

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 **6.00 pm** on **11 February 2021**

Due to government guidance on social-distancing and COVID-19 virus the Planning Committee on 11 February 2021 will be held virtually online. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at www.thurrock.gov.uk/webcast

Membership:

Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Qaisar Abbas, Abbie Akinbohun, Chris Baker, Daniel Chukwu, Garry Hague, Victoria Holloway and Susan Little

Agenda

Open to Public and Press

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2 Minutes	5 - 24
To approve as a correct record the minutes of the Planning Committee meeting held on 7 January 2021.	
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

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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 Wendy Le, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

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Information for members of the public and councillors

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

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

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

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

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

Minutes of the Meeting of the Planning Committee held on 7 January 2021 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services
Matthew Gallagher, Major Applications Manager
Chris Purvis, Major Applications Manager
Nadia Houghton, Principal Planner
Julian Howes, Senior Highway Engineer
Lucy Mannion, Senior Planning Officer
Caroline Robins, Locum Solicitor
Wendy Le, Senior Democratic Services Officer

Before the start of the meeting, all present were advised that the meeting was being live streamed and recorded, with the video recording to be made available on the Council's Youtube channel.

77. Minutes

Councillor Rice said that the figures quoted in the Planning Committee meeting on 26 November 2020 on the number of bungalows for sale in Thurrock was incorrect and asked that these be amended.

Subject to this amendment, the minutes of the Extraordinary Planning Committee meeting held on 19 November 2020 and the Planning Committee Meeting held on 26 November 2020 were approved as a true and correct record.

Councillor Rice raised the following queries on past planning applications as a decision had been made on some of these applications (Malgraves Farm) almost a year ago:

- Malgraves Farm – when would the s106 be signed off to enable the hospice to be handed over?
- Little Thurrock Marshes – update on the s106 conditions and whether the application had been sent to the Secretary of State.
- Woodside – whether the application had been sent to the Secretary of State.

Officers explained that a decision to approve made by Planning Committee contrary to Officer's recommendations to refuse followed a set of procedural steps to provide the required information for the Secretary of State before it was referred to the Secretary of State. This included Officers formulating conditions and agreeing these along with any s106 obligations with the Applicant, the Chair and the Assistant Director. Officers updated the Members on:

- Woodview – After the approval decision made by Members on 19 November 2020, the Agent was offered the opportunity to formulate conditions to speed the process along but Officers had not received a response. Officers would be following up next week.
- Little Thurrock Marshes – Officers had been in contact with the Agent regarding the conditions and Officers would be working out the conditions this week.
- Langdon Hills – There were outstanding conditions in relation to the health and social care elements of the agreement that was fundamental to the proposal. Officers would ensure these details were included and would be sending the response to the Applicant next week.
- Malgraves Farm – the Applicant had submitted an updated s106 agreement which had some slightly unexpected changes that Officers were reviewing. A revised draft would be sent back to the Applicant next week.

The Committee discussed the above applications further and Councillor Lawrence mentioned that the Agent for 20/01051/FUL had contacted her to let her know that they were awaiting a response from Officers. The Chair would liaise further with Officers outside of Committee.

78. Item of Urgent Business

There were no items of urgent business.

79. Declaration of Interests

Councillor Churchman declared an interest on 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT as his family were members of The Springhouse Club. He would remove himself from participating and voting on the application.

Steve Taylor declared an interest on 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT as he was a member of The Springhouse Club.

80. 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

On behalf of the Committee, the Chair declared:

- Receiving an email on 20/00242/FUL from Councillors John Allen and Martin Kerin, who both supported the application.
- Receiving an email on 20/00957/FUL from John Gatrell in relation to the access road being improved.

81. Planning Appeals

There were no questions or comments from Members.

RESOLVED:

That the report be noted.

82. 20/00905/FUL Land Part of St Cleres Hall Adjacent to James Court, Stanford Road, Stanford Le Hope, Essex (deferred)

The report on pages 37 – 60 of the Agenda was presented by Lucy Mannion.

