

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 **22 November 2018**

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

Membership:

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

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| 1 Apologies for Absence | |
| 2 Minutes | 5 - 24 |
| To approve as a correct record the minutes of the Planning Committee meeting held on 18 October 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 25 - 30

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).

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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: **14 November 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 18 October 2018 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Leigh Nicholson, Strategic Lead - Development Services
Caroline Robins, Locum Solicitor
Julian Howes, Senior Engineer
Steven Lines, Senior Engineer
Genna Henry, Senior Planning Officer
Matthew Gallagher, Principal Planner
Nadia Houghton, Principal planner
Jonathan Keen, Principal Planner
Tom Scriven, Principal Planner
Tisha Sutcliffe, Democratic Service 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.

45. Minutes

The minutes of the Planning Committee meeting held on 13 September 2018 were approved as a correct record.

46. Item of Urgent Business

There were no items of urgent business

47. Declaration of Interests

There were no interests declared.

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

The Chair declared on behalf of all Committee Members that he received correspondence in regards to the following applications: 18/00988/HHA, 17/00403/FUL and Councillor Rice declared that all Committee Members received correspondence in regards to 18/00994/FUL

49. Planning Appeals

The report provided information regarding Planning appeal performance.

RESOLVED:

The Committee noted the report.

The Chair praised the Planning Department at Thurrock Council for achieving the joint highest ranking for speed of determination of planning applications in the Country.

50. 18/00988/HHA - Farmhouse, Manor House Farm, Brentwood Road, Bulphan (Deferred)

This application had been considered at the previous Planning Committee on 13 September 2018 however it was deferred to allow Officers to prepare a report outlining the implications of making decisions contrary to Officers recommendations. The application sought planning permission for a two storey front extension, single storey side extension, and alterations to the roofing, basement and single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.

The proposal constitutes inappropriate development in the green belt which is harmful by definition and further harm was identified through the size and number of the extensions. The proposal would also have an adverse impact upon the street scene and the character of the area.

The Chair made the Committee aware that due to Councillor Shinnick sending her apologies at the meeting on 13 September, she would be unable to vote on this item.

The Chair informed the Committee that this was a deferred item from 13 September's Planning Committee and it was not often Members go against Officers recommendations. Based on the conversations at last month's Committee it was evident that it was almost unanimous across the Committee that they would potentially be voting in favour of this application. He went on to state that Members and Officers ensure that all applications are assessed on their own merits.

The Principal Planner introduced the report and explained the recommendation remained one of refusal.

The Chair began the debate and felt the application should be approved.

The Chair moved a motion to approve the application against the report's recommendations and it was seconded by Councillor Rice. The reasons for this were that Members did not feel the greenbelt would be harmed due to the

extended building. He felt the extensions were more suitable than the works that could be carried out under Permitted Development rights.

Councillor Rice explained that a lot of information was provided at the last Committee regarding this particular item, however, under Permitted Development rights the applicant would be able to do a lot more than the current application and due to this he felt the application should be approved. There were no objections from members of the public against the extended building which was considered to be positive. He suggested the Permitted Development rights should be removed as part of a condition on the permission. He also noted that the site was surrounded by a number of tall buildings and it would be positive to have executive homes within the borough.

Councillor Piccolo felt the extended building would improve the area and it would still provide a reasonable amount of open space on the site after the extensions are completed.

The summarised debate and confirmed the very special circumstances identified by the Planning Committee were as follows:-

1. The building is considered to be more suitable than what could be carried out under permitted development;
2. The proposal would provide a large executive house for which there is a need for in the Borough;
3. The Council could remove Permitted Development rights if permission was granted;
4. There were no objectors to the proposed extension;
5. There would be limited harm to the Green Belt due to the presence of other buildings and developments in the vicinity;
6. The proposal is of good design.

The Strategic Lead – Development Services stated that Members views were clear and the steps have been followed in the Council's Constitution. Any conditions imposed should be agreed with the Chair if the application was approved by the Committee. The Chair was happy for this to be done, and requested for this to be confirmed following the meeting via email due to the extent of the agenda. The Strategic Lead – Development Services explained if the vote was taken and Members were to approve the application it could be subject to conditions which the wording can then be agreed by the Chair. It was advised by the Strategic Lead – Development Services that the following conditions were likely to be necessary:-

1. Time limit condition, standard condition
2. Approved plans condition to clarify the development being permitted
3. Materials condition to match the existing building
4. Removal of Permitted Development rights

The Strategic Lead – Development Services asked for the legal advisor's opinion on the process to ensure that it had been followed. The Legal Advisor agreed the process had been followed appropriately.

The Chair asked for the reasons for approval to be added in the minutes and that it be noted that all the applications are based on their own merits.

It was proposed by the Chair and seconded by Councillor Rice that the application be approved against Officers recommendations, subject to conditions to be agreed by the Chair.

For: (7) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence, Andrew Jefferies, Terry Piccolo, Sue Sammons and Gerard Rice

Against: (0)

Abstain: (1) Steve Liddiard (Vice-Chair),

RESOLVED:

That the application be approved, subject to conditions to be approved by the Chair.

51. 18/00811/OUT: Land Adjacent Gunning Road, Newburgh Road and Globe Industrial Estate, Towers Road

The Chair pointed out that this item had been withdrawn from the agenda and will be heard at a following Committee.

52. 18/00887/FUL: Land to East of Euclid Way and South of West Thurrock Way

The Application sought permission for the redevelopment of the site to provide 256 dwellings, with associated private and public amenity space, means of enclosure, parking, vehicle and pedestrian accesses and drainage. The application site comprises the former Gala Bingo, Frankie and Bennies, KFC and the parking areas to the north and disused land to the south.

The original hybrid application submitted in 2013 was for the wider site and full permission was granted for commercial development with outline permission granted for residential development (ref. 13/01231/FUL). Reserved matters approval pursuant to the outline was granted in 2017 and Bellway Homes are developing this first phase which is under construction (ref. 17/00548/REM). The full permission for commercial development (13/01231/FUL) has not been implemented which has resulted in the current proposal for residential development.

The proposed development includes two storey houses and three and four storey blocks of flats. Three blocks of flats are proposed to the front of West

Thurrock Way, which would include a four storey high positioned horizontally to the road and would have double gabled roofing. The proposed dwellings are a short distance to Chafford Hundred station and Lakeside Shopping centre. There would be no provision for affordable homes or any other financial contribution for Education and Health Care due to the costs associated with remediation for contamination of the site. The applicant had produced a Viability Assessment which has stated they cannot provide affordable housing. This assessment had been independently verified on behalf of the Council.

There had been no objections made although there is a risk that the dwellings will be developed on flood risk zone 3 according to a Flood Risk Assessment which was submitted.

The Principal Planner highlighted an error on the report on page 91 conditions nos. 16 and 18 "Sound proofing/Noise Insulation" as the condition was included twice. Condition no. 18 should therefore be deleted. It was also advised that the recommendation at para. 8.1 (i) of the report should include additional wording such that if a viability review is undertaken and that review concludes that financial contributions can be supported then those contributions would be considered in light of the consultation responses referred to in the report and priorities applying at the time of the review.

Councillor Rice agreed Thurrock is in need of newly built homes, however he felt it would be important for a charging point for electric cars to be explored, as this will prevent and reduce the pollution in the Borough. There were concerns with no affordable housing being offered within the 256 dwellings. The Principal Planner referred back to the question about charging points for electric cars as it was not included in the report on condition 9, page 89, "travel plan". However the measures which conclude were not yet confirmed and this could be explored with the applicant to ensure something is put in place for this.

Mr Taylor sought further information with regards to the Viability Review as the applicant had advised they were unable to make any contributions towards affordable housing, Health Care and Education. He asked would there be a review when the scheme was completed. The Principal Planner explained that the advice had been received from the Consultant and to a degree, on a very large proposal there would be a series of reviews. However as the proposal was for 242 units the timescale for review recommended by the Council's consultant seemed reasonable. The applicant would already be on site and would most likely want to progress with the building as soon as any decision was made to approve the application at Committee.

Councillor Churchman wanted clarification from the objections received on page 75. The Principal Planner referred to page 88 of the agenda and despite any objectors there had been slight difficulty gathering information from the flood risk management consultant. However, a planning condition could address the issues of surface water drainage.

Councillor Piccolo requested for more information regarding the figures from the Viability Assessment review as it stated there were 20 plots proposed over 2 years. The Principal Planner confirmed that this information was provided by the assessor of the Viability review. There had been a significant amount of funds spent on the proposed site which the applicant/agent may share with the Committee during their speaker's statement. There had been a substantial amount of engineering work down on the site and it was currently a brownfield site which the applicant was trying to get full use out of. Councillor Piccolo went on to say that the costing was not the concern it was the type of development and the house prices which will increase.

Councillor Lawrence wanted confirmation that there would be no affordable homes within the new dwellings. It was confirmed by Officers that there would be none. As stated in the report this was due to the heavily contaminated site. Councillor Lawrence felt this was unacceptable as residents in Thurrock were in need of affordable homes.

The Agent, Mr Kieran Wheeler, was invited to the Committee to present his statement of support.

During his statement Mr Wheeler confirmed that Bellway Homes would be willing to include electric charger ports in the new dwellings.

The Chair started the debate and agreed that the above application should be approved although there were slight concerns with there being no affordable homes.

Councillor Lawrence expressed how unhappy she was with the application and there being no affordable homes for residents. She put forward a motion for the item to be deferred to allow officers more time to gather information and confirm at the following meeting.

Councillor Rice said he was advised that the costing of the site would be around £6 million worth of works, he wanted clarity on whether this would have an impacted on the Viability Review. He felt that Members and Officers should insist on at least 3% of affordable homes, although Thurrock residents are in need of homes and it was positive the site's located near Lakeside shopping centre. Councillor Rice said he would be mindful to support the application and it would be positive if electric charger ports were installed as part of the travel plan.

Councillor Jefferies stated that it would be positive for the site to propose affordable housing, however the site would be used for new dwellings which would be better than a brownfield site not being used.

Mr Taylor pointed out that the core question was how much the site was being sold for when bought and this should have all been taken into account.

Councillor Lawrence put forward a motion to defer the item and it was seconded by Councillor Shinnick, although they were the only Members to vote on this and it was not progressed.

It was proposed by Councillor Rice and seconded by the Chair Councillor Kelly that the application be approved, subject to the above amendments and a new condition addressing provision of electric vehicle charging points.

For: (7) Councillors Tom Kelly (Chair), Steve Liddiard, Colin Churchman, Angela Lawrence, Andrew Jefferies, Terry Piccolo, Sue Sammons and Gerard Rice

Against: (1) Sue Shinnick

Abstain: (1) Angela Lawrence

RESOLVED:

That the application be approved, subject to conditions and s106 agreement.

53. 17/00403/FUL: Land to rear of Caldwell Road, Kingsman Road and Adjacent to A1013 Stanford Road

The application sought planning permission for the development of 127 homes which comprise one, two and three bedroom homes and apartments. The access to the site would be taken from a similar location which serves the existing field, but would be upgraded to form a bellmouth junction onto the Stanford Road. This will lead into the associated internal roads serving the development. To the North and North West of the site on Stanford Road a cycleway and footpath will be formed. The proposed development would comprise with a mix of houses and three apartment blocks and a play area for children. The layout of the site and the open areas to the South East are defined by the requirements of the flood zones and drainage strategy for the site. The applicant has spent a significant amount of time since the application was first received working with officers on the design of the scheme and has worked with CABE to amend the scheme. The parking provision would be within the Council's required standards. The application proposes a policy compliant 35% of the development for affordable housing.

Councillor Rice noted that there would be 35% of affordable homes, however he felt it would be positive to take contributions off site and build on the Council's own land for houses instead of flats. There had been no reference in the report regarding electric charging ports which should be essential on all new dwellings. Councillor Rice recommended as part of the conditions this should be included.

The Principal Planner confirmed that Housing Officers were in agreement with the proposed provision of affordable dwellings, and their type. The applicant was attempting to build a balanced community. Councillor Rice disagreed and

felt that the Local Authority should be allowed to build houses instead of flats as families would need houses and not flats.

Councillor Piccolo understood what was being said by Councillor Rice, however he felt that the majority of applications do not provide affordable homes therefore this application should be accepted as they are willing to provide affordable housing although it may not be for families it will give youngsters the opportunity to get onto the housing ladder, which is already a difficult challenge for them.

The Agent, Mr James Bompas, was invited to the Committee to present his statement of support.

The Chair was in favour of the application as the applicant was willing to provide affordable housing. He agreed that the electric charger points should be included and suggested this should be added to the conditions.

Councillor Rice did not agree with the application, due to the affordable housing provision as the applicant was offering flats and not houses. Although they were proposing 1, 2 and 3 bedroom properties for the private market he felt a contribution should be made offsite which could provide a mix of houses. He felt as the proposed dwellings were not fit for families and there was a considerable amount of families on the housing waiting list.

Councillor Rice put forward a motion to defer the item to seek off site contributions

The Chair agreed there was substance to Councillor Rice's comments, The Chair sought advice from Strategic Lead – Development Services in regards to the conditions and Councillor Rice's previous comments could be added.

The Strategic Lead – Development Services explained that under the policy CSTP2, part 5, it says the council will seek to achieve, where viable 35% affordable housing on all new housing developments capable of accommodating 10 or more dwellings or site of 0.5 hectare or more irrespective of the number of dwellings, sites below the threshold will make an financial contribution equivalent towards of site provision.

In this case the developer was putting forward 35% affordable housing and in compliance with this policy.

Officers had consulted with Housing Officers and the proposal meets the policy so there would be no reason for refusal. To introduce offsite contributions it would require a deferral and it would not be possible to put in the conditions. It would then need to be discussed with the developer to work out the costing and then be factored in to a viability review which may have implication on timing and the delivery of the dwellings.

Councillor Lawrence agreed with the comments made by Councillor Rice as she considered the Borough is in need of two bed houses and she had

concerns with the comments made by the Housing Officers. She said that all Officers and Members need to work together and start refusing applications like this to receive the outcome that is needed for the residents in Thurrock.

Mr Taylor made a point that the floorspace and volume of a 2 or 3 bedroom house would only provide accommodation for one family, whereas a flat block of equivalent space will accommodate a number of residents who are in need of homes.

Councillor Jefferies said it needed to be clear that the affordable housing was not being mixed with housing association, and he felt credit was due to the developers of this application as some residents will be happy with the development and will welcome it.

Councillor Rice suggested for a deferral on this application to allow Planning Officers time to discuss housing contributions with the Housing Officers. Councillor Shinnick seconded this. It was also agreed by Councillor Sammons.

Councillor Piccolo explained that the proposed dwellings are affordable homes which will be up for sale at an affordable price and will allow youngsters the chance to buy their first properties.

The Vice-Chair said that the Housing Team indicated that 49% of the identified need was for 1 bedroom properties which would suggest there is either two adults or one adult needing this and the units proposed for affordable housing would address this.

It was proposed by the Chair Councillor Kelly and seconded by Councillor Jefferies that the application be approved subject to conditions and a s106 agreement.

For: (6) Councillors Tom Kelly (Chair), Steve Liddiard, Colin Churchman, Angela Lawrence, Andrew Jefferies and Terry Piccolo

Against: (3) Councillors Sue Sammons, Sue Shinnick and Gerard Rice

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions and s106 agreement.

54. 18/00571/CV: Former Mucking Landfil Site, Mucking Wharf Road, Stanford Le Hope

The application sought permission for variation of planning conditions associated with the restoration of the site which was originally granted in 1986

and have been subject to subsequent change. The current planning permission is for the restoration and re-use of the site which was approved in March 2013 and this consent was issued as part of the s.73 of the Town and Country Planning Act 1990. The restoration materials would be delivered via the river as HGV movements as ceased in 2016. The current permission required restoration of the site by June 2018, the applicant is now seeking a further 5 years for completion and to allow the aftercare of the site.

The applicant is required to re-profile the land as there are concerns with differential settlement and ponding which would require additional soil. On the northern part of the site the Essex Wildlife Trust is in full use, and there is a footpath along the site which is open to the public as a nature park. Due to the poor drainage the footpath to the south of the site is currently flooded. The applicant is looking to revise surface drainage arrangements to address this issue.

The site is located in the green belt, although the proposed engineering operations can be considered as appropriate development. There had been no objections received and Officers agree it would be the best timing to progress with the site. The representation from Mucking Charitable Trust expressed their concerns with the length of time the restoration has taken to complete. There is an existing 106 agreement in place with relevant planning conditions.

Mr Taylor sought clarification on the application and what they were requesting to complete. The Principal Planner confirmed that the applicant is requesting an extra 5 years to complete site restoration. He referred to common issues of differential settlement, such as at Belhus landfill site which is undergoing restoration before it opens to the public as a country park.

Councillor Sammons asked what guarantees would there be in place to ensure that this application was completed in 5 years as the site was still ongoing. The Principal Planner agreed and advised that the applicant was intending to be completed by Summer 2018 however there are parts of the site which are currently available to the public.

The Principal Planner advised that there were no firm guarantees that restoration would be completed in 5 years, although the applicant has completed an assessment on the amount of material required to complete the restoration and this indicates that the material could be imported in 5 years. When the application was approved in 2013 by the Planning Committee legal advice indicated that options for enforcing a time limit for completion were limited. Councillor Sammons referred to an email she had received stating that the footpath was not accessible as there were trees blocking the pathway.

The Agent, Ms Sarah Holland, was invited to the Committee to present her statement of support.

The Chair felt the application was a fantastic opportunity to bring employment to the area, although there were slight concerns with the previous comments made by Councillor Sammons. In 2006 the application was brought to Committee and had been brought back for a second time requesting for an extra time, the applicant would need to ensure that if the application was approved at October's Committee they would not need to bring the application back for more time. There should be plans in place to ensure that the process is being followed and they progress.

The Chair proposed a condition to be added to the application to ensure Officers were monitoring the site on a 12 month basis.

The Strategic Lead – Development Services explained to the Committee that Officers were limited with what additional conditions could lawfully be attached to permission pursuant to s.73 of the Act. However, it was advised that it would be possible to have an informative on any decision granted which would then remind the applicant of the terms of this consent and a further consent had been granted and to set out the expectations of the final timing.

The Strategic Lead – Development Services advised that the wording of an informative could be agreed by the Chair, which he agreed to and it was seconded by Councillor Rice.

Councillor Rice referred the Committee to the report as it stated the site would be completed by 2020.

Mr Taylor voiced that the application had already taken some time to get to where it is now, however it would be imperative to ensure the water was drained correctly to prevent leaching occurring in the future.

It was proposed by the Vice-Chair and seconded by Councillor Churchman that the application be approved, subject to deed of variation under Section 106 of the Town and Country Planning Act 1990 and planning conditions.

For: (9) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved subject to deed of variation under Section 106 of the Town and Country Planning Act 1990 and planning conditions.

55. 18/01041/FUL - Dahlia Cottage, Kirkham Shaw, Horndon on the Hill

The application sought planning permission for the construction of a 2 bedroom bungalow with amenity space together with hard surfacing to allow for 2 parking spaces. Access would be taken from Kirkham Shaw.

The wider application site had significant planning history for residential use back from 2006. In 2011 an application was approved for the cessation of the site for dog breeding purposes, with demolition of 3 buildings and conversion of 3 buildings to residential properties with associated, parking, gardens and landscaping (subsequent application to amend this scheme were made).

In 2016 planning permission was also granted for the replacement chalet bungalow at Dahlia Cottage, the permission sought a revised design from an earlier application in 2008 which was approved.

The site where the proposed dwelling is being requested was an area in which was to be left as open space and landscaped under the previous approvals.

The site is located within the Green Belt and the construction of a new residential property is inappropriate development and therefore unacceptable in principle.

The agent had not provided any very special circumstance for the application, however the contents of the Design and Access statement made a reference to the floorspace from the replacement Dahlia Cottage dwelling. The applicant based their case on the reduction in floor space between the two applications for Dahlia Cottage, the application approved in 2008 and the amended plan approved in 2016. The applicant stated the approved application in 2008 had a total floor area of 177.8sq.m and the area of the approved application in 2016 was 103.2 sq.m leaving 74.6 sq.m which the applicant said could be used for the new dwelling.

The Chair asked if there was a clear Google Earth image of the site to provide the Committee. The Principal Planner advised that the only images they could provide were the ones being shown.

The Applicant, Ms Jennifer Eaton, was invited to the Committee to present her statement of support.

The Chair began the debate and felt this was a unique application. He considered that there do not appear to be enough bungalows being built within Thurrock and they are being knocked down to building other dwellings. He disagreed with the comments made that the dwelling would impact on the openness and Green Belt, and stated there had only been one complaint received regarding the parking.

Councillor Rice proposed a site visit to the site to gather more insight on the application.

It was proposed by Councillor Rice and seconded by Councillor Shinnick 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: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (1) Councillor Angela Lawrence,

DEFERRED:

Until after a site visit

56. 18/00984/FUL: Land to North East of St Cleres Hall, Stanford Road, Stanford Le Hope

The application sought planning permission for the erection of a terrace of 4 residential dwellings following the demolition of existing buildings on the site and associated hardstanding and landscaping. The site is currently under development which was approved through two previous planning applications. The terrace would propose a pitched roof design and with a parking area and new access road through the site. The accommodation within the terrace would be set over 3 floors. This site itself is located on the south side of Stanford Road and was previously a redundant farmyard.

