kind, there was a need to build properties for Thurrock residents.

The Chair agreed that it was a well-designed development, and particularly welcomed the range of properties. The application had been through a CABE design review which was very positive. He expressed interest in ensuring that the landscaping remained as projected as the development progressed.

It was proposed by Councillor Rice and seconded by the Vice-Chair that the application be approved subject to conditions as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

The Chair expressed his opinion that it had been a very constructive meeting in which the Committee had approved applications which would provide lots of jobs for the area and over 250 homes, which was a quarter of the Council's yearly target.

**The meeting finished at 9.04 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**



<b>18<sup>th</sup> May 2017</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Leigh Nicholson, Development Management Team Leader	
<b>Accountable Head of Service:</b> Andy Millard, Head of Planning and Growth	
<b>Accountable Director:</b> Steve Cox, Director of Environment and Place	

## Executive Summary

This report provides Members with information with regard to planning appeal performance.

### 1.0 Recommendation(s)

1.1 To note the report

### 2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

### 3.0 Appeals Lodged:

3.1 **Application No:** 16/00271/FUL

Location: Barn To North East Of St Cleres Hall Stanford Road  
Stanford Le Hope SS17 0LX

Proposal: Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings

**3.2 Application No: 16/00635/FUL**

Location: Oddsit Licenced Bookmakers 587 - 589 London Road  
West Thurrock Essex RM20 4AR

Proposal: Erection of a new mixed-use building comprising ground floor retail A1 shop unit with a separate self-contained 2-bed flat on the upper floors (amended application following 15/00449/FUL) incorporating a first floor roof terrace

**3.3 Application No: 16/00815/CLEUD**

Location: 123 Mollands Lane South Ockendon RM15 6DJ

Proposal: Retain mobile home on property

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 16/01180/HHA**

Location: 27 Cecil Avenue Chafford Hundred Grays RM16 6QA

Proposal: Loft conversion with front dormer, two rear dormers and extension of gable roof and chimney.

**Decision: Appeal Dismissed**

Summary of decision:

4.1.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the surrounding streetscene.

4.1.2 The Inspector took the view that, due to the increase in ridge and chimney height, together with the proposed dormers, the proposal would appear as an incongruous addition to the otherwise uniform character and appearance of this group of dwellings. The Inspector concluded that the proposal would have an adverse effect on the character and appearance of the surrounding streetscene. The appeal was consequently dismissed.

4.1.4 The full appeal decision can be found [here](#)

**4.2 Application No: 16/01226/HHA**

Location: 68 River View Chadwell St Mary RM16 4BD

Proposal: Drop kerb to front of property.

**Decision: Appeal Dismissed**

Summary of decision:

- 4.2.1 The Inspector considered the main issue to be the effect of the proposal on the safety of public highway users.
- 4.2.2 The Inspector concurred with the Council's concerns relating to the width of the access and agreed that the access would not be nearly wide enough to accommodate smooth vehicular manoeuvring onto and off of the carriageway. The Inspector concluded that the proposal would unacceptably prejudice the safety of public highway users. The appeal was consequently dismissed.
- 4.2.3 The full appeal decision can be found [here](#)

**5.0 Forthcoming public inquiry and hearing dates:**

- 5.1 The following inquiry and hearing dates have been arranged:
- 5.2 None.

**6.0 APPEAL PERFORMANCE:**

6.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	2												
No Allowed	0												
% Allowed													0%

**7.0 Consultation (including overview and scrutiny, if applicable)**

- 7.1 N/A

**8.0 Impact on corporate policies, priorities, performance and community impact**

- 8.1 This report is for information only.

**9.0 Implications**

- 9.1 Financial

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

There are no direct financial implications to this report.

## 9.2 **Legal**

Implications verified by: **Vivien Williams**  
**Principal Regeneration Solicitor**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

## 9.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

There are no direct diversity implications to this report.

## 9.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

## 10. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

## 11. **Appendices to the report**

- None

### **Report Author:**

Leigh Nicholson  
Development Management Team Leader

<b>18<sup>th</sup> May 2017</b>	<b>ITEM: 7</b>
<b>Planning Committee</b>	
<b>2016/17 Performance Report</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Leigh Nicholson, Development Management Team Leader	
<b>Accountable Head of Service:</b> Andy Millard, Head of Planning and Growth	
<b>Accountable Director:</b> Steve Cox, Director of Environment and Place	

## **Executive Summary**

In 2016/17 Thurrock maintained its position as one of the fastest, most accessible and proactive planning services in the Country. Through developing strong relationships with the development industry, forward thinking and commercial awareness, the Service continued to drive investment and growth in the Borough.

This report provides Members with an overview of the past year in terms of the performance of the Service.

### **1.0 Recommendation(s)**

1.1 To note the report

### **2.0 Performance in 2016/17**

2.1 In 2016/17 987 planning applications were determined and 82% of those applications were approved. Despite a 16% increase in the number of planning applications submitted compared to 2015/16 and the complexities associated with many of those planning applications, the Authority maintained its position within the top 2% of Local Planning Authorities in the Country (339 Authorities in total).

2.2 The performance and approach of the Local Planning Authority is one of the primary factors that developers take into account when deciding whether to invest in a particular location. Indeed, significant investment can either be attracted or deterred by these factors. Ranking so highly in the national tables places Thurrock in an extremely good position to attract investment from

outside of the Borough whilst also providing homeowners and existing business within the Borough with confidence.