Councillor Lawrence asked whether a solution had been provided for the issues at the traffic light junction where cars were 'bumping up' the kerb to park in front of the site. She also asked if the Applicant had provided Very Special Circumstances (VSC) as the site was on Green Belt (GB). Lucy Mannion explained that the highways issue had been considered at the site visit and that it was an existing right of way due to the garages adjacent to the site. The issue of cars 'bumping up' the kerb had stopped and had happened a few times previously. She went on to say that the site was GB but needed no VSC as it fell within an exception in the NPPF so did not constitute inappropriate development in the GB.

Councillor Sammons did not feel the issue of cars 'bumping up' the kerb had been resolved as she had seen a large lorry on the site visit 'bump up' the kerb for a delivery. The Chair sought clarification on the bins collection point; access to the site; and if a taller fence had been installed. Julian Howes explained that a knee high rail had been installed and that the temporary access from London Road would be turned into landscaping. Following on from that, a new rail would be installed at the end where it joined to London Road, to prevent vehicles from driving onto the grass verge. The Highways Team was unable to do this yet as vehicles were allowed to access the temporary car park there.

Regarding the bins collection point, Lucy Mannion would look into this. The Chair thought the landscaping of the temporary access would resolve the bins collection issue. He went on to say that the application was to be approved, it would be on the proviso that the bins collection issue and access issue would be resolved. The Committee further highlighted their concerns over the access which they felt should be resolved and that road infrastructure was important. Members felt the application should be deferred to enable the Applicant to resolve these issues. Councillor Lawrence felt the proposal was

not in keeping with the area or with St Clere's Hall which was next to the site and built in 1735. She questioned the development position of St Clere's Hall. Members also questioned whether the access could be blocked off to enable the users of the garage to access it only.

Julian Howes explained that currently, users were using the access road that was in front of the properties on London Road which was over a drop kerb and there was no 'bumping over' kerb as it had been stopped. Once the development was completed, access to the development would be via the existing St Clere's Hall golf course and if needed, fencing would be installed at the end of the grass area to prevent access from that direction entirely.

Lucy Mannion added that the access had a right of way for users of the garage which was wide enough for delivery vehicles but the access could not be blocked off. She said that St Clere's Hall was a listed building so could not be developed and that factors outside of the site's red line boundary could not be considered within this application. She mentioned that the Council's Enforcement Team had gone to the site and the area where there had been issues of cars parking there. Fencing had been installed there for a few months now and this issues was now resolved and people were parking around the rear of the site now.

Councillor Byrne said that he was currently receiving emails from people that stated that cars were still parking in that area. Councillor Sammons said that she was told that vehicles would still be able to access the first two properties on that access road even if fencing was installed there. She commented that the access for the last house on that block should not be applicable to the proposed dwellings and that vehicles should be accessing at the back where there was ample parking.

The Chair commented that car parking was an issue that most developments faced. He questioned how the developer could resolve this as it was outside the site's red line boundary and whether this was a Council issue. Lucy Mannion answered that it was not a Council issue and the application could potentially resolve the situation with the conditioned landscaping scheme and fencing. It would be difficult to stop delivery vehicles from using the access road but the residents on the adjacent development should be accessing round the back of the site as the Applicant had to close off the front area as enforced by the Council's Enforcement Team. If the fences had been removed, the Council's Enforcement Team would need to visit the site again.

Councillor Lawrence thought the car parking issue lay with the Applicant and not the Council. She felt the application was an 'add-on' application and was not part of the original planning permission with the first development. She thought that landscaping had been part of that first development as it was supposed to blend in with St Clere's Hall but the Applicant was now choosing to add more homes in which would cause more issues as people were accessing the area regularly. She felt that there would be an increased burden in the area at the traffic lights junction and was concerned it would affect emergency vehicles if they needed to use it.

The Chair proposed the Officer's recommendation of approval and there was no seconder. The Officer's recommendation of approval was rejected.

