

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Planning Committee

The meeting will be held at **7.00 pm** on **12 July 2018**

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

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons, Angela Sheridan and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Abbie Akinbohun, Clare Baldwin, Garry Hague, Victoria Holloway, Susan Little and Peter Smith

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 12
To approve as a correct record the minutes of the Planning Committee meeting held on 7 June 2018.	
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 13 - 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 18/00343/FUL Stanford Tyres and Servicing Rear of 16 London Road, Stanford Le Hope, Essex SS17 OLD (deferred) 19 - 34

9 17/01527/HHA 2 Oval Gardens, Grays, Essex RM17 5NR 35 - 42

10 18/00507/FUL: Land Adjacent Moore Avenue, Devonshire Road and London Road, South Stifford, Grays, Essex 43 - 70

11 15/00234/FUL: Land off Adjacent to School, Manor Road, Grays, Essex 71 - 96

12 17/01479/FUL East Tilbury Primary and Nursery School, Princess Margaret Road, East Tilbury, RM18 8SB 97 - 114

Queries regarding this Agenda or notification of apologies:

Please contact Tisha Sutcliffe, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **4 July 2018**

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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.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Planning Committee held on 7 June 2018 at 7.00 pm

Present: Councillors Steve Liddiard (Vice-Chair), Colin Churchman, Leslie Gamester, Andrew Jefferies, Terry Piccolo, Gerard Rice and Sue Sammons

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors Sue Shinnick

In attendance:

Andrew Millard, Assistant Director - Planning, Transport and Public Protection
Leigh Nicholson, Development Management Team Leader
Matthew Gallagher, Principal Planner
Chris Purvis, Principal Planner (Major Applications)
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.

1. Apologies

Councillors Tom Kelly and Sue Shinnick sent their apologies. Councillor Sue Little substituted for Councillor Kelly.

2. Minutes

The minutes of the Planning Committee meeting held on 26 April 2018 were approved as a correct record.

3. Item of Urgent Business

There were no items of urgent business.

4. Declaration of Interests

Councillor Little disclosed a non-pecuniary interest on item 12, planning application 17/01556/HHA, The Olives due to her being the Ward Councillor in Orsett, called in the application and spoken with residents and the objecting group. She confirmed she had no predetermined bias.

The Campaign to Protect Rural England Representative disclosed a non-pecuniary interest on item 12, planning application 17/01556/HHA, The Olives, stating that he had been approached by objectors and supporters. He also knew most of the people involved.

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

Regarding planning application 18/00343/FUL, Stanford Tyres and Servicing, Councillor Piccolo stated that he had a meeting on the site two months ago with a Planning Officer. This had been to view the site from a nearby property's rear garden for information purposes only. It would not influence any decision he would make.

6. Planning Appeals

The report provided information regarding planning appeals performance.

RESOLVED:

The Committee noted the report.

7. End of year Performance Report

The report showed that in 2017/18, the Planning Service had maintained its position within the top three potential Local Authorities in the country. 878 planning applications had been determined in which 81% of those were approved.

620 new homes had been consented, 13,500 m² of commercial floor space was gained and 232 new jobs opened up. This was due to the positive decisions made which mounted to £7.8 million for the local economy. In addition, £1.4 million was secured through s106 contributions.

The Chair congratulated the Planning Service on an excellent year.

RESOLVED:

The Committee noted the report.

8. 18/00404/FUL: CRO Purfleet Port, Land east of Purfleet Thames Terminal and south of railway line, London Road, Purfleet

The planning application was a proposal for the development of a decked car storage building. It would provide 949 parking spaces within a steel-framed decked structure consisting of seven levels and open parking on the rooftop. CRO Purfleet Port operated the Purfleet Thames Terminal which was a site for the import and export of principle vehicles, trailers and containers. The Terminal had a berth into the river and the port was looking to expand.

It had acquired parts of land over the years and had recently been granted planning permission. The proposed development would support the function of the port so this was supported by NPPF and core development strategies.

The Principal Planner summarised that the proposal would increase vehicle storage capacity. This meant more vehicle movements on both sides of the road and an accumulative assessment was provided in the report to show this. There would be 118 two way HGV movements with a maximum of seven between AM and PM peaks. However, a condition of the previous granted planning permission for the site-wide proposal had shifted vehicle movements into the area. Vehicles would go via the Stonehouse Roundabout instead of residential roads. Highway Officers had no objection to this proposal; there were no objections in regards to air quality and there would be no significant impact on noise levels.

The Terminal was in a high risk flood area but had no objection from the Environment Agency and had passed the sequential test. There was a holding objection from the Flood Risk Manager regarding surface water drainage and the applicant had responded to this. The structure would be big but given the structures within the same area, it was considered to be harmless to the landscape. The recommendation was to grant planning permission subject to conditions.

The Chair opened the Committee to questions regarding the planning application 18/00404/FUL, CRO Purfleet Port.

Councillor Little queried the height of the building and whether it would affect the skyline of Thurrock or obstruct the view of the Queen Elizabeth 2 (QE2) bridge which was in most of Thurrock's leaflets. She also asked whether the colour of the building would fade into the background or be generic. The Principal Planner answered that it would be 30.4m to the highest deck as stated on p24 of the report. It would be slightly higher than High Speed 1 (HS1) viaduct by 18m. From the public viewpoint, it would appear to be of a greater distance but was not considered to have significant visual impact as assessed by the Council's landscape officer. He added that the structure would be of steel and concrete but with the QE2 bridge, Unilever factory, HS1 viaduct and operations of the port, it was not considered a visual area given the landscape. The proposal was considered acceptable because of this.

The Agent, Mr Joost Rubens, representative of CRO Ports, was invited to the Committee to present his statement of support.

Councillor Little gave her support to this planning application as it would help businesses to move forward. The Chair agreed adding that the car storage would be in commercially recognised spots. This would be essential for Brexit.

It was proposed by Councillor Churchman and seconded by Councillor Little that the application be granted planning permission, subject to conditions, as per the Officer's recommendations.

Councillor Rice was unable to vote in this application having arrived after the start of the discussion of this application.

For: Councillors Steve Liddiard (Vice-Chair), Colin Churchman, Leslie Gamester, Andrew Jefferies, Terry Piccolo, Gerard Rice and Sue Sammons

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

9. 18/00308/REM: Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex RM15 5JT

The application sought approval for the development of Phases 4 and 5 of the Arisdale Avenue development. Historically, planning permission had been granted to Thurrock Thames Gateway Development Corporation (TTGDC) in April 2011. This was to demolish the buildings of the Former Ford Motor Company to enable the erection of 650 homes along with car parks, roads, public open space and landscaping. Phases 1 and 2 were already constructed and construction on Phase 3 was currently underway.

With approval granted for this application, there would be a further 230 homes including associated roads, paths and car parking spaces. The dwellings were considered to be of a high quality and would be an evolution of the earlier site. The Principal Planner mentioned a separate document which highlighted some corrections to the Plan Numbers provided in the application. The application was recommended for approval.

Councillor Little asked for an outline of Thurrock's requirements on affordable housing and the development would help the Council to achieve their goal. The Principal Planner stated the current policy and core strategy referred to 35% of affordable housing and that the Arisdale Avenue development had begun back in 2011, before the core strategy had been adopted. It had been dealt with by the development corporation at the time and not Thurrock Council. At the time, contained within s106, affordable housing and viability requirements between 10 – 25%, were to be considered at each phase of the development. This application showed 10% affordable homes which would be located in the north side of the development. This was a figure of 23 out of 230 residential dwellings.

Councillor Jefferies questioned whether there would be a proposal for footpaths and roads when Phases 4 and 5 were completed. Referring to s106, the Principal Planner stated there were requirements for footpaths and roads. Councillor Jefferies went on to ask if there would be additional access to the railway station.

The Principal Planner answered that there were no plans for this within Phases 4 and 5. However, there was already an existing footbridge on the site.

Councillor Sammons queried if there would be proposals for schools. The Principal Planner confirmed there was a requirement for education at each stage of the development which would be separate to this application. There was an obligation to do so in s106. Following on from this, Councillor Jefferies asked if s106 also had a requirement for healthcare to which the Principal Planner confirmed there had been none at the time of the planning permission being granted for the Arisdale Avenue development.

The Agent, Ms Jo Russell, was invited to the Committee to present her statement of support.

The Chair opened the Committee to debate.

Referring back to the level of affordable housing, Councillor Piccolo mentioned that it had been determined back in 2010 but believed that this could be reviewed as stated. Since then, house sales had risen at a greater rate. He continued on to ask if the number of affordable homes could be looked at again. The Principal Planner answered that it was the outline application in 2010 that had set s106 of the phases for the Arisdale Avenue development. It could not be reverted back or be amended and no-one had sought to revise that legal agreement or asked to increase the number of affordable homes. However, there would be a separate process to the planning application to discharge planning obligations and would include a viability assessment to explain the 10% given. Councillor Piccolo went on to say that the report stated that the 10% affordable homes could be reviewed when later stages of the development arose. Councillor Jefferies added that he welcomed further development of the Arisdale Avenue site but was disappointed in the number of affordable homes.

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

For: Councillors Steve Liddiard (Vice-Chair), Colin Churchman, Leslie Gamester, Andrew Jefferies, Terry Piccolo, Gerard Rice and Sue Sammons

Against: Councillor Susan Little

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

10. 18/00316/FUL: Montrose, 168 Branksome Avenue, Stanford Le Hope, Essex SS17 8DE

The application proposed the demolition of an existing bungalow in The Homesteads residential estate, to pave the way for the development of seven new dwellings. The proposed layout of the development showed a new access road, six of the plots to be two storeys and one plot to be the only bungalow. An updated response for the road had been provided by Highways which was now no objection. However, there was a tree to the rear of the existing bungalow that was subject to a tree preservation order.

Annexes in Thurrock's Local Plan rejected this type of development which was a form of backland development and aimed to retain the original character of The Homesteads. There was an in-principle objection to this proposal. Garden sizes would be reduced and increase the opportunity on overlooking gardens which was not acceptable.

The Principal Planner summarised that the application was recommended for refusal. The given reasons were set out in the report. Reason three did not apply as Highways no longer objected.

Councillor Piccolo agreed with the Officer's recommendations and said more houses were needed but there was a need to maintain The Homesteads' character. The Chair echoed his agreement as the area would become overcrowded.

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

For: Councillors Steve Liddiard (Vice-Chair), Colin Churchman, Leslie Gamester, Andrew Jefferies, Terry Piccolo, Gerard Rice and Sue Sammons

Against: Councillor Gerard Rice

Abstain: (0)

RESOLVED:

That the application be refused.

11. 17/01556/HHA: The Olives, Rectory Road, Orsett, Essex RM16 3EH

The application sought planning permission for a single storey rear extension with a part glazed roof and a first floor extension with a new attic floor. As the site was adjacent to the Orsett Conservation Area and adjoined a Grade II listed building, the first floor extension would impact on the character of the area. National Policy charged Local Authorities to conserve and refuse consent if proposed developments were to harm listed buildings and there was seen to be some harm in this proposal.

The Principal Planner stated the application was recommended for refusal and gave a revised reason for refusal.

Councillor Little questioned if the garage on the site had been built low in the 1960s as it would have obscured the sightlines of the conservation area. The Principal Planner was unable to confirm but answered that the conservation area had been designated at the time or just after construction. He could not say when the Grade II listed building had been listed.

The Chair of Orsett Conservation Group, Mr Joseph Pigg, was invited to the Committee to present his statement of objection.

Mr Ian Thompkins was invited to the Committee to present his statement of support on behalf of the applicant.

The Chair moved the application for refusal, as per the Officer's recommendations.

For: Councillors Steve Liddiard, Colin Churchman, Andrew Jefferies and Terry Piccolo.

Against: Councillors Leslie Gamester, Sue Sammons and Gerard Rice.

Abstain: (0)

RESOLVED:

That the application be refused.

12. 18/00343/FUL: Stanford Tyres and Servicing, Rear of 16 London Road, Stanford Le Hope, Essex SS17 0LD

The application set out a proposal for a two storey block for retail use and office space with stairs leading up to the first floor. There had been planning applications for the site before which had been rejected due to height issues. Progressive changes had been made overtime to overcome the scale and design which was now considered to be acceptable.

The Principal Planner stated that wording for conditions five and six of the report had been amended. Condition five was reworded as:

“The proposed first floor offices shall be used only for purposes in conjunction with and ancillary to the primary use of the ground floor retail use and shall not be used separately as an independent business.”

The hours stated in condition six was amended to state 21:00 hours and not 09:00 hours.

There were no questions from Members.

Ms S White was invited to the Committee to present her statement of objection.

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

The Chair opened the Committee to debate.

Councillor Piccolo mentioned visiting the site before. He asked if there was a difference in levels on the site, such as the resident's garden being built lower. The Principal Planner could not confirm and the report did not mention this. From the photos shown, it appeared the levels of the site and garden was similar. Councillor Piccolo replied that the garden was considerably lower than the building as it stepped down. The photos already showed reduced sunlight from the building and if the proposal was approved, the garden would become a night time environment in the day. He stated the Officers needed to visit the site to see this.

It was proposed by Councillor Churchman and seconded by Councillor Jefferies that a site visit be arranged for the Committee. The planning application would be deferred until after the site visit had taken place.

Site visit:

For: Councillors Steve Liddiard, Colin Churchman, Andrew Jefferies, Terry Piccolo and Gerard Rice.

Against: Councillors Leslie Gamester.

Abstain: (0)

DEFERRED:

Until after a site visit.

The meeting finished at 8.47 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**

12 July 2018	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Strategic Lead - Development Services	
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transportation and Public Protection.	
Accountable Director: Steve Cox, Corporate Director - 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: 17/01537/HHA
 Location: 54 St Chads Road, Tilbury
 Proposal: Drop kerb

3.2 Application No: 18/00070/HHA
 Location: 28 Elmstead Close, Corringham

Proposal: Single storey rear extension, Loft conversion: hip to gable, enlarging existing front and rear dormer. Demolishing of existing garage.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/01639/HHA

Location: 72 Fullarton Crescent, South Ockendon

Proposal: Two storey side extension.

Decision: Appeal Dismissed

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

4.1.2 The Inspector found the development to be untypical of the prevailing development pattern and in conflict with the Council's Design SPD. The Inspector concluded that the physical form and extent of the proposal would have a harmful effect on the character and appearance of the surrounding area, contrary to the design objectives of CS Policies PMD2 and CSPT22 and also relevant advice on good design within both the SPD and the NPPF.

4.1.3 The full appeal decision can be found online.

4.2 Application No: 15/01354/OUT

Location: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury

Proposal: Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.

Decision: Appeal Dismissed

- 4.2.1 This appeal was determined by way of Public Inquiry. At the Inquiry there was no dispute between the parties that, apart from a small portion of land on the western side, the appeal site is located in the Green Belt (GB). The Inspector considered the main issue to be whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations.
- 4.2.2 The NPPF makes clear that harm to the GB should be afforded substantial weight and the Inspector considered the development would conflict with three of the five purposes of including land within a GB.
- 4.2.3 The Inspector weighed the benefits of the scheme, giving very significant weight to the provision of market and affordable housing. The provision to allow the Council's cycleway scheme to cross the appeal site was also considered to be an advantage which was afforded moderate weight. The Inspector recognised that there would be economic advantages that would flow from the introduction of new population.
- 4.2.4 The Inspector considered the case presented but held that the applicant's case would not either individually or cumulatively clearly outweigh the substantial harm that would arise to the Green Belt.
- 4.2.5 The full appeal decision can be found online.

4.3 Application No: 17/00033/BUNUSE

Location: The Old Chapel, Oxford Road, Horndon on The Hill

Proposal: Material change of use of land.

Decision: Appeal Dismissed

- 4.3.1 The appeal related to the stationing of a metal storage container and support base in the Green Belt.
- 4.3.2 The requirements of the Notice are to remove the container and to clear away materials resulting from the removal of the container. The Inspector found that the requirements of the Notice would not exceed what is necessary to remedy the breach of planning control. The appeal on this ground (ground f) therefore failed.
- 4.3.3 The Notice also required the owner to remove the container within 1 month. The appellant argued that it should be allowed to remain until October 2019. The Inspector took the view that one month would be sufficient to remove the container, and as such the appeal on this ground (ground g) also failed.

4.3.4 The Inspector found it necessary to vary the wording of the Notice but upheld the Council's decision to take action. The Enforcement Notice (as varied) was upheld and the appeal dismissed.

4.3.5 The full appeal decision can be found online.

4.4 Application No: 17/01521/HHA

Location: 11 King Edward Drive, Grays

Proposal: Amendment of roof for loft conversion to mansard roof with flat windows and Juliet balcony.

Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

4.4.2 In dismissing the appeal the Inspector found that the proposal, by reason of the increased bulk and design of the mansard roof, would have an adverse effect on the character and appearance of the host dwelling and surrounding area. The Inspector found conflict with Policy CSTP22 and PMD2 and the NPPF.

4.4.3 The full appeal decision can be found online.

5.0 Forthcoming public inquiry and hearing dates:

5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD

Location: Hovels Farm, Vange Park Road, Vange

Proposal: Unauthorised use of the land.

Dates: To be confirmed.

5.2 Application No: 16/01512/FUL

Location: Land Adjacent Astons Villa And Appletons, Brentwood Road, Bulphan

Proposal: Change of use of land to residential use for Romani Gypsy family and stationing of one caravan and one camper van for residential occupation with ancillary works comprising modified access and area of hardstanding.

Dates: To be confirmed.

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	5	0	4										
No Allowed	0	0											
% Allowed													0%

7.0 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

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

8.1 This report is for information only.

9.0 Implications

9.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration) and
Deputy Monitoring Officer

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: **Natalie Warren**
Strategic Lead Community Development and Equalities

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

Reference: 18/00343/FUL	Site: Stanford Tyres and Servicing, rear of 16 London Road Stanford Le Hope Essex SS17 0LD	
Ward: Stanford Le Hope West	Proposal: Two storey block for A1 retail use, storage and office space	
Plan Number(s):		
Reference	Name	Received
01A	Existing Floor Layout	15 May 2018
02A	Location Existing Roof Layout	15 May 2018
03	Existing Elevations	15 May 2018
04E	Proposed Ground Floor Layout	15 May 2018
05C	Proposed Roof Layout	15 May 2018
06C	Proposed Elevations	15 May 2018
07C	Location Plan	2 March 2018
Recommendation: Approve, subject to conditions.		

1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 7 June 2018 Planning Committee meeting to enable a site visit to take place. Members visited the site on 26 June 2018.
- 1.2 A copy of the report presented to the 7 June meeting is attached.
- 1.3 The application remains recommended for approval as detailed in the attached report subject to conditions.

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Reference: 18/00343/FUL	Site: Stanford Tyres And Servicing Rear Of 16 London Road Stanford Le Hope Essex SS17 0LD
Ward: Stanford Le Hope West	Proposal: Two storey block for A1 retail use, storage and office space

Plan Number(s):		
Reference	Name	Received
01A	Existing Floor Layout	15 May 2018
02A	Location Existing Roof Layout	15 May 2018
03	Existing Elevations	15 May 2018
04E	Proposed Ground Floor Layout	15 May 2018
05C	Proposed Roof Layout	15 May 2018
06C	Proposed Elevations	15 May 2018
07C	Location Plan	2 March 2018

The application is also accompanied by:

Applicant: Merwin Amirtharaja	Validated: 5 March 2018 Date of expiry: 14 June 2018 (Extension of Time agreed)
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Ojetola, Little, Gledhill, Piccolo and Hebb in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution for considerations relating to amenity and of car parking.

1.0 DESCRIPTION OF PROPOSAL

This application seeks planning permission to remove the present workshop on the site and build a part single/part two storey building. The ground floor area would be split between an A1 retail use and store use with an office use on the first floor.

2.0 SITE DESCRIPTION

The site is to the rear of a petrol station and a shop. The lawful use of the site is as a car garage which operated within two single storey buildings. There are commercial uses to the north of the site and residential uses to the south.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/00596/FUL	Demolition of workshop and construction of two storey – A1 (retail) use on ground floor and office use on first floor with parking	Refused – due to the scale, form, massing and unsympathetic design of the proposal which was determined as likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity
17/01349/FUL	Demolition of workshop and construction of two storey building – A1 (retail) use on ground floor and office use on first floor with parking (resubmission of 17/00596/FUL)	Refused - due to the scale, form, massing and unsympathetic design of the proposal which was determined as likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

One letter has been received objecting to the application for the following reasons:

- Inaccurate drawings, no height levels shown and incorrect building line;
- Increased parking problems;
- Overlooking, overbearing, overshadowing, loss of light;

- Excessive bulk, scale;
- Design looks like a house.

HIGHWAYS:

No objection

ENVIRONMENTAL HEALTH:

No objection subject to a condition

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:

- Building a strong competitive economy
- Requiring good design

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

6.0 Local Planning Policy

Thurrock Local Development Framework (2015)

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

Spatial Policies:

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

Thematic Policies:

- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)³
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

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

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

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 summer of 2018.

Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

7.0 ASSESSMENT

The assessment below covers the following areas:

- I. Principle of the Development (Conformity with Planning Policies)
- II. Design and Layout
- III. Amenity Issues
- IV. Traffic Impact, Access and Car Parking
- V. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

The site is within a mixed residential and commercial area in Stanford Le Hope and presently comprises two buildings with a commercial use. Therefore, the principle of further commercial use of this site is acceptable subject to other policy criteria being met.

II. DESIGN AND LAYOUT

The NPPF focuses on the importance of good design. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSTP22 of the Core Strategy (as amended) 2015 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Policy PMD2 of the Core Strategy (as amended) 2015 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and

should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

The application site is set away from the road; nonetheless it is visible within the street scene. The proposed building would include an additional floor to the western section of the site compared to the present building on the site.

The previous application (planning application ref. 17/01349/FUL) was refused due to the scale, form, massing and unsympathetic design of the proposal which was determined as likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity. A comparison of the scale of the scale has been carried out between the most recently refused application and the current proposal:

Application Reference	17/01349/FUL	Current Scheme
Overall height of single storey element	4.1m to ridge	4m
Height on boundary with Hollis House	2.65 eaves height	2.7m
Overall height of two storey element	6.6m to ridge	5.65m to ridge
Height of closest point on boundary with Hollis House	5.2m to eaves	Height of mono pitched roof varies as follows: 4.65m lowest point rising to 5.65m highest point

The proposed two storey building would be larger than the existing building but it includes a mono pitched roof that helps to minimise the sense of size and scale. Since the previous application was refused the front elevation of the building has been revised to incorporate a better quality design. Thus the first floor would include 5 windows with rendering either side and cedar timber cladding above and below the windows.

The ground floor shopfront would be fully glazed with eight panels, with fascia above along with doors either end serving the proposed retail unit on the ground floor and office to the first floor of the building.

The design of the proposed building represents a significant improvement on the previous proposal and is considered to be of satisfactory appearance creating a degree of visual interest and contributing to local distinctiveness.

With regard to the single storey element of the building, this would be used in conjunction with the retail premises number 16 London Road. The proposed building would have the appearance of a large garage as it includes roller shutters and an entrance door. This part of the building would include a pitched roof with four roof lights; two on the front roof slope and two on the roof slope to the rear of the building.

The proposed design, appearance, mass and scale of the building overall is considered acceptable, overcoming the previous design reasons for refusal, and would comply with Council policy.

III. AMENITY ISSUES

Policy PMD1 of the Core Strategy (as amended) 2015 states that development will not be permitted where it would have an unacceptable impact on the amenity of neighbouring occupiers.

The proposed use is for A1 use, retail storage and offices, which would arguably have less of an effect on nearby residential uses than a vehicle garage in terms of noise and general disturbance.

The previous application was refused on the basis that the form, massing and unsympathetic design of the proposal was determined likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity. The current application has been amended with the view to overcoming these concerns, particularly in relation to the height and mass of the building.

The proposed single storey element would be comparable in height to the existing single storey building. It would have a maximum height of 4m to its ridge compared to the 3.6m height of the existing flat roofed building. It should be noted however that the eaves height of the proposed pitched roof would be 3.6m and it would be pitched away from the boundary with the neighbouring properties to the immediate East, Priors Lodge and Hollis House, on Ruskin Road.

It is considered that the impact of this element of the building on the amenities of the neighbouring occupiers would be similar to that of the existing building and it would not have a harmful impact in terms of loss of light or visual intrusion.

The proposed two storey element would be larger than the existing building. However, it includes a mono pitched roof which slopes up and away from nearby residential properties which serves to minimise its overall impact and scale.

The overall height of the single storey element has been reduced by 0.1m compared to the existing building with the highest part of the overall roof being reduced by 0.05m. While the reduction is modest the single storey building was not considered to be the most harmful aspect of the previous proposal. It is not considered that the single storey element of the building would result in any significant loss of light, outlook or overshadowing.

In relation to the two storey element of the building, this has been revised to include a mono pitched roof which descends to its lowest height of 4.65m. It is considered that the overall impact of the building in terms of bulk and scale is significantly reduced when compared to previous proposal.

Moreover, it is considered that concerns raised about excessive bulk scale and house design have been addressed; the building as revised includes varied height and bulk with the overall scale having been reduced with a commercial appearance which is considered appropriate.

Concerns about loss of privacy have also been addressed. The proposals do not include any windows to the side or rear elevation and the roof lights would face skyward.

Turning to the matter of opening times, the proposal seeks to operate during the following times:

06:00 to 21:00 hours Mondays to Saturdays and 07:00 to 09:00 hours Sundays and Bank Holidays. Given the site's location in relation to nearby residential properties it is recommended that the hours of operation are restricted to opening no later than 19:00 hours Mondays to Saturdays in the interests of neighbour amenity. An appropriate condition has been included.

On balance, and via the imposition of appropriate conditions, it is considered that the proposed building and use and the relationship between the proposed buildings and the neighbouring dwellings would not be so harmful as to justify refusal on amenity grounds. Therefore, the current proposal is considered to have overcome the previous concerns regarding amenity impacts and is considered to comply with Policy PMD1 of the Core Strategy.

IV. TRAFFIC IMPACT, ACCESS AND PARKING

Policy PMD2 of the Core Strategy (as amended) 2015 indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Core Strategy (as amended) 2015 requires all development to provide a sufficient level of parking.

The Council's Highways Officer has indicated that although no parking is proposed, it is not considered that the impact would be severe enough to impact on the highway or justify a reason for refusal, given the existing use of the premises.

In addition the site is within an accessible location that benefits from a range of transport facilities and is close to the town centre and as such and given the nature of the use the proposal is considered acceptable in terms of traffic impact access and car parking.

V. OTHER MATTERS

The neighbour comment received has raised concerns about loss of amenity from the proposed uses. Amenity impacts have been considered earlier in the report and the Environmental Health Officer has raised no objections to the proposal subject to limiting the hours of construction and demolition. This is considered to be acceptable and accordingly the proposal is considered to be acceptable in regards to neighbour amenity impact, complying with Policy PMD1.

In relation to accuracy of the drawings, the applicant’s agent has revisited the site and has amended the drawings to reflect the relationship of the existing buildings on site. It is considered that the drawings now reflect the circumstances on site. Furthermore, the applicant has indicated within the application form that the relevant certificate of ownership notifications have been carried out in respect of land ownership.

8.0 CONCLUSIONS

It is considered that the proposed development would be acceptable in terms of design, appearance and relationship to neighbouring occupiers overcoming the previous reasons for refusal. In addition it is considered that the proposed mix of uses would not result in adverse amenity impacts or conditions relating to car parking given the restrictions within the area and the accessible nature of this location. The proposal would be acceptable and planning permission is therefore recommended.

9.0 RECOMMENDATION

Approve subject to condition(s):

TIME LIMIT

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

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

PLANS

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

01A	Existing Floor Layout	15 May 2018
02A	Location Existing Roof Layout	15 May 2018
03	Existing Elevations	15 May 2018
04E	Proposed Ground Floor Layout	15 May 2018
05C	Proposed Roof Layout	15 May 2018
06C	Proposed Elevations	15 May 2018

07C	Location Plan	2 March 2018
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Reason: For the avoidance of doubt and in the interest of proper planning.

DETAILS OF MATERIALS/SAMPLES TO BE SUBMITTED

- 3 Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

REFUSE AND RECYCLING STORAGE

- 4 Prior to the commencement of development detailed plans detailing the number, size, location, design and materials of bin and recycling stores to serve the development together with details of the means of access to bin and recycling stores shall be submitted to and agreed in writing with the local planning authority. The approved bin and recycling stores shall be provided prior to the first occupation of the buildings and permanently retained in the form agreed.

Reason: In the interests of residential amenity 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 [2015].

ANCILLARY OFFICES

- 5 The proposed first floor offices shall be used only for purposes in conjunction with and ancillary to the primary use of the main building at 16 London Road and shall not be used separately as an independent business.

Reason: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF OPENING

- 6 Ground Floor A1 Retail Unit and Storage Unit

The ground floor A1 retail and storage uses hereby permitted shall only be undertaken between 06:00 hours and 19:00 hours from Monday to Saturday and between 07:00 hours and 09:00 hours on Sundays and Bank Holidays.

First Floor Office Unit

The first floor office use hereby permitted shall only be undertaken between 06:00 hours and 19:00 hours from Monday to Saturday and between 07:00 hours and 09:00 hours on Sundays and Bank Holidays.

Reason: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

7 USE OF PREMISES

The ground floor retail unit shall only be used for A1 retail purposes and for no other purpose including any purpose as defined within Class A1 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

Reason: In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

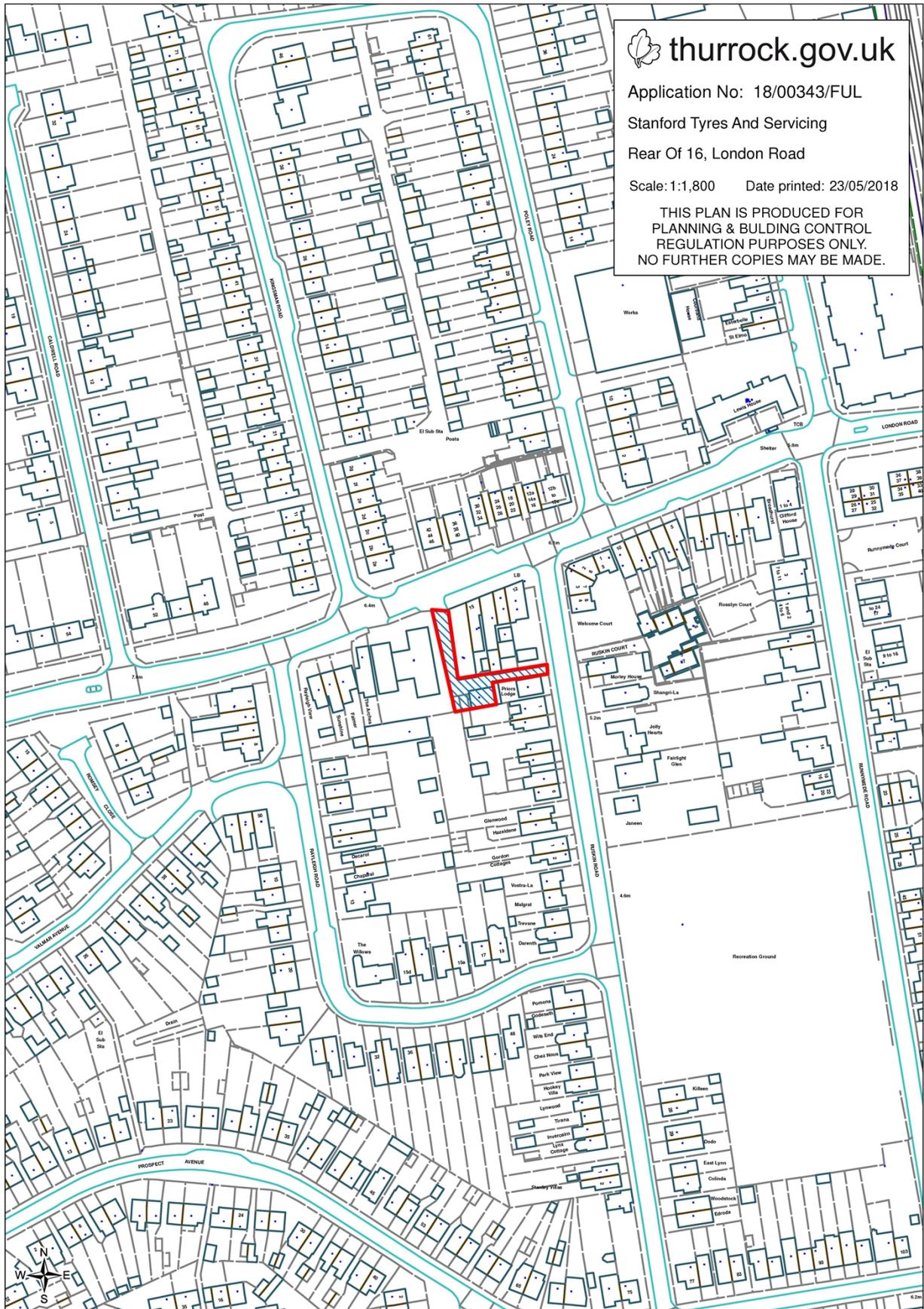
- 1 No bonfires should be permitted during construction and demolition activities.
- 2 The applicants are reminded that any asbestos containing materials in the existing tyre and services office building must be removed by a competent person prior to the commencement of the development.
- 3 **Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:**

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

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**
Application No: 18/00343/FUL
Stanford Tyres And Servicing
Rear Of 16, London Road
Scale: 1:1,800 Date printed: 23/05/2018
**THIS PLAN IS PRODUCED FOR
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Reference: 17/01527/HHA	Site: 2 Oval Gardens Grays Essex RM17 5NR
Ward: Little Thurrock Rectory	Proposal: Two storey side and single storey rear extension

Plan Number(s):		
Reference	Name	Received
RM17 5NR	Location Plan	11th November 2017
01A	Existing Plans	22nd May 2018
03c	Elevations	25th June 2018
05C	Elevations	25th June 2018
06B	Elevations	22nd May 2018
07A	Block Plan	19th January 2018
02B	Proposed Plans	22nd May 2018
04C	Elevations	25th June 2018

The application is also accompanied by: N/A	
Applicant: Mr M Singh	Validated: 21 December 2017 Date of expiry: 19 July 2018
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the application was called in to consider issues of parking, design and overlooking in accordance with Part 3 (b) 2.1 (c) of the Council's constitution.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks retrospective planning permission for a two storey side extension and single storey rear extension. The works, which involved the removal of the existing garage and front porch, have largely been completed. Two parking

spaces are provided within the application site.