- 2.3 Much of the success of the team can be attributed to the proactive and professional culture within the Development Management Team and, in particular, the robust pre-application advice service offered. Through pre-application discussions, applicants are able to hone and develop their schemes with input from the planning officer, Members and relevant teams, leading to the submission of better quality schemes that are 'right first time'. Through pre-application discussions officers and applicants are also able to negotiate head of terms for s.106 agreements prior to the submission of the application and are also able to agree conditions at an earlier stage, again providing developers with confidence and stability to make commercial decisions.
- 2.4 In addition to the pre-application advice offer, the service has developed its Accredited Agent Scheme and by working with planning agents as part of a regular series of meetings has furthered expanded its digital web offer to suit the ever changing needs of the customer. Investment in IT and equipment during this period has also meant that the planning team are better equipped to serve residents and business.

### **3.0 The value of planning decisions to Thurrock**

- 3.1 The economic benefit of positive planning decisions stretches well beyond initial building works. New homes and commercial development brings people, spending, council tax, business rates and drives the market to provide further development. Taking all together, the positive decisions made in 2016/17 translate to over £113 million to Thurrock's economy. This is a product of 325,797 sqm of commercial floor space, 638 new homes and over 2500 new jobs created.
- 3.2 Furthermore, in the same period the Planning Service negotiated and secured £3,695,975 through s.106 agreements to provide essential infrastructure to mitigate the impact of new development in the Borough. This capital is vital to ensure that the Borough is not burdened by new development but rather it can flourish. The s.106 agreements secured a range of packages including education and healthcare facilities, new recreation spaces and highway infrastructure.

### **4.0 Design Quality and Place Making**

- 4.1 During the period the Council adopted its first ever Design Strategy and also went out for consultation on a new Residential Alterations and Extensions (RAE) Design Guide. These documents mark a new age for Thurrock and lay the foundations to secure higher quality design in Thurrock.
- 4.2 Alongside the design guides, during the period 6 proposals were taken through the Thurrock CABE design review panel. The design review process

has been incredibly valuable to applicants as it exposes their schemes to a panel of industry experts who are able to help shape and refine schemes alongside the planning officers, prior to submission. All Council schemes are taken through the CABI design review panel as part of their pre-application assessment and two recent Council schemes (Bruyns Court and St Chads) have won design awards.

- 4.3 It is vital that new development in the Borough is of the highest design quality and the Planning Service is committed to shape schemes to create quality places in Thurrock and challenge schemes that do not meet the standard. Through the publications of design guides, engagement with developers and the partnership with Design Council CABI, perceptions of the place have already started to change and Thurrock is beginning to be seen as a destination not just of opportunity, but of increasing quality.

## **5.0 Commercialisation of the Service**

- 5.1 Owing to its reputation and proven track record, the Planning Service were approached by Brentwood Borough Council in 2016 and asked to carry out a review of their Development Management service. Over the course of the year, this initial task and finish project developed into a formal 'Managed Service' arrangement whereby Thurrock manages Brentwood's Development Management team. This service has been of interest to others (in London, Hertfordshire and Sussex) and is an element of a trading offer that could be further rolled out in 2017/18 (either as a 'stand-alone' or as the start to a broader service delivery offer).
- 5.2 Crucially, these trading opportunities offer a way by which the Service can positively contribute to the Council's wider financial Strategy, without having to cut jobs and services locally.

## **6.0 Conclusion**

- 6.1 2016/17 saw the Planning Service continue to perform to a high level recognised by DCLG performance tables as being amongst the very highest performing authorities in the Country. Through a modern and proactive approach to service delivery and relationships with the development Industry, the team has maintained its strong track record and has secured significant investment within the Borough, contributing £113million toward the Thurrock economy.
- 6.2 Furthermore, by championing design quality, the Service has started to demonstrably change perceptions of the Borough. The track record and reputation of the Service has also created commercial opportunities to expand and strengthen the Service for the benefit of Thurrock's residents and businesses.

## **7.0 Consultation (including overview and scrutiny, if applicable)**

7.1 N/A

**8.0 Impact on corporate policies, priorities, performance and community impact**

8.1 No direct impacts arising from this report, but more widely the Service makes a significant contribution to the delivery of the Council's growth and regeneration ambitions.

**9.0 Implications**

**9.1 Financial**

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

The financial benefits of positive planning decisions and commercialisation are covered in the report.

**9.2 Legal**

Implications verified by: **Vivien Williams**  
**Principal Regeneration Solicitor**

There are no legal implications to this report.

**9.3 Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

There are no direct diversity implications to this report.

**9.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

**10. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background planning documents including application forms, drawings and other supporting documentation can be viewed online:



[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

**11. Appendices to the report**

- None

**Report Author:**

Leigh Nicholson

Development Management Team Leader

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<b>Reference:</b> 17/00301/NMA	<b>Site:</b> 8 Crowstone Road Grays Essex RM16 2SR
<b>Ward:</b> Little Thurrock Blackshots	<b>Proposal:</b> Retrospective removal of side door and retention of two additional windows to side elevation, increase in height of single storey rear extension as approved under planning permission ref: 16/00369/HHA (single storey rear extension, loft conversion with dormers and new hip to gable end)

<b>Plan Number(s):</b>		
Reference	Name	Received
E376CR012PD REVB	Roof Plans	6th April 2017
E376CR009PD A	Location Plan	27th March 2017
E376CR010PD C	Elevations	27th March 2017
E376CR010PD A	Elevations	27th March 2017
E376CR011PD C	Proposed Floor Plans	27th March 2017

The application is also accompanied by: - N/A	
<b>Applicant:</b> Mr Henry	<b>Validated:</b> 27 March 2017  <b>Date of expiry:</b> 23 May 2017 (Extension of time agreed with applicant)
<b>Recommendation:</b> Approve, subject to conditions.	

