

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

Planning Committee

The meeting will be held at **6.00 pm** on **28 September 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 - 10
To approve as a correct record the minutes of the Planning Committee meeting held on 31 August 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 11 - 20

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 16/00923/FUL: Land to north of Rosebery Road, Castle Road and Belmont Road, Grays 21 - 66

9 17/00772/FUL: The Ockendon Academy, Erriff Drive, South Ockendon, Essex, RM15 5AN 67 - 88

10 17/00763/FUL: Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH 89 - 102

11 17/00723/DVOB: DP World Development, London Gateway, Stanford Le Hope 103 - 132

Queries regarding this Agenda or notification of apologies:

Please contact Lottie Raper, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **20 September 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 31 August 2017 at 7.00 pm

Present: Councillors Steve Liddiard (Vice-Chair, in the Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Graham Snell and Joycelyn Redsell (Substitute)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors Tom Kelly (Chair) and Tunde Ojetola

In attendance: Andrew Millard, Assistant Director Planning & Growth
Leigh Nicholson, Development Management Team Leader
Jonathan Keen, Principal Planner
Chris Purvis, Principal Planner
Julian Howes, Senior Highways Engineer
Steven Lines, Senior Highways Engineer
Stephen James, Locum Planning Lawyer
Charlotte Raper, Democratic Services Officer
Wendy Le, 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.

22. Minutes

The minutes of the Planning Committee meeting held on 27 July 2017 were approved as a correct record.

23. Item of Urgent Business

There were no items of urgent business.

24. Declaration of Interests

There were no declarations of interests.

25. 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

There were no 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.

26. Planning Appeals

The report provided information regarding planning appeals performance.

Councillor Piccolo asked whether there had been another application on the site of 17/00342/HHA, as he believed there were currently works underway on site. It was confirmed that there was currently a live application for that site, but it had not yet been approved.

RESOLVED:

The Committee noted the report.

27. 17/00727/FUL: Iron Latch, The Manorway, Coryton, Essex, SS17 9LE

The application sought planning permission for the construction of a two storey office building to be positioned towards the South West corner boundary, a service centre building located centrally in the site and a wash bay building site to the south east corner of the site. HGV parking would be provided within the site. The site was located within the Green Belt but, while the buildings would constitute inappropriate development, there had been larger buildings on site in the recent past and the applicant had put forward a list of 'Very Special Circumstances'. It was the Officer's assessment that these Very Special Circumstances outweighed any harm to the Green Belt and the application was therefore recommended for approval.

Councillor Redsell asked the Principal Planning Officer to clarify whether there would be more space available for HGV parking. The proposal would offer slightly less space for HGV parking, as there would be a building to be situated in the centre of the site, however there were not currently clearly marked out parking bays but the proposal included 41 parking bays for HGVs which would be laid out as per the plan. Councillor Redsell asked where the additional lorries currently using the site would go and expressed concern that it may cause issues along the Manorway. The Committee heard that the site was not currently being used to its full potential and permission had been granted for another lorry parking site adjacent the entrance to the London Gateway which was soon to be used following the recent discharge of planning conditions.

Councillor Piccolo asked if the site was that which DP World was currently using for lorries which were too early for their arrival slot. Officers could not confirm this; however it was the only site other than the logistics park itself. Councillor Piccolo stated that there had previously been issues along the Manorway around HGVs parking along unused slip roads and damaging curb sides. This had ceased recently but he was concerned that the problem could resurface if the site no longer provided a free parking area for these HGVs.

Councillor Hamilton asked if there were any reason why the previous buildings had been demolished prior to this application, given that approval would have been more likely if they were still on site. There was no specific

reason, the buildings had been demolished several years ago and now this application had been presented. Councillor Hamilton continued to ask if there was a difference between servicing and repairs, and if it was likely that there would be a possibility for drivers to park overnight and use facilities to avoid them parking elsewhere along the highway. The Principal Planning Officer outlined that if servicing highlighted a serious repair was required overnight parking would be an option however it would be an ancillary use of the site and was not expected to happen on a regular basis.

Councillor Jones noted that the site had not been used to its full potential under its temporary permission. The proposed use would offer a much needed facility to enhance the area, particularly with the Thames Gateway and other developments to come in the area. He accepted the site lay within the Green Belt however there had been buildings and hard standings on the site for 70 years and so the proposal was no issue to him. He felt the proposal would be beneficial for the future of the area.

Councillor Churchman echoed these views. He felt the design of the building was good and slightly smaller than the previous buildings on site, and added that more was being done with regards to flood lighting and nesting birds. He expressed support for the scheme.

Councillor Piccolo stated that, as the local Ward Councillor, his only concern was the displacement of HGV parking. He added that, in the long run, the proposal would provide a widely required facility, given the amount of lorries that would be in the area and could prevent obstructions due to broken down HGVs along the side of the highway. He was generally happy with the application, bar the risk of displacement.

Councillor Redsell agreed that the displacement may cause a small problem before the other proposed lorry park opened and requested those concerns be noted when referring the application to the Secretary of State.

It was proposed by Councillor Jones and seconded by Councillor Piccolo that the application be approved subject to referral to the Secretary of State (Planning Casework Unit) and conditions.

For: Councillors Steve Liddiard (Vice-Chair in the Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Graham Snell and Joy Redsell.

Against: (0)

Abstain: (0)

28. 17/00224/FUL: Goshems Farm, Station Road, East Tilbury, Essex

The application sought planning permission for a temporary jetty, for a maximum of five years, comprising a new pontoon and access bridge.

Councillor Jones felt that the application was good as the current jetty caused difficulties at low tide. He considered that although the site was within the Green Belt the area to be built on was very small and the permission was only to be temporary but would provide a much needed facility.

Councillor Snell echoed these sentiments. It was a working river and anything that could be done to increase its use and reduce road movements was positive. There would only be marginal impact on the Green Belt and he felt it was a good scheme.

Councillor Redsell noted that the Borough had lost a lot of its jetties and should strive to use rivers more and reduce the number of HGVs on Thurrock's roads.

The Campaign to Protect Rural Essex Representative felt it was a good idea but did express concern around the risk of the temporary permission becoming temporary over an extended time period, as had happened previously within the Borough. Provided the reality remained as proposed he supported the application.

Councillor Redsell queried whether there would be any dredging undertaken. The Principal Planning Officer confirmed there would be none in connection with the construction of this jetty.

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

For: Councillors Steve Liddiard (Vice-Chair in the Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Graham Snell and Joy Redsell.

Against: (0)

Abstain: (0)

29. 17/00799/HHA: 1 Paddock Close, Orsett, Essex, RM16 3DL

The application sought planning permission for single and two storey extensions to the front and rear and conversion of an existing detached garage to habitable accommodation, including linking that garage to the main house.

Mr Brian Little was invited to the Committee to present his statement of support on behalf of the applicant.

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

For: Councillors Steve Liddiard (Vice-Chair in the Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Graham Snell and Joy Redsell.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

30. 17/00921/FUL: 2 Theobalds Avenue, Grays, Essex, RM17 6SA

The application sought 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. It was not clear from the plans whether parking was proposed for either the new or existing dwelling, which was contrary to the Council's Draft Parking Policy as 2 parking spaces were required. The total available private amenity fell significantly below the expectation of 100sqm each and was indicative of overdevelopment of the site. The application was therefore recommended for refusal.

Councillor Redsell sought clarification around the number of properties to be added on the site. The Committee heard that the proposal would add one additional property to the site, but as the existing property was one of a pair of semi-detached houses it would become a terrace of three.

Councillor Piccolo queried the parking situation within the road at present. The Senior Highways Engineer advised Members that, following concerns raised by residents, an extension of the controlled parking area was being considered to include Theobald's Avenue. It was evident therefore that parking within the road was already an issue.

Councillor Piccolo, taking into account the Highways report and the lack of parking proposed, reminded the Committee how frequently they discussed insufficient parking within applications. He felt it was not ethically right to remove the current parking and increase the number of vehicles parking on the road as it would impact other residents and therefore supported the Officer's recommendation.

Councillor Snell agreed that a recurring topic of debate for the Committee was lack of parking and the application proposed no parking for either property. The lack of garden space was also an issue and he could not recommend approval for the application.

Councillor Redsell stressed that there were already enough parking issues within Thurrock, and children were staying at home longer, increasing the number of cars per property. She added that the photos did not really give a clear indication of the parking within the road, which was often not good. She supported the Officer's recommendation.

The Chair also agreed with Members due to lack of parking and private amenity space.

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

For: Councillors Steve Liddiard (Vice-Chair in the Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Graham Snell and Joy Redsell.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be refused.

The meeting finished at 7.58 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**

28th September 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 Head of Service: Andy Millard, Assistant Director - Planning and Growth	
Accountable Director: Steve Cox, Director of Environment and Place	

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report

2.0 Introduction and Background

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

3.0 Appeals Lodged:

3.1 Application No: 17/00129/FUL

Location: Land Adjacent 23, St Teresa Walk, Chadwell St Mary

Proposal: 2 New 3 bedroom dwellings with 4 associated car parking spaces.

3.2 Application No: 17/00177/HHA

Location: Hollywood, Southend Road, Corringham SS17 9ET

Proposal: First floor extension with hipped roof extension to rear.
Single storey rear extension to replace existing rear extension and conservatory.

3.3 Application No: 16/01206/FUL

Location: Jade Farm, Oxford Road, Horndon On The Hill SS17 8PX

Proposal: Change of use to a dwelling house.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Enforcement ref: 16/00375/CWKS

Location: Malgraves Meadow, Lower Dunton Road

Proposal: Erected barn with a large chimney without planning permission.

Decision: Appeal Dismissed

Summary of decision:

4.1.1 This appeal was submitted against the Enforcement Notice which was issued by the Council on 2 September 2016 relating to the unauthorised construction of a biomass building in the Green Belt.

4.1.2 The Inspector considered the main issues to be:

- i. Whether the building is inappropriate development in the Green Belt;
- ii. The effect of the development on the openness of the Green Belt and the purposes of including land in it;
- iii. If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

4.1.3 In relation to (i), the Inspector concurred with the Council and found the building to be inappropriate development in the Green Belt.

4.1.4 In relation to (ii) the Inspector found that the building has a significant effect on the openness of the Green Belt, contrary to CS Policy PMD6 and the NPPF.

- 4.1.5 In relation to (iii), the Inspector took in account the appellant's case (which predominantly focussed upon the benefits of renewable energy) but reached the view that the harm being caused by the development is not clearly outweighed.
- 4.1.6 In dismissing the appeal the Inspector did vary the Enforcement Notice to allow the owner 6 months, rather than 3 months, to remove the building.
- 4.1.7 The full appeal decision can be found online.

4.2 Application No: 16/00815/CLEUD

Location: 123 Mollands Lane, South Ockendon

Proposal: Retain mobile home on property

Decision: Appeal Dismissed

Summary of decision:

- 4.2.1 This appeal was submitted against the Council's decision to refuse to issue a Lawful Development Certificate (LDC) relating to the stationing of a mobile home.
- 4.2.2 The Inspector considered the main issue to be whether the Council's decision to refuse to issue a LDC was well founded. After considering the case, the Inspector found that a LDC could not be issued because the application failed to specify with sufficient precision the use for which a certificate is sought. The Inspector consequently rejected the appeal.
- 4.2.3 The full appeal decision can be found online.

4.3 Application No: 17/00067/FUL

Location: Cameo Cards, 17 Grover Walk, Corringham

Proposal: Change of use from A1 to A3

Decision: Appeal Dismissed

Summary of decision:

- 4.3.1 The Inspector considered the main issue to be the effect of the proposal on the vitality and viability of the Local Shopping Centre.
- 4.3.2 The Inspector noted that the proposal was in direct conflict with Policy SH10 of the Local Plan and found no evidence to support the appellant's case, which suggested that A1 retail uses are failing in this location. Accordingly, the appeal was dismissed.

4.3.3 The full appeal decision can be found [online](#).

4.4 Application No: 16/01151/LBC

Location: 12 Bata Avenue, East Tilbury

Proposal: Replace wooden windows with UPVC double glazed units

Decision: Appeal Dismissed

Summary of decision:

4.4.1 The Inspector considered the main issues to be:

- i. The effect of the proposed works on the special architectural or historic interest of the listed buildings at No.12 and No.14, and in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possess, and:
- ii. The effect of the proposed scheme upon the East Tilbury Conservation Area and in particular, whether the scheme would preserve or enhance its character or appearance.

4.4.2 In relation to (i), the Inspector noted that the wooden fenestration is a key feature of the original design and composition of the properties and contributes to the significance of its historic form. The Inspector considered the use of UPVC windows to be a discordant and incongruous alteration which would be harmful to the special architectural and historic interest of the Grade II listed buildings at No.12 and No.14. The Inspector found the proposal to be in direct conflict with CS Policy PMD2, PMD4 and the NPPF in this regard.

4.4.3 In relation to (ii), the Inspector noted that the East Tilbury Conservation Area has been identified as being 'very bad' condition and is included in Historic England's Heritage at Risk Register. The Inspector took the view that the character and appearance of the Conservation Area would be neither preserved nor enhanced by the proposed works.

4.4.4 The Inspector consequently dismissed the appeal.

4.4.5 The full appeal decision can be found [online](#).

4.5 Application No: 16/01154/LBC

Location: 18 Bata Avenue, East Tilbury

Proposal: Replace wooden windows with UPVC double glazed units

Decision: Appeal Dismissed

Summary of decision:

4.5.1 The Inspector considered the main issues to be:

- i. The effect of the proposed works on the special architectural or historic interest of the listed buildings at No.16 and No.18, and in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possess, and:
- ii. The effect of the proposed scheme upon the East Tilbury Conservation Area and in particular, whether the scheme would preserve or enhance its character or appearance.

4.5.2 In relation to (i), the Inspector noted that the wooden fenestration is a key feature of the original design and composition of the properties and contributes to the significance of its historic form. The Inspector considered the use of UPVC windows to be a discordant and incongruous alteration which would be harmful to the special architectural and historic interest of the Grade II listed buildings at No.16 and No.18. The Inspector found the proposal to be in direct conflict with CS Policy PMD2, PMD4 and the NPPF in this regard.

4.5.3 In relation to (ii), the Inspector noted that the East Tilbury Conservation Area has been identified as being 'very bad' condition and is included in Historic England's Heritage at Risk Register. The Inspector took the view that the character and appearance of the Conservation Area would be neither preserved nor enhanced by the proposed works.

4.5.4 The full appeal decision can be found [online](#).

4.6 **Application No: 16/01645/LBC**

Location: 28 Bata Avenue, East Tilbury

Proposal: Retrospective application for installation of uPVC windows in listed building.

Decision: Appeal Dismissed

Summary of decision:

4.6.1 The Inspector considered the main issues to be:

- i. The effect of the proposed works on the special architectural or historic interest of the listed buildings at No.28 and No.30, and in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possess, and:
- ii. The effect of the proposed scheme upon the East Tilbury Conservation Area and in particular, whether the scheme would preserve or enhance its character or appearance.

4.6.2 In relation to (i), the Inspector noted that uPVC windows are designed to closely mimic the original wooden windows but took the view that the windows lack the integrity of the original finish and lacked the accompanying subtlety of composition in their texture. The width of the glazing bars and frames also make for a bulkier design and appearance and the proportions of the main front glazing panels are also different. The Inspector concluded that the works are harmful to the special architectural and historic interest of the Grade II listed building at No.28 and No.30.

4.6.3 In relation to (ii), the Inspector noted that the East Tilbury Conservation Area has been identified as being 'very bad' condition and is included in Historic England's Heritage at Risk Register. The Inspector took the view that the character and appearance of the Conservation Area would be neither preserved nor enhanced by the proposed works.

4.6.4 The full appeal decision can be found [online](#).

4.7 Application No: 16/00593/FUL

Location: Church Hall Rigby Gardens Chadwell St Mary RM16 4JJ

Proposal: Demolition of the existing pre fabricated concrete church hall and the construction of 4 three bedroom and 2 two bedroom houses with associated parking and landscaping

Decision: Appeal Dismissed

Summary of decision:

4.7.1 The Inspector considered the main issues to be:

- i. Whether the existing building on the site is required to meet local need for community facilities
- ii. The effect of the proposal on the character and appearance of the area.

- 4.7.2 In relation to (i), the Inspector found that it had not been adequately demonstrated that the existing building is not required to meet local need for such facilities. The Inspector considered the appellant's case but concluded that the proposal is in conflict with CS Policy CSTP10.
- 4.7.3 In relation to (ii), the Inspector found the development to be generally in accordance with the wider character and appearance of the area. The Inspector took the view that subject to certain planning conditions, the development would be acceptable. This factor did not however override the conflict with CS Policy CSTP10.
- 4.7.4 The full appeal decision can be found [online](#).

4.8 Application No: 16/00391/REM

Location: Thatched Cottage, Baker Street, Orsett, RM16 3LJ

Proposal: Reserved matters (all) for erection of 8 No. 4 bedroom detached properties with attached garages and 1 No. 4 bedroom property with attached car port and detached single garage (refer to 14/00912/OUT)

Decision: Appeal Dismissed

Summary of decision:

- 4.8.1 The Inspector considered the main issue to be whether the application for reserved matters constitutes a submission consistent with the terms of the original outline permission, or whether it is a materially different proposal.
- 4.8.2 The applicant's revised proposal (to which this appeal related) sought permission for 9 units rather than 14 as set out in the outline approval. The provision of nine units would have fallen below the s.106 threshold and the applicant would not have been obliged to provide any affordable housing. The Inspector considered the 9 unit proposal to be materially different in its planning character from the terms of the s.106 completed as part of the outline approval. The Inspector therefore concluded that the reserved matter submission was materially different from the terms of the approved outline scheme and could not be considered as compatible with the original approval.
- 4.8.3 The full appeal decision can be found [online](#).

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	8								23
No Allowed	0	2	4	1	0								7
% Allowed													30%

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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Agenda Item 8

Planning Committee 28.09.2017	Application Reference: 16/00923/FUL
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Reference: 16/00923/FUL	Site: Land to north of Rosebery Road, Castle Road and Belmont Road, Grays
Ward: Grays Riverside	Proposal: Erection of 80 no. one, two and three storey houses (10 x 2 bed bungalows, 6 x 2 bed houses, 52 x 3 bed houses, 12 x 4 bed houses) with associated roads, parking, refuse and bicycle storage and amenity space.