2.0 SITE DESCRIPTION

- 2.1 The application property is a two storey semi-detached dwelling on the eastern side of Oval Gardens in Grays.
- 2.2 The existing dwelling which is similar in design to the other dwellings on the street scene had previously been extended in the roof under permitted development rights.

3.0 RELEVANT HISTORY

Application reference	Description of Proposal	Decision
14/01102/FUL	Two storey side extension (including removal of existing garage) to provide one new dwelling.	Refused
Enforcement reference	Nature of breach	Outcome
17/00370/BUNWKS	Building works being carried out without permission	Current application submitted in response to enforcement case.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters.

Eleven responses from seven neighbouring properties were received objecting to the development on the basis of:

- Additional traffic;
- Parking pressure;
- Overlooking;
- Spoiling view;
- Development is out of character with surroundings;
- Development could result in multiple occupations.

HIGHWAYS:

4.3 No objection subject to conditions.

5.0 POLICY CONTEXT**Local Planning Policy**Thurrock Local Development Framework (as amended) 2015

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

Spatial Policies:

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

Thematic Policies:

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

Policies for the Management of Development:

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

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

Thurrock Residential Alterations and Extension Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The RAE is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

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

I. PRINCIPLE OF DEVELOPMENT

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

II. DESIGN AND APPEARANCE

6.3 The proposed side extension is considered acceptable in terms of form, design and scale. The extension has been rendered and painted to match the existing house.

6.4 The single storey extension to the rear is also finished in render and is similarly appropriate in design and scale terms in relation to the original building.

6.5 In conclusion under this heading, the proposed extensions are considered to be of an appropriate form, design and scale in relation to the original dwelling and the immediate location, complying with the RAE and Policies PMD2 and CSTP22 of the Core Strategy.

III. PARKING AND ACCESS

6.6 The building works have resulted in the removal of the garage to the side of the house however; space for two parking spaces has been retained on the frontage.

6.7 The level of parking provided is considered acceptable however there is an abrupt change in levels between the curtilage and highway which could discourage its use for parking. The Council's Highway Officer has raised no objection subject to a condition requiring the frontage and access to be suitably laid out.

IV. IMPACT ON NEIGHBOUR AMENITY

6.8 The side extension would be subservient to the existing building and is not considered to the impact upon the street scene.

6.9 To the side, No 4 Oval Gardens already has a single storey rear extension and the new extensions would not be overbearing or harmful to the occupiers of that property.

6.10 Similarly, the rear and side extensions would not impact on the occupiers of No 21 and No 23 Lenmore Avenue by reason of mass or bulk or overlooking given the intervening distances between them and the extended dwelling. The proposal therefore complies with Policy PMD1 in this regard.

6.11 Local residents have raised concern that the extension could lead to the creation of a House of Multiple Occupancy (HMO), however there is nothing contained within the application which would suggest that this is the intention and the application must be judged on its own merits. Separate planning consent would be required in any event for the change of use of the property to a HMO.

7.0 CONCLUSIONS

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

8.0 RECOMMENDATION

8.1 Approve, subject to the following conditions:

Time Limit

1 Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

REASON: To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

Plan Numbers

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

Plan Number(s):		
Reference	Name	Received
RM17 5NR	Location Plan	11th November 2017
01A	Existing Plans	22nd May 2018
03c	Elevations	25th June 2018
05C	Elevations	25th June 2018
06B	Elevations	22nd May 2018
07A	Block Plan	19th January 2018
02B	Proposed Plans	22nd May 2018
04C	Elevations	25th June 2018

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

Materials

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

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

Parking area and access

- 4 Within ONE MONTH of this decision details shall be submitted showing the layout, dimensions, construction specification including drainage and levels of the proposed access to the highway and the parking area. Once approved, the access and parking area shall be implemented on site in accordance within TWO MONTHS. Thereafter, the development shall be permanently retained in accordance with the approved details.

REASON: In the interests of highway safety and efficiency.

INFORMATIVES

- 1 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.

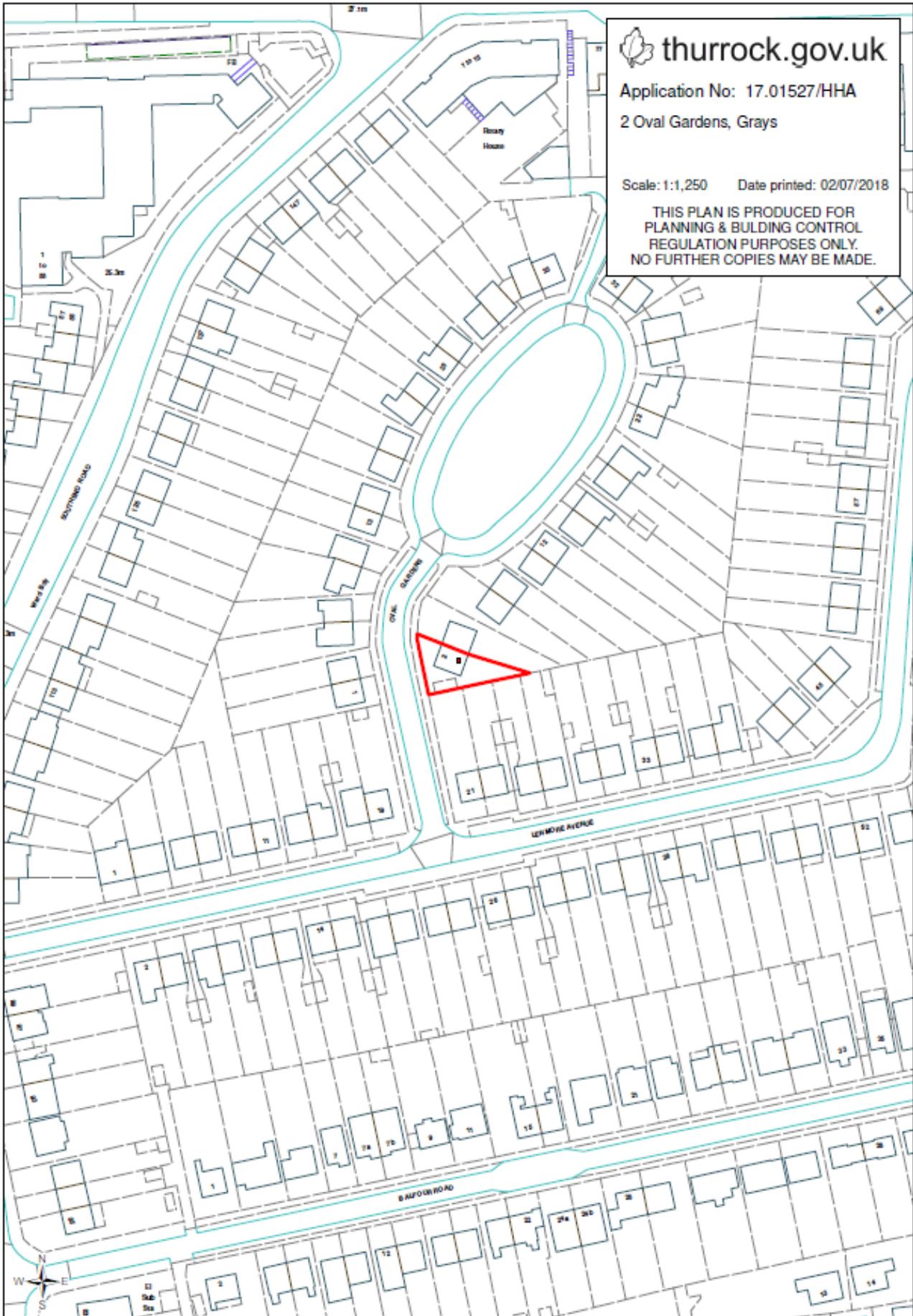
2. Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works.

Chief Highways Engineer,
Highways Department,
Thurrock Council,
Civic Offices,
New Road,
Grays Thurrock,
Essex. RM17 6SL

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: 18/00507/FUL	Site: Land Adjacent Moore Avenue Devonshire Road And London Road South Stifford Grays Essex
Ward: West Thurrock And South Stifford	Proposal: Redevelopment of the site to provide 102 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

Plan Number(s):		
Reference	Name	Received
1001A	Other	11th April 2018
1100	Roof Plans	11th April 2018
1200A	Other	11th April 2018
1201B	Site Layout	14th June 2018
1202C	Other	11th April 2018
1203B	Other	14th June 2018
1204A	Other	11th April 2018
1205A	Other	11th April 2018
1300C	Site Layout	14th June 2018
1301A	Sections	11th April 2018
1400A	Floor Layout	11th April 2018
1401A	Floor Layout	11th April 2018
1402A	Floor Layout	11th April 2018
1403A	Floor Layout	11th April 2018
1404A	Floor Layout	11th April 2018
1405A	Floor Layout	11th April 2018
1406A	Floor Layout	11th April 2018
1407A	Floor Layout	11th April 2018
1408A	Floor Layout	11th April 2018
1409A	Floor Layout	11th April 2018
1410A	Floor Layout	11th April 2018
1411A	Floor Layout	11th April 2018
1500A	Floor Layout	11th April 2018

1501A	Floor Layout	11th April 2018
1502A	Floor Layout	11th April 2018
1503A	Floor Layout	11th April 2018
1504A	Floor Layout	11th April 2018
1505A	Floor Layout	11th April 2018
1506A	Floor Layout	11th April 2018
1507A	Floor Layout	11th April 2018
1508A	Floor Layout	11th April 2018
1509A	Floor Layout	11th April 2018
1510A	Floor Layout	11th April 2018
1511A	Floor Layout	11th April 2018
1512A	Floor Layout	11th April 2018
1513A	Floor Layout	11th April 2018
1514A	Floor Layout	11th April 2018
1515A	Floor Layout	11th April 2018
1516A	Floor Layout	11th April 2018
1520A	Floor Layout	11th April 2018
1700A	Elevations	11th April 2018
1701A	Elevations	11th April 2018
1702A	Elevations	11th April 2018
1703A	Elevations	11th April 2018
1800A	Elevations	11th April 2018
1801A	Elevations	11th April 2018
1802A	Elevations	11th April 2018
1850A	Elevations	11th April 2018
1851A	Elevations	11th April 2018
1852A	Elevations	11th April 2018
1853A	Elevations	11th April 2018
1854A	Elevations	11th April 2018
1855A	Elevations	11th April 2018
1856A	Elevations	11th April 2018
1857A	Elevations	11th April 2018
1858A	Elevations	11th April 2018
1875A	Elevations	11th April 2018
1350A	Landscaping	14th June 2018
1352	Landscaping	11th April 2018
1353	Landscaping	11th April 2018
1351	Landscaping	11th April 2018
1354	Landscaping	11th April 2018

1000B	Location Plan	11th April 2018
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<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Planning Statement - Design and Access Statement - Arboriculture Impact Assessment - Ecology Strategy - FRA - Noise Assessment - Outdoor Lighting Report - Transport Statement 	
<p>Applicant: Bellway Homes Limited (Thames Gateway)</p>	<p>Validated: 7 April 2018 Date of expiry: 26th July 2018 (Extension of time agreed with applicant).</p>
<p>Recommendation: Approve, subject to conditions and s.106 agreement.</p>	

This application is scheduled for determination by the Planning Committee because the application is of a strategic nature (in accordance with 2.1. (a) of the Council's Constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks full planning permission for the development of 102 dwellings, with associated private and public amenity space, means of enclosure, parking, vehicle and pedestrian accesses and drainage.

1.2 Table 1 below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	2.31ha					
Height	2 – 4 storeys					
Units (All)	Type (ALL)	1- bed	2- bed	3- bed	4 bed	TOTAL
	Houses	0	10	32	12	54
	Flats	10	38	0	0	48

	TOTAL	14	11	0	0	102
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	4-bed	TOTAL
	Houses	0	0	0	0	0
	Flats	7	13	0	0	20
	TOTAL	0	0	0	0	0
Car Parking	Flats: 48 spaces (1 per flat) Houses: 180 spaces (total houses 54 – 1.76spaces per dwelling) Visitors: 25 spaces Total: 25 spaces					
Amenity Space	Private amenity space for the houses and communal amenity space for the flats.					
Density	44 dwellings per hectare for the site (varies across the site)					

Access

- 1.3 The proposed development would be served by a single vehicular access point onto Devonshire Road approximately 250m north of the junction with London Road. A new cycle and pedestrian access point would be provided to the south western corner of the site with London Road, close to the front boundary of No 312 London Road.

In terms of parking, occupiers of the flats would park within shared communal parking areas while the occupiers of the houses would be provided with either on-plot parking spaces or spaces within communal parking areas.

Layout

- 1.4 The development would be laid out effectively with three central areas (running through the centre of the site) where houses would back onto one another with private gardens to the rear. Detached properties would back onto the western boundary of the site and flatted blocks would provide street frontages onto London Road and Devonshire Road. The flatted units would provide a strong corner turning feature for the development on the junction.

Scale and Appearance

- 1.5 The houses would be two storeys with pitched roofs while the flatted units would be four storeys with flat roofs. A limited palette of external finishing materials is proposed across the whole of the site comprising a dark buff brick, slate coloured roof tiles and grey framed windows. Feature porches and tall windows would add interest and create a modern appearance to the houses. The flats would similarly have deep windows and projecting balconies to break up the massing of the

building and add visual interest.

2.0 SITE DESCRIPTION

- 2.1 The site comprises a broadly rectangular-shaped parcel of land, extending to approximately 2.32 hectares. The site is located to the north west of the junction with London Road and Devonshire Road. An existing access is located in the south eastern corner of the site.
- 2.2 The site is presently vacant, having not been used for some time. The site is partially overgrown as a result of being left vacant. There are trees along the western and southern boundary which provide some screening on these boundaries.
- 2.3 Natural ground levels across the site fall gently from north to south towards London Road. The site, for the most part, is located in the low flood risk area (Zone 1) but toward the southern part of the site falls within Zones 2 and 3(a).
- 2.4 The west of the site is bounded by the rear gardens and accesses to the rear of properties on Moore Avenue, which are generally 1930’s two storey houses. The southern side of the site is bounded by London Road and the eastern side of the site is bounded by Devonshire Road with Askews Farm Industrial estate beyond.

3.0 RELEVANT HISTORY

Reference	Description	Decision
16/01625/OUT	Redevelopment of the site for the provision of up to 75 dwellings with vehicular, pedestrian and cycle access from Devonshire and London Roads, internal access roads, footpaths, cycleways, parking, public open space, landscaping and drainage infrastructure (Outline application with all matters reserved except for access)	Approved subject to legal agreement

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council’s website: www.thurrock.gov.uk/planning

PUBLICITY:

4.2 The application has been publicised by the display of a site notice, a newspaper advertisement and consultation with relevant consultees and neighbours.