This application has been called-in to Planning Committee by Cllrs Huelin, Watkins, Halden, S Little and Hebb because the application differs in comparison to what was approved under the previous planning permission.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 This application seeks approval for changes to the window pattern and overall height of the roof as approved under planning application 16/00369/HHA.

**2.0 SITE DESCRIPTION**

2.1 The site comprises a semi-detached bungalow. The property is currently being extended following a grant of planning permission in 2016 for a loft conversion and single storey rear extension.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
16/00369/HHA	Single storey rear extension, loft conversion with dormers and new hip to gable end.	Permitted

Enforcement Reference	Description of alleged breach of planning control	Outcome
16/00335/CWKS	Possible breach of planning permission, extension may be larger than has been permitted.	No breach identified on site. Case closed.
17/00049/CWKS	Potential breach of planning permission by raising or roof height and insertion of additional windows in flank of extension.	Case investigated and a Non Material Amendment application submitted [subject of this application]

**4.0 CONSULTATIONS AND REPRESENTATIONS**

Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

**PUBLICITY:**

4.1 This application has been advertised by way of individual neighbour notification letters. There have been 4 letters of objection to the scheme. The concerns raised cover the following points:

- Unsightly appearance of the development;

- Building outside the remit of approved plans;
- Overdevelopment;
- Overlooking;
- Loss of light;
- Over dominance;
- Spoiling View;
- Out of Character;
- Excessive Noise;
- Unneighbourly construction practices

## **5.0 POLICY CONTEXT**

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

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a 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 s.70 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.

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

- Core Planning Principles
- 7. Requiring good design

### **5.2 Planning Practice Guidance**

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- The use of planning conditions

### **5.3 Local Planning Policy Thurrock Local Development Framework (2011)**

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 and amended in 2015. The

following Core Strategy policies apply to the proposals:

Thematic Policies:

- CSTP22 (Thurrock Design)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>

[Footnote: <sup>1</sup>New Policy inserted by the Focused Review of the LDF Core Strategy. <sup>2</sup>Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. <sup>3</sup>Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

#### 5.4 Focused Review of the LDF Core Strategy (2014)

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.

#### 5.5 Draft Site Specific Allocations and Policies DPD

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. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### 5.6 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. 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

## 5.7 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the Autumn of 2017.

## 6.0 ASSESSMENT

6.1 This application seeks approval of 'non material amendments' to the scheme granted planning permission in 2016 under planning reference 16/00369/HHA. The changes comprise:

i. New windows to flank elevation

6.2 The plans approved in 2016 indicate one double casement window measuring 1.5m wide in the flank elevation of the property. The window is shown to serve the new kitchen area facilitated by the rear extension.

6.3 This application seeks approval to change that window to three single casement windows each measuring 0.5m wide in broadly the same position. The two additional windows are proposed to provide natural light into a new downstairs bathroom. The three windows would be fitted with obscured glazing.

6.4 The windows would face the flank elevation of the non-adjointing neighbour at no.6 Crowstone Road. The neighbouring property has an obscure glazed flank window behind a 2m high boundary wall which is situated almost opposite the bathroom windows and cannot be overlooked from the windows on the application site.

ii. Increase in height of extension

6.5 The plans approved in 2016 show an extension measuring 3.07m high (3.32m high to the top of the roof lantern). This application seeks approval to increase the height of the extension by 200mm (20cm). The applicant has advised that it has been necessary to increase the overall height of the extension to improve the insulation

within the flat roof.

6.6 The height increase would not materially alter the appearance of the building and would not result in any demonstrable impact upon the neighbouring properties.

6.7 Other than the alterations to the window pattern and increase in overall height of the single storey rear extension all other aspects of the development approved under ref. 16/00369/HHA remain the same. The consideration of this application is therefore limited only to the proposed changes detailed above.

## 7.0 CONCLUSION

7.1 The changes are considered to be non-material and recommended for approval. The alterations would not harm neighbouring residential amenity or be detrimental to the appearance of host property or the character of the street scene.

## 8.0 RECOMMENDATION

8.1 Approve, subject to the following condition:

### Condition(s):

1 This decision relates solely to the amendment detailed in the proposal described above and in accordance with plans:

<b>Plan Number(s):</b>		
Reference	Name	Received
E376CR012PD REVB	Roof Plans	6th April 2017
E376CR009PD A	Location Plan	27th March 2017
E376CR010PD C	Elevations	27th March 2017
E376CR010PD A	Elevations	27th March 2017
E376CR011PD C	Proposed Floor Plans	27th March 2017

