

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

Planning Committee

The meeting will be held at **7.00 pm** on **31 August 2017**

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

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Martin Kerin, Brian Little, David Potter, Joycelyn Redsell and Kevin Wheeler

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 16
To approve as a correct record the minutes of the Planning Committee meeting held on 27 July 2017.	
3 Item of Urgent Business	
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.	
4 Declaration of Interests	
5 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

6 Planning Appeals 17 - 24

7 Public Address to Planning Committee

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 <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

8 17/00727/FUL: Iron Latch, The Manorway, Coryton, Essex, SS17 9LE 25 - 54

9 17/00224/FUL: Goshems Farm, Station Road, East Tilbury, Essex 55 - 68

10 17/00799/HHA: 1 Paddock Close, Orsett, Essex, RM16 3DL 69 - 76

11 17/00921/FUL: 2 Theobalds Avenue, Grays, Essex, RM17 6SA 77 - 86

Queries regarding this Agenda or notification of apologies:

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Agenda published on: **23 August 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 27 July 2017 at 7.00pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair) (*left at 10:07pm*), Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell and Brian Little (Substitute)

Apologies: Councillors Colin Churchman, Roy Jones and Steve Taylor, Campaign to Protect Rural Essex Representative

In attendance: Andrew Millard, Assistant Director Planning & Growth
Matthew Ford, Principal Highways Engineer
Matthew Gallagher, Principal Planner (Major Applications)
Nadia Houghton, Principal planner (*left at 8:56pm*)
Jonathan Keen, Principal Planner (*left at 8:56pm*)
Leigh Nicholson, Development Management Team Leader
Vivien Williams, Planning Lawyer
Charlotte Raper, Senior Democratic Services Officer

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.

10. Minutes

The minutes of the Planning Committee meeting held on 22 June 2017 were approved as a correct record.

11. Item of Urgent Business

There were no items of urgent business.

12. Declaration of Interests

There were no declarations of interests.

13. 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

All Members declared receipt of correspondence regarding Item 11: 17/00548/REM: Land to the east of Euclid Way and South of West Thurrock Way, West Thurrock, Essex.

Councillor Gerard Rice also declared that he had received correspondence regarding Item 8: 17/00470/FUL: 3 Longley Mews, Grays, Essex, RM16 3AG, as it was situated within his ward.

14. Planning Appeals

The report provided information regarding planning appeals performance.

RESOLVED:

The Committee noted the report.

15. 17/00470/FUL: 3 Longley Mews, Grays, Essex, RM16 3AG

Councillor B. Little declared that his property neighboured the site of the application. However, as he had not been present at the previous meeting, when the application had been deferred, he would not participate in this item.

The application, which sought permission for an extension and dormer to convert a garage to a self-contained annex, had been deferred at the previous meeting so that Members could attend a site visit.

Councillor Rice asked the Principal Planner for confirmation that there had been no additional weight given to the medical circumstances since the item had been deferred. The Committee was advised that no further medical evidence had been received in relation to the application since it was previously presented to Members.

The Chair expressed that he felt the site visit had been important in allowing Members of the Committee to assess the site of the application. The report was conclusive, and since no additional medical evidence had been received there was the risk of setting an unhelpful precedent.

Councillor Rice interjected that the Committee was often reminded by the Assistant Director for Planning and Growth that each application should be assessed on its own merit and therefore there was no issue around precedent. The Assistant Director of Planning and Growth clarified that while each application was, rightly, assessed on its own merit, previous decisions of the Committee could be a consideration in future.

It was proposed by the Chair and seconded by Councillor Piccolo that the application be refused as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair),
Graham Hamilton, Terry Piccolo and Graham Snell.

Against: Councillors Tunde Ojetola and Gerard Rice

Abstained: (0)

RESOLVED:

That the application be refused.

16. 16/01625/OUT: Land Adjacent Moore Avenue, Devonshire Road And London Road, South Stifford, Grays, Essex

The application sought outline planning permissions for redevelopment of the site for the provision of up to 75 dwellings with vehicular, pedestrian and cycle access, internal access roads, footpaths, cycle ways, parking, public open space, landscaping and drainage infrastructure. The application had been submitted with all matters reserved except for access, which was for consideration.

The applicant had worked with the Education and Housing officer during the process of the application. A contribution of just under £176,000 had been agreed with the Education Officer. The applicant had also agreed to a policy compliant 35% affordable housing comprising 26 dwellings, with a 50 / 50 split between affordable rented accommodation and intermediate tenures. The Principal Officer confirmed that the report was recommended for approval subject to conditions and the above contributions towards education and provision of affordable housing.

Councillor Hamilton sought clarity that there was to be one vehicular access route and one route for pedestrian / cycle access. This was confirmed to be correct. Councillor Hamilton expressed concern that this would not be adequate. The Principal Highways Engineer advised the Committee that for the proposed number of dwellings 1 access route was acceptable, and would not need to be increased unless there were 200+ dwellings proposed. Devonshire Road was a very high category road and therefore was deemed to be suitable, and preferable to another junction on London Road, given queue lengths at the existing junction.

Councillor Ojetola queried whether the current 40mph speed limit would be reduced to 30 mph with the introduction of a new junction. The Principal Highways Engineer agreed that it would conceivably be appropriate to reduce the speed for the proposed section of Devonshire Road, which was within the single lane per direction stretch.

Councillor Ojetola also queried the provision of green space available. Members were advised that, while the plan at present was indicative and might not be final, the Planning department was satisfied that the space could fit the proposed number of units with adequate gardens.

Councillor Piccolo highlighted the remaining parcel of green space and asked whether it might be developed at a later stage. Members were advised that the land was in close proximity to the NuStar fuel storage (COMAH) site and for that reason the area could not be developed at this time. However it may be able to be developed in the future. Councillor Hamilton asked if it might be used as parkland. Members were advised that the proximity to the fuel tanks made it unsuitable for public use.

The Chair asked whether trees along the back of the site were existing or to be planted. The Principal Officer advised that some were existing and would be part of landscaping and screening for the development.

Councillor Ojetola queried the catchment schools, which were confirmed to be Hathaway Academy, William Edwards, Grays Convent, Harris Academy and Gateway Academy.

A resident, Michelle Peters, was invited to the Committee to present her statement of objection.

The Ward Councillor, Councillor Gerrish, was invited to present his statement in objection.

The agent, James Lawson, was invited to the Committee to present his statement of support.

Councillor Hamilton noted comments around badger activity in the vicinity and asked if there was any evidence. The Principal Planner confirmed that there had been ecology and protected species surveys undertaken highlighting badger activity to the north of the site. Methods to protect and provide habitats would be , secured through updates to the ecology reports as part of conditions on any approval.

Councillor Ojetola asked where the rear access to gardens for properties in Moore Avenue was located, and whether overlooking had been taken into consideration. There would be trees and boundary treatments to keep the site separate. In regards to back to back distances these were 45-50m which was well in excess of the Council's minimum standards and thus deemed to be acceptable.

The Chair asked whether traffic issues on London Road could be material considerations. Members were advised that there were air quality management areas along London Road. The revised traffic assessment submitted gave a positive picture but highlighted concerns around cycle and pedestrian access, hence the incorporation of a cycle route onto London Road.

Councillor Piccolo queried the possibility of the proposed new junction on Devonshire Road including a "left turn only" restriction. The Principal Highways Engineer explained that in order to do so, due to the need for physical enforcement measures, it would have to be left in/left out which would force incoming traffic to use London Road and the Lakeside basin. It would also increase the risk of vehicles performing illegal U-turns to avoid this.

Councillor Rice stressed the need to reduce the speed at the junction to 30mph to ensure safety for residents. The Committee was assured that Condition 19 would cover speed reduction measures.

Councillor Ojetola sought clarification around the provision of a play area. The details were to be submitted later however condition 10 regarding public open space included provision of an area for children's play.

The Chair noted that, while the green area was presently too close to the tanks to be developed there was a possibility of more homes on the site in future, but accepted that that would need to be considered on its own merit at a later stage.

The Vice-Chair saw no reason to object to homes being built on site. There was a need for homes in the borough and while there was traffic at peak times, since the A13 works had ended issues were greatly reduced and so he offered support for the application.

Councillor Rice considered that the Committee's hands were somewhat tied. The site had been identified within the Core Strategy and the application was reasonable. His only concern had been addressed within condition 19 and therefore he supported the application, as he could not see grounds otherwise.

Councillor Ojetola expressed his view that, while it was only at outline stage, it was best to do as much as possible to mitigate against any concerns. He therefore urged the applicant and officers to address issues around rear access to gardens, whether anything could be done to improve the situation at the junction of London Road and Devonshire Road, and the crucial reduction of the speed limit to 30mph.

Councillor B. Little agreed that the highways network in the area could use some work, particularly where the 1 lane became 2. Reducing the speed limit to 30mph would be key. He also welcomed the provision of affordable homes and offered support for the application.

Councillor Piccolo admitted he was concerned regarding safety at the egress, however site splays and speed reductions had addressed his concerns. He understood residents' feelings but noted that there had been previous applications approved on other sites where there had been less generous space; he was minded to approve the application.

The Chair was interested to protect the additional parcel of green space where possible. He echoed the Committee's comments; without clear material considerations Members were somewhat restricted however the provision of affordable housing was welcome. The next stage would be for a reserved matters application to be presented for approval by the Committee and the Chair expressed his view that he liked the current proposed design.

It was proposed by the Vice-Chair and seconded by Councillor B. Little that the application be approved, subject to conditions and the completion of a s.106 legal agreement, as per the Officer's recommendation:

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Brian Little

Against: Councillor Graham Hamilton.

Abstained: (0)

RESOLVED:

That the application be approved, subject to conditions and the completion of a s.106 legal agreement.

17. 17/00521/FUL: 6 Tennyson Avenue, Grays, Essex, RM17 5RG

The application sought planning permission for the conversion of an existing 5 bedroom house to 2 x 1 bedroom flats. An existing building to the rear of the garden of the main house that was built as an ancillary outbuilding would be used as a separate dwelling. A similar recent application for the conversion of the house into 3 flats was refused by Committee and dismissed by the Planning Inspectorate in January 2017. The refused application included parking in the rear garden area of the dwelling; that was the sole reason the Planning Inspectorate refused the appeal. The current proposal saw all parking located to the front of the site or in the undercroft and accordingly the sole remaining reason for objection had been removed.

Councillor Ojetola asked for clarification regarding the proposed parking provision. The Officer advised provision was similar to the existing layout.

Councillor Hamilton asked whether cars parked in the undercroft would hinder access; the Officer advised it would be possible to fit past.

The Chair expressed that he was uncomfortable with parking beneath the property and splitting a house up into flats however the applicant had listened to all suggestions made by the Planning Inspectorate and therefore it would be difficult to refuse.

The Vice-Chair agreed that he was not keen but there were no material considerations on which to refuse planning permission.

Councillor Ojetola agreed that as it complied with rules, regulations and policies the Committee's hand had almost been forced.

Councillor Piccolo noted that many properties included garages which formed an integral part of the building. He was also unhappy with the idea of new premises within a back garden; however he could not see any way not to follow the recommendation for approval.

Councillor Hamilton sought confirmation of what was proposed for the space above the undercroft; it was confirmed to be a lounge and bathroom. He asked whether vehicles could use the undercroft as a through route to the back property and it was confirmed that they couldn't go further than the rear wall of the property.

Councillor Rice stated he felt duty-bound to support. People within Thurrock needed homes and if brown-field applications were not supported it risked development of Green Belt land.

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

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Brian Little.

Against: (0)

Abstained: (0)

RESOLVED:

That the application be approved, subject to conditions, as per the Officer's recommendation.