The proposed 4 dwellings would be located in the Green Belt and would constitute inappropriate development unless it was to fall within one of the exceptions set out in the NPPF. The development relied upon the pre-existing buildings on the site to justify this development in the Green Belt. These buildings are required to be removed under conditions imposed on the previous permission. As a result the proposal constitutes inappropriate development in the Green Belt. The terrace would be located in close proximity to Stanford Road and result in a significant adverse impact upon the street scene and general character of the area.

The site is located adjacent to the Grade II* Listed Building at St Cleres Hall. The proposed terrace is located in close proximity to the boundary with the listed building and would result in a significant adverse impact upon its setting.

The Principal Planner highlighted two amendments on the report as Historic England had responded and advised they do not have any comments to add. Officers should rely upon their own Historic Building Advisor. The second amendment was on page 196, reasons for refusal point 3, and is to reflect the wording within the NPPF and should state "substantial harm to" instead of "significant adverse impact upon".

Councillor Jefferies sought clarification on whether the dwellings would be seen from the road and from the maps shown during Committee. The Principal Planner advised that it would not be immediately in front of the road view, it would block the view of the grade II* listed building from Stanford Road.

The Chair opened the Committee to debate the item.

The Chair began the debate and explained the building would dominate the area and he would not be willing to support the application.

Councillor Rice proposed for a site visit to gather more information and understanding of the site in person.

Councillor Piccolo expressed the concerns with this application as it had been the 3rd application on the site. The application should have brought the whole site as one application. The proposed dwellings would be dominant from Stanford Road and it would sit very close to St Cleres Hall. The local residents have also made it clear they would not be happy with the proposed dwellings.

Councillor Lawrence explained that there was already a new building on the site which is accessed via the road to the rear of St Cleres Hall.

Mr Taylor remembered a debate on this item when the previous application was brought to Committee. He agreed with Councillor Piccolo that the applicant should have done it as a whole.

Councillor Rice proposed for a site visit to the site to gather more insight on the application.

A site visit by the Committee Members was proposed by Councillor Rice and seconded by Councillor Shinnick. The planning application would be deferred until after the site visit had taken place.

Site visit:

For: (6) Councillors Steve Liddiard (Vice-Chair), Andrew Jefferies, Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (3) Councillors Tom Kelly (Chair), Colin Churchman and Terry Piccolo

Abstain: (0)

DEFERRED:

Until after a site visit

57. 18/00986/CV: Former Harrow Inn, Harrow Lane, Bulphan, Essex RM14 3RL

The application sought a condition variation to the previous planning permission for a weight loss and wellness centre providing 21 rooms, with the demolition of the former public house and restaurant. The proposal sought changes to the previously approved plans to allow the main building to benefit from room layout changes and alterations. These changes would also result in amendments to the window and door design of the building. The site is located in the Metropolitan Green Belt and is surrounded by open space although there would be no greater harm to the Green Belt. Majority of the site is located within the highest Flood Risk Zone 3 as identified on the Environment Agency flood map.

Councillor Rice felt positively about the application as the site was previously a redundant pub out of use for around 20 years.

It was proposed by the Vice-Chair Councillor Liddiard and seconded by Councillor Shinnick that the application be approved.

For: (6) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved.

58. 18/00994/FUL : Former Harrow Inn, Harrow Lane, Bulphan, Essex RM14 3RL

The application sought planning permission for the proposed an additional Manager's accommodation with a double garage to the approved Wellness Centre on the site. The internal layout is separated into two and the ground floor will provide two entrances. One entrance would be for the Manger's work space which will include a meeting training room and mangers office with an en-suite bedroom towards the rear with a kitchen area for the Duty Manager when covering the Wellness Centre. The second entrance would lead to the residential part of the property. The dwelling proposed would be two storeys high with a flat roof and include a detached double garage and store, substantial rear private garden area and hardstanding to the frontage. The new development would also be enclosed with a 3m high boundary fence.

The site is located in the Metropolitan Green Belt and is surrounded by open land and the majority of the site is located within the highest Flood Risk Zone 3.

The Chair asked if there were any complaints received, and he wanted clarity on the height of the fencing around the building. The Principal Planner confirmed that there had been no complaints received and there was no clarity on why the fencing was 3 metres.

Councillor Rice had some sympathy for the applicant, he referred to the Lower Thames Crossing which will potentially be built and therefore should allow the applicant to have a 3 metres fence around the wellness centre. There were no objections received from the Flood Risk Manager.

The Principal Planner advised that there were no objections from both Environment Agency and Flood Risk Management subject to the proposal complying with sequential and exceptions tests as required by both the Environment Agency and national planning guidance. The vast majority of the site will be in high flood risk zone 3. The use of the building as predominantly a dwelling puts it in a more vulnerable use when compared to the use of the Wellness Centre.

Councillor Rice stated that this would be the finishing touches to the Wellness Centre. The Principal Planner advised that the site area falls upon land which would form part of the landscaping for the Wellness Centre. The proposed dwelling would be contrary to both local and national Green Belt policy.

The Applicant, Joy Jarvis, was invited to the Committee to present her statement of support. She confirmed that the fence was in fact 2 metres and not 3 metres and the plans, as submitted, were incorrect.

The Chair informed that the above statement from the applicant would need to be amended on the application.

Councillor Churchman asked if the flood risk assessment was generic on the site or if it was one that had been paid for by the applicant. The Chair agreed with what was being shared by the applicant. The Strategic Lead – Development Services explained to the Committee that the map shared was sent from the Environment Agency shows the majority of the site in high risk flood zone 3. The Principal Planner showed Members the live map of the site taken from the Environment Agency maps which indicated that the site was in the high flood risk zone 3, and a site which benefitted from flood defences.

The Principal Planner advised that, as with the previous planning application for the Wellness Centre, a Flood Risk Assessment would be required for this application. The applicant had provided a Flood Risk Assessment. The Environment Agency did not object to the dwelling in principle, subject to the proposal complying with certain tests as required by both the Environment Agency and national planning guidance as the proposed dwelling would be classified as a more vulnerable use. No evidence had been submitted by the

applicant to demonstrate that the dwelling could not be provided in a less high risk flood zone and so the sequential test had not been met in full. For the exceptions test to be met the development would need to demonstrate that the proposal would provide wider sustainable benefits to the community. The applicant has not demonstrated that the dwelling would provide wider sustainable benefits. Given the proposal has not met both the sequential and exceptions tests the proposal is considered to be contrary to local and national flood risk policies.

The Chair asked if the original application for the Wellness Centre was also in the highest flood risk zone 3, which it was confirmed as in flood risk zone 3, 2 and 1. There is a potential risk for the flooding of the Wellness Centre and the planning approval for the Centre included a number of planning conditions relating to drainage and flood risk. The applicant has submitted drainage and flood risk details for discharge for the Wellness Centre and these details have been agreed.

The legal advisor commented that it was not just the Council's test it was something required by the NPPF.

Councillor Rice said it was clear on page 217 that the dwelling would be located on the edge of the flood risk zone 3 and there had been no objections against the application. It is evident that the applicant has spent a significant amount of money on providing a flood risk examination on the site.

The Principal Planner explained that the dwelling would be in flood risk zone 3 with the far end of the rear garden being located in flood zone 2. It would be an area that could be affected by flood risk.

Councillor Rice advised that this could be conditioned as it had been done in the past.

The Principal Planner explained the flood risk concerns to the Committee in relation to the proposed dwelling and that there had been no further evidence provided by the applicant.

The Chair said if the Wellness Centre was a smaller size, there would be enough space to have a Manager's area on site, would this be accepted as one with the dwelling. The Principal Planner explained that the original proposal considered the Wellness Centre as one main building which included a 2 bedroom manager's flat. This proposal is for a separate building which is contrary to Green Belt policy and for which there has been no justification to allow an exception to that policy.

The Chair began the debate and said the application was interesting, although he could understand the concerns from both parties. The original building was a pub and the borough is lucky enough to have a developer willing to build something useful for the area. The Chair was minded to support the application, although he shared his concerns with the 3 metre fence that was

proposed. There had been no objections received from members of the public and the Wellness Centre would be a chance of success for the site.

Councillor Rice said it was evident that the applicant needed a separate living accommodation and if it was an individual application for one dwelling then it would have been refused. The site was an out of use pub for around 20 years and there were never any concerns of flood risk zones at this point. This application had been ongoing since February 2018 and had only just been presented at Committee. Councillor Rice was mindful to support the application as a business.

Councillor Lawrence agreed that the application should be supported as the dwelling would be necessary to keep the wellness centre open.

Councillor Shinnick said she would be in support of the application.

Mr Taylor explained that the building of the Wellness Centre is going ahead but the site does flood and referring back to the comment made from Councillor Rice in relation to the Lower Thames Crossing, stating the crossing would have no relevance to this application as it would be about 1 mile away from the site. There are concerns with the ongoing change of the dwelling as it was always going to be a part of the business they should have sought planning permission originally as one whole application. He was opposed to this application as it was also in the Green Belt and in flood zone 3 which would be a concern.

The Vice Chair echoed Mr Taylor's comments explaining that he felt the same as there is harm to the Green Belt and flood risk concerns.

Councillor Piccolo said he was concerned about the professionalism of the applicant. How did they not know they needed a certain level of staff facilities, the dwelling is large and has other business uses within it. These rooms could easily be modified and change the scheme overall. He felt the applicant was taking advantage of the planning permission as the dwelling could be used within the wellness centre.

Councillor Rice proposed for this application to be approved against Officers recommendations, as it will be beneficial for the senior members of staff. He agreed the Green Belt needed to be protected but the reality is we are going to be building in the Green Belt. This is one dwelling and it will make the business viable.

It was proposed by Councillor Rice and seconded by The Chair, Councillor Kelly to approve the application, against Officers recommendations.

The Strategic Lead – Development Services referred the Committee to the Constitution on page 133 points 7.2 *“The mover of the motion should clearly specify or write down the motion including the reason for departing from the Officers recommendation. Both the reasons and the motion should be put to the Committee orally and in public even if the reasons are tentative. Any such*

motion must be seconded". "The Planning Officer should always be given the opportunity to explain the implications of what has been proposed to the planning committee in public before any vote is taken"

The Strategic Lead – Development Services advised the Chair that the Committee would need to clearly address each of the 3 reasons for refusal.

The Chair summarised the debate and offered the following reasons for Members going against Officer's recommendations:

1. Is a need for the business to have a Senior Manager on site;
2. Without Senior Manager being onsite they cannot obtain insurance;
3. The Council needs to provide lots of homes in the Green Belt in the future, and this will just be one home;
4. Planning conditions could be used to link the use of the dwelling to the use of the business;
5. No loss of openness to the Green Belt by the development.

The Strategic Lead – Development Services advised that the item should be deferred to allow Officers to consider the reasons in detail and the implications of such a decision. The Strategic Lead – Development Services reminded the Committee that there are 3 reasons for refusal which must be addressed; in deferring the item, Officers would also provide clarity around the flood risk issues discussed.

Councillor Rice requested for the applicant to supply the flood risk management report to Officers as it actually showed the work which was completed.

The Chair also added that as 4.4 in the report, it was evident that there were no objections given on this application.

The Strategic Lead – Development Services said in bringing back a report this would explore all issues raised, and it would need to be clear on the flood risk position.

The Council's legal representative stated that the Strategic Lead – Development Services had adopted the correct approach in this instance.

Deferring the application:

For: (7) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (2) Councillors Steve Liddiard (Vice-Chair) and Andrew Jefferies

Abstain: (0)

RESOLVED:

That the application be deferred to allow Officers to prepare a report outlining the implications of making a decision contrary to the Planning Officer's recommendation and to provide clarification on the flood risk zone.

59. 18/01035/TBC - East Tilbury Library Princess Avenue East Tilbury Essex RM18 8ST

The application sought planning permission for the refurbishment of the library including a new entrance ramp, changes to fenestration, external draught lobby and accessible parking spaces. The site is located to the rear of Stanford House in East Tilbury.

It was proposed by the Vice-Chair, Councillor Liddiard and seconded by Councillor Churchman that the application be approved, subject to conditions.

For: (9) Councillors Tom Kelly (Chair), Councillors Steve Liddiard (Vice-Chair) Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved subject to conditions.

The meeting finished at 9.47 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

| | | |
|---|--|--|
| 22 November 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:** 18/00034/BUNWKS

Location: Police Station, Gordon Road, Corringham

Proposal: Unauthorised works without the benefit of planning permission.

3.2 **Application No:** 17/00342/AUNWKS

Location: Baker Street Mills, Stifford Clays Road, Orsett

Proposal: The storage of shipping containers / building material in the Green Belt

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 18/00735/HHA

Location: 68 Chestnut Avenue, Grays

Proposal: Single storey rear extension and roof extensions following demolition of existing conservatory

Decision: Appeal Dismissed

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

The Inspector took the view that, due to bulk and design, the rear extension would totally overwhelm the appearance of the original dwelling.

It was therefore concluded that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding area.

The full appeal decision can be found online.

4.2 Application No: 17/01675/FUL

Location: 1 Kingsley Walk, Chadwell St Mary

Proposal: Erection of two storey house on land adjacent to 1 Kingsley Walk (resubmission of 17/01029/FUL Subdivision of the site for the erection of 1 x 3 bedroom dwelling and one- and two-storey rear extension to existing dwelling)

Decision: Appeal Dismissed

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the site and surroundings and the impact on the living conditions of neighbouring occupiers and future occupiers of the site.

The Inspector considered that large gardens were characteristic features in this suburban location and the reduction in garden size would be out of keeping with the area. He also found the proposal would fail to provide adequate amenity space for the proposed dwelling and the retained dwelling.

The Inspector was of the view that the introduction of a short terrace would not be in keeping in a road consisting exclusively of semi-detached properties and in terms of addressing the 5 year housing supply that the additional dwelling would provide little social, environmental or economic benefit.

The full appeal decision can be found online.

4.3 Application No: 18/00606/HHA

Location: Woodside, Kirkham Road, Horndon On The Hill

Proposal: New pitched roof over existing single storey rear extension and loft conversion incorporating rear dormer windows and roof lights

Decision: Appeal Allowed

The Inspector considered the main issue to be the impact of the proposal on the Green Belt. The principal focus was the effect of the rear dormer, both in its own right and in combination with the pitched roof.

The Inspector took the view that, given the majority of the additional floorspace already existed in the roof void and the additions would not be disproportionate.

It was therefore concluded that the proposal would not be inappropriate development in the Green Belt and that there would be no harmful effects on the openness of the Green Belt or the character and appearance of the host dwelling.

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

Proposal: Unauthorised use of the land.

Dates: Postponed

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: 11th December 2018

5.3 Application No: 18/00034/BUNWKS

Location: Police Station, Gordon Road, Corringham

Proposal: Unauthorised works without the benefit of planning permission.

Dates: 29th January 2018

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 | 2 | 0 | 2 | 3 | | | | | | 16 |
| No Allowed | 0 | 0 | 0 | 1 | 0 | 1 | 1 | | | | | | 3 |
| % Allowed | | | | | | | | | | | | | 18.7% |

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: 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 |
| 300A | Proposed Site Layout | 7th September 2018 |
| 301A | Proposed Elevations | 7th September 2018 |
| 302A | Proposed Elevations | 7th September 2018 |
| 303A | Proposed Elevations | 7th September 2018 |
| 304A | Proposed Elevations | 7th September 2018 |
| 305A | Proposed Elevations | 7th September 2018 |
| 305A | Proposed Elevations | 7th September 2018 |
| 306A | Proposed Elevations | 7th September 2018 |
| 307A | Proposed Elevations | 7th September 2018 |
| 308A | Proposed Elevations | 7th September 2018 |
| 309A | Proposed Elevations | 7th September 2018 |
| 310A | Proposed Plans | 7th September 2018 |
| 311A | Proposed Plans | 7th September 2018 |
| 312A | Proposed Plans | 7th September 2018 |
| 313A | Proposed Plans | 7th September 2018 |
| 314A | Proposed Plans | 7th September 2018 |
| 315A | Proposed Plans | 7th September 2018 |
| 316A | Proposed Elevations | 7th September 2018 |
| 320 | Proposed Elevations | 7th September 2018 |
| 321 | Proposed Elevations | 7th September 2018 |
| 322 | Proposed Elevations | 7th September 2018 |
| 323 | Proposed Elevations | 7th September 2018 |
| 324 | Proposed Elevations | 7th September 2018 |
| 325 | Proposed Elevations | 7th September 2018 |

The application is also accompanied by the following updated information:

- Planning Statement Addendum
- 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
- Landscape Strategy

Applicant:

Mr M James

Validated:

25 July 2016

Date of expiry:

30 November 2018 [Extension of time agreed with applicant]

Recommendation: Approve, subject to conditions and a s106 agreement

1.0 BACKGROUND

- 1.1 This planning application was originally considered at the Planning Committee on 12 July 2018 where Members resolved to defer determination of the planning application to allow the applicant time to resolve the design issues by taking the scheme through a CABE design review and working with officers.
- 1.2 Since the July planning committee the applicant decided not to engage in a CABE design review process but has been working positively with officers, including the Council's Urban Design Advisor, to address the design issues. In early September revised plans and updated studies and reports were received and have been subject to public consultation.

2.0 DESCRIPTION OF REVISED PROPOSAL

- 2.1 The proposal is for the same number of dwellings [93] but has a slightly different housing mix with more flats [55 compared to 48] than houses [now 38 compared to 45]. All of the flats would be accommodated within two blocks, would be sited towards the southern boundary of the site. The access to the development and internal road into the site remain the same as the previous plans but, in layout terms, all of the houses would be sited to the western side of the internal road with the front [principal] elevation of each dwelling fronting the road. Along the eastern side of the internal road a 2m wide footway/cycle link would be provided along with links to land beyond the site. A landscaped buffer would be provided along the eastern site boundary along with an area of public open space.

2.2 The revised proposed development is summarised as follows:

| | | | | | | |
|-------------------|---|--------------------------|----------|----------------------------------|-------|-------|
| Site Area (Gross) | 2.31 ha | | | | | |
| Height | Up to 5 storeys [15.2m] for the flats, 2 and 3 storey houses [up to 11.1m] | | | | | |
| Units (All) | Type (ALL) | 1-bed | 2-bed | 3-bed | 4 bed | TOTAL |
| | Houses | | 23 | 10 | 5 | 38 |
| | Flats | 19 | 31 | 5 | | 55 |
| | TOTAL | 19 | 54 | 15 | 5 | 93 |
| | Flats | Block – 1 Plots 39-63 | 25 flats | 9 x 1 bed, 16 x 2 bed | | |
| | | Block – 2 Plots 64-93 | 30 flats | 8 x 1 bed, 17 x 2 bed, 5 x 3 bed | | |
| | Houses | Plots 1 – 6 | | 3 bed | | |
| | | Plot 7 | | 3 bed | | |
| | | Plot 8 | | 3 bed | | |
| | | Plot 9 - 11 | | 2 bed | | |
| | | Plot 12 - 20 | | 2 bed | | |
| | | Plots 21 - 24 | | 2 bed | | |
| | | Plot 25 | | 3 bed | | |
| | | Plot 26 | | 3 bed | | |
| | | Plot 27 - 28 | | 2 bed | | |
| | | Plot 29 - 31 | | 2 bed | | |
| | | Plot 32 - 33 | | 2 bed | | |
| | | Plot 34 - 38 | | 4 bed | | |
| Car Parking | Flats: 55 spaces [1.3 space per flat] Houses: 76 spaces [2 spaces per house] Visitors: 15 spaces Total: 146 | | | | | |
| Amenity Space | Shared/Communal Amenity Space: 363 sqm for Block 1 and 990 sqm for Block 2 Houses: smallest 50 sqm and largest 139 sqm Public Open Space: 746 sqm | | | | | |
| Density | 40 dwellings per hectare for the overall site | | | | | |

3.0 SITE DESCRIPTION

- 3.1 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.
- 3.2 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 eastern boundary is an open watercourse known as the Chadwell New Cross Sewer, which 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.

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 was originally been advertised by way of individual neighbour notification letters, press advert and public site notices which has been displayed nearby.

Seven letters of representation were originally received with two of these objecting to the application.

The objections raised 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;

The revised plans have been advertised by way of individual neighbour notification letters and public site notices which have been displayed nearby. The details below are from the most recent consultation to the revised plans:

1 letter of objection raising the following concerns:

- Access to site
- Additional traffic

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 £519,888.01 towards for nursery, primary and secondary education in the area or towards an extension to existing secondary school in the East Secondary School Planning Area [IRL 0427].

4.5 EMERGENCY PLANNER:

No objection subject to a condition requiring a Flood Warning and Evacuation Plan.

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 HIGHWAYS:

No objections subject to conditions.

4.14 HOUSING:

No objection subject to affordable housing being provided. In light of the views of the independent viability advice an off-site commuted sum should be secured for affordable housing provision

4.15 LANDSCAPE AND ECOLOGY ADVISOR:

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

4.16 NETWORK RAIL:

No objection.

