

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

Planning Committee

The meeting will be held at **7.00 pm** on **7 December 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

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1 Apologies for Absence	
2 Minutes	5 - 14
To approve as a correct record the minutes of the Planning Committee meeting held on 2 November 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 15 - 18

7 Public Address to Planning Committee

The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

8 17/00990/OUT: Land Adjacent Martin Farmhouse, Church Lane, Bulphan, Essex 19 - 40

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: **29 November 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 2 November 2017 at 7.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Gerard Rice, Graham Snell and Joycelyn Redsell (Substitute) (substitute for Terry Piccolo)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillor Terry Piccolo

In attendance: Andrew Millard, Assistant Director Planning & Growth
Matthew Gallagher, Principal Planner
Julian Howes, Senior Engineer
Jonathan Keen, Principal Planner
Chris Purvis, Principal Planner
Sarah Williams, School Capital and Planning Project Manager
Vivien Williams, Planning Lawyer
Charlotte Raper, 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.

40. Minutes

The minutes of the Planning Committee meeting held on 28 September 2017 were approved as a correct record.

41. Item of Urgent Business

There were no items of urgent business.

42. Declaration of Interests

Councillor Ojetola declared a non-pecuniary interest regarding Item 8, 17/01171/FUL: Smurfit Kappa Lokfast Site, London Road, Purfleet, RM19 1QY in that he had previously had a number of dealings with Harris given their two sites within his ward.

Councillor Redsell declared she would be presenting a statement in her capacity as Ward Councillor in objection to item 9, 17/01107/HHA: 18

Brookmans Avenue, Stifford Clays, Grays, Essex, RM16 2LW and therefore would not participate in the debate or vote on that item.

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

The Chair declared receipt of an email regarding Item 10, 17/01165/FUL on behalf of the entire committee.

Councillors Churchman, Hamilton, Jones, Ojetola and Rice also declared that they had received phone correspondence in relation to the same item.

44. Planning Appeals

The report provided information regarding planning appeals performance.

Councillor Rice questioned whether the appeal would mean that flats could be expected on the 76 High Street, Grays site. The Assistant Director of Planning and Growth advised the Committee that it was not the Council building the flats but matters could progress.

RESOLVED:

The Planning Committee noted the report.

45. 17/01171/FUL: Smurfit Kappa Lokfast Site, London Road, Purfleet, RM19 1QY

The application sought planning permission for the redevelopment of the site to construct a 6 form entry secondary school for 1,150 pupils, including 250 sixth form pupils in 8,850m² new school building. The Principal Planning Officer advised that there were suggested slight amendments to conditions 20 and 21 and minor revisions to a number of submitted plans as detailed below:

Plan no. 17075-LSI-A1-RF-DR-A-1304 now Revision A

Plan no. 17075-LSI-A1-ZZ-DR-A-1350 now Revision A

Plan no. 17075-LSI-A1-ZZ-DR-A-1351 now Revision A

Plan no. 17075-LSI-A1-ZZ-DR-A-1370 now Revision A

Plan no. 17075-LSI-A1-ZZ-DR-A-1371 now Revision A

Plan no. 17075-LSI-A1-XX-DR-A-1400 now Revision A

Condition no. 20: insert “of the playing pitch” after “development”.

Condition no. 21: substitute “above finished ground level” with “of the MUGA”.

Councillor Ojetola felt that it was good to see applications for new schools in the borough, but expressed concern at issues regarding highways and access. London Road was not wide and this might cause problems regarding

turning in and out of the site, similarly the access was in close proximity to the railway station and he was worried there would be tailbacks during peak hours when the barriers were down at the crossing. The Committee was advised that the site had previously been used by HGVs which had ingressed and egressed the site with the current road layout and width; it was therefore deemed acceptable. The Transport Assessment had also included a traffic count and predicted movements relating to the proposed use which gave no indication of great impact. The existing use of the site was greater than the proposed use.

Councillor Ojetola continued that he felt more should be done to encourage alternative travel to the site and to reduce the number of vehicle movements, however he accepted that presently there was not a complete cycle route to the site. Members heard that there were two bus routes within 300m of the site. The modal share of cycling would be monitored through the Travel Plan condition and addressed if not met. There were also physical measures within the transport assessment such as the introduction of a puffin crossing immediately outside the entrance to the site and the proposed drop off facility at Cornwall House. The site was deemed to be fairly accessible to secondary school pupils and the traffic plan was a starting point. There were aspirations to enhance sustainable travel including a mode shift star system managed by road safety officers which would push the school to improve its sustainable transport modal figures. Similarly the Council could look at highway improvements for better cycling and other options.

Councillor Jones sought clarity around the bus drop off points in relation to the site, and whether the Cornwall House car park would continue to be available in the future. The private school coach drop off point would be within the site itself, which was in place to facilitate the relocation of pupils from the temporary Chafford campus. There were also local bus routes nearby and the Cornwall House car park was a 370m walk from the site. Cornwall House was owned by the Council however it fell within the proposals for the Purfleet Centre Regeneration and therefore there were no guarantees that it would be available permanently. In the long term the Cornwall House site would not be available however the school's catchment area would potentially be more specific to Purfleet by that time. The Assistant Director for Planning and Growth summarised that the application proposals as they stood were deemed to be acceptable. Purfleet would be in a state of flux in the near future however the car park was not likely to be part of the earlier phases of the regeneration and the issue could be kept in mind as part of the development. Councillor Jones agreed it was necessary to be mindful as schools were often causes for concern with regards to traffic impact on the local area.