18. 17/00548/REM: Land To east of Euclid Way and South of West Thurrock Way, West Thurrock, Essex

The Principal Planner (Major Applications) began by informing Members that the department had received a late letter, which was not included within the agenda. It referenced surface water drainage which was the subject of a condition of the outline approval and therefore not for consideration as part of this reserved matters submission. The application sought approval of the reserved matters, namely layout, scale, appearance and landscaping, for Phase 1 of the outline (residential) part of permission ref. 13/01231/FUL. This application comprised the construction of 214 residential dwellings, new public open space, car parking and associated infrastructure works.

Councillor B. Little queried the provision for affordable housing. The Committee heard that there was no affordable housing included within the proposal, but this had been justified by a viability assessment at the outline stage which had been considered by Committee in 2014.

Councillor Ojetola sought clarification around the point of access. It would be via West Thurrock Way, with minor remodelling of the roundabout nearest KFC. There was also a S106 requirement to ensure a bus link and the service would also be funded via a contribution within the existing S106

agreement. If the proposed supermarket were built there would be another point of access from the same roundabout.

The Agent, Catherine Williams, was invited to the Committee to present her statement of support.

Councillor Ojetola asked what impact the 214 units would have upon the local catchment schools. Members were reminded that this was a reserved matters application and the impact upon local education, GP services etc. had been considered at the outline stage and found acceptable.

Councillor Hamilton asked for further details regarding the proposed bus route. The route would be part of the hopper service and this stretch was one piece of a larger picture, in attempts to create a circular route to encourage more users and visitors to the Lakeside Basin to use bus services. The route had been agreed with operators, and as the residential road would not have heavy traffic it was deemed that there would be no detrimental impact. Everything requested at the outline stage had been provided.

Councillor Piccolo asked if there was any possibility of an updated viability assessment to see if there was any hope of affordable housing provision. He expressed his concern that the residential route could become a 'rat run' during peak traffic. Since the supermarket had been the main driver of the S106 contributions he asked whether it would be phased.

The Principal Planner (Major Applications) confirmed that Officers and Committee Members had been satisfied that the cost of decontamination of the site were high and that this factor influenced the capability of delivering affordable housing. There would be bus control measures such as a bus gate as it would be undesirable for vehicles to cut through. The S106 payments were triggered in part by commercial construction and in part by the residential development.

Councillor Rice welcomed the application which would transform Lakeside into a town. The site was near a railway and there would be a hopper service and would provide much needed residential homes.

Councillor Ojetola agreed that the application, particularly the parking provision, was impressive. Education contributions had been agreed and he was happy to support it.

Councillor Snell agreed that the application would provide much needed homes in a prime location. He was disappointed by the design of the 3 bedroom houses but the development as a whole was good.

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

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Brian Little.

Against: (0)

Abstained: (0)

RESOLVED:

That the application be approved, subject to conditions, as per the Officer's recommendation.

At 8:55pm the Committee agreed to suspend standing orders until the close of business.

The meeting adjourned at 8:56pm and reconvened at 9:04pm.

19. 16/00923/FUL: Land to north of Rosebery Road, Castle Road and Belmont Road, Grays

Councillors Rice and Snell excused themselves from this item, as they sat at Gloriana board meetings.

The application sought full planning permission for the erection of 80 dwellings, comprising a variety of one – three storey houses, with associated roads, parking, refuse and bicycle storage and amenity space

The Committee queried the proposed access routes. The application had been accompanied by a transport assessment and the access proposals proposed a one-way route through the new development, entering via Roseberry Road and exiting via Belmont Road. A new road was also proposed along the Southern boundary of the site to maintain the existing rear access to properties, which would also be one-way. The existing residential roads would remain two-way.

It was proposed by Councillor Ojetola and seconded by the Vice-Chair that the application be deferred for a site visit to enable Members to assess the capacity of the existing roads and fully grasp the proposed changes to access.

For: Councillors Steve Liddiard (Vice-Chair), Graham Hamilton and Tunde Ojetola.

Against: Councillors Tom Kelly (Chair), Terry Piccolo and Brian Little.

Abstained: (0)

As there were equal votes for and against, the Chair exercised the casting vote and the proposal was dismissed.

Councillor B. Little queried the insulation standard and solar panels proposed, and what assurances were in place. Condition 7 ensured roof-mounted photovoltaic panels and energy efficiency measures would be a building regulations matter as opposed to a planning condition, as the Government suspended the Code for Sustainable Homes in 2015.

Councillor Piccolo queried the capacity for parking within the turning heads compared to the additional spaces proposed within the application, to see if it would be sufficient to mitigate the loss of parking. The Principal Highways Engineer advised the Committee that turning heads should not be used for parking. The provision for parking within the application was above the Council's draft parking standard and the applicant had strived to replicate the capacity within the turning heads. The proposed changes also offered improved access for refuse vehicles.

The Chair accepted that there was a recurring "grey area" within Thurrock where turning circles were used as parking, which was understandable given some of the narrow roads. He noted that there was no way to access the relief road from Roseberry Road and therefore its residents were seemingly worst affected.

A resident, Mrs Caramuscia, was invited to the Committee to present her statement of objection.

The agent, Judith Tranter, was invited to the Committee to present her statement of support.

Councillor Hamilton expressed concern at traffic exiting the new estate and joining a 2 way road. The Traffic Assessment had found that accessibility for existing residents would not be impacted materially. The additional traffic movements and queue lengths were not considered to be unacceptable under the Council's policy.

Councillor B. Little asked what could be done to avoid construction traffic using the existing residential roads to access the site. Condition 6(e) required details to be submitted and approved. There would ideally be a separate access point for construction traffic, but this would require discussions with another landowner. The Vice-Chair recalled complaints received around contractors and construction traffic around the previous Gloriana development within his ward. The Chair agreed that getting materials on site would be an issue.

It was proposed by the Vice-Chair and seconded by the Chair that the application be deferred to clarify details address concerns regarding access for construction traffic. Members would also have the opportunity to undertake informal site visits if they so wished.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair),
Graham Hamilton, Tunde Ojetola, Terry Piccolo and Brian Little.

Against: (0)

Abstained: (0)

RESOLVED:

That the application be deferred, to enable discussions with the applicant on access to the site for construction traffic.

20. 17/00588/CONDC: Land adj A13, A1306 and to north of nos. 191-235 Purfleet Road, Aveley

The Principal Planner (Major Applications) advised that items 13 and 14 were related. The application sought approval of amendments to the development parameters of the outline planning permission 12/00862/OUT.

Councillor B. Little asked for clarity around the proposed changes. There were no changes to highways; the matter for consideration was principally the location of unit 2 which would be relocated closer to the southern boundary of the site than the approved parameters..

Councillor Hamilton asked whether traffic entering London Road could turn both left and right. It was confirmed that access was permitted in both directions at a new junction onto the A1306.

The agent, Mark Stitch, was invited to the Committee to present their statement of support.

It was proposed by Councillor Ojetola and seconded by the Chair that the details reserved by condition no.6 (Parameter Plan) be approved, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Brian Little.

Against: (0)

Abstained: (0)

RESOLVED:

That the details reserved by condition no.6 (Parameter Plan) be approved.

**21. 17/00587/REM: Land adj A13, A1306 and to north of nos. 191-235
Purfleet Road, Aveley**

The application sought approval of reserved matters comprising appearance, landscaping, layout and scale following outline planning permission ref. 12/00862/OUT.

The agent, Mark Stitch, was invited to the Committee to present their statement of support.

It was proposed by the Chair and seconded by Councillor B. Little that the details be approved, subject to conditions, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Brian Little.

Against: (0)

Abstained: (0)

RESOLVED:

That the details be approved subject to conditions.

The meeting finished at 10.30 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

31 August 2017	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Development Management Team Leader	
Accountable Assistant Director: Andy Millard, Assistant Director - Planning and Growth	
Accountable Director: Steve Cox, Corporate 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:** 17/00128/FUL

Location: 15 Giffords Cross Avenue, Corringham

Proposal: Change of use of land to residential curtilage and retention of re-sited boundary fencing [Retrospective]

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/00061/HHA

Location: 9 Palmerston Road, South Stifford, Grays

Proposal: Two storey side extension.

Decision: Appeal Dismissed

Summary of decision:

4.1.1 This application was rejected by the Council because the proposal failed to comply with CS Policies PMD1, PMD2 and the NPPF by virtue of the excessive width and bulk of the extension compared to the original dwelling.

4.1.2 In determining the appeal the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the surrounding area.

4.1.3 The Inspector noted that the proposal would considerably increase the overall bulk and scale of the appeal property. This would appear at considerable odds with the bulk and scale of other dwellings within the terraced block and other dwellings along the road in general. Consequently, it would represent a dominant and incongruous form of development which would give rise to significant harm to the character and appearance of the streetscene and area.

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

4.2 Application No: 17/00342/HHA

Location: 1 Scratton Road, Stanford Le Hope

Proposal: Two storey side and two storey rear extension, loft conversion including two front and two rear dormers with the replacement and remodelling of the fenestration throughout

Decision: Appeal Dismissed

Summary of decision:

4.2.1 This application was rejected by the Council because the proposal failed to comply with CS Policies PMD1, PM2 and the criteria within Annexe A1 of the

Thurrock Local Plan 1997 by virtue of the depth, width and overall design, including the provision of a crown roof. The Council argued that the development would give rise to significant and unacceptable levels of overlooking into the rear amenity space of 39 Corringham Road.

4.2.2 In determining the appeal, the Inspector considered the main issue to be:

- i. the living conditions of the occupiers of Nos 1a and 3 Scratton Road, with regard to outlook;
- ii. the living conditions of the occupiers of No 39 Corringham Road, with regard to privacy; and
- iii. the character and appearance of the host dwelling and surrounding area.

4.2.3 With regards to (i) and (ii) the Inspector concluded that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of Nos 1a and 3 Scratton Road, with regard to outlook; and on the living conditions of the occupiers of No 39 Corringham Road, with regard to privacy.

4.2.4 With regards to (iii), the Inspector observed there to be no uniformity of design and appearance of properties at this end of Scratton Road where most buildings are later additions compared to the uniform semi-detached dwellings that form the main property type on the same side of the road. The Inspector concluded that while the extended dwelling would contrast with the scale and appearance of its immediate neighbours either side it would not be so incongruous in this part of the street scene as described to cause significant harm.

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

4.3 **Application No: 17/00113/HHA**

Location: 9 Marie Close, Corringham

Proposal: Erection of outbuilding

Decision: Appeal Dismissed

Summary of decision:

4.3.1 This application was rejected by the Council because the outbuilding, due to its size and scale and impact upon the openness and rural character of the site, represented a disproportionate addition over and above the original building and dwelling. It was considered to be inappropriate development within the Green Belt contrary to the advice within the NPPF and Policy PMD6.

4.3.2 In determining the appeal the Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt
- II. The effect of the proposal on the openness of the Green Belt.
- III. The effect of the proposal on the rural character of the area.
- IV. If the proposal is inappropriate development whether there are any other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness and any other harm and whether very special circumstances exist to justify the development.

4.3.3 In relation to (i) the Inspector concurred with the Council and found the proposal to constitute inappropriate development.

4.3.4 In relation to (ii) and (iii) the Inspector did not consider the development to materially harm the openness of the Green Belt but in relation to (IV) found no other consideration that would clearly outweigh the harm as a result of inappropriateness. The Inspector concluded that very special circumstances sufficient to justify inappropriate development in the Green Belt did not exist.