Members proposed that the application should be deferred to enable the Applicant to find a practical and agreeable solution for the access road issue and for more car parking spaces. Councillor Rice proposed this and was seconded by the Vice-Chair.

(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).

FOR: (7) Councillors Tom Kelly, Mike Fletcher, Gary Byrne, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

AGAINST: (1) Councillor Angela Lawrence.

ABSTAINED: (0)

The application was deferred.

83. 20/00957/FUL Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH (deferred)

The report on pages 61 – 80 of the Agenda was presented by Nadia Houghton.

Members raised queries over the collection point for the bins as the photos in the Officer's presentation showed bins in the proposed vehicular access road. Members questioned whether the refuse vehicles could reverse into that road and drive back out. Members mentioned that an email received by the Committee from the Applicant, John Gatrell, had suggested that the bins could be moved closer to the site's entrance and asked if bins could be left at the entrance to the site.

Nadia Houghton explained that the bins that were currently on that road related to the new build bungalows and was serviced from Farm Road by a refuse vehicle. The proposed development was to the rear of that site and it was expected that refuse collection would be serviced entirely from its own site. She was unable to comment on John Gatrell's email as Officers had not received this. She went on to say that there had been no other details received in regards to bin provision from any other location on the site. It was not ideal for refuse vehicles to collect bins from Farm Road as it could lead to further congestion on the road given the proposal could result in a total of fourteen dwellings located on this short stretch of road that would cause congestion and potentially block off the access and the road. Julian Howes confirmed that the Highways Team had asked the Applicant to clarify if vehicles could get into the access road and be able to turn around to get out but had not received further details on this. If vehicles could do this, the

Highways Team would find this acceptable as long as there was also appropriate visibility when vehicles exited the development as well.

Members commented that the issue of the refuse vehicles accessing that road could be resolved through s106 planning conditions if the application was approved and that the issue of the GB had to be considered. Members pointed out that some refuse vehicles stopped in the middle of the road to collect bins and Farm Road had little traffic and it would not be likely that all 14 cars would exit the site simultaneously. Steve Taylor mentioned that he had seen a refuse vehicle u-turn in the road and reverse down Farm Road before coming forward to pick up the bins.

Nadia Houghton clarified that she had referred to the 14 dwellings in her presentation earlier and not 14 cars. The concern was that the proposal had inadequate access that enabled servicing of the site and general access to the site. She went on to explain that the second reason for refusal was not in regards to bin access or storage, it was about the safety of the access in Farm Road which was a narrow road that was not wide enough for refuse vehicles to swing into. There were highway safety concerns despite the adept and creative driving undertaken by refuse vehicle drivers.

Councillor Sammons mentioned that photos had been received that showed the road had been widened. Nadia Houghton answered that no further details had been received from the Applicant and she referred Members to a recent photo of the road which showed that Farm Road had recently been resurfaced and showed a passing space or layby but was single width. Councillor Rice commented that this showed the road had been widened and thought that two cars could fit on the road.

Steve Taylor commented that the original development had proposed development at the front of the site to gain approval and had not included the rear of the site that was GB as a whole application which may or may not have been accepted. He thought the approach that the Applicant had taken was distasteful.

Councillor Lawrence did not think the site was an open GB site as it was enclosed so it was not a usable site. The proposal was for bungalows for over 55s which was needed and she had seen inside the proposed bungalows which were specific and laid out well for people who wanted to retire in a quiet area that was off-road. She thought this was an exceptional circumstance.

Councillor Rice pointed out that the Council did not have a five year housing supply; no 20% buffer; and failing on its yearly housing targets. He said that Members recognised the harm to the GB but also that elderly people had the right to live in custom built homes. There were accessible facilities close by on Defoe Parade so the site's location was not remote. Thurrock also had an elderly population that was expected to increase and there had been no local objections.

Caroline Robins said that if Members were minded to approve the application, the balancing exercise had to be undertaken and Members must acknowledge the harm which Councillor Rice had mentioned. However, Members had to address both reasons for refusal which was that the harm was substantial to the GB and that the visibility display was insufficient.