Councillor Hamilton stressed that the level crossing at Purfleet was very different from that in Grays, and there would be vehicles as well as pedestrians crossing. The pathway was very narrow and he was concerned that conditions could be hazardous for pedestrians at peak times. He added that he would not personally wish to cycle along such a busy road and given the narrow, traffic intensive nature of the road there was no possibility of a

cycle lane. He asked whether there might be any additional parking than proposed to the western part of the site, which was proposed to be for ecological purposes. The land had been left for ecology purposes, to enhance the biodiversity interest of the site and to offer habitat improvement. To the west of the site the angle became more acute which would prove difficult for manoeuvring cars, and would be closer to residential properties, therefore causing increase noise and disturbance. As the school did not permit 6th form students to park at school the provision was deemed acceptable.

Councillor Hamilton asked whether a footpath might be created to the rear of the housing to provide increased safety for pedestrians. Members were advised that there was currently a private right of way which would require negotiation with the landowner. Similarly a change to the proposal would require a new consultation with residents, and there would likely be increased objections if pupils were expected to walk along the back of residents' gardens.

Councillor Redsell agreed that Thurrock needed additional schools however stated that if the Cornwall House car park were no longer available there would be problems. She asked whether the timber company to the east of the site had a separate access. It was confirmed that there was existing access roughly 300m away from access to the proposed school site.

Councillor Churchman referred to the possibility of the railway station relocating as part of the Purfleet Centre Regeneration and whether it might be possible to improve access and egress. The existing outline permission for the Purfleet Centre Regeneration included relocating the railway station. The emerging master plan, which had not yet been officially submitted, appeared to retain that aspiration and there were hopes to bridge London Road which could provide an opportunity for pedestrian improvements.

A resident, Mr Phélut, was invited to the Committee to present his statement of objection.

The agent, Laura Meyer, was invited to the Committee to present her statement of support.

Councillor Hamilton questioned whether access to the car park would be prohibited to prevent parents being tempted to drop children off on site. It was confirmed that a car park management scheme would be in place, as per condition 26.

Councillor Ojetola sought assurance that the width of the entrance was sufficient for coaches, as there were examples across the borough of coaches being forced to stop on the main highway as they could not turn into school sites. The access width was 6.2m, as wide as the carriageway and therefore ample for coaches to turn into and access the site. There was a controlled parking zone along London Road and therefore no coach would be able to stop on the main highway.

Councillor Ojetola agreed that good schools were hard to come by and the Committee would want to encourage them so commended Harris but reminded Members that this was an opportunity to start from scratch and address concerns which arose at schools across Thurrock. He was not objecting to the application but hoped to improve the proposals to reduce challenges of vehicle impact on the local area. The Assistant Director of Planning and Growth agreed that the situation could be monitored and reviewed over time, as the area would undergo significant flux.

Councillor Rice expressed that the prospect of a new school was exciting, and that it was particularly nice to see facilities developing ahead of homes. He accepted there were some issues however officers had worked closely with the applicant to rectify them and he would support the application.

Councillor Redsell agreed that all Members wanted new schools for Thurrock, and so she would support the application, but reiterated the need to address issues around parking, given the number of schools in the borough with problems at present. She felt officers had addressed most of the issues but more could be done around parking.

Councillor Snell supported Councillor Ojetola's concerns regarding traffic but had faith in the short term. He was worried that the Committee was somewhat blinded by the prospect of a new school, as he felt the design itself was uninspiring and he hoped future schools might be more impressive. He also expressed concern around the football pitch which would soon become unplayable. There were slight issues with the application which he felt could be missed because the application was for a new school.

Councillor Hamilton remained concerned regarding the safety of pedestrians as he felt the situation was somewhat unsafe.

The Chair stated that it was a fantastic opportunity. He agreed that there were a host of concerns however the officers' recommendation was for approval. The car park was important and he could foresee issues for residents with parents parking in the surrounding areas and on double yellow lines. He would like to see London Road to the North East of the site widened to provide drop off bays however accepted there were funding issues. He also wished for the private school bus to remain a permanent option. He accepted there were enough positives to vote in favour of approval but stressed he would like officers and the applicant to take comments regarding re-evaluation seriously.

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

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Roy Jones, Tunde Ojetola, Gerard Rice and Joy Redsell.

Against: (0)

Abstain: Councillors Graham Hamilton and Graham Snell

RESOLVED:

That the application be approved, subject to conditions.

46. 17/01107/HHA: 18 Brookmans Avenue, Stifford Clays, Grays, Essex, RM16 2LW

The application sought planning permission for the erection of a summer house / home office. The application was scheduled for determination by the Planning Committee because it had been called in by councillors to assess the impact of the proposal in terms of overshadowing the garden and the dwelling to the south.

The Vice-Chair sought confirmation that the height of the proposed building was fairly standard. The Committee was advised that, were the summerhouse further from the fence, residents could build up to 4m high within Permitted Development.

Councillor Hamilton asked officers to clarify the function of a 'sunpipe'. There would be a dome on top of the roof to provide natural light.

A Ward Councillor, Joycelyn Redsell, was invited to the Committee to present her statement of objection.

The applicant, Mr Preou, was invited to the Committee to present his statement of support.