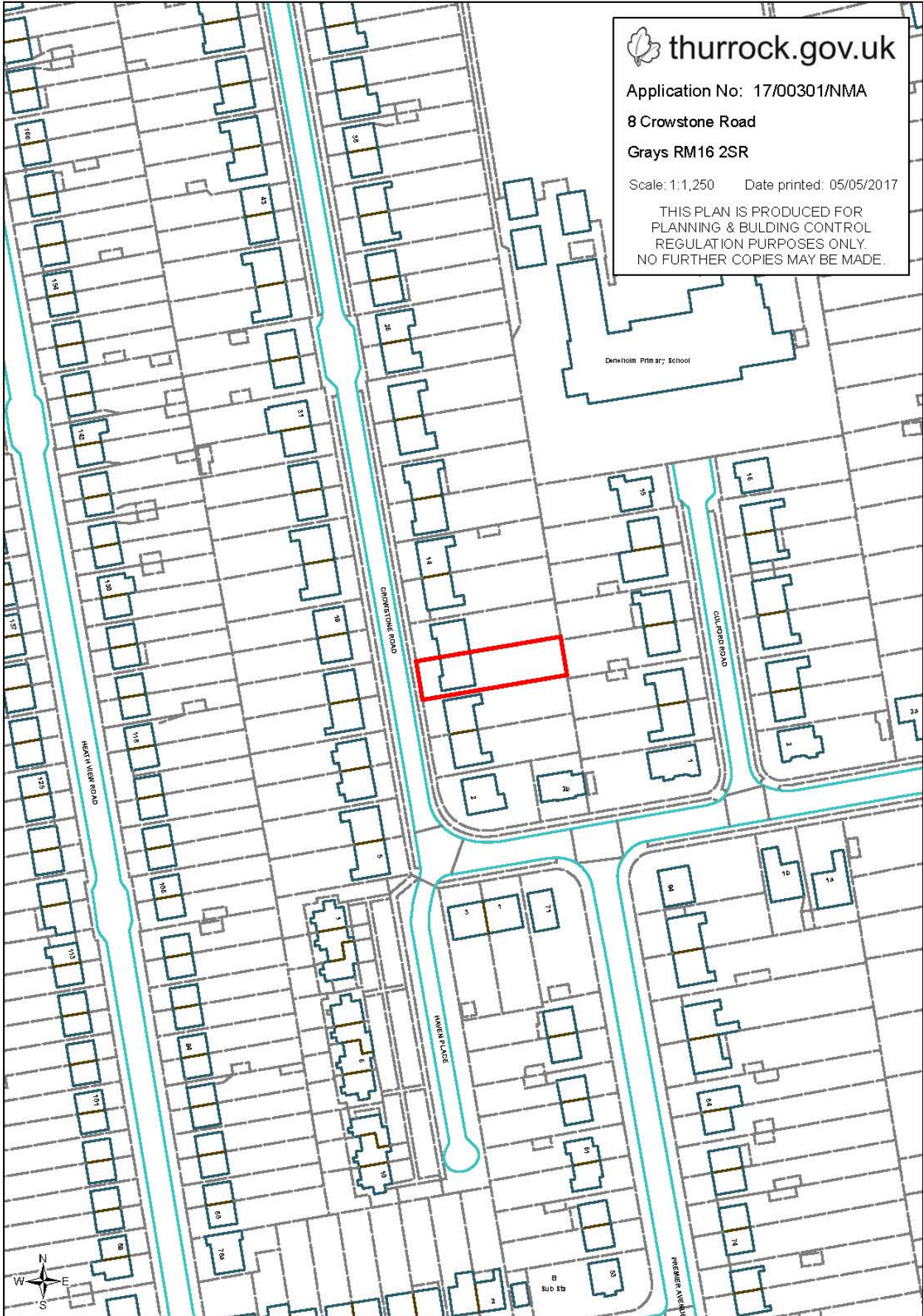
This document approves the amendment and is not a re-issue of the original planning permission, which still stands. This document and the original planning permission should be read together and there is a need to adhere to the conditions attached to the original planning permission, unless this non-material amendment relates to such conditions.

### Documents:

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

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





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<b>Reference:</b> 16/01512/FUL	<b>Site:</b> Land Adjacent Astons Villa And Appletons Brentwood Road Bulphan Essex
<b>Ward:</b> Orsett	<b>Proposal:</b> Change of use of land to residential use for Romani Gypsy family and stationing of one caravan and one camper van for residential occupation with ancillary works comprising modified access and area of hardstanding.

Plan Number(s):		
Reference	Name	Received
BP01	Proposed Site Layout	7th November 2016
DS01	Existing Site Layout	7th November 2016
LP01	Location Plan	7th November 2016
SUS01	Other	7th November 2016

The application is also accompanied by:  - Design and Access Statement	
<b>Applicant:</b> Mr Christopher Smith	<b>Validated:</b> 24 February 2017  <b>Date of expiry:</b> 22 <sup>nd</sup> May 2017 [Extension of time agreed with applicant]
<b>Recommendation:</b> To Refuse	

This application has been called into Planning Committee by Councillors Kelly, B Little and S Little to consider residential occupation in the Green Belt and planning policy.

## 1.0 DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the change of use of the land to residential use to allow one family to occupy the land, in one caravan and one

campervan. Also proposed as part of the development would be an area of hardstanding and improved access to the highway.

## 2.0 SITE DESCRIPTION

- 2.1 The existing site is a largely flat and open field. There are a number of structures on the land, including two touring caravans, a wooden shed and two poly tunnels. There is also hardstanding, close boarded wooden fencing to some parts of the perimeter and a metal base which was previously associated with a static caravan stored on the site.
- 2.2 The entrance to the site is wooden gate with a post and rail fence either side, which accesses onto the Brentwood Road.
- 2.3 Mains electricity and water are connected to the site. There is also connection to a mains sewer.