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

4.4 **Application No: 16/01627/HHA**

Location: 2 Cherry Down, Grays

Proposal: Double storey side extension

Decision: Appeal Dismissed

Summary of decision:

4.4.1 This application was rejected by the Council because the extension would result in the dwelling being brought to within 17cm of the site boundary. By reason of its proximity to the highway the extended dwelling would appear as a dominant and incongruous feature in the street scene, which would be out of character with the prevailing form of the development to the detriment of the character and visual amenities of the area.

4.4.2 In determining the appeal the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the streetscene.

4.4.3 The Inspector took the view that the proposed extension would introduce an overbearing built form, which when viewed in the main part of the cul-de-sac would present an unattractive, featureless elevation which would appear prominently within this streetscene, detrimental to its overall character and appearance.

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

4.5 Application No: 16/01683/HHA

Location: 50 Crofton Road, Grays

Proposal: Retrospective application for reconfiguration of front dormers from approved application 16/00153/HHA

Decision: Appeal Allowed

Summary of decision:

4.5.1 This application was rejected by the Council because the dormers would occupy 38% of the roof slope, contrary to the criteria within Annexe A1 of the Thurrock Local Plan 1997.

4.5.2 In determining the appeal the Inspector considered the main issue to be the effect on the character and appearance of the host dwelling and streetscene.

4.5.3 The Inspector noted that the proposal was in conflict with Annexe A1 but took the view that the dormers that had been installed were not overly large in relation to the existing extended roof slope. The Inspector did not share the Council's concerns over the cluttered appearance and found the dormers to be relatively well balanced.

4.5.4 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	2	6	5									15
No Allowed	0	2	4	1									7
% Allowed													46%

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. 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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Reference: 17/00727/FUL	Site: Iron Latch The Manorway Coryton Essex SS17 9LE
Ward: Corringham And Fobbing	Proposal: The construction and operation of a HGV service centre comprising a 390sq.m. two-storey office building (Use Class B1(a)), a 634sq.m. workshop building (Use Class B2) and ancillary development including revised site access arrangements, footways, cycleways, parking areas, re-surfacing, landscaping, drainage, lighting, utility connections , street furniture and boundary treatments.

Plan Number(s):		
Reference	Name	Received
P-001 A	Location Plan	1st June 2017
P-002 B	Site Layout	1st June 2017
P-310 C	Elevations	1st June 2017
P-300 C	Elevations	1st June 2017
P-320 C	Elevations	1st June 2017
P-120 C	Roof Plans	1st June 2017
P-100 C	Floor Layout	1st June 2017
P-110 C	Floor Layout	1st June 2017
P-170 A	Proposed Plans	1st June 2017
P-330 C	Elevations	1st June 2017
P-340 C	Elevations	1st June 2017
P-140 D	Roof Plans	1st June 2017
P-130 C	Floor Layout	1st June 2017
P-150 C	Other	1st June 2017
P-160 B	Other	1st June 2017
P-011 B	Proposed Site Layout	1st June 2017
P-190 A	Other	1st June 2017
P-180 B	Other	1st June 2017
FIT-001 P01	Other	1st June 2017
10-001	Other	1st June 2017

10-005	Other	1st June 2017
10-006	Other	1st June 2017
P-200 D	Sections	1st June 2017
P-010-E	Proposed Site Layout	9th August 2017

The application is also accompanied by:

- Planning Statement
- Planning Statement Supplemental Note: August 2017
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Transport Statement
- Phase I Environmental Assessment
- A Short Form Archaeological Project Design

Applicant:

LG Park Leasehold Ltd

Validated:

1 June 2017

Date of expiry:

29th September 2017 (Extension of time agreed with applicant)

Recommendation: Approve, subject to referral to the Planning Casework Unit and conditions.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the construction of a 390 sqm two storey office building, which would be 9.67m high and sited towards the south western part of the site; a 634sqm workshop building, which would be 8.1m high and would be centred within the main part of the site with HGV parking areas to the north and south of the building; and a wash bay building 8.45m high, sited to the south east corner of the site.

1.2 In addition to the above development the following is also proposed:

- The installation of a new vehicle access into the site to the west of the existing access points (the existing access point would be closed up and this part of the site would be used for trailer parking);
- New 2.3m high welded steel gates and fencing around the boundary of the site to replace the existing galvanised palisade fencing;
- A refuse storage area adjacent to the new access;
- A cycle store located in the south western corner of the site near the office building;

- 41 HGV parking space;
- 18 car parking spaces; and
- Lighting facilities including 7 flood lights columns and lighting attached to the office and workshop building.

2.0 SITE DESCRIPTION

2.1 This L-shaped site covers an area of 1.66 hectares and is located to the east of Stanford-le-Hope and to the southeast of Corringham and Fobbing. The site is located to the north of the Manorway (A1014) with an electricity substation to the east. To the south is the London Gateway port and logistics park development. To the north is the Fobbing marshes including a Local Wildlife Site [LWS] and a Site of Special Scientific Interest [SSSI] beyond.

2.2 The site has a long history of commercial development and the site was occupied by buildings until 2014 when they were demolished to allow the site to be used for the parking of HGV’s associated with the adjacent London Gateway Port. The site has an extensive planning history for industrial and commercial uses, with associated building and structures approved under subsequent planning applications.

2.3 The site is located within the Metropolitan Green Belt and is located within a high risk flood zone [Flood Zone 3].

3.0 RELEVANT HISTORY

The site has a long history of commercial development which is set out in the table below:

Application Reference	Description of Proposal	Decision
08/00992/FUL	A pre-fabricated re-locatable building with 3 roller shutters doors to front.	Approved
08/00392/FUL	Proposed demountable, re-locatable workshop building to be located on yard area.	Refused
08/00053/FUL	Proposed demountable, re-locatable workshop building to be located on yard area.	Refused
92/00625/FUL	Installation of 3 No, 10 metre high lighting columns in trailer parking area	Approved
91/00756/FUL	Installation of 2 No 16 metre high lighting columns in trailer parking yard	Refused
88/00938/FUL	The demolition of existing workshop building and construction of new 4 bay workshop building and canopy to existing workshop building.	Approved
87/00597/FUL	New chain link fencing and form new car and lorry parking areas.	Approved

79/00996/FUL	Extension to existing tanker bay.	Approved
74/01188/FUL	Tanker bay maintenance of road tankers.	Approved
73/00575/FUL	Tanker bay for maintenance of road tankers	Approved
69/00315/FUL	Proposed new bypass roads alongside A13.	Approved
69/00508/FUL	Additional workshop facilities.	Approved
67/00789/FUL	Modification to entrance and patrol hut.	Approved
67/00404/FUL	Office and toilet extension.	Approved
56/00399B/FUL	Repair Depot and offices (amended plan)	Approved
56/00399A/REM	Erection of a garage and repair shop with a floor area of 5,820 sq. ft., together with the provision of parking facilities for cars and oil transport vehicles at Manor Way Road, Stanford-le-Hope, in accordance with the attached plans.	Approved
56/00399/OUT	Erection of a garage and repair shop, a fuelling island, and provision of parking space for cars and oil transport vehicles, at Manor Way Road, Stanford-le-Hope, as shown on the attached plan.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

4.1 This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. The proposals have been advertised as a major development and as a departure from the development plan. No written responses have been received.

4.2 ENVIRONMENTAL HEALTH OFFICER:

No objection, subject to conditions.

4.3 FLOOD RISK MANAGER:

No objection, subject to conditions.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 HIGHWAYS

No objection, subject to conditions.

4.6 ESSEX & SUFFOLK WATER:

No objection.

4.7 BRITISH PETROLEUM AGENCY:

No objection, subject to conditions.

4.8 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions.

4.9 ECC ARCHAEOLOGICAL ADVICE:

No objection. The application site lies within an area where there are potential archaeological deposits surviving. The advisor commented the applicants have archaeological consultants on board and they have provided an agreed programme of work which would be undertaken if deep ground works are required.

4.10 HEALTH AND SAFETY EXECUTIVE:

No objection.

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:

1. Building a strong, competitive economy;
4. Promoting Sustainable Transport;
7. Requiring good design;
9. Protecting Green Belt;
10. Meeting the challenge of climate change, flooding and coastal change;
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment

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:

- Climate Change;
- Conserving and enhancing the historic environment;
- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Health and Wellbeing;
- Land affected by contamination
- Natural Environment;
- Noise
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements;
- Use of Planning Conditions
- Waste
- Water supply, wastewater and water quality.

Local Planning Policy

Thurrock Local Development Framework (2011)

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Overarching sustainable development policy

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Spatial Policies:

- CSSP4: (Sustainable Green Belt)
- CSSP5: (Sustainable Greengrid)

Thematic Policies:

- CSTP6: (Strategic Employment Provision)
- CSTP12:(Education and Learning)
- CSTP15: (Transport in Greater Thurrock)
- CSTP16: (National and Regional Transport Networks)
- CSTP17: (Strategic Freight Movement and Access to Ports)
- CSTP18: (Green Infrastructure)
- CSTP19: (Biodiversity)
- CSTP22: (Thurrock Design)
- CSTP23: (Thurrock Character and Distinctiveness)²
- CSTP25: (Addressing Climate Change)²
- CSTP27: (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1: (Minimising Pollution and Impacts on Amenity)²
- PMD2: (Design and Layout)²
- PMD4: (Historic Environment)²
- PMD6: (Development in the Green Belt)
- PMD7: (Biodiversity, Geological Conservation and Development)²
- PMD8: (Parking Standards)³
- PMD9: (Road Network Hierarchy)
- PMD10: (Transport Assessments and Travel Plans)²; and
- PMD15: (Flood Risk Assessment)²
- PMD16: (Developer Contributions)²

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

year.

6.0 ASSESSMENT

6.1 With reference to procedure, this application has been advertised as a departure from the Development Plan and as a major development. 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 'provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more'. 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. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- may conflict with national policies on important matters;
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- could have significant effects beyond their immediate locality;
- give rise to substantial cross-boundary or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments.

6.2 The main issue for consideration in this case is the consideration of Green Belt matters, in particular:

- whether the proposals constitute inappropriate development with reference to the NPPF and development plan policy;
- impact on the open nature and character of the Green Belt;
- if the development is inappropriate, whether the harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

6.3 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout

- III. Access, Traffic Impact and Car Parking
- IV. Impact Upon Ecology, Biodiversity and Landscape
- V. Flood Risk and Site Drainage

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.4 Under this heading, it is necessary to refer to the following key questions:

1. whether the proposals constitute inappropriate development in the Green Belt;
2. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

6.5 The site is identified on the LDF Core Strategy Proposal's Map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

6.6 Paragraph 79 within Chapter 9 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 89 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 to this, namely:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation and cemeteries;
- proportionate extensions or alterations to a building;
- the replacement of a building;
- limited infilling in villages; and
- the partial or complete redevelopment of previously developed sites 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.

6.7 The site is covered in hardstandings, apart from two small landscaped areas, and is enclosed by palisade fencing and contains floodlighting for security reasons. Until relatively recently the site was occupied by an office (constructed 1962), workshops (constructed 1957 and 2008), vehicle wash (constructed 1974) and garage (undefined construction date). One of the workshop buildings was demolished in 2013, the remaining buildings were demolished in September 2014 by the current applicant.

6.8 The site therefore comfortably falls within the NPPF's definition of Previously Developed Land however the proposal would introduce new buildings onto the site which would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

6.9 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

6.10 Paragraph 80 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.11 In response to each of these five purposes:

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

6.12 In this case, it is considered that the development proposed would not spread the existing extent of built development further into this part of the Green Belt so as to amount to unrestricted sprawl on the edge of a settlement. The development would be contained within the boundaries of the site which can be lawfully used for commercial purposes. On balance, it is considered that the proposals would not have any impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

6.13 The development would not conflict with this Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

6.14 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open land. However, there can be no dispute that the site has a commercial function and it clearly represents Previously Developed Land. It is difficult therefore to apply the term "countryside" to this site for the purposes of applying the NPPF policy test. As such, it is not considered that the proposals would constitute an encroachment of built development into the countryside at this location.