Councillor Ojetola questioned the issue regarding the height and the proximity to the fence. The Principal Planning Officer advised that the proposed building was closer to the property at the rear than the existing building; however given the direction both properties faced the shadow would fall within the applicant's garden.

Councillor Rice referred to page 67 whereby the proposal complied with the Council's policy. He sought verification that the outhouse could have been built without the demolition of the existing garage. Given the policy regarding percentage of footprint, it would be acceptable for the applicant to have both structures simultaneously.

Councillor Hamilton noted that, whilst the work must commence within 3 years, there was no limit for when the works should be completed. He questioned whether, given the restrictions regarding commercial use, the building could be used as a granny annex in future. Condition 4 limited usage of the building to ancillary purposes of the existing property as a single dwelling; the proposed building could be used for guests with on occasion but

could not be used for independent living. The time limit was a standard condition and it was not considered reasonable to place a limit upon completion date.

Councillor Jones asked whether the proposal was acceptable in terms of height. The Principal Planning Officer reiterated that it was a standard height and could have been taller within Permitted Development. Councillor Jones continued to question whether there were any regulations regarding the distance from the property boundary. The Council held no specific regulations however if the building were shorter it could reasonably be built closer to the fence and cover a larger footprint.

Councillor Ojetola questioned the “home office” use. It was confirmed that use like a study would be deemed acceptable however if it were used to meet clients that would be contrary to the conditions in place.

The Campaign to Protect Rural Essex Representative noted the plans included a business address, which matched that of the property. Councillor Ojetola questioned what enforcement was possible if the conditions were broken. It was clarified that, within Condition 4, working from home with a computer and phone line would be appropriate however not commercial use, such as a large number of deliveries or meeting clients.

The Chair recognised the frustration of the neighbours however the application complied with all policies and therefore he could not see grounds for refusal.

It was proposed by the Vice-Chair and seconded by the Chair that the application be approved, subject to conditions, as per the Officer’s recommendation:

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

Against: (0)

Abstained: (0)

RESOLVED:

That the application be approved, subject to conditions.

47. 17/01165/FUL: Alexandra Lake, West Thurrock Way, West Thurrock, Essex

The application sought planning permission for the installation of a new ‘Flying Fox’ adventure course at Alexandra Lake, comprising the installation of start and finish platforms on the Boardwalk; connected by zip line to 5 station

structures positioned around the lake, together with associated fencing and hardstanding; and a new 'floating maze' platform.

Councillor Jones queried the distance of the zip line from the offices. The nearest points ranged between 16-23m from the office building.

Councillor Hamilton expressed concerns around access and density of platforms. It was confirmed that the application included no proposal for new staircases however the platforms were well spaced and the application had been accompanied by a health and safety document, though this was not within the remit of the Committee. The scheme would be an entire route followed from start to finish by groups as large as 16 with up to two instructors.

Councillor Ojetola asked for more details regarding the floating maze. There would be assault courses anchored in the lake bed. It would be visible and accessible from the Boardwalk for route climbing in groups. Councillor Ojetola continued to question whether noise assessments had been carried out regarding the two landing spots closest to the office building. There had been a noise assessment which concluded there would be no adverse impact and this had been checked and considered by Environmental Health Officers, who raised no objections to the scheme.

Councillor Rice referred to the Council's policies regarding open space and leisure and recalled that these would only support recreation on the east of the Lake, not the north and west. The Committee was advised that the policies did not prevent development but sought to protect and enhance what was already there. The application included an arboricultural assessment and a landscaping assessment; Members were advised that a planning condition required replacement of trees as 10 trees would be removed through the development. There had been no objections from relevant consultees as the condition was deemed to provide acceptable mitigation. Councillor Rice questioned whether the noise and distraction would be conducive to businesses situated within Alexandra House. The main noise would be from users rather than the zip wire itself. Following consultation with Environmental Health and the Landscape and Ecology Advisor there were no objections raised with regard to noise and visual impact.

Councillor Jones asked whether the proposed scheme was the first of its kind or whether there were others elsewhere. It was confirmed that the organisation was responsible for similar schemes.

An agent, David Maxwell, was invited to the Committee to present his statement of objection.

The applicant, Matt Nicholson, was invited to the Committee to present his statement of support.

Councillor Rice expressed concern that, in his view, policies were being ignored as it had been included that the north and west of the lake would not

be used for leisure purposes and therefore he could not support the application.

The Assistant Director of Planning and Growth clarified that nothing within the policies precluded development and the application had been considered acceptable. The Lakeside basin was a key growth hub for the Council and there were hopes to modernise and diversify the area. The application could be considered as part of the wider regeneration of the area.

Councillor Ojetola welcomed the proposal, in hopes of improving the area and allowing Lakeside to provide community entertainment. Improving the entire Lakeside basin was crucial. He felt that it was unlikely the impact on offices would be significant enough to justify refusal. The hotel on the lake had been commissioned and welcomed. The lake itself had not been used to its full potential and he was pleased to see such an application.

Councillor Jones agreed that it was a fantastic opportunity to enhance leisure facilities within Thurrock and echoed that the lake was underused. He supported the application.

Councillor Hamilton referred to page 87 of the agenda whereby there were no viable objections, though he reiterated his concern regarding the use of stairs to the car park by patrons.