4.3 Eight letters of representation have been received objecting for the following reasons:

- Increase in number of units since recent approval;
- More flats since recent approval;
- Parking problems will be worsened;
- The village life feel of the area is being destroyed;
- Loss of privacy for existing residents;
- Noise impact during construction;
- Local bus services already struggle due to traffic;
- Security of rear gardens of established properties;
- Impact on property values

ENVIRONMENTAL HEATH:

4.4 No objections, subject to conditions.

ANGLIAN WATER:

4.5 No objections, subject to conditions.

HIGHWAYS:

4.6 No objections, subject to conditions.

LANDSCAPE AND ECOLOGY ADVISOR:

4.7 No objections, subject to condition.

EDUCATION:

4.8 A section 106 contribution is required to mitigate the impact of the development.

HOUSING:

4.9 35% affordable housing is required.

HEALTH & SAFETY EXECUTIVE:

4.10 Does not advise against development.

FLOOD RISK MANAGER:

4.11 Object to drainage strategy [this can be covered by conditions].

ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

4.12 No objections, subject to conditions.

ESSEX & SUFFOLK WATER:

4.13 No objections.

BRITISH PIPELINE AGENCY:

4.14 No objections, not in zone of interest.

HIGHWAYS ENGLAND:

4.15 No objections.

EMERGENCY PLANNING:

4.16 No objections, subject to conditions.

SPORT ENGLAND:

4.17 No objections.

REGENERATION:

4.18 No objections.

5.0 POLICY CONTEXT

NATIONAL POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. The NPPF is a material consideration in planning decisions. The following headings and content of the NPPF are relevant to the consideration of the current proposals.

- delivering a wide choice of high quality homes;

- requiring good design;
- promoting healthy communities; and
- meeting the challenge of climate change, flooding and coastal change.

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. The PPG contains a number of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change;
- Design;
- Flood risk and coastal change;
- Renewable and low carbon energy; and
- Use of planning conditions.

LOCAL POLICY CONTEXT

5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The Adopted Interim Proposals Map shows the site as a ‘Housing Land Proposal’. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES:

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

THEMATIC POLICIES:

- CSTP1 (Strategic Housing Provision)

- CSTPP2 (The Provision of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)³
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- 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
- PMD4 (Historic Environment)²
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)³
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)

- PMD10 (Transport Assessments and Travel Plans)²
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation);
- 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].

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. Consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Impact on ecology and biodiversity
- V. Ground Contamination
- VI. Noise and Air Quality
- VII. Flood Risk and Site Drainage
- VIII. Planning Obligations
- IX. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The principle of housing on this site has been established by the grant of planning permission 16/01625/OUT in 2017.
- 6.3 Policy CSSP1 refers principally to housing delivery and 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. The development would provide a mixture of flats and houses of different sizes.
- 6.4 In light of the extant planning permission and the policy context above, the principle of the development is considered to be acceptable.

II. DESIGN AND LAYOUT

- 6.5 The development would take the form of three residential cores created by two storey houses with back to back private garden areas. Parking would be provided to the front of the dwellings in each area. This traditional layout would provide a good quality living environment for potential occupiers.
- 6.6 Two storey dwellings are considered to be an appropriate response to the local context and the established properties to the west. In addition, the two storey dwellings fronting onto Devonshire Road would ensure the development does not dominate this frontage. The taller flatted blocks would be positioned to the south and south east of the site to anchor the development in the landscape and provide a strong frontage to London Road. The area adjacent to the site to the west is made up of a variety of building, of different ages, designs and heights. It is considered that the appearance and height of buildings to the southern part of the site would be acceptable.
- 6.7 The development would result in dwellings backing onto Moore Avenue, however given the distance between these properties and the established dwellings, the proposal would not be harmful to the amenities of the occupiers of those properties.
- 6.8 The southern boundary of the site would be treated by a Sustainable Urban Drainage (SUD's) swale and tree planting which would integrate the development into the site and provide a green buffer between the residential properties and the London Road.
- 6.9 With regard to design and layout 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:

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

- 6.10 It is considered that the Design & Access Statement and information accompanying the application provides a thorough understanding of the context of the site and the physical constraints influencing the opportunities for development of the site. The proposed two storey dwellings have pitched roof and windows in a traditional form. However, given the restrained palette of external materials and large window openings the two storey dwellings would have a modern appearance. Given the mixed character of the area the proposed design is considered to be acceptable.
- 6.11 The proposed four storey apartment blocks would be constructed from the same materials as the houses and would have window proportions similar to the houses. This would draw the site together in design terms. Balconies would be provided on the frontages of the blocks. Whilst it would be preferable for the balconies to be set within the building, these would provide some visual interest to the front of the building and allow for residents to have a useable outdoor area.
- 6.12 Letters have been received objecting to the increase in density since the approval of application 16/01625/OUT. It is recognised that the scheme has been revised since the outline approval, however the proposed layout would make an efficient use of land and the plans submitted show that the number of units can be accommodated on the site in an acceptable form.
- 6.13 Accordingly the proposal is considered to satisfy the relevant criteria of Policies PMD1, PMD2 and CSTP22 of the Core Strategy.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.14 The Council's Highways Officer raises no objection to the principle of the development on this site subject to conditions. Accordingly, subject to conditions, the proposal is considered to comply with Policies PMD8, PMD9, and PMD10.

IV. IMPACT ON ECOLOGY AND BIODIVERSITY

- 6.15 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.

- 6.16 An ecological survey has been provided. The ecological survey, indicates that the development would not have a harmful impact on the site or the wider area.
- 6.17 An Arboricultural Impact Assessment of the trees on and around the site has been provided. The surveys indicates that the majority of the trees will be retained and will used to create a setting for the proposed development
- 6.18 The Council's Landscape and Ecology Advisor agrees with the findings of the ecological surveys, but recommends updates to the survey to ensure any scheme takes account of ecology on site. The surveys would need to be carried out prior to development taking place. This matter could be controlled by planning condition.
- 6.19 With reference to trees, the Council's Landscape and Ecology Advisor indicates that the trees that would remain could provide a good basis for the site, he therefore recommends an Arboricultural Method Statement be submitted as part of any reserved matters application.
- 6.20 Subject to the conditions proposed, it is concluded that the impacts of the proposals on ecology and biodiversity interests are acceptable.

V. GROUND CONTAMINATION

- 6.21 There are no identified contamination issues on the site. The Council's Environmental Health Officer (EHO) considers that the site will be suitable for residential use but recommends a watching brief for any unforeseen contamination. This could be covered by planning condition.

VI. NOISE AND AIR QUALITY

- 6.22 The application site is located close to London Road (in part) which is a main link between Grays, West Thurrock and Lakeside beyond. The location of some of the proposed dwellings close to London Road has potential impacts in terms of noise impact.
- 6.23 The Council's EHO is satisfied with the results of the noise survey and suggests a condition should be applied to treat the dwellings where they are closest to London Road. Mitigation measures such as enhanced glazing specification will be required to reduce internal noise levels to an acceptable level. This issue can be covered by condition.
- 6.24 There are no air quality issues affecting the site on the basis of the proposed layout.

VII. FLOOD RISK AND SITE DRAINAGE

- 6.25 The majority of the site is located within the low risk flood area (Zone 1). However, as the site area is greater than 1 hectare and an area of the site falls within Flood Zone 2 and 3 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.
- 6.26 The Council has applied the Sequential and Exception Test, which is required by the NPPF. The purpose of the Sequential Test is to steer new development to areas with the lowest probability of flooding (Zones 1 and 2). Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding the Exception Test can be applied.
- 6.27 The Sequential Test has been applied to the proposals and that Test concludes that there are no reasonably available sites located in areas of lower flood risk within the search area that would be appropriate for the type of development proposed. The Exception Test also needs to be applied as the proposal is classified as a 'more vulnerable use' within flood zone 3 but it is considered that the proposals would deliver benefits to sustainability which would outweigh flood risk issues and that, subject to mitigation, the development will be safe without increasing flood risk elsewhere.
- 6.28 The response from the Flood Risk Manager raises a holding objection due to the adequacy of the Drainage Strategy this matter could be covered by a condition to update the submitted Strategy. In addition the Council's Civil Protection Officer raises no objection subject to the submission of a Flood Warning and Evacuation Plan, which can also be covered by a condition.

VIII. PLANNING OBLIGATIONS

- 6.29 Adopted Core Strategy policy CSTP2 seeks the provision of 35% affordable housing and policy PMD16, seeks planning obligations through S106 agreement (as appropriate) to mitigate the impact of development.
- 6.30 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 in the locality. The Infrastructure Requirement List identifies extensions to a primary school in the Grays primary school planning area and extension to a secondary school in the central secondary school planning area as

infrastructure projects; the contribution required is £654,722.74.

- 6.31 The applicant has provided a viability appraisal as part of the application. This assessment was based on the value assumptions of the previous application with an uplift to encompass the additional units, in terms of contributions. The proposal is for 20% of the total units being provided as affordable housing.
- 6.32 The appraisal indicates that the scheme cannot support a policy compliant level of affordable housing and that contributions can only be provided on the basis as submitted in the assessment. The financial information within the appraisal is commercially sensitive, but has been assessed by the Council's appointed independent assessors.
- 6.33 The Council's independent assessors have reviewed the document, and although disagreeing with some of the value assumptions, they agree that the scheme would be unviable if further contributions or affordable housing was sought. As with other similar schemes, they advise that a review mechanism is implemented and carried out if the scheme has not reached slab level within 2 years of consent being granted. Subject to the inclusion of such a review mechanism in the 106 agreement, it is considered that the Council would not be in a position to object on the grounds of the proposed level of affordable housing provision or contributions at this time.

IX. OTHER MATTERS

- 6.34 The application site lies within the consultation zones of the NuStar fuel storage facility to the north east of the site on Askews Farm Lane. The applicant has been involved in detailed discussion with the Health and Safety Executive (HSE) about the zoning and the development, the HSE has indicated on the basis of the specific layout provides there are no objections to granting consent for housing on this site.
- 6.35 The response from the Archaeology team at Essex County Council recommends a watching brief in case there is material of any interest. This could be covered by an appropriate condition.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 This application seeks full planning permission for the residential development of the site. The site lies within a mixed use area and is close to one of the major regeneration hubs in the Borough. Accordingly, the principle of the development is sound.
- 7.2 The proposed layout and all matters of detail would be acceptable to create a suitable modern development. Other matters such as noise, archaeology, ecology, flood risk and contamination could be dealt with by appropriate conditions.

8.0 RECOMMENDATION

8.1 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 20 dwellings as affordable housing (intermediate tenure);
- (ii) Financial contribution of £239,189.32 (subject to indexation) payable prior to first occupation towards the cost of additional secondary school places within the central secondary school planning area;
- (iii) Review mechanism in the event that the scheme has not reached slab level within 2 years of consent being granted.

B: The following planning conditions:

Full Planning Applications - Three year time limit on commencement.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by 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, unless otherwise agreed in writing by the local planning authority:

Plan Number(s):		
Reference	Name	Received
1001A	Other	11th April 2018
1100	Roof Plans	11th April 2018
1200A	Other	11th April 2018
1201B	Site Layout	14th June 2018
1202C	Other	11th April 2018
1203B	Other	14th June 2018
1204A	Other	11th April 2018

1205A	Other	11th April 2018
1300C	Site Layout	14th June 2018
1301A	Sections	11th April 2018
1400A	Floor Layout	11th April 2018
1401A	Floor Layout	11th April 2018
1402A	Floor Layout	11th April 2018
1403A	Floor Layout	11th April 2018
1404A	Floor Layout	11th April 2018
1405A	Floor Layout	11th April 2018
1406A	Floor Layout	11th April 2018
1407A	Floor Layout	11th April 2018
1408A	Floor Layout	11th April 2018
1409A	Floor Layout	11th April 2018
1410A	Floor Layout	11th April 2018
1411A	Floor Layout	11th April 2018
1500A	Floor Layout	11th April 2018
1501A	Floor Layout	11th April 2018
1502A	Floor Layout	11th April 2018
1503A	Floor Layout	11th April 2018
1504A	Floor Layout	11th April 2018
1505A	Floor Layout	11th April 2018
1506A	Floor Layout	11th April 2018
1507A	Floor Layout	11th April 2018
1508A	Floor Layout	11th April 2018
1509A	Floor Layout	11th April 2018
1510A	Floor Layout	11th April 2018
1511A	Floor Layout	11th April 2018
1512A	Floor Layout	11th April 2018
1513A	Floor Layout	11th April 2018
1514A	Floor Layout	11th April 2018
1515A	Floor Layout	11th April 2018
1516A	Floor Layout	11th April 2018
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1703A	Elevations	11th April 2018
1800A	Elevations	11th April 2018
1801A	Elevations	11th April 2018

1802A	Elevations	11th April 2018
1850A	Elevations	11th April 2018
1851A	Elevations	11th April 2018
1852A	Elevations	11th April 2018
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1353	Landscaping	11th April 2018
1351	Landscaping	11th April 2018
1354	Landscaping	11th April 2018
1000B	Location Plan	11th April 2018

Reason: In the interest of proper planning.

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 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 & 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 [2015].

Archaeological Trial Trenching & Excavation

- 4 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the potential archaeological value of the site in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscaping & Trees

- 5 No development above ground level 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 details 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 in accordance with an Arboricultural Method Statement and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall have regard to the biodiversity plan to be submitted for approval under condition 9, and 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 the proposed development is satisfactorily integrated into its surroundings & provides for landscaping as required by Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscape protection - Fencing

- 6 All trees, shrubs and hedgerows to be retained on the site shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any works on the site, with the exception of clearance works to facilitate the fence installation. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub [including hedges] without the previous written consent of the local planning authority.

Reason: To ensure the proposed development is satisfactorily integrated into its surroundings & provides for tree & hedgerow retention/ landscaping as required by Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscape protection – Hand dug excavations

- 7 Any excavations which are necessary within the canopy spread of the retained trees shall be undertaken by hand and no power tools or machinery shall be used unless otherwise agreed by the local planning authority. If any roots are exposed they should be covered with damp sacking which should remain in place until the roots are permanently re-covered. All roots greater than 25 mm diameter should be retained and worked around. Care shall be taken to minimise damage to retained roots, including the bark around roots. Roots which are inadvertently damaged should be left without further disturbance. Roots in excess of 50 mm diameter shall not be severed without the prior written approval of the local planning authority.

Reason: To ensure the proposed development is satisfactorily integrated into its surroundings & provides for tree & hedgerow retention/ landscaping as required by Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Biodiversity Management Plan

- 8 Prior to the commencement of development a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the local planning authority. The Biodiversity Management Plan shall have regard to the recommendations and proposed mitigation strategy contained within the submitted Ecology Strategy (April 2018) by AA Environmental Limited accompanying the planning application, and shall include details of:

- I. any further survey work undertaken [including reptile and invertebrate surveys], the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan;
- II. Methodologies for translocation of protected species [where relevant];
- III. Suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
- IV. The methods for the protection of existing species in situ [where relevant];
- V. any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
- VI. General ecological mitigation applying to the timing/ program of construction works;
- VII. An assessment of the works required for management and who will undertake such works,

The Biodiversity Management Plan shall be implemented in accordance with the approved plan and timescale. Any translocation undertaken shall be verified in writing to the local planning authority by an independent qualified ecologist within 28 days of undertaking the translocation.

Reason: To ensure the proposed development makes satisfactory provision for

conservation of the site's wildlife interest as required by Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Public open space – provision & management

- 9 Prior to the first occupation of any unit, a management and implementation plan to describe the proposals for the equipping, management and maintenance of the area(s) of public open space (incorporating an area for child's play) within the development, shall be submitted for approval in writing by the local planning authority. Before occupation of any dwellings (or in a phased arrangement to be agreed) the area(s) of open space shall be equipped, managed and maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To provide for an attractive, safe & accessible development as required by Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Drainage

- 10 No development on any of the residential units shall commence until a revised surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological & hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

And shall include the following updated details:

- Full consideration of the discharge hierarchy
- Demonstration that the treatment of surface water is in line with C753 for the whole development
- Provide a clear indication of urban creep in storage calculation.

The scheme shall subsequently be implemented prior to occupation, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable surface water drainage strategy is agreed & implemented & flood risk interests are adequately managed in accordance with

Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Management of Off Site Flood Risk & Pollution – Construction Phase

- 11 No development on any of the residential units shall commence until a scheme to minimise the risk to offsite flooding caused by surface water runoff and ground water during construction works, and prevent pollution, has been submitted to and approved in writing by the local planning authority. The scheme shall be subsequently implemented as approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable surface water drainage strategy is agreed & implemented for the construction phase & flood risk interests are adequately managed in accordance with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Drainage – Maintenance

- 12 No residential units shall be occupied until a Maintenance Plan detailing the maintenance arrangements for the site, including persons/bodies responsible for the respective elements of the surface water drainage system, including the maintenance activities and frequencies, has been submitted for approval in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintain thereafter. The applicant or any successor in title, should maintain yearly logs of maintenance carried out in accordance with any approved Maintenance Plan, which should be made available for inspection by the local planning authority upon its reasonable request.