## 3.0 RELEVANT HISTORY

Application Reference	Description of proposal	Decision
11/00652/FUL	Erection of 5 bedroom detached house with separate garage and new access onto Brentwood Road	Refused
12/00246/FUL	Erection of 3 bedroom detached house with separate garage and new access onto Brentwood Road	Refused
14/01328/CLEUD	Use of the land for the storage of caravans	Deemed Lawful

## 4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

### PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Eighteen letters of representation have been received objecting to the proposals on the following grounds:
- Out of character with the residential nature of the area;
  - Contrary to recent changes to government policy;

- Inappropriate development in the Green Belt;
- Family have no ties to the locality;
- Bulphan has no doctors surgery or medical facilities, no nursery or preschool and there is no secondary school area in the immediate area so location will not meet applicants very special circumstances argument;
- Poor access onto Brentwood Road;
- Caravans are unsuitable;
- Recent development in the area has been attractive new houses;
- Applications for other permission in the past have been refused;
- Site access would be on dangerous sharp bend;
- There is a watercourse running adjacent to the site that would be affected;
- Existing caravans are an eyesore and should be removed;
- A more appropriate use should be sought;
- Loss of open character of land;
- Would cause stress to local people;
- Would devalue nearby houses;
- No footpath past the entrance/exit to the site;
- More occupiers may get onto the site;
- Lack of nearby public transport.

#### 4.3 ENVIRONMENT AGENCY:

No objection.

#### 4.4 ENVIRONMENTAL HEALTH:

No comments.

#### 4.4 FLOOD RISK MANAGER:

No comments.

#### 4.5 HIGHWAYS:

No objection subject to condition.

#### 4.6 HOUSING SERVICES:

No comments.

## 5.0 POLICY CONTEXT

### National Planning Guidance

### National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a 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 s.70 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.
- 5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:
- 7. Requiring good design
  - 9. Protecting Green Belt land
  - 10. Meeting the challenge of climate change, flooding and coastal change

### Planning Practice Guidance

- 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 subtopics. Those of particular relevance to the determination of this planning application comprise:
- Determining a planning application
  - Flood risk and coastal change
  - Making an application
  - Use of planning conditions

### **Local Planning Policy**

#### Thurrock Local Development Framework (as amended) 2015

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

#### Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP3 (Gypsies and Travellers)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>

Policies for the 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>
- PMD15 (Flood Risk Assessment)<sup>2</sup>

[Footnote: <sup>1</sup>New Policy inserted by the Focused Review of the LDF Core Strategy. <sup>2</sup>Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. <sup>3</sup>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)

- 5.5 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.

#### Draft Site Specific Allocations and Policies DPD

- 5.6 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. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether 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

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. 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

Thurrock Local Plan

- 5.8 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the Autumn of 2017.

**6.0 ASSESSMENT**

- 6.1 The assessment below covers the following issues:

I) Plan designation and principle of development

II) Harm to Green Belt and 'other' harm

III) Gypsy traveller status and need

IV) Whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances

V) Residential impacts

VI) Access and parking

VII) Environmental impacts

VIII) Infrastructure improvements (S.106 Contributions)

BACKGROUND:



- 6.2 As detailed in the planning history above, the site has a lawful use for the storage of caravans. An application was made, by the current applicant, in 2014 for the continued use of the land for a period of 10 years or more for the storage of caravans (14/01328/CLEUD).
- 6.3 In reviewing the application, the Council could provide no evidence to counter the evidence provided by the applicant to support the fact that the site has been used for more than 10 years for the storage of two campervans and one touring caravan. A certificate was therefore issued.
- 6.4 The current position is therefore that the existing structures on site are lawful and the Council cannot require them to be removed. However, application 14/01328/CLEUD established the use of the land for storage purposes; there is no lawful use of the existing structures for residential purposes.

#### I) PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

- 6.5 The application site is located within the Green Belt. Core Strategy Policy PMD6 applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.
- 6.6 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 however the provision of gypsy traveller accommodation does not fall into any of the exceptions.
- 6.7 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'*.
- 6.8 Consideration also needs to be given to Department of Communities and Local Government 'Planning Policy for Traveller Sites' [published in August 2015]. This document sets out the Government's planning policy for traveller sites. The document has been produced to be read in conjunction with the NPPF. Policy E of the document reinforces the guidance within the NPPF and states that Traveller sites, both temporary and permanent, in the Green Belt are inappropriate development which is by definition harmful to it and should not be approved except in very special circumstances.

#### II. HARM TO GREEN BELT AND 'OTHER' HARM

- 6.9 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
- 6.10 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.
- 6.11 With regards to the impact on openness, the proposals would result in the permanent development of the countryside. Members should note that while the site benefits from a lawful development certificate in relation to the storage of one campervan and two touring caravans it is not a Brownfield site or Previously Developed Land (PDL).
- 6.12 The proposed caravans, structures, fencing, surfacing and associated levels of activity associated with the residential use of the site are all considered to be urbanising features that fail to integrate into the surrounding rural area. The permanent development would be utilitarian in design and would fail to comply with the requirements of CSTP22, PMD2 and PMD6 of the Core Strategy.
- 6.13 In addition, criteria (iv) of Policy CSTP3 seeks to ensure development would not unacceptably harm the character and amenity of the area and result in an unacceptable visual impact. The proposed development would harm to the character and appearance of the area contrary to Policy CSTP3 of the Core Strategy.
- 6.14 Criteria (ix) of Policy CSTP3 requires the incorporation of adequate landscape strategies where appropriate. The Design and Access Statement indicates that existing planting is to be retained and that new planting will be provided if required, however no plans have been provided showing any landscaping. Without full details of any such landscaping, the Council is not presently satisfied that the development could be adequately screened therefore increasing the harmful impact upon the area contrary to policies PMD2, PMD6 and CSTP3 of the Core Strategy.
- 6.15 In conclusion under this heading, the development is considered to be inappropriate development within the Green Belt and further harm is also identified through the loss of openness arising from the built development and occupation of the site.