4.17 NHS ENGLAND:

No objection subject to a financial contribution of £10,000 towards additional floorspace at the Dr Yadava N Practice.

4.18 PUBLIC FOOTPATH OFFICER

No objections but would prefer a dedicated path located alongside the existing water and to be fenced for the safety of pedestrians.

4.19 TRAVEL PLAN CO-ORDINATOR:

No objection.

4.20 URBAN DESIGN ADVISOR:

No objections subject to conditions.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

The revised NPPF was published on 24 July 2018 and sets out the government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. 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

5.3 Local Planning Policy Thurrock Local Development Framework (2011)

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

5.4 Thurrock Local Plan

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

5.5 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. Viability and Planning Obligations
- XI. Sustainability
- XII. 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 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.

6.4 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 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.

- 6.5 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 it is considered that this site could be used for alternative use other than its employment allocation.
- 6.6 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 paragraph 73 of the NPPF. 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.
- 6.7 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

- 6.8 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 proposed dwelling mix is different from the previous plans with a proposed mix of 38 houses and 55 flats, compared to the previous mix of 45 houses and 48 flats. However, the revised development would still provide both family dwellings and flatted development, in accordance with the SHMA and therein the dwelling mix requirements of policy CSTP1.

- 6.9 With regard to affordable housing, policy CSTP2 seeks to achieve 35% of the development to be allocated for affordable housing. However, the application has been subject to a viability assessment as the proposal cannot provide the policy compliant level of affordable housing. The viability assessment been independently reviewed and identifies that the development can provide £421,750 to fund planning obligations. Following consultation with the Council's Housing Officer it has been identified that financial contribution should be used to provide off site affordable housing provision, as the Council's Housing Officer advises that the contribution would not provide enough for on-site serviced affordable housing units for a Registered Provider.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.10 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 an infill bungalow adjacent to the metal works, and to the north east area 1970's and 1980's housing estates. To the south and south east are large scale commercial warehouse buildings at Thurrock Park Way and Tilbury Docks.
- 6.12 The irregular shape of the site means the site is constrained in terms of its opportunities to create a varied layout and is narrow at the top to middle part of the site. The need for a 'buffer zone' along the site's eastern side adjacent to the neighbouring watercourse further constrains the developable area of the site. The majority of the site is only 43m wide.
- 6.13 In comparison to the previous layout, the alignment of the internal spine road is positioned further to the east which allows for all dwellings to be sited to the western side of the road. This allows for the retention of a wider landscape buffer, which visually assists the site and is also required for ecological reasons and allows for a centrally located area of public open space, which is a significant improvement upon the previous layout. The Council's Urban Design Advisor agrees that the 'proposed linear layout of the dwellings is appropriate, units elevate to maximise open views to the east, enlarged fenestration and balcony features have now been

incorporated'. The majority of the proposed dwellings are proposed to be sited to front the road with habitable rooms facing east to benefit from views towards the existing watercourse and open field beyond the site's eastern boundary. This layout helps with the transition from the natural field environment and watercourse to the east to the urban landscape to be created through this development. The proposed siting of the dwellings on the western side of the road creates a strong urban edge. The proposed siting of the flats towards the southern boundary provides a buffer to the railway. The revised layout is considered to address the previous issues of flank walls fronting the road, and gardens and fenced boundaries onto the ecological buffer. It is therefore considered that the changes to the proposed layout are considered as a significant improvement and addresses the previous concerns.

- 6.14 In terms of scale, the majority of the dwellings would be two storeys, however, in the southern part of the site [from plot 34 onwards] the dwellings would be three storey townhouses and then a part three/part four/part five storey block of flats with the five storey element positioned towards the southern end of the building as a corner feature. This proposed arrangement shows an acceptable height transition towards the flatted development on the site. The second block of flats nearest the western boundary would be similar in scale. The proposed flats are located at the lowest ground levels in the site and when travelling towards the southern area of the site these blocks would be seen in the context of the large buildings in the backdrop of Tilbury Docks. The proposed scale of the development is therefore considered acceptable and represents a significant improvement when compared to the previous plans.
- 6.15 One of the main issues with the previous scheme was the lack of a comprehensive design language and following negotiation with Officers the scheme has been re-designed to reflect a legible contemporary approach with a more orderly form of house types. The proposed design would incorporate gables, large sized window openings, recessed balconies and some roof gardens, which collectively would provide a much higher quality development than the previous scheme. Although the coloured plans help show how the development would appear details of the materials shall need to be agreed through a planning condition. The Council's Urban Design Advisor raises no objections to the revised plans and recommends conditions for materials and specific design/feature detail.
- 6.16 Therefore, the overall design of the development is considered acceptable and would accord with policies CSTP22, CSTP23 and PMD2, and the guidance contained within chapter 12 of the NPPF.

IV. LANDSCAPING AND AMENITY SPACE

- 6.17 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 in 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 none of the existing trees are protected by Tree Preservation Orders. The proposed revised layout shows some existing trees would be retained and to compensate for the loss of any trees and vegetation the proposal includes a landscaping strategy, which demonstrates new trees would be planted. The Council's Landscape and Ecology Advisor identifies that this landscape strategy requires refinement and further information for all hard and soft landscaping works, which can be subject of a planning condition, along with details of a future landscape management plan to meet the policy requirements of PMD2.
- 6.18 To accord with the requirements of policies CSTP20 and PMD5, 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. When compared to the previous plans the revised plans show a centrally located area of public open space which would incorporate a children's play space with details of the play equipment and future maintenance to be agreed through planning conditions. This centrally located open space feature is welcomed and demonstrates a significant improvement when compared to the previous plans. In addition to this, a proposed pedestrian access would be located along the western site boundary allowing access into the neighbouring public open space for the benefit of future occupiers and for the benefit of permeability and connectivity to the wider area, as this site includes a dedicated footway/cycle link between Grays and Tilbury.
- 6.19 Each block of flats would have areas of communal amenity space and when compared to the previous plans the revised plans show that these communal amenity areas offer a more usable amenity area, which is acceptable with regard to policy PMD2 and 'saved' Annex 1 of the Borough Local Plan. In addition, future occupiers would also have the choice of using the centrally located public open space and the neighbouring public open space to the west of the site, which can be accessed via the proposed pedestrian gate on the western boundary.
- 6.20 The revised layout to the development has also improved the private amenity areas associated with the houses. The smallest private amenity space would be 50m² for a 2 bedroom unit and the largest 139m² for a 3 bedroom unit. Based on the internal floorspace some of the dwellings would be below the private amenity space requirement as stated 'saved' Annex 1 of the Borough Local Plan. However, the proposal includes a centrally located area of public open space and to the west of the site is a further existing public open space which can both be used for amenity provision and Planning Inspectors have found similar sized private amenity spaces

to be acceptable. On balance the level of private amenity space is considered acceptable for the proposed houses on this site with regard to policy PMD2.

V. ECOLOGY AND BIODIVERSITY

- 6.21 The Council's Landscape and Ecology Advisor recognises that this is a significant improvement compared to the previous layout. An updated Ecological Appraisal has been submitted which identifies the same ecological mitigation and enhancement measures for inclusion within the proposed development such as the use of green roofs on buildings to support wild flowers, log piles, insect houses, and nest boxes for birds, the details of which can be subject of a planning condition. No objections are raised but details of the reptile translocation shall need to be secured through a planning condition as the site was identified in the 2017 reptile survey as a key reptile site due to its good populations of slow-worms and common lizard.

VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.22 Access to the site would remain the same as the current access and the previous plans as there is only one vehicle access from the eastern end of Manor Road. This access would lead into the internal spine road through the site to serve the 93 dwellings. The Council's Highway's Officer has no objections to the access arrangement which accords with the requirements of policy PMD9.
- 6.23 The updated Transport Note to the Transport Assessment [TA] identifies the same traffic generation and impacts upon the highway as the previous plans, which raises no objection from the Council's Highway Officer.
- 6.24 The proposal would require diversion of the public footpath 186 as this currently passes through the centre of the site in a north to south direction. Similar to the previous plans, the revised plans include the footpath alongside the proposed cycleway through the site with links shown to areas beyond the site, including links to future bridges over the watercourse. The Council's Highway's Officer has confirmed [that they have the funding for the footpath/cycleway works through existing planning obligations so there is no requirement for funding for this infrastructure through planning obligations [section 106]. The Council's Public Footpath Officer considers that a dedicated public right of way should be provided to the western side of the watercourse and should include fencing for pedestrian safety. Whilst this may be a desirable alternative for pedestrians compared to the proposed shared footpath and cycle route along the central spine road through the development, a public right of way in the location sought by the Council's Public Footpath Officer would conflict with the requirements of retaining an ecology buffer adjacent to this watercourse and therefore the proposed shared footpath and cycle route along the central spine road through the development is considered the

preferable option. Outside of the scope of this application the Council could use public rights of way powers to provide a route to the eastern side of the watercourse if necessary.

- 6.25 With regard to parking, the Council's Highway's Officer advises that the site is within an area of 'low accessibility' and therefore the Council's draft parking standards recommends a minimum of 2 spaces for houses and 1.25 spaces for flats. For all types of dwelling 0.25 spaces per dwelling in addition to the above should be provided for visitors. The revised layout plans show that a total of 146 car parking spaces would be provided with 76 spaces for houses [2 spaces per house] and 55 spaces for the flatted development [1.3 spaces per flat]. There would also be 15 visitor spaces. The proposed parking level is slightly less than the previous plans but it should be noted that this has changed to reflect the revised dwelling mix, which is different from the previous plans with a proposed mix of 38 houses and 55 flats, when compared to the previous mix of 45 houses and 48 flats. The dwelling mix therefore changes to the parking level requirements. Nevertheless, the proposed parking provision meets the Council's draft parking standards and the Council's Highway's Officer has no objections to the proposed level of parking having regard to policy PMD8.
- 6.26 For cycle parking the Council's Highway's Officer requires 1 secured covered cycle parking space per dwelling and there would be space within car ports and future rear garden buildings for the houses to meet this requirement, without significantly affecting usable private garden space. For the flats, secure covered cycle parking would be provided within the ground floor area of each block of flats. 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

- 6.27 The revised layout of the proposed development meets the 'Sequential Test' and 'Exception Test'. A revised Flood Warning and Evacuation Plan [FWEP] has been submitted and following consultation the Emergency Planner raises no objection subject to a planning condition.
- 6.28 In terms of surface water drainage, an updated Surface Water Drainage Strategy has been provided and this demonstrates a range of techniques would be implemented for managing surface water, these include storage of rainwater, infiltration techniques, attenuation in a storage pond [proposed adjacent to the southern site boundary] 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.

- 6.29 For foul drainage it is stated that the development would connect to the existing sewerage system and Anglian Water raise no objections as the Tilbury Water Recycling Centre has available capacity to accommodate these flows.

VIII. NOISE

- 6.30 The revised information includes an updated Environmental Noise Assessment identifying noises sources from outside of the site. These include the scrapyard 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 updated Environmental Noise Assessment identifies that 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 scrapyard to the north having lengthy quiet periods and occasional loud impulsive noises from scrap processing.
- 6.31 The proposed development has taken account of these noise environments and 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 proposed siting of the flats would be set back from the railway line with the parking area in between. However, to achieve an acceptable internal noise environment within the updated Environmental Noise Assessment recommends mitigation through suitable 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 details, which can be secured through the use of a planning condition.
- 6.32 For outside amenity areas the updated Environmental Noise Assessment has considered the revised layout and identifies that amenity spaces for the proposed development would be sited in an arrangement to avoid the noise environments to the south [Tilbury Docks and railway] and the north [scrap yard] to ensure levels accord with the relevant British Standard and the WHO guidelines maximum level 55 dB.
- 6.33 With the requirement for mitigation, where necessary and subject to planning conditions, the proposed development can provide an acceptable noise environment for future occupiers to accord with policy PMD1.

IX. EFFECT ON NEIGHBOURING PROPERTIES

- 6.34 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. The nearest dwellings would be located on plots 1 and 2 which front onto the streetscene as the internal spine road enters the site. The proposed building to building distance would be approximately 23m and is considered too distant from the neighbouring properties to result in any adverse impact upon residential amenity to conflict with policy PMD1.
- 6.35 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. This raises no loss of amenity issues with regard to policy PMD1.

X. VIABILITY AND PLANNING OBLIGATIONS

- 6.36 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.
- 6.37 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.
- 6.38 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.
- 6.39 Through the consultation process to this application and assessing the information contained within the Council's IRL the proposal would fall within the category H2 scenario for housing development [between 51-150 dwellings]. The consultation process identifies the following planning obligations required from this proposal:

- 35% of the development to provide for affordable housing provision to meet policy CSTP2
- A financial contribution of £526,016.87 towards nursery, primary, secondary education in the area or towards the IRL project IRL 0427 an extension to existing secondary school in the East Secondary School Planning Area.
- A financial contribution of £10,000 towards additional floorspace at the Dr Yadava N Practice.

6.40 In this case, the IRL project referenced by the Council's Education Team relates to a project to expand schools within Stanford Le Hope which would be unlikely to be CIL compliant. On this basis, this request should be disregarded.

6.41 The revised plans have been subject to a viability assessment which has been considered by the Council's independent viability assessors. The independently reviewed report identifies that the scheme can sustain no more than £421,750 to fund planning obligations, which in light of the consultation responses should be used for an off-site affordable housing contribution and for the NHS contribution.

6.42 The independent viability advisor states that *'if the Council were minded to grant planning permission then a viability review mechanism should be included within the s106 legal agreement'*. The review mechanisms would be triggered if the scheme has not reached slab level on 10 units within 2 years of consent being granted; this would allow for the viability of the development to be re-visited for consideration of s106 contributions and/or affordable housing provision.

XI. SUSTAINABILITY

6.43 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied for the 'presumption in favour of sustainable development' to apply.

6.44 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. The dwellings would provide 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 but development in this location helps reduce the pressure for new housing development in the Green Belt. The proposed revised development is considered acceptable in design terms in this location and in the wider context of

creating a high quality form of development to meet the environmental objective of the NPPF. The development would be built to ensure flood resilience and surface water management measures to reduce flooding. It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

XII. OTHER MATTERS

- 6.45 Each house would have space within the plot to provide refuse and recycling facilities. The two blocks of flats would have refuse and recycling facilities within the ground floor of the buildings. The road layout has been designed to ensure refuse vehicles can reach all refuse collection points.
- 6.46 With regard to methods to minimise water and energy consumption, and the use of decentralised, renewable and low carbon energy generation, the applicant's planning statement states that the proposal would meet with policy requirements for PMD12 and PMD13. No specific details have been provided but the applicant is willing to provide this information through the use of a planning condition.
- 6.47 Due to size of private gardens to the dwelling it is considered necessary to remove of permitted development rights to ensure the private gardens remain of a size that is usable to all occupiers over the lifetime of the development.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 Since consideration of the application at the July planning committee the applicant and agent have engaged with officers and the revised plans demonstrate that a high quality form of development could be achieved. The revised plans address the concerns raised previously.
- 7.2 All other material consideration are acceptable subject to planning conditions, planning obligations and upgrades to the Public Right of Way and the inclusion of cycleway links to the wider area.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
 - A financial contribution towards off site affordable housing in the form of a commuted sum of £411,750;

- A financial contribution of £10,000 towards additional floorspace at the Dr Yadava N Practice.

Viability review mechanism

- In the event that development has not reached slab level for 10 plots within 2 years of the grant of planning permission and/or if there are future planning applications seeking revisions to the house types, a financial viability review shall be undertaken by the applicant / developer / owner to assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.

ii) the following planning conditions:

Standard Time

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

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

Approved Plans

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

| Plan Number(s): | | |
|-----------------|----------------------|--------------------|
| Reference | Name | Received |
| 100H | Site Layout | 27th November 2017 |
| 300A | Proposed Site Layout | 7th September 2018 |
| 301A | Proposed Elevations | 7th September 2018 |
| 302A | Proposed Elevations | 7th September 2018 |
| 303A | Proposed Elevations | 7th September 2018 |
| 304A | Proposed Elevations | 7th September 2018 |
| 305A | Proposed Elevations | 7th September 2018 |
| 305A | Proposed Elevations | 7th September 2018 |
| 306A | Proposed Elevations | 7th September 2018 |
| 307A | Proposed Elevations | 7th September 2018 |
| 308A | Proposed Elevations | 7th September 2018 |
| 309A | Proposed Elevations | 7th September 2018 |

| | | |
|------|---------------------|--------------------|
| 310A | Proposed Plans | 7th September 2018 |
| 311A | Proposed Plans | 7th September 2018 |
| 312A | Proposed Plans | 7th September 2018 |
| 313A | Proposed Plans | 7th September 2018 |
| 314A | Proposed Plans | 7th September 2018 |
| 315A | Proposed Plans | 7th September 2018 |
| 316A | Proposed Elevations | 7th September 2018 |
| 320 | Proposed Elevations | 7th September 2018 |
| 321 | Proposed Elevations | 7th September 2018 |
| 322 | Proposed Elevations | 7th September 2018 |
| 323 | Proposed Elevations | 7th September 2018 |
| 324 | Proposed Elevations | 7th September 2018 |
| 325 | Proposed Elevations | 7th September 2018 |

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Materials

3. No development 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. In addition, the details shall include all surface materials, rainwater goods, metering arrangements, fenestration details [including reveals]. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Boundary treatment

4. Prior to first occupation of the development details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site have been submitted to and approved by the local planning authority. The boundary treatments shall be erected/installed in accordance with the approved details and retained as such thereafter.

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

Landscape Protection

5. 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. 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 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].

Landscaping Scheme

6. Prior to first occupation of the development a detailed scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any trees and hedgerows to be retained, together with measures for their protection in the course of development, and a programme of maintenance, shall be submitted to and approved in writing by the local planning authority. The details shall include information about the green roofs to the car ports. The landscaping details shall include details of type and species of replacement trees for the trees to be lost as a result of the development. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015], and in the interests of ecology and

biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Reservation of Open Space and Details of Play Area

7. The areas shown on the approved drawings as "play space" and "public open space" shall be reserved for such purposes. Prior to first occupation of the development a scheme detailing the surfacing, landscaping and play equipment within the play space shall be submitted to and agreed in writing with the Local Planning Authority. The surfacing, landscaping and play equipment shall be provided in accordance with the details as approved prior to the first occupation of the dwelling on site and shall be retained for such amenity purposes thereafter.

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscape Management Plan

8. Prior to first occupation of the development a landscape management plan, including management responsibilities and maintenance schedules for the upkeep of all landscaped areas, public open space and play areas, other than domestic gardens, has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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].

Ecology Mitigation and Enhancements

9. The development shall be undertaken in accordance with the mitigation and ecological enhancement measures contained within the 'Invertebrate Survey' dated July 2017, the 'Reptile Presence/likely Absence Survey' dated July 2017, the 'Extended Phase 1 Habitat Survey' dated October 2014 and 'Preliminary Ecological Appraisal' dated September 2018 which is attached to and forms part of this permission.

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

Translocation of reptiles

10. Prior to the commencement of development, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

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

Highway Details

11. No development shall commence until details of the access to the highway, layout of the streets, estate road construction, turning spaces, street furniture, signage, surface finishes, footways, cycleways and footpaths have been submitted to and approved by the local planning authority. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients materials and method of construction and whether the roads are proposed to be put forward for adoption by the Highway Authority. The approved details shall be implemented prior to occupation of the development, unless otherwise agreed in writing by the local planning authority, and shall be retained and maintained at all times thereafter

Reason: To ensure the highway works are constructed to an appropriate standard in the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Sight Splays and Speed Reduction Measures

12. No development shall commence until details of sight splays and speed reduction measures at all proposed junctions and bends in the road such details have been submitted to and approved by the Local Planning Authority. The sight

lines as approved shall be maintained and retained at all times thereafter free from any obstructions above the level of the adjoining highway carriageway.

Reason: To ensure the highway works are constructed to an appropriate standard in the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Plot Accesses

13. Prior to the occupation of any dwelling, the proposed estate road, footways and footpaths, turning spaces and driveways (where applicable) between the dwelling(s) and the existing highway, shall be properly consolidated and surfaced, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and amenities of the occupiers of the proposed residential development in accordance with policies PMD1, PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Plot Sight Splays

14. Prior to the first use of any vehicle access onto the highway clear to ground level sight splays of 1.5 metres x 1.5 metres from the back of the footway shall be laid out either side of the proposed access within the site and maintained and retained as such at all times thereafter.

Reason: In the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Parking Provision

15. The development hereby permitted shall not be first occupied until such time as the vehicle parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is

provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Cycle and Footway

16. The dual use footway and cycleways shown on drawing number 300A 'Site Plan' shall be implemented in accordance with this approved plan and be permanently retained and maintained throughout the development free from any obstructions.

Reason: To ensure the dual use footway and cycleways links through the site and beyond the site are provided in the interests of sustainability and highway safety in accordance with policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Cycle Provision

17. Prior to first occupation of the flats the cycle storage areas as shown on the relevant plans for the flats shall be made available for use for residents and visitors of the flats in accordance with the approved plans and shall be retained for bicycle storage use thereafter.