Reason: To ensure that a suitable surface water drainage maintenance strategy is agreed & implemented & flood risk interests are adequately managed, in accordance with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Flood Warning & Evacuation Plan

- 13 Prior to the occupation of any dwelling on the site, a Flood Warning and Evacuation Plan for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon occupation of the first dwelling and shall be permanently maintained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of flood safety.

Bin stores

- 14 The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential units they serve and shall be constructed and permanently retained in the approved form, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable layout & design providing for appropriate waste management facilities is agreed, in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Acoustic Mitigation Measures

- 15 The development hereby permitted shall be carried out strictly in accordance with the details in the submitted Noise Assessment report by Mayer Brown (April 2018) "Bellway Homes (Thames Gateway) Ltd: Proposed Residential Development Devonshire Place, Grays" accompanying the planning application, specifically the recommendations at Section 7. The 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 by the local planning authority.

Reason: In the interest of the residential amenity of future occupiers of the site, in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Construction Management Plan

- 16 No development shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority. The CEMP should contain or address the following matters:
- (a) Working hours, including the duration of any piling operations
 - (b) Vehicle haul routing in connection with construction and engineering operations
 - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
 - (d) Details of construction access
 - (e) Location and size of on-site compounds, including the design layout of any proposed temporary artificial lighting systems
 - (f) Details of any temporary hardstandings; (g) Details of temporary hoarding;
 - (h) Method for the control of noise with reference to BS5228 together with a monitoring regime

- (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (j) Dust and air quality mitigation and monitoring
- (k) Water management including waste water and surface water discharge
- (l) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals, as necessary
- (m) A Site Waste Management Plan
- (n) Ecology and environmental protection and mitigation, as necessary
- (o) Community liaison including a method for handling and monitoring complaints, contact details for site managers.
- (p) Details of security lighting layout and design;
- (q) A procedure to deal with any unforeseen contamination, should it be encountered during development.

Works on site shall only take place in accordance with the approved CEMP, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of the amenity of residential properties in the vicinity of the site, in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Sight splays & speed reduction measures

- 17 Prior to the commencement of any development above ground level, details of sight splays and speed reduction measures shall be provided at all proposed junctions and bends in the road for approval in writing by the local planning authority. The approved sight splays and speed reduction measures shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Vehicle parking & turning areas

- 18 The parking, garaging and turning areas for each respective dwelling shall be provided before they are occupied, and shall thereafter be retained for the purposes of parking/ turning, and in the approved form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, efficiency & amenity

Vehicle access sight splays

- 19 None of the dwellings hereby permitted shall be occupied until vehicle access serving those properties has been provided with clear to ground level sight splays of 1.5m x 1.5m from the back of footway laid out either side of the proposed access within the site, and maintained in the approved form at all times, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Access roads, streets, footways & cycleways provision

- 20 None of the dwellings hereby permitted shall be occupied until the access road(s), street(s), footway(s) and cycleway(s) serving that dwelling have been constructed to the satisfaction of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Travel Plan

- 21 Prior to the first occupation of any unit, a Travel Plan shall be submitted for approval in writing by the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site, and shall include specific details of the operation and management of the proposed measures. The commitments stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented prior to the occupation of the approved dwellings, or in such other phased arrangement to be agreed in writing by the local planning authority, and shall thereafter be retained unless otherwise agreed in writing by the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

Reason: In the interests of securing an accessible, safe, healthy & sustainable development in accordance with Policies PMD2 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Restrict Use of Garage

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-

enacting that Order) the garage hereby permitted shall be used only for the parking of vehicles in connection with the residential use of the property.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Removal of PD Rights – Extensions

- 23 Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be erected to the building[s] hereby permitted without planning permission having been obtained from the local planning authority.

Reason: In order to safeguard the amenities of neighbouring occupiers, in the interests of visual amenity of the area and to ensure adequate outdoor amenity space is retained for occupiers of the dwellings in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Removal of PD Rights - Communal TV/Satellite

- 24 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 [or any order revoking or re-enacting that Order with or without modification] the flats hereby permitted shall be equipped with a communal satellite dish[[es]]. Details of the number, size, external appearance and the positions of the satellite dish[[es]] shall be submitted to and agreed in writing by the local planning authority prior to the installation of such systems.

The agreed communal satellite dish systems shall be installed prior to the residential occupation of the flats and thereafter retained. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any Order revoking or re-enacting that Order with or without modification] other than those agreed by way of the above scheme, no additional satellite dish[[es]] or aerials shall be fixed to the building comprising the flats hereby permitted without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

1 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 assessed the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

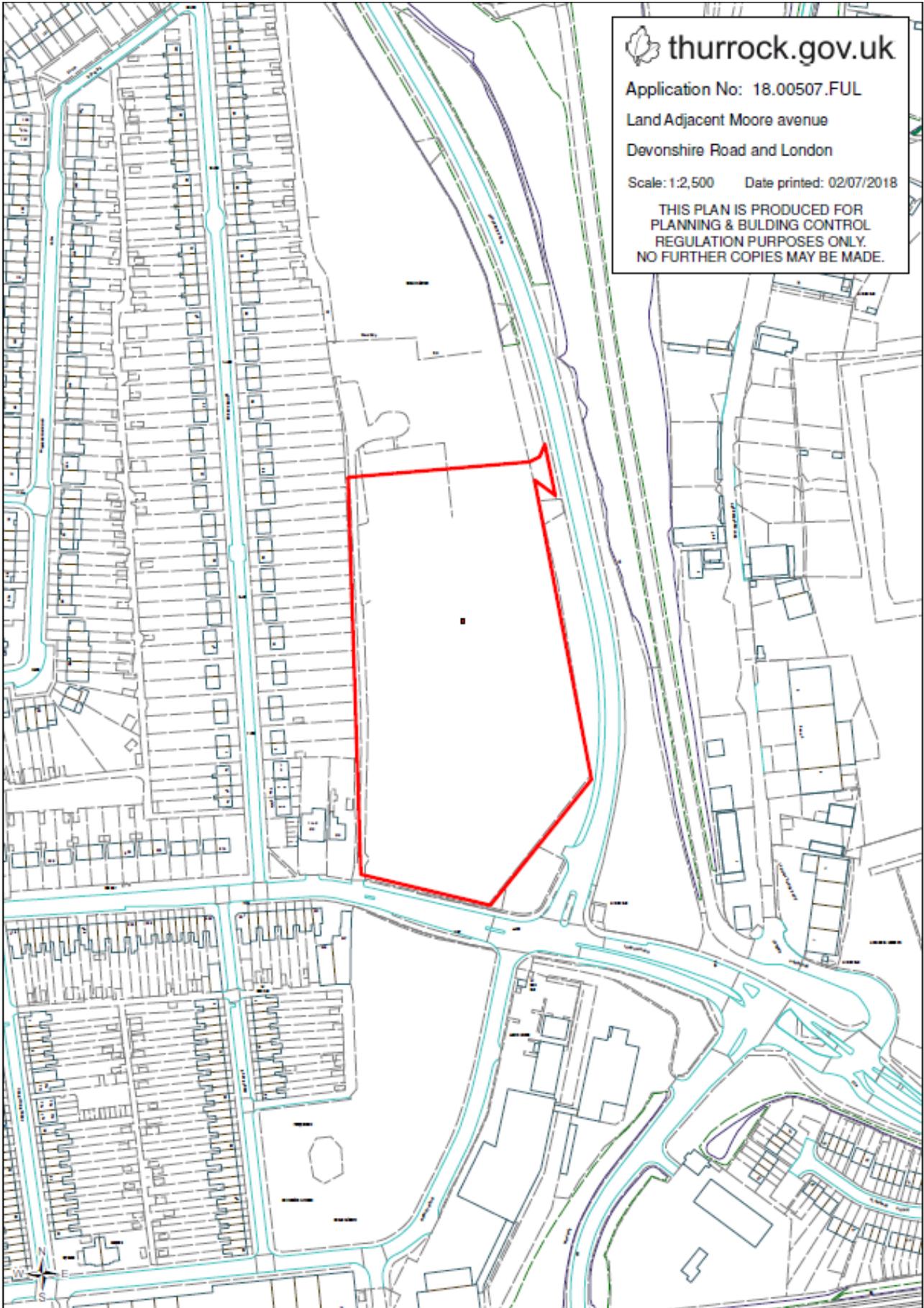
Highway works

- 2 Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works. Chief Highways Engineer, Highways Department, Thurrock Council, Civic Offices, New Road, Grays Thurrock, Essex. RM17 6SL.

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



Reference: 15/00234/FUL	Site: Land Off And Adjacent To School Manor Road Grays Essex
Ward: Grays Thurrock	Proposal: Proposed development of 93 dwellings consisting of apartments, terraced, semi-detached and detached houses with amenity space and access road.

Plan Number(s):		
Reference	Name	Received
100H	Site Layout	27th November 2017
101A	Location Plan	25th July 2016
201C	Proposed Elevations	27th November 2017
202B	Proposed Elevations	15th May 2017
203C	Proposed Elevations	27th November 2017
204C	Proposed Elevations	27th November 2017
205F	Proposed Elevations	15th December 2017
206B	Proposed Elevations	15th May 2017
207C	Proposed Elevations	27th November 2017
208D	Proposed Elevations	15th December 2017
209B	Proposed Elevations	27th November 2017
210B	Proposed Elevations	27th November 2017
211D	Proposed Elevations	27th November 2017
212E	Proposed Elevations	27th November 2017
213B	Proposed Elevations	15th May 2017
214	Proposed Elevations	15th May 2017
215	Proposed Elevations	15th May 2017
216	Proposed Elevations	15th May 2017
217A	Proposed Elevations	12th June 2017
218	Proposed Elevations	12th June 2017
220	Drawing	15th May 2017
221C	Proposed Elevations	5th September 2017
2014-2048-AT-109	Drawing	31st July 2017

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Contaminated Land Desk Study
- Extended Phase 1 Habitat Survey and Reptile and Invertebrate Surveys
- Flood Risk Assessment, Drainage Reports and Flood Warning and Evacuation Plan
- Noise Report
- Transport Assessment including Updated Transport Note
- Travel Plan
- Aboricultural Impact Assessment
- Landscape Strategy

Applicant:

Mr M James

Validated:

25 July 2016

Date of expiry:

17 July 2018 (Extension of time agreed with applicant)

Recommendation: Refuse

This application has been called in to be determined by the Planning Committee by Cllr Kent [ward member], Cllr Liddiard and Cllr Kelly in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) on the grounds of access, parking, danger to school children and Green Belt.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks full planning permission for the development of the site through the erection of 93 dwellings consisting of apartments, terraced, semi-detached and detached houses along with associated amenity space and access road.

Access

1.2 The access into the site would be via an extension to Manor Road which would lead into the site with the internal road running through the site in a north to south direction terminating at the parking areas to the flats at the southern part of the site.

Layout

1.3 The scheme comprises a mix terraced, semi-detached and detached houses on either side of the internal estate road. One small area of public open space would

be created to the eastern side of the bend in the access road. Two blocks of flats would be sited towards the southern part of the site with parking to the south of these flats and communal amenity space to the north of the flats.

Scale and Design

1.4 The houses would be two storeys high and the flats would be part three/part four storeys in height. The design of the development features a mix of traditional and contemporary styles.

Landscape and Amenity

1.5 The site layout plan supplied with the application shows tree planting and amenity spaces. Each dwelling would have a private amenity space [rear garden] and a small front garden/frontage. The two blocks of flats would have each have their own individual communal amenity areas.

1.6 The proposed development is summarised as follows:

Site Area (Gross)	2.31 ha						
Height	Up to 4 storeys [12.5m] for the flats, 2 storey for the houses [8.5m]						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4 bed	TOTAL	
	Houses	2	26	16	1	45	
	Flats	19	29			48	
	TOTAL	21	55	16	1	93	
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	4 bed	TOTAL	
	Houses		5				
	Flats	9	5				
	TOTAL	9	10			19	
Layout	Flats	Block – 1 Plots 46-68	23 flats	9 x 1 bed, 14 x 2 bed			
		Block – 2 Plots 69-93	25 flats	8 x 1 bed, 17 x 2 bed			
	Houses	Plots 1, 8, 19		3 bed			
		Plots 2-7		2 & 3 bed			
		Plot 9		4 bed			
		Plot 10		3 bed			
		Plot 11-12		2 bed			

	Plots 13-18, 22-24, 27-29, 35-37	2 bed
	Plot 20	3 bed
	Plot 21	1 bed
	Plot 25-26	2 bed
	Plot 30-33	2 bed
	Plot 34	1 bed
	Plot 38	3 bed
	Plot 39-42	3 bed
	Plot 43-45	3 bed
Car Parking	Flats: 68 spaces [1.4 space per flat] Houses: 88 spaces [2 spaces per house] Visitor: 8 spaces Total: 162	
Amenity Space	Shared/Communal Amenity Space: 890 sq.m for Block 1 and 960 sq.m for Block 2 Houses: smallest 41 sq.m and largest 202 sq.m Public Open Space: 588 sq.m	
Density	40 dwellings per hectare for the overall site	

2.0 SITE DESCRIPTION

- 2.1 The site is approximately 2.31 hectares and is an ‘L’ shaped site located at the eastern end of Manor Road, which is the only vehicular access point into the site across a section of unmade road between the eastern end of Manor Road and the site boundary. The site is undeveloped and is covered in vegetation [small trees and scrubs] apart from an area where footpath no.186 crosses through the site in a north to south direction.

- 2.2 To the north are residential properties in Manor Road, Silverlocke Road and Cherry Tree Close but directly to the north is a scrap metal works, which would share the access arrangements into the site. Immediately to the east boundary is an open watercourse known as the Chadwell New Cross Sewer and is defined as a ‘main river’ by the Environment Agency. Beyond the watercourse is a field and to the south east are commercial units within Thurrock Park Way. Immediately to the southern boundary is the London, Tilbury and Southend railway line and beyond the railway line is Tilbury Docks. To the west is the Thameside Primary School and Manor Park.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the relevant planning history:

Reference	Description	Decision
09/50024/TTGOUT	Employment development and improvements to open space (larger site including eastern edge of current site)	Approved 21.02.2011 Permission has now lapsed as no reserved matters were submitted within the 3 year permission
11/50307/TTGOUT	Employment development and improvements to open space (larger site including eastern edge of current site)	Approved 27.03.2012 Permission has now lapsed as no reserved matters were submitted within the 3 year permission
13/00685/CV	Variation of conditions of planning permission ref. 11/50307/TTGOUT	Application Closed as no longer proceeded with 21.10.2015

3.2 The following planning history to the neighbouring site to the east is relevant (Land Part Of Little Thurrock Marshes, Thurrock Park Way):

Reference	Description	Decision
15/01354/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.	Refused 26.06.2017 Appeal (APP/M1595/W/17/3188 665) dismissed 06.06.2018 following Public Inquiry
17/01631/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 hectares of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1)	Withdrawn 26.04.2018

	and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works (Re-submission of planning application ref. 15/01354/OUT).	
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4.0 CONSULTATION 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 individual neighbour notification letters, press advert and public site notices which has been displayed nearby.

Seven letters of representation have been received with two of these objecting to the application.

The objections raise the following concerns:

- Traffic capacity is currently at its maximum limit;
- Manor Road – traffic conflicts due to school;
- Difficulties with turning right into Gypsy Road and the T junction onto the Broadway;
- Manor Road and Gypsy Lane is gridlocked twice a day because of the school;
- Increased vehicle movements;
- Land is part of the flood plain;
- Will current ditch be widened or dredged to accommodate water run off;
- Insufficient drainage to accommodate surface water;
- A small piece of countryside with wildlife and part of the landscape;
- Has an environmental study been conducted to assess the impact on wildlife;
- Yet another concrete jungle with housing crammed in;
- Green belt land not to be built on;
- Overlooking of property;
- Object to dwellings on plot 9 and 10 would impact upon privacy;
- Land is used for operational activities of neighbouring scrap yard;
- Plot 9 would be built over the existing sewer and watercourse;

4.3 ANGLIAN WATER:

No objection subject to a condition regarding a surface water drainage scheme to be approved.