Plan Number(s):		
Reference	Name	Received
PL01 Rev. P1	Site Location Plan	30.06.16
PL02 Rev. P1	Site Layout as Existing	30.06.16
PL03 Prev. P1	Site Sections as Existing	30.06.16
PL100 Rev. P2	Site Layout as Proposed	16.12.16
PL102 Rev. P2	Elevations Sheet 2 (Street)	16.12.16
PL103 Rev. P2	Elevations Sheet 3 (Street)	16.12.16
PL104 Rev. P2	Elevations Sheet 4 (Street)	16.12.16
PL105 Rev. P2	Elevations Sheet 5 (Street)	16.12.16
PL106 Rev. P2	Elevations Sheet 6 (Street)	16.12.16
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PL108 Rev. P2	Elevations Sheet 8 (Street)	16.12.16
PL109 Rev. P2	2B3P Bungalow	16.12.16
PL110 Rev. P2	2B4P Bungalow	16.12.16
PL111 Rev. P2	2B4P 2st House	16.12.16
PL112 Rev. P2	3B5P 2st House	16.12.16
PL113 Rev. P2	3B6P 3st House	16.12.16
PL114 Rev. P2	4B7P 3st House	16.12.16
PL115 Rev. P1	Proposed Bin & Bicycle Stores	30.06.16
PL116 Rev. P1	2B4P 2st EoT House (Plot 75)	16.12.16
PL117 Rev. P1	3B5P 2st EoT House: Plots 46 & 66	16.12.16
D0254_001 Rev. M	Hardworks and Softworks 1 of 2	16.12.16
D0254_002 Rev. M	Hardworks and Softworks 2 of 2	16.12.16
D0254_005 Rev. B	Typical Mound and Rain Garden Details	16.12.16
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D0254_007	Landscape Masterplan	16.12.16
14660/T/01-02	Topographical Survey Sheet 1 of 2	30.06.16
14660/T/02-02	Topographical Survey Sheet 2 of 2	30.06.16

The application is also accompanied by:

- Air Quality Assessment & addendum
- Design & Access Statement
- Ecology Report & addendum
- Energy Statement
- Flood Risk Assessment
- Framework Travel Plan
- Geo-environmental Desk Study
- Hazard Installations Proximity Assessment
- Noise Assessment
- Transport Assessment & addendum
- Tree Quality Survey
- Surface Water Drainage Strategy

Applicant: Gloriana Thurrock Ltd	Validated: 5 July 2016 Date of expiry: 31 October 2017 (Extension of time agreed with applicant)
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Recommendation: Grant planning permission subject to completion of a s106 legal agreement and planning conditions.

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 27th July 2017 Members considered a report for the above proposal. The report recommended the grant of planning permission subject to a s106 legal agreement and planning conditions.
- 1.2 A copy of the report presented to the July Planning Committee meeting is attached as Appendix 1.
- 1.3 At the July meeting determination of the planning application was deferred in order for details of access for construction traffic to be clarified. Since the deferral the applicant has commissioned a 'Construction Traffic Access Options' report.

2.0 ASSESSMENT OF CONSTRUCTION TRAFFIC ACCESS OPTIONS

- 2.1 The applicant's report considers 4 options for the routing of construction related traffic (should planning permission be granted). Members of the Committee will recall that the recommendation to grant planning permission is subject to a number of planning conditions. Recommended condition no. 6 (d) already requires details of access for construction vehicles as part of a Construction Environment

Management Plan. In assessing construction traffic routing at this stage, the applicant is in essence front-loading the consideration of condition no. 6. It is emphasised that the proposal for consideration remains the substantive application seeking planning permission for the erection of 80 no. houses, i.e. the permanent development.

2.2 Option 1 – Construction access via industrial uses at Askews Farm Lane:

This option involves access from Askews Farm Lane via industrial uses on the eastern side of the carriageway. To secure this access would necessitate the renting of a commercial yard located north of Translink House and forming an access across a strip of third party land between the commercial yard and the application site. This option would therefore be dependent upon the commercial yard becoming available before or at the time of intended construction works. Furthermore, this access option is also dependent on the consent of the third party landowner to form the 'connecting' access. It is also likely that separate planning permission would be required for the access across the third party land. The applicant considers that because of these constraints (potential delay / negotiations with two landowners / additional costs) this option is not viable. Officers agree with this conclusion.

2.3 Option 2 – Construction access the allotments west of the site:

This option would involve the upgrading (widening and surfacing) of an existing access track serving the rear of dwellings in Rosebery Road and located immediately east of the allotment site. This track accesses onto London Road adjacent to residential properties at nos. 216-222. The track is not of a suitable standard for commercial vehicles and would need widening and suitable surfacing. As the track is constrained to the east by residential rear gardens, any widening would necessarily involve encroachment onto the allotments which is likely to prove controversial and may involve a statutory process under the Allotments Act(s). The position of the track to the rear of private residential gardens could also give rise to amenity concerns if opened-up to commercial vehicles, albeit on a temporary basis. The applicant considers that this construction access option is not viable and Officers agree with this conclusion.

2.4 Option 3 – Construction access via Rosebery / Belmont / Castle Roads:

This option involves use of existing roads to the south of the site. Proposals would involve the temporary removal of parking on one side only of two of the three roads, creating a one-way system from and to London Road using the proposed access road along the southern boundary of the site as currently proposed. This southern access road would need to be provided prior to the main construction works. In

order to mitigate the temporary loss of on-street parking spaces for existing residents, a temporary car park is proposed within the site boundary, using a removable surface such as geo-textile matting. The precise routing through the access streets would be determined taking existing disabled parking spaces into consideration. Where relocation of any disabled parking space becomes necessary, it would be moved to the opposite side of the road to remain close to the dwelling it serves. Temporary traffic orders would be required for the one-way system together with suitable signage. The applicant suggests this is the most viable option for the routing of construction traffic.

2.5 Option 4 – Access via Meeson’s Lane:

This final option would use Meesons Lane east of the site and would involve forming a new access across the southern part of the Parker Road Park to link with Parker Road itself. From Parker Road the site would be accessed via an existing route, located in between nos. 87 and 89 Parker Road, which provides access to the rear gardens of Parker Road. This option offers the potential benefit of providing a compound for construction workers on part of Parker Road Park. However, there would be some temporary loss of public open space and the need for management measures to control the movement of vehicles between Meesons Lane and the site. Separate planning permission will also be required for the formation of the access across the park and any construction compound as these works would be ‘off-site’. It is concluded that this option is potentially achievable, subject to the resolution of the issues referred to above. This option may also give rise to potential concerns from residents in Meesons Lane and Parker Road.

3.0 CONCLUSION

- 3.1 Following the deferral of the application from July Planning Committee meeting the applicant has considered the available options for the routing of construction vehicles during the temporary construction phase. Options 1 and 2, involving access routes west of the site, are considered unviable due to the availability of land, negotiation with private landowners, potential delay, increased costs, potential loss of allotment land, amenity implications and the potential for separate planning permissions. Option 4, involving access via Meeson’s Lane and Parker Road is potentially achievable, but would involve the temporary loss of public open space. This option would also require ongoing management (with an associated cost) and would require separate planning permission.
- 3.2 Option 3 involving a one-way arrangement using two of the three streets south of the site is the most straightforward and viable option, although re-provision of existing on-street parking and traffic management would be required. Fuller details of this option, if considered the most appropriate option by the Committee, would be

required via a future application for the approval of details reserved by recommended condition no. 6.

- 3.3 The Committee is reminded that the substantive issue for consideration remains the determination of the planning application for the residential development of the site. Therefore, the recommendation to grant planning permission as presented to the Planning Committee in July remains unchanged.

4.0 RECOMMENDATION

Grant planning permission subject to:

A: the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms:

- (i) the provision of 28 dwellings as affordable housing in perpetuity and in accordance with the mix set out in the 'Schedule of Accommodation' (page 19 of the Design & Access Statement – April 2016);
- (ii) 70% of the affordable housing referred to by (i) above to be provided as social rented accommodation and the remaining 30% affordable housing to be provided as intermediate housing tenures;
- (iii) financial contribution of £342,170.09 (subject to indexation) payable prior to first occupation towards the cost of additional primary school places within the Grays primary school planning area;
- (iv) financial contribution of £273,701.35 (subject to indexation) payable prior to first occupation towards the cost of additional secondary school places within the central secondary school planning area (IRL refs. 0047 & 0057);
- (v) prior to any site clearance works, details of the provision, implementation and long-term management of an off-site receptor area for reptiles (a Reptile Mitigation Plan); and
- (vi) prior to the commencement of development details of the provision, implementation and long-term management of off-site mitigation area for invertebrate species (an Invertebrate Mitigation Plan).

B: the following planning conditions:

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.

Accordance with Plans

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

PL01 Rev. P1	Site Location Plan
PL02 Rev. P1	Site Layout as Existing
PL03 Rev. P1	Site Sections as Existing
PL100 Rev. P2	Site Layout as Proposed
PL102 Rev. P2	Elevations Sheet 2 (Street)
PL103 Rev. P2	Elevations Sheet 3 (Street)
PL104 Rev. P2	Elevations Sheet 4 (Street)
PL105 Rev. P2	Elevations Sheet 5 (Street)
PL106 Rev. P2	Elevations Sheet 6 (Street)
PL107 Rev. P2	Elevations Sheet 7 (Street)
PL108 Rev. P2	Elevations Sheet 8 (Street)
PL109 Rev. P2	2B3P Bungalow
PL110 Rev. P2	2B4P Bungalow
PL111 Rev. P2	2B4P 2st House
PL112 Rev. P2	3B5P 2st House
PL113 Rev. P2	3B6P 3st House
PL114 Rev. P2	4B7P 3st House
PL115 Rev. P1	Proposed Bin & Bicycle Stores
PL116 Rev. P1	2B4P 2st EoT House (Plot 75)
PL117 Rev. P1	3B5P 2st EoT House: Plots 46 & 66
D0254_001 Rev. M	Hardworks and Softworks 1 of 2
D0254_002 Rev. M	Hardworks and Softworks 2 of 2
D0254_005 Rev. B	Typical Mound and Rain Garden Details
D0254_006 Rev. A	Rain Garden Drainage Design Intent
D0254_007	Landscape Masterplan
14660/T/01-02	Topographical Survey Sheet 1 of 2
14660/T/02-02	Topographical Survey Sheet 2 of 2

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

External Materials

3. 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 development have been submitted to and agreed 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 (as amended 2015).

Boundary Treatments

4. Prior to any construction above ground level details of the heights, designs, materials and types of all boundary treatments to be erected on site shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the first occupation of the development or phase thereof.

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

Hours of Construction

5. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:
Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours.

Unless otherwise agreed in advance and in writing by the local planning authority.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Construction Environment Management Plan

6. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and agreed in writing by the local planning authority. The CEMP should contain or address the following matters:
 - (a) wheel washing and sheeting of vehicles transporting materials on or off-site;
 - (b) measures for dust suppression;
 - (c) measures for noise control having regard to BS5228 “Code of practice for noise and vibration control on construction and open sites. Noise”;
 - (d) a procedure to deal with any unforeseen contamination, should it be encountered during development;
 - (e) details of the access for construction vehicles and any temporary hardstandings.

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 (as amended 2015).

Renewable Energy

7. The development hereby approved shall be constructed and maintained in accordance with the measures set out in the submitted Energy Statement (ref. MDSE/7133134/CKN Rev. 03) and in particular the measures for energy efficiency and deployment of roof-mounted photovoltaic panels set out therein.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Surface Water Drainage

8. Prior to the commencement of development a surface water management strategy shall be submitted to and agreed in writing by the local planning authority. The agreed strategy shall be constructed as agreed and maintained thereafter. There shall be no occupation of the development

until the approved surface water drainage system is operational, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate measures for the management of surface water are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Reptile Translocation

9. Prior to the commencement of development, which includes for the purposes of this condition includes site clearance works, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the interests of protected species are addressed in accordance with the Wildlife and Countryside Act 1981 and in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Parking Retention

10. The areas shown on approved drawing nos. PL 100 Rev. P2, D0254_001 Rev. M and D0254_002 Rev. M as on-street or driveway car parking shall be provided prior to the first occupation of the dwelling(s) they serve or the relevant phase of development and thereafter shall be kept available for car parking. Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no permanent development shall be carried out on the site so as to preclude the use of these areas for the parking of vehicles.

Reason: In the interests of highway safety and amenity and to ensure that adequate car parking provision is available in accordance with policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Parking Management

11. Prior to the first occupation of the development, a Parking Management Plan detailing how the proposed on-street car parking spaces shown on drawing no. PL 100 Rev. P2 are to be allocated and managed for use by visitors to the development and for general purpose use shall be submitted to and approved in writing by the local planning authority. The details within the approved Plan shall be implemented and operational upon first occupation of any of the development and the Plan shall be maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the efficient and effective use of the on-site car parking spaces in the interests of highways safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Occupancy Restriction – Bungalows

12. Each of the bungalows identified as plot nos. 56-65 on drawing no. 185/PL100/P2 shall be occupied only by:
- (a) persons aged 55 years and over;
 - (b) persons living as part of a single household with such a person or persons;
 - (c) persons who were living as part of a single household with such a person or persons who have since died.

Reason: In order to comply with the terms of the submitted planning application and to ensure that adequate car parking provision is available in accordance with Policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Travel Plan

13. The measures and procedures for monitoring and review set out within the submitted Framework Travel Plan (April 2016) shall be implemented on first occupation of the development and maintained throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To reduce reliance on private cars in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Landscaping

14. Unless otherwise agreed in writing by the local planning authority, the development shall be constructed in accordance with the details for hard and soft landscaping of the site shown on drawing nos. D0254_001 Rev. M, D0254_002 Rev. M, D0254_005 Rev. B, D0254_006 Rev. A and D0254_007. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development or phase thereof. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping 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).

Landscape & Biodiversity Management Plan

15. Prior to the clearance of the site a Landscape and Biodiversity Management Plan shall be submitted to, and approved in writing by the local planning authority. The Plan shall be based upon the details proposed within the Ecological Appraisal and Addendum accompanying the planning application and shall include details of:
- i. any further survey and / or monitoring work for protected and other notable species and findings of any such surveys;
 - ii. the methods for the protection of existing species in-situ (where relevant);
 - iii. any seeding, planting and methods to promote habitat creation habitat enhancement on site;
 - iv. general ecological mitigation applying to the construction works;
 - x. long-term maintenance and monitoring arrangements for the areas of planting and habitat creation / enhancement.

Development of the site shall proceed in accordance with the approved Plan, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure effects of the development upon the natural environment are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

INFORMATIVE:

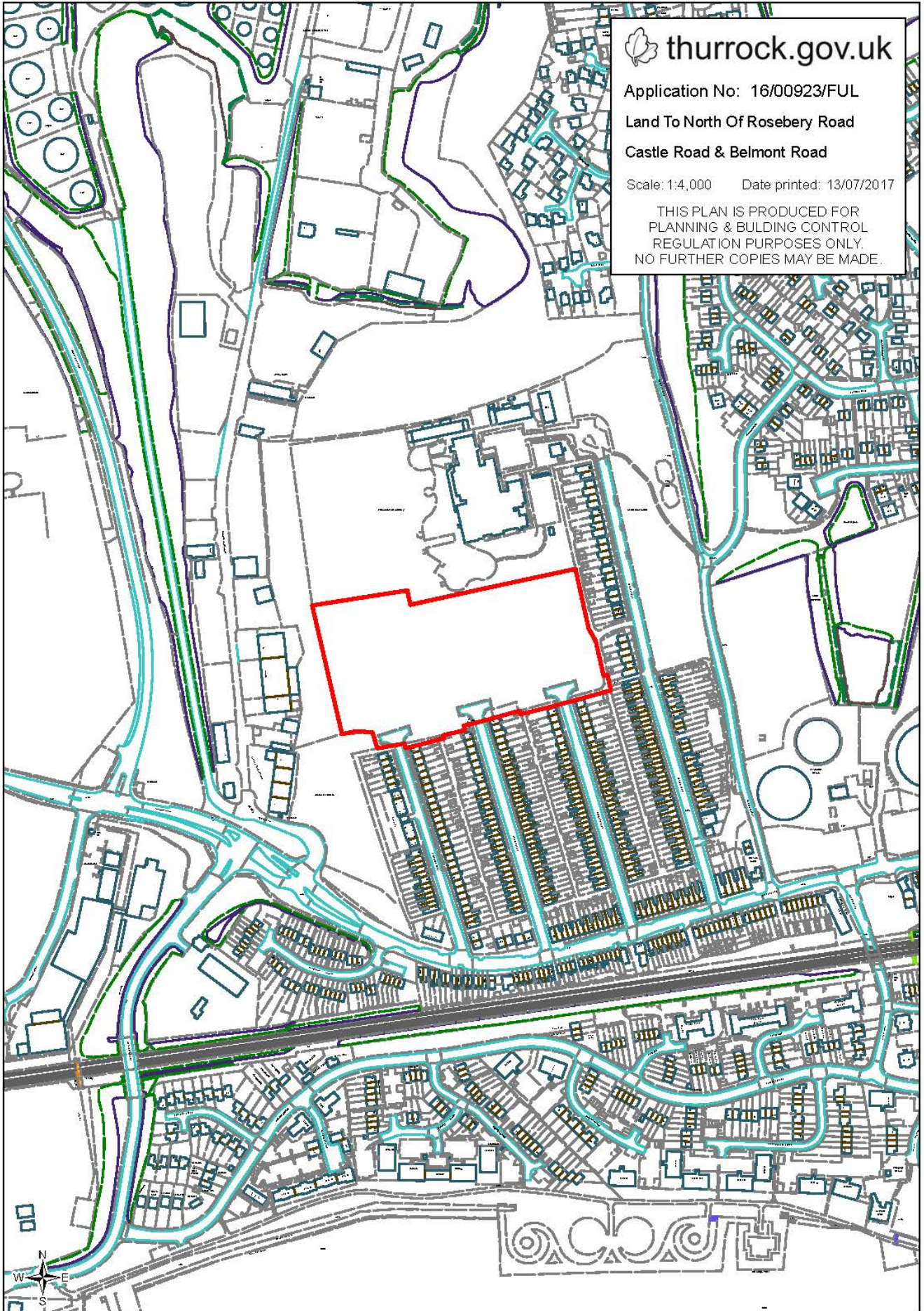
1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.
2. 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



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Planning Committee 27.07.2017	Application Reference: 16/00923/FUL	APPENDIX 1
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Reference: 16/00923/FUL	Site: Land to north of Rosebery Road, Castle Road and Belmont Road, Grays
Ward: Grays Riverside	Proposal: Erection of 80 no. one, two and three storey houses (10 x 2 bed bungalows, 6 x 2 bed houses, 52 x 3 bed houses, 12 x 4 bed houses) with associated roads, parking, refuse and bicycle storage and amenity space.

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Planning Committee 27.07.2017	Application Reference: 16/00923/FUL	APPENDIX 1
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The application is also accompanied by:

- Air Quality Assessment & addendum
- Design & Access Statement
- Ecology Report & addendum
- Energy Statement
- Flood Risk Assessment
- Framework Travel Plan
- Geo-environmental Desk Study
- Hazard Installations Proximity Assessment
- Noise Assessment
- Transport Assessment & addendum
- Tree Quality Survey
- Surface Water Drainage Strategy

Applicant:

Gloriana Thurrock Ltd

Validated:

5 July 2016

Date of expiry:

31 August 2017 (extension of time agreed)

Recommendation: Grant planning permission subject to completion of a s106 legal agreement and planning conditions.