The Chair proposed the Officer's recommendation of refusal and was seconded by Councillor Byrne.

(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).

FOR: (3) Councillors Tom Kelly, Mike Fletcher and Gary Byrne.

AGAINST: (5) Councillors Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

ABSTAINED: (0)

The Officer's recommendation of refusal was rejected.

Councillor Rice said that Members recognised the harm to the GB and proposed to approve the application for the following reasons:

1. The Council did not have a five year housing supply/buffer/ failing housing targets;
2. The application would provide employment through the construction phase;
3. The location benefits from local amenities;
4. Lack of provision for older people's accommodation in the Borough;
5. The site is on a bus route.

Councillor Rice added that the second reason for refusal could be addressed by deferring the application so it would provide opportunity for the applicant to provide Officers with the requested information relating to the access arrangements, which would enable Officers to consider the acceptability of the access and / or the appropriateness of using a condition.

Councillor Lawrence added that:

6. Exceptional build quality for older person accommodation

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, section 7 and said that the reasons given were generic and it was unclear what weighting had been given to justify why the development should be approved on the GB. He highlighted that the Applicant had not put forward that the proposed bungalows would be for over 55s and the reasons Members had given did not constitute VSC. If Members were still minded to approve the

application, a report would be brought back to Members as per procedures to highlight the implications of approving the application contrary to Officer's recommendation of refusal. The Case Officer would also need to liaise with the Applicant in regards to the access arrangements as an s106 could not be used for this but a condition would be an appropriate mechanism.

Councillor Rice proposed the alternative motion and was seconded by Councillor Lawrence.

(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).

FOR: (5) Councillors Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

AGAINST: (3) Councillors Tom Kelly, Mike Fletcher and Gary Byrne.

ABSTAINED: (0)

As Members were minded to approved the application, a report would be brought back to Members as per procedures to highlight the implications of approving the application contrary to Officer's recommendation of refusal.

84. 20/00623/FUL Waterworks, High Road, Fobbing, Essex, SS17 9JW (deferred)

The report on pages 81 – 156 of the Agenda was presented by Chris Purvis. An updated version of Appendix 1 was circulated to Members and uploaded on the Council's website.

The Committee agreed to suspend standing orders at 8.17pm to enable the Agenda to be completed.

Councillor Rice noted that Network Rail did not have objections to the application and he asked if the half barriers were sufficient for 170 new houses. He said that Members objected to the half barriers and asked whether a s106 condition could be added to resolve this issue. He noted that it was mentioned that there were 400 lorry movements a day although some Members did not see a lorry move whilst on the site visit. Chris Purvis explained that Network Rail was responsible for the railway barriers and that the Council had been in contact with Network Rail to establish whether they would install alternative barriers. Network Rail confirmed that they had no objection and were not looking to change the barriers so Members would be determining the application with the barriers as they were. The half barriers were the responsibility of Network Rail and the Council had no authority to change these so adding an s106 condition would be difficult. He went on to explain that there could have been lorry movements seen on the other Member site visits *(Clerk's note - these had been separated into groups following national government guidelines in the COVID-19 pandemic)* and that

the movements stated within the report was accurate and had been considered as part of the Officer's recommendation.

Councillor Shinnick supported the proposal. She was pleased to see that the access had been moved further along the road which would take the pressure away from the railway barriers. Councillor Lawrence thought the access was still too close to the bend so an accident could still occur particularly when the barriers were down. She was still concerned on the half barriers particularly as foot traffic would increase with the development and she suggested that the Applicant could contribute some funds towards full barriers. She also disputed the lorry movements as the site was run down and did not have much activity although this would increase if the development was there. She sought clarification as to why Basildon Council objected to the application as she objected to the application for the reasons of the half barriers being in place and the increase of traffic that the development would have an impact on the roundabouts in the area. She also pointed out that the affordable homes proposed was near the railway line which was not a nice location. She thought the application could be approved with certain conditions otherwise it should be deferred until the issues she mentioned was resolved.