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

6.15 As there are no historic town in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.

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

6.16 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. Therefore, on first impression, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. However as set out elsewhere in this report, the site benefits from a lawful use for commercial purposes including the parking of HGV's. It follows therefore that the commercial use would likely continue even in the event that this application was refused. On this basis it is not considered that the development conflicts with this defined purpose of the Green Belt.

6.17 In light of the above analysis, it is considered that the proposals would not be contrary to the purposes of including land in the Green Belt. However, as noted above, there would be in-principle harm by reason of inappropriate development and harm by reason of loss of openness. Substantial weight should be afforded to these factors.

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

6.18 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However,

some interpretation of 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 (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

- 6.19 With regard to the NPPF, paragraph 87 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 that, when considering any planning application, local planning authorities *"should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*.
- 6.20 The Planning Statement sets out the applicant's Very Special Circumstance which are assessed below:
- a. The modern and sensitively designed buildings will significantly improve visual amenity
- 6.21 The applicant suggests that the development would improve the visual amenity of the location.
- 6.22 In this case, the buildings proposed would be of a commercial aesthetic which would be typical of the function of the use of the building. Glazed elements and the use of high quality materials would help the development achieve a quality of design but fundamentally this factor should not be given any weight in the determination of the application as a very special circumstance.
- b. Decontamination work of the proposal will improve ground conditions
- 6.23 Decontamination and remediation would take place where the existing hardstanding areas would be replaced by the proposed new buildings. However, this only represents a small percentage of the site and is not a site wide decontamination process, which would require removal of all the existing hardstandings.
- 6.24 The application includes a Phase 1 Environment Assessment (PEA) and this has

identified that the current and former uses of the site have resulted in elevated concentrations of contaminants and it is recommended that a remediation strategy is required and such requirements will be subject to a planning conditions before any development commences on site to allow for environmental improvement. The imposition of planning conditions to control contamination is normal practice and is not considered to represent a very special circumstance.

c. The upgrading of lighting and drainage systems will reduce environmental impact to surrounding grazing marsh

6.25 The upgrading of lighting would at night result in the same visual impact upon the area as the current floodlighting arrangements, although it is noted that modern floodlighting can reduce light spillage. At night the floodlighting is an urban feature and changes the natural environment and therefore impacts upon the Green Belt. The proposed replacement floodlighting is not considered to be a very special circumstance.

6.26 The installation of new drainage systems would help in reducing contaminants into the groundwater, the nearby ditch and wider marshland but this is not considered a very special circumstance.

d. Significant sustainability benefits associated with locating a HGV testing and servicing area in close proximity to a major destination of significant numbers of HGV movements;

6.27 The applicant advises that London Gateway (when completed and operational) is predicted to attract in excess of 3,000 HGV visits per day. The applicant considers the development to represent a sustainable complimentary service to London Gateway. Specifically, the applicant argues:

- *The proposed development represents a diversion of only 3 kilometres (1.8 miles) for vehicles using the associated London Gateway facilities;*
- *The above diversions would take place via a dual carriageway Level 1 strategic non-trunk road. This road has significant spare capacity to accommodate such movements which is remote from residential areas;*

6.28 The applicant cites the National Policy Statement (February 2012), which recognises that port developments bring with them a need for ancillary supporting development, such as transport links and facilities. The Planning Statement Supplemental Notes states; *'By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities. And new investment, embodying latest technology and meeting current needs, will tend to increase the overall sector productivity.'*

6.29 Given the known future demands arising from London Gateway, it is clearly beneficial to have a HGV servicing facility within close proximity of the Logistics Park and the re-use of this site is clearly preferable to a new facility being located nearer residential areas of Corringham and Stanford Le Hope. Logistically, there is merit in providing servicing facilities in close proximity to London Gateway. Members should accord limited weight to this factor in the balance of judgement.

e. Long standing commercial use of site and scale of proposal against long standing buildings which previously existed on site.

6.30 The applicant has provided evidence to show that the site has been used for various commercial and industrial uses and has been occupied by a number of commercial buildings since the 1950's. As set out above, these buildings were present on site until relatively recently and were only demolished in 2013/14.

6.31 The table below provides a comparison of the previous buildings and the proposed buildings in terms of volume, height and footprint:

	Footprint (sqm)	Volume (m3)	Height (m)
Previous Office	250	825	3.3
Previous Workshop 1	645	3534	8
Previous Workshop 2	375	2568.75	7.5
Previous Vehicle Wash	126	737.1	6.7
Previous Garage	18	62.1	3.9
Previous Building Total	1414	7726.95	Average: 5.88
Proposed Office	390	2099.26	10.2
Proposed Workshop	634	5234.35	8
Proposed Bin Store	21	44.1	2.1
Proposed Wash Bay	66.8	346.8	6

Cycle Store	11.59	-	2.1
Proposed Total	1123.39	7724.54	Average: 5.68
Difference between existing and proposed	290.61 decrease	sqm	2.41 m3 decrease 0.2m decrease

- 6.32 As can be seen from the above table, the proposal represents a 290.6 sqm reduction in built footprint and a 2.4 cubic metre reduction in volume compared to the buildings previously found on site. The heights of the buildings would also be reduced slightly from that previously found on site.
- 6.33 On balance, Members are advised that this factor should be given significant weight in the assessment of the case. Were it the case that the applicant made this application prior to demolishing the buildings the development would constitute appropriate development (as it would constitute redevelopment of Previously Developed Land and the impact would be no greater than the existing development).
- 6.34 With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	The modern and sensitively designed buildings will significantly improve visual amenity	No weight
Reduction in the openness of the Green Belt		Decontamination work of the proposal will improve ground conditions	No weight
		The upgrading of lighting and drainage systems will reduce environmental impact to surrounding grazing marsh	No weight
		Significant sustainability benefits associated with locating a HGV testing and	Some weight

		servicing area in close proximity to a major destination of significant numbers of HGV movements;	
		Long standing commercial use of site and scale of proposal against long standing buildings which previously existed on site.	Significant weight

6.35 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. However, this is considered to be the full extent of the harm and given the assessment elsewhere in this report there is no significant harm, to landscape and visual receptors, ecology etc. Several factors have been promoted by the applicant as ‘very special circumstances’ and it is for the Committee to judge:

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

6.36 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT

6.37 The proposed site plan shows that the new workshop, the largest building on the site, would be centrally placed within the site and therefore set back from the Manorway to the south, which would help lessen its impact. The office building proposed would be in the south-western of the site and therefore closer to the Manorway. This office building would be of a high quality modern and contemporary design. The associated HGV parking areas would dominate the frontage of the site however the site is already used for this purpose so there would be no significant visual change. The existing galvanised metal boundary treatment is poor and it is proposed to replace this welded mesh fencing, which visually would represent an improvement. An existing utilitarian electricity sub-station is located to the east to help lessen the impact when viewed from the east.

- 6.38 The design and layout of the development is considered acceptable and would provide beneficial improvements to the existing site conditions. Planning conditions are necessary with regard to the approval of materials and boundary treatment.
- 6.39 Furthermore, the Council's Landscape and Ecology advisor suggested that some trees and planting are required to help screen the HGV vehicles and help improve the appearance of the site.

III. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.40 Vehicle access to the site is currently achieved via the Manorway. A new vehicle access is proposed and the existing access would be closed up. There are no highway objections to this change which is acceptable with regard to policy PMD9 of the Adopted Core Strategy.
- 6.41 With regard to traffic movement, the Transport Statement [TS] accompanying the application states the traffic movements resulting from the proposal would be less, compared with the existing use and the previous uses of the site. It states that the development would generate 74 two-way HGV movement per day which when added to predicted staff and parts delivery movements would total 100 vehicle movements per day. The TS concludes the impact of the proposed development would not have a severe impact on the existing highway and as such the Council's Highway Officer has raised no objections to vehicle movements on site. Similarly, the parking standards are considered acceptable with regard to the draft parking standards and policy PMD8 of the Adopted Core Strategy.

IV. IMPACT UPON ECOLOGY, BIODIVERSITY AND LANDSCAPE

- 6.42 The application site is within 2.1km of the Thames Estuary and Marshes Special Protected Areas (SPA). To the north is the Fobbing marshes including a Local Wildlife Site [LWS] directly to the north and a Site of Special Scientific Interest [SSSI] beyond which, potentially, could be used by qualifying bird species. However, the Council's Landscape and Ecology Advisor has commented that the numbers of qualifying birds that may use these surrounding areas are low and, it is considered that the development will not have significant effects on these designations. In addition, the Landscape and Ecology Advisor has confirmed that no Habitat Regulations Assessment needs to be carried out.
- 6.43 Around the site boundary however are a number of features and habitat areas that could support protected species. The Landscape and Ecology Advisor recommends an Ecological Management Plan (EMP) is needed through a planning condition to incorporate the proposed measures to minimise the impact on protected species. A Construction Environment Management Plan (CEMP) is also required to avoid pollution incidents that could impact the neighbouring Local Wildlife Site, SSSI Local Wildlife Site and the adjacent watercourses used by protected species.

- 6.44 The existing mature hedgerow within the northern and western site boundaries are to be retained at the site with other soft landscaping proposed along the north western side only. The Landscape and Ecology Advisor recommends that new hedges and trees are required to screen vehicles and therefore a planning condition requiring a scheme of landscaping is required.

V FLOOD RISK AND SITE DRAINAGE

- 6.45 The site is located within the highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability.
- 6.46 It is considered that the proposal is likely to fall within the 'less vulnerable' use on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.47 The Sequential Test aims to steer new development to locations away from high risk flood zones. As the site falls within a high risk flood zone the Sequential Test needs to be assessed. The catchment area for applying the Sequential Test, in this instance, is considered to be locations near the port and along the local highway infrastructure from A13 Stanford Le Hope junction to the port. Whilst there are nearby employment allocations all of these are subject to existing uses and planning permissions for other forms of development. There are no allocated sites in the LDF Core Strategy for this specific use. However, as set out elsewhere in this report, this site constitutes Previously Developed Land and the site has a lawful commercial use. The fall-back position is that the site could still be used for HGV parking which could attract similar number of people to the site as the proposed use. Other nearby areas of lower flood risk represents either greenfield sites or locations closer to residential properties. For these reasons the Sequential Test is considered to be passed for this particular use.
- 6.48 The application is accompanied by a detailed Flood Risk Assessment [FRA] which identifies the site is at low risk of flooding from all sources. The existing sea defences are maintained and provide a level of protection to parts of this area. The FRA states the site would not lead to flooding elsewhere and the level of hardstandings for the site would remain the similar. The Flood Risk Manager and the Environment Agency raise no objection to the application.
- 6.49 The Emergency Planning Officer requires a Site Specific Flood Warning and Evacuation Plan (FWEP) and this can be dealt with by condition.
- 6.50 The proposal refers to surface water drainage improvements but no details have been provided so the Flood Risk Manager has advised that planning conditions are required. A condition requiring details of how chemicals will be stored on site is also necessary to prevent spillage and environmental impacts. The Environment Agency

have concerns over the use of a package treatment plan for foul drainage as the site should be connected to the main sewer so a planning condition is necessary for such details to be approved.