4.4 EDUCATION:

No objection subject to a financial contribution of £526,016.87 towards for nursery, primary and secondary education in the area or towards the William Edwards project.

4.5 EMERGENCY PLANNER:

No objection.

4.6 ENVIRONMENT AGENCY:

No objection subject to the Sequential and Exception Tests being applied by the local planning authority.

4.7 ENVIRONMENTAL HEALTH:

No objection subject to conditions for requiring sound insulation being installed, Construction Environmental Management Plan [CEMP], and a watching brief for contaminated land.

4.8 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to a condition regarding an archaeological monitoring programme to be agreed.

4.9 ESSEX FIELD CLUB:

Object due to inadequate ecological information.

4.10 ESSEX FIRE AND RESCUE SERVICE:

No objection but there is a need for additional fire hydrants through the Building Regulations.

4.11 ESSEX AND SUFFOLK WATER:

No objection.

4.12 FLOOD RISK MANAGER:

No objection subject to conditions

4.13 HEALTH AND WELLBEING:

No objection.

4.14 HIGHWAYS:

No objection.

4.15 HOUSING:

No objection subject to affordable housing being provided in accordance with the details submitted following the independent viability assessment.

4.16 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to a more detailed landscape strategy being agreed and details of reptile translocation, including a receptor site.

4.17 NETWORK RAIL:

No objection.

4.18 NHS ENGLAND:

No response.

4.19 PUBLIC RIGHTS OF WAY OFFICER:

Applicant will need to divert and upgrade the definitive route of public footpath 186. The site could also incorporate an extension to the National Cycle Route 13.

4.20 TRAVEL PLAN CO-ORDINATOR:

No objection.

4.21 URBAN DESIGN ADVISOR:

Object, as the proposed development raises concerns in term of achieving high quality design and placemaking. The layout appears cramped, the scale of some of the units appear disproportionate to the context and elevational treatment requires

a good quantum of refinement along with a rationalisation of materiality and detail language.

4.22 WASTE STRATEGY CO-ORDINATOR:

No objection.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

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

- Core Planning Principles
- 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
- 11. Conserving and enhancing the natural environment

5.2 Planning Policy 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 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Design
- Determining a planning application

- Flood Risk and Coastal Change
- Health and wellbeing
- Housing and economic land availability assessment
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions
- Viability

Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The following Core Strategy policies also 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)
- CSSP2 (Sustainable Employment Growth)
- CSSP5 (Sustainable Greengrid)³

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area)³
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP21 (Productive Land)
- CSTP22 (Thurrock Design)

- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²

POLICIES FOR 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
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD10 (Transport Assessments and Travel Plans)²
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- 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].

5.3 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 2018.

5.4 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The principles issues to be considered with this case are:

- I. Principle of the development
- II. Housing Mix and Affordable Housing

- III. Design and Layout and Impact upon the Area
- IV. Landscaping and Amenity Space
- V. Ecology and Biodiversity
- VI. Traffic Impact, Access and Car Parking
- VII. Flood Risk and Drainage
- VIII. Noise
- IX. Effect on Neighbouring Properties
- X. Energy and Sustainable Buildings
- XI. Viability and Planning Obligations
- XII. Sustainability
- XIII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 Whilst the site is undeveloped and covered in vegetation the majority of the site is allocated in the LDF Proposal's Map as 'Land for New Development in Primary Areas' where policies CSSP2 [Sustainable Employment Growth] and CSTP6 [Strategic Employment Provision] apply. The areas of the site not allocated would be acceptable for development in principle. The site is not within the Green Belt (the Green Belt boundary is the neighbouring watercourse, to the east of the site).
- 6.3 Whilst policies CSSP2 and CSTP6 both seek to promote employment growth and retain existing employment land for such purposes, paragraph 22 of the NPPF advises that '*planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*'.
- 6.4 As identified in the planning history, planning application references 09/50024/TTGOUT and 11/50307/TTGOUT approved employment development but neither application commenced and both have permission have now lapsed. There have been no further planning applications for employment development on this site since its allocation in the 2011 LDF Core Strategy.
- 6.5 In addition to the above, the site is subject to a number of constraints; namely its irregular shape, poor access arrangements, it's location within a high risk flood zone [flood zone 3] and being adjacent to an area of public open space. The site also has some ecological value. As the site involves a route through tight knit residential streets and past a primary school on the neighbouring the site it is considered difficult for the site to be developed for employment purposes with the likelihood of mostly small scale offices, light industrial uses or research and development [Class B1] uses being acceptable, and general industrial and storage [Class B2] and distribution uses [Class B8] likely to be considered unacceptable

given the constraints identified. The neighbouring scrap metal works, which shares the access arrangements into this site, is an existing long term established use on a much smaller site. The identified constraints were also recognised when the site was allocated for employment through the 'Draft Site Specific Allocations DPD – Site Assessment – High Level Sieve' [page 122] because the site is adjoining the urban area, outside of the Green Belt and conformed with the then su Regional Spatial Strategy, which was part of the policy position at the time. The Regional Spatial Strategy has since been abolished and the 'Draft Site Specific Allocations DPD' is no longer being progressed on the advice of the Planning Inspectorate.

- 6.6 The most recent employment land review indicates that the Borough has a surplus of employment land which is disproportional to the housing needs of the Borough. On such basis, and with regard to paragraph 22 of the NPPF, it is considered that this site could be used for alternative use other than its employment allocation.
- 6.7 The proposal is for residential development and there is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of a paragraph 47 of the NPPF. Paragraph 49 of the NPPF advises that planning applications for housing developments should be considered in the context of the presumption in favour of sustainable development and the relevant housing policies, in this case the LDF Core Strategy, should not be considered up to date if the Council cannot demonstrate a five year housing land supply. Furthermore, this undeveloped site adjoins the urban area of Grays and therefore is within close proximity of facilities, services and sustainable transport links, and is outside of the Green Belt. The site is therefore considered to represent a sustainable location for residential development.
- 6.8 Taking into account all these factors it is considered that residential use of the site would be acceptable in principle, subject to all other material considerations being acceptable.

II. HOUSING MIX AND AFFORDABLE HOUSING

- 6.9 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017]. The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom flats. The development would provide both family dwellings and flatted development to comply with the SHMA and as a result the dwelling mix requirements of policy CSTP1 would be met.

- 6.10 With regard to affordable housing, policy CSTP2 seeks to achieve 35% of the development to be allocated for affordable housing. The application has been subject to a viability assessment which has identified that some affordable housing can be provided and following an independent viability review process the applicant is proposing 19 affordable housing units in the form of flats and houses that would be affordable rent and shared ownership. The Council's Housing Officer raises no objection to the provision of the affordable housing, which would be secured through a section 106 agreement.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

The Thurrock Design Strategy 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:

- understanding the place;
 - working with site features;
 - making connections; and
 - building in sustainability.
- 6.11 Existing development in the surrounding area comprises the neighbouring school to the west, early 20th century terraced houses to the North West, and an infill bungalow adjacent to the metal works. 1970's and 1980's housing estates are found to the North East. To the South and South East are large scale commercial warehouse buildings at Thurrock Park Way and Tilbury Docks.

The irregular shape of the site means the site is physically constrained, as the majority of the site is only 43m wide. As originally submitted, the scheme proposed a layout featuring 97 dwellings however since submission the proposal has been subject to a number of design revisions in an attempt to ensure that the residential development is of the highest quality. The current scheme proposes 93 dwellings. However, despite these changes, there remain concerns over the design quality of the scheme. The Council's Urban Designer has assessed the plans and found the scheme to be unacceptable.

Concern is raised to the layout of the development and in particular the repeat occurrence of flank walls fronting the main estate road; this would have the effect of properties turning away from the road, reducing opportunities for natural surveillance and failing to create a sense of place. Similarly, plot 1 is found in an

isolated location from the rest of the development and the adjacent public open space is also isolated.

- 6.12 The watercourse to the east of the site provides a genuine opportunity for the development to positively respond to context, but the current plans fail to address this opportunity. The Council's Urban Design Advisor has also raised concern to the significant change in scale from two storey dwellings to two four storey apartment blocks towards the southern section of the site. These points demonstrate the difficulties of developing this irregular shaped site with the quantum of development to the extent that the development would appear cramped on this site.
- 6.13 Concern is also raised to the varied range of house types and flatted development. Whilst some variation in design is important, the unit types proposed would fail to create a cohesive and understandable sense of place. The Council's Urban Design Advisor has urged the applicant to apply a more simple architectural language which would help facilitate a more cohesive design approach for the site including simpler roof forms, consistent fenestration detailing, and design features, and less variation in materials.
- 6.14 In conclusion under this heading, despite the changes made, the proposed development, as currently submitted, is considered unacceptable and would be detrimental to the context of this locality and contrary to policies CSTP22, CSTP23 and PMD2, section 3 of the Thurrock Design Strategy and section 7 of the NPPF.

IV. LANDSCAPING AND AMENITY SPACE

- 6.15 The site is covered in vegetation apart from small pockets of land where there is a path which passes through the centre of the site a north to south direction. The majority of the vegetation would be removed as part of the proposals but none of the vegetation contains any noteworthy species and neither are any of the existing trees covered by Tree Preservation Orders. The proposed layout shows trees would be retained where possible and to compensate for the loss of any trees and existing vegetation the proposal would be subject to a landscaping strategy which could be secured through planning condition.
- 6.16 To accord with the requirements of policies CSTP20 and PMD5, new open space, sports and recreational opportunities should be provided, including children's play space, unless a commuted sum is offered for improvements to existing open space/sport facilities. Given the quantum of development proposed on this constrained site there is limited room for public open space to be offered. There are only two areas of public open space shown and these are both limited in size. There is land outside of the site which forms usable public open space to the west of the site and through amendments to the layout of the development an access is proposed along the western site boundary to achieve access to the neighbouring

public open space for the benefit of future occupiers and connectivity. However, it must be noted that the land to the west of the site is not within the ownership or control of the applicant. The applicant has demonstrated, through an independent viability review, that a commuted sum towards open space would render the development unviable. However, it is not considered acceptable to rely upon land which is outside of the applicant's ownership or control to provide the open space provisions required for the residential development.

- 6.17 The flats would have an area of communal amenity space to the north of the building which at various times of the day would be partly overshadowed due to the scale of the development being part three/part four storeys. It should be noted that a surface water balancing pond is also proposed in the eastern amenity space, which would limit the useable area for recreation.
- 6.18 The private amenity space for the houses range from 38 sq.m for the smallest rear garden at plot 16 [2 bed] up to 214 sq.m for plot 1 [3 bed]. There are a number of 2 bedroom properties with an average of around 50 sq.m , which based on their gross floor area is below the 75 sq.m minimum requirements of the 'saved' Annex 1 of the Borough Local Plan.
- 6.19 In conclusion under this heading, the development would fail to make acceptable provision for outdoor space and as such the proposal is considered to be contrary to Annex 1 of the Borough Local Plan (1997), policy PMD2 and Policy CSTP20. The failure to meet minimum amenity space requirements is a further illustration of overdevelopment.

V. ECOLOGY AND BIODIVERSITY

- 6.20 The site does not form part of any statutory site of designated ecological interest with the nearest being the Globe Pit 700m to the north. However, the site is of ecology value given its overgrown state with large areas of scrub and grassland. The site is also located in close proximity to the neighbouring watercourse to the west of the site which the Environment Agency classify as a 'main river'. Since the application was submitted additional ecology surveys have been undertaken seeking to address previous concerns expressed by the Council's Landscape and Ecology Advisor.
- 6.21 The ecology surveys were undertaken in April through to July 2017. The reptile surveys revealed the presence of protect species of common lizard and slow worms and based on the relevant criteria for assessing such species it is considered that the site comprises a 'good' population of such species. The proposed development would result in the loss of the habitat for these species and therefore mitigation strategies are required as the quantum of development does

not allow for any significant habitat retention. If the application were to be approved, the reptile population would need to be translocated to another suitable receptor.

- 6.22 The invertebrate survey identified the presence of 172 species but also identified that the site has become degraded by pony grazing. Mitigation for the loss of grassland is recommended in the form of green roofs on buildings to support wild flowers, also log piles and insect houses. Amendments through the application process now show that the car port areas, roofs of the flats and various locations within the site would include ecological mitigation measures such as green roofs which could be conditioned for implementation with the development.
- 6.23 The Council's Landscape and Ecology Advisor has accepted the findings of the surveys and has raised no objection to the proposal, subject to conditions requiring the translocation of the reptile population and a detailed landscape strategy.

VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.24 Access to the site would be achieved from the eastern end of Manor Road. The Council's Highway's Officer has raised no objections to the access arrangement which accords with the requirements of policy PMD9.
- 6.25 In terms of location and sustainability, the site is located adjacent to the Thameside Primary School and is within easy walking distance of 'The Broadway' where there shops, facilities, services and access to bus services [routes 66 and 22A from the Broadway]. Grays town centre is less than 1 mile from the site where there is a range of facilities, services and sustainable transport links including Grays railway station and the bus station serving the Borough.
- 6.26 The updated Transport Note to the Transport Assessment [TA] takes into account the reduction from 97 to 93 dwellings and this demonstrates that the development is predicted to create (worst case scenario) 128 two way trips in the AM peak period between 7am to 10am, and 143 two way trips in the PM peak period between 4pm and 7pm. Over the day from 7am to 7pm the number of two way trips is predicted to be 478. The updated transport note demonstrates that there would be '*very little change in operational conditions*' [paragraph 23] because the additional traffic movements would be '*within capacity*' and therefore the development '*will not result in a material change to traffic conditions*'. The Council's Highway's Officer has assessed this information and there are no objections raised.
- 6.27 An updated Travel Plan has also been provided which identifies opportunities for a reduction in car driver trips and increases in public transport usage, cycling and walking. No objections have been raised by the Travel Plan Co-ordinator who has

liaised with the applicant's Travel Plan consultant through the application process to ensure compliance with policy PMD10.

- 6.28 The proposal would require the diversion of Public Footpath No.186 as this currently passes through the centre of the site in a north to south direction. The Council's Highway Officer also requires a crossing point within the site to link with the recently installed footpath along the unmade section of Manor Road nearest the site entrance, and a dual use footway/cycleway, which would link two proposed bridges over the watercourse to the east to access land to the east. Both the public right of way diversion and footway/cycleway have been accommodated in the proposed layout of the development.
- 6.29 With regard to parking, the close knit layout of the area and rows of terraces positioned within close proximity of the highway limits the level of off street parking provision. The neighbouring primary school experiences increased demand for on street parking during school drop off and collection times. Therefore it is important that the development meets the Council's parking standards to avoid any increases in on street parking of the adjoin roads beyond the site boundary.
- 6.30 In terms of parking, the Council's Highway's Officer advises that the site is within an area of 'low accessibility' where the Council's draft parking standards recommends 1.25 spaces for dwellings with one bedrooms, 2 spaces for dwellings with two or three bedrooms and 3 spaces for dwellings of 4 bedrooms or more. 0.25 spaces per dwelling in addition to the above should be also be provided for visitors. The layout plans for the development show that a total of 162 car parking spaces would be provided with 88 spaces for the houses [average of 2 spaces per house] and 68 spaces for the flatted development [1.4 spaces per flat]. The Council's Highway's Officer has no objections to the proposed level of parking with regard to policy PMD8 and the Council's draft parking standards.
- 6.31 For cycle parking the Council's Highway Officer requires one secured covered cycle parking space per dwelling which could be accommodated within garages and car ports for the houses to meet this requirement without significantly affecting private garden space. For the flats, covered cycle parking would be provided in the parking canopy spanning the majority of the southern width of the site adjacent to the southern boundary with the railway line. There is no objection to this cycle provision for the flats. All cycle parking provision levels are acceptable with regard to policy PMD8 and the Council's draft parking standards.

VII. FLOOD RISK AND DRAINAGE

- 6.32 The main flood risk is from tidal flooding but there are flood defences along the River Thames in this location which protect property. Nevertheless, the site is

located within the highest risk flood zone (flood zone 3) as set out in the PPG's 'Table 1 - Flood Zones' as identified on the Environment Agency flood maps. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability. The proposal would fall within the 'more vulnerable' use based on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development requires application of the 'Exception Test' as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.