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

1.0 DESCRIPTION OF PROPOSAL

1.1 In summary, this application proposes the residential redevelopment of the site. The principal elements of the proposals are summarised in the table below:

Site Area	2.49 hectares
Residential Uses	10 no. two-bed bungalows 6 no. two-bed houses 52 no. three-bed houses 12 no. four-bed houses TOTAL: 80 dwellings
Density	32 dwellings per hectare
Height	One to three storeys
Car Parking	134 in-curtilage spaces 49 on-street spaces

	TOTAL: 183 spaces
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1.2 The application proposes the comprehensive residential redevelopment of the site with a mix of two-bedroom bungalows and two or three-storey houses providing two, three or four bedroom accommodation. In detail, the proposals include the provision of 10 no. bungalows which are “*specifically designed for the elderly*” and are adaptable to full wheelchair use. The 70 no. two and three-storey houses would have a gross internal floor space between 93 sq.m. and 138 sq.m. floorspace. The application proposes a mixed tenure to include 28 affordable homes (35%), comprising 20 homes for affordable rent and 8 intermediate (shared ownership). The allocation of affordable dwellings across the proposed house types is shown in the table below.

House Type	Social Rent	Intermediate	Private Sale
Two-bed bungalow	4	2	4
Two-bed house	6	0	0
Three-bed house	10	5	37
Four-bed house	0	1	11
TOTAL	20 (25%)	8 (10%)	52 (65%)

Layout:

1.3 In broad terms the new housing would be arranged within short terraces which form a continuation of the existing residential terraces in Belmont, Castle and Rosebery Roads to the south of the site, with an east-west terrace aligned parallel to the site’s northern boundary. Development along Castle Road, which forms the central of the three spur roads to the south, would be extended northwards into the site in the form of a soft-landscaped square framed by the proposed bungalows. Either side of Castle Road, Belmont Road (to the east) and Rosebery Road (to the west) would be extended northwards with terraces of two-storey houses. The proposed north-south terraces would be terminated by a terrace of two and three-storey houses aligned east to west. All dwellings, including the proposed bungalows would include private rear garden areas. In addition to the landscaped ‘square’ adjacent to the proposed bungalows, the proposals also include two landscaped play areas on the eastern and western parts of the site.

Design and Appearance:

1.4 The proposals involve three basic house typologies comprising:

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- i. single-storey, two bedroom bungalow;
- ii. two-storey, two or three-bedroom house; and
- iii. three-storey, three or four-bedroom house.

- 1.5 These typologies are exclusively arranged within short terraces, apart from one pair of semi-detached houses which are designed to ‘turn the corner’ at the site’s north-western corner.
- 1.6 Two different house types within the two-bedroom bungalow typology are proposed. Both house types are modern in appearance with asymmetric mono-pitch roof forms and a distinctive ‘chimney’ feature on the party wall. The bungalows would be finished in facing brickwork with a standing seam zinc roof, aluminium window frames and timber joinery.
- 1.7 The proposed two-storey, two-bedroom house type would incorporate an asymmetrical pitched roof which would form a distinctive ‘saw-tooth’ gable feature across the terrace. Finishing material would comprise facing brickwork with a standing seam zinc roof, aluminium window frames and timber joinery. At first floor level the front elevation would include a projecting box feature framing a bedroom window. The two-storey, three-bedroom house type is similar in design and appearance to the two-bedroom variant.
- 1.8 The three-storey three and four-bed houses are similar in appearance, with finishing material as above. The typology would incorporate a conventional pitched roof form.

Landscaping

- 1.9 All of the proposed dwellings would benefit from the provision of a private rear garden. Hedge and tree planting is also proposed to front garden locations. To the front of the proposed bungalows would be a ‘raingarden’ comprising native and ornamental planting, grass mounds and seating. Two areas of public open space would serve the eastern and western parts of the site. These areas would contain informal natural play items and associated soft landscaping.

1.10 Access and Parking

Vehicle access and movements through the site would utilise a main one-way traffic loop, with a minor access loop adjacent to the southern boundary. The principal road access into the site would be from Rosebery Road, with egress onto Belmont Road. This main one-way street would include raised tables for traffic calming and footpaths on either one or both sides of the carriageway. Adjacent to the site’s

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southern boundary a lower category road would provide a means of accessing the rear of existing dwellings in Rosebery, Castle and Belmont Roads, effectively replacing an existing informal route. This road would also allow for vehicles to move between the residential roads to the south, without using the proposed new one-way road.

- 1.11 The development would provide in-curtilage car parking for each of the new houses. The 6 no. two-bedroom houses would be provided with 1no. parking space whilst the remaining 64 no. two and three-bedroom houses would be served by 2 no. spaces, indeed a small number of these properties could potentially accommodate a third in-curtilage parking space. 10 no. car parking spaces, including 8 no. spaces for disabled users would be located close to the proposed bungalows. A further 39 no. spaces are proposed on the main one-way road and the secondary road adjacent to the site's southern boundary. The applicant's Design and Access statement suggests that a number of these on-street parking spaces would be available for visitors and for use by residents of existing roads.

2.0 SITE DESCRIPTION

- 2.1 The site comprises a broadly rectangular-shaped parcel of land, extending to approximately 2.49 hectares in area and generally located to the south of Belmont Castle Academy school, west of Parker Road, north of Rosebery / Castle / Belmont Roads and east of Askews Farm Lane. The site has maximum dimensions of 215m (measured east-west) and 122m (measures north-south).
- 2.2 The site is currently vacant and largely overgrown with tree and scrub vegetation. Evidence suggests that the site is used for activities such as dog-walking and is also used as a pedestrian route linking the northern ends of Rosebery Road, Castle Road and Belmont Road with Parker Road. There is a small amount of fly-tipping on the site.
- 2.3 There are no built structures and historically the site was used for allotments from the 1950's until approximately the 1980's. Aerial photography reveals that that site has been in its current vacant states since at least 1999, with natural colonisation of the site with trees and shrubs increasing over time.
- 2.4 To the north of the site is the Belmont Castle Academy primary school, with the school playing field and other play areas adjoining the site. A palisade fence and tree planting separate the site from the school grounds. To the east of the site are industrial and commercial properties located at Askews Farm Lane. The eastern boundary of the site is formed by a private rear access serving the rear of dwellings in Parker Road.

2.5 The site is located within the low risk flood zone (Zone 1) and there are no statutory ecological designations affecting the site. The north-western part of the site is within the outer consultation zone drawn around the Nustar Terminals Ltd hazardous substances storage site. There is a gentle fall in ground levels across the site from c.10m A.O.D at the northern boundary to c.6-7m A.O.D on the southern boundary.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
92/00235/FUL	Siting of recycling centre	Withdrawn
95/00038/FUL	Proposed nursing home: 5 no. 30-bed single-storey houses with 1 no. two-storey administration building	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

4.2 PUBLICITY:

The application, as first submitted in July 2016 was advertised by way of press advertisement, site notices and individual neighbour notification letters which were sent to approximately 350 surrounding residential and commercial occupiers. Following the receipt of revised plans, the application was subject to re-consultation with neighbours in December 2016. In response to the July 2016 consultation 42 letters of objection were received, comprising 36 standard 'pro-forma' letters and 6 individual letters. The objections raise the following concerns:

- restricted vehicle access;
- increased traffic congestion;
- impact on air quality;
- additional car parking required;
- loss of open space;
- impact on wildlife and habitat;
- development would be out of character locally;
- impact on privacy;
- loss of light;
- increased pressure on schools and healthcare facilities;

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- potential for anti-social behaviour; and
- disturbance during construction works.

One letter supporting the application was received in July 2016.

4.3 In December 2016 re-consultation letters were sent to those addresses who had responded to the original consultation. A further 4 letters of objection were received reiterating concerns previously expressed.

4.4 A letter of objection has also been received from the Essex Field Club stating that there is inadequate mitigation for the loss of habitat which is considered to be of nature conservation value.

4.5 The following consultation responses have been received:

4.6 ANGLIAN WATER:

No objection, subject to a condition addressing surface water management.

4.7 ENVIRONMENT AGENCY:

No reply received.

4.8 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No archaeological conditions are recommended.

4.9 ESSEX & SUFFOLK WATER:

No objections.

4.10 HEALTH & SAFETY EXECUTIVE:

Do not advise against the grant of planning permission on safety grounds.

4.11 NHS ENGLAND:

No objections – there is no requirement to seek a primary healthcare contribution on this occasion.

4.12 ASSET MANAGEMENT:

No objections.

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4.13 EDUCATION:

A financial contribution is required at both primary and secondary school level.

4.14 ENVIRONMENT HEALTH:

No objections – planning conditions should be included to require a construction environment management plan and a watching brief for unforeseen contamination. The impact of noise from industrial uses to the west on the development is acceptable. Noise from the adjacent school at playtimes is audible and cannot be dealt with as a statutory nuisance. The development will not an adverse impact on air quality.

4.15 FLOOD RISK MANAGEMENT:

No objection – subject to a condition addressing surface water management.

4.16 HIGHWAYS:

No objections, subject to conditions.

4.17 LANDSCAPE & ECOLOGY ADVISOR:

No objections – subject to conditions.

4.18 HOUSING & PLANNING ADVISORY GROUP:

Raise a number of general comments regarding tenure mix, connectivity, air quality and impact on infrastructure. No specific objections are raised.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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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;
6. Delivering a wide choice of high quality homes;
7. Requiring good design;
8. Promoting healthy communities;
10. Meeting the challenge of climate change, flooding and coastal change; and
11. Conserving and enhancing the natural environment.

5.2 Planning Practice Guidance (PPG)

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

- Air quality;
- Climate change;
- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Natural environment;
- Noise;
- Planning obligations;
- Renewable and low carbon energy;
- Travel plans, transport assessments and statements in decision-taking; and
- Use of planning conditions.

5.3 Local Planning Policy

Thurrock Local Development Framework (as amended) (2015)

The Council originally adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Core Strategy was updated in 2015 following an independent examination of the Core Strategy focused review document on consistency with the NPPF. The Adopted Interim

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Proposals Map accompanying the LDF shows the site as a 'Housing Land Proposal', with the far north-western part of the site allocated for 'Community Facilities'. The indicative alignment of a road improvement also passes through the site. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP18: Green Infrastructure
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD3: Tall Buildings
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions.

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call

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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.

5.5 Thurrock Design Guide

This Guide was adopted in March 2017 as a Supplementary Planning Document to the adopted Core Strategy and should be considered as a material consideration in the determination of planning applications.

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Development plan designation & principle of development;
- II. Site layout and design issues;
- III. Impact on amenity;
- IV. Highways & transportation issues;
- V. Noise & air quality;
- VI. Nature conservation issues;
- VII. Flood risk;
- VIII. Sustainability;
- IX. Other matters; and
- X. Planning obligations

I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT

6.2 The Policies Map accompanying the adopted Thurrock LDF Core Strategy (as amended) (2015) defines the majority of the site as a 'housing land proposal' subject to policies CSSP1 (Sustainable Housing and Locations) and CSTP1 (Strategic Housing Provision). Policy CSSP1 refers principally to housing delivery and refers to the Borough-wide delivery of 23,250 dwellings between 2001 and 2026. To this end, the policy states, inter-alia, that new residential development will be directed to previously developed land in the urban area, outlying settlements and other existing built-up areas. Policy CSTP1 also refers to housing growth targets, a general approach to housing density and the mix of new dwellings. In this case, the proposals include a mix of two, three and four-bed family houses and two-bed bungalows for more elderly occupants. With reference to density, the proposals would result in a relatively low density of 32 dwellings per hectare (dph), compared to approximately 60 dph for roads to the south of the site. However, the proposed density is still within the 30-70 dph range referred to by the policy for areas outside of town centres.

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- 6.3 A small part of the site, which would form the rear gardens of plots in the north-western corner, is allocated as land for community facilities (Belmont Castle Academy) by the LDF policies map. This particular allocation includes land currently forming the playing field to the west of the school buildings which are not affected by the current proposals. Consequently there is no conflict with Core Strategy policy CSTP12 (Education and Learning).
- 6.4 The LDF policies map also indicates a new road proposal linking Parker Road to the east to the London Road / Askews Farm Road via the site. The Further Issues and Options Consultation for the Site Specific Allocations and Policies Local Plan (2013) identifies the indicative alignment of a new link between Askew Farm Lane to Parker Road via the site (ref. LTSR8). Progression of the Site Specific Allocations and Policies Local Plan has been suspended indefinitely and therefore this transport proposal is not a material consideration which can be afforded any significant weight. Nevertheless, the layout of the proposals would allow for a partial east-west link through the site, although the completion of such a link would rely on land outside of the current application site.
- 6.5 In conclusion under this heading, the residential development of the site as proposed would comply with adopted Development Plan policy and would deliver a valuable contribution towards housing land supply. The proposed density and mix of dwelling types is also supported.

II. SITE LAYOUT & DESIGN ISSUES

- 6.6 The site is broadly rectangular in shape and the proposed layout of development adopts a logical and efficient approach by extending northwards the existing terraces at Belmont Road and Rosebery Road. In visual terms, the existing terrace at Castle Road would also continue into the site via the proposed bungalows, although the existing carriageway of Castle Road would not be extended northwards. The extended terraces would be joined together by a terrace of dwellings aligned east-west and parallel to the northern boundary of the site. This broad arrangement of building blocks would invite views and vistas into the site from the adjoining roads (to the south) and would ensure that the new development would appear as an extension to the existing community to the south. The proposed layout would also ensure that the arrangement of back-to-back relationships between dwellings would be maintained. The proposed position of rear gardens adjoining the school grounds would ensure the relative security of this boundary.
- 6.7 All dwellings (both houses and bungalows) would benefit from access to a private rear garden area. Proposed rear garden depths would vary between 9m (minimum) and 25m (maximum), although the majority of rear gardens would be

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c.15m in depth. The 10 no. proposed bungalows, which are intended for occupation by the elderly, would have shallower rear gardens of c.5.5m depth. However, given the nature of the intended occupation these dimensions are considered appropriate. Saved Annex 1 of the Thurrock Local Plan (1997) suggests a minimum rear garden depth of 12m and so the vast majority of proposed dwellings would comfortably exceed this minimum dimension.

- 6.8 The proposed layout of the site would result in back-to-back relationships between new plots. Saved Annex 1 refers to a minimum 20m privacy distance between principal windows and this distance is met. Annex 1 also suggests minimum rear garden areas related to the gross floorspace of the dwellings. Rear garden areas for all of the new houses are considered to be satisfactory and are generally larger than adjoining rear gardens to the south and east. This factor is reflected in the lower density of development. The proposed bungalows would not meet the suggested Annex 1 standard. However, given the intended occupiers for these units a relaxation is justified.
- 6.9 A small number of proposed plots (nos. 75-80) would be arranged in a back-to-back relationship to existing dwellings in Parker Road (nos. 79-87). A minimum distance of c.32m would separate existing and proposed dwellings on this part of the site, in excess of the suggested 20m privacy distance. This relationship would not be significantly different to existing back-to-back distances between Parker Road and Belmont Road.
- 6.10 The layout of the site would include three areas of open space. At the centre of the site north of Castle Road, a 'rain garden' measuring approximately 650sq.m. would provide an open area for surface water attenuation, grass mounds as habitat creation and seating area. All of the proposed bungalows would face towards the rain garden which would function as an open square defining the central part of the site. On the eastern and western parts of the site two further parcels of open space are proposed totalling approximately 1,000sq.m. in area. This public open space would provide new native planting as well as natural play items. All of the site is within easy walking distance (maximum 260m) of the Parker Road Park to the east, which provides formal play equipment and a large area of open space. In this context the on-site provision of open space is acceptable. All of the new areas of open space would be overlooked on at least two sides by new dwellings.
- 6.11 With regard to design issues, the Thurrock Design Guide was adopted as a supplementary planning document and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:

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- understanding the place;
- working with site features;
- making connections ; and
- building in sustainability.

It is considered that the Design & Access Statement (and Addendum) accompanying the application provides a thorough understanding of the context of the site and the physical constraints influencing the opportunities for development.

6.12 With regard to the scale of the proposed development a mix of one, two and three-storey dwellings are proposed. Existing terraced housing to the south and east of the site is predominantly two-storey in scale, apart from limited three-storey development at 'Graylands' on Rosebery Road. As the proposed three-storey dwellings would be located adjacent to the site's northern boundary there would be a transition across the site from the established two-storey scale of development to the south. Consequently there are no objections to the proposed storey heights. Indeed the proposed mix of heights would help to create character areas across the site.

6.13 Section 4 of the Thurrock Design Guide refers to place typologies and both the context of the site and the proposed development correspond to a 'residential neighbourhood typology. Key design requirements for this typology include:

- a robust landscape framework;
- a permeable layout integrated with existing development;
- proposals that positively address streets and spaces; and
- contemporary interpretation of local vernacular to create a sense of place.

It is considered that the proposals respond positively to the first three points mentioned above.

6.14 With reference to the appearance of new development, guidance within NPPF generally requires good design and in particular encourages a strong sense of place, developments which are visually attractive as a result of good architecture and developments which respond to local character while not preventing innovation. Residential roads adjoining the site comprise early 20th century residential terraces with pitched, tiled roofs and a mixture of finishing materials (brick / painted render / pebbledash). The proposals would maintain the existing typology of terraced dwellings. However, the development would represent a modern manifestation of the terraced house typology with distinctive 'saw-tooth' gable features and projecting box features to frame first floor windows. Proposed finishing materials would include traditional elements (facing brickwork and timber doors) alongside modern components (standing seam zinc roofs). It is considered

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that the architecture and materials of the development would result in a distinctive place which would be visually attractive to occupant and visitors. The layout and design of the proposed are commended.

- 6.15 After the submission of the application in July 2016 the proposals were the subject of a design review undertaken by the Design Council / CABE. In summary the review concluded that although the principle of development was appropriate and there were good design intentions, there were unresolved issues around the treatment of traffic, parking and how these elements related to the public realm. In response to these comments the applicant submitted revised plans and an addendum to the Design & Access Statement. The revisions principally reduced the extent of roadway on the western part of the site to produce a more pedestrian-friendly and less engineered layout. The revised proposals have also introduced further soft landscaping into and adjacent to the public realm and have downgraded the status of the southern loop access road. It is considered that the revisions have adequately addressed the comments raised by the Design Review, within the context of the site's constraints.

III. IMPACT ON AMENITY

- 6.16 The closest sensitive receptors to the site are occupiers of existing dwellings to the south and east. As noted above, the back-to-back relationship from plot nos. 75-80 to existing residents would exceed suggested guidance and therefore there would be no unacceptable loss of residential amenity with reference to privacy, sunlight or daylight. At the north-eastern corner of the site the side wall of plot no. 45 would face towards the rear of nos. 95-99 Parker Road with a minimum distance of some 26m between buildings. Windows in the flank elevation of plot no. 45 would serve non-habitable floorspace (landings / stairwells) and consequently there would be no demonstrable harm to amenity.
- 6.17 Plot nos. 46, 56, 61, 66 and 75 located closest to the site's southern neighbours would be arranged in a flank-to-flank relationship to existing properties, with a minimum distance of approximately 9m separating respective flank walls. As the new dwellings would be positioned to the north of existing residents there would be no harm to amenity by way of loss of daylight or sunlight.
- 6.18 The consideration of noise issues appears elsewhere within this report.