The Chair pointed out that the half barriers were Network Rail's responsibility and could not ask for the Applicant to contribute funds for a new barrier and that the access had been moved to a more suitable location. The Vice-Chair agreed and said that there were similar sized developments with similar crossings so it should not be a reason to refuse the application. He suggested that Members could make representations to Network Rail to ask that they consider investing properly in the railway barriers. Chris Purvis explained that the option of contributing funds towards full barriers had been discussed with Network Rail but they were clear that they would not replace the half barriers. He said that there were no objections from Network Rail so was unsure what a letter representation could do.

The Vice-Chair questioned whether the Applicant was confident that the half barriers in place would be sufficient given that the site was going to have an increase in people using the crossing particularly on foot. He also sought this assurance from Network Rail. The Chair added that the letter would highlight Members' concerns over the half barriers and it would be an issue for Network Rail to address. He went on to say that if Network Rail chose not to address the concerns, then they would be liable should a situation occur on the crossing. Chris Purvis said that Members' concerns could be raised with Network Rail again. He advised that Members may wish to do this before determining the application and defer the application because once approval was given, it would be difficult to resolve those concerns afterwards. Leigh Nicholson said that a letter could be sent to Network Rail with Members' concerns.

Councillor Byrne said that the site was a scrapyard which the Agent had said would take a year to clear and that there were no objections. He thought affordable housing in Fobbing was not possible and that the £66,000 NHS contribution was an insignificant amount. However, he felt the location was

great for the SS17 postcode so he was supportive of the application. Councillor Lawrence reiterated her concerns and said that the relevant parties needed to work together to ensure the crossing was safe before an approval.

The meeting was adjourned at 8.37pm due to technical issues and recommenced at 8.45pm.

Councillor Potter and Rice also highlighted their concerns on the half barriers and suggested that the Council and the Applicant contribute funds to Network Rail to enable them to make the crossing safer. The Committee discussed deferring the application to enable the issues to be resolved and it was highlighted that the pressure was on Network Rail and not the Applicant as the Applicant would not be able to do anything with the half barriers. The Vice-Chair suggested that Network Rail show statistics to show if the half barriers they had in place were sufficient which would provide reassurances to Members.

Leigh Nicholson explained that there were no objections from Network Rail and the Council could not force them to make changes to the half barriers which were the responsibility of Network Rail. Planning conditions and s106 could only be used to make a development acceptable in planning terms which needed a harm to be mitigated and an objection to address. As there was no objection from Network Rail, there were no grounds for the Council to put in a condition or offer funds from the development towards the objection. He said that a letter would be sent to Network Rail as Members requested and the wording of the letter would be cleared with the Chair. The letter would highlight Members' concerns and request for the crossing to be improved for the safety of pedestrians. Officers would liaise with the Applicant and potentially have a joint letter sent.

The Chair proposed the Officer's Recommendation A and was seconded by Councillor Shinnick.

(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).

FOR: (4) Councillors Tom Kelly, Mike Fletcher, Gary Byrne and Sue Shinnick.

AGAINST: (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

ABSTAINED: (0)

Following Constitutional procedures, the Chair had the casting vote in a tied vote and Recommendation A was passed.

The Chair proposed the Officer's Recommendation B and was seconded by Councillor Shinnick.

(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).

FOR: (4) Councillors Tom Kelly, Mike Fletcher, Gary Byrne and Sue Shinnick.

AGAINST: (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

ABSTAINED: (0)

Following Constitutional procedures, the Chair had the casting vote in a tied vote and the application was approved. Officers would send a letter to Network Rail as mentioned.

85. 20/00242/FUL Tilbury Football Club, St Chads Road, Tilbury, RM18 8NL

The report on pages 157 – 202 of the Agenda was presented by Matthew Gallagher.