VI OTHER MATTERS

- 6.51 The Council's Specialist Archaeological Advisor states that the site lies within an area where surviving archaeological deposits could remain however a programme of works has already been agreed with the Council's Specialist Archaeological Advisor as part of the London Gateway development.
- 6.52 The site is within close proximity to a high-pressure petroleum pipeline system, located to the southern side of The Manorway, however, the proposed siting of the buildings are more than the minimum 6m distance from pipelines required by the British Petroleum Agency. The HSE have no objections to this and the site is not within any of the COMAH sites with the nearest being the Shell Haven site to the south east which is more than 1km away.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to the loss of openness. Substantial weight should be attached to this harm in the balance of considerations. Nevertheless, it is considered that no harm should be attached to the impact that the proposals would have on the role of the site in fulfilling the defined purposes for including land in the Green Belt.

- 7.1 The applicant has cited factors which are promoted as comprising very special circumstances which could outweigh the harm to the Green Belt. The weight which can be attached to these factors is considered in detail in the paragraphs above.
- 7.2 On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances clearly outweighs the identified harm to the Green Belt described above.
- 7.3 Subject to conditions there are no objections to the proposals with regard to the design of development, the impact on the highway network or impact on ecology. Similarly, subject to conditions there are no objections on flood risk grounds.
- 7.4 This planning application requires close scrutiny with particular regard to Green Belt considerations and the Committee should take a balanced view, taking into account all of the relevant material considerations described above. As a matter of

judgement, it is considered that the proposals should be supported.

7.5 All other material considerations have been assessed and are considered acceptable and where necessary mitigation is required planning conditions are recommended as stated below.

8.0 RECOMMENDATION

Grant planning permission subject to:

A: Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being ‘called-in’ for determination;

B: The following conditions:

Standard Time

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):		
Reference	Name	Received
P-001 A	Location Plan	1st June 2017
P-002 B	Site Layout	1st June 2017
P-310 C	Elevations	1st June 2017
P-300 C	Elevations	1st June 2017
P-320 C	Elevations	1st June 2017
P-120 C	Roof Plans	1st June 2017
P-100 C	Floor Layout	1st June 2017
P-110 C	Floor Layout	1st June 2017
P-170 A	Proposed Plans	1st June 2017
P-330 C	Elevations	1st June 2017
P-340 C	Elevations	1st June 2017

P-140 D	Roof Plans	1st June 2017
P-130 C	Floor Layout	1st June 2017
P-150 C	Other	1st June 2017
P-160 B	Other	1st June 2017
P-011 B	Proposed Site Layout	1st June 2017
P-190 A	Other	1st June 2017
P-180 B	Other	1st June 2017
FIT-001 P01	Other	1st June 2017
10-001	Other	1st June 2017
10-005	Other	1st June 2017
10-006	Other	1st June 2017
P-200 D	Sections	1st June 2017
P-010-E	Proposed Site Layout	9th August 2017

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Construction Environmental Management Plan (CEMP)

No site clearance works or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP shall including the following details:

- (a) Wheel washing facilities and arrangements for the sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
- (c) Details of any temporary hoarding;
- (d) Water management including waste water and surface water discharge,
- (e) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- (f) Ecology site survey, with mitigation measures as necessary,
- (g) Timing of vegetation removal
- (h) a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (i) details of hours of construction (it is recommended that general construction activities should only occur between the hours of 08.00-18.00 (Mon-Fri) and 08.00-13.00 (Sat). If impact piling is proposed there should be no activity before 09.00.

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

4. Contamination

Prior to the commencement of development details of a scheme of intrusive investigation to determine the level of any residual contamination within the soils on-site shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall also assess the potential for construction activities to mobilize any residual contamination. If found to be necessary by the results of the intrusive investigation, a remediation strategy shall be submitted and approved by the local planning authority before construction commences.

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 policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

5. Storage of Oils, Fuels or Chemicals

Any facilities for the storage oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

Reason: In order to avoid the pollution of ground water in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

6. Finishing Materials

Notwithstanding the information on the approved plans, no development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

7. soft landscaping

No development above ground level should take place until a scheme for on-site soft landscaping including schedules of plants, noting species, plant sizes and proposed numbers / densities where appropriate; an implementation timetable; and ongoing management and maintenance arrangements has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the proposed development does not impact the Vange and Fobbing SSSI nearby and ensure the landscaping integrated with its immediate surroundings as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

8. Parking Provision

The development hereby permitted shall not be occupied until the vehicle and cycle parking areas, access, and service yard as shown on the approved plans has been hard surfaced, sealed, marked out and made available for use. The vehicle and cycle parking areas shall be retained in this form at all times shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: In the interests of highway safety in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

9. Ecological Mitigation

Prior to first operational use of the site the mitigation measures detailed section 4 of the Preliminary Ecological Appraisal shall be implemented and retained as such thereafter.

Reason: In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

10. Flood Warning and Evacuation Plan

Prior to the first occupation of the development, a Flood Warning and Evacuation Plan for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon first occupation of the development and shall be permanently maintained thereafter.

Reason: In order to ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

11. Surface Water Drainage Scheme

No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Limiting discharge rates to the 1 in 1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 20% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 20% climate change event
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Prior to first occupation/usage of the site the surface water drainage scheme shall be implemented in accordance with the details as approved and shall be retained and maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

12. Surface Water Drainage - Maintenance Plan

Prior to first occupation/usage of the site a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The Maintenance Plan shall be implemented as approved for the duration of the operational process of surface water drainage scheme or any revised/amended and update scheme.

Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not

properly maintained and may increase flood risk or pollution hazard from the site in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

13. Surface Water Drainage – Yearly Logs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These yearly logs shall be made available for inspection upon a written request by the Local Planning Authority.

Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

14. Lighting

Any external lighting shall be installed and operated in accordance with a scheme previously submitted to and approved by the local planning authority prior to first operational use of the development.

Reason: In the interests of ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

15. Boundary Treatments

Notwithstanding the details shown on the submitted plans, no development above ground level shall take place until details of the locations, heights, designs and materials of all new boundary treatments to be erected on site have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the first occupation of the development.

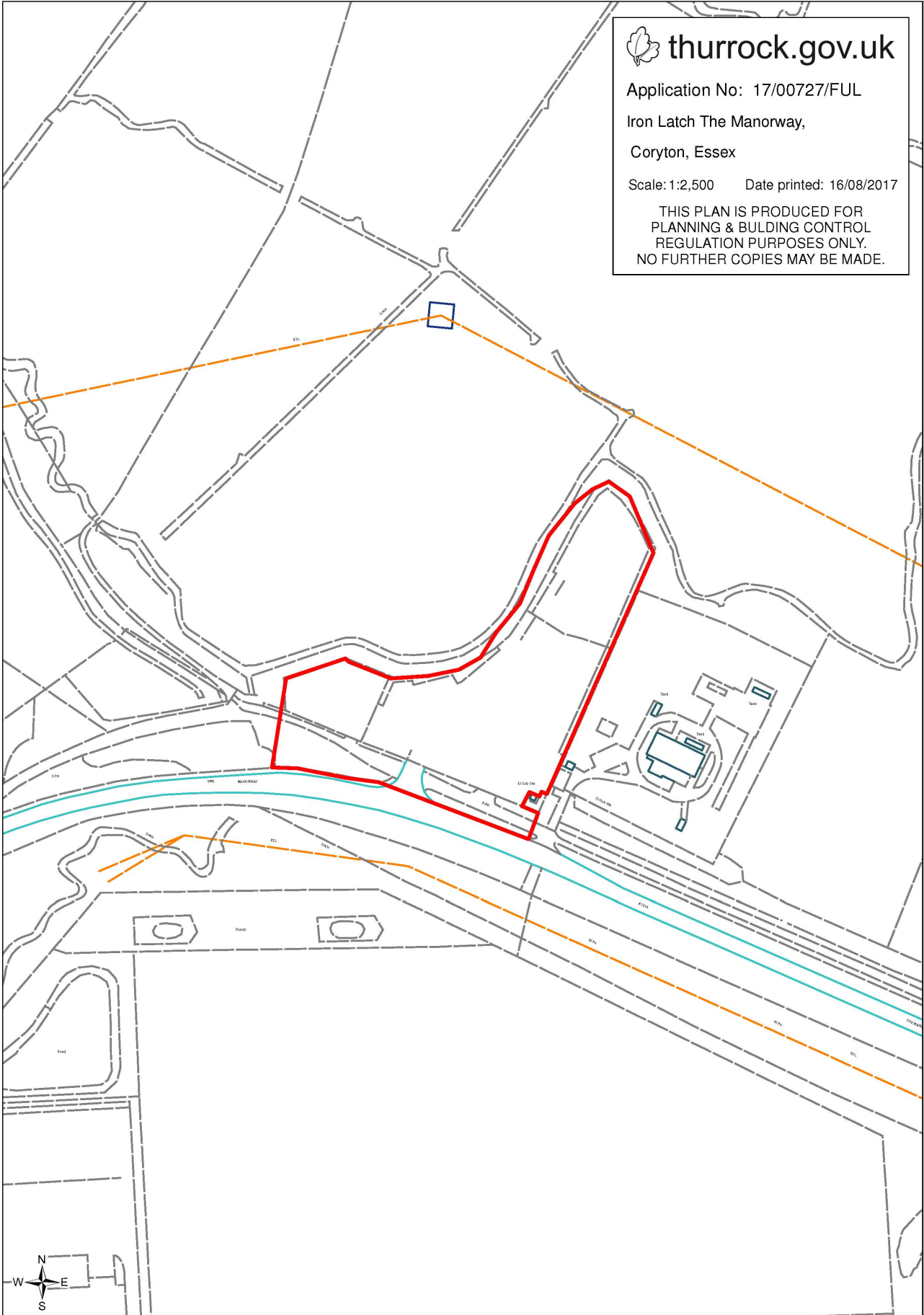
Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>



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Reference: 17/00224/FUL	Site: Goshems Farm Station Road East Tilbury Essex
Ward: East Tilbury	Proposal: Proposed jetty comprising pontoon and access bridge.

Plan Number(s):		
Reference	Name	Received
1100.P1	Other	20th February 2017
1110.P1	Other	20th February 2017
1111.P1	Other	20th February 2017
1210.P1	Other	20th February 2017
1200.P1	Other	20th February 2017
PA01	Location Plan	20th February 2017
1010.P1	Other	20th February 2017
1000.P1	Proposed Site Layout	20th February 2017

The application is also accompanied by: <ul style="list-style-type: none"> - Intertidal Invertebrates Report - Jetty Construction Method Statement - Winter Bird Report - Winter Bird Survey Report Final 	
Applicant: Ferrovia Agroman UK Ltd and Laing O'Rourke Construction	Validated: 28 February 2017 Date of expiry: 4 th September 2017 [Extension of time agreed with applicant]
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because of the scale and strategic implications of the proposal.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a temporary jetty comprising a new pontoon and access bridge.
- 1.2 The jetty is sought for a period of a maximum of 5 years. The applicant advises that the jetty would be initially used to import additional material for the land restoration scheme at Goshems Farm (originally granted consent under planning reference 98/00773/MIN and latterly varied in 2015 under planning reference 15/00475/DVOB). Thereafter, the Jetty would be used to import material to assist the land restoration scheme at Tilbury Power Station (approved under planning reference 17/00412/FUL).
- 1.3 An existing jetty serves Goshems Farm, but the applicant requires a further jetty to allow additional fill material to be provided. The applicant indicates that the additional jetty is urgently needed to take material from the early part of the construction of the Thames Tideway Tunnel project.

2.0 SITE DESCRIPTION

- 2.1 The site lies on the north bank of the River Thames and the site can be accessed from Goshems Farm, which is on Station Road. The site is also accessible from Public Footpath 146.