IV. HIGHWAYS & TRANSPORTATION ISSUES

- 6.19 Existing Conditions:

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The residential roads to the south of the site (Rosebery, Castle and Belmont Roads) provide pedestrian and vehicular access to the site. All three roads terminate to the north with turning heads, which are also used as informal car parking areas. Dwellings in all three roads are served by a rear access and there are un-made access routes parallel to the southern boundary of the site to link the roads to these rear accesses. There are no yellow-line waiting restrictions on Rosebery, Castle or Belmont Roads and evidence suggests that residents park vehicles on both sides of these streets which can limit the two-way passage of vehicles. London Road is located approximately 250m from the centre of the site. Both eastbound and westbound bus services (nos. 22, 22A, 25, 44, 73, 73A, 83, 100 and 201) are routed along London Road, with bus stops located on both sides of London Road close to the Castle Road junction. Grays railway station is located some 1.1km walking distance from the centre of the site.

6.20 Proposed Road Layout:

As noted above Rosebery, Castle and Belmont Roads are cul-de-sacs terminated with turning heads which are subject to overspill on-street parking. The proposals incorporate a clock-wise one-way system for vehicles using the 'main' road within the site, such that residents and visitors to the development would access via Rosebery Road and egress via Belmont Road. In addition to the main road, a 'secondary' access loop road would be formed parallel to the site's southern boundary. This secondary loop would replace the existing unmade access route which allows residents in Rosebery, Castle and Belmont Roads to access the rear of these properties. The implications of this arrangement for existing road users on the adjoining residential streets are set out below:

- 6.21 Rosebery Road – the initial section of Rosebery Road within the site would be two-way in order to allow for access to the allotment gardens. However, vehicles travelling northwards from Rosebery Road into the site would continue in a clock-wise direction to egress onto Belmont Road and continue southwards towards London Road.
- 6.22 Castle Road – vehicles travelling northwards into the site from Castle Road would turn left only onto the secondary loop road (parallel to the southern boundary) to emerge at Rosebery Road. Two-way movements along Rosebery Road would be available at this point where vehicles emerge from Castle Road.
- 6.23 Belmont Road – vehicles from the development would egress via Belmont Road to connect, in turn, to London Road. Vehicles travelling northwards along Belmont Road into the site would use the secondary loop road in order to access either Castle Road or Rosebery Road.

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6.24 The access proposals would ensure an orderly arrangement for vehicles accessing and egressing the site and also maintain rear access for existing residents via the secondary access loop. The Council's Highway Officer has raised no objection to the access / egress arrangements proposed.

6.25 Car Parking:

The Draft Thurrock Parking Standards and Good Practice (2012) recommends a range of residential parking provision based partly on the accessibility of the site. This document defines "high accessibility" as within 1km walking distance of a railway station and within a controlled parking zone. Medium accessibility comprises those sites within 1km walking distance of a designated Town Centre or within 400 metres of a bus stop that is subject to a minimum service of 20mins or less. The site meets both of the qualifying criteria for medium accessibility and, as parts of the site are within 1km walking distance of Grays railway station, the site is close to qualifying as a high accessibility location.

6.26 However, on the basis of medium accessibility the draft 2012 standards suggest between 1.5 and 2 parking spaces per dwelling and 0.25 spaces per dwelling for visitors and unallocated car parking. Based on the above, the proposed development of 80 no. dwellings would require between 140 and 180 parking spaces. As the development provides a total of 183 car parking spaces the suggested maximum standard is exceeded.

6.27 However, as evidence suggests that existing residents to the south use the turning heads (within the site) for informal car parking the applicant has tried to ensure that the new development does *"not increase parking pressure on the streets beyond the site"*. To this end of the 183 car parking spaces which are provided a total of 49 are on-street. It would be reasonable to assume the 10 of these 49 on-street spaces would be allocated to occupiers of the bungalows (indeed the Design and Access Statement 'allocates' one on-street parking space per bungalow) and that 20 spaces would be generally allocated to visitors of the new development. This would leave 19 car unallocated parking spaces to potentially compensate for any existing spaces in the turning heads which are 'lost' to the development. Planning conditions are suggested below to both ensure the retention of car parking spaces and requires the submission and implementation of a car parking allocation and management plan. Therefore, judged against the draft 2012 standards the proposed car parking provision is acceptable.

6.28 A number of objectors to the application have cited parking problems and the applicant acknowledges within the Design & Access Statement that this issue was raised locally during three pre-submission consultation exercises. It is clear that the proposals acknowledge the local car parking issue through the provision of

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unallocated parking within the site in excess of draft standards. As an aside it is noted that the applicant in this case is Gloriana Thurrock Ltd. It is arguable whether a 'traditional' housebuilder would formulate proposals to provide on-site car parking for off-site users if they were the applicant in this case.

V. NOISE & AIR QUALITY

- 6.29 The application is accompanied by a noise assessment which principally considers the impact on the development of noise from industrial uses west of the site at Askews Farm Lane. The assessment concludes that with the use of standard thermal double glazed window units internal noise levels within all habitable rooms will be acceptable. The Environmental Health Officer (EHO) confirms that results during the survey period indicate the site is, in noise terms, suitable for residential development and that BS8233:2014 internal noise guideline levels can be met with standard thermal double glazing. The EHO notes that the noise assessment confirms noise from the school grounds during playtimes is clearly audible and that there will be no possibility of dealing with noise from children playing as a statutory nuisance if complaints are received later on. Noise from the school grounds will occur at certain times of the day during term time only. This is not a factor which should restrict development of the site.
- 6.30 The initial consultation response from the EHO (July 2016) noted the presence of the London Road air quality management area (AQMA) a short distance to the south of the site. This AQMA is designated due to nitrogen dioxide (NO₂) and particulates (PM₁₀) generated by road traffic using London Road. The EHO therefore requested the submission of an Air Quality Assessment to consider the potential impact of additional vehicles from the site on the AQMA. An assessment was submitted in October 2016 and in response the EHO confirmed that the modelling methodology with the assessment was satisfactory and it was agreed that the development will not have an adverse impact on air quality.

VI. NATURE CONSERVATION ISSUES

- 6.31 The site does not form part of any area designated for nature conservation interest on either a statutory or non-statutory basis. Two Sites of Special Scientific Interest (SSSI) are located within 2km of the site, namely Lion Pit and Grays Thurrock Chalk Pit. These sites are designated for their geological importance habitat that supports an assemblage of invertebrate interest respectively. Given their distance from the site and the character of the proposals it is unlikely that the residential development would impact upon these statutory designations. Ten non-statutory Local Wildlife Sites are also located within 2km of the site though the development proposals would be unlikely to significantly harm the nature conservation interest of these sites.

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- 6.32 The application is supported by an Ecological Appraisal. This appraisal includes a habitat survey which records that the site is characterised by dense bramble scrub with areas of improved grassland between the scrub. The applicant's appraisal does not consider that any of the habitats on site comprises priority habitat, such as Open Mosaic Habitat (OMH). The Ecological Appraisal also includes the results of surveys for protected species and other notable species. Good populations of both slow worm and common lizard (both protected) were recorded on-site. The surveys also indicate that the site is occasionally used by foraging badgers, although there are no setts on-site. A total of four bird species of conservation concern (Dunnock, Linnet, Song Thrush and Whitethroat) were recorded nesting within the site. The assemblage of birds identified during survey work was considered typical of open spaces, woodland and gardens habitats. The appraisal considers that the site also forms an important foraging area for a local population of house sparrow and starling. A survey for invertebrates recorded a number of "Red Book Data" and Biodiversity Action Plan / s.41 Natural Environment and Rural Communities Act priority species. However, the extent and quality of habitats on-site is assessed as insufficient to support significant populations. Therefore the appraisal concludes that the site is of no more than local importance for invertebrates.
- 6.33 The development of the site as proposed would lead to the loss of habitat which supports protected species (reptiles). The loss of habitat would also indirectly impact upon badgers and some bird species due to the loss of foraging areas. The loss of breeding habitat would also impact directly on a small number of priority bird species. Finally, the loss of habitat would have a local impact on invertebrates.
- 6.34 The Ecological Appraisal therefore includes a number of recommendations to mitigate these impacts. New habitats would be created on-site to mitigate for the loss of existing habitat. Reptile mitigation measures would include the capture and relocation of specimens to potential local receptor sites. Further monitoring for potential badger activity is also recommended. Mitigation measures for birds could include new habitat and bird boxes / nesting bricks. Soft landscaping within the public open space on-site could mitigate the impact of the development on invertebrate species. With inclusion of these mitigation measures, the applicant's appraisal assesses the residual impact on nature conservation interests as neutral.
- 6.35 The Essex Field Club has objected to the application as they consider that the on-site habitat is of higher value than the applicant suggests and there is inadequate mitigation for this loss. In particular, the Essex Field Club considers that the site displays the characteristics of OMH.
- 6.36 In response to this objection the applicant has submitted an addendum to the Ecological Appraisal which concludes that, as several qualifying criteria are not

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met, the site cannot be classified as OMH. Comments received from the Council's landscape and ecology advisor agree that the site does not comprise OMH as it fails to meet 3 of the 5 criteria used to identify this habitat. Proposed mitigation measures are considered appropriate. As elements of mitigation include off-site receptor and mitigation areas both planning conditions and s106 obligations are required to secure all of the mitigation proposals. No objections are raised on this basis.

VII. FLOOD RISK

- 6.37 The site is located within the low risk flood area (Zone 1). However, as the site area is greater than 1 hectare the application is accompanied by a site specific flood risk assessment (FRA). The FRA concludes that the development is acceptable in flood risk terms as all sources of potential flooding (river, sea, surface water, ground water, sewers and reservoirs) pose a low risk.
- 6.38 The applicant has submitted a surface water drainage strategy to deal with run-off from the development. This strategy confirms that underlying sub-soils (gravels) are sufficient to allow the use of infiltration methods such as soakaways and permeable paving. Consequently no off-site discharge of surface water should be required. The full details of a surface water drainage scheme can be required by planning condition.

VIII. SUSTAINABILITY

- 6.39 In general terms the proposals can be considered as environmentally sustainable as they involve the re-use of a vacant site within the urban area at a location which is close to public transport facilities, schools and other amenities. The operation of the Code for Sustainable Homes, a requirement of Core Strategy PMD12, was suspended by the Government in 2015 and this measure of sustainability is no longer relevant .
- 6.40 Nevertheless, Core Strategy Policy PMD12 (Decentralised, Renewable and Low-Carbon Energy Generation) is still applicable and requires that the development secures 15% of its predicted energy demands from these sources. The application is supported by an Energy Statement which promotes the use of roof-mounted photo-voltaic panels to meet the 15% renewable energy target. Furthermore, energy efficiency measures within the building fabric are modelled to achieve a 22.9% improvement in CO₂ emissions over the minimum requirements of the Building Regulations (2013). It is concluded on this point that the proposed development would comply with relevant Development Plan policies.

IX. OTHER MATTERS

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6.41 A small part of the site (at its north-western corner) is located within the 'Outer Zone' designated around the Nustar Terminal Ltd major hazard site. Consequently, the proposals have been interrogated using the Health & Safety Executive's (HSE) planning advice tool. The response generated is that the HSE 'do not advise against' the granting of planning permission on safety grounds. The south-eastern part of the site is also technically within the 'Outer Zone' drawn around the London Road, Grays gas holder station. However, the gas holders were recently de-commissioned and removed from the site as a prelude to residential redevelopment which has recently commenced. This designation on the south-eastern part of the site does not fetter the grant of planning permission.

X. PLANNING OBLIGATIONS

6.42 The applicant in this case is Gloriana Thurrock Ltd and the supporting Design and Access Statement confirms that 28 dwellings (35%) of the total of 80 units would be affordable, with a 70/30 split between affordable rent and intermediate tenures. A planning obligation is required to secure the provision of this affordable housing as proposed. The proposals also refer to the 10no. bungalows as "*specifically designed for the elderly*" and "*easily adaptable for full wheelchair use*". In order to secure the occupation of these dwellings as intended it is necessary to require a condition specifying an age-limit for occupation.

6.43 Comments from the Council's Education Team note that a financial contribution is required to mitigate the impact of the development on primary and secondary school provision. On the basis of 35% affordable housing provision and assuming that the 10 no. bungalows are occupied by elderly occupants (and are therefore unlikely to add to the school-age population) a total financial contribution of c.£616,000 is required. The Infrastructure Requirement List identifies extensions to a primary school in the Grays primary school planning area (ref. IRL-0057) and extension to a secondary school in the Central secondary school planning area (ref. IRL-0047) as infrastructure projects.

6.44 Comments received from NHS England confirm that, due to current capacity levels in the area, there is no intention to seek a primary healthcare contribution on this occasion.

6.45 As the ecological mitigation proposals rely on off-site receptor and compensation areas, these matters need to be addressed via planning obligation.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

7.1 The principle of residential development on this site is promoted by Development

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Plan policies. The proposed layout of the residential development is logical, would make efficient use of the available land and would deliver acceptable private garden space and areas of public open space for occupants of the development. The visual appearance of the development is considered to be of good quality, in accordance with both local and national planning policies. There are no objections to the proposals on the grounds of flood, noise or air quality. Furthermore, there would be no demonstrable harm to the amenities of neighbouring residents.

- 7.2 In light of the nature of the development and the location of the site, it is considered that the proposals make adequate car parking provision for both occupants of and visitors to the development. The proposals include additional parking spaces for residents in local roads to compensate for the loss of informal parking areas within the site which are used by residents of adjoining roads. Subject to mitigation measures, to be secured via planning conditions and obligations, there are no objections to the application on ecological grounds.
- 7.3 Accordingly, subject to planning obligations to be secured by a s106 agreement and planning conditions, the application is recommended for approval.

8.0 RECOMMENDATION

Grant planning permission subject to:

A: the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms:

- (i) the provision of 28 dwellings as affordable housing in perpetuity and in accordance with the mix set out in the 'Schedule of Accommodation' (page 19 of the Design & Access Statement – April 2016);
- (ii) 70% of the affordable housing referred to by (i) above to be provided as social rented accommodation and the remaining 30% affordable housing to be provided as intermediate housing tenures;
- (iii) financial contribution of £342,170.09 (subject to indexation) payable prior to first occupation towards the cost of additional primary school places within the Grays primary school planning area;
- (iv) financial contribution of £273,701.35 (subject to indexation) payable prior to first occupation towards the cost of additional secondary school places within the central secondary school planning area (IRL refs. 0047 & 0057);

- (v) prior to any site clearance works, details of the provision, implementation and long-term management of an off-site receptor area for reptiles (a Reptile Mitigation Plan); and
- (vi) prior to the commencement of development details of the provision, implementation and long-term management of off-site mitigation area for invertebrate species (an Invertebrate Mitigation Plan).

B: the following planning conditions:

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.

Accordance with Plans

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

PL01 Rev. P1	Site Location Plan
PL02 Rev. P1	Site Layout as Existing
PL03 Rev. P1	Site Sections as Existing
PL100 Rev. P2	Site Layout as Proposed
PL102 Rev. P2	Elevations Sheet 2 (Street)
PL103 Rev. P2	Elevations Sheet 3 (Street)
PL104 Rev. P2	Elevations Sheet 4 (Street)
PL105 Rev. P2	Elevations Sheet 5 (Street)
PL106 Rev. P2	Elevations Sheet 6 (Street)
PL107 Rev. P2	Elevations Sheet 7 (Street)
PL108 Rev. P2	Elevations Sheet 8 (Street)
PL109 Rev. P2	2B3P Bungalow
PL110 Rev. P2	2B4P Bungalow
PL111 Rev. P2	2B4P 2st House
PL112 Rev. P2	3B5P 2st House
PL113 Rev. P2	3B6P 3st House
PL114 Rev. P2	4B7P 3st House
PL115 Rev. P1	Proposed Bin & Bicycle Stores
PL116 Rev. P1	2B4P 2st EoT House (Plot 75)
PL117 Rev. P1	3B5P 2st EoT House: Plots 46 & 66

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D0254_001 Rev. M	Hardworks and Softworks 1 of 2
D0254_002 Rev. M	Hardworks and Softworks 2 of 2
D0254_005 Rev. B	Typical Mound and Rain Garden Details
D0254_006 Rev. A	Rain Garden Drainage Design Intent
D0254_007	Landscape Masterplan
14660/T/01-02	Topographical Survey Sheet 1 of 2
14660/T/02-02	Topographical Survey Sheet 2 of 2

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

External Materials

- 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 development have been submitted to and agreed 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 (as amended 2015).

Boundary Treatments

- Prior to any construction above ground level details of the heights, designs, materials and types of all boundary treatments to be erected on site shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the first occupation of the development or phase thereof.

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

Hours of Construction

- No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

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Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours.

Unless otherwise agreed in advance and in writing by the local planning authority.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Construction Environment Management Plan

6. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and agreed in writing by the local planning authority. The CEMP should contain or address the following matters:
 - (a) wheel washing and sheeting of vehicles transporting materials on or off-site;
 - (b) measures for dust suppression;
 - (c) measures for noise control having regard to BS5228 “Code of practice for noise and vibration control on construction and open sites. Noise”;
 - (d) a procedure to deal with any unforeseen contamination, should it be encountered during development;
 - (e) details of the access for construction vehicles and any temporary hardstandings.

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 (as amended 2015).

Renewable Energy

7. The development hereby approved shall be constructed and maintained in accordance with the measures set out in the submitted Energy Statement (ref. MDSE/7133134/CKN Rev. 03) and in particular the measures for energy efficiency and deployment of roof-mounted photovoltaic panels set out therein.

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Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Surface Water Drainage

8. Prior to the commencement of development a surface water management strategy shall be submitted to and agreed in writing by the local planning authority. The agreed strategy shall be constructed as agreed and maintained thereafter. There shall be no occupation of the development until the approved surface water drainage system is operational, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate measures for the management of surface water are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Reptile Translocation

9. Prior to the commencement of development, which includes for the purposes of this condition includes site clearance works, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the interests of protected species are addressed in accordance with the Wildlife and Countryside Act 1981 and in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Parking Retention

10. The areas shown on approved drawing nos. PL 100 Rev. P2, D0254_001 Rev. M and D0254_002 Rev. M as on-street or driveway car parking shall be provided prior to the first occupation of the dwelling(s) they serve or the relevant phase of development and thereafter shall be kept available for car parking. Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no permanent development shall be

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carried out on the site so as to preclude the use of these areas for the parking of vehicles.

Reason: In the interests of highway safety and amenity and to ensure that adequate car parking provision is available in accordance with policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Parking Management

11. Prior to the first occupation of the development, a Parking Management Plan detailing how the proposed on-street car parking spaces shown on drawing no. PL 100 Rev. P2 are to be allocated and managed for use by visitors to the development and for general purpose use shall be submitted to and approved in writing by the local planning authority. The details within the approved Plan shall be implemented and operational upon first occupation of any of the development and the Plan shall be maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the efficient and effective use of the on-site car parking spaces in the interests of highways safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Occupancy Restriction – Bungalows

12. Each of the bungalows identified as plot nos. 56-65 on drawing no. 185/PL100/P2 shall be occupied only by:
 - (a) persons aged 55 years and over;
 - (b) persons living as part of a single household with such a person or persons;
 - (c) persons who were living as part of a single household with such a person or persons who have since died.

Reason: In order to comply with the terms of the submitted planning application and to ensure that adequate car parking provision is available in accordance with Policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Travel Plan

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13. The measures and procedures for monitoring and review set out within the submitted Framework Travel Plan (April 2016) shall be implemented on first occupation of the development and maintained throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To reduce reliance on private cars in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Landscaping

14. Unless otherwise agreed in writing by the local planning authority, the development shall be constructed in accordance with the details for hard and soft landscaping of the site shown on drawing nos. D0254_001 Rev. M, D0254_002 Rev. M, D0254_005 Rev. B, D0254_006 Rev. A and D0254_007. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development or phase thereof. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping 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).