Reason: To ensure appropriate parking facilities for bicycles/powered two wheelers are provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Travel Plan

18. The measures and procedures set out within the submitted 'Framework Residential Travel Plan' dated November 2016 and updated July 2017 shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the development hereby permitted and shall be kept in place. The Travel Plan shall be made available to all new occupiers of the site. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

Refuse and Recycling Provision

19. Prior to first occupation of the flats the refuse and recycling storage facilities as shown on the relevant plans for the flats shall be made available for use for residents and visitors of the flats in accordance with the approved plans and shall be retained for such purposes at all times thereafter.

Reason: In To ensure that refuse and recycling provision is provided in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Levels

20. No development shall commence until details showing the proposed finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.

Reason: In order to protect the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Surface Water Drainage Scheme

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

- Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented as approved prior to first occupation of the development and shall maintained and retained at all times thereafter.

Reason:

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

In accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Maintenance Plan

- 22.No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided and be implemented for all times thereafter.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Yearly Logs

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

Planning Authority.

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

Flood Warning and Evacuation Plan [FWEP]

24. Notwithstanding the details contained within the submitted Flood Warning and Evacuation Plan [FWEP], prior to the first occupation of the development hereby permitted an updated Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The updated Flood Warning and Evacuation Plan [FWEP] shall include the requirements of the Thurrock Council's Emergency Planner consultation response. The approved measures within the Flood Warning and Evacuation Plan [FWEP] shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location(s) at 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].

Noise mitigation measures

25. Prior to the first occupation of the development the noise mitigation measures as identified in the 'Environmental Noise Assessment' dated 3 September 2018 shall be implemented during the construction of the development and the noise mitigation measures shall be retained at all times thereafter.

Reason: To protect the amenities of future residential occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Solar Panels and Photovoltaic

26. External or roof mounted solar or photovoltaic panels shall not be installed unless details of their siting, design and location have been submitted to and approved in writing by the local planning authority with details installed as approved.

Reason: To ensure that development takes place in an environmentally sensitive way and in the interest of visual amenity in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Archaeological monitoring

27. No demolition/development [or preliminary groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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

External lighting

28. Prior to the first occupation of the development details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority, with the exception of domestic lighting within the curtilage of the residential plots. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first occupation of the dwellings retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and residential 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].

Watching brief for contaminated land

29. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared.

Details of the investigation, risk assessment and any required remediation work shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

Removal of Permitted Development Rights

30. Notwithstanding the provisions of Schedule 2, Part 1 Classes A and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

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

Communal TV/Satellite

31. 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 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 DPD [2015].

Superfast Broadband

32. The houses and flats within the development shall be provided with the means of connecting to superfast broadband. Upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, shall be in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure.

Reason: In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 112 of the NPPF.

Construction Environmental Management Plan (CEMP)

33. 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 in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (e) Details of construction any access or temporary access, and details of temporary parking requirements; Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
- (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;

- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (k) Dust and air quality mitigation and monitoring,
- (l) Water management including waste water and surface water discharge,
- (m) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- (n) A Site Waste Management Plan,
- (o) Ecology and environmental protection and mitigation,
- [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.

Reason: In order to minimise any adverse impacts arising from the construction of the development and to ensure the construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity, in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

Informative

Public Right of Way Diversion

1. No development shall be carried out which obstructs any part of the public right of way [shown on the Definitive map], which shall be kept open for use at all times, unless a temporary diversion has been first consented under the provisions of the Town and Country Planning Act 1990 [as amended]. Unless an Order under Section 257 has been made and confirmed or the right of way otherwise extinguished under an order of the Magistrates' Court it is a criminal offence to obstruct a public right of way. Planning permission alone does not authorise obstruction.

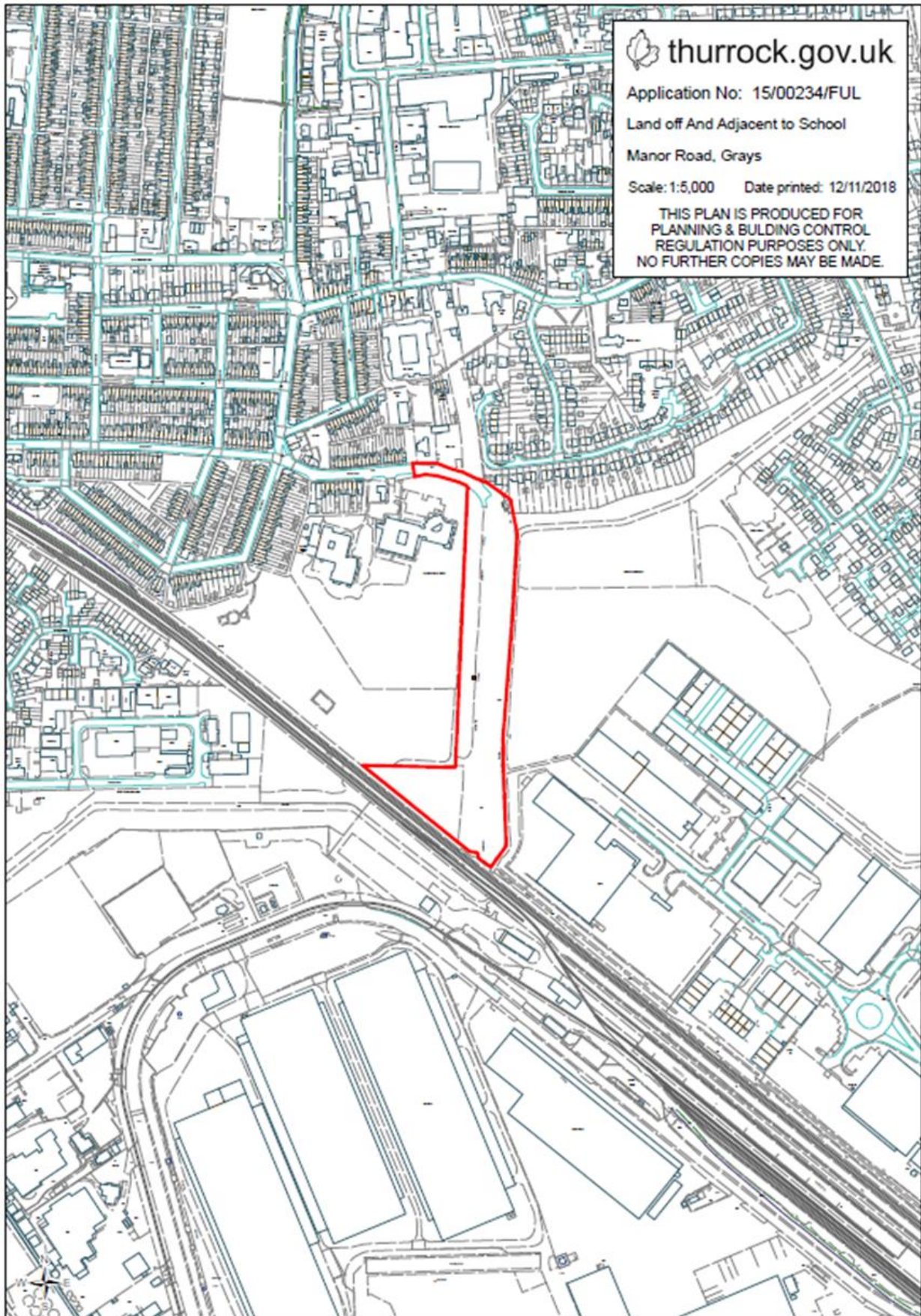
Positive and Proactive Statement

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

has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

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



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|-----------------------------------|--|
| Reference: 18/00994/FUL | Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL |
| Ward: Orsett | Proposal: Proposed ancillary Manager's accommodation with double garage. |

| Plan Number(s): | | |
|------------------------|----------------------|---------------------|
| Reference | Name | Received |
| 10893.P100.C | Proposed Floor Plans | 10th September 2018 |
| 10893.P200.B | Proposed Elevations | 10th September 2018 |
| 10893.P110 | Proposed Elevations | 12th July 2018 |
| 10893.S01 | Location Plan | 12th July 2018 |
| 10893-S02 | Proposed Site Layout | 12th July 2018 |
| 10893-S03 | Proposed Site Layout | 12th July 2018 |
| JD/HI/01 | Landscaping | 12th July 2018 |

The application is also accompanied by:

- Design & Access Statement
- Flood Risk Assessment
- Letter in Response to Health & Safety Officer comments
- Gallagher Insurance letter re Glasshouse Fire Strategy Report

| | |
|--|--|
| Applicant: Mr & Mrs B & J Jarvis | Validated: 11 July 2018 Date of expiry: 30 November 2018 (Extension of Time as Agreed with the Applicant) |
| Recommendation: Refusal | |

1.0 BACKGROUND

- 1.1. At the meeting of the Planning Committee held on 18 October 2018 Members considered a report on the above proposal. The report recommended that planning permission be refused for reasons based upon the following:
- 1) The proposal constitutes inappropriate development in the Green Belt which is harmful by definition. Further harm is also identified through the loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site.
 - 2) The proposal would have a detrimental impact to visual amenity and the openness and character of the flat, fenland area.
 - 3) The information submitted did not demonstrate that the proposal would not result in flood risk.
- 1.2 A copy of the report presented to the October 2018 meeting is attached as Appendix 1.
- 1.3 During the debate Members indicated support for the application on the basis of the following:
- There is a need for the business to have a Senior Manager on site;
 - Without Senior Manager being onsite they cannot obtain insurance;
 - The Council needs to provide lots of homes in the Green Belt in the future, and this will just be one home;
 - Planning conditions could be used to link the use of the dwelling to the use of the business;
 - No loss of openness to the Green Belt by the development;
- 1.4 During the debate members also sought clarification over the flood risk zone that the site is located in.
- 1.5 In accordance with Chapter 5, part 3, section 7 of the Council's Constitution, the item was deferred to allow Officers to prepare a report outlining the implications of making a decision contrary to the Planning Officer's recommendation and to provide clarification on the flood risk zone.

2.0 ASSESSMENT

- 2.1 The assessment contained below focuses upon the following areas:

1. Impact on green belt and very special circumstances
2. Flood Risk Zone

1. IMPACT ON GREEN BELT AND VERY SPECIAL CIRCUMSTANCES

- 2.2 As set out in the original report (Appendix 1), the Council is required to consider the following questions in order to determine whether the proposal is acceptable in the Green Belt:

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

- 2.3 In order to determine whether the proposal constitutes inappropriate development the relevant development plan policies and paragraphs of the NPPF must be considered.
- 2.4 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2015). Policy PMD6 applies and states that permission will only be granted for development in the Green Belt providing it meets the requirements of the NPPF and specific restrictions within PMD6.
- 2.5 The starting point for this assessment is paragraph 143 of the NPPF. This states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.6 The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories.
- 2.7 The proposal would introduce a new detached dwelling and detached double garage onto the site with a substantial private rear garden, in addition to the approved Wellness Centre. Consequently, the proposals comprise inappropriate development, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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

- 2.8 In this instance the proposal would significantly increase the amount of built form on site, by virtue of the construction of a two storey dwelling, detached double garage and store, hardstanding and fencing enclosure; these new buildings would reduce the openness of the Green Belt by introducing built form where there is presently none.
- 2.9 During their address to Planning Committee in October, the applicant indicated that the height of the fencing could be reduced from 3m as set out on the submitted plans to 2 metres, although no details have been received. Nevertheless, notwithstanding the final height of the fencing, the proposal

would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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

- 2.10 Having established that the proposal represents inappropriate development and identified further harm to openness, it is necessary for the applicant to demonstrate Very Special Circumstances. 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'.
- 2.11 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 should not be accepted.
- 2.12 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.
- 2.13 At the 18 October 2018 meeting, Members considered the following circumstances. Each is assessed below.
- I. There is a need for the business to have a Senior Manager on site;
 - II. Without a Senior Manager being on site the applicant cannot obtain insurance;
 - III. The Council needs to provide homes in the Green Belt in the future and this will just be one;
 - IV. Planning conditions could be used to link the use of the dwelling to the use of the business;
 - V. No loss of openness to the Green Belt by the development.

I. There is a need for the business to have a Senior Manager on site

- 2.14 At the previous meeting there was some discussion in relation to the business need for a Senior Manager on site. The applicant considers the Manager's

accommodation to be integral to the success of the Wellness Centre and suggests that Very Special Circumstances identified for the Wellness Centre should also apply to the Manager's accommodation.

- 2.15 As previously detailed in Appendix 1, the applicant's desire to live adjacent to their new business is appreciated however the 'need' for the accommodation appears to be nothing more than that. No further evidence in relation to the essential need for the detached dwelling has been demonstrated. Furthermore, the original approval (under planning ref. 16/01446/FUL) included on site manager's accommodation within the main building which the applicant has elected to lose in favour of additional staffing facilities. The Wellness Centre has capacity for manager's accommodation should the applicant chose to do so. The need for an additional detached dwelling and double garage/store, additional hardstanding and garden has not been demonstrated.
- 2.16 Members also engaged in some discussion in relation to the viability of the business should the application for the dwelling not go ahead, as implied by the applicant at the meeting. As detailed in the report in Appendix 1, no evidence has been submitted to uphold the applicant's claim in relation to the viability of the scheme via the potential loss of rooms or alteration of the use of other areas in the main building. The approved scheme included manager's accommodation and the applicant has the option of including such facilities within the existing scheme at present should they choose to do so.
- 2.17 This factor should be given no weight in the assessment of this case.

II. Without a Senior Manager being on site the applicant cannot obtain insurance

- 2.18 During the previous meeting discussions took place in relation to the insurance cover for the proposed business. The applicant has implemented the original planning approval for the Wellness Centre and sought further changes to the internal layout (approved under application ref. 18/00986/CV). The applicant asserted that for building insurance purposes the facility would not be able to operate without the proposed amendments made under application 18/00986/CV in relation to the layout of the Wellness Centre including the provision of the detached Manager's dwelling. The proposed layout changes to the Wellness Centre were approved at the previous meeting.
- 2.19 The letter from the applicant's insurance company that was submitted in support of the applicant's case states that due to the operational hours of the facility, i.e. 24 hours, the business will require the presence of a senior manager and offers suggestions on how to address this. The letter does not maintain or stipulate that erecting a detached two storey dwelling, with a garden, fencing and a double garage and store are all essential for insurance purposes. No further evidence of the potential limitations of any business insurance cover has been provided by the applicant in relation to the

insurance need for a dwelling on the site. With the lack of any further evidence, along with the potential to provide manager's accommodation within the main building, it is considered that it is the applicant's desire to provide a detached dwelling for the use of the Manager rather than any insurance cover requirement.

2.20 This factor should be given no weight in the assessment of the application.

III. *The Council needs to provide homes in the Green Belt in the future and this will just be one*

2.21 The latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017] states that more homes are required in Thurrock. Nonetheless, this application seeks planning permission for a dwelling for the use of the manager of the site. The provision of one dwelling would have no tangible benefit to the stock of housing in the Borough and it is an argument that could easily be replicated on other sites in the Borough. Therefore, this factor should be given no weight in the assessment of the application.

IV. *Planning conditions could be used to link the use of the dwelling to the use of the business*

2.22 At the previous meeting Members discussed the potential to impose a planning condition to tie the use of the dwelling to the use of the business. Notwithstanding the fact that a condition could be imposed, as previously stated there is considered to be no demonstrable need for the detached dwelling to support the business. The proposal would need to demonstrate that Very Special Circumstances exist for the detached dwelling which would justify an exception to local and national Green Belt policy, prior to the consideration of how might the use of the dwelling in association with the business be controlled.

2.23 This factor should be given no weight in the assessment of the application.

V. *No loss of openness to the Green Belt by the development*

2.24 At the previous meeting the report included a table for Members indicating the increase in footprint and volume on the site. The proposal would represent a significant increase in the footprint and volume over and above the original buildings at the site. The proposed dwelling would provide a floor area which would normally be comparable to a modern 3-bedroom house. Similarly, the area of the double garage could be comparable to the area occupied by modest two bedroom flats. Furthermore, the additional private garden space at 344 sq.m and the 334 sq.m hardstanding represent excessive and harmful domestic features in the Green Belt. There is no doubt that the provision of this proposal would reduce the openness of this flat fenland site.

2.25 This factor should be given no weight in the assessment of the application.

2. FLOOD RISK

- 2.26 Since the deferral of the application, the Council has been in further discussion with the Environment Agency (EA). The EA has advised that the site for the dwelling house is located in high flood risk zone 2, with a small part of the site falling within flood risk zone 1. Parts of the wider site falls within Flood Zone 3.
- 2.27 The EA has advised that the Council should adopt the higher flood risk zone for the purposes of assessing the proposal. The EA has reiterated that it has no objections to the proposal subject to the Council being satisfied that the development meets the Sequential Test.
- 2.28 The 'Sequential Test' is designed to steer new development to areas with the lowest probability of flooding. Table 2 in the 'Flood risk and coastal change' chapter of Planning Practice Guidance (PPG) categorizes residential dwellings as 'More Vulnerable' development.
- 2.29 The PPG advises that *'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'*. Whilst there is a degree of flexibility in the catchment area for considering alternative sites, the applicant has not provided any evidence to show that any alternative locations have been considered for the dwelling in a lower risk flood zone (Flood Risk Zone 1).
- 2.30 Whilst it is recognised that it is the applicants desire to have the dwelling adjacent to the Wellness Centre, National Planning Policy requires applicants to consider alternative locations for More Vulnerable uses such as dwelling houses in lower flood risk zones. In the absence of any evidence demonstrating a sequential approach to the location of the site, the proposal cannot pass the Sequential Test.
- 2.31 Consequently, it is considered that the proposal is contrary to the objectives of Core Strategy Policies CSTP27, PMD15 and the NPPF in relation to flood risk.

3.0 CONCLUSIONS

- 3.1 This application seeks planning permission for a new dwelling and double garage in the Green Belt. When considered against the Council's Development Plan, the proposal is found to be unacceptable, constituting 'inappropriate development' which is harmful by definition. Further harm has been identified through the scale of the development upon the openness of this flat, fenland location.
- 3.2 The proposal is therefore unacceptable when assessed against Policy PMD6 and the NPPF. Substantial weight should be given to any harm to the Green

Belt.

- 3.3 Officers have considered the case put forward but remain of the opinion that it falls some considerable way short of constituting the very special circumstances that are required to allow a departure to be made from national and local planning policy. The matters discussed are not considered either individually or collectively to constitute very special circumstances. In fact, they fall someway short of that stringent test. As a result, these cannot clearly outweigh the harm arising. Accordingly the application fails the relevant Green Belt tests and should be refused.
- 3.4 The reasons for supporting the application, as put forward by the Planning Committee, on 18 October 2018, are not considered to provide sufficient grounds to approve the application. Therefore the recommendation remains the same as previously advised.
- 3.5 In terms of the implications of granting planning permission contrary to the development plan and national policy this would potentially set a precedent for development in the Green Belt. Whilst every application is assessed on its own merits, a similar logic and interpretation of policy should be applied to ensure consistency of decision making. By granting planning permission for inappropriate development in the Green Belt contrary to policy on the basis of circumstances that are easily replicated elsewhere Members would potentially be establishing a precedent for development in the Green Belt.
- 3.6 The Environment Agency has advised that the site is located in high flood risk zone 2. It follows that the Council should apply the Sequential Tests, as required by national planning guidance. In response to clarification by the EA, the Exceptions Test is no longer applicable.
- 3.7 The Council considers that the Sequential Test has still not been met and the Council is, therefore, unsatisfied that the proposal would not be at risk of flooding. As a consequence, the proposal is contrary to the objectives of Core Strategy Policies CSTP27, PMD15 and the NPPF in relation to flood risk.

4.0 RECOMMENDATION

4.1 Refuse for the following reasons:

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause actual loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy

and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

2. The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The proposed development would, by virtue of the siting of the buildings and forms of enclosure close to the site boundaries and the public right of way, be likely to be detrimental to visual amenity, the openness and character of the flat, fenland area. The proposal would therefore be contrary to Policies PMD2, CSTP22 of the Core Strategy and the National Planning Policy Framework 2018.
3. The proposal, by virtue of the flood risk information submitted for this more vulnerable use, fails to meet the Sequential Test as required and subsequently fails to adequately demonstrate why the development could not be located in flood risk zone 1. The proposal would be contrary to Policies CSTP27 and PMD15 of the Core Strategy and the National Planning Policy Framework 2018.