- 6.33 Before applying the 'Exception Test' consideration needs to be given to the 'Sequential Test', which aims to steer new development to areas with the lowest probability of flooding. The majority of the site is allocated in the LDF Proposal's Map as 'Land for New Development in Primary Areas' as employment land but part of the site is not allocated for any development. Paragraph 104 of the NPPF advises that *'For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test'*. The allocation for the majority of this site is for employment land and not residential land and therefore it is considered that the proposed residential land use needs to be subject to the Sequential Test.
- 6.34 There are no residential allocations in the LDF Core Strategy for this location or the immediate surrounding area. The application site is also on the edge of Grays abutting the urban area but is not located within the Green Belt and is therefore preferable for development compared to development upon a Green Belt site. The site is constrained on all sides by existing development and infrastructure to the north, the Chadwell New Cross Sewer to the east, the railway line to the south, and public open space and the school grounds to the west meaning that further residential development would not be possible in this area beyond the site boundaries. As the Council cannot demonstrate a five year housing land supply the development of this site would contribute to the housing needs of the Borough being deliverable within five years. The site is located within a sustainable location with good access to the neighbouring school and the nearby 'Broadway' for amenities and facilities. Grays town centre is also walkable from this site where there are more facilities, services and sustainable transport links in the form of the railway and bus stations. Therefore taking into account all of these factors it is considered that the Sequential Test is passed.
- 6.35 For the 'Exception Test' to be passed the proposed development needs to provide *'wider sustainability benefits to the community that outweigh flood risk'*, and demonstrate that the development will be *'safe for its lifetime'*. The reasons stated in the 'Sequential Test' assessment above demonstrate that the proposed development can provide *'wider sustainability benefits to the community that outweigh flood risk'* for this part of the Exception Test to be passed. The Flood Risk

Assessment (FRA) identifies mitigation measures requiring the development's finished floor levels to be raised to be at least 0.3m above ground level, that the building design should use flood resilient construction techniques, a surface water drainage strategy with the potential to use the adjacent Chadwell New Cross Sewer, and a dry passage route to higher ground to the north and sign up to the Environment Agency 'Floodline Warnings Direct'. The application contains a Flood Warning and Evacuation Plan [FWEP] and following consultation the Emergency Planner raises no objection subject to a planning condition.

- 6.36 In terms of surface water drainage a range of techniques would be implemented including storage of rainwater, infiltration techniques, attenuation in a storage pond and using tanks and sub bases and discharge into the neighbouring water course. The Council's Flood Risk Manager raises no objection subject to conditions regarding the finer details being agreed and details of the future management and maintenance of the surface water drainage systems.
- 6.37 For foul drainage it is stated that the development would connect to the existing sewerage system and Anglian Water raise no objections to this as the Tilbury Water Recycling Centre has available capacity to accommodate these flows.

VIII. NOISE

- 6.38 The application includes an Environmental Noise Assessment identifying noise sources from outside of the site. These include the scrapyards adjacent to the site entrance to the north, and the railway line together with the rail freight link spur into Tilbury docks to the south, along with nearby commercial uses to the south east in Thurrock Park Way. The noise associated with the railway line together with the rail freight link spur into Tilbury docks to the south are a significant noise sources with the Thurrock Park Way commercial uses being less obtrusive and the scrapyards to the north having lengthy quiet periods and occasional loud impulsive noises from scrap processing.
- 6.39 The proposed development has taken account of these noise environments, with the railway line to the south representing the most significant noise source for the future occupiers of the flats to the southern end of the site. The flats have been set back from the railway line with parking courts found between the living accommodation and railway line, however it would remain necessary to install upgraded glazing and ventilation to ensure the internal accommodation meets with British Standards and the World Health Organization [WHO] guidelines. The Council's Environmental Health officer raises no objection to this approach and but require agreement of the technical details, which could be secured through the use of a planning condition.

- 6.40 For the areas of outside amenity space a few houses on plots towards the south east of the site but north of the flats would experience noise levels closer to the WHO guidance maximum level 55 dB but would still fall within the criteria so no mitigation is required. The noise source affecting these houses is a logistics hub in Thurrock Park Way which would be less busy at weekends when most people use their outdoor space. The communal gardens to the flats have been positioned north of the both blocks of flats as the buildings would act as a sound barrier.
- 6.41 All other dwellings on site would have acceptable internal and external noise environments within British Standard and WHO guideline criteria.
- 6.42 For construction noise the Council's Environmental Health Officer has advised of the need for a Construction Environmental Management Plan in the interest of properties adjacent to the site, include the primary school, and for those along the construction route to the site. In addition an hours of use condition for construction/deliveries is necessary.
- 6.43 With the requirement for mitigation where necessary the proposed development can provide an acceptable noise environment for future occupiers to accord with policy PMD1.

IX. EFFECT ON NEIGHBOURING PROPERTIES

- 6.44 The nearest residential neighbouring properties are located in Silverlocke Road and a small number of properties have private gardens that back onto the site. The northern part of the site currently has extensive vegetation cover along the site's boundary with the nearest property and a small area of public open space would be located nearest the rear gardens of properties in Silverlock Road. The nearest dwellings would be located on plots 1 and 9 but are too distant from the neighbouring properties to result in harm upon neighbouring residential amenity.
- 6.45 Future residents will be within close proximity of nearby noise sources arising from the railway, docks and nearby commercial uses but mitigation measures are promoted through the applicant's noise report that could lead to planning conditions to protect the amenity of future occupiers.
- 6.46 Thameside Primary School is located to the western site boundary where there is currently extensive vegetation. Some of this vegetation would be removed and therefore some of the proposed dwellings to the western side of the site would have rear gardens backing onto the school boundary and rear elevations of dwellings facing towards the school. While this would change the outlook from the school there would be no significant loss of amenity or overlooking issues, provided a suitable landscape strategy is secured.

6.47 For residents dwellings along Manor Road and along the route to the site the development through the construction process would lead to a slight increase in vehicle movements for a temporary period of time, and when complete there would be additional vehicle movements on these roads from the new occupiers of the dwellings on site. However, the highway impact and noise impact has been considered above and no objections have been raised from consultees to these impacts.

X. ENERGY AND SUSTAINABLE BUILDINGS

6.48 The applicant's planning statement states that the proposal would meet with policy requirements for PMD12 and PMD13. Details of this information would need to be agreed through the use of a planning condition.

XI. VIABILITY AND PLANNING OBLIGATIONS

6.49 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 contribute to proposals to deliver 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.

6.50 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.

6.51 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.

6.52 Through the consultation process the following planning obligations are required to secure the necessary levels of affordable housing and mitigate the impact of the development:

- 35% of the development to provide for affordable housing provision to meet policy CSTP2
- A financial contribution towards nursery, primary, secondary education

6.53 The application is accompanied with a viability assessment which suggests the development would be commercially unviable when the burden of affordable housing and s.106 contributions are imposed. However, the viability assessment has been scrutinised by the Council's independent viability assessor who advises the site is viable and can provide a level of planning obligations. The conclusion of the independent viability report states that the *'proposed scheme is viable and could support a S.106 payment for education of £526,017 and a capital sum in lieu of on-site affordable housing of up to £1.22 million'*.

6.54 The applicant has responded to the findings of the viability assessment and has offered 19 affordable housing units and the education contribution, which is considered acceptable. Members are advised that if the Council were minded to grant planning permission a viability review mechanism should be included within a s106 legal agreement requiring a further review of viability to dissuade 'land banking'. This would ensure that future market conditions are appropriately assessed and any uplift in values are captured and appropriate increases in s.106 contributions / affordable housing are secured.

XII. SUSTAINABILITY

6.55 As part of the planning balance consideration has to be given to the Environmental, Social and Economic roles as outlined in paragraph 7 of the NPPF with all three needing to be satisfied for the 'presumption in favour of sustainable development' to apply.

6.56 For the economic role the proposal would create employment opportunities for the construction phase. When the development is occupied new residents would provide household spending within the local economy including Council tax payment. The dwellings would opportunity for local people to live and work in this area. For the social role the development would help create a new community in this location. For both the social and economic role the development would provide dwellings for the area and contribute towards the Council's five year housing land supply. For the environmental role there would be a loss of some existing habitat for ecology and wider biodiversity which is a negative but development in this location helps reduce the need for development within the Green Belt in this location and conditions can require translocation of reptiles to a receptor site. The design of the proposed development and its impact upon the surrounding area along is unacceptable for the reasons explained above and therefore detrimental to the environmental role of the NPPF. The development would need to be built to

ensure flood resilience and to manage surface water without giving rise to flooding elsewhere.

XIII. OTHER MATTERS

- 6.57 Each house would have room within the plot to provide refuse and recycling facilities. The two blocks of flats would have refuse and recycling facilities as storage buildings within the car parking canopy positioned adjacent to the southern site boundary. The access road through the site and into the parking area for the flats has been designed to ensure refuse vehicles can reach all refuse collection points.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

The site mainly allocated as employment land. In accordance with the NPPF, long term employment allocations should not be retained if there are no prospects of employment uses for the land coming forward. Since the 2011 application there have been no further employment generating applications for this site. It is considered that an alternative use to employment would be acceptable.

- 7.1 The proposal is for residential development and in light of the Council's five year housing land supply position, a housing mix to follow the Strategic Housing Marketing Assessment requirements and the inclusion of affordable housing it is considered that a residential use and development of this site would be acceptable. However, the proposed development, as a result of its cramped layout, varied scale, mixed elevational design approach and absence of suitable open space would fail to create an acceptable form of development based on the context of the site, character and appearance of the area and its surroundings. Consequently the proposed development would not create a high quality designed development in placemaking terms and is therefore contrary to policies CSTP22, CSTP23, CSTP20 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015], and paragraph 7 and chapter 7 of the NPPF.

- 7.2 All other material consideration are acceptable subject to planning conditions and planning obligations, which include an education contribution, affordable housing and upgrades to the Public Right of Way and the inclusion of cycleway links to the wider area.

8.0 RECOMMENDATION

- 8.1 Refuse, subject to the following reason:

1. The proposed development, as a result of its cramped layout, varied scale, mixed elevational design approach and absence of suitable open space would fail to

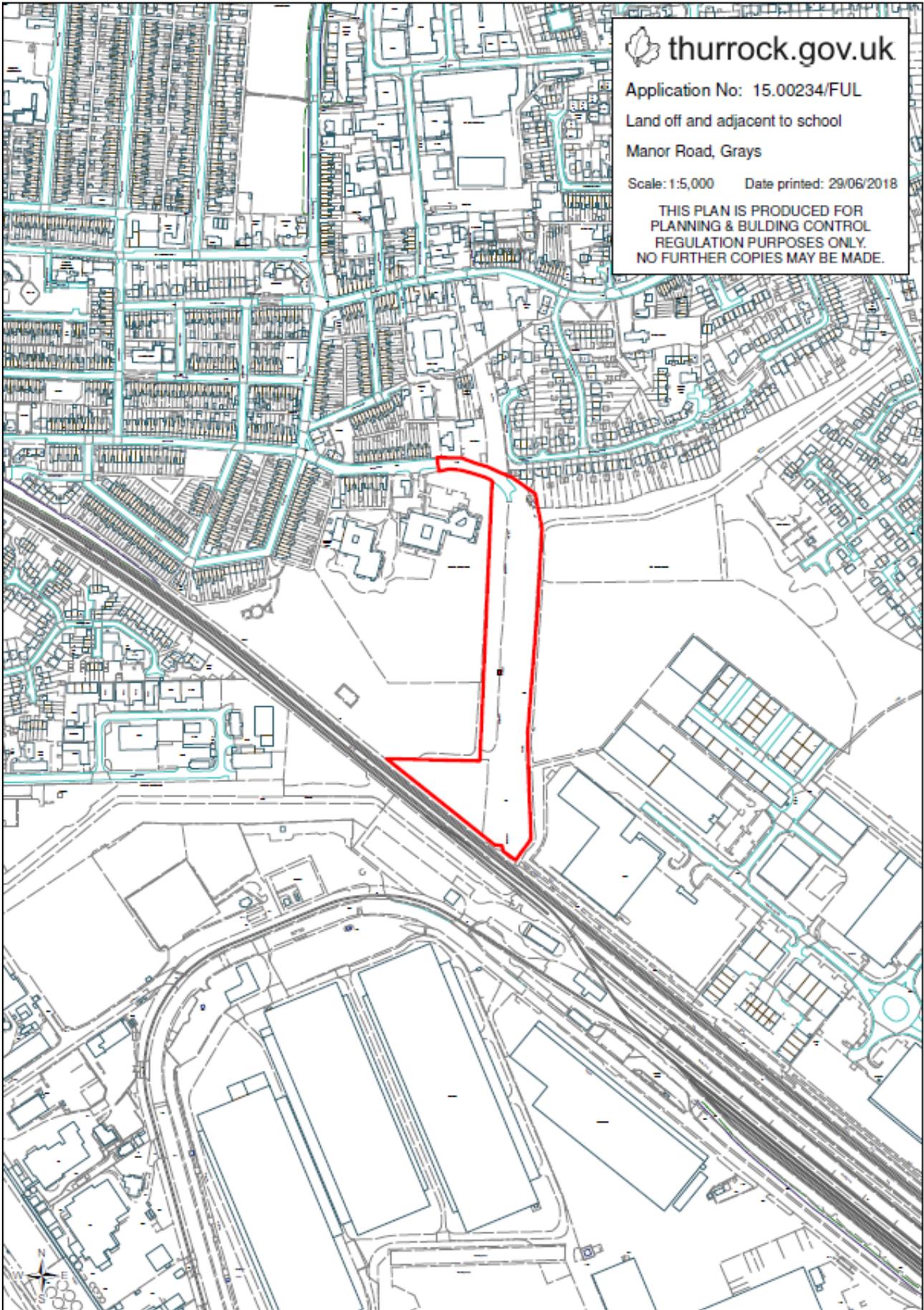
create an acceptable form of development based on the context of the site, character and appearance of the area and its surroundings. Consequently the proposed development would not create a high quality designed development in placemaking terms and is therefore contrary to policies CSTP22, CSTP23, CSTP20 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015], and paragraph 7 and chapter 7 of the NPPF.

Positive and Proactive Statement

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

Documents:

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



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Reference: 17/01479/FUL	Site: East Tilbury Primary And Nursery School Princess Margaret Road East Tilbury RM18 8SB
Ward: East Tilbury	Proposal: To construct a new teaching block along with a single-storey extension, remodelling to the front entrance of the school, construction of a new single-storey entrance foyer and an all-weather sports surface to be provided where existing demountable classrooms are being removed.

Plan Number(s):		
Reference	Name	Received
101	Existing Elevations	31st October 2017
102	Existing Plans	31st October 2017
103	Other	31st October 2017
104	Other	31st October 2017
106	Existing Site Layout	31st October 2017
107	Existing Site Layout	31st October 2017
108	Location Plan	31st October 2017
109	Block Plan	31st October 2017
201	Proposed Elevations	31st October 2017
202	Proposed Plans	31st October 2017
203	Proposed Floor Plan Upper	31st October 2017
204	Proposed Floor Plan Lower	31st October 2017
205	Proposed Floor Plan Reception	31st October 2017
210	Materials schedule	31st October 2017
420	Proposed Parking Layout	25th May 2018

The application is also accompanied by:	
<ul style="list-style-type: none"> - Design and Access Statement - Flood Risk Assessment and Surface Water Drainage Strategy - Arboricultural Survey 	
Applicant: Ms Louise Coates	Validated: 31 October 2017 Date of expiry: 20 July 2018 [extension of time agreed with applicant]
Recommendation: Approve, subject to conditions.	

This application has been referred to committee because of the potential strategic implications associated with the development (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 planning permission to create a new reception block on the north-eastern corner of the building, infilling part of an external amenity area. The extension is proposed to ease circulation areas and provide greater legibility over the school site. To the rear, a new community entrance with toilet facilities will make it easier for community use to be provided without disturbance to school operations.
- 1.2 The development would expand the school for an additional entry form, provide a 12-pupil Higher Needs Unit and reconfigure the entrance to allow for better separation between school and shared community use spaces.
- 1.3 It is also proposed to install a new multi-use games area in the southeast area of the site.
- 1.4 The key elements of the proposals are set out in the table below:

Site Area (Gross)	2.95 ha
Existing school floor area	3740 sq.m
Proposed extension floor area	955 sq.m

2.0 SITE DESCRIPTION

- 2.1 East Tilbury Primary and Nursery School comprises 25 class rooms and support facilities for 3-form entry as well as sports facilities which are shared with the community. The site is on the southern edge of the village of East Tilbury.