Councillor Snell reminded the Committee that the lack of leisure facilities in Thurrock was one of the biggest complaints and felt that the application worked towards improving the situation. He added that the construction of the touch points was quite sympathetic to the landscape.

The Chair admitted the matter was not straightforward. Although the leisure facility was welcome he was concerned about the damage to views of the lake.

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

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola and Graham Snell.

Against: Councillor Gerard Rice

Abstained: (0)

RESOLVED:

That the application be approved, subject to conditions.

The meeting finished at 9.18 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**

7 December 2017	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Development Management Team Leader	
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transport and Public Protection.	
Accountable Director: Steve Cox, Director of 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: 17/00874/HHA

Location: 11 King George Vi Avenue, East Tilbury

Proposal: Two storey side extension with front porch and new style of windows to existing house and extension.

3.2 Application No: 17/00577/HHA

Location: Dame Elyns, Stanford Road, Stanford Le Hope

Proposal: Demolition of existing lean buildings adjoining house and erection of single storey extension infill between existing house and outbuilding

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/00177/HHA
Location: Hollywood, Southend Road

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

Decision: Appeal Dismissed

4.1.2 The Inspector considered the main issues to be:

- I. Whether the proposal constitutes inappropriate development in the Green Belt;
- II. Its effect on the openness of the Green Belt and on the character and appearance of the local area; and
- III. If it is inappropriate development, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, amounting to the very special circumstances required to justify the proposal.

4.1.3 In relation to (I), the Inspector took the view that the proposal would amount to a disproportionate addition over and above the size of the original building. The Inspector concluded on this point that the extension would constitute inappropriate development in the Green Belt and conflict with CS Policy PMD6 and the NPPF.

4.1.4 In relation to (II), the Inspector found the extension to be generally well designed and did not find particular concern over the impact on the character and appearance of the area.

4.1.5 In relation to (III) the Inspector considered the applicants case (which focused on their desire to improve their home) but found that these factors were not sufficient to clearly outweigh the harm that would be caused to the Green Belt.

4.1.6 The full appeal decision can be found online.

4.2 Application No: 17/00128/FUL
Location: 15 Giffords Cross Avenue, Corringham

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

Decision: Appeal Dismissed

- 4.2.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.
- 4.2.2 The Inspector took the view that the relocation of the fence outwards towards the road, leaving a grass verge of only 1.3m wide would represent a serious encroachment into the grass verge and would cause significant harm to the spacious appearance of the road.
- 4.2.3 The Inspector observed that the character of the Frost Estate has been eroded in places however he concluded that the scheme was both harmful in isolation and would set a precedent for other similar schemes that would further erode the open spacious character of the original estate.
- 4.2.4 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	1	0	2					26
No Allowed	0	2	4	1	0	0	0	0					7
% Allowed													27%

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

Reference: 17/00990/OUT	Site: Land Adjacent Martins Farmhouse Church Lane Bulphan Essex
Ward: Orsett	Proposal: Proposed residential development of 31 units for ex-servicemen consisting of 3 bed & 4 bed houses and 2 bed bungalows suitable for wheelchair users (Outline application with all matters reserved)

Plan Number(s):		
Reference	Name	Received
591.112	Location Plan	25th July 2017
591.113	Existing Site Layout	25th July 2017
591.120	Proposed Site Layout	25th July 2017
591.121	Proposed Plans	25th July 2017

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Flood Risk Assessment - Planning Statement 	
Applicant: Mr D MacDonald	Validated: 15 September 2017 Date of expiry: 15 December 2017
Recommendation: To Refuse	

The application has been scheduled for determination by the Council's Planning Committee because recent proposals for similar developments on the same site were considered by Members. The application also constitutes a major application and a departure from the Development Plan.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks outline planning permission (with all matters reserved) for the development of the site for 31 residential dwellings for occupation by ex-

servicemen. The indicative plans submitted with the application illustrate the following:

- An in/out access proposed onto Church Lane, with a limited area of widening close to this access;
- Dwellings arranged in regimented form, with two streets running north to south in the northern half of the site and a street running east to west in the southern part of the site;
- A road running east to west from the site access ending adjacent to an area of open space;
- Area of open space to the east of the site;
- Mixture of dwellings in terms of size, either semi-detached or linked-detached;

2.0 SITE DESCRIPTION

- 2.1 The application site is an approximately L-shaped area of land on the eastern side of Church Lane, close to where it joins Parkers Farm Road.
- 2.2 The site lies to the south of Martin’s Farm. The site lies outside of the village of Bulphan on an agricultural field. The site is in the Green Belt.

3.0 RELEVANT HISTORY

Reference	Description	Decision
14/01063/FUL	Erection of 5 dwellings	Refused: 12.12.2014
15/00092/OUT	Erection of 50 bed care home (Outline application with matters of Access, Appearance, Layout and Scale being sought)	Refused: 15.07.2015
16/00729/OUT	Development of 52 assisted living apartments (in 4 blocks) with cafe/restaurant facilities, separate building housing convenience store and doctors surgery with living accommodation above, separate dwelling for doctor, separate building for changing rooms/ club room with outdoor sports pitch and ancillary parking and landscaping with two access points to Church Lane (Outline application with all matters reserved)	Withdrawn: 27.09.2015
16/01424/OUT	Development of 52 assisted living apartments (in 4 blocks) with cafe/restaurant facilities, separate building housing convenience store and doctors surgery with living accommodation above,	Refused: 16.12.2016

	separate dwelling for doctor, separate building for changing rooms/ club room with outdoor sports pitch and ancillary parking and landscaping with three access points to Church Lane (Outline application with all matters reserved)	
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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