Informatives:-

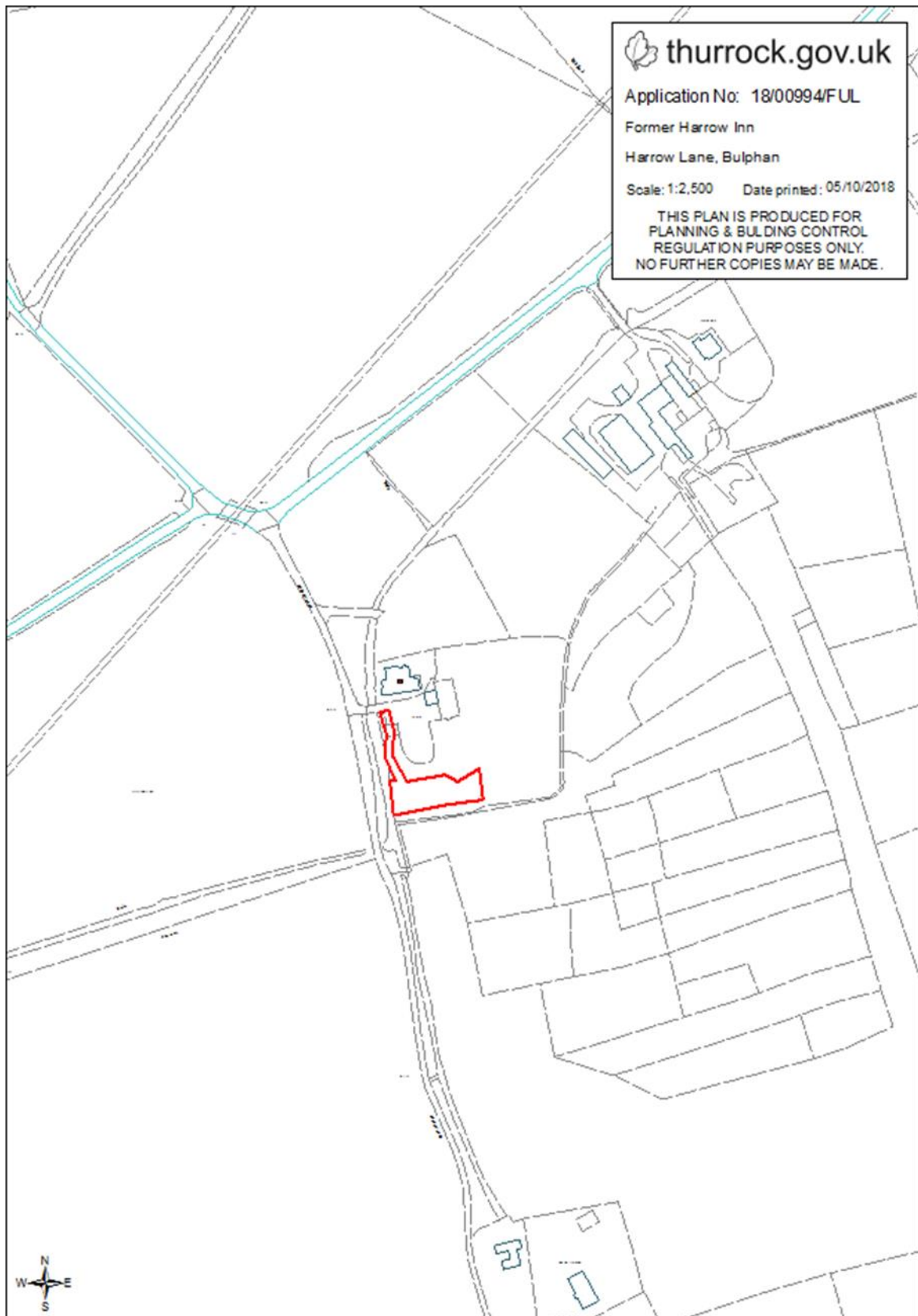
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



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| | |
|-----------------------------------|--|
| Reference: 18/01041/FUL | Site: Dahlia Cottage Kirkham Shaw Horndon On The Hill Essex SS17 8QE |
| Ward: Orsett | Proposal: Two bedroom bungalow |

| Plan Number(s): | | |
|-----------------|----------------------|----------------|
| Reference | Name | Received |
| MAGLOC | Location Plan | 23rd July 2018 |
| MAG 1 | Proposed Plans | 23rd July 2018 |
| BLP | Proposed Site Layout | 23rd July 2018 |

The application is also accompanied by:

- Design and access statement

| | |
|--|---|
| Applicant: Mrs Jenifer Eaton | Validated: 23 July 2018 Date of expiry 23 October 2018 [Extension of time agreed with applicant] |
| Recommendation: Refuse | |

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Kelly, Johnson and Halden in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution to consider building on Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the construction of a 2 bedroom bungalow with amenity space together with two hard surfaced parking spaces with access taken from Kirkham Shaw.

2.0 SITE DESCRIPTION

- 2.1 The application site is located to the southern side of Kirkham Shaw. Access to the site is through an existing gated entrance located to the northern corner of the site. An access road runs west to east through the site.

3.0 RELEVANT PLANNING HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|---|------------------------------|
| 91/00245/OUT | Erection of dwelling to replace existing dwelling | Refused |
| 06/00591/LDC | The residential use of the 5 bed roomed detached single storey property known as Dahlia Cottage, residential curtilage, commercial breeding, rearing of Weimermar dogs (14 bitches, 24 dogs total), internal track & buildings as shown on the attached plan dated 19/7/2006 | Deemed lawful |
| 06/01032/FUL | Replacement of existing bungalow with five bedroom detached single storey dwelling. | Refused |
| 07/00754/LDC | Extent of use of land as residential curtilage. | Deemed unlawful |
| 07/01160/FUL | Replacement chalet bungalow | Refused |
| 08/00005/FUL | Replacement chalet bungalow | Approved |
| 09/00208/OUT | Outline application for the residential development of 4 detached dwellings, together with access road on land to the north of Dahlia cottage. | Refused and Appeal dismissed |
| 11/00125/FUL | Cessation of use of site for dog breeding purposes, demolition of 3 buildings and conversion of 3 buildings to residential properties with associated parking, gardens and landscaping | Approved |
| 12/00937/FUL | Cessation of use of site for dog breeding purposes, demolition of 3 buildings and conversion of two buildings and the rebuild of one building to residential properties with associated parking, gardens and landscaping | Approved |
| 13/00918/FUL | Cessation of use of site for dog breeding purposes, demolition of 3 buildings and conversion of two buildings and the rebuild of one building to residential properties with associated parking, gardens and landscaping (retention of Building 5 as built and reduction in size of Building 6) | Refused |
| 13/01120/FUL | Cessation of use of site for dog breeding purposes, demolition of 3 | Approved |

| | | |
|--------------|--|----------|
| | buildings and conversion of two buildings and the rebuild of one building to residential properties with associated parking, gardens and landscaping (retention of Building 5 as built and reduction in size of Building 6) | |
| 14/01182/NMA | Non material amendment to planning permission 13/01120/FUL comprising provision of four roof lights to roof (two to front and two to the rear) and rear window to bedroom to be replaced with French doors on building no 4. | Approved |
| 16/01408/FUL | Replacement chalet bungalow [revised design from 08/00005/FUL] | Approved |

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 The application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. One letter of objection has been received raising the following concerns:

- The road leading to the proposed bungalow directly passes properties from an unmade road;
- Additional traffic will cause more dust which presents a health risk;
- Parking to the new dwelling will cause concern due to its close proximity to a kitchen and outside dining area with car fumes.

- 4.3 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to landscaping conditions.

- 4.4 HIGHWAYS:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework

The updated NPPF was published on in July 2018. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Core Planning Principles
- 12. Achieving well designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

Planning Policy Guidance

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Natural Environment

Local Planning Policy

Thurrock Local Development Framework (2015)

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

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTEP22 (Thurrock Design)
- CSTEP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)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

- 5.5 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.

Thurrock Design Strategy

- 5.6 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.

Thurrock Residential Alterations and Extensions Design Guide (RAE)

- 5.7 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 Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The principal issues to be considered in this case are:

- I. Background
- II. Plan designation and principle of the development
- III. Design and Layout and Impact upon the Area
- IV. Effect on neighbouring properties.
- V. Traffic Impact, Access and Car Parking

I. BACKGROUND

- 6.2 The wider application site has a significant planning history in relation to residential use, going back to 2006 when the structure on the site of Dahlia Cottage was first considered via an application.
- 6.3 In 2006, the structure on the site was subject to a Lawful Development Certificate application 06/00591/LDC for *“the residential use of the 5 bed roomed detached single storey property known as Dahlia Cottage, residential curtilage, commercial breeding, rearing of Weimermar dogs (14 bitches, 24 dogs total), internal track & buildings as shown on the attached plan dated 19/7/2006”*. This application was approved and the use deemed Lawful.
- 6.4 Planning permission for a replacement dwelling at Dahlia Cottage was later granted consent under reference 08/00005/FUL.
- 6.5 In 2011, an application was approved on the wider site (ref: 11/00125/FUL) for *“the cessation of use of the site for dog breeding purposes, demolition of 3 buildings and conversion of 3 buildings to residential properties with associated parking, gardens and landscaping”*
- 6.6 In granting planning permission, the Council considered the proposal to be beneficial to the Green Belt as it resulted in the removal of buildings and significant areas of hard surfacing from the site along with the cessation of a non-conforming, albeit lawful use. Additionally, the proposal resulted in large areas of the site being landscaped enhancing the rural character and improving the visual amenities of the Green Belt at this point. The buildings retained were converted to residential properties with minimal alterations.
- 6.7 The development approved by the 2011 and subsequent variation applications has been carried out.
- 6.8 In 2016 planning permission was granted for a replacement chalet bungalow at Dahlia Cottage itself. This permission sought a revised design from an earlier approval in 2008.
- 6.9 The location of the proposed dwelling is an area that was to be left open and landscaped under the previous approvals.

II. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.10 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
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

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

6.12 Paragraph 133 of the NPPF states that the Government attaches great importance to the Green Belt 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 145 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, including:

g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.13 In relation to Policy PMD6 pertaining to infill the following are the relevant criteria from the Core Strategy:

I. Infilling should:

- i. have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*

- ii. *not exceed the height of the existing buildings discounting any abnormally tall existing structures; and*
- iii. *not lead to a major increase in the developed proportion of the site.*

II. *Redevelopment should:*

- i. *have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development taking into account any proposed enclosure of open land*
- ii. *contribute to the achievement of the objectives for the use of land in the Green Belt*
- iii. *not exceed the height of the existing buildings discounting any abnormally tall existing structures*
- iv. *not occupy a larger area of the site than the existing buildings unless this would achieve a reduction in height which would benefit visual amenity, and*
- v. *satisfactorily integrate with its landscape surroundings and, where it may be appropriate in order to meet that objective, buildings should be sited closer to existing buildings.*

The relevant area for the purposes of II iv above is the aggregate ground floor area of the existing buildings excluding temporary buildings. Any buildings demolished prior to the grant of permission for redevelopment will not count as developed area.

The Council will expect the site to be considered as a whole, whether or not all buildings are to be redeveloped, and the floor area limitation at II iv above relates to the redevelopment of the entire site. Any proposals for partial redevelopment should be put forward in the context of comprehensive, long-term plans for the site as a whole.

In granting permission the Council may impose conditions to ensure that buildings which are not to be permanently retained are demolished as new buildings are erected in order to keep the total development area under control so that there is no adverse effect on openness.

- 6.14 The proposal represents a new two bedroom bungalow within the Green Belt. The relevant criteria of PMD6 for consideration of this application is *i.* that the proposal should have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.15 The proposed two bedroom bungalow would be constructed to the south of the main access road through the site. The dwelling would be 11.7 m (w) by 6.1m (d) with a rear conservatory measuring 4.8m (w) by 3.3m (d). The bungalow would have a gable pitched roof; the front porch would also feature a gable pitch roof. The bungalow would have a floor area of 90.00 sq.m.
- 6.16 The area in which the bungalow is proposed to be located was one of the areas that was shown in the previous applications as an area of open space on the approved plans for the development on the wider site.

- 6.17 The proposed development does not comply with any of the criteria set out in policy PMD6 or the NPPF relating to infill development detailed above and accordingly is considered to be inappropriate development.

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

- 6.18 Having established that the proposals constitute 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. In this instance the proposed bungalow and hardstanding for vehicle parking is harmful to the character, openness and visual amenities of the Green Belt. This development would be harmful to the Green Belt and would result in a loss of openness. It is considered that the proposal would result in harm to openness in addition to the harm by reason of inappropriateness.

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

- 6.19 Having established the proposal constitutes inappropriate development and further harm would arise, consideration must be given to whether there are any very special circumstances which clearly outweigh the harm to the Green Belt. Paragraph 144 of the NPPF states that, when considering any planning application, Local Planning Authorities “should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.20 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. 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 the applicant however are to further develop this site, and consideration to the openness of the Green Belt will need to be assessed.
- 6.21 In this case the agent has not put forward any very special circumstances however the contents of the Design and Access statement makes reference in principal to a ‘one to one’ replacement dwelling in habitable area that has a floor space equivalent of that of the reduction to ‘Dahlia Cottage’ under approval 08/00005/FUL.
- 6.22 The applicant’s case is based on the reduction in floor space between the replacement Dahlia Cottage, granted consent in 2008 and the amended plan approved in 2016 for a replacement dwelling. The applicant states that the

2008 had a total floor area of 177.8 sq.m and the area of the approved scheme in 2016 was 103.2 sq.m giving a reduction of 74.6 sq.m. The proposed bungalow, it is asserted has a floor area of 61.8sq.m, representing a 'saving' of 12.8 sq.m.

- 6.23 The applicant considers that utilising this floor area as a new dwelling would be no more harmful to the Green Belt than having a larger single replacement dwelling as envisaged under the 2008 consent.
- 6.24 It is considered this reasoning is seriously flawed. The proposal would result in a new, additional, dwelling on the site; the built form of the dwelling together with a domestic garden and areas for parking would clearly reduce the openness of the Green Belt and harm the rural character of the location by encroaching into areas of land where there is no development presently. Measured from the applicant's scaled plans, the bungalow would have a floor area of 90.00 sq.m.
- 6.25 Importantly, the applicant does not have a viable "fall-back" position. The applicant has implemented the 2016 planning permission and is presently constructing the replacement 'Dahlia Cottage'. The 2008 planning consent is therefore considered to have lapsed.
- 6.26 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is significant harm to the Green Belt with reference to inappropriate development and loss of openness. Having taking into account all Green Belt considerations, it is considered that the identified harm to the Green Belt is not clearly outweighed by very special circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.27 The area is characterised by dwellings of similar scale and design. The proposal considered acceptable in design terms and no specific objection is raised under policy PMD2 or PMD22, but this does not absolve the applicant from the principle objections raised above.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.28 The proposed bungalow would be set 19m from the nearest residential neighbours. Given the separation distance it is not considered that there would be any loss of light, overbearing impact or loss of privacy as a result of the proposal. The proposal would therefore accord with the requirements of Policy PMD1 in terms of the impact upon neighbouring amenity.

IV. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 6.29 The proposal would not alter the vehicular access to the site and there would be space within the proposed parking area "hardstanding" for the parking of a two vehicles on the site. This is considered to be appropriate for a dwelling of

this size and therefore no concerns are raised with regards to the impact of the proposal on the highway network or parking arrangements within the site.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The site lies within the Metropolitan Green Belt and the proposal has been found to constitute inappropriate development which is harmful by definition. Further harm has been identified through the introduction of the built form, domestic garden and areas of hard surfacing in an areas where there is presently no development. Significant weight should be placed upon any harm identified.
- 7.2 Where a proposal represents inappropriate development the applicant must demonstrate very special circumstances which clearly outweigh the harm to the Green Belt. The case presented by the applicant would not clearly outweigh the harm that would be caused to the Green Belt.
- 7.3 The proposal is therefore contrary to policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reason:

- 1 The proposed two bedroom bungalow is considered to constitute inappropriate development with reference to paragraph 143 of the NPPF and would therefore be by definition harmful to the Green Belt. It is also considered that the proposed development would harm the openness of the Green Belt through the introduction of new built form, domestic garden and hardstanding in an area where there is presently no development. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances, with reference to paragraph 144 of the NPPF, required to justify inappropriate development. The proposals are therefore contrary to Chapter 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended) 2015

Positive and Proactive Statement

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

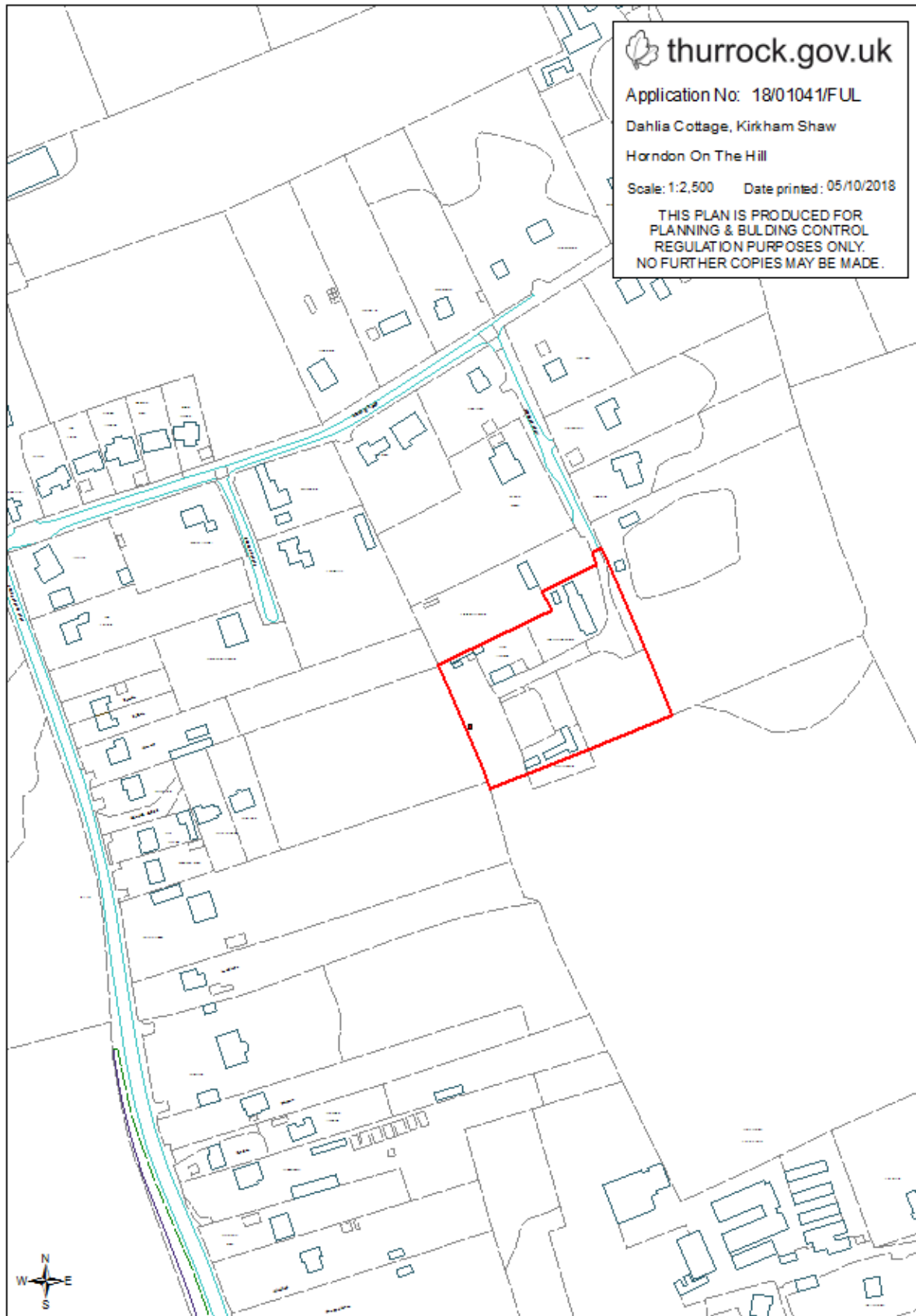
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore,

Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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APPENDIX 1

| | |
|-----------------------------------|--|
| Reference: 18/01041/FUL | Site: Dahlia Cottage Kirkham Shaw Horndon On The Hill Essex SS17 8QE |
| Ward: Orsett | Proposal: Two bedroom bungalow |

| Plan Number(s): | | |
|------------------------|----------------------|----------------|
| Reference | Name | Received |
| MAGLOC | Location Plan | 23rd July 2018 |
| MAG 1 | Proposed Plans | 23rd July 2018 |
| BLP | Proposed Site Layout | 23rd July 2018 |

The application is also accompanied by:

- Design and access statement

| | |
|--|---|
| Applicant: Mrs Jenifer Eaton | Validated: 23 July 2018 Date of expiry 26 th November (Extension of time agreed with Applicant) |
| Recommendation: Refuse | |

1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 18 October Planning Committee meeting to enable a site visit to take place. Members visited the site on 30th October 2018.
- 1.2 A copy of the report presented to the 18 October meeting is attached.
- 1.3 The application remains recommended for refusal for the reasons outlined in the attached report.