Landscape & Biodiversity Management Plan

15. Prior to the clearance of the site a Landscape and Biodiversity Management Plan shall be submitted to, and approved in writing by the local planning authority. The Plan shall be based upon the details proposed within the Ecological Appraisal and Addendum accompanying the planning application and shall include details of:
- i. any further survey and / or monitoring work for protected and other notable species and findings of any such surveys;

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- ii. the methods for the protection of existing species in-situ (where relevant);
- iii. any seeding, planting and methods to promote habitat creation habitat enhancement on site;
- iv. general ecological mitigation applying to the construction works;
- x. long-term maintenance and monitoring arrangements for the areas of planting and habitat creation / enhancement.

Development of the site shall proceed in accordance with the approved Plan, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure effects of the development upon the natural environment are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

INFORMATIVE:

1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.
2. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

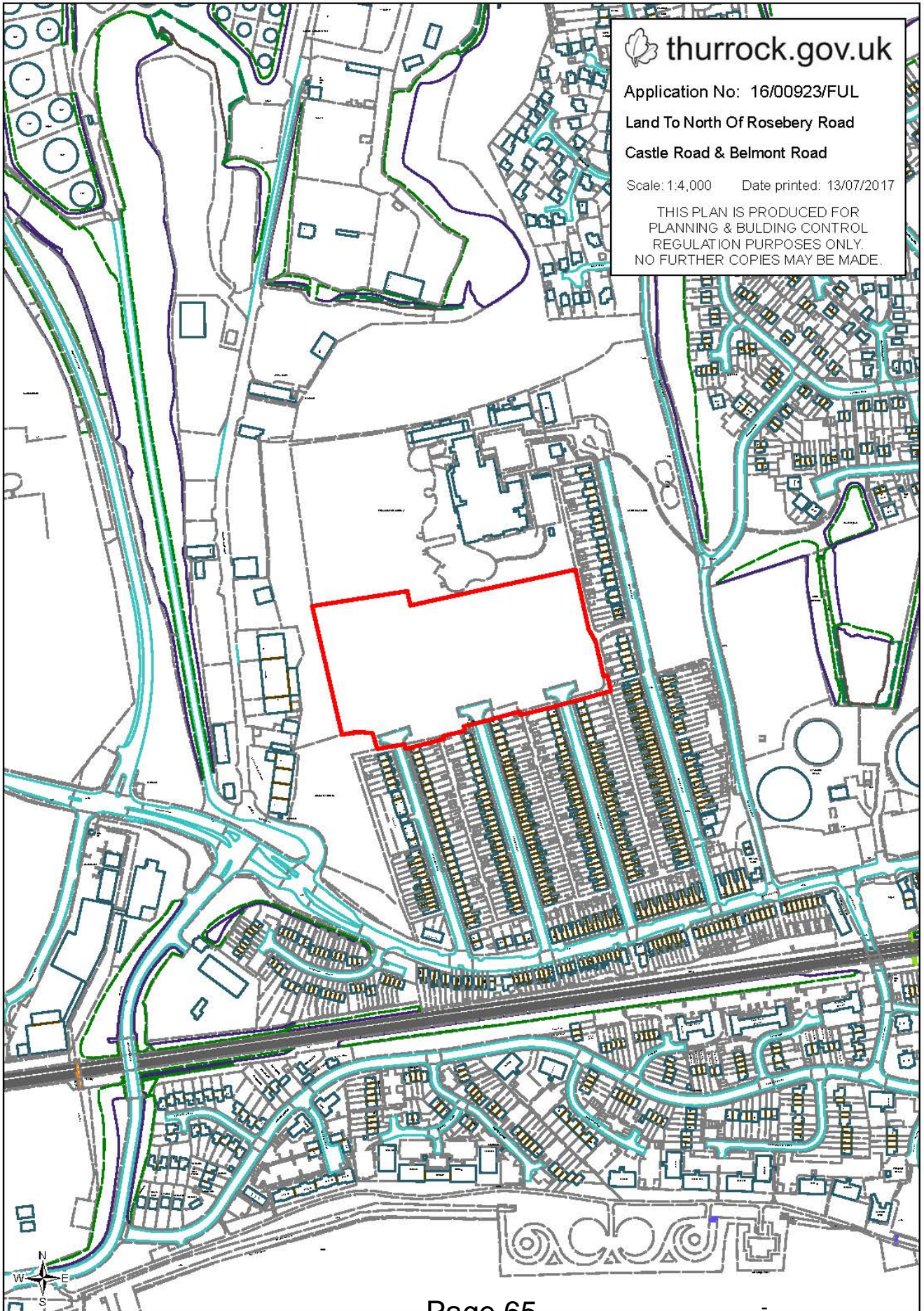
The local planning authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant / Agent, acceptable amendments to the proposal to address those concerns. As a result, 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:

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www.thurrock.gov.uk/planning



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Application No: 16/00923/FUL

Land To North Of Rosebery Road

Castle Road & Belmont Road

Scale: 1:4,000 Date printed: 13/07/2017

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Reference: 17/00772/FUL	Site: The Ockendon Academy Erriff Drive South Ockendon Essex RM15 5AN
Ward: Ockendon	Proposal: Proposed new six court sports hall with changing, wc, shower facilities, equipment store and plant areas.

Plan Number(s):		
Reference	Name	Received
0003 2	Location Plan	8th June 2017
0004 3	Proposed Plans	8th June 2017
0005 3	Proposed Elevations	8th June 2017
6107-D - 2	Site Layout	8th June 2017
S.16119-1 (F1)	Other	8th June 2017

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design and Access Statement - Drainage Strategy - Historic Impact Assessment - Ecological Survey - Tree Survey - Planning Statement 	
<p>Applicant: The Ockendon Academy</p>	<p>Validated: 23 June 2017</p> <p>Date of expiry: 28 October 2017 [Extension of time agreed with applicant].</p>
<p>Recommendation: Approve, subject to referral to the Planning Casework Unit and conditions.</p>	

The proposal has been referred to committee because it represents a major application and as a departure from the Development Plan, in accordance with Chapter 5, Part 3(b) 2.1 (a) of the Council's Constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks full planning permission for a new sports hall with associated facilities. This will allow the existing sports hall, which is no longer fit for purpose, to be used for dining facilities. These changes are necessitated by the increased and increasing numbers of pupils attending the school.
- 1.2 The development would be found to the north of the existing school complex on land which is presently used as a hard surfaced sports court. The development would comprise a main open hall capable of use as six badminton courts, two small basketball courts [or a full sized regulation basketball court], changing, shower and toilet facilities, an office and an equipment store. The facilities ancillary to the main hall are single storey. The hall would measure 29.0m x 35.4m x 10.67m and the total external area would be 1328 sqm.
- 1.3 The sports hall would also be made available for community use outside of school hours. The current sports hall is let to a variety of clubs which use set time slots on a long term basis. The existing sports hall is are open to these uses Monday – Friday 4pm – 9pm, Saturday 8am – 5pm and Sunday 9am – 3pm. Where appropriate, the existing clubs would transfer to the new sport hall.

2.0 SITE DESCRIPTION

Ockendon Academy sits within the limits of South Ockendon. The site is located within the Metropolitan Green Belt, with residential development on three boundaries. The former Belhus Landfill site is to the north.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
60/00268/FUL	Swimming pool	Approved
89/00995/FUL	Enclosure of existing open swimming pool	Approved
01/01057/FUL	Extension to the school to provide student achievement centre and changing room extension to swimming pool	Approved
03/01000/FUL	Extension to swimming pool to provide changing rooms and leisure suite	Approved
05/00969/TBC	Erection of a new music block and a new science laboratory.	Approved
06/00297/TTGFUL	Extension and refurbishment works to existing school to create new main entrance, dining hall, fitness suite and refurbished classrooms.	Approved
07/00162/FUL	Extension and refurbishment to existing school to create a new multi-purpose assembly hall with associated ancillary spaces. Existing car park to be increased	Refused

	from 48 no to 76 no spaces (including 6 no disabled bays).	
07/00464/TTGFUL	Amendments to planning permission 06/00297/TTGFUL to include mechanical plant on roof of fitness suite, a change of materials to entrance façade, and the retention of a sub-station, electrical intake room, netball court and MUGA pitch.	Approved
07/00581/FUL	Extension and refurbishment to existing school to create a new multi-purpose assembly hall with associated ancillary spaces. Existing car park to be increased from 48no to 76no spaces	Approved
11/50323/TTGFUL	New classroom block incorporating 8 classrooms, an open learning space, office and WC facilities	Approved
12/00390/FUL	New extension to existing school building to provide studio school facilities comprising classrooms, offices & an open learning zone along with associated car parking.	Approved
13/00438/FUL	Change of use of land to create new playing fields with ancillary changing rooms, artificial grass pitch with lighting, access road and extension to existing car park.	Approved
17/00660/FUL	New educational block consisting of 6 classrooms, office, WC facilities, electrical and boiler room.	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

4.1 PUBLICITY:

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.

4.2 HIGHWAYS:

No objections.

4.3 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

4.4 LANDSCAPE AND ECOLOGY:

No objection subject to conditions.

4.5 CIVIL PROTECTION:

No objections.

4.6 EDUCATION:

No contribution required.

4.7 SPORT ENGLAND:

No objections.

4.8 HISTORIC ENVIRONMENT:

No objections.

4.9 ESSEX ARCHAEOLOGY:

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.

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

7. Requiring good design

8. Promoting healthy communities
9. Protecting Green Belt land
12. Conserving and enhancing the historic environment

Planning Practice Guidance

5.2 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 historic environment
- Design
- Health and wellbeing
- Open space, sports and recreation facilities, public rights of way and local green space
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

Local Planning Policy

Thurrock Local Development Framework (as amended 2015)

5.3 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:

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP9 (Well-being: Leisure and Sports)
- CSTP12 (Education and Learning)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP24 (Heritage Assets and the Historic Environment)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)³
- PMD6 (Development in the Green Belt)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)

[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)

- 5.4 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

- 5.5 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

- 5.6 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

5.7 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 in 2017.

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 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. Heritage and Archaeology

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.3 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

6.4 The site is identified on the LDF Core Strategy Proposal's Map within the Metropolitan 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.

6.5 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.

- 6.6 The proposal is for an indoor sports facility for educational and community use. The hall would complement the extended outdoor sporting use of the approved pitches to the north (13/00438/FUL) but would not be required in order to make use of them. The hall would serve the educational needs of the school when inclement weather made outdoor sport impractical.
- 6.7 Although this part of the school site is considered previously developed land, the sports hall would have greater impact on the openness of the Green Belt due to the potential visibility of the large building compared to the flat playing surface which is there currently.
- 6.8 The proposal does not meet the tests of appropriate 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
- 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 defined boundaries of the school site and positioned amongst the existing school buildings. 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 For the same reasons given above, it is not considered that the development would encroach upon the countryside.

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 Although in principle the sports hall could be constructed off-site, for practical purposes it is required within the envelope of the school, and the entire school site is Green Belt. On this basis it is considered that the development does not conflict 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 Circumstances which are assessed below:

a. *The school has a genuine need for additional facilities*

6.21 The school has a known demand to increase intake by 30 pupils per annum however the school currently suffers from insufficient classrooms, w/c’s and dining facilities. The following table shows the current floor area for sports, assemblies and exam facilities:

Facility	Area
Sports Hall	544m ²
Gym	268m ²
Dining Room	201m ²
Main Hall	310m ²
Total	1323m²

6.22 The next table shows the area guidelines for mainstream school halls, dining and PE reproduced from the government’s DfE Building Bulletin 1-3 (June 2014):

Facility	Student Population of 1,200	Student Population of 1,500	Student Population of 1,350 ¹
Main Hall	260m ²	340m ²	300m ²
Activity Studio	160m ²	160m ²	160m ²
3-4 Court Sports Hall	640m ²	640m ²	640m ²
Minimum Dining Area	320m ²	400m ²	360m ²
Optional Dining Area	140m ²	160m ²	150m ²
Total Area	1520m²	1700m²	1610m²

The current student population is 1,161 but is expected to exceed 1,350 within the coming years. It is therefore necessary for the school to provide facilities for a student population of 1,500; assessed against these criteria the facilities at the school at present would fall considerably below the DfE guidance.

- 6.23 In order to comply with the DfE requirements, the school must swiftly provide enlarged dining areas and a larger sports hall. This proposal would introduce a new purpose built sports hall which would allow the existing gymnasium to be renovated to create the required enlarged dining facilities.

The Council's Education Team support the application, advising that the school must continue to grow as more students enter its catchment area. It is clear that school has outgrown the current facilities on several fronts and this proposal is considered to be a reasonable response to these pressures. It is also recognised that the existing community access to the facilities would be maintained through the development proposal. Members should accord significant weight to this factor in the balance of judgement.

b. It is not possible to locate the development outside of the Green Belt

- 6.24 The entire school site is Green Belt so there are no alternate sites available. Members should accord some weight to this factor in the balance of judgement – if it is agreed that the development is required for the continued operation of the school at or above current levels of quality.

c. There should be a presumption in favour of the development of state-funded schools

- 6.25 According to the DCLG Policy Statement – planning for schools development (2011), *“Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision”* and *“Local authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.”*

- 6.26 Given the known future demands arising from the expansion of the school, it is clearly demonstrated that the current facilities are insufficient to serve the student population. The proposal seeks to future-proof the site in the most logical and efficient way possible. Members should accord significant weight to this factor in the balance of judgement.

- 6.27 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'.

6.28 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

6.29 The sports hall would be sited within the grounds of the school on the northern boundary. Alternate sites within the grounds were considered but were ruled out as either more obtrusive or would result in the loss of essential outdoor sport facilities. The hall would benefit from proximity to the retained sports facilities and the proposed outdoor sport areas on the site to the north. On balance there is no objection to the siting; however, due to the proximity to the boundary, it will be visible from the open space to the north. However, from that vantage point it will be seen against the backdrop of the school campus. It should also be noted that the ground level on the northern site is significantly higher than the level of the site, which will reduce the appearance of height.

6.30 The design and layout of the development is considered acceptable and would provide beneficial improvements to the existing site conditions. Planning conditions would be necessary with regard to the approval of materials and boundary treatments.

6.31 The proposal is sufficiently distant from adjacent residential properties that there would be no overlooking, overshadowing, overbearing or loss of outlook. There are no other impacts to nearby residents of sufficient weight to justify refusal. The proposal would comply with Core Strategy Policies PMD1 and PMD2 with regards to design, appearance and amenity impacts.

III. ACCESS, TRAFFIC IMPACT AND PARKING

6.32 Given the likely increase in the student population at the school and because the new facilities will be open to the public outside of school hours, a condition to agree a Travel Plan is necessary to ensure the school continues to be served by sufficient

parking, with mitigated impacts to traffic on the highway network, in order to comply with policies PMD8 and PMD9 of the Adopted Core Strategy.

- 6.33 The submitted Highways Statement demonstrates that the projected parking requirements for the sports hall fit comfortably within the available parking on the site which comprises 99 regular spaces and 4 disabled spaces. The Council's Highways Officer has raised no objections to the proposal on parking or grounds of impact to the public highway. The proposal complies with policy PMD8 of the Adopted Core Strategy.

IV. IMPACT UPON ECOLOGY, BIODIVERSITY AND LANDSCAPE

- 6.34 The site itself is not of ecological interest. However, an improvement in biodiversity may be achieved through mindful landscaping. This could be agreed by a suitable planning condition.
- 6.35 Impact to the openness of the landscape could also be mitigated somewhat by new planting along the north elevation. This could again be agreed by a suitable planning condition.

V. HERITAGE AND ARCHAEOLOGY

- 6.36 The site is not itself listed or within the curtilage of a listed or undesignated heritage asset, but is situated between the Grade II *Belhus Park* Registered Park and Garden and the Grade II* listed *Little Belhus* and *Garden Walls and Gateway at Little Belhus*. The potential impact of the new building upon these assets has been fully assessed within the application and the Council's Heritage Advisor raises no objection.
- 6.37 The Council's Specialist Archaeological Advisor states that the site lies within an area of known archaeological deposits. A condition is recommended in order to ensure any artefacts are appropriately recovered. It is noted that the school has already arranged trial trench works both on the site of the proposed sports hall and on the site of the approved classroom block.
- 6.38 In conclusion under this heading, the proposal would not conflict with Core Strategy Policies CSTP24 and PMD4.

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.
- 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.

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
0003 2	Location Plan	8th June 2017
0004 3	Proposed Plans	8th June 2017
0005 3	Proposed Elevations	8th June 2017
6107-D - 2	Site Layout	8th June 2017
S.16119-1 (F1)	Other	8th June 2017

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

Construction Environmental Management Plan (CEMP)

3. 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:

- Wheel washing facilities and arrangements for the sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
- Details of any temporary hoarding;
- Water management including waste water and surface water discharge,
- Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- Timing of vegetation removal
- 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].

Landfill Gas

4. The development hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to;
- 1) determine the existence, depth, extent and character of any filled ground;
 - 2) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.

A copy of the site survey findings together with a scheme to bring the site to a suitable condition in that it represents an acceptable risk including detailing measures to contain, manage and/or monitor any landfill gas with a potential to reach the site shall be submitted to and agreed in writing with the local planning authority prior to the commencement of development hereby permitted.

Formulation and implementation of the scheme shall be undertaken by competent persons. Such agreed measures shall be implemented according to timings stipulated in the agreed scheme. No deviation shall be made from this scheme without the written express agreement of the local planning authority.

Should any ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in the scheme agreed in writing with the local planning authority, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing by the local planning authority. Such agreed measures shall be implemented according to timings stipulated in the agreed scheme.

If any landfill gas is found during the survey or subsequent monitoring, the following requirements are invoked:

- the developer shall give one-month's advanced notice in writing to the local planning authority of the impending completion of the agreed works;
- within four weeks of completion of the agreed works a validation report undertaken by competent person or persons shall be submitted to the local planning authority for written approval;
- there shall be no commencement of use of the site until the local planning authority has approved the validation report in writing;
- prior to the commencement of the use hereby approved, the developer shall submit to the local planning authority a signed and dated certificate to confirm that the works have been completed in strict accordance with the documents and plans comprising the scheme agreed in writing with the local planning authority.

Reason: To ensure that any potential risks arising are properly assessed and that the development incorporates any necessary measures and subsequent

management measures to satisfactorily deal with contamination / gases in the interests of amenity in accordance with policy PMD1 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2011].

Finishing Materials

5. 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].

Soft Landscaping

6. 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. The submitted scheme shall demonstrate that all works to existing trees or hedgerows shall be undertaken outside of nesting season. 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).

Travel Plan

7. Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to the Council for approval via the Mode Shift STARS online Travel Plan Monitoring. For the entire time the site is operated, the measures within the approved Travel Plan shall be operated and regularly monitored and updated to promote initiatives to improve sustainable travel choices for both pupils and staff members.

Reason: In the interests of improved sustainable travel choices, safety and efficiency on the highways network.