EDUCATION:

4.2 Contributions will be required at primary and secondary level.

HOUSING:

4.3 Affordable housing required.

FLOOD RISK MANAGER:

4.4 Object due to lack of drainage strategy.

HIGHWAYS:

4.5 Recommend refusal on the grounds of principle of access, design of access and parking provision.

ENVIRONMENTAL HEALTH:

4.6 No objections, subject to conditions.

WASTE AND RECYCLING:

4.7 No objections.

URBAN DESIGNER:

4.8 Objection on the grounds of poor quality layout and design of individual properties

HEALTH AND WELLBEING:

- 4.9 Objection on the grounds of isolated location of proposed development with limited access to facilities of transport network.

NEIGHBOURS

- 4.10 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The application has been advised as a major application and a departure from the Development Plan.

- 4.11 Twelve responses have been received objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt.
- Land was not sold for development
- Site is presently empty
- Lane not suitable for the proposed volumes of traffic
- Parkers Farm Road is really an old farm track
- Many accidents to cyclists on the road
- Development will be out of character, small plots out of character with surroundings
- Layout represents town cramming with little space for landscaping
- Overlooking would exist between properties
- Inadequate parking for the proposed dwellings
- Site is outside the village envelope and divorced from the village centre
- Will lead to increased flooding elsewhere
- How will the occupation by ex-servicemen be enforced if permission is granted
- Prices of units will not be affordable for ex-servicemen, only officers
- No pavements in the area
- Repeat applications on the site
- Application does not address the issue of road width
- Proposal does not fulfil criteria of exceptional circumstances
- No lighting on road

- 4.12 One response has been received in support of the proposal on the following grounds:

- A worthy use of the land

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:
- 1. Building a strong, competitive economy
 - 4. Promoting sustainable transport
 - 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
 - 12. Plan-making
 - 13. Decision-taking

Planning Practice Guidance

- 5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 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
 - Fees for planning applications
 - Flood Risk and Coastal Change
 - Health and wellbeing
 - Making an application
 - Natural environment

- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessment and statements in decision making
- The use of planning conditions

Local Planning Policy

Local Planning Policy Thurrock Local Development Framework (as amended) 2015

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP3: Sustainable Infrastructure and
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP12 (Education and Learning)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)³
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)²
- PMD15 (Flood Risk Assessment)²

- PMD16 (Developer Contributions)²

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

Focused Review of the Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

Draft Site Specific Allocations and Policies DPD

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

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

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

Thurrock Local Plan

5.8 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in early 2018.

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 floor space 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.

6.2 The main issues to be considered in the assessment of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout
- III. Access, Traffic Impact and Car Parking
- IV. Flood Risk and Site Drainage
- V. Developer contributions (s.106 agreement)

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 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 It is clear that the development does not meet any of the exceptions set out in the NPPF and consequently it is a straightforward matter to conclude that the proposals constitute inappropriate development.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.7 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.
- 6.8 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.

In response to each of these five purposes:

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

- 6.9 The site is outside the village of Bulphan or any other built up areas, in an isolated location. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area but it would nevertheless represent the introduction of new urban form in location which is otherwise completely free from development. If permitted, the development would, to a certain degree, increase the risk of other similar open areas of land being developed resulting in the sprawl of development from this site.

b. to prevent neighbouring towns from merging into one another

- 6.10 On face value, the development would not conflict with this Green Belt purpose, but as set out above, the development of this open parcel of land could conceivably lead to the development of neighbouring parcels of land, spreading built development in the Green Belt.

c. to assist in safeguarding the countryside from encroachment

- 6.11 With regard to the third Green Belt purpose, the proposal would involve built development across the majority of the site where there is presently none [the site is presently open fenland with no built development]. It is therefore considered that the proposals would constitute a serious encroachment of built development into the countryside at this location.

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

- 6.12 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

- 6.13 In policy terms, the development should occur in the urban area and it has not been proven that there is any spatial imperative why Green Belt land is required to accommodate the proposals. It follows that the development conflicts with this defined purpose of the Green Belt.

- 6.14 In light of the above analysis, it is considered that the proposals would be contrary to four of the five purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development
- 6.15 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').
- 6.16 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.
- 6.17 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"*.
- 6.18 The Planning Statement accompanying the planning application puts forward what the applicant considers to be the very special circumstances in this instance." These are assessed below.
- a. *"the very real need for all housing within the Borough"*
- 6.19 The applicant suggests that the development would contribute towards the Council's 5 year housing supply and unmet need.
- 6.20 The Council at present cannot demonstrate an up to date 5 year housing land supply. The NPPF advises (paragraph 49) that *'housing applications should be considered in the context of the presumption in favour of sustainable development.'*

Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. The Council is currently working on a new Local Plan and through the Local Plan process consideration will be given to all housing needs. The Local Plan, once adopted will provide a 5 year housing land supply but until that time housing applications shall be considered in the context of the presumption in favour of sustainable development. On this point, the 5 year housing land supply position can be afforded significant weight as a 'Very Special Circumstance'.