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|--|---|
| Reference: 18/00984/FUL | Site: Land To North East Of St Cleres Hall Stanford Road Stanford Le Hope Essex |
| Ward: Stanford Le Hope West | Proposal: Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings |

| Plan Number(s): | | |
|-----------------|----------------|----------------|
| Reference | Name | Received |
| 001 | Location Plan | 10th July 2018 |
| 002 | Proposed Plans | 10th July 2018 |

The application is also accompanied by:

- Planning Statement

| | |
|-----------------------------------|--|
| Applicant: Mr M Valente | Validated: 3 September 2018 Date of expiry: 29 October 2018 |
| Recommendation: Refuse | |

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, R Gledhill, D Huelin, A Watkins and B Johnson (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the amenity of local residents.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The key elements of the proposals are set out in the table below:

| | | | | | | | | |
|--------------------------|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--|
| Site Area (Gross) | 0.097ha | | | | | | | |
| Height | Eaves – 4.5m Ridge – 10.5m | | | | | | | |
| Units (All) | Type (ALL) | 1-bed | 2-bed | 3-bed | 4-bed | 5-bed | TOTAL | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|--|-------|-------|-------|--|--|---|--|------------|-------|-------|-------|-------|--------|--|--|--|--|-------|--|--|--|--|-------|--|--|--|---|
| | Houses | | | 4 | | | 4 | | | | | | | | | | | | | | | | | | | | | |
| | Flats | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 4 | | | 4 | | | | | | | | | | | | | | | | | | | | | |
| Affordable Units | <table><tr><td>Type (ALL)</td><td>1-bed</td><td>2-bed</td><td>3-bed</td><td>TOTAL</td></tr><tr><td>Houses</td><td></td><td></td><td></td><td></td></tr><tr><td>Flats</td><td></td><td></td><td></td><td></td></tr><tr><td>TOTAL</td><td></td><td></td><td></td><td>0</td></tr></table> | | | | | | | | Type (ALL) | 1-bed | 2-bed | 3-bed | TOTAL | Houses | | | | | Flats | | | | | TOTAL | | | | 0 |
| Type (ALL) | 1-bed | 2-bed | 3-bed | TOTAL | | | | | | | | | | | | | | | | | | | | | | | | |
| Houses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Flats | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | | 0 | | | | | | | | | | | | | | | | | | | | | | | | |
| Car parking | <p>Houses: 4</p> <p>Total allocated: 2 spaces (Average of per unit)</p> <p>Total Visitor: 0 spaces (Average per unit)</p> <p>Total: 8</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Amenity Space | <p>Minimum 63 sq.m</p> <p>Average between 63 sq.m to 66.5 sq.m</p> <p>Maximum 66.5 sq.m</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Density | <p>41.2 units per ha</p> <p>36.8 units per ha (for the whole development site including previously approved schemes)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

1.2 This application seeks planning permission for the erection of a terrace of 4 residential dwellings following the demolition of existing buildings on the site. The proposal also includes associated hardstanding and landscaping.

1.3 The proposed terrace would be located toward the north east corner of the wider site which is currently being developed under previously approved planning applications 11/50268/TTGFUL and 16/00271/FUL. The terrace itself would be of pitched roof design with an appearance similar to the buildings previously approved on the site. The proposed parking area would utilise the access proposed under the previous applications.

2.0 SITE DESCRIPTION

- 2.1 The application site is situated within the Green Belt to the West of Stanford-le-Hope. The site, which is located on the south side of Stanford Road was formally part of a redundant farmyard which also included a large car storage building. The area to the south of the site is currently being developed to provide 17 residential units under applications 11/50269/TTGFUL and 16/00271/FUL. The site itself would be within an area which was proposed as an open area with landscaping in previous application 16/00271/FUL. Access to the site would be via the access road within the current development which links the site to the driveway that is shared with St Clere's Hall Golf Club.
- 2.2 The site is adjoined to the East by residential development fronting London Road and the cul-de-sac of Oxford Road, and to the West by St Clere's Hall, which is a Grade II* listed building. This building was once a farmhouse but is now used as the club house for St Clere's Hall Golf Club.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

| Reference | Description | Decision |
|-----------------|--|------------------------------------|
| 10/50230/TTGFUL | Erection of 14 dwellings | Withdrawn |
| 11/50268/TTGFUL | Erection of 14 dwellings | Approved |
| 14/00547/CONDC | Discharge of conditions 2,3,4,8,9,10,21,22 and 23 on previous planning application 11/50268/TTGFUL. | Advice Given |
| 14/00654/CONDC | Discharge of Conditions 5, 6, 12, 15, 18 and 19 against approved planning application 11/50268/TTGFUL | Advice Given |
| 14/01009/CV | Variation of conditions 3,4,8,10,19 and 21 | Withdrawn |
| 16/00271/FUL | Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings | Refused – Appealed – Allowed |
| 16/01374/FUL | Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings | Withdrawn |
| 17/01628/CONDC | Application for the approval of details reserved by condition no. 3 (Hard and soft landscaping), 4 (Construction and waste management plan), 5(Highways management plan) and 8(foul and surface water) of planning permission ref. 16/00271/FUL (Demolition of existing car storage building and erection of a | Advice Given |

| | | |
|--|---|--|
| | residential terrace of 5 no. three bedroom dwellings) | |
|--|---|--|

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 letters of representation were received in relation to this application.

4.3 CADENT GAS:

No objection subject to informatives.

4.4 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.5 HIGHWAYS:

No objection.

4.6 HISTORIC ENGLAND:

Update to be provided at Committee.

4.7 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to conditions.

4.8 LISTED BUILDING ADVISOR:

Object to the proposal due to the adverse impact upon a Grade II* listed building.

5.0 POLICY CONTEXT

National Planning Policy

5.1 National Planning Policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. 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
- Determining a planning application
- Land affected by contamination
- Natural Environment
- Noise
- Planning obligations
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

Local Planning Policy

5.3 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

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

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- 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
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- 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].

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council

consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call 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.

5.5 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 in the Green Belt
- II. Layout and Design
- III. Impact on Listed Building
- IV. Impact on Amenity
- V. Highways and Parking
- VI. Landscaping and Ecology
- VII. Other Matters
- VIII. Developer Contributions

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.2 The NPPF states that a Local Planning Authority should regard the construction of new buildings in the Green Belt as 'inappropriate' unless they fall within one of the exceptions set out in paragraph 145. Amongst other things this includes the limited infilling or the partial or complete redevelopment of previously development sites (Brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.3 The NPPF defines "Previously developed land" to be: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development*

management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 6.4 The principle of the residential re-development of the site has already been established by the granting of full planning permission under applications 11/50268/TTGFUL and 16/00271/FUL. However, these developments relied on the redevelopment of a previously developed site where there would be no greater impact upon the openness of the Green Belt than the existing development. The effect of this was to rely upon the pre-existing buildings on site which would be demolished to make way for the residential development on the site. In order to comply with the approved plans and conditions from the previous scheme all the pre-existing buildings would need to be removed from the site. Therefore whilst one of the pre-existing buildings remains on the site this cannot be considered again in terms of the impact upon the Green Belt. Given that the previously approved applications had a similar impact upon the openness of the Green Belt to the pre-existing buildings the consideration of the current application is essentially confined to whether the proposal would have a greater impact upon the openness of the Green Belt than the previously approved schemes. The approved plans from application 16/00271/FUL showed the area to the north east corner of the site as being utilised for open space and landscaping with the pre-existing building removed. The proposal would introduce a two storey terrace with a ridge height of 10.5m. This would have a significantly greater impact upon openness than the previously approved scheme resulting in the dispersal of built form across a larger proportion of the site and the introduction of a further building of significant scale. As a result the proposal would fail to comply with the relevant exception to inappropriate development in the Green Belt. Therefore it would constitute inappropriate development within the Green Belt which is by definition harmful to openness.
- 6.5 In addition to the definitional harm to the Green Belt consideration must be given to any other harm to openness that would result from the proposed development. The site is located on the edge of the existing urban area and whilst the previous approvals on the site have permitted a certain amount of development the current proposal would result in further sprawl of the built up area and encroachment into the countryside. As a result the proposal would result in further harm to the openness of the Green Belt.
- 6.6 Where a proposal constitutes inappropriate development in the Green Belt paragraph 143 of the NPPF states that it should not be approved except in very special circumstances. Paragraph 144 goes on to state that substantial weight should be given to any harm to the Green Belt and that very special

circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

- 6.7 In this instance the Planning Statement submitted with the application has not explicitly referred to any very special circumstances as it sought to argue that the development was not inappropriate development in the Green Belt. As outlined above it is considered that the proposal would constitute inappropriate development in the Green Belt. However, whilst not explicitly referred to as very special circumstances the benefits of the scheme put forward in the statement were; housing provision, the logical completion of the development and the removal of the remaining farm buildings on the site.
- 6.8 Turning to each of these points in turn, the primary justification for the development is the provision of additional housing on the site. The proposal would result in 4 additional dwellings which would make a small contribution towards housing need in the area. However, in isolation, the provision of housing would not represent a very special circumstance which would outweigh the harm to the Green Belt.
- 6.9 The other matters highlighted in the statement relate to the logical completion of the development and the removal of the farm buildings. The logical completion of the development in design terms is afforded no weight in terms of the impact upon openness. The removal of the remaining farm buildings on the site was already considered in the assessment of previous applications and would be necessary to carry out the previous development in accordance with the approved plans and conditions. Therefore the removal of these buildings is afforded no weight in the assessment of the impact upon the Green Belt.
- 6.10 In conclusion it is considered that the proposal results in inappropriate development in the Green Belt which would result in both definitional and actual harm to openness. There are no very special circumstances which would clearly outweigh the identified harm. Therefore the principle of the development in the Green Belt is unacceptable as it would be contrary to policy PMD6 of the Core Strategy 2015 and the NPPF.

II. LAYOUT AND DESIGN

- 6.11 The proposed terrace would be sited perpendicular to the previously approved terrace facing towards Stanford Road. It would be somewhat separated from the residential properties to the east of the site although it would be in close proximity to the boundary with St Clere's Hall to the west of the site. Its siting

and orientation would result in it being positioned significantly closer to the road than the buildings within the previously approved scheme. Its pitched roof design would present a side gable end facing onto Stanford Road. Therefore the current proposal would result in a building of significant scale sited in close proximity to the road which would appear visually dominant within the street scene.

- 6.12 In addition to the above, the resultant development would remove the landscape buffer which separated the previously approved scheme from the road. This results in a higher density scheme, dominated by structures and hardstanding which would have an urban appearance out of character in the context of its location in the Green Belt and on the outskirts of the urban area.
- 6.13 Therefore it is considered, that, by reason of its siting, scale and the increased density of the site as a whole that the proposal would result in an overly dominant and incongruous form of development which would have a significant adverse impact upon the street scene and the character of the area. The proposal would, therefore, be contrary to policies PMD2, CSTP22 and CSTP23 and the NPPF.

III. IMPACT ON LISTED BUILDING

- 6.14 The Council's Listed Building Advisor has noted that the site is located adjacent to St Clere's Hall, a Grade II* listed former farmhouse. As a Grade II* listed building, St Clere's Hall is a heritage asset of significant value. Therefore great weight should also be given to any harm identified as part of the assessment of the proposal. Any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. In this instance, whilst the applicant has addressed heritage within the Design and Access Statement this appears to rely upon conclusions drawn within earlier applications which did not include any development within this particular part of the site. Therefore no justification has been provided in relation to the current scheme.
- 6.15 The Listed Building Advisor considers that the proposed terrace does not successfully convey a rural/agricultural character in a modern manner but would instead appear an uncomfortable assemblage of styles and typologies which cannot be considered to make a positive contribution to local character and distinctiveness. Further to this, the massing and position of the block would appear to dominate the local streetscene and crowd the listed building whilst blocking intermittent historic views across the site through the hedging which would be better revealed by the previous permission and allow for the listed building to be gradually revealed upon approach from the north-east.

Therefore, from a heritage perspective, the proposal would be unacceptable contrary to policies CSTP24 and PMD4 and the NPPF.

IV. IMPACT ON AMENITY

- 6.16 The proposed building would be sited a significant distance from the nearest pre-existing dwellings located to the east of the site on Stanford Road. As a result it would not result in a significant loss of light, overbearing impact or loss of privacy to these neighbours.
- 6.17 The residential dwellings most likely to be impacted by the proposal are those currently under construction within the remainder of the site. The terrace containing plots 1 to 6 is sited perpendicular to the current proposal. The proposal would breach the 60 degree angle to the nearest of these plots. However, given the distance between the buildings and the impact upon a limited number of windows it is considered that this would not result in significant harm to future occupiers of plots 1 to 6. Any views from the current proposal would be towards the front of plots 1 to 6 and would not directly overlook habitable room windows or private amenity space.
- 6.18 With regards to the proposed parking and turning area this would result in some disturbance to the previously approved properties. However in the context of their siting within an estate where there are likely to be a number of vehicular movements and the close proximity to Stanford Road it is considered that this would not result in an unacceptable impact upon the amenity of future occupiers.
- 6.19 The proposed terrace would provide units of a sufficient size and with suitable light and outlook to provide an acceptable living environment for future occupiers. The proposed garden sizes whilst marginally below the recommended standards set out in Annexe of the 1997 Local Plan would provide sufficient private amenity space for future occupiers. As such it is considered that the proposal would provide a suitable living environment for future occupiers.

V. HIGHWAYS AND PARKING

- 6.20 The proposal would be accessed through the estate road associated with the previously approved applications on the site. The proposal is for four additional dwellings which is unlikely to result in a significant increase in vehicular movements. The proposal would provide two parking spaces per unit which is considered to be sufficient for properties of this size in this location and would comply with the requirements of policy PMD8.

6.21 The proposal does not indicate any specific cycle storage although the previously approved cycle store is indicated on the proposed site plan. It is not clear whether this would have sufficient capacity in relation to the current proposal. However, given availability of private amenity space and access to the rear of each property there is sufficient scope for bike storage within the curtilage of the individual units.

6.22 Refuse collection arrangements would be the same as the previously approved applications. There is access to the rear of each dwelling to store bins. Therefore no concerns are raised with regards to refuse storage or collection.

VI. LANDSCAPING AND ECOLOGY

6.23 The proposal would still incorporate sufficient space for boundary screening and would not adversely impact upon TPO trees on the adjacent site. The Council's Landscape and Ecology Advisor has raised no objection to the proposal subject a condition in relation to a detailed landscaping scheme with particular attention to screening along the boundary with Stanford Road. No concerns have been raised with regards to biodiversity and ecology.

VII. OTHER MATTERS

6.24 The proposal would result in changes to the previously approved scheme which is still under construction. As the previously approved application has yet to be carried out in accordance with all relevant planning conditions the proposal would result in changes to the original scheme. The Council's Legal Team have advised that in order to carry out the scheme as a whole, at this time, an application would need to be submitted for the entire development including those elements which were previously approved.

VIII. DEVELOPER CONTRIBUTIONS

6.25 The proposal is for four dwellings, which in isolation would not require a contribution as it would fall below the threshold for affordable housing and infrastructure contributions. However, if the proposal was to be carried out as part of the extant permission it would require an application for the development as a whole with consideration of the affordable housing and infrastructure requirements of the entire development.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposal is for development within the Green Belt on previously developed land. The applicant has relied upon the removal of a pre-existing outbuilding to justify the further development of the site. However, in order to comply with all conditions of the previously approved scheme this outbuilding would need to be removed. Therefore it cannot be relied upon to justify the current scheme and is given no weight in the consideration of this application. In this instance the assessment is based upon whether the proposal would result a greater impact on the openness of the Green Belt than the previously approved development on the site. The proposal would result in an additional building of significant scale which is to be located in an area which was to be provided as open landscaping under the previously approved scheme. As a result it is considered that the proposal represents inappropriate development in the Green Belt which results in both definitional and actual harm to the openness of the Green Belt. There are no very special circumstances which would clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 and the NPPF.
- 7.2 The siting and orientation of the proposed building would result in it being sited significantly closer to the road than the currently approved scheme with a side gable end facing onto Stanford Road. It would also include a significant amount of hardstanding in an area which was to be landscaped under the previous approval. The current proposal would result in a building of significant scale sited in close proximity to the road which would appear visually dominant within the street scene. It also represents a higher density scheme which is dominated by structures and hardstanding which would have an urban appearance out of character in the context of its location within the Green Belt and on the outskirts of the urban area. Therefore it is considered that the proposal would result in a significant adverse impact upon the street scene and the character of the area contrary to policies PMD2, CSTP22 and CSTP23 and the NPPF.
- 7.3 The proposal would be sited adjacent to St Clere's Hall, a Grade II* listed former farmhouse. The massing and position of the proposed terrace would dominate the local streetscene and crowd the listed building and block intermittent historic views across the site through the hedging which would have been revealed through the previous permission. Therefore the proposal would result in an unacceptable impact upon the setting of a listed building contrary to policies CSTP24 and PMD4 and the NPPF.

8.0 RECOMMENDATION

8.1 Refuse for the following reasons:

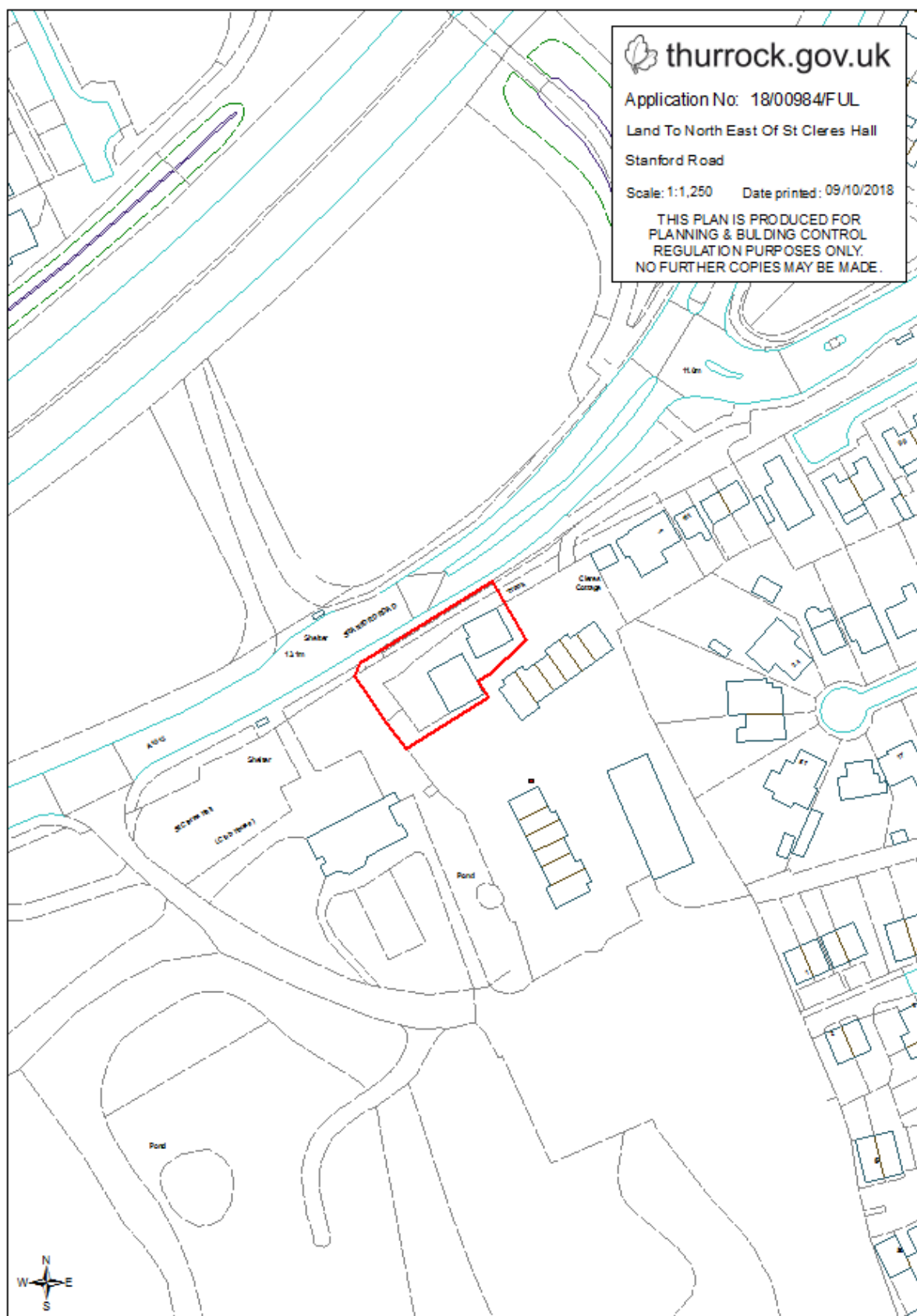
1. The proposed development would, by reason of its siting and scale result in a greater impact on the openness of the Green Belt than the previously approved development, representing inappropriate development in the Green Belt which is by definition harmful. In addition the proposal results in a loss of openness due to the substantial increase in the extent of the built form on the site. There are no circumstances put forward by the applicant which would constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
2. The proposed development, would by reason of its siting, scale, density and extent of hardstanding result in an overly dominant, incongruous and urban form of development adversely impacting upon the street scene and character of the area. The proposal would therefore be contrary to policies PMD2, CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
3. The development, would by reason of its siting and scale result in a significant adverse impact upon the setting of the adjacent Grade II* Listed Building, St Clere's Hall. The massing and position of the proposed terrace would dominate the local streetscene and crowd the listed building and block intermittent historic views across the site. Therefore the proposal would be contrary to policies CSTP24 and PMD4 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also 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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APPENDIX 1

| | |
|--|---|
| Reference: 18/00984/FUL | Site: Land To North East Of St Cleres Hall Stanford Road Stanford Le Hope Essex |
| Ward: Stanford Le Hope West | Proposal: Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings |

| Plan Number(s): | | |
|------------------------|----------------|----------------|
| Reference | Name | Received |
| 001 | Location Plan | 10th July 2018 |
| 002 | Proposed Plans | 10th July 2018 |

The application is also accompanied by:

- Planning Statement

| | |
|-----------------------------------|---|
| Applicant: Mr M Valente | Validated: 3 September 2018 Date of expiry: 26 November 2018 (Extension of time agreed with Applicant) |
| Recommendation: Refuse | |

1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 18 October 2018 Planning Committee meeting to enable a site visit to take place. Members visited the site on 30 October 2018.
- 1.2 A copy of the report presented to the 18 October meeting is attached.
- 1.3 The application remains recommended for refusal as detailed in the attached report.