### III) GYPSY AND TRAVELLER STATUS AND NEED

- 6.16 Given the nature of the application, it is necessary to firstly establish whether this development relates to a bona fide Gypsy/Traveller site before considering the applicant's case in more detail.

6.17 The information provided by the applicant and gained through the lawful development certificate reveals that the previous and current proposals relate to the same family. If this application were approved, there would be three generations of the same family on site, Mr Christopher Smith and his son, Mr Danny Smith, and his family.

6.18 For the purpose of planning policy, the definition of 'Gypsies and Travellers' is detailed within Annexe 1 of the Planning Policy for Traveller Sites. This definition is as follows;

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on the grounds only of their own or their own family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

6.19 There is limited information submitted with the application to demonstrate the occupants' recent travelling habits in specific terms however the following is submitted:

- The applicant (and other proposed residents) are members of the Gypsy Traveller community and have gypsy status;
- The family regularly travel for purposes of trading and earning a living, they also travel to markets, horse fairs and other family and cultural events;

6.20 There is no evidence to suggest the applicants are not gypsies. Based on the details submitted in this and the previous Lawful Development Certificate application, there is some evidence that the occupants are of a nomadic lifestyle. The applicants have indicated that they would accept a personal permission; there is no suggestion that this is proposed temporary use.

IV) WHETHER THE HARM TO THE GREEN BELT, AND ANY OTHER HARM IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS, SO AS TO AMOUNT TO VERY SPECIAL CIRCUMSTANCES

6.21 Neither the NPPF nor the Core Strategy 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.

6.22 The Design and Access Statement submitted by the applicant to accompany the planning application sets out the applicant's case for development. The main points can be summarised under four headings:

- a. Need to have a stable base for education purposes.

- b. Need to have a stable base for healthcare purposes
- c. Proposal would decrease overcrowding elsewhere
- d. Lack of 5 year supply

6.23 The section below summarises and analyses the arguments advanced by the applicant in support of the application:

a) *Need to have a stable base for education purposes.*

6.24 There are two children proposed to occupy the site of school age. The information from the applicant states that the education of the children is of importance in seeking a site.

6.25 The educational needs of the occupants are of course important in terms of the Council's core aims and objectives. However, this matter should be afforded little weight given that there is no information to demonstrate that the children are not already in school or that there is a specific requirement for them to attend a school in this area. This matter should therefore be afforded very little weight in the consideration of the application.

b) *Need to have a stable base for healthcare purposes*

6.26 The information from the applicant states that the family needs to maintain a stable site for healthcare needs and it is indicated that one of the occupiers has previously been treated in a clinic in London.

6.27 There is no information submitted by the applicant to suggest why this geographic location is specifically important to the meeting of the family's healthcare needs. There is not stated to be such a chronic condition to require urgent or regular medical attention that could not be catered for in a different location. They do not state a specific need to be located in this area. The information submitted includes details from a specialist unit in London however their existing location is closer in terms of shortest driving distance to the specialist facility in London than the proposed site in Bulphan. This matter should therefore be afforded very little weight in consideration of the application.

c) *Proposal would decrease overcrowding elsewhere*

6.28 Details in the information submitted indicate that the applicants have been/are occupying a caravan site in Watford. The Design and Access Statement suggests that the application site could ease overcrowding elsewhere. However no quantitative information is detailed in this regard to show unsatisfactory provision on the existing site. It has not been determined whether the applicants have sought other sites within Hertfordshire, other areas, other sites outside the Green Belt or why they are seeking permission to occupy the current site.

- 6.29 The applicant has not indicated that there are specific family ties in this Borough nor made clear the efforts made to find alternative sites for accommodation closer to their previous site.
- 6.30 No weight should therefore be attached to this matter in consideration of the application.
- d) *Lack of 5 year supply*
- 6.31 'Planning Policy for Traveller Sites' (August 2015) states that Local Planning Authorities should set pitch targets within their Local Plan (policy CSTP3 sets out a target of 87 additional pitched). This policy details the approach of the Council to gypsy and traveller accommodation within the Borough.
- 6.32 Paragraph 5.27 of the Core Strategy states that the provision of sites for Gypsy and Travellers within Thurrock is considered to be sufficient for its needs for the foreseeable future and continues to seek a more fair and equitable distribution of Gypsy pitch provision in the East of England. Nonetheless, Policy CSTP3 aims to support proposals that seek to ensure the standard of the existing approved Gypsy and Traveller sites in the Borough is progressively improved and upgraded. The application site has not been identified previously in any Site Specific Allocations documents.
- 6.33 In determining the current application the Council needs to be satisfied that there is a clear need for the site and that the number of pitches involved cannot be met by an existing authorised site. The proposal would provide accommodation to persons who according to the information provided do not have ties with family members currently residing in the Borough. The information provided does not provide a convincing case to justify the development in this location, or indeed anywhere within the Borough. Furthermore, this site was not designated as a Gypsy site within the Site Specific Allocations DPD – Issues and Options. Therefore, this element of Policy CSTP3 is not considered to be complied with.
- 6.34 Policy H 'Determining planning applications for traveller sites' contained within the Planning policy for traveller sites (August 2015) requires, amongst other things, the Local Planning Authority to consider the existing local level of provision and need for sites and the availability of alternative accommodation for the applicants. There are no known available sites within the Borough where two pitches would be available within Council owned sites. However this does not justify the development in this Green Belt location.
- 6.35 A Ministerial Statement from the Local Government Minister published in July 2013 is of relevance to this case. Under the heading 'Protecting the Green Belt' this statement reiterates the position set out within the NPPF that inappropriate development in the Green Belt should not be approved except in very special circumstances. The statement continues:

*“The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt.”*

- 6.36 Therefore, the issue of whether or not there is a shortfall in the supply of traveller sites on its own will be unlikely to comprise very special circumstances to justify inappropriate development in the Green Belt. Very little weight should therefore be afforded.