6.21 However, Planning Practice Guidance (Ref ID: 3-034-20141006) states that: *'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute 'very special circumstances' justifying inappropriate development on a site within the Green Belt'.*

6.22 Therefore, in accordance with the PPG, this factor is given significant weight in favour of the development but it cannot alone constitute very special circumstances to warrant a departure from national and local Green Belt planning policies.

b. *"The significant need, for older persons housing [sic] and the lack of existing provision combined with growing needs for this specialist housing is more pressing"*

6.23 Although the application has been put forward as being for ex-servicemen, there is nothing within the application that details why the location has been chosen for such a use, why units here would benefit ex-servicemen, how the use would integrate with the local community or what the rationale or need for this type of accommodation within this area or the Borough itself.

6.24 It is correct that there is a need for homes for older persons, however, these types of units should be directed towards urban areas, with local facilities and sustainable transport options rather than in isolated locations with insufficient local facilities and poor transport links. The comments from the Health and Wellbeing Board advise that there is no case from an adult social care view to have a development of this type on this Green Belt site, which is isolated from local amenities transport and facilities.

6.25 Accordingly no weight should be given to the nature of the application for ex-servicemen and no weight should be given to the provision of older peoples accommodation as specifically stated in the submitted information.

c. *"The design and layout of the building proposed is shown to be substantially two storey in order to overcome previous concerns regarding access and landscape terms, noting there is no designated landscape protection in this location"*

- 6.26 The height of the building does not have any bearing on the access arrangements, and as such this matter can be given no weight in the consideration of very special circumstances.
- 6.27 In relation to the impact on the landscape and landscape protection, the site is flat open fenland, with no built development upon it. Any development will significantly impact on the character and openness of the site. Objections have been received from both the Council’s Urban Designer and Landscape Advisor. No weight should therefore be given to this factor.
- 6.28 With reference to the applicant’s case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Lack of five year housing supply	Significant weight [but cannot be sufficient alone to constitute VSC]
Reduction in the openness of the Green Belt		Need for older persons accommodation	
		Lower height of buildings (compared to previous)	No weight
		No landscape designation	No weight

6.29 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. Several factors have been promoted by the applicant as ‘very special circumstances’. However taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development. In fact, the case put forward falls considerably short of what could reasonably be considered as an acceptable argument for this isolated development.

I. DESIGN AND LAYOUT

- 6.30 Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.31 Policy CSTP22 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.32 Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.
- 6.33 Although the application has been submitted in outline form with all matters reserved it is important nonetheless to consider the layout accompanying the application.
- 6.34 The proposed layout is of an urban context and has no regard for the countryside location. The submitted plans show dwellings arranged in a regimented manner, running either north to south or east to west within the site. In plan form the site would be dominated by the road layout with wide road and large turning heads running through the centre and within the site. The Council's urban designer has advised that the proposal does not meet the standard of place making required by the Council, either in terms of layout or architectural design.
- 6.35 The site is also within a fenland landscape which is typified by long open views with few trees or hedges and a sparse settlement pattern. The Council's Landscape Advisor has warned that within this landscape, the proposed development, by reason of its location, layout and design would be poorly related to the prevailing landscape character and would provide dominant, unattractive, and unduly urban feature, contrary to Policies PMD2, CSTP22 of the Core Strategy and the criteria of the NPPF.

III. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.36 Policy PMD8 of the Thurrock Local Development Framework Core Strategy requires off street parking to be provided to meet the Council's standards.
- 6.37 Policy PMD9 states that the Council will only permit the development of new vehicular accesses or increased use of existing accesses onto the road network where, amongst other things, there is no possibility of a safe access being taken from an existing or lower category road, the development minimises the number of

accesses required and the development makes a positive contribution to road safety or road safety is not prejudiced.

- 6.38 Policy PMD10 indicates that the Council will resist development where the residual cumulative impacts would be severe, which may include a proposal that may have a significant effect on the free flow and safe movement of traffic. A Transport Assessment allows consideration of such matters to be made.
- 6.39 Parkers Farm Road is categorised as a Level 2 Rural Road where an intensification of use would normally only be accepted for small scale uses, permissible within the Green Belt. In addition, the road is a typical country lane, with no designated footpaths on either side of the road. The road edge is defined by the highway verge or hedgerow on both sides of the road. The road is primarily used by agricultural vehicles.
- 6.40 The proposed development would result in an unwelcomed intensified use of this country lane. An in principle objection to a junction serving residential development onto this type of route is raised by the highways officer. The proposal is contrary to Policy PMD9 in this regard.
- 6.41 The Council's Highways Officer has also indicated that given the nature of the road and development, it would be necessary for the development to provide a Transport Assessment and Travel Plan to fully assess the scheme and its impact on highways safety and the road network. These documents have not been offered. In the absence of such documents, the Council's Highways Officer cannot be satisfied that the proposal would be safe; therefore the proposal is also contrary to Policy PMD10.
- 6.42 The proposed layout indicates 2 parking spaces for all units; the larger 4 bedroom dwellings would require more spaces, and accordingly the proposal also fails to comply with highways requirements on the basis of a lack of parking for the larger units, contrary to Policy PMD8.