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|---|--|
| Reference: 18/00811/OUT | Site: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate Towers Road Grays Essex |
| Ward: Little Thurrock Rectory | Proposal: Outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved) |

| Plan Number(s): | | |
|------------------------|-----------------------------|------------------|
| Reference | Name | Received |
| M002B | Location Plan | 12th June 2018 |
| PL-001 | Other | 12th June 2018 |
| P201 | Proposed Site Plan | 12th June 2018 |
| GR-SK | Proposed Plans | 14th June 2018 |
| (No Nos.) | Site Layout | 12th June 2018 |
| SK1 | Proposed Floor Plans | 12th June 2018 |
| SK4 | Proposed Elevations | 12th June 2018 |
| (No Nos.) | Location Plan | 12th June 2018 |
| (No Nos.) | Other | 12th June 2018 |
| M001 | Landscaping | 12th June 2018 |
| (No Nos.) | Proposed Play Area CGI | 10th August 2018 |
| 97.020/300 E (1 to 3) | Road and Sewer Layout | 23rd August 2018 |
| 01 | Highway Soakaway Relocation | 23rd August 2018 |

The application is also accompanied by:

- Preliminary Ecological Assessment
- Planning Statement
- Open Space Statement
- Development Construction Plan
- Water Drainage Report

| | |
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| Applicant: Gunning Road Thurrock Ltd | Validated: 21 June 2018 Date of expiry: 26 November 2018 (Extension of |
|--|---|

| | |
|--------------------------------|-----------------------------|
| | time agreed with Applicant) |
| Recommendation: Refuse. | |

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The key elements of the proposals are set out in the table below:

| | | | | | | | |
|--------------------------|---|--------------|--------------|--------------|--------------|--------------|--------------|
| Site Area (Gross) | 0.31ha | | | | | | |
| Height | 9m to ridge | | | | | | |
| Units (All) | Type (ALL) | 1-bed | 2-bed | 3-bed | 4-bed | 5-bed | TOTAL |
| | Houses | | | 4 | | | 4 |
| | Flats | | | | | | 0 |
| | TOTAL | | | 4 | | | 4 |
| Car parking | Total Spaces: 10 Spaces per unit: 2.5 (Average per unit) | | | | | | |
| Amenity Space | Minimum 63.8sq.m Average 72.62 sq.m Maximum 83.45sq.m | | | | | | |
| Density | 38 dwellings per hectare on land to be used for housing | | | | | | |

1.2 This is an outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. This application includes determination of access, landscaping, layout and scale with appearance held as a reserved matter.

2.0 SITE DESCRIPTION

2.1 The application site relates to an open area of land of 0.31 hectares located at the northern end of Gunning Road, a residential road within Grays. The site is divided into two parts with the southern part comprising a fenced play area with a number of pieces of play equipment and a small open grassed area. To the north side of the site is a small football pitch. The site is bounded on the west and north side by significant tree cover whilst there are chalk cliffs rising to the east of the site marking the boundary of the adjacent SSSI. Beyond the boundary to the south and east of the site are residential properties whilst to the west of the site is the Towers Road industrial estate.

2.2 The site serves as open space for the residential area to the south and east of the site.

- 2.3 The site is located within the Grays urban area, outside of the designated town centre. It is approximately 1.8km from the station and main shopping areas in the centre of Grays. The site is designated as being within a secondary industrial and commercial area, however it currently has no relationship with the surrounding commercial uses.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

| Reference | Description | Decision |
|---|---|--|
| 16/30004/PMIN | Proposed residential development. | Advice Given |
| 06/00491/TTGFUL Former Globe Works – North of application site, access from Gunning Road | 132 no one and two bedroom flats, associated road access, amenity space and parking. | Refused |
| 04/00574/FUL | Engineering operations for the filling of the former Celcon block manufacturing plant to enable re development. | Approved |
| 99/00834/FUL | Erection of 18 no. dwellings, garages, parking courts, roads, sewers and ancillary works | Refused – Appealed – Allowed – Not Implemented |
| 98/00349/FUL | Proposed 104 residential dwellings, garages, roads, sewers and ancillary works | 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.

Eighty-seven letters of objection were received in relation to this application. The main areas of concern can be summarised as follows:

- Overdevelopment of the estate;
- Housing should be provided on more suitable brownfield sites;
- Existing houses on the estate are for sale;
- Impact on neighbouring amenity;
- Disturbance/traffic from construction work;
- Pedestrian safety;
- Pollution/noise;
- Traffic/parking issues;
- Damage to existing properties;
- Ownership of land;
- Restrictive covenants;
- Residents pay towards upkeep of park and there are funds available to invest in new equipment;
- Play area/park is regularly used;
- Park used for community events;
- Area is maintained and is not in a state of disrepair;
- Statements that park is underused is inaccurate;
- Park would be unavailable to use for duration of work;
- New development will obscure views of open space;
- Similar developments elsewhere refused;
- Impact upon SSSI and ecology;
- TPO trees;
- Impact on acoustic bank;
- Comments submitted to management company not passed on;
- Impact upon property value;
- Impact upon neighbouring amenity;
- Loss of view;
- Appendices not available;
- Impact on sewers;

4.3 ENVIRONMENTAL HEALTH :

No objection subject to conditions.

4.4 HIGHWAYS :

Further information requested, no objection subject to the additional details being secured by condition.

4.5 LANDSCAPE AND ECOLOGY ADVISOR :

No objection subject to conditions

4.6 NATURAL ENGLAND :

No objection.

4.7 SPORT ENGLAND :

Application does not fall within statutory or non-statutory remit. No objection.

5.0 POLICY CONTEXT

5.1 The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places

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:

- Design
- Determining a planning application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Use of Planning Conditions

5.3 Local Planning Policy

5.4 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)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
- 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].

5.5 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.

5.6 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**

The material considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Landscape
- V. Impact Upon Ecology and Biodiversity
- VI. Developer Contributions
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The principle of development relates to the consideration of the partial loss of open space in order to provide housing. This site is located within the Thurrock Urban Area, however it relates to what is currently greenfield land in use as open space. Policy CSSP1 states that development on such land will only be permitted where it is specifically allocated for residential development and where it is required to maintain a five-year rolling housing land supply.
- 6.2 In accordance with paragraph 11 of the NPPF the proposal should be considered in the context of the principle of sustainable development. It is acknowledged that the site is located within a sustainable location in relatively close proximity to Grays Town Centre and public transport links. However paragraph 97 states that existing open space should not be built upon unless the following exceptions are met:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

6.3 This is reflected in Policy PMD5 of the Core Strategy which states that the Council will safeguard all existing open spaces, outdoor sports and recreational facilities. Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted unless:

- i. conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users; or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss;*
- ii. proposals would not negatively affect the character of the area and/or the Greengrid.*

6.4 Policy PMD5 is considered to be consistent with policies in the NPPF and therefore significant weight is attached in the determination of this application. Whilst this land is not identified within the Core Strategy as existing open space the site clearly performs this function. In addition there is a S106 agreement relating to planning permission 98/00349/FUL which preserved this area of land for Open Space (including landscaping and play equipment) in perpetuity. Policy PMD5 does not differentiate between open space in public or private ownership or limit the consideration of the impact upon open space to those areas indicated on the policies map. As such it is considered that the site does constitute open space and that policy PMD5 and the relevant paragraphs of the NPPF are relevant in terms of the loss of this open space.

6.5 In this instance the primary argument put forward for the loss of part of the open space in terms of paragraph 97 of the NPPF and Policy PMD5 is the provision of higher quality replacement public open space than existing. The proposal would result in the loss of 0.11 hectares of public open space out of a total existing area of approximately 0.28 hectares of usable open space and play space. The key issue here is as to whether the qualitative improvements put forward by the applicant in terms of enhanced play equipment and a multi sports pitch would justify the loss of part of the existing open space.

- 6.6 This justification is based upon the quality of the existing open space and play area which they suggest is of low quality and in a state of disrepair. The applicant argues that the replacement of the existing facilities with a higher quality level of play equipment would result in a qualitative improvement which would outweigh the loss of part of the open space. The evidence for this is based upon photos of the open space and play area which reflect the current situation on site. This does include some damage to fencing and surfacing along with a missing piece of play equipment. However, there is evidence that the area continues to be maintained as the grass had clearly been cut and the area was generally tidy. Also the remaining play equipment and playing area all appeared to be usable.
- 6.7 The replacement play area provided would constitute a greater number of different play equipment pieces. The existing football goals would be replaced with multi-sport goals. The result of this is that there would be a small improvement in terms of the variety of play equipment on the site. There would also clearly be a short term improvement in quality through the replacement of the existing play equipment. However, whilst the benefit of new replacement facilities is acknowledged this cannot be guaranteed to be maintained any better than the existing. There would be an ongoing need for maintenance that is unlikely to be met through the provision of four dwellings. Therefore, whilst there would be a short term improvement in the quality of play equipment the long term situation could be similar to the existing but with a reduction in the size of the open space.
- 6.8 In addition to the above members are advised that a number of letters of representation have highlighted that this open space is well used by the local community and that part of their maintenance fee goes towards this area of open space. As already noted there is also a S106 on this land which protects it for use as open space for the benefit of the estate. Therefore, the long term protection of this open space is afforded significant weight in the assessment of this proposal.
- 6.9 On the basis of the above it is considered that the partial loss of open space is not justified by the limited benefit afforded through the replacement of play equipment. The partial loss of the open space would result in a permanent detrimental impact upon the open space provision to the area which would not be offset by the short term gain from new improved play equipment. In addition, comments received in third party representation indicate that the open space is used for various other community activities and that there is a maintenance fee paid towards the upkeep of this area which could be used to upgrade the equipment on the existing open space. Therefore, in terms of

paragraph 11 the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole with particular reference to paragraph 97. As a result the principle of the partial redevelopment of the existing open space is considered to be unacceptable.

- 6.10 The residential element of the scheme would comprise an area of approximately 0.105 hectares of the site. This equates to a density of development of approximately 38 dwellings per hectare. Whilst this is at the lower end of the acceptable density range it would comply with the requirements of Policy CSTP1 in order to ensure the efficient use of land within the urban area. The proposal is for relatively small 3 bed units. Whilst this isn't the unit size for which there is the greatest need it would still provide a unit size for which there is an identified need. Therefore, in isolation, notwithstanding the loss of open space the density of the development would be within the appropriate range.
- 6.11 It is also noted that the land was allocated as a secondary industrial and commercial area. However, this site is isolated from the surrounding commercial land and practically couldn't accommodate such development. In addition it would be in close proximity to residential receptors and would significantly compromise the use of the open space in comparison to the partial residential redevelopment of the site. On this basis it is considered that the secondary industrial and commercial allocation is of limited weight in the assessment of this proposal.
- 6.12 During the course of the application the applicant has submitted additional information in relation to the practicality of the access to the site for commercial use. They suggest that there are a number of points where the site could be accessed from the adjacent site and there would be demand for the site from commercial operators. They also provided a letter and plan from Vortex Exhaust Systems indicating their interest in the site for the expansion of their operation. Whilst it is acknowledged that there may be some opportunity for access points these are only indicative and have not been fully explored, relying upon narrow routes between buildings on adjacent sites. The acceptability of such access arrangements could only be fully assessed through a planning application for such a proposal.
- 6.13 On the basis of the possible access points and the interest from commercial enterprises the applicant suggest that if the application were to be refused they have a legitimate fall-back position in the form of the commercial or industrial redevelopment of the site. Planning policy and the situation on site have changed significantly since the land allocation and therefore any such

application would need to be considered on this basis. This assessment would include the impact upon the nearby residential receptors and the loss of open space. Whilst no details have been submitted of a commercial or industrial scheme it is likely that such a proposal would be unacceptable when assessed against all relevant planning policies. Therefore the fall back position of the complete redevelopment of the site for commercial or industrial uses is afforded limited weight and would not justify the identified loss of open space.

- 6.14 The applicant has referred to the previous permission on the site granted on appeal under reference 99/00834/FUL. This was for the erection of 18 dwellings on this land to the north of the site. The applicant considers that this establishes the principle of the residential use of the site. Whilst the planning history of the site is acknowledged this permission is for a different parcel of land, was not implemented and has now expired. There have also been significant changes in planning policy since this decision. In any case this proposal did not result in the significant loss of the public open space as it only resulted in the development of an access road towards the east of the open space. The only real relevance of the previous decision was the acceptability of the loss of designated employment land for residential use.
- 6.15 The applicant submitted additional information regarding the loss of open space that would have occurred as a result of the previously approved access road on the site. They consider that the current proposal results in a similar loss of open space and therefore the previous permission should be given significant weight in the consideration of the current application. However, as already outlined above, the permission referred to by the applicant has expired and could no longer be implemented. Planning policy and the situation on site has also changed since 1999, and, in any case the area of usable open space lost to the roadway is not equivalent to that which would be lost to the current proposal. Therefore the previous permission for a road through part of the site is afforded very limited weight in the current assessment and does not outweigh the loss of open space.
- 6.16 The plans provided in relation to the previously approved road also indicate the greater area of usable open space provided to the north and west sides of the site through the clearance of some vegetation. Limited information has been submitted in relation to this and such maintenance to open up these areas could theoretically be carried out without the need for the development proposed. The space provided through the clearance of vegetation would also be towards the margins of the site away from the access point and the nearest residential properties. Therefore the limited additional space provided

through the clearance of some vegetation around the edge of the site would not outweigh the loss of a substantial central area of the existing open space.

- 6.17 Whilst a number of aspects of the previous appeal decision are afforded limited weight it is considered that the loss of the designated secondary employment land would be acceptable in the context of its unsuitability for such a use. The proposed residential use would be more appropriate in this context. Whilst the loss of designated secondary employment land, would, in isolation be acceptable, the loss of open space would not and the principle of development is therefore unacceptable.

II. DESIGN AND LAYOUT

- 6.18 This is an outline application which includes the consideration of matters relating to layout and scale. The proposed layout comprises two semi-detached pairs which would follow the established building line along this side of Gunning Road. These properties would be accessed to the front by an area of hardstanding which would appear as a continuation of Gunning Road. A further area of hardstanding would be provided off the turning head to the south west of the site which would provide an area of car parking. There would also be a single storey double garage located between and to the rear of the two pairs. The layout of the remainder of the site would constitute the consolidation of play equipment into a smaller area of open space.
- 6.19 The layout of the proposed dwellings would accord with the general character of the estate and the street scene. The provision of hardstanding and garaging to the rear of properties is characteristic of Gunning Road and the estate as a whole. It is noted that the proposed garden space is somewhat limited, however again this is common within the estate and therefore wouldn't appear out of character.
- 6.20 With regards to scale, the buildings would be two storey and are indicated to be of pitched roof design. Again, this would accord with the scale of properties in the area and would not appear out of character. The proposed garage would be subordinate to the main buildings and would not result in any significant impact upon the street scene.
- 6.21 In terms of neighbouring amenity the proposed layout would ensure that the buildings are sited away from the nearest residential neighbour at the end of Gunning Road with a minimum separation distance of approximately 20m. The siting and scale of the buildings would ensure that the proposal would not result in a significant loss of light or overbearing impact upon this neighbour. The proposed floor plans show that there would be no windows in the side

elevation facing the nearest neighbour. Therefore, no concerns are raised with regards to privacy.

6.22 In terms of the dwellings themselves the proposed internal layout is considered to be acceptable in terms of size, light and outlook. The proposed garage would impact upon rear facing windows and private amenity space. However, given this is characteristic of the area and there is an element of buyer beware this would not be unacceptable. The proposed garden sizes are relatively small and some would be marginally below the recommended minimum of 75sqm for dwellings of this size. However, given the similarity with other garden sizes in the area and the proximity to retained public open space this would not be unacceptable.

6.23 Given the above the proposal is considered to comply with the requirement of policies PMD1, PMD2, CSTP22 and CSTP23.

III. LANDSCAPING

6.24 The proposed site plan indicates that there is adequate scope for landscaping and screening. In the context of the character of the area only limited planting and screening would be necessary. The full details of this could be secured by condition in the event of a grant of planning permission. The detailed landscaping scheme would need to consider how views could be retained along Gunning Road towards the open space in order to deter vandalism and anti-social behaviour.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

6.25 The proposal would utilise the existing turning head for access and would result in four additional units. This would not result in a significant impact upon traffic in the area and no objection is raised in terms of highway safety or capacity. The proposal would provide 10 parking spaces which would exceed the recommended standard by one. However, in the context of an area where there is clearly some on street parking stress this is considered to be acceptable. The Council's Highway Officer requested that full details of the allocation of parking spaces be provided to ensure sufficient provision for each unit. It is considered that this could be secured through condition. The proposed access and parking is considered to be acceptable and would accord with the requirements of Policy PMD8.

6.26 In terms of cycle parking the proposed plans do not indicate any specific storage. However, all of the properties have access to private rear gardens and two would benefit from garages. This would provide sufficient scope for

future occupiers to store bikes. Therefore it would not be reasonable to impose a condition requiring additional cycle storage information.

- 6.27 With regards to refuse collection the Council's Highway Officer did query the refuse strategy and in particular the tracking manoeuvres within the site. However there is an existing turning head in this location which allows for vehicles to turn at the end of this section of road. Given the existing situation and the limited number of additional dwellings it is considered that there would not be any significant impact in terms of refuse collection. Again each dwelling would benefit from private amenity space with sufficient space for storage of bins.

V. FLOOD RISK AND DRAINAGE

- 6.28 It was identified that the proposal will significantly impact upon the existing surface water drainage system. Additional information was submitted during the consideration of the application indicating the design of possible mitigation measures. The Council's Highway Officer has reviewed this information and suggested that whilst it was insufficient at this stage the full details of the mitigation could be secured by condition. Therefore it is considered that in the event permission was to be granted a condition would be recommended requiring the submission of full surface water drainage details prior to the commencement of development on site.

VI. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.29 The site is located in close proximity to the chalk cliff SSSI located to the east on the opposite site of Gunning Road. The proposal would not encroach upon the SSSI and a preliminary ecological appraisal was submitted with the application which concludes that there are no major areas of concern in relation to ecology. However, a number of recommendations are made for during the development and biodiversity enhancements as part of the development. The Council's Landscape and Ecology Advisor confirmed that they are satisfied with the scope and recommendations within the ecology appraisal and therefore no objection is raised on these grounds.

VII. VIABILITY AND PLANNING OBLIGATIONS

- 6.30 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to

enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal. In this instance, in the event that the proposal was considered acceptable, a varied s106 would be necessary to secure the remaining open space in perpetuity. However, given that the scheme is unacceptable in principle a revised s106 has not been sought.

VIII. OTHER MATTERS

- 6.31 A number of neighbours raised concern regarding disturbance from construction work and traffic. This in itself would not constitute a reason for refusal and a condition could be imposed requiring a construction environmental management plan (CEMP) to demonstrate how the site will be accessed taking into account the narrow roads within the development.
- 6.32 Any damage to existing dwellings would be a civil matter between the parties concerned. The impact upon property value and the loss of a view are not material planning considerations.
- 6.33 Restrictive covenants and rights of access over the land are not a planning consideration and would be a separate Civil matter.
- 6.34 Ownership of land is not a material planning consideration. However, given the queries raised in representation clarification was sought from the applicant to ensure the correct ownership certificate had been signed. Land registry information was provided which demonstrates that the site is within the ownership of the applicant.
- 6.35 Reference has been made to the refusal of similar developments elsewhere refused. The application has been assessed on its own merits in relation to its particular constraints.
- 6.36 Concern was raised regarding the impact upon the acoustic bank. The applicant stated that the acoustic bank would be completed and retained as part of the development.
- 6.37 The proposal is for a small scale development and is unlikely to have a significant impact upon the sewer network. There is no indication that this would present a particular issue.
- 6.38 A number of neighbours stated that comments made to the management company during pre-application consultation were not passed on. Whilst this

is noted, the Council can only consider documents and comments submitted with the application.