3.0 RELEVANT HISTORY

Reference	Description	Decision
<u>Goshems Farm</u>		
98/00773/MIN	Restoration of former waste disposal site by spreading spoil from civil engineering works transported to site via the River Thames and the diversion of footpath no 146 along a new route to be constructed beside river (ESS/20/97/THU).	Approved
11/50352/TTGCND	Section 73 Application - Modify the conditions attached to planning permission ref: 98/00773/MIN 'Restoration of former waste disposal site by spreading soil from civil engineering works transported to site via the River Thames and the diversion of footpath no 146 along a new route to be constructed beside river (ESS/20/97THU); Condition 2 - change to the approved Phasing plan; Condition 5 - amendment to the sequencing of works; Condition 6 - change to the timescale for completing importing of material (to 31st October	Approved

	2017) and completing restoration (to 31st October 2018); Condition 9 - change to include unloading of barges within the definition of operations not subject to hours control.	
15/00475/DVOB	Variation of the section 106 from approved applications 98/00773/MIN & 11/50352/TTGCND (to allow the quantity of material to be imported to be increased from 830,000 cubic metres to 1,010,000 cubic metres)	Approved
<u>Land Adjacent Tilbury Power Station</u>		
17/00412/FUL	Continued re-profiling of the site to 9 metres AOD using inert reclamation material imported by river, in place of Pulverised Fuel Ash from the adjacent now redundant Power Station	Approved

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

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. No responses have been received.

HIGHWAYS:

4.3 No objections

HIGHWAYS (PUBLIC FOOTPATHS):

4.4 No objections.

ENVIRONMENT AGENCY:

4.5 No objections, subject to conditions.

PORT OF LONDON AUTHORITY (PLA):

4.6 No objections, subject to conditions.

ENVIRONMENTAL HEALTH:

4.7 No objections, subject to conditions.

LANDSCAPE AND ECOLOGY ADVISOR:

4.8 No objections, subject to conditions.

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:

- Building a strong, competitive economy
- Promoting sustainable transport
- Protecting Green Belt land
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

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:

- Conserving and enhancing the natural environment
- Determining a planning application
- Flood risk and coastal change
- Making an application
- Natural environment
- Use of planning conditions
- Waste

Local Planning Policy

Thurrock Local Development Framework (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)¹

Thematic Policies:

- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)³
- CSTP27 (Management and Reduction of Flood Risk)²
- CSTP28 (River Thames)
- CSTP29 (Waste Storage)
- CSTP30 (Regional Waste Apportionment)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)²
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording 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 later this year.

6.0 ASSESSMENT

The assessment below covers the following areas:

- i. Principle of development
- ii. Design and layout
- iii. Traffic impact and access
- iv. Noise and other environmental issues

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The jetty would be located within the river and foreshore of the Thames. Whilst the majority of the structure would be found offshore, part of the landing stage and ramp connecting the pontoon to the land would be within the Green Belt.
- 6.2 The construction of a jetty does not fall easily into any of the categories of 'appropriate development' set out in the NPPF. However, paragraph 90 of the NPPF sets out that other forms of development are not necessarily inappropriate in the Green Belt *'provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'*
- 6.3 In this case only a very small part of the structure would fall within the Green Belt and it is not considered that the proposal conflicts with any of the five purposes of including land in the Green Belt detailed at para 80 of the NPPF. An assessment against the 5 purposes of the Green Belt is set out below;
 - The development would not give rise to unrestricted sprawl of large built-up areas;
 - The development would not give rise to neighbouring towns merging into one another;
 - The development relates to an existing site which has not been restored. It is not considered that the development would give rise to further encroachment of the countryside;
 - The development would not impact upon the setting and special character of historic towns; and
 - The development would not impact upon urban regeneration, by discouraging the recycling of derelict and other urban land.

- 6.4 In terms of its impact on the openness of the Green Belt, the ramp and landing stage would be inconspicuous and given that the structure would be viewed alongside another existing jetty on the riverfront it is not considered the development would have any demonstrable impact.
- 6.5 In conclusion under this heading, given that the proposal would help facilitate the previously consented restoration of land at Goshems Farm and Tilbury Power Station to appropriate Green Belt purposes (agriculture and recreation), and in the absence of any demonstrable harm to the openness of the Green Belt the proposal is considered to constitute appropriate development in the Green Belt and no objection is raised under Policies PMD6 and CSSP4 of the Core Strategy or the NPPF.

II. DESIGN AND LAYOUT

- 6.6 Jetties are typical features of the working riverfront. The proposed jetty would not appear incongruous or out of keeping with the riverfront in this location. The Port of London Authority (PLA) does not object to the provision of the jetty but recommended certain conditions be applied if permission were to be granted.

III. TRAFFIC IMPACT AND ACCESS

- 6.7 The applicant has indicated that during the construction of the jetty there would be approximately 60 HGVs entering the site over a 10 week period, 30 of which would comprise cement mixers delivering during a single day. There would be no waiting on the highway as there is suitable space within Goshems Farm for the vehicles to be held off the public highway.
- 6.8 Planning conditions could be applied to limit the destination of material and routing of vehicles transporting material from the jetty to either Goshems Farm in the immediate short term and land adjacent to Tilbury Power Station in the longer term. This would provide sufficient control to prevent the onward movement of material on the public highway.
- 6.9 The proposal for the jetty would reduce the necessity for material being brought to fill either site via road, through the provision of an alternative facility.
- 6.10 In light of the above, the highways officer does not raise any objections.

IV. NOISE AND OTHER ENVIRONMENTAL ISSUES

- 6.11 Neither the Council's Landscape and Ecology advisor or Environmental Health officer has raised any objections to the development proposed that could not be addressed by planning conditions. Relevant and necessary conditions are set out in the recommendation section below.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposed jetty is considered to be acceptable development which would help facilitate the restoration of two areas of land within the immediate location of the jetty. The proposal would reduce the need for HGV movements on the public highway in connection with the restoration of the two consented areas of land in question. Subject to conditions, the recommendation is one of approval.

8.0 RECOMMENDATION

Approve, subject to the following conditions:

Condition(s):

1 Standard Time

The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Temporary Consent

The jetty hereby permitted shall be removed on or before 24th August 2022 in accordance with a scheme, details of which have been previously submitted to and approved in writing by the Local Planning Authority. This scheme shall include a Monitoring Report which demonstrates the recovery of the foreshore once the jetty has been removed.

Reason: In the interests of the wildlife and ecology value of the site.

3 Protected Species Survey

Within 3 months of commencement of the development a Protected Species Survey Plan must be submitted to the Local Planning Authority for approval. It should contain the following:

- Surveys for lagoon sea slug and tentacle lagoon worm (using methodologies approved by the Environment Agency)
- Any recommendations for mitigation and monitoring.
- Recommendations for restoration of the project site following the cessation of the temporary use, regardless of whether any protected species are found, to ensure no net loss of inter-tidal habitat.

Any mitigation and monitoring, and the restoration of the site following cessation of the temporary use, must all be carried out as detailed. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the wildlife and ecology value of the site

4 Construction Methods

Development of the jetty hereby permitted shall be carried out in accordance with the details contained in the "Jetty Construction Method Statement" entitled "Proposed Jetty at Goshems Farm, East Tilbury, Construction Method Statement" unless previously agreed in writing by the Local Planning Authority. For the avoidance of doubt any piling operations shall take place at low tide (except in an emergency situation) and not outside the hours of 08:00 – 19:00 Mondays to Fridays or 08:1300 on Saturdays and at no time whatsoever on Bank or Public Holidays (unless in an emergency situation) to reduce the impact of the works on sensitive nearby receptors.

Reason: To minimise the impact of noise on the amenities of nearby occupiers and comply with Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015.

5 Jetty Demolition

Prior to the demolition phase, a method statement for the demolition phase of the Jetty must be prepared and submitted to the Local Planning Authority to demonstrate how the demolition will protect the Thames estuary. Thereafter, development shall be carried out strictly in accordance with the details approved.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015 and in the interests of wildlife and ecology value.

6 Lighting

The following measures to mitigate light pollution shall be operated at any time during which lighting is used on the jetty:

- Lighting will be limited to only the areas which are essential during both construction and operational periods.
- Luminaires will be installed low in the vertical plane where possible to minimise obtrusive light
- Intense lighting or clustered solutions to be avoided where possible.
- Automated control (Timers, Dimmers, Switching) to be used to minimise unnecessary out of hours use.
- Luminaire shields and guards to control light spill.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015 and in the interests of wildlife and ecology value.

7 Programme of Works

If development is not commenced and completed between 1st June and 31st August (Metrological Summer), prior to the commencement of development a Programme of Works shall be submitted to the Local Planning Authority demonstrating that the timing of the works has been designed to reduce the impacts on overwintering birds and migrating fish. Thereafter once approved development shall be carried out strictly in accordance with the details approved.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015 and in the interests of wildlife and ecology value.

8 Development in accordance with plans

The development hereby permitted shall be carried out in accordance with the plans detailed in the table below and subject to the conditions attached to this permission.

Plan Number(s):		
Reference	Name	Received
1100.P1	Other	20th February 2017
1110.P1	Other	20th February 2017
1111.P1	Other	20th February 2017
1210.P1	Other	20th February 2017
1200.P1	Other	20th February 2017
PA01	Location Plan	20th February 2017
1010.P1	Other	20th February 2017
1000.P1	Proposed Site Layout	20th February 2017

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details.

9 Hours of construction

The development and operations associated with the construction of the jetty hereby permitted shall only be carried out during the following times:

- Monday to Friday; 07:00 – 18:00 (10 hours)
- Saturday; 07:00 – 13:00 (6 hours)
- and at no other times or on Sundays, Bank or Public Holidays. (Except for emergency operations).

Reason: In the interest of local amenity, to control the impacts of the development. In accordance Core Strategy Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015.

10 HGV Movements

The maximum number of Heavy Goods Vehicle (HGV) (a vehicle of more than 7.5 tonnes gross weight) movements associated with the construction and development of the jetty hereby permitted shall not exceed 60 vehicle movements (30 and in and 30 out) in any one day. Thereafter, following the construction period there shall be no HGV movements except in an emergency.

Reason: In the interests of highway safety and protecting local amenity, in accordance with Policies PMD1, PMD9 and PMD11 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015.

11 Deposit of material

Any material imported via the jetty hereby approved shall be used only for consented fill operations on land at Goshems Farm (15/00475/DVOB – or any subsequent applications for the same development) or Land Adjacent to Tilbury Power Station (17/00412/FUL – or any subsequent application for the same development).

Reason: To prevent vehicles moving material via the public highway in the interests of highways capacity, safety and amenity

12 Onward movement of material

There shall be no onward movement of imported material outside of the red line site areas of the applications referred to in condition 12 above.

Reason: To prevent vehicles moving material via the public highway in the interests of highways capacity, safety and amenity.

13 Recording measures

Within 3 months of the date of this decision a Scheme of Recording Measures shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried on strictly in accordance with the details approved. The Scheme of Recording Measures shall include proposed measures and procedures to:

- 1 Accurately record the date, origin, tonnage and type of all material entering and leaving the Site. Allow for the verification of such date through weigh ticket data;
- 2 Provide the Local Planning Authority with information as to materials entering and leaving the site on a quarterly basis (and verification if requested) or for alternative periods at the Local Planning Authority's request;

- 3 Provide the Local Planning Authority with details of the percentage of materials imported that are recovered and exported and the percentage to be disposed of to on-site landfill.

From the date the commencement the operator(s) shall maintain records of their monthly output and input and shall make them available to the Local Planning Authority in accordance with the agreed scheme of recording measures or upon request. All records shall be kept for the duration of the importation and extraction and shall be available to the Local Planning Authority upon request.