IV FLOOD RISK AND SITE DRAINAGE

- 6.43 Policy PMD15 relates to flood risk and indicates that the management of flood risk should be considered at all stages of the planning process. The policy also states that in accordance with the Water Resources Act 1991 the prior written consent of the Environment Agency will be required for proposed works or structures, in, under, over or within 9 metres of the top of the bank of a designated main river.
- 6.44 The site lies within Flood Risk Zone 2. In addition the site lies adjacent to a watercourse. The Council's Flood Risk Manager indicates that the applicant has failed to provide adequate details of a surface water strategy in their submitted Flood Risk Assessment as required by the NPPF. Accordingly, at this time the

Council cannot be satisfied that a suitable drainage solution exists and that the proposal would be able to mitigate its impact on the local area or that existing surface water issues have been fully considered.

- 6.45 The proposal is therefore contrary to Policy PMD15 as the Council cannot be satisfied at this time that the proposal would not lead to increased flooding of the area.

V DEVELOPER CONTRIBUTIONS (S.106 AGREEMENT)

- 6.46 Policy PMD16 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.
- 6.47 Policy CSTP2 requires all developments in excess of 10 units to provide, where viable 35% Affordable Housing. Where viability is an issue, the Council will expect an open book viability assessment to be submitted with any planning application.
- 6.48 Responses from the Education team and Housing Team indicate there are requirements for the provision of contributions towards education facilities in the area and there is an expectation that 35% of the development would be affordable.
- 6.49 The applicant has failed to include a draft legal agreement, or even heads of terms, to secure the required education contributions or provide policy compliant levels of affordable housing. There is no viability assessment to show that the scheme would not be viable with the payment of the required contributions and affordable housing. Accordingly, the proposal is contrary to Policies PMD16 and CSTP2 of the Core Strategy as it fails to make provision for affordable housing or the required education contributions.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposals would comprise a substantial amount of new building on a rural site which is entirely free from built development. The development proposed does not fall within any of the exceptions set out in Policy PMD6 or the NPPF and as a consequence, the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. The loss of openness, which is contrary to the NPPF, should be afforded significant weight in consideration of this application.
- 7.2 Having established the nature and extent of the harm to the Green Belt the key consideration is whether this harm is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the inappropriate development. In this case, the applicant has failed to promote any matter which amount to the very special circumstances that would be required.

- 7.3 Furthermore, the proposal raises concern in relation to highways safety due to the formation of access, contrary to Policy PMD9 of the Core Strategy. Furthermore, the site lies within Flood Risk Zone 2 and the site is at high risk of flooding due to the adjacent watercourse. The applicant has failed to address how the risk of flooding from this source would be mitigated or how site drainage and run off would be managed. The proposal is contrary to Policy PMD15 in this regard.
- 7.4 Concern is also raised in relation to the scale, design and overall appearance of the development which fails to meet the high standards of design that would be required. The development would have a significant adverse impact on the character and appearance of the area, including the Bulphan Fenlands, contrary to Policy PMD2 and CSTP22.
- 7.5 Finally, the proposal fails to make provision for affordable housing and fails to mitigate the impact of the development upon local facilities, contrary to Policies PMD16 and CSTP2 of the Core Strategy.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

- 1 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy.

Policy PMD6 applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.

The NPPF (at paragraph 89) sets out the forms of development which may be acceptable in the Green Belt. The proposed development does not fall within any of the appropriate uses for new buildings set out by the NPPF and Policy PMD6. Consequently, the proposals represent "inappropriate development" in the Green Belt and are a departure from development plan policy.

Paragraph 87 of the NPPF sets out a general presumption against inappropriate development within the Green Belt and states that such development should not be approved, except in very special circumstances. Paragraph 87 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations.

The development does not meet any of the exceptions set out in policy PMD6 or the NPPF and consequently the proposals constitute inappropriate development. By reason of the mass, bulk and serious incursion into open land, the proposals are also harmful to the character and openness of the Green Belt at this point, contrary to Policy PMD6 of the Core Strategy and criteria within the NPPF.

The case put forward falls considerably short of what could reasonably be considered as an acceptable argument for this isolated development in the Green Belt. The proposals are therefore contrary to Policy PMD6 of the Core Strategy and guidance in the NPPF in principle.

- 2 Policy PMD2 of the Thurrock Local Development Framework Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

Policy CSTP22 of the Thurrock Local Development Framework Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.

The application site is within a fenland landscape which is typified by long open views, with few trees or hedges and a spare settlement pattern. The proposed development by reason of its location within the open Fenland landscape would have a significant adverse impact on the open local landscape character. In addition, by reason of the regimented layout of the houses, the proposed development would result in an unduly unattractive urban layout completely out of character with the countryside location, contrary to the above referenced policies and guidance.

- 3 Policy PMD2 of the Thurrock Local Development Framework Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Thurrock Local Development Framework Core Strategy requires off street parking to be provided to meet the Council's standards.

Policy PMD9 of the Thurrock Local Development Framework Core Strategy

states that the Council will only permit the development of new vehicular accesses or increased use of existing accesses onto the road network where, amongst other things, there is no possibility of a safe access being taken from an existing or lower category road, the development minimises the number of accesses required and the development makes a positive contribution to road safety or road safety is not prejudiced.

Policy PMD10 of the Thurrock Local Development Framework Core Strategy indicates that the Council will resist development where the residual cumulative impacts would be severe, which may include proposal that have a significant effect on the free flow and safe movement of traffic. A Transport Assessment allows consideration of such matters to be made.