Lighting

8. 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].

Archaeology

9. No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved in writing by the planning authority.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Community Use

10. No occupation shall commence of the development hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy CSTP9.

Informatives:

1. A recognised professional team of archaeologists should undertake any archaeological work. The archaeological work would consist of the initial excavation of a trial trench in the area of the proposed school building followed by open area archaeological excavation if significant archaeological deposits are identified. An archaeological brief defining the requirements can be supplied from Essex County Place Services.
2. Anglian have noted that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Further they recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”

3. **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>



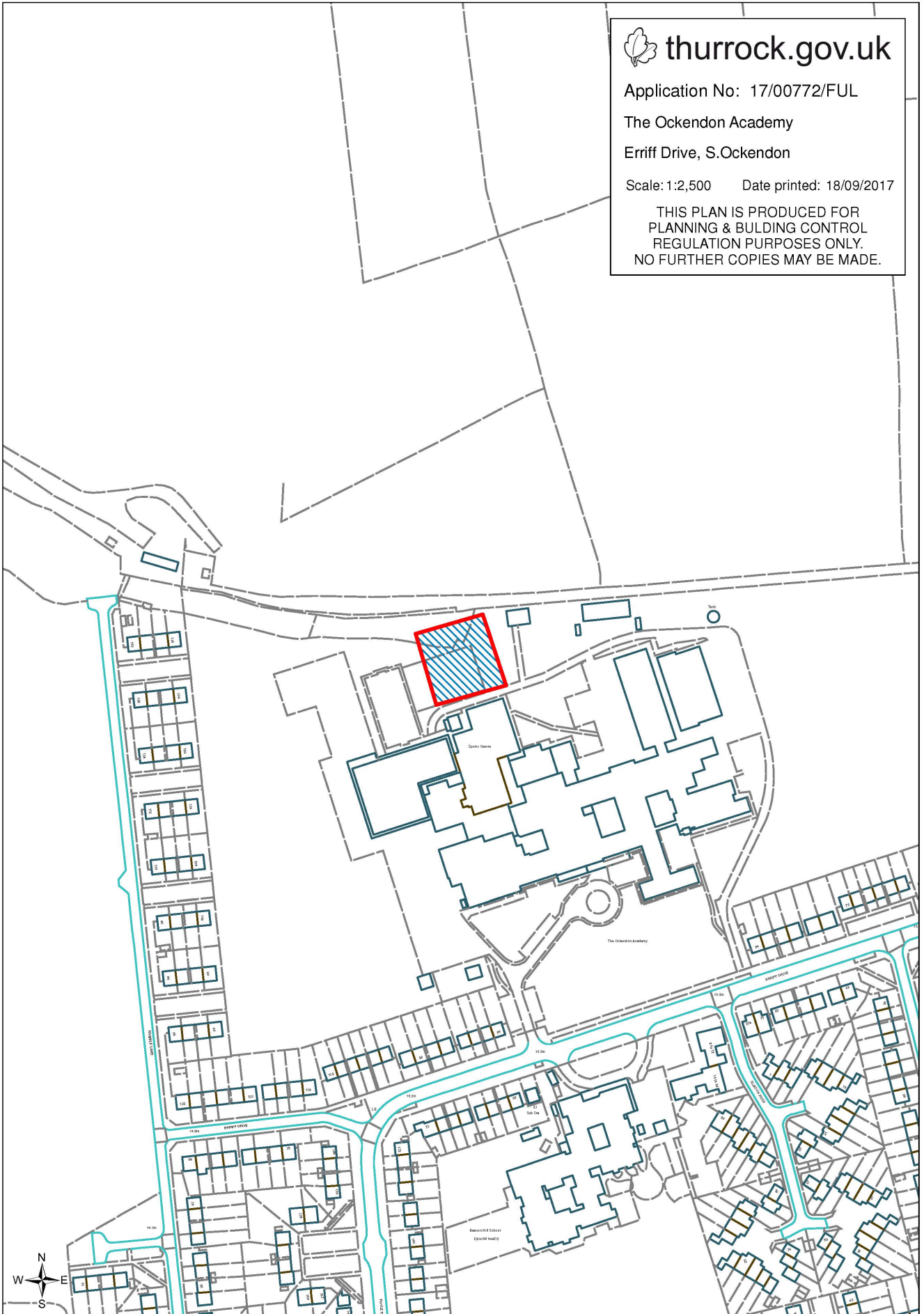
Application No: 17/00772/FUL

The Ockendon Academy

Erriff Drive, S.Ockendon

Scale: 1:2,500 Date printed: 18/09/2017

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Reference: 17/00763/FUL	Site: Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
Ward: Chadwell St Mary	Proposal: Conversion and extension of one residential dwelling to five residential dwellings

Plan Number(s):		
Reference	Name	Received
17.4097/E101Rev A	Existing Site Plan	4 September 2017
17.4097/E102	Existing Ground Floor Plan	7 June 2017
17.4097/E103	Existing First Floor Plan	7 June 2017
17.4097/E104	Existing Roof Plan	7 June 2017
17.4097/E105	Existing Elevations – Sheet 1	7 June 2017
17.4097/E106	Existing Elevations – Sheet 2	7 June 2017
17.4097/E107	Existing Wash Room (Building 1) Plans and Elevations	11 August 2017
17.4097/E108	Existing Green House (Building 2) Plans and Elevations	11 August 2017
17.4097/E109	Existing Barn (Building 3) Plans and Elevations	11 August 2017
17.4097/E110	Existing Container (Building 4) Plans and Elevations	11 August 2017
17.4097/M001	Location Map	7 June 2017
17.4097/M002	Location Plan	7 June 2017
17.4097/M003	Aerial Map	7 June 2017
17.4097/P201 Rev E	Proposed Site Layout	25 August 2017
17.4097/P202 Rev C	Proposed Ground Floor Plan	25 August 2017
17.4097/P203 Rev B	Proposed First Floor and Roof Plan	25 August 2017
17.4097/P204 Rev B	Proposed Elevations – Sheet 1	25 August 2017

The application is also accompanied by: - Planning Support Statement	
Applicant: Mr B Little	Validated: 7 June 2017

	Date of expiry: 31 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 in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (c) as the applicant is a Councillor.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for extensions and alterations to the existing chalet bungalow through a two storey side extension and first floor and roof extension to facilitate the subdivision into 4 x three-bedroom houses and 1 x two-bedroom house.
- 1.2 Off street parking is proposed to be provided at the end of the front gardens of the properties in a row of parking spaces adjacent to Farm Road. The existing front and rear garden would be subdivided for each plot.

2.0 SITE DESCRIPTION

- 2.1 The site measures 0.37 hectares and is occupied by a 4-bedroom chalet on a large triangular shaped plot located on the North West side of Farm Road. The site is within the Green Belt. There are also three outbuildings and a shipping container in the rear garden.

3.0 RELEVANT HISTORY

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 The application has been advertised by way of neighbour letters and a site notice. Objections have been received from seven different addresses raising the following concerns:

- Poor quality of the access road;
- Increased traffic;

- Drainage;
- Incorrect plans;
- Overlooking;
- Light pollution;

4.3 EMERGENCY PLANNING:

No objection.

4.4 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.5 HIGHWAYS:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

Planning Practice Guidance

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
- Determining a planning application
- Planning obligations
- Use of Planning Conditions

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” in 2015. 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:

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)

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
- PMD2 (Design and Layout)²

- PMD6 (Development in the Green Belt)³
- PMD8 (Parking Standards)³
- 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)

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

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

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

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

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and relationship of the development with its surroundings
- III. Amenity considerations
- IV. Access and Parking
- V. Infrastructure
- VI. Other matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The application site lies within the Green Belt where only certain types of development are appropriate. The relevant guidance within the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate unless the proposal involves limited infilling or the partial or complete redevelopment of previously development sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.3 The NPPF defines "previously developed land" to be (page 55): *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

- 6.4 The site in its present form has an area of hard surfacing and existing buildings so clearly complies with the definition of previously developed land. The key issue in this case (in terms of whether the proposal complies with the requirements of the NPPF) is how different the proposed residential dwellings are in terms of Green Belt impact, to the existing dwelling, buildings and hard surfacing.
- 6.5 There would be a 0.05% decrease in volume of building across the site (1524 cubic metres against 1532 cubic metres as existing) and there would be a reduction in built footprint of 21% from 404 sqm to 320 sqm, which adheres to the NPPF. As well as a decrease in volume and footprint of buildings on the site, the proposal is an opportunity to rationalise the site and concentrate built form away from the open Green Belt. Therefore, the development would not have an adverse impact upon the openness of the Green Belt.
- 6.6 Additionally, the appearance of the site would be improved by the removal of the dilapidated buildings.
- 6.7 Given the reduction in footprint and volume, the proposal accords with the guidance in the NPPF in relation to previously developed land and the amended wording of Policy PMD6 of the Core Strategy. There are also benefits arising from the loss of the poor quality dilapidated buildings. Accordingly, the development is considered to be appropriate development in the Green Belt and no objection is raised under this heading.

II. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

- 6.8 The proposal would provide a terrace of five dwellings which would be within the footprint of the present dwelling, except for the extension to the south of the site. The dwellings would be oriented facing east/south east.
- 6.9 Vehicular access to the site would continue to be provided from Farm Road, which is a private road.
- 6.10 The development would result in five dwellings in a two storey terrace finished in brick with a tiled pitched roof. The internal layout of the properties would make the best use of the existing property and the finished development would closely reflect the appearance of the existing house and neighbouring properties.
- 6.11 In respect of layout, appearance and design, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

III. AMENITY CONSIDERATIONS

- 6.12 Due to the orientation of the proposed window arrangement and the distance between the new windows and the existing surrounding properties, the

development would not cause any demonstrable harm through overlooking of any nearby properties.

- 6.13 The Council's Environmental Health Officer has advised that road traffic noise from the A1089 Dock Approach Road would affect the development site. Therefore, a condition should be included on any consent granted to ensure a noise assessment is carried out to determine the acoustic environment for the development and any required mitigation.
- 6.14 The development would ensure that each property would be afforded a private rear garden area in excess of 100 sqm in accordance with Policy PMD2 of the Core Strategy.
- 6.15 In light of the above, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

IV. PARKING AND ACCESS

- 6.16 The Council's Highway Officer raises no objections to the level of parking provision for the development or the access arrangements. The proposal shows a total of 13 car parking spaces proposed for the development, equating to 2 spaces per dwelling plus 3 visitor spaces. The proposal satisfies the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision.
- 6.17 Objections have been received from local residents in relation to the suitability and upkeep of Farm Road, however it is a private road which is not maintained by the Council. The Council's Highway Officer has raised no objections to the use of the road for access to the properties but the upkeep of the road is a private matter and one that cannot be considered as part of this application.

V. INFRASTRUCTURE

- 6.18 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.19 National Planning Practice Guidance states that local planning authorities must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced.

- 6.20 The proposal is for a small scale development and no infrastructure requirements have been identified arising from this development. The site is also below the scale of development that would trigger the requirement for affordable housing provision. Accordingly, is not considered necessary for an s.106 contribution in this instance

VI. OTHER MATTERS

- 6.21 An objection has been raised on the basis of drainage and the potential for the development to decrease the value of their property, however neither of these concerns can be taken into account as part of the planning assessment [loss of value is not a material consideration while drainage matters are addressed through separate legislation].
- 6.22 An objection has also been raised on the basis that the development would cause light pollution. This factor has been considered however it is not considered that the development would increase light pollution to such an extent that would cause demonstrable harm given the location and other light sources already in the vicinity.
- 6.23 Finally, an objector has claimed that the development would encroach on land outside of the applicant's ownership however during the application process information has been supplied which indicates that this is not the case.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is considered acceptable as it would represent an 'appropriate' form of development which would not affect the openness of the Green Belt. There would a minor decrease in volume of built form at the site and the footprint of building would be significantly reduced. The proposal would amalgamate the present buildings on the site and this alongside additional landscaping would improve the appearance of the site. Other matters of detail are also considered to be acceptable.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

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.

PLANS

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

Plan Number(s):		
Reference	Name	Received
17.4097/E101Rev A	Existing Site Plan	4 September 2017
17.4097/E102	Existing Ground Floor Plan	7 June 2017
17.4097/E103	Existing First Floor Plan	7 June 2017
17.4097/E104	Existing Roof Plan	7 June 2017
17.4097/E105	Existing Elevations – Sheet 1	7 June 2017
17.4097/E106	Existing Elevations – Sheet 2	7 June 2017
17.4097/E107	Existing Wash Room (Building 1) Plans and Elevations	11 August 2017
17.4097/E108	Existing Green House (Building 2) Plans and Elevations	11 August 2017
17.4097/E109	Existing Barn (Building 3) Plans and Elevations	11 August 2017
17.4097/E110	Existing Container (Building 4) Plans and Elevations	11 August 2017
17.4097/M001	Location Map	7 June 2017
17.4097/M002	Location Plan	7 June 2017
17.4097/M003	Aerial Map	7 June 2017
17.4097/P201 Rev E	Proposed Site Layout	25 August 2017
17.4097/P202 Rev C	Proposed Ground Floor Plan	25 August 2017
17.4097/P203 Rev B	Proposed First Floor and Roof Plan	25 August 2017
17.4097/P204 Rev B	Proposed Elevations – Sheet 1	25 August 2017

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

NO ADDITIONAL HARDSURFACING OR VEHICLE ACCESS

3. Other than the hardsurfacing shown the approved plans, no additional hardsurfacing shall be carried out on site whatsoever, unless previously agreed in writing by the Local Planning Authority. In addition, vehicle parking shall not take place other than in the areas shown

Reason: In the interests of the privacy and amenity of adjacent occupiers in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) 2015.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D or E of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be erected to the single storey dwelling hereby permitted.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings in accordance with Policy

PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) 2015.

NOISE MITIGATION

5. No development shall take place until details of a scheme for noise insulation of the proposed dwellings have been submitted to, and approved in writing by the local planning authority. The scheme shall assess the noise impact from A1089 Dock Approach Road upon the dwellings and shall propose appropriate measures so that all habitable rooms will achieve 'good' internal levels as specified by BS8233:2014. The scheme shall identify and state the glazing specifications for all the affected windows, including acoustic ventilation, where appropriate. The approved measures shall be incorporated into the residential units in the manner detailed prior to their residential occupation and shall thereafter be permanently retained as approved unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) 2015

HOURS OF CONSTRUCTION

6. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:
Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours.

Reason: In the interest of protecting surrounding residential amenity and in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) 2015.

LANDSCAPING SCHEME

7. No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development [or such other period as may be agreed in writing by the local planning authority] and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with

its immediate surroundings and provides for landscaping as required by policy PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development 2015).

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 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

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Reference: 17/00723/DVOB	Site: DP World Development London Gateway Stanford Le Hope
Ward: Corringham and Fobbing	Proposal: Application for a Deed of Variation to the s106 legal agreement relating to the London Gateway Logistics Park Local Development Order (dated 5th November 2013).

Plan Number(s):		
Reference	Name	Received
LG-CGR-LND-OTA-C2003-DRA-PLN-0341 Rev. 3.0	London Gateway Property Plan	01.06.2017

The application is also accompanied by: <ul style="list-style-type: none"> Covering letter date 31.05.2017 Proposed Amendments Folder 	
Applicant: LG Park Freehold & LG Park Leasehold Ltd.	Validated: 1 June 2017 Date of expiry: 31 October 2017
Recommendation: That the existing s106 agreement be varied in accordance with the table set out at Appendix 1 below.	

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application is made under s106A of the Town and Country Planning Act 1990 (and in accordance with the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992)) and seeks to modify an existing s106 planning obligation associated with the London Gateway Logistics Park development and in particular the association with the London Gateway Logistics Park Local Development Order (the Order).
- 1.2 By way of background, in November 2013 the Council made the Order which effectively granted permitted development rights for commercial development at the Logistics Park site. For information, a LDO grants planning permission for specified classes of development within a defined area. The Order specifies the development that is permitted in the description of development and certain conditions are

imposed. Any proposal that falls within the parameters of the LDO and complies with the conditions and supporting documentation is permitted development. That is to say, it is not necessary to make a specific application for each development within the Logistics Park. Instead, under the terms of the LDO, a developer submits a "prior notification form" to the Council advising what development is proposed. The Council as local planning authority will then confirm within 28 days whether or not the development set out within the prior notification form conforms to the terms of the LDO. If it is found to be in conformity then the development may proceed without further reference to the Council.

- 1.3 The development permitted by the LDO comprises buildings within the B2 (general industry), B8 (storage and distribution), B1(b) (research and development) and B1(c) (light industry) use classes with ancillary uses. Once built, the LDO permits changes of use subject to certain controls to ensure a mix of development. The LDO also permits the land-raising and the remediation of any remaining contamination. A summary of the description of the development permitted by the proposed LDO is as follows:
- (a) the erection, extension, demolition or alteration of industrial buildings or warehouses within Use Classes B1(b) (research and development), B1(c) (light industry), B2 (general industry), B8 (storage and distribution) and associated ancillary uses;
 - (b) the change of use of a building within Class B8 to Classes B1(b), B1(c) or B2. The change of use of a building within Classes B1(b) or B1(c) to Classes B2 or B8. The change of use of a building within Class B2 to Classes B1(b), B1(c) or B8;
 - (c) associated infrastructure including internal roads, landscaping, drainage, vehicle refuelling facilities and utilities infrastructure;
 - (d) site preparation works comprising remediation and land raising.
- 1.4 The LDO permits 829,700 sq.m. of commercial floorspace, with maximum building heights between 16 metres and 42 metres above finished floor levels, with the tallest buildings permitted on that part of the LDO site closest to the adjacent Port. The LDO also permits associated ancillary development including and the provision of supporting infrastructure.
- 1.5 The development permitted by the Order is subject to compliance with a number of general conditions and more specific conditions associated with the built floorspace and supporting infrastructure. Development is also subject to compliance with a Design Code, a Code of Construction Practice and an Ecological Mitigation and Management Plan. Finally, a s106 agreement accompanies the Order.. In summary, the LDO s106 agreement places the following obligations on the landowner:

- Training Facility - provision of land for a permanent training facility;
- Travel Plan & Public Transport Measures - Implementation of and compliance with the Travel Plan, (with associated mechanisms for payments - including a contribution to a bus turnaround at Stanford-le-Hope railway station, local highway or highway-related improvement if not already paid under the Port S.106 and funding of the Travel Plan Coordinator) monitoring and approval);
- Highway Improvements – payments or completion of works (if specified traffic flow figures are breached) comprising –
 - Sorrells / A1014 junction scheme
 - installation of a signalised pedestrian phased Toucan crossing across the A1014 at its junction with Gifford Cross Road
 - financial contribution(s) towards A13 link 5 widening
 - a scheme for mitigation at jct. 30 (M25)
 - refurbishment of pedestrian subways under the A1014
 - provision of a sologuard barrier system on the A1014
 - provision of a low-noise road surface on part of the A1014
 - completion of acoustic noise barriers in specified locations
 - provision of landscaping at specified locations along the A1014
 - financial contribution towards highway amenity improvements.
- Apprenticeships and Local Employment;
- Monitoring.