Analysis of very special circumstances case

- 6.37 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 built form.
- 6.38 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 it is not considered that the matters put forward have, either individually or collectively, satisfied the requirements to meet the very special circumstances test. Accordingly, the principle of the development is considered to be unsound.
- 6.39 Criteria (iii) of Policy CSTP3 seeks to ensure the proposal would not unacceptably impact upon the safety and amenity of the occupants and neighbouring uses. The plot is of a similar size to those surrounding the site and the proposed caravan and campervan would be sited to the centre of the site. Given the size of the plot, location of development within the plot and distance from surrounding properties it is considered it would be difficult to demonstrate a significant harm to neighbour amenity such as to justify a reason for refusal on these grounds.

VI) ACCESS AND PARKING

- 6.40 Criteria (vi) and (vii) of Policy CSTP3 seeks to ensure the proposal would have safe and convenient access to the road network and would not cause significant hazard to other road users. The policy also seeks to ensure that there are sufficient areas for the parking and turning of vehicles within the site.
- 6.41 The Council’s Highways Officer does not raise an in principle objection, but queries matters of detail in relation to the access and the ability for vehicles to enter and exit the site in forward gear. If permission were to be granted a condition could be applied to ensure an adequate access is formed onto the public highway and space

could be made available to allow vehicles to turn within the site. Accordingly an objection on access or parking grounds would be difficult to substantiate.

#### VII) ENVIRONMENTAL IMPACTS

- 6.42 Criteria (viii) of Policy CSTP3 requires sites to have adequate services provided, such as water, power, sewerage and drainage, and waste disposal. The site is served by water, gas and sewerage. No objection is therefore raised in this regard.

#### VIII) INFRASTRUCTURE IMPROVEMENTS (S.106 CONTRIBUTIONS)

- 6.43 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development 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 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units. National policy with regard to section 106 planning obligations has recently been updated (19 May 2016). The NPPG guidance indicates that for developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought.

### **7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL**

- 7.1 The proposed development is inappropriate development in the Green Belt which is by definition harmful. In addition, the proposed development is considered to be an unacceptable urbanising feature which is harmful to the openness and erode the rural character of the Green Belt. This should be given very significant weight against approving the application.
- 7.2 The development would seriously conflict with Policy PMD6 of the Core Strategy, the National Planning Policy Framework and Policies E and H of Planning Policy for Traveller Sites (August 2015). The circumstances of the applicants and their needs have been carefully considered however it is not considered that these factors outweigh the harm caused to the Metropolitan Green Belt together with the other harm identified. No very special circumstances therefore exist to enable an exception to policy to be made in this instance.
- 7.3 The applicant has failed to justify the need for the proposed development in this location; the proposal would, if permitted, result in the urbanisation of this rural site, resulting in the provision of gypsy traveller accommodation causing significant harm

to the character and appearance of this rural area contrary to Policy CSTP3 of Thurrock's Core Strategy.

- 7.4 The proposed development, by reason of the development proposed would affect the rural character of the area and would poorly integrate into the area contrary to Policies PMD1, PMD2, PMD6 and CSTP22 of the Core Strategy.

## 8.0 RECOMMENDATION

REFUSE the application for the reasons set out below:

### Reason(s):

1. Policy PMD6 of Thurrock's Core Strategy and Policies for Management of Development states that, within the Green Belt, permission will be granted for new development provided it meets the requirements and objectives of government guidance. Paragraph 79 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts, with the fundamental aim of the Green Belt policy to prevent urban sprawl by keeping land permanently open. Paragraph 87 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Policy E: 'Traveller sites in the Green Belt' contained within Planning Policy for Traveller Sites published by Department of Communities and Local Government in August 2015 reinforces the guidance within NPPF and states that Traveller sites, both temporary and permanent, in the Green Belt are inappropriate development which is by definition harmful to it and should not be approved except in very special circumstances.

The proposed development is inappropriate development in the Green Belt which is by definition harmful. In addition, the proposed development is considered to be an unacceptable urbanising feature which is harmful to the openness and rural character of the Green Belt. The proposal is therefore also contrary to Policy PMD6 of the Core Strategy, the National Planning Policy Framework and Policy E of Planning Policy for Traveller Sites (August 2015).

The information put forward by the applicant has been carefully considered, but does not amount to the very special circumstances that would be required to enable an exception to policy to be made in this instance.

2. Policy H of the Planning Policy for Traveller Sites published by Department of Communities and Local Government in August 2015 requires the assessment of the level of provision and need for traveller sites, availability of alternative accommodation, the personal circumstances of the applicant, allocation of pitches in the development plan and consider needs of all travellers not only those with local connections.



Policy E of the national traveller site policy also states that allocation of sites for travellers should be identified through the plan making process and not in response to a planning application.

The circumstances of the applicants have been fully assessed. However, the designation of the site within the Metropolitan Green Belt and the harm arising as a result of the development carries significant weight in the consideration of the application. On balance, the circumstances of the applicants and their needs do not outweigh the harm to the Metropolitan Green Belt together with the other harm identified in other reasons for refusal in this decision notice.