The Chair thought the proposal was good but questioned why there were no affordable homes. He noted that 1.7 car park spaces per dwelling was suggested and that the site was not near a train station. He questioned if car park spaces could be increased. Matthew Gallagher confirmed that there was no affordable housing and it was not a factor that weighed in favour of the proposal. The cost of a new football stadium was a factor and the viability assessment had showed that there was no money left over for affordable housing. If Members sought to approve an application without affordable housing, the Council's Core Strategy highlights that this would could be justified through a viability appraisal. But Members were reminded that this case was different to previously approved GB applications where Members had highlighted the need for affordable housing and this factor had been promoted as contributing to very special circumstances.

Regarding car parking spaces, Matthew Gallagher referred to the table on page 160 of the Agenda and said that the detailed level of car parking provision would be settled through any reserved matters submission. However, the Applicant was not seeking that detail at this stage, they were seeking an upper limit to number of residential units which was 112. The residential layout plan was indicative and so was the number of car parking spaces of 192. If Members were minded to approve the application, a planning condition could be implemented to address car parking to ensure that the reserved matters were in line with the Council's car parking standards. He went on to say that the site was not a town centre location but was also not remote and said that if Members were minded to approve the application, they could consider travel plans to reduce any potential overspill from residential parking. Officers were satisfied that there was adequate car parking for the football stadium.

Councillor Lawrence noted the points relating to flood risk and said that there were no objections from the Flood Risk Manager and also that Amazon was

built in the same area. She accepted the harm to the GB but said that there were VSC to approve the application. She referred to a photograph of the GB which was opposite the junction of the A126 that she had sent to Members of the Committee and stated that the GB could look like that picture if it was not sorted out. She went on to say that she was supportive of the application and said that the VSC was that the football club had been there since the 1950s and was the only location that it could continue in. There were also health and wellbeing benefits and an opportunity for the Martial Academy Trust to relocate here. She said that the stadium would improve the area as well. Matthew Gallagher stated that Members needed to consider the application before them that was before the Committee only and he was unable to comment on Councillor Lawrence's picture as it was not presented to Officers earlier and without knowing the full planning history of the site, but welcomed Members to send queries on other sites or planning applications to the planning department. Councillor Lawrence felt the picture affected the current planning application as it could affect the look of the area that the site was within. The Chair acknowledged Councillor Lawrence's point and pointed out that the current application's site had to be considered within its boundaries.

Councillor Shinnick was supportive of the application and said that Tilbury needed the infrastructure instead of warehouses again. The Vice-Chair agreed and said that there was a flaw in GB thinking. Although Members recognised the harm to the GB, he said that this application was not similar to other GB applications where it was proposed homes on the GB. He felt that insufficient weight had been attributed to some of the harm in the table on page 188 of the Agenda:

- 'Securing the long term future of Tilbury Football Club' had been stated as one of the strategic objectives of the Council's current administration to ensure that all sports clubs in Thurrock had a 'decent home' which should be given moderate weight.
- The 'Community benefits' and 'Health and Wellbeing benefits' should have significant weight as statistics showed that there was a lower life expectancy and deprivation in Tilbury. Before the COVID-19 pandemic, the Council had been encouraging people to be active and this proposal was in line with this.

The Vice-Chair noted that material planning reasons would be required if Members were minded to approve. He said that these would be:

- Securing the long term future of Tilbury Football Club which was part of the Council's key strategy.
- The health benefits for the local community was part of the Council's key strategy and an identified significant need in Thurrock.

Most of the Members were supportive of the application. It was said that there were no flood issues raised so Officer's flood concerns should not be considered (Members were reminded that, subject to conditions, there were no flood risk objections); Thurrock Council did not have the funds to build a

new stadium; and; Tilbury deserved a new stadium that would be an asset where most young people would play and could help to deter crime.

Steve Taylor said that he objected to building on the GB but he noted the benefits of the proposal for Tilbury residents. Councillor Byrne pointed out that not much consideration had been given to affordable homes and commented whether Tilbury residents would be in a position to afford unaffordable housing.