- A) The proposed development would result in an intensified use of the road which is a typical country lane with neither footway nor street lighting and only soft verges on either side of the highway with hedgerows on both sides of the carriageway. An in principle objection to a junction serving residential development onto this type of route is raised and accordingly the proposal is contrary to Policy PMD9 in this regard.
- B) The proposal is a major residential development and the access point would be onto a level 2 rural road. In the absence of a Transport Assessment the Local Planning Authority cannot be satisfied that the level of vehicle movements would not be harmful to highway safety in the area. Accordingly the proposal is contrary to Policy PMD10 in this regard.
- C) The 4 bedroom units would be provided with inadequate levels of parking. Accordingly the proposal is contrary to Policy PMD8 and Policy PMD2 in this regard.

- 4 Policy PMD15 of the Thurrock Local Development Framework Core Strategy relates to Flood Risk and indicates that the management of flood risk should be considered at all stages of the planning process.

The site lies within Flood Risk Zone 2 and the site is at high risk of flooding due to the adjacent watercourse. The applicant has failed to submit a surface water drainage strategy to address how the risk of flooding from this source would be mitigated or how site drainage and run off would be managed. The proposal is contrary to Policy PMD15 in this regard.

- 5 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.

Policy CSTP2 of the Core Strategy requires all developments in excess of 10 units

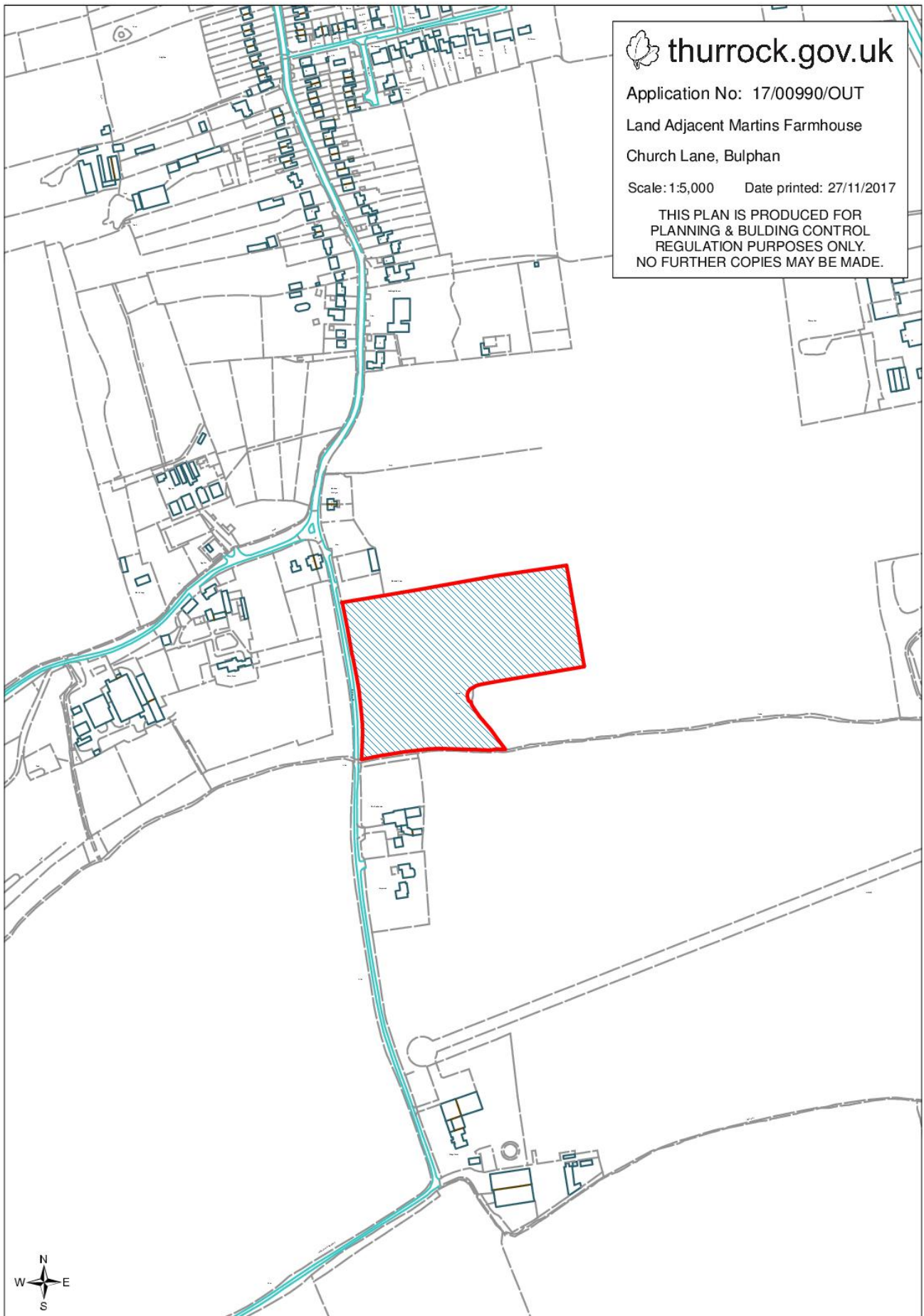
to provide, where viable 35% Affordable Housing. Where viability is an issue, the Council will expect an open book viability assessment to be submitted with any planning application.

The applicant has failed to complete a legal agreement to secure affordable housing or financial contributions to support the education needs generated by the development and the proposal is therefore contrary to Policies CSTP2 and PMD16 of the Core Strategy.

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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