1.6 Since the making of the LDO in November 2013 a number of developments have been submitted via the prior notification and / or implemented on-site comprising:

- London Gateway Logistics Centre building (c. 36,000 sq.m. floorspace);
- DP World / Prologis building (c. 29,000 sq.m. floorspace);
- UPS building (c. 37,000 sq.m. floorspace);
- phase 1 infrastructure (roads, drainage, landscaping etc.)
- site-wide land raising.

1.7 In submitting the current application for modifications to the s106 agreement accompanying the LDO the applicant states that:

“through the process of establishing Prior Notification and subsequently implementing the scheme pursuant to the LDO a number of matters have come to light which make the fulfilment of obligations within the LDO s106 agreement unviable or, as written, undesirable to parties, offering what are now recognised as

sub-optimal outcomes. In some cases changes in circumstances now allow more effective interventions to be identified. In one case it is now evident that the original obligation was simply worded incorrectly due to a transposition error”.

- 1.8 The proposed modifications to the s106 agreement comprise 9 issues which are set out in full in the table at Appendix 1.

2.0 SITE DESCRIPTION

- 2.1 The London Gateway Port and Logistics Park site comprises the site of the former Shell Haven oil refinery, which is generally located to the south-east of Corringham and south of The Manorway (A1014).
- 2.2 London Gateway Port, located south of the Thameshaven branch railway line, commenced operations in late 2013 and there are currently 3 operational berths (with potential for a further 3 shipping berths). London Gateway Logistics Park is adjacent to the Port on the northern side of the branch railway line and south of the A1014. The Park site covers an area of c.220 hectares which has been cleared of all former refinery buildings and structures and has also been subject to an extensive ecological clearance and relocation programme. Road, drainage and landscaping infrastructure to serve the first phase of Park development has been completed. A number of warehouse buildings have either been constructed, or are under construction, pursuant to the LDO.

3.0 RELEVANT HISTORY

- 3.1 As noted in paragraph 1.2 above, the Council made the Order in November 2013. Since this date the following pre-notifications of development have been submitted:

Reference	Description of Proposal	Decision
14/00368/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior-notification of Development - Proposed common infrastructure corridors within the London Gateway Logistics Park comprising roads, shared use footways/cycleways, landscaping, drainage and service ducts.	Permitted development
14/00441/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLD) Prior-notification of Development: Proposed erection of a Class B8 warehouse and ancillary office accommodation with associated plot parking, loading and	Permitted development

	unloading areas, site access and circulation roads and footways, refuelling and vehicle wash facilities, plant rooms incorporating substations, drainage, landscaping and land raising.	
14/00937/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: Erection of a B8 Warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulation roads and footpaths, plant deck, electrical infrastructure, drainage, landscaping and landraising.	Permitted development
14/01262/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior-notification of Development: Electrical infrastructure comprising 2x primary substations (A&B), 3x street lighting substations and 10x ring main units. Associated land-raising and access and service infrastructure.	Permitted development
15/00393/LDOPND	Proposed non or minor material amendment to development permitted by the London Gateway Logistics Park Local Development Order (reference 14/00937/LDOPND - Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulation roads and footpaths, plant deck, electrical infrastructure, drainage, landscaping and landraising).	Permitted development
15/00395/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: additional surface water discharge outfall (incorporating headwall) to park infrastructure swale serving Plot 3010 (Prologis).	Permitted development
15/00665/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: Ground raising and levelling across the remaining area of	Permitted development

	the logistics park site not previously the subject of prior notifications.	
15/00931/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) - Prior Notification of Development: Erection of a Class B8 warehouse and ancillary office accommodation (Class B1a), automotive servicing and repair facility (B2), plot parking, loading and unloading areas, site access and circulation roads and footpaths, electrical infrastructure, drainage, landscaping and land raising, including the introduction of storm water ponds.	Permitted development
15/01019/LDOPND	Proposed non or minor material amendment to development permitted by the London Gateway Logistics Park Local Development Order (reference 14/00937/LDOPND, as amended by 15/00393/LDOPND - Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulation roads and footpaths, plant deck, electrical infrastructure, drainage, landscaping and landraising).	Permitted development

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

4.2 PUBLICITY:

This application has been advertised by way of a newspaper advertisement. No replies have been received.

4.3 HIGHWAYS ENGLAND:

No response received.

4.4 LANDSCAPE & ECOLOGY ADVISOR:

No objections.

4.5 HIGHWAYS:

No objections.

4.6 TRAVEL PLAN CO-ORDINATOR:

No objections.

4.7 REGENERATION:

No response received.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

5.3 Planning Practice Guidance

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

- Planning obligations

Local Planning Policy

5.4 Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) (2015)

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

Spatial Policies:

- CSSP2 (Sustainable Employment Growth);
- CSSP3: Sustainable Infrastructure; and
- OSDP1: (Promotion of Sustainable Growth and Regeneration in Thurrock).

Thematic Policies:

- CSTP6: Strategic Employment Provision;
- CSTP15: (Transport in Greater Thurrock);
- CSTP16: National and Regional Transport Networks; and
- CSTP17: Strategic Freight Movement and Access to Ports.

Policies for the Management of Development:

- PMD7 (Biodiversity, Geological Conservation and Development);
- PMD10 (Transport Assessment and Travel Plans);
- PMD11 (Freight Movement); and
- PMD16 (Developer Contributions).

5.5 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was

adopted by Council on the 28th February 2015.

5.6 Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

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

The above report was considered at the February 2014 meeting of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

5.8 Thurrock Local Plan

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

6.0 **ASSESSMENT**

6.1 The background to this case is set out above. In summary, the existing s106 agreement associated with the Order places obligations on both London Gateway and the Council under the headings of:

- a training facility;
- Travel Plan and public transport measures;
- highways improvements;

- contributions towards A13 widening works;
- apprenticeships and local employment; and
- monitoring.

The s106 obligations are therefore focused on measures to mitigate the impacts of the development permitted by the LDO on the transportation network and to maximise opportunities for local employment and training. An assessment of the implications associated with the proposed amendments to the existing s106 (using the references at the table at Appendix 1 of this report is set out below.

1. Schedule 2, Clause 4.2 – A1014 Landscaping:

- 6.2 The current obligation requires London Gateway to carry out a specified scheme of landscaping if defined traffic flow triggers are breached during peak hours. The specified scheme is set out in a number of drawings forming an appendix to the s106 agreement.
- 6.3 The current proposal is to substitute an alternative landscaping scheme as London Gateway considers the approved scheme to be unsuitable given the ground conditions in the locality. Prior to the submission of this application for a deed of variation the applicant liaised with the Council’s Landscape and Ecology consultant who noted that the area subject to this obligation is very wet and the approved scheme would be unsuitable because the size of the proposed planting stock required machinery unsuited to such ground conditions.
- 6.4 The current application is supported by an amended landscaping scheme which is considered to be acceptable and suitable for ground conditions. Consequently, there are no objections to this proposed variation.

2. Schedule 2, Clause 4.2 – Traffic Flow Triggers Table:

- 6.5 Clause 4.2 of the current agreement refers generally to highway improvements (either physical works or financial contributions) which are linked to a table of traffic flow figures, expressed as passenger car units or commercial vehicles during peak hours. If the traffic flow figures are breached the obligation requires London Gateway to make the financial contributions or procure the carrying out of the works.
- 6.6 The current proposal is to replace the approved traffic flow table with a new table in order to correct errors in the original table. The proposed changes to the table are set out below, with deletions struck-through and new wording in italics.

Item	Work or Payment	Period	Flow Trigger
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			PCUs	OGV2s
1	Sorrells / A1014 Junction Scheme	Development Peak	1458	
2	Installation of a signalised pedestrian phased Toucan crossing across The Manorway dual carriageway at its junction with Gifford Cross Road	AM Peak	204	
		PM Peak	176216	-
		PM Peak	486	
3	A13 Second Contribution (subject to the provisions of paragraph 5)	AM Peak	1482	
		PM Peak	1533	
4	M25 Junction 30 Works	AM Peak		189
		PM Peak		189
		PM Peak	164	
5	The Subway Improvements	AM Peak	204	
		PM Peak	216	
6	The Sologuard Barrier System	AM Peak	204	
		PM Peak	216	
7	The Low-Noise Surfacing	AM Peak	612	
		PM Peak	668	
8	The Acoustic Fencing	AM Peak	216	
		PM Peak	228	
9	The A1014 Landscaping	AM Peak	216	
		PM Peak	228	

6.7 The substantive changes which are proposed are to change the PM Peak trigger for Item 2 (as the original Table shows two PM Peak triggers for passenger car units) and the introduction of a PM Peak trigger for Item 9. There are no objections from the Highways Officer to the proposed changes and it is relevant that a number of the works have already been completed. Consequently, there are no objections to this proposed variation.

3. Schedule 2, Clause 4.2 – Highway Improvements:

6.8 Clause 4.2 currently states –

“The LG Companies will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow Triggers set out in relation to that work or payment in the following Table are breached:”

6.9 The Table accompanying Clause 4.2 refers to the works or payments detailed by paragraph 6.6 of this report. Therefore, Clause 4.2 requires the payments or the

carrying out of the works if the Flow Triggers are breached. The proposed amendment would keep the Clause intact, but would add the following wording at the end of the Clause:

“unless otherwise agreed by the Local Highways Authority (or Highways England with regard to the M25 Junction 30 Works)”

- 6.10 In support of the proposed additional wording, the applicant states that there may be circumstances beyond their control which could delay completion of highways improvement works. For example, London Gateway consider that during the proposed A13 widening works the installation of Low-Noise Surfacing to the A1014 (Item 7 with the accompanying Table). The proposed additional wording would allow some flexibility for London Gateway to request, for example, a delay to the installation of Low-Noise Surfacing if the relevant Flow Trigger is breached during the scheduled A13 widening works. However, the proposed wording still requires the agreement of the Council as Highways Authority, or Highways England in respect of works affecting the strategic network. Consequently, there are no objections to this proposed variation.

4. Schedule 2, Clause 8.1 – Traffic Monitoring Strategy:

- 6.11 Clause 8.1 requires London Gateway to implement a ‘Traffic Monitoring Strategy’ on first occupation of the development and for 15 years thereafter. The Strategy itself appears as an appendix to the a106 agreement. Clause 5.0 of the Strategy (as appended to the s106) states:

“If, in verifying the data the LGTPC (London Gateway Travel Plan Committee) identify issues with the accuracy or quality of the data, the LGTPC will agree a revised methodology with the LG Companies which will be implemented within a 4 week period”.

- 6.12 In support of the proposal the applicant refers to a meeting of the LGTPC in January 2016 during which the Chair proposed an amendment to the Strategy. The subsequent minutes of this meeting confirm that all parties, including Highways England and Thurrock Highways) agreed the revised strategy.

- 6.13 Consequently there is no objection to this element of the proposals, which is intended in order to ensure consistency between the s106 agreement and the already agreed revisions.

5. Schedule 2, Clause 3.1 – Travel Plan:

6.14 Clause 3.1 generally requires London Gateway to procure the implementation of a Travel Plan. This Plan (dated October 2013) is set out as an appendix to the s106 agreement. Paragraphs 5.25 and 5.26 of the Travel Plan refer to measures and initiatives for occupiers of the logistics park as follows:

“5.25 At least 2 months prior to the first operational use of each commercial building the Occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of this Travel Plan, to the member parties of the LGTPC. ...”

“5.26 The TLO (Transport Liaison Officer) in respect of each commercial building within the Logistics Park shall be appointed at least one month prior to the first operational use of the building ... “

6.15 The applicant states that with speculative building projects end occupiers are not known until close to occupation. Furthermore with multi-occupancy buildings end users may not be known until after first occupancy. Therefore the following amendments to clauses 5.25 and 5.26 of the Travel Plan are sought with deletions struck-through and new wording in italics:

“5.25 The occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of the Travel Plan ~~At least 2 months prior to the first operational use of each commercial building the Occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of this Travel Plan, to the member parties of the LGTPC:~~

- a) for speculative buildings, within 2 months of the completion of the freehold / leasehold occupation agreement; or*
- b) for non-speculative buildings, at least 2 months prior to the first operation use of each commercial building*

The Occupier Travel Plan shall include details of the..... ”

“5.26 The TLO in respect of each commercial building within the Logistics Park shall be appointed ~~at least one month prior to first operational use of the building (or alternatively ...:~~

- a) for speculative buildings within 2 months of the completion of the freehold / leasehold occupation agreement; or*
- b) for non speculative buildings at least one month prior to the first operational use of the building*

(or alternatively ...

- 6.16 The effect of the proposed changes would be to differentiate between speculative and non speculative buildings in respect of the requirements to submit an Occupier Travel Plan and appoint a Transport Liaison Officer. The Travel Plan Co-Ordinator has no objection to the proposals and consequently there are no objections to this proposed variation.

6. Schedule 2, Clauses 2.1 and 2.2 – Training Facility:

- 6.17 The Training Facility is defined in the legal agreement as a building up to c. 8,300 sq.m. floorspace which will offer training assistance and guidance to persons working in and wishing to work in the development. In summary, London Gateway is required to make land for the Facility available and the Council are required to provide the facility.

- 6.18 Clauses 2.1 and 2.2 currently state:

“2.1 LG Park Freehold and LG Park Leasehold shall prior to Occupation (or such other time as may be agreed between TBC, LG Park Freehold and LG Park Leasehold) identify the Training Facility Land”.

“2.2 LG Park Freehold or LG Park Leasehold shall not cause or permit Occupation without having granted to TBC in consideration of £1 an option for 5 years (“Option Period”) to acquire the freehold of the land for £1, such option (“the Option”) to be in the form reasonably required by LG Park Freehold and LG Park Leasehold and to incorporate the Special Conditions of Sale set out in Schedule 4”.

- 6.19 In support of the application London Gateway suggest that the Council are not yet in a position to implement the Training Facility and so it is proposed to defer identification of the Training Facility Land. The applicant states that this will give the Council more time to obtain funds and take the steps necessary to implement the Training Facility. The proposed amendments to these clauses are (deletions struck-through and new wording in italics):

“2.1 LG Park Freehold and LG Park Leasehold shall, before the expiration of 7 years from the date that the LDO was made, ~~prior to Occupation~~ (or such other time as may be agreed between TBC, LG Park Freehold and LG Park Leasehold) identify the Training Facility Land”.

“2.2 LG Park Freehold or LG Park Leasehold shall ~~not cause or permit Occupation~~ before the expiration of 7 years from the date that the LDO was made”.

~~without having granted~~ to TBC in consideration of £1 an option for 5 years (“Option Period”) to acquire the freehold of the land for £1, such option (“the Option”) to be in the form reasonably required by LG Park Freehold and LG Park Leasehold and to incorporate the Special Conditions of Sale set out in Schedule 4”

- 6.20 The proposed amendment is beneficial to the Council in affording more time to arrange for implementation of the Training Facility. Consequently there are no objections to this proposed variation.

7. Schedule 2, Clause 3.1 – Travel Plan:

- 6.21 Clause 3.1 requires London Gateway to procure the implementation of Travel Plan which forms Appendix 4 to the s106 agreement. The applicant refers to paragraph 5.24 of the Travel Plan which concerns occupiers and states:

“All commercial buildings and associated plots shall provide the following facilities prior to first occupation of each respective building:

- *Footway / Cycleway facilities in accordance with of the LDO Design Code*
- *Secure and covered cycle parking in accordance with the LDO Design Code*
- *Showers and lockers in accordance with the Design Code*
- *Display panels capable of receiving and displaying real time passenger transport information. The Occupier shall use reasonable endeavours to procure the supply of real time passenger transport information to the panels which shall be located in a prominent position within each building*
- *Dedicated and conveniently located parking spaces for electric vehicles, along with adjacent charging points and facilities, in accordance with the Design Code*

The above facilities shall be maintained for the duration that the related building is in operational use for use by staff employed within the building plot.”

- 6.22 The applicant refers to a typographical error within the first bullet-point above (“in accordance with of the LDO Design Code”). With regard to the fourth bullet-point above (display panels), the applicant considers that advances in internet and mobile phone technology has made the requirement for display panels obsolete. The applicant considers that staff would be more likely to access real time transport information via desktop computer or mobile phone, furthermore such information could be used for inbound as well as outbound journeys. The applicant therefore proposes amendment to paragraph 5.24 as follows (deletions struck-through and new wording in italics):

“5.24 All commercial buildings and associated plots shall provide the following facilities prior to first occupation of each respective building:

- Footway / Cycleway facilities in accordance with *Section B* of the LDO Design Code
- Secure and covered cycle parking in accordance with the LDO Design Code
- Showers and lockers in accordance with the Design Code
- ~~Display panels capable of receiving and displaying real time passenger transport information. The Occupier shall use reasonable endeavours to procure the supply of real time passenger transport information to the panels which shall be located in a prominent position within each building~~
- Dedicated and conveniently located parking spaces for electric vehicles, along with adjacent charging points and facilities, in accordance with the Design Code

The above facilities shall be maintained for the duration that the related building is in operational use for use by staff employed within the building plot.

The TLO for each building shall investigate the availability of a mobile phone app or website which is capable of providing real time information regarding public transport facilities in the vicinity. Where such information is available the relevant app or website shall be advertised to staff based within the building.”

- 6.23 The Travel Plan Co-Ordinator raises no objection to the proposed amendment to the Travel Plan and there are no objections to this proposed variation.

8. Schedule 2, Clauses 5.1 to 5.4 – A13 Contribution:

- 6.24 This element of the s106 agreement refers generally to a financial contribution to the Council towards the widening of the A13 (“the Contribution”). Clauses 5.1 to 5.4 define the value of the Contribution, timescales for payment and the timeframe for delivery of the widening works. In support of this application London Gateway refer to the previous consent of the A13 Project Team that the Contribution can be made in two equal instalments, with the first payment as per the existing agreement and a second payment one year after. The applicant has provided e-mail correspondence confirming agreement to the two-stage contribution.
- 6.25 The proposed amendments to Clauses 5.1 to 5.4 are set out below, with proposed deletions struck-through and proposed additions in italics:
- 5.1 Subject to the following provisions of this paragraph 5, LG Park Freehold or LG Park Leasehold will pay, upon written demand by TBC, a *two*

contributions (“the Contribution *First Contribution*” and “the *Second Contribution*”) to the 3 lane widening of the A13 Link 5 or alternative measures to improve capacity or enhance safety on A13 Link 5 in recognition of the proportional benefit that the widening or alternative measures will bring to the Development.

5.2 TBC may only issue a written demand for the *First Contribution* once TBC has obtained all necessary consents for the 3 lane widening of the A13 Link 5 (or the alternative measures) and is in a position to let a construction contract for the 3 lane widening of the A13 Link 5 (or the alternative measures). *The Second Contribution shall be paid on the first anniversary of the First Contribution.*

5.3 The amount of the *First Contribution and the Second Contribution* will each be an amount equal to £3,164,000. *The First Contribution shall incorporate the sum of £750,000 specified in Clause 7(b) of Schedule 1 of the Deed of Variation dated 25th January 2016 between London Gateway Port Limited and Thurrock Borough Council. The Second Contribution shall incorporate two sums of £347,000 specified in Clauses 2.2 and 2.3 of schedule 3 of the agreement pursuant to Section 106 of the Town and Country Planning Act dated 18th May 2007 relating to the London Gateway Port Harbour Empowerment Order. 11.4% of the cost of the 3 lane widening of the A13 Link 5 (or the alternative measures) minus £1,900,000 (“the Total Cost”) but in any event will not exceed the amount of £6,939,000.*

5.4 TBC shall Complete the 3 lane widening of the A13 Link 5 works or alternative measures within 36 months of the receipt of the *First Contribution*, unless otherwise agreed by LG Park Freehold or LG Park Leasehold.