The Chair agreed and said that Rightmove showed properties in Tilbury were of a lower value which needed to be taken into account. He also said that the views were not brilliant as the Amazon warehouse was north of the site and questioned what was to the south of the site as he wondered whether the costs for the proposed dwellings would be reasonable. Matthew Gallagher answered that it was a showmen's homes site and a general purpose residential site after. The Chair queried what was to the side of the site and Councillor Rice answered that it could be a travellers' site to the left upon entering Tilbury though he was not completely certain. Councillor Lawrence pointed out that herself and Councillor Liddiard had complained about the area as there was pony and track racing that was hazardous along with the selling of food on the site.

Referring back to Members' comments, Matthew Gallagher explained that the flood risk issue had not been raised as an objection and the application was to be considered on GB harm. He said that viability applied to every development proposal that the Council dealt with and if an application was not financially viable, the development would not be built. In regards to Amazon, the site was formerly within the GB which was removed through the Core Strategy (2011) through a planned release. It was also removed from the highest flood risk area. On affordable housing, he said that there was no affordable housing due to viability issues but the Council's policy enabled Members to consider the application on that basis. He reminded Members of the balancing exercise where harm had to be considered and substantial weight put on the harm. Harm had to be clearly outweighed by other considerations for VSC to exist.

The following speaker statements were heard:

- Statement of Objection: Leigh Prosho, Resident
- Statement of Support: Steve Liddiard, Ward Councillor
- Statement of Support: David Maxwell, Agent

Councillor Rice said that Tilbury was the forgotten part of the Borough and referred earlier to the weight given to the table on page 188 by the Vice-Chair. He pointed out that the Council did not have a five year housing supply; no 20% buffer; and failing on its yearly housing targets. He noted no objections on flooding issues but the Environment Agency and Flood Risk Manager requested suitable conditions to be added which he thought had significant weight. Health benefits were also important and the stadium would join Chadwell St Mary and Tilbury together. Sport England had no objections and

the site was previously developed land. The stadium would provide a home for the Martial Arts Academy.

The Chair noted that the resident's speaker statement had raised issues of water pressure and questioned if the stadium could use a different water source. Matthew Gallagher answered that the stadium would have a plastic pitch so would not need water. He went through the weight that Members had attributed to the table on page 188 and said that 'Securing the long term future of Tilbury Football Club' was not a VSC as every football club wanted to be financially stable. He went on to explain that if Members were minded to approve, the focus should be on community benefits; health and wellbeing benefits; and five year housing supply. Caroline Robins added that Members could not use 'Sport England has no objection' as a reason as a negative could not be used as a positive. She reminded Members to acknowledge that there would be substantial harm to the GB before giving weight to the reasons that outweighed that harm.

The Vice-Chair said that substantial harm to the GB was acknowledged and that the reasons for Members minding to approve the application was that there would be community benefits and health and wellbeing benefits which carried significant weight. Contrary to Officer advice, Councillor Rice felt that 'Securing the long term future of Tilbury Football Club' should still be afforded moderate weight and 'Enabling development' as significant weight as the developer was contributing a large sum of money to build a new stadium which was why there was no s106 agreements (n.b. a s106 agreement is required). He agreed with the Vice-Chair's weighting and said that there was no five year housing supply; no 20% buffer and there would be employment through the construction phase. The Chair pointed out that the large sum of money was also for the housing development that would be behind the stadium. He raised concerns on the density of the site for housing and that there would not be enough parking available. He did not wish to see residents in the area to be affected by overspill parking.

Matthew Gallagher reiterated his explanation earlier (*Clerk's note – paragraph 3 under this application*) in regards to car parking. Regarding the Chair's concerns on density, Matthew Gallagher said that it was 55 dwellings per hectare which the Council sought through one of its Core Strategy policies and the proposed housing was close to this figure. However, the site layout was indicative.