- 2.2 The site is situated in the southern part of the village bounded by open land and residential estates. A public open space separates the school grounds from Princess Margaret Road, the main north-south thoroughfare.
- 2.3 School buildings and hardstandings define most of the site, with an “adventure play area” in the northeast corner and a sports field appended to the southeast. The entire school site is within the Green Belt.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
01/00789/FUL	Extension to school's administration area	Approved
04/00734/FUL	Community hall for Junior and Infant schools, kitchen extension and new entrance.	Approved
04/01230/FUL	Classroom extension.	Approved
08/00133/TTGFUL	Demolition of existing demountable classroom and construction of a single storey building for use as a children's centre.	Approved
12/00468/FUL	Car Park Alterations and increase of parking provisions.	Approved
12/01083/FUL	Four single storey extensions with associated internal re-modelling together with a new entrance lobby as part of the amalgamation of the existing infant and junior school into new primary school.	Approved
14/00672/FUL	Extension to enlarge main entrance together with associated internal remodelling.	Approved
16/00270/FUL	Proposed classroom extension to replace dilapidated demountable.	Approved

4.0 CONSULTATION 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 individual neighbour notification letters and public site notice which has been displayed nearby. No comments have been received.

4.3 EDUCATION:

Support proposal.

4.4 EMERGENCY PLANNER:

No objection subject to conditions.

4.5 ENVIRONMENT AGENCY:

No objection.

4.6 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.7 HIGHWAYS:

No objection subject to conditions.

4.8 HISTORIC BUILDING ADVISOR:

No objection.

4.9 HEALTH AND SAFETY EXECUTIVE:

Recommend refusal.

4.10 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to conditions.

4.11 CADENT GAS:

There is apparatus in the vicinity of the proposal which may be affected.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

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
- 7. Requiring good design
- 8. Promoting healthy communities
- 9. Protecting Green Belt land
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

5.2 Planning Policy 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 a range of 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
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Thurrock Local Development Framework (2015)

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)

THEMATIC POLICIES

- CSTP12 (Education and Learning)

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP24 (Heritage Assets and the Historic Environment)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD6 (Development in the Green Belt)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- 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].

5.3 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 2018.

5.4 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the development
- II. Design and Appearance
- III. Traffic Impact, Access and Car Parking
- IV. Landscaping
- V. Effect on Neighbouring Properties
- VI. Flood Risk
- VII. Other Matters

I. THE PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT

6.2 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

6.3 The site is identified on the LDF Core Strategy Proposals Map as being 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.

6.4 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.

6.5 The existing buildings have been extended significantly since their original construction and therefore any further extension exceeds what would be proportional over the original. Consequently, the extensions comprise inappropriate development with reference to the NPPF and policy PMD6.

6.6 The multi-use games area is related to the use of land for outdoor sport or recreation. This is an appropriate use of land within the Green Belt and therefore complies with policy PMD6.

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.

6.9 In response to each of these five purposes:

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

6.10 The NPPF does not provide a definition of the term “large built-up areas”. However, the site has existing development to the north and can be considered as occupying a position on the edge of a large built-up area. The alterations to the entrances would result in a negligible change to the footprint of the buildings and by extension, sprawl. The new wing would be located on the north side of the school and thus relates well to the existing settlement. It is considered that the proposal would not result in the unrestricted sprawl of large built-up areas.

B. to prevent neighbouring towns from merging into one another

6.11 At a wider geographical level, the site forms part of the southern edge of the village with open land beyond. The proposed development would not result in the merging of towns.

C. to assist in safeguarding the countryside from encroachment

6.12 With regard to the third Green Belt purpose, the new wing would involve built development on what is currently an undeveloped play area. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland, etc.) but the “adventure play area” has the character of a playground associated with the school. The alterations to the entrances would be located on areas of hardstanding with car parking and open land. It is considered that the

proposal would not constitute an encroachment of built development into the countryside.

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

- 6.13 The proposal would have no detrimental impact on the historic character of East Tilbury or on the East Tilbury Conservation Area.

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

- 6.14 Although in principle the development could occur in an area which would reuse derelict land, for practical purposes it is required within the envelope of the school and the entire site is Green Belt. On this basis it is considered that the development does not conflict with this defined purpose of the Green Belt.

- 6.15 In light of the above analysis, it is considered that the proposals would be not be contrary to any of the 5 purposes of including land in the Green Belt.

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

- 6.16 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.

- 6.17 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 applicant's Very Special Circumstances are assessed below:
- 6.19 There is an identified shortfall in school places in East Tilbury, with an additional 741 places required for the coming intake year rising to 944 for the school year commencing in 2021. Policy CSTP12 sets out the Council's commitment to education and learning in the community, including imbalances in supply and demand in primary education. The proposal would assist the Council in meeting these priorities, particularly as set out in policy subsections I (to maximise the benefit of existing investment), II (ensuring facilities meet current and future needs), III and IV (linking schools with other and community uses, i.e. sports and leisure facilities). This factor should be afforded very significant weight in the overall balance of considerations.
- 6.20 The current building slightly exceeds the national standards for facilities for a 3-form entry. However, it falls short of the requirement for a 4-form entry. The proposal would see an expansion of the school to meet current standards for a school of this size and the additional students comfortably accommodated. The proposal has been designed to comply with Building Bulletin 99 (2nd edition) guidance which outlines the minimum building requirements for schools. Without these works, the additional student numbers could not be accommodated. This factor should be afforded very significant weight in the overall balance of considerations.
- 6.21 The works would also improve the circulation of the school and facilitate internal layout improvements. The alterations to access to the communal areas will improve safeguarding without loss of amenity to residents using the facilities. This should be afforded limited weight in the overall balance of considerations.
- 6.22 As ever, in reaching a conclusion on Green Belt issues, a judgement as to whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development. 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'.
- 6.23 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 APPEARANCE

- 6.24 The development would be in keeping with the general design and appearance of the existing school complex. The building would be finished externally with materials to reflect the existing school buildings, comprising smooth coloured render and facing brickwork and aluminium framed windows.

- 6.25 In summary under this heading, the development complies with policies PMD2, CSTP22 and CSTP23 and associated design guidance. There are no detrimental impacts to neighbouring properties in accordance with policy PMD1.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.26 The proposal includes ancillary works to car parking and the circulation of vehicles through the site.
- 6.27 It is proposed to widen the public car park adjacent to Princess Margaret Road to increase the total number of spaces. A new entrance would be formed at the north western boundary, just south east of the crossing, and the centre access blocked so that traffic would become one way through the car park. New street trees would be incorporated into the scheme as well as landscaping between the car park and the cycle path. Manoeuvring within the school site will be improved with a “banjo” at the front entrance to improve accessibility to school buses and private cars. The public car park is outside the application site “red outline” however the Council own the land and have agreed the works in principle. An indicative plan has been agreed by the Council’s Highway Officers and details would need to be subject to condition.
- 6.28 The proposal complies with policies PMD8 and PMD9.

IV. LANDSCAPING

- 6.29 The proposal includes new landscaping adjacent to the highway as described above and as shown on the indicative plans submitted with the application. Because the proposal is entirely within the school site, it is considered that there are no detrimental impacts to the landscape character of the wider area.
- 6.30 The Council’s Historic Environment Advisor has considered the proposals and raised no objection.

V. EFFECT ON NEIGHBOURING PROPERTIES

- 6.31 The nearest point of the extension would be more than 30m from the nearest boundary with a residential property. This is sufficient that there would be no impact on privacy or amenity through overbearing, overshadowing or loss of outlook. The MUGA is not in proximity to any residential properties. The proposal complies with policy PMD1.

VI. FLOOD RISK

- 6.32 The proposal is subject to both the Sequential Test and Exception Test.
- 6.33 The entire school grounds are within Flood Zones 2 and 3. There is no available location for the extension which is outside of these zones. The sequential test is satisfied.

- 6.34 Subject to finished floor levels being no lower than existing, the proposal is considered to be safe for the lifetime of the development. The proposed drainage strategy would ensure no residual risk of flooding offsite from the loss of permeable ground. The exception test is satisfied.
- 6.35 The proposal also requires a Flood Warning and Evacuation Plan which can be secured via condition. The proposal is therefore considered to comply with policy PMD15.

VII. OTHER MATTERS

- 6.36 There is a high pressure gas line running to the southeast of the playing field. Half of the playing field, divided roughly diagonally, is in the inner consultation zone for the Health and Safety Executive, the public sports ground and half of the existing school is in the outer consultation zone. The site of the extension and most of the front entrance alterations are outside the consultation zone and the rear entrance alterations are within the outer consultation zone.
- 6.37 The Health and Safety Executive has reviewed the proposals and have advised that they would object to any proposal which would increase the population on the site entire by more than 10%. It is proposed to increase the numbers of students and staff by approximately 33%.
- 6.38 This will necessarily increase the numbers accessing areas of the school used for mealtimes and assemblies which are located within the outer consultation area. But for the majority of the day, the population within the consultation area will not increase.
- 6.39 There is clearly a long-standing existing risk to occupiers of the school site. Although the numbers of additional students and staff on site resulting from the expansion is greater than the threshold for the Health and Safety Executive's algorithm, on balance it is not considered that there is a significant increase in risk accruing to justify refusal.
- 6.40 In coming to the above conclusion, it is important to stress that the Health and Safety Executive have determined not to exercise their authority to request a call in to the Secretary of State.

7.0 CONCLUSIONS

- 7.1 The principle issue for consideration in this case is the assessment of the proposal 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 extensions are 'inappropriate development' in the Green Belt. Substantial weight should be attached to this harm in the balance of considerations.

- 7.2 A number of considerations have been 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. Although one of the considerations attracts limited weight, the other factors should be afforded very significant weight in the Green Belt balance. On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances clearly outweighs the in principle harm to the Green Belt.
- 7.3 Visual amenity would be preserved as the building works are considered appropriately designed and finished and landscaping can be agreed via condition. There are no near neighbours to be affected by the building works.
- 7.4 There is no risk of flooding from the proposal but concerns have been raised from the Health and Safety Executive that the proposal has the potential to increase populations within consultation distance of a gas line. The new schoolrooms will be outside the consultation zone and there are insufficient planning reasons to refuse the application on this basis.
- 7.5 Traffic flow around the site is suboptimal, a state which would be exacerbated by the additional pupils. Plans have been agreed which would improve the public parking area adjacent the highway and internal traffic manoeuvring. This represents a net benefit from the proposal.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following planning conditions:

Standard 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: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by 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
101	Existing Elevations	31st October 2017
102	Existing Plans	31st October 2017
103	Other	31st October 2017
104	Other	31st October 2017

106	Existing Site Layout	31st October 2017
107	Existing Site Layout	31st October 2017
108	Location Plan	31st October 2017
109	Block Plan	31st October 2017
201	Proposed Elevations	31st October 2017
202	Proposed Plans	31st October 2017
203	Proposed Floor Plan Upper	31st October 2017
204	Proposed Floor Plan Lower	31st October 2017
205	Proposed Floor Plan Reception	31st October 2017
210	Materials schedule	31st October 2017
420	Proposed Parking and Flow	25th May 2018

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Matching Materials

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those shown on Plan 210 unless 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 – Focused Review [2015].

Car parking / flow and street trees/planting

4. The parking scheme including landscaping and works to circulation shown on plan 420 (dated 25 May 2018) shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

Details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same

place, unless the local planning authority gives its written consent to any variation.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Flood Warning and Evacuation Plan [FWEP]

5. Prior to the first operational use of the development hereby approved, a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

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

Flood Risk Assessment

6. The construction of the development hereby approved shall accord with sections 3.3-3.9 of the submitted Flood Risk Assessment.

Reason: To ensure that adequate flood protection measures are installed for the safety of the building and for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Construction Environmental Management Plan [CEMP]

7. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority. The CEMP should contain or address the following matters:
 - (a) Construction hours and delivery times for construction purposes demonstrating noisy works limited to 08.00-18.00 Monday – Friday and 08.00-13.00 on Saturdays with no noisy works on Sundays or Public Holidays;
 - (b) Vehicle haul routing in connection with construction, remediation and engineering operations;
 - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
 - (d) Details of construction access;

- (e) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (f) Details of any temporary hardstandings;
- (g) Details of temporary hoarding/boundary treatments;
- (h) Water management including waste water and surface water discharge;

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 LDF Core Strategy and Policies for the Management of Development [2015].

Travel Plan

8. Prior to the first use of the development hereby approved, an updated school travel plan shall be submitted to and approved by the Local Planning Authority. This travel plan shall be in the format of the Mode Shift STARS online School Travel Plan application or other approved travel plan monitoring system. Once agreed, the travel plan shall be utilised for the entire time the development is put to use and regularly updated.

Reason: In the interests of highway safety and amenity and to ensure that the proposed development provides for safe pedestrian and vehicular movements in accordance with policies PMD2 and PMD9 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

INFORMATIVES:

Health & Safety Executive

1. The applicant is advised that the Health and Safety Executive has raised an objection to the proposal. Therefore, although it has been considered that there are insufficient planning reasons to refuse the scheme, the applicant must satisfy themselves that the risks are acceptable before implementing any permission.

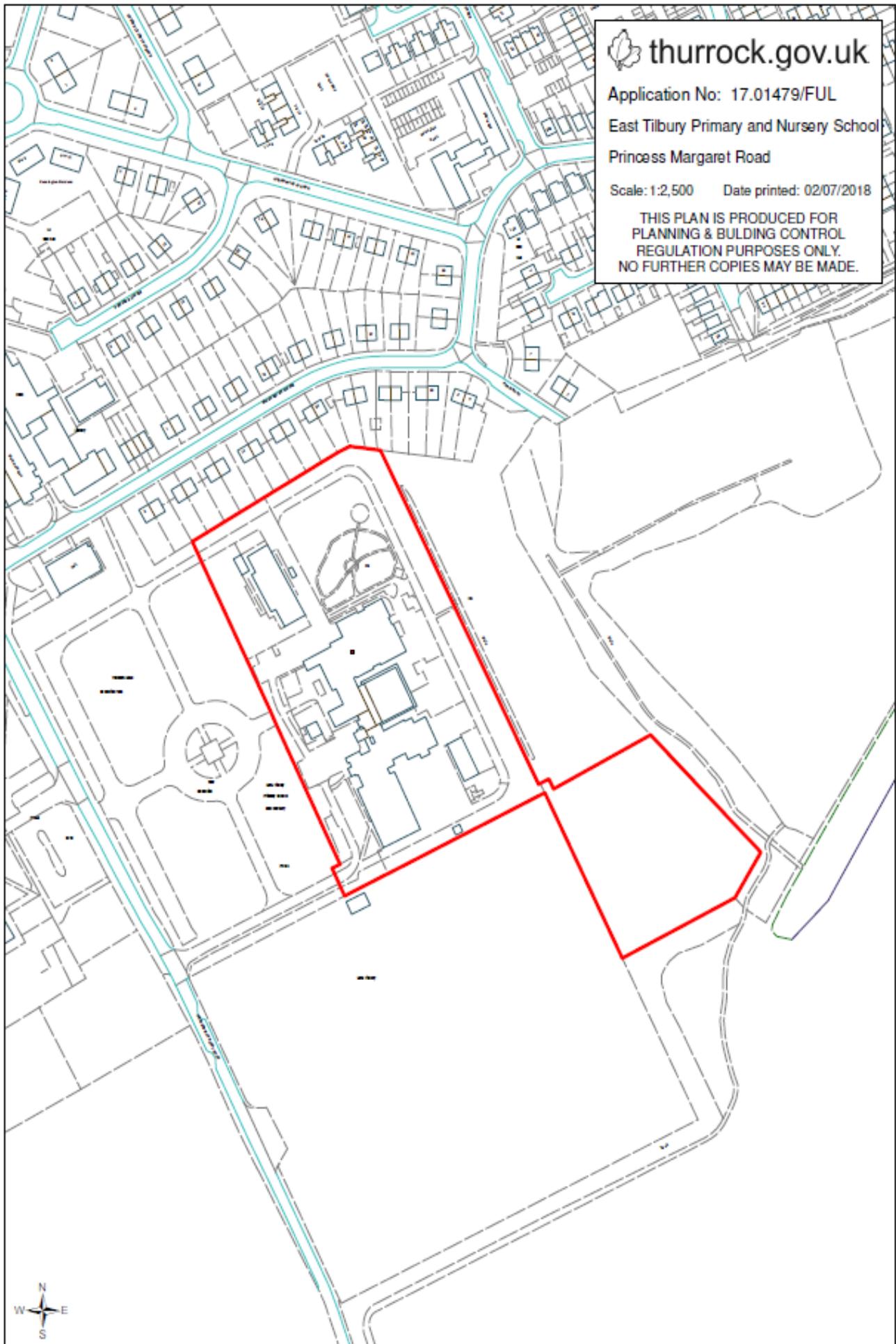
Positive and Proactive Statement

2. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in 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>



 **thurrock.gov.uk**
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East Tilbury Primary and Nursery School
Princess Margaret Road
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