- 6.39 The appendices submitted with the application were not initially available to view, however this was subsequently rectified and it is considered that this did not prejudice any party.
- 6.40 Comments were made regarding lack of demand for housing at the moment due to houses being on the market. Whilst there may be market forces which affect demand there is an identified housing need in the Borough which has been given significant weight.
- 6.41 The Council's Landscape and Ecology advisor raised no concerns with regards to the impact upon trees.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The key issue in the assessment of this proposal is the partial loss of existing open space and whether the benefits of the scheme in terms of the provision of new facilities are sufficient to outweigh the loss. The applicant has also referenced the Council's lack of a five year housing land supply and the contribution that the site will make towards housing in the area.
- 7.2 Council and national policy both restrict development on existing open space and state that new development will be prohibited other than in specific circumstances. The justification for the loss of open space in this instance is that the replacement facilities would provide a higher quality facility which would outweigh the loss of part of the open space. This was partially based upon the state of repair of the existing equipment as well as the high quality of the replacement.
- 7.3 Whilst the provision of the new pieces of equipment is acknowledged, this would provide a relatively short term benefit until this equipment reaches a similar age to the existing equipment. The loss of the open space on the other hand would be permanent. Representation received from a number of local residents indicates that this area is still well used and functions as a community space as well as a play area. There is also a S106 agreement on the open space which preserves this area of land as open space (including landscaping and play equipment) in perpetuity. As a result it is considered that the provision of new replacement equipment would not outweigh the loss of part of the open space on the site and therefore the proposal is contrary to paragraph 97 of the NPPF and policy PMD5 of the Thurrock Local Development Framework Core Strategy 2015.

- 7.4 Therefore, the principal of development on this area of open space is considered to be unacceptable. All other material considerations have been assessed but none would outweigh the impact of the loss of open space. Given that the loss of open space is unacceptable the deed of variation in relation to the protection of this land has not been pursued any further.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reason:

1. The proposed development would result in the permanent loss of part of an area of existing open space. The benefits of the scheme in terms of replacement equipment and additional housing would not outweigh the loss of this area of open space which provides an important function for the local community. Therefore, the principle of the proposed development is unacceptable and is contrary to the requirements of Policy PMD5 of the Thurrock Local Development Framework Core Strategy 2015 and paragraph 97 of the National Planning Policy Framework 2018.

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 with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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>

| | |
|-------------------------------|-------------------------------------|
| Planning Committee 22.11.2018 | Application Reference: 18/01302/HHA |
|-------------------------------|-------------------------------------|

| | |
|-----------------------------------|---|
| Reference: 18/01302/HHA | Site: The Lodge Fen Lane Bulphan Essex RM14 3RL |
| Ward: Orsett | Proposal: Side and rear extension |

| Plan Number(s): | | |
|-----------------|----------------------|---------------------|
| Reference | Name | Received |
| 02REVB | Proposed Plans | 19th October 2018 |
| 03REV B | Proposed Site Layout | 19th October 2018 |
| E101 | Existing Site Layout | 7th September 2018 |
| 01 | Existing Plans | 26th September 2018 |

| | |
|--|---|
| The application is also accompanied by: - N/A | |
| Applicant: Mr Kevin Knight | Validated: 26 September 2018 Date of expiry: 31 January 2019 (Extension of time agreed with applicant) |
| Recommendation: Refuse | |

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr. G. W. Rice, Cllr B. Rice, Cllr. C. Baldwin, Cllr. S. Shinnick and Cllr. L. Worrall to consider issues regarding Green Belt Policy in accordance with Part 3 (b) 2.1 (c) of the Council's constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a single storey side and rear extension.
- 1.2 A planning application (18/00898/HHA) for a similar form of development was refused in August 2018. In relation to the previous scheme there has been a small reduction in the footprint of the extensions and minor changes to the design.

2.0 SITE DESCRIPTION

- 2.1 The application site contains a four bedroom detached house on land within the Metropolitan Green Belt in Bulphan.

3.0 RELEVANT HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|--|----------|
| 18/00898/HHA | Orangery and side extension | Refused |
| 03/00211/FUL | Four bedroom detached dwelling and double garage | Approved |

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. No comments have been received.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 13. Protecting Green Belt land

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:

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

5.3 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

THEMATIC POLICIES

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

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)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].

5.4 Thurrock Local Plan

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

5.5 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.

5.6 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 Design Guide 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. Planning History
- II. Principle of the Development
- III. Design and Appearance
- IV. Impact on Neighbour Amenity

I. PLANNING HISTORY

6.2 The existing dwelling was granted planning permission on the basis that it replaced a pre-existing building on the site. Permitted development rights were removed as the dwelling was the maximum size acceptable in this instance. As a result any proposed extensions to the dwelling require planning permission and should be assessed against the Development Plan.

6.3 The previous application 18/00898/HHA was refused as it was considered that the proposal would result in inappropriate development in the Green Belt which is by definition harmful to openness. There have been no changes on site or in policy terms which would alter the previous assessment. Very minor amendments have been made to the proposal through a limited reduction in the footprint of the extension and small changes to the design. The previous decision made in August 2018 is a material consideration which should be afforded substantial weight in the determination of any application.

II. PRINCIPLE OF DEVELOPMENT

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

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

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

- 6.5 The site is identified on the LDF Core Strategy Proposal's Map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.
- 6.6 Paragraph 133 of the NPPF states that the Government attaches great importance to the Green Belt 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 145 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, including:
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*
- 6.7 For the purposes of this planning application the original dwelling is as built under planning permission 03/00211/FUL. This dwelling has a total of 7 habitable rooms, amounting to a floorspace of 115.46 sq.m. The area of two reasonably sized rooms in this case would therefore be 32.98 sq.m. The proposed new additions would have a total floor area of approximately 98.3 sq.m (as shown on the submitted ground floor plan). This is approximately three times the size of what is considered to be a proportionate addition to the building.
- 6.8 The proposal would not be within the size permissible using the standard set out in Policy PMD6 of the Core Strategy. Therefore it must represent a disproportionate addition and would not fall within the exceptions to inappropriate development as

set out in National Planning Policy Framework. The proposal therefore represents inappropriate development in the Green Belt which is by definition harmful to openness contrary to Policy PMD6 and the NPPF.

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

- 6.9 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. In this instance the proposed extensions would increase the overall footprint of the dwelling encroaching further into the site than the existing. This would result in the building appearing more prominent within the Green Belt than the existing and would reduce openness, encroaching further upon the generally open character of the countryside.

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.

- 6.10 Having established the proposal constitutes inappropriate development consideration must be given to whether there are any very special circumstances which clearly outweigh the harm to the Green Belt. Paragraph 144 of the NPPF states 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”.
- 6.11 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.

- 6.12 The application has not been accompanied by a statement outlining very special circumstances to outweigh the harm to the Green Belt. However, the applicant indicated that the extension is sought on the basis of the applicant's desire for larger living accommodation to meet the needs of their family. Whilst the desire to extend their home is acknowledged this in itself would not constitute a very special circumstances that would clearly outweigh the harm. Similar situations and a desire to extend are likely to be replicated across the Borough. Therefore these circumstances would not meet the high test required to justify inappropriate development in the Green Belt.
- 6.13 In addition to the above, it should also be noted that permitted development rights have been removed on the property. As a result there is no permitted development fall-back position which can be relied upon in this instance.
- 6.14 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is significant harm to the Green Belt with reference to inappropriate development and loss of openness. No factors have been promoted by the applicant as 'very special circumstances'. Having taking into account all Green Belt considerations, it is considered that the identified harm to the Green Belt is not clearly outweighed by any other considerations to constitute very special circumstances justifying inappropriate development.

II. DESIGN AND APPEARANCE

- 6.15 The proposed single storey would follow the rear building line and wrap around the corner of the building in an L-shape form. There would be four roof lanterns within the flat roof of the rear element of the extension.
- 6.16 The proposal is considered to be of an appropriate design in relation to the appearance of the existing building complying with Policies PMD2 and CSTP22 of the Core Strategy.
- 6.17 Whilst the design is considered to be acceptable in relation to the existing building this does not outweigh the identified harm to the Green Belt.

III. IMPACT ON NEIGHBOUR AMENITY

- 6.18 The proposed extension is not considered to be harmful to the occupiers of the neighbouring properties. The proposal accords with Policy PMD1 in this respect, however this does not overcome the objections raised earlier in this report.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed extension would grossly exceed the limitations set out by Policy PMD6 of the Core Strategy. The proposal therefore represents inappropriate development in the Green Belt which is by definition harmful to openness contrary to Policy PMD6 and chapter 13 of the NPPF. No very special circumstances have been identified that would warrant an exception to local and national planning policies.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reasons:

1. The proposed extension, by reason of its size, represents a disproportionate addition to the dwelling and as a result constitutes inappropriate development in the Green Belt, which is by definition, harmful to openness. There are no very special circumstances which would clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015) and chapter 13 of the National Planning Policy Framework (2018).

INFORMATIVE(S)

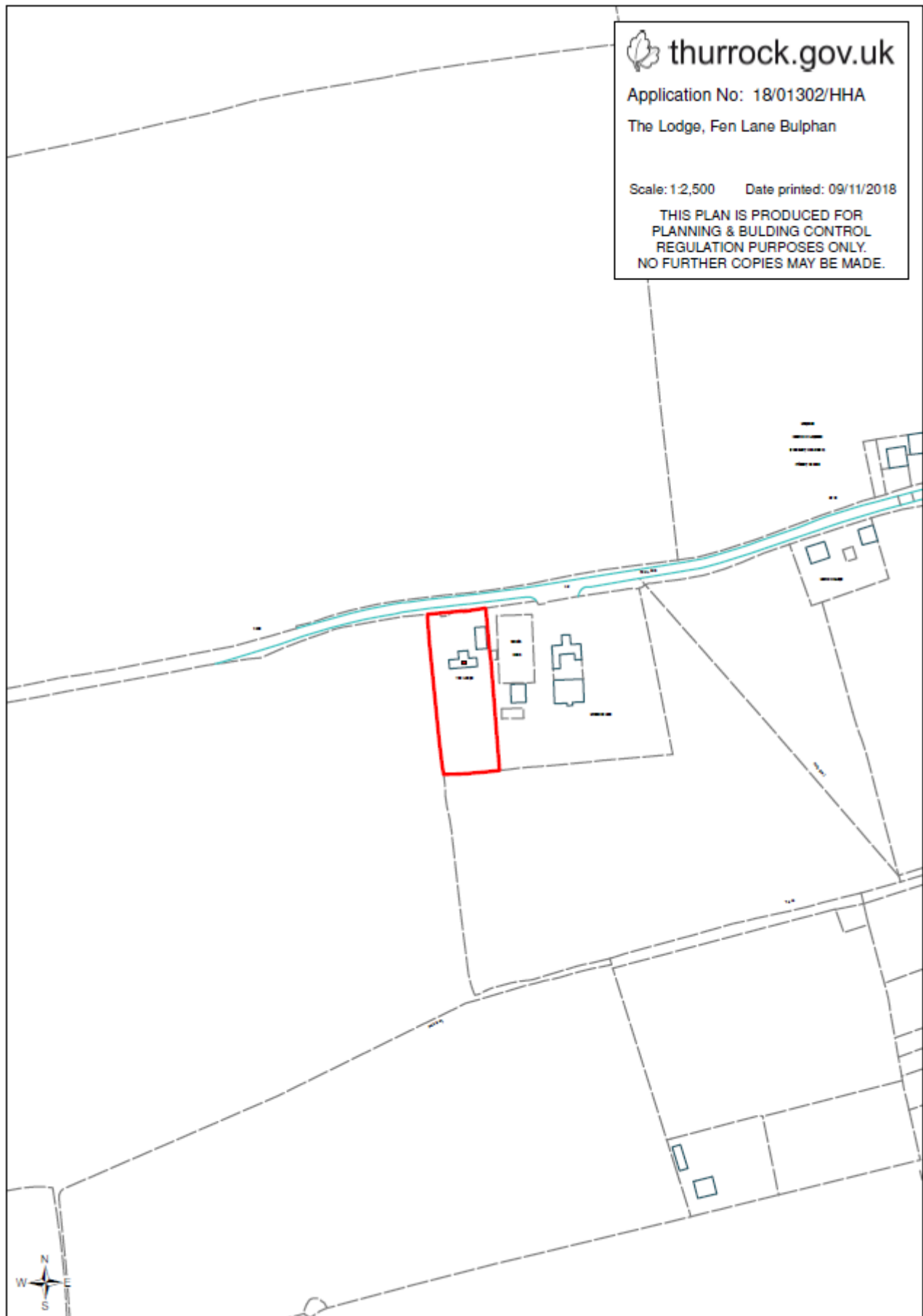
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

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

www.thurrock.gov.uk/planning



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| Planning Committee 22.11.2018 | Application Reference: 18/01405/FUL |
|-------------------------------|-------------------------------------|

| | |
|--|---|
| Reference: 18/01405/FUL | Site: VNV Stores And Post Office 27 Corringham Road Stanford Le Hope Essex SS17 0AQ |
| Ward: Stanford Le Hope West | Proposal: Change of use from A1 (Shop) to D1 (Education & Training Centre). |

| Plan Number(s): | | |
|-----------------|----------------------|---------------------|
| Reference | Name | Received |
| 10-101 | Existing Floor Plans | 27th September 2018 |
| 10-102 | Proposed Floor Plans | 27th September 2018 |
| 10-103 | Existing Elevations | 27th September 2018 |
| 10-104 | Proposed Elevations | 27th September 2018 |
| 10-001 | Location Plan | 27th September 2018 |
| 10-100 | Site Layout | 1st November 2018 |

| | |
|---|--|
| The application is also accompanied by: - Planning statement | |
| Applicant: Mr Mashuk Ali | Validated: 27 September 2018 Date of expiry: 22 November 2018 |
| Recommendation: Refuse | |

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr. R. Gledhill, Cllr. B. Johnson, Cllr. A. Watkins, Cllr. D. Huelin and Cllr. S. Hebb to consider issues regarding parking, access to the site and neighbour amenity in accordance with Part 3 (b) 2.1 (c) of the Council's constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The planning application proposes to convert an existing retail (A1) shop to an education and training centre with associated parking spaces.

- 1.2 The proposed education and training centre would provide training for both adults and young people regarding literature and language, cultural learning, health and safety, life skills, business and finance. The applicant expects that about 15-20 people would visit the facility daily.

2.0 SITE DESCRIPTION

- 2.1 The application site is detached building located within the central area (as shown on the proposal map) of a local centre in Stanford Le Hope.
- 2.2 The first floor of the building is residential with a convenience store and post office on the ground floor.

3.0 RELEVANT HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|---|-----------|
| 62/00478/FUL | Alterations | Approved |
| 87/00995/FUL | Renovated shop front. | Approved |
| 98/00982/FUL | Single storey store to side | Approved |
| 99/00416/FUL | New store room to rear and retrospective permission for existing lobby | Approved |
| 18/00040/FUL | Partial change of use from A1 to C3 to form 2 flats on ground floor (shop front to be retained) | Approved |
| 18/01016/FUL | Change of use A1 shop post office to D1 (Education & Cultural Centre) | Withdrawn |

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. 47 comments were received regarding the proposal.

- 4.3 13 comments were received in objection to the proposal on the grounds of:

- Inadequate parking;

- Additional traffic;
- Possible excessive noise;
- Access to the site;
- Environmental pollution;
- Impact upon the character of the area.

4.4 34 comments were received in support of the proposal on the grounds of:

- The need for the facility in the community.

4.5 It is noted that a number of the comments in support of the proposal do not have the complete addresses or the full names of the people who made the comments. In addition it is noted some of the comments are from people who do not live in close proximity to the application site.

4.6 ENVIRONMENTAL HEALTH:

No objection with condition.

4.7 HIGHWAYS:

Recommend refusal.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 7. Ensuring the vitality of town centres

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:

- Design
- Determining a planning application
- Ensuring the vitality of town centres

5.3 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

THEMATIC POLICIES

- CSTP7 (Viability and Vitality of Existing Centres)²
- CSTP22 (Thurrock Design)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)

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

Thurrock Borough Local Plan 1997 Saved Policies

- SH10 (Non-Retail Uses in District and Local Shopping Centres)

5.4 Thurrock Local Plan

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

5.5 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**

The assessment below covers the following areas:

- I. Principle of the Development
- II. Traffic Impact, Access and Car Parking
- III. Design and Layout
- IV. Impact on Neighbour Amenity

I. PRINCIPLE OF DEVELOPMENT

- 6.1 Saved Local Plan Policy SH10 seeks to prevent the loss of A1 retail uses in designated shopping parades, subject to certain criteria.
- 6.2 The site falls within a Central Shopping Area designated between 19 to 27 Corringham Road, where changes of use from A1 to A3, A2 or D1 will normally only be permitted where it would not result in more than 2 non-retail uses being located together and where no more than 30% of the parade is devoted to non-retail uses.
- 6.3 CS Policy CSTP7 states that the Council will *"maintain existing retail function, with changes of use to ground floor retail units to non-retail use permitted where it can be shown there is no long term demand for retail use of the unit or where there is a particular community need that would be met by the change of use"*.
- 6.4 The application site is a retail unit which is positioned adjacent to another retail unit. Adjacent to the retail unit (A1) is a B1 Dental laboratory, followed by a nail and beauty studio (Sui generis) and a restaurant (A3).

- 6.5 Of the five units in the designated parade three are already in non-retail use which is beyond the 30% which would normally be permissible. If this application were to be approved it would further increase the proportion of non-retails uses in this parade. This would have a noticeable impact upon the vitality and viability of this central area which is contrary to Policy SH10.
- 6.6 No marketing evidence has been submitted to demonstrate that there is no retail use demand for the unit. The proposal is also therefore contrary to Policy CSTP7 of the Core Strategy. It is understood that the existing Post Office would be relocated to the Rainbow Store on Corringham Road. However, this does not form part of the current application, which must be assessed on its own merits. Given the above, the principle of the loss of the A1 retail unit is considered to be unacceptable.
- 6.7 It is acknowledged that the previous permission 18/00040/FUL allowed for the part change of use of the ground floor retail unit to residential. However, this permission retained a retail frontage which would ensure a continued retail presence, contributing towards the vitality and viability of this area. The current proposal does not include any retail use and therefore would result in an unacceptable impact upon the retail offer in the area.

II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.8 The site is within an area of high accessibility where public transport can be easily reached and as such, the provision of 6 parking spaces to the rear of the premises would under normal circumstances, be acceptable. However in this case, the rear car park is accessed via a track along the side of building, measuring 18m in length by just 2.1m wide.
- 6.9 The access along the side of the property is not wide enough for 2 vehicles. As a result vehicles entering the site may be confronted with vehicles already on the access track exiting the site and this could result in vehicles stopping suddenly on Corringham Road, or even reversing back out across the footway into the road, causing a road safety hazard.
- 6.10 It is acknowledged that this access is existing. However, the proposal would likely result in an increase in the intensity of the use which increases the possibility of a situation prejudicial to highway safety. No evidence has been submitted with the application to indicate the likely number of vehicle movements and how these will be spread over the course of the day. Therefore the proposal must be assessed on the basis of the likely increase associated with a number of people visiting over the course of the day.
- 6.11 In light of the above, the Council's Highways officer has recommended refusal as the proposal would be contrary to Policy PMD2 and PMD9 of the Thurrock Local Development Framework Core Strategy due to the potential impact on highway safety.

III. DESIGN AND LAYOUT

- 6.12 The existing A1 retail shop comprises of a shop with storeroom and toilet to the rear. The proposed change of use would include the provision of an additional toilet, kitchen area and office space to the rear of the unit while the former retail space would be an open area.
- 6.13 There would be limited alteration to the appearance of the premises and no objection is raised on design grounds.

IV. IMPACT ON NEIGHBOUR AMENITY

- 6.14 Given the comments of the Council's Environmental Health Officer and subject to reasonable conditions limiting the opening hours, noise and disturbance it is considered that the proposal would not significantly impact upon neighbour amenity.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The loss of the retail unit would have a detrimental impact upon the vitality and viability of this designated central shopping area. The proposed change of use to another non A1 retail unit would unbalance the diversity of uses within this centre contrary to policy CSTP7 of the Core Strategy 2015 and saved policy SH10 of the Local Plan 1997.
- 7.2 The existing access road to the side of the building which would be used to access is substandard due to its narrow width. As a result there is insufficient room for vehicles to pass which could result in vehicles having to reverse onto the highway which would adversely impact upon pedestrian and vehicular safety. Whilst this is an existing access the increase in the intensity of its use would result in an increase in the frequency of such occurrences resulting in an adverse impact upon highway safety. Therefore the proposal would result in an unacceptable impact upon highway safety contrary to policies PMD2 and PMD9 of the Core Strategy 2015.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

1. The proposed change of use would lead to the loss of an A1 retail unit within a designated central shopping area detrimental to the vitality and viability this area. No evidence has been provided to show that there is no long term retail demand for the unit. The proposal is therefore contrary to saved policy SH10 of the Local Plan 1997 and policy CSTP7 and PMD2 of the Thurrock Local Development Framework Core Strategy (2015).

2. The proposed change of use, by reason of the increase in the intensity of the use of the existing substandard access, which is of insufficient width for 2 vehicles to pass, would result in the potential for a significant adverse impact upon highway safety contrary to policies PMD2 and PMD9 of the Core Strategy 2015.

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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