Reason: To allow the Local Planning Authority to monitor adequately activity at the site and to ensure compliance with the permission.

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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



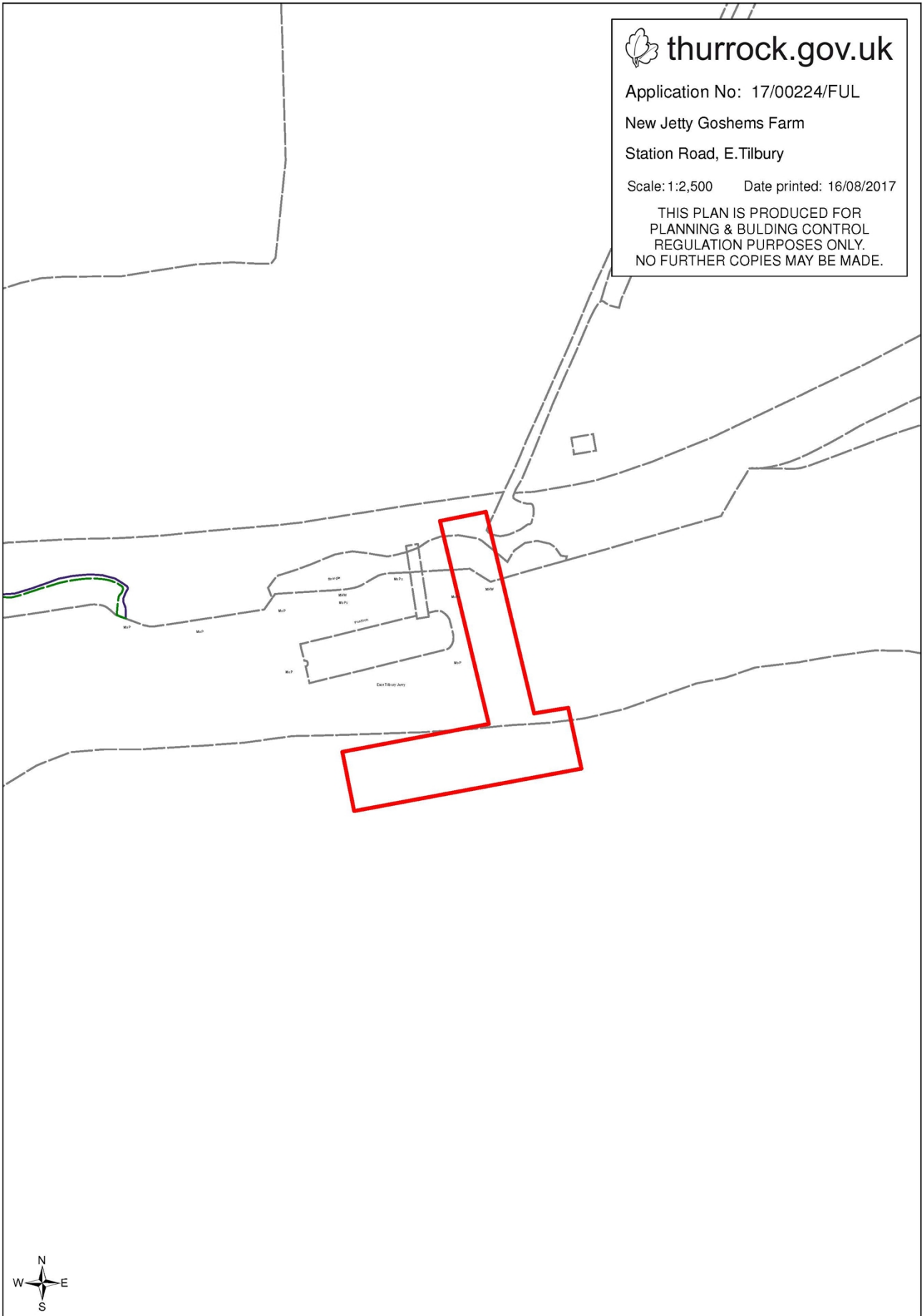
Application No: 17/00224/FUL

New Jetty Goshems Farm

Station Road, E.Tilbury

Scale: 1:2,500 Date printed: 16/08/2017

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Reference: 17/00799/HHA	Site: 1 Paddock Close Orsett Essex RM16 3DL
Ward: Orsett	Proposal: Part double storey and single storey rear and front extension with garage conversion and two roof lights.

Plan Number(s):		
Reference	Name	Received
9077_01	Existing Plans	13th June 2017
9077_02	Proposed Floor Plans	13th June 2017
9077_03B	Proposed Elevations	30th June 2017

The application is also accompanied by: - Site Photos	
Applicant: Mrs S Little	Validated: 29 June 2017 Date of expiry: 4 th September 2017 (extension of time agreed with applicant)
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the applicant is an elected Councillor, in accordance with Part 3 (b) 2.1 (c) of the Council's constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for various extensions to the property comprising:
- Two storey front extensions with pitched hipped roofs with a mono pitched roof between the two storey elements to create a porch. A new integral garage would be created through these extensions.
 - The adaption and conversion of the existing rear garage to form part of the

habitable dwelling. The garage would be incorporated into the main dwelling through the extension of the property to the rear.

- Single storey rear extension with pitched roof.

2.0 SITE DESCRIPTION

- 2.1 The application property is a two storey detached dwelling on the western side of Paddock Close.
- 2.2 The existing dwelling is brick built and is similar in design to the other dwellings in the cul-de-sac.

3.0 RELEVANT HISTORY

- 3.1 None.

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

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.

One response has been received, from the applicant, supporting the development.

HIGHWAYS:

- 4.3 No objections.

5.0 POLICY CONTEXT

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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)¹

Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD8 (Parking Standards)³

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

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Appearance
- III. Parking
- IV. Impact on Neighbour Amenity

I. PRINCIPLE OF DEVELOPMENT

6.2 The application proposes the extension of an existing residential property within a residential area; the proposal is therefore acceptable in principle.

II. DESIGN AND APPEARANCE

- 6.3 The existing dwelling is brick built and in terms of the public side of the building has a flat elevation with little architectural detail or relief. The front door to the property is on the side of the dwelling.
- 6.4 The proposed front elevation would be altered to include two, two storey projecting gables to each side and a mono pitched roof over the resultant enclosed porch between. One of the two storey projections would be finished in render the other in matching brick. The overall design of these elements is not considered objectionable.
- 6.5 The extensions to the rear would also be finished in part brick or render and are similarly appropriate in design and scale terms to the original building.
- 6.6 In conclusion under this heading, the proposed extensions are considered to be of an appropriate design and scale in relation to the original dwelling and the immediate location, complying with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

III. PARKING

- 6.7 The proposal would result in the conversion of an existing garage to habitable accommodation and the loss of a space in front of this garage for part of the extension. However, a new garage space would be provided and three parking spaces would be provided on the frontage.
- 6.8 The level of parking would comply with Council requirements and the Council's Highways officer has raised no objections.

IV. IMPACT ON NEIGHBOUR AMENITY

- 6.9 The proposed front extensions, due to their shallow depth would not impact on the privacy or amenity of any of the nearby occupiers.
- 6.10 To the rear, No 3 Paddock Close already has a single storey rear extension and owing to the orientation of the proposed development, the new extensions would not be overbearing or harmful to the occupiers of that property.
- 6.11 Similarly, the rear extensions would not impact on the occupiers of The Elms to the south or 46 The Green to the west given the intervening distances between them and the extended dwelling. The proposal therefore complies with Policy PMD1 in this regard.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is acceptable in terms of principle and matters of detail and approval is therefore recommended.

8.0 RECOMMENDATION

8.1 Approve, subject to the following conditions:

Condition(s):

Time Limit

- 1 The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

REASON: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Plan Numbers

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):		
Reference	Name	Received
9077_01	Existing Plans	13th June 2017
9077_02	Proposed Floor Plans	13th June 2017
9077_03B	Proposed Elevations	30th June 2017

REASON: For the avoidance of doubt and in the interest of proper planning.

Materials

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on the application form and the approved plan referenced above.

REASON: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

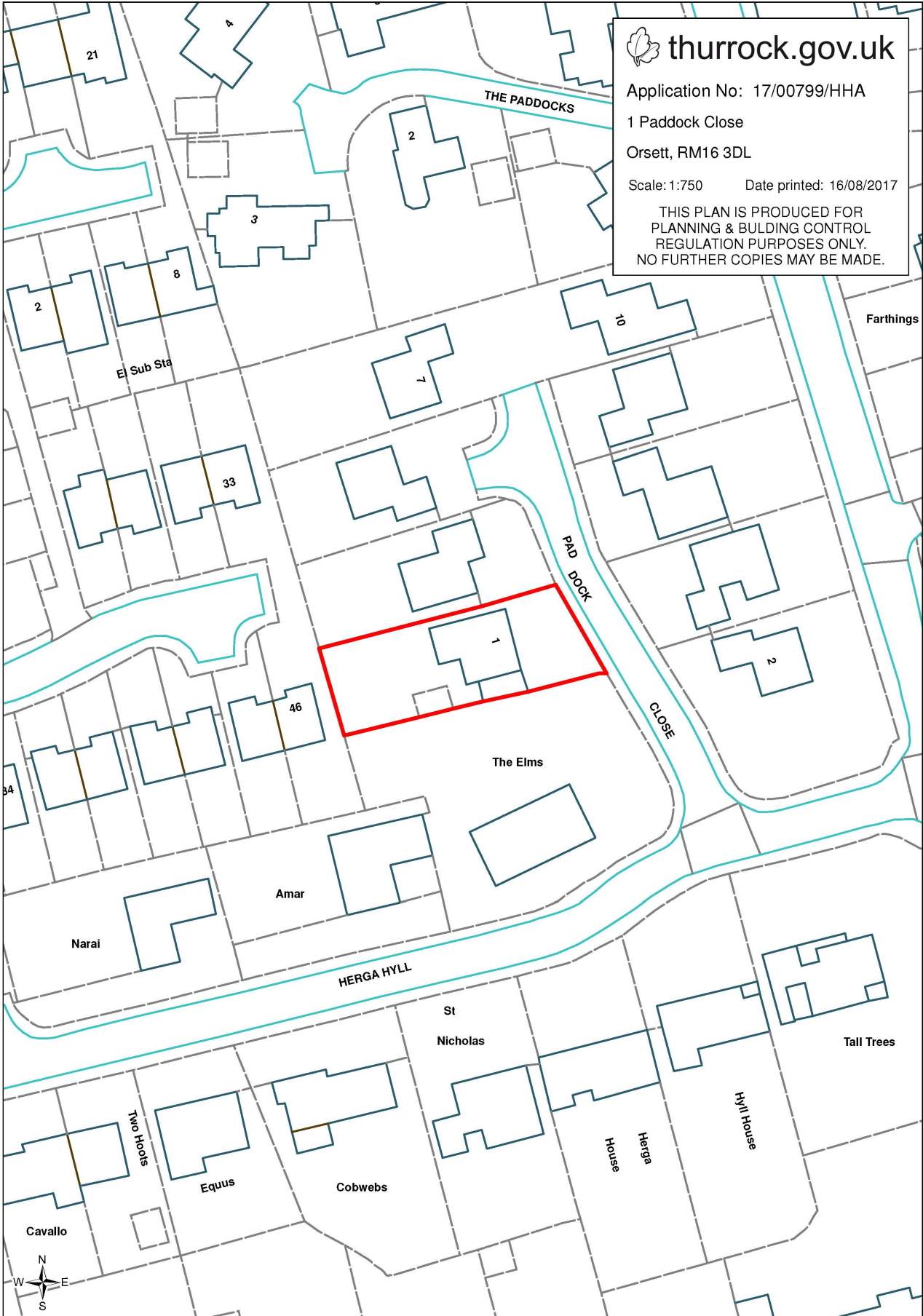
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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



 **thurrock.gov.uk**

Application No: 17/00799/HHA

1 Paddock Close

Orsett, RM16 3DL

Scale: 1:750

Date printed: 16/08/2017

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Reference: 17/00921/FUL	Site: 2 Theobalds Avenue Grays Essex RM17 6SA
Ward: Grays Thurrock	Proposal: Proposal for a new dwelling unit that comprises of 2 bedrooms, a family bathroom, living room, kitchen/dining area and amenity space.