6.26 The Council’s Highway Officer has no objection to the proposals and consequently there are no objections to this proposed variation.

9. Schedule 2, Clauses 7.1 to 7.3 – Apprenticeships and Local Employment:

6.27 These clauses generally require the submission to the Council for approval of an Apprenticeships and Local Employment Plan (ALEP) for each plot. A template for the production of an ALEP appears as an appendix to the s106 agreement. In support of this application, London Gateway refers to conversations with the Council’s Economic Development Officers which confirm that the above clauses and appendix do not reflect the current climate regarding local employment and skills. E-mail correspondence provided by the applicant confirms a dialogue between London Gateway and Economic Development Officers regarding the potential content and targets for an amended ALEP. The applicant’s proposal is

therefore to negotiate and agree with the Council amendments to both Clauses 7.1 to 7.3 and the ALEP appearing at Appendix 10 of the agreement. There are no objections to this proposal.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

7.1 This application for a deed of variation seeks amendments to the s106 agreement accompanying the LDO in respect of landscaping, traffic flow triggers, traffic monitoring, travel planning, the training facility, the A13 widening contribution and local employment. The proposed amendments are generally matters of detail and do not alter the general thrust of what the s106 sets out to deliver. Therefore no objections are raised.

8.0 RECOMMENDATION

8.1 **A** – that the existing s106 agreement be varied in accordance with the table at paragraph 1.9 above; and

B – that authority is delegated to the Assistant Director - Planning and Growth to negotiate and complete any consequential changes to the s106 agreement resulting from the proposed deed of variation.

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

Appendix 1

No.	LDO S106 Reference	Current Obligation	Issue	Proposed Modified Obligation
1	Schedule 2, Clause 4.2	To procure the A1014 Landscaping (in accordance with the 7 drawings appended at Appendix 6 of the LDO S106 Agreement) prior to the stated traffic triggers being breached	Landscaping proposals set out on the 7 drawings at Appendix 6 of the LDO S106 Agreement) are not suitable for ground conditions	To procure the A1014 Landscaping (in accordance with the following documents: <ul style="list-style-type: none"> - CS062418-LS-001 Rev.P05 - CS062418-LS-002 Rev.P05 - CS062418-LS-004 Rev.P05 - CS062418-LS-005 Rev.P06 - CS062418-LS-010 Rev.P01 - CS062418-LS-011 Rev.P01 - CS062418-LS-015 Rev.P03 - CS062418-MAN-PRI Rev.P02 - CS062418-MAN-SPEC Rev.P03 - CS062418-MAN-SPEC Rev.PO3 - Inspection Record - Pesticides Record prior to the stated traffic triggers being breached
2	Schedule 2, Clause 4.2	London Gateway will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow	Some of the triggers are incorrectly represented as a result of what appears to have been a transposition error, which was not picked up at the time the Agreement was completed	Replace Flow Trigger table with an amended table

		Triggers set out in relation to that work or payment in the following table are breached		
3	Schedule 2, Clause 4.2	London Gateway will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow Triggers set out in relation to that work or payment in the following table are breached	Circumstances may occur whereby matters beyond London Gateway's control delay the time by which London Gateway are able to complete works packages set out in the Table. Such circumstances may include where the relevant highway authority is carrying out other works in the same locality. An example is the A13 widening works programmes to be carried out between September 2017 and September 2019. The Low Noise Surfacing works (Item 7 in the Table) could not be completed whilst the A13 widening works are underway	Amend Clause 4.2 to state: <i>"The LG Companies will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow Triggers set out in relation to that work or payment in the following table are breached, unless otherwise agreed by the Local Highways Authority (or Highways England with regard to the M25 Junction 30 Works)"</i>
4	Schedule 2, Clause 8.1	From the first occupation of the development until the fifteenth anniversary of the coming into force of the LDO, the LG Companies must implement the Traffic Monitoring Strategy	The Traffic Monitoring Strategy is provided at Appendix 3 of the LDO S106. Clause 5.0 of the Strategy states "If, in verifying the data the LGTPC identify issues with the accuracy or quality of the data, the LGTPC will agree a revised methodology with the LG Companies which shall be	From the first occupation of the development until the fifteenth anniversary of the coming into force of the LDO, the LG Companies must implement the Revised Traffic Monitoring Strategy.

			<p>implemented within a 4 week period". In December 2015 the chairman of the London Gateway Travel Plan Committee (LGTPC) proposed amendment to the Traffic Monitoring Strategy. This was unanimously agreed by members. The decision to amend the Traffic Monitoring Strategy was recorded in the minutes of the 26/01/16 LGTPC meeting</p>	
<p>5</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 123</p>	<p>Schedule 2, Clause 3.1</p>	<p>The LG Companies will procure the implementation of the Travel Plan, including as to payments to the Council according to its terms.</p> <p>Clause 5.25 of Travel Plan states <i>"At least 2 months prior to the first operational use of each commercial building the Occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of this Travel Plan, to the member parties of the LGTPC. The Occupier Travel Plan shall include details of the..... "</i></p> <p>Clause 5.26 of the Travel Plan states</p>	<p>Very difficult to achieve regarding speculative builds because end users are not known until very close to first occupation or in some cases after first occupation (where building is to be under multi occupancy)</p>	<p>Amend Clause 5.25 of Travel Plan to state:</p> <p><i>"The occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of this Travel Plan, to the member parties of the LGTPC:</i></p> <p><i>a) for speculative buildings, within 2 months of the completion of the freehold/leasehold occupation agreement; or</i></p> <p><i>b) for non speculative buildings, at least 2 months prior to the first operational use of each commercial building</i></p> <p><i>The occupier Travel Plan shall include details of the....."</i></p>

		<p><i>"The TLO (Transport Liaison Officers) in respect of each commercial building within the Logistics Park shall be appointed at least one month prior to the first operational use of the building (or alternatively..... "</i></p>		<p>Amend Clause 5.26 of the Travel Plan to state:</p> <p><i>"The TLO in respect of each commercial building within the Logistics Park shall be appointed:</i></p> <p><i>a) for speculative buildings within 2 months of the completion of the freehold/leasehold occupation agreement; or</i></p> <p><i>b) for non speculative buildings at least one month prior to the first operational use of the building (or alternatively..... "</i></p>
	<p>Schedule 2, Clauses 2.1 and 2.2</p>	<p>Clause 2.1 states <i>"LG Park Freehold and LG Park Leasehold shall prior to Occupation (or such other time as may be agreed between TBC, LG Park Freehold and LG Park Leasehold) identify the Training Facility Land"</i></p> <p>Clause 2.2 states <i>"LG Park Freehold or LG Park Leasehold shall not cause or permit Occupation without having granted to TBC in consideration of £1 an option for 5 years ("Option Period") to acquire the freehold of the land for £1, such option ("the Option")</i></p>	<p>The Council are not in a position to implement the Training Facility. As such it has been proposed to defer identification of land for 7 years so the Council have more time to obtain funds and take the necessary steps towards implementation of the Training Facility</p>	<p>Amend Clause 2.1 to state:</p> <p><i>"LG Park Freehold and LG Park Leasehold shall, before the expiration of 7 years from the date that the LDO was made, (or such other time as may be agreed between TBC, LG Park Freehold and LG Park Leasehold) identify the Training Facility Land "</i></p> <p>Amend Clause 2.2 to state:</p> <p><i>"LG Park Freehold or LG Park Leasehold shall, before the expiration of 7 years from the date that the LDO was made, grant to</i></p>

		<i>to be in the form reasonably required by LG Park Freehold and LG Park Leasehold and to incorporate the Special Conditions of Sale set out in Schedule 4"</i>		<i>TBC in consideration of £1 an option for 5 years ("Option Period") to acquire the freehold of the land for £1, such option ("the Option") to be in the form reasonably required by LG Park Freehold and LG Park Leasehold and to incorporate the Special Conditions of Sale set out in Schedule 4"</i>
7	Schedule 2, Clause 3.1	<p>The LG Companies will procure the implementation of the Travel Plan, including as to payments to the Council according to its terms. Clause 5.24 of the Travel Plan states:</p> <p><i>"All commercial buildings and associated plots shall provide the following facilities prior to first occupation of each respective building:</i></p> <ul style="list-style-type: none"> - <i>Footway/cycleway facilities in accordance with of the LDO Design Code</i> - <i>Secure and covered cycle parking in accordance with the LDO Design Code</i> - <i>Showers and lockers in accordance with the Design Code</i> - <i>Display panels capable of receiving and displaying real time passenger transport information. The Occupier</i> 	<p>Typo in first bullet point of Travel Plan Clause 5.24.</p> <p>With regard to 4th bullet point of Travel Plan Clause 5.24, advances in the internet and mobile phone technology has made the requirement for centrally located display panels obsolete. Where real time information is available staff would be able to access such information via their mobile phone or desktop. This would also allow the information to be utilised for inbound, in addition to outbound journeys and would not require staff to muster in a central location to view the information.</p>	<p>The LG Companies will procure the implementation of the Travel Plan, including as to payments to the Council according to its terms.</p> <p>Clause 5.24 of the Travel Plan to state:</p> <p><i>"All commercial buildings and associated plots shall provide the following facilities prior to first occupation of each respective building:</i></p> <ul style="list-style-type: none"> - <i>Footway/cycleway facilities in accordance with Section B of the LDO Design Code</i> - <i>Secure and covered cycle parking in accordance with the LDO Design Code</i> - <i>Showers and lockers in accordance with the Design Code</i> - <i>Dedicated and conveniently located parking spaces for electric vehicles, along with adjacent charging points and facilities, in accordance with the Design Code</i> <p><i>The above facilities shall be maintained for</i></p>

<p>Page 126</p>		<p><i>shall use reasonable endeavours to procure the supply of real time passenger transport information to the panels which shall be located in a prominent position within each building</i></p> <p><i>- Dedicated and conveniently located parking spaces for electric vehicles, along with adjacent charging points and facilities, in accordance with the Design Code</i></p> <p><i>The above facilities shall be maintained for the duration that the related building is in operational use for use by staff employed within the building plot"</i></p>		<p><i>the duration that the related building is in operational use for use by staff employed within the building plot.</i></p> <p><i>The TLO for each building shall investigate the availability of a mobile phone app or website which is capable of providing real time information regarding public transport facilities in the vicinity. Where such information is available the relevant app or website shall be advertised to staff based within the building."</i></p>
	<p>8 Schedule 2, Clause 5.1 to 5.4</p>	<p><i>Clause 5.1: "Subject to the following provisions of this paragraph 5, LG Park Freehold or LG Park Leasehold will pay, upon written demand by TBC, a contribution ("the Contribution") to the 3 lane widening of the A13 Link 5 or alternative measures to improve capacity or enhance safety on A13 Link 5 in recognition of the proportional benefit that the widening or alternative measures will bring to the Development."</i></p>	<p>It has been agreed with the A13 Project Team that the payment can be made in two equal instalments, the first as stated in the agreement with the second on the first anniversary of the first payment</p>	<p>Amend Clauses 5.1 to 5.4 to state:</p> <p><i>"Subject to the following provisions of this paragraph 5, LG Park Freehold or LG Park Leasehold will pay, upon written demand by TBC, two contributions ("the First Contribution" and "the Second Contribution") to the 3 lane widening of the A13 Link 5 or alternative measures to improve capacity or enhance safety on A13 Link 5 in recognition of the proportional benefit that the widening or alternative measures will bring to the Development ."</i></p>

Clause 5.2: *"TBC may only issue a written demand for the Contribution once TBC has obtained all necessary consents for the 3 lane widening of the A13 Link 5 (or the alternative measures) and is in a position to let a construction contract for the 3 lane widening of the A13 Link 5 (or alternative measures)."*

Clause 5.3: *"The amount of the Contribution will be an amount equal to 11.4% of the cost of the 3 lane widening of the A13 Link 5 (or alternative measures) minus £1,900,000 ("the Total Cost") but in any event will not exceed the amount of £6,939,000."*

Clause 5.4: *"TBC shall Complete the 3 lane widening of the A13 Link 5 works or alternative measures within 36 months of receipt of the Contribution unless otherwise agreed LG Park Freehold or LG Park Leasehold."*

"TBC may only issue a written demand for the First Contribution once TBC has obtained all necessary consents for the 3 lane widening of the A13 Link 5 (or the alternative measures) and is in a position to let a construction contract for the 3 lane widening of the A13 Link 5 (or alternative measures). The Second Contribution shall be paid on the first anniversary of the First Contribution "

"The amount of the First Contribution and the Second Contribution will each be an amount equal to £3,164,000. The first contribution shall incorporate the sum of £750,000 specified in Clause 7(b) of Schedule 1 of the Deed of Variation dated 25th January 2016 between London Gateway Port Limited and Thurrock Borough Council. The Second Contribution shall incorporate two sums of £347,000 specified in Clauses 2.2 and 2.3 of Schedule 3 of the agreement pursuant to Section 106 of the Town and Country Planning Act dated 18th May 2007 relating to the London Gateway Port Harbour Empowerment Order "

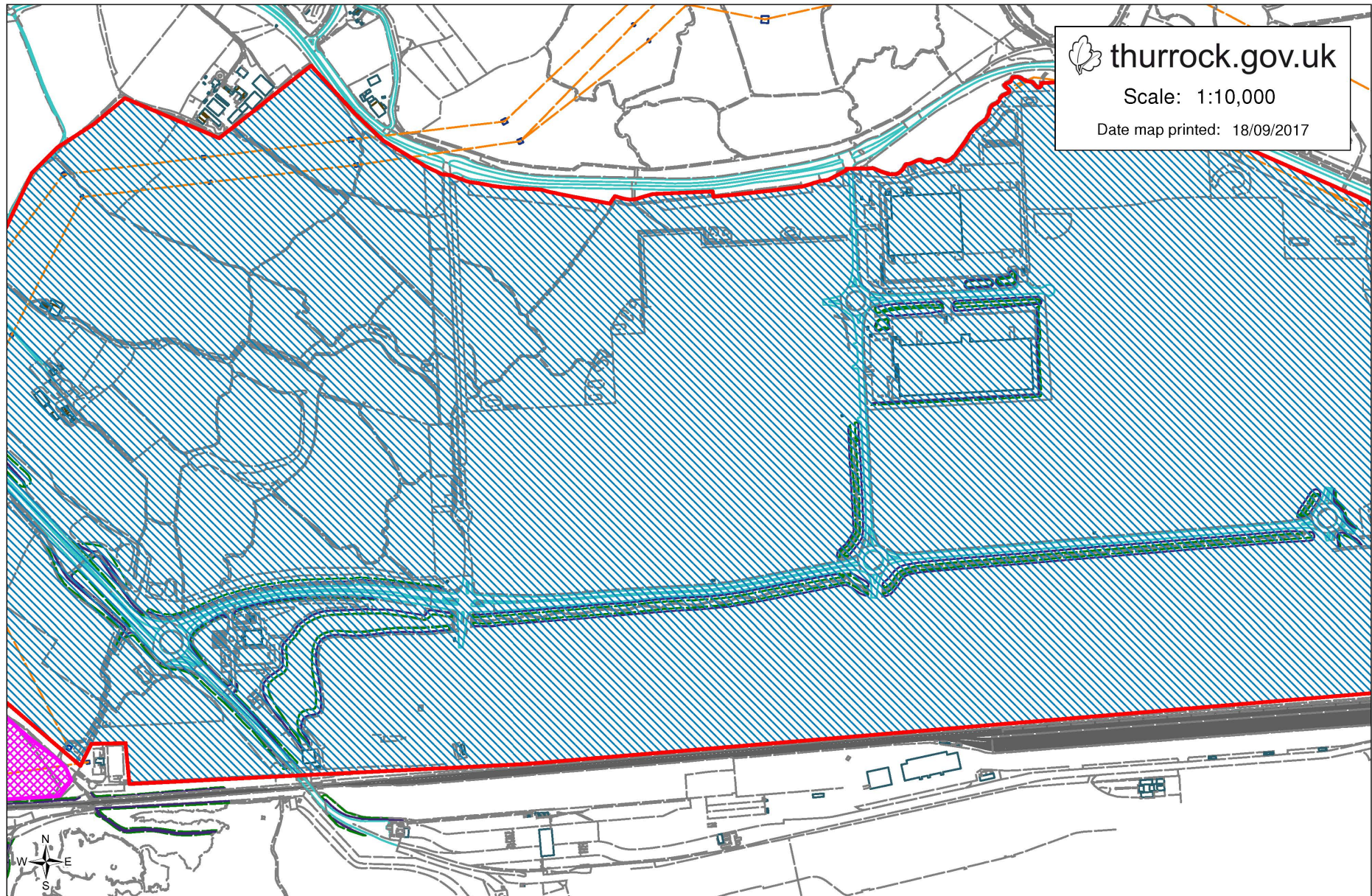
				<p><i>"TBC shall Complete the 3 lane widening of the A13 Link 5 works or alternative measures within 36 months of receipt of the First Contribution unless otherwise agreed LG Park Freehold or LG Park Leasehold."</i></p>
<p>9</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 128</p>	<p>Schedule 2, Clauses 7.1 to 7.3</p>	<p>Clause 7.1: <i>"In respect of each plot or element of common infrastructure of the Development, no later than:</i></p> <ul style="list-style-type: none"> - <i>7.1.1 one month prior to the commencement of construction (in relation to the construction of that plot or element); and</i> - <i>7.1.2 one month prior to first occupation or beneficial use (in relation to the operational use of the plot or element), the LG Companies, or their contractors or the plot occupiers on the LG Companies' behalf (as applicable), must submit at TBC an Apprenticeship and Local Employment Plan (an "ALEP")"</i> <p>Clause 7.2: <i>"An ALEP is a plan in the form attached at Appendix 10 setting out how the LG Companies, plot occupiers and their contractors will work directly with local employment or training agencies as part of an</i></p>	<p>Discussion with Thurrock Council's Economic Development Manager has confirmed that the provisions of Clause 7.1 to 7.3 and the form of ALEP set out at Appendix 10 of the LDO S106 agreement does not reflect the current climate with regard to local employment and skills and is therefore not fit for purpose.</p>	<p>Thurrock Council to propose amended wording for Clauses 7.1 to 7.3 and a substitute template for Appendix 10</p>

employment and training consortium, such agencies to include (but not be limited to):

- 7.2.1 Jobcentre Plus and the Learning & Skills Council*
- 7.2.2 voluntary and private sector providers: and*
- 7.2.3 sixth form colleges; colleges of further education; and universities."*

Clause 7.3 "An ALEP must specify the provision for training opportunities and other initiatives in respect of the vocational and employability skills required by the LG companies, plot occupiers and the contractors for any new jobs and business opportunities created by the construction and operation (as the case may be) of the relevant plot or element of the Development."

17/00723/DVOB DP World Development London Gateway, S.L.H



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