3. Policy CSTP3 of Thurrock's Core Strategy and Policies for Management of Development aims to support proposals that seek to ensure the standard of the existing approved Gypsy and Traveller sites in the Borough is progressively improved and upgraded. Policy CSTP 3 deals with proposals for new or extensions to existing Gypsy and Traveller Sites which are considered against the 10 criteria listed within the policy.

The application site was not a site allocated for Gypsy and Traveller accommodation with the Site Specific Allocations and Policies Development Plan Document (DPD) - Issues and Options.

Furthermore, the proposal fails to comply with the criteria with Policy CSTP3 for new sites for Gypsy and Traveller Accommodation with the Borough. The applicant has failed to justify the need for the proposed development in this location and the proposal would result in the urbanisation of this rural site, resulting in a gypsy traveller site with an intensification of an existing access, and significant harm to the character and appearance of the rural area contrary to Policy CSTP3 of Thurrock's Core Strategy and Policies for Management of Development.

4. Policy PMD2 of the Council's Core Strategy and Policies for Management of Development requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

Policy CSTP22 of the Council's Core Strategy and Policies for Management of Development indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context. The Government statement of planning policy is included in the National Planning Policy Framework (NPPF) and is a material consideration that must be taken into account in determining planning applications.

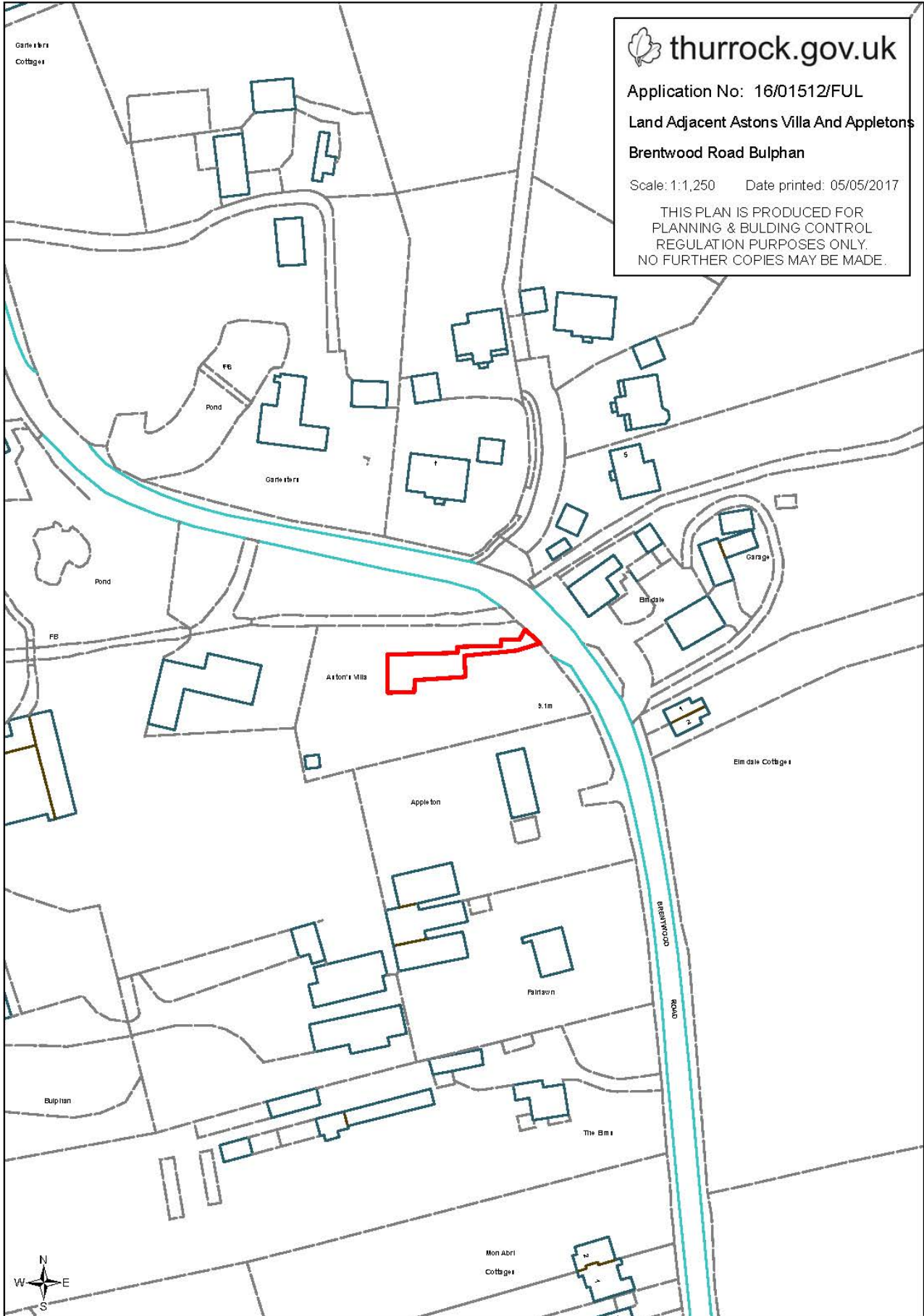
The proposed development, by reason of the location and design of the fencing and surface treatment, the utilitarian design of the caravans and vehicles would all

affect the rural character of the area and would poorly integrate into the area contrary to the above named policies.

**Documents:**

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

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



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