Plan Number(s):		
Reference	Name	Received
PL01	Location Plan	7th July 2017
PL02	Existing Floor Plans	7th July 2017
PL03	Existing Elevations	7th July 2017
PL04	Proposed Floor Plans	7th July 2017
PL05	Proposed Floor Plans	7th July 2017
PL06	Proposed Floor Plans	7th July 2017
PL07	Proposed Elevations	7th July 2017

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Materials Statement - Construction Management Statement - Parking Survey 	
<p>Applicant: Mr Dacian Keran</p>	<p>Validated: 7 July 2017</p> <p>Date of expiry: 1 September 2017 (Extension of time agreed with applicant)</p>
<p>Recommendation: To Refuse</p>	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs G Rice, B Rice, S Liddard, C Baldwin and O Gerrish (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i)) on the grounds of overdevelopment in a residential area.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the demolition of the existing double garage and side extension and the construction of a new 2-bedroom dwelling. The proposed dwelling would be adjoined to the existing dwelling on site and would result in the creation of a terrace of 3 dwellings instead of a pair of semi-detached dwellings. No car parking is proposed for either the new or existing dwelling.

2.0 SITE DESCRIPTION

2.1 The site is triangular in shape with the principal elevation fronting Theobalds Avenue to the east. To the north west of the site are houses in Palmers Avenue which back onto the site. This boundary comprises a timber fence and significant screening vegetation. There is an outbuilding used for storage towards the end of the rear garden. To the east and south are further houses and flatted developments.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
64/00072/FUL	Garage	Approved
76/00034/FUL	Dining Room/Porch/Kitchen/W.C. Extension.	Approved

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

PUBLICITY:

4.1 This application has been advertised by way of individual neighbour notification letters and online planning register. The Council have received 12 objections, citing the following concerns:

- Parking (no parking proposed leading to parking on the highway, no access for emergency vehicles);
- Creation of a terrace;
- Detrimental to the character of the street;
- Loss of light and privacy to gardens to the north/northwest (Palmers Ave);
- Insufficient garden space for two properties;
- Proposed new study could be used as another bedroom;
- Contravenes covenant on deeds;
- Disturbance from construction (dust, noise particularly including during the day);

- Highway obstruction due to construction vehicles;
- Loss of property value;
- Potential for use as an HMO;
- There is no need for further housing in this area.

4.2 HIGHWAYS:

Recommend refusal as the development does not comply with parking policy PMD8.

4.3 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

4.4 LANDSCAPE AND ECOLOGY:

No objections subject to conditions.

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:

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

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:

- Design

Local Planning Policy

Thurrock Local Development Framework (2011)

- 5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
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- 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 later this year.

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Amenity of Neighbours
- IV. Parking and Highways

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The proposed land use would remain residential and therefore there are no objections in principle to the proposal.

II. DESIGN AND LAYOUT

- 6.3 The proposed dwelling would follow the notional building line but would create a terrace of three homes which would be at odds with the established pattern of semi-detached homes in this street. However, the design and detailing of the dwelling would closely match that of the host property and would represent a continuation of the existing building form. Therefore the proposed appearance of the dwelling would be in keeping with the general appearance of streetscene albeit in the form of terrace of 3 dwellings instead of a pair semi-detached dwellings.
- 6.4 The proposed internal living area would be satisfactory and reflects a similar layout to the host property.
- 6.5 Externally, the plans do not show any demarcation between the private amenity space serving the existing dwelling and that to be set aside for the new dwelling but this could be addressed via a condition. However, the total available private amenity is just over 150sqm which falls significantly below the expectation of 100sqm each. This shortfall is indicative of overdevelopment of the site and the substandard garden areas would be detrimental to the future occupiers of the new and existing dwelling as well as being out of character with the area.
- 6.6 In conclusion under this heading, while the broad approach to the design and form of the property is considered acceptable, the proposal would fall to make suitable provision for private amenity space contrary to policy PMD2 of the Adopted Core Strategy and Annex 1 of the Local Plan 1997

IV. AMENITY OF NEIGHBOURS

- 6.7 The proposed new property would be sited in close proximity to the northwest boundary where the rear gardens of the houses in Palmers Avenue back onto the site. The rear and side elevation of the proposed dwelling would not run parallel to the boundaries so only one corner of the building would be close to the boundary. Given the distances from the rear elevations of the dwellings in Palmers Avenue to the site the proposal would not result in any harmful loss of outlook, light or overshadowing impact to the amenities of these neighbouring occupiers. The applicant has been careful to ensure there would no overlooking from the side elevation as side windows at first floor level of the new dwelling are angled to face into the streetscene.

V. PARKING AND HIGHWAYS

- 6.8 The proposal would remove the existing double garage and forecourt parking arrangement which provides off-street parking to the existing house. The Council's Draft Parking Policy requires a minimum of two spaces for each dwelling but the development would provide no off-street parking for either dwelling.

The Council's Highway Officer has warned that Theobalds Road is already oversubscribed and insufficient parking for these two dwellings would result in increased demand for on-street parking to the detriment of highway safety. The applicant's agent has been advised of this conflict with planning policy however at the time of writing this report no revisions have been proposed. As currently proposed, the application is in clear conflict with Policy PMD8 of the Adopted Core Strategy.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 While the principle of the development is considered acceptable, the proposal is considered unacceptable because it would result in the creation of a new dwelling which would be afforded insufficient private amenity and no parking spaces. The development would also result in the loss of the existing parking provision for the host dwelling and significantly reduce the amenity area for that dwelling.
- 7.2 As a result, the development, if permitted, would impact upon existing and future occupiers through substandard garden spaces and give rise to on-street parking in an area that already experiences high levels of parking on-street. The development is in direct conflict with policies PMD2 and PMD8 of the Adopted Core Strategy and Annex 1 of the Local Plan 1997 and as such the recommendation is one of refusal.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

Insufficient information has been provided with the application as it has not been demonstrated that the existing and proposed dwelling would be served by the minimum required two off-street parking spaces per dwelling. As a result the proposal is likely to give rise on street parking demands in area currently experiencing high levels of parking street. This would be detrimental to highway safety and contrary to policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015

1. Policy PMD2 (Design and Layout) of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 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 adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 indicates that development proposals must demonstrate high quality design founded on a thorough

understanding of, and positive response to, the local context.

Annex 1.2 of the Thurrock Borough Local Plan (1997) (saved) requires 100sqm of private amenity for houses with a gross floor area greater than 75sqm and less than 99sqm.

Policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 requires off street parking to be provided to meet the Council's standards.

- i The proposal fails to provide any off street parking for the proposed new dwelling and existing dwelling. As a result the proposal would give rise to on-street parking demands in area currently experiencing high levels of parking on-street. The application is in direct conflict with policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 and would be detrimental to highway safety and efficiency.
- ii The proposed development would fail to provide sufficient private amenity space for the new and existing dwellings. The garden areas proposed, at circa 75 sqm per dwelling, would fall grossly below the requirements of Annex 1 and would therefore be harmful to the amenities of the existing and future occupiers of the dwellings. The garden areas proposed would also be highly inconsistent with other established properties in the location making the development appear incongruous.

Informative:

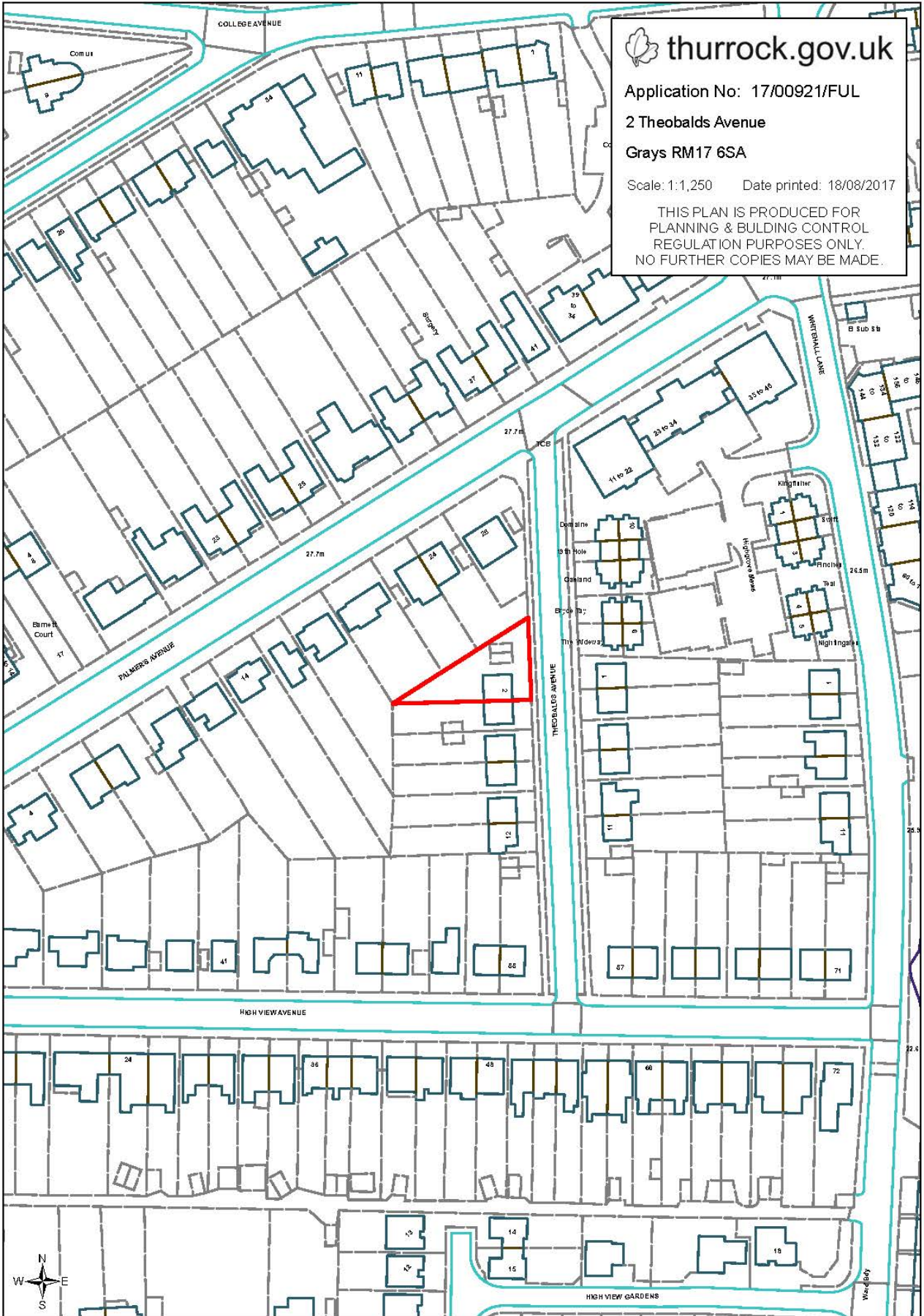
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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



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