The Vice-Chair proposed the alternative motion to approve the application and was seconded by Councillor Rice. The reasons were summed up as:

- There would be community benefits and health and wellbeing benefits which carried significant weight.
- 'Securing the long term future of Tilbury Football Club' had moderate weight.
- 'Enabling development' had significant weight.
- Employment of the construction phase – planning obligations to include apprenticeships/training opportunities for Tilbury residents.

As the application proposed building on the GB, if approved, it would be subject to the usual steps of referral to the Monitoring Officer, drafting of s106 and then referral to the Secretary of State.

FOR: (9) Councillors Tom Kelly, Mike Fletcher, Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

AGAINST: (0)

ABSTAINED: (0)

86. 20/00827/FUL Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT

The report on pages 203 – 240 of the Agenda was presented by Chris Purvis.

The Chair mentioned that he had seen a news article with a headline of ‘More Homes, Less Money for the Community and Fewer Affordable Dwellings’ which was in relation to this application. Chris Purvis answered that the article was factually incorrect as there was an existing outline planning permission and s106 that required contributions as part of a tariff approach. There was a viability assessment on this application and it was identified that the figures were not similar to the required contributions in the existing s106. Phase five had identified one block of flats for affordable housing which was 10%, the same as earlier phases within the Arisdale development due to the site being brownfield land and a former commercial use. The 31 houses that would have been on this site, would not have been for affordable housing and through a viability assessment, the current proposal offered 6% of the apartments for affordable housing. Although there were more homes proposed resulting in a higher density development, the plans had been carefully designed in terms of layout and scale to avoid overdevelopment. He went on to say that the proposal would make the best use and most efficient use of the land and along with other considerations mentioned, the scheme was considered acceptable.

Councillor Rice expressed disappointment at there being 6% affordable housing as he thought that an increased density should give at least 25% affordable housing if 35% was not possible. He felt the proposal offered no benefit to the community. Chris Purvis explained that if brownfield sites did not meet affordable housing policy then the policy allows for a viability assessment to be provided by the applicant. The viability assessment had been assessed by an independent reviewer and during the application process further work on the viability position was undertaken by the viability consultants for the applicant and the Council. The independent viability consulted advised the Council that 6% affordable housing was the most affordable housing that could be offered. He went on to say that earlier phases of the Arisdale development had only 10% and that the original outline planning permission had a clause in the s106 that allowed for viability testing.

The Vice-Chair queried whether an independent reviewer had ever disagreed with a viability assessment. He also questioned whether the Applicant could invest in improving the road at the top of Arisdale Avenue as it had deteriorated with the use of heavy vehicles using that road. He also said that if the development was approved, the road would further deteriorate with the extra movement of vehicles for the site development. Chris Purvis answered that independent reviewers had disagreed with viability assessments on sites in the past. This application's viability assessment had required additional work from the Applicant through the application process to address certain points including land values. He said that land values in Thurrock were relatively low which caused difficulties in making schemes viable and achieving policy compliant levels of affordable housing amongst other issues. Regarding road improvement in Arisdale Avenue, he said that the viability assessment showed that there was no money available for anything else other than the 6% affordable housing and the other contributions detailed in the report. Julian Howes explained that as part of the original outline planning permission, a contribution was given for the improvement of the highway along Arisdale Avenue. A part of the road on Arisdale Avenue from just east of Annifer Way to Avontar Road had been improved and with the remaining funds, it would be used to improve the remaining footways; providing a properly formulated cycleway on both sides of Arisdale Avenue up to the extent of the development; and increasing kerb heights to prevent lorries parking on the kerbs. A sufficient amount would be left over that would also be for resurfacing the carriageway on the frontage of the Bellway development but not the full extent of the St Modwen development. The St Modwen development currently has a section 278 in progress for those improvements.

Councillor Lawrence expressed her disappointment in the loss of 31 semi-detached homes for families which were replaced with flats. Homes were needed for families and not flats. She felt the development site had been a long process and that at the last stage, plans were changed. She said that cycle lanes were needed for the damaged road but with all the extra cars, what would be used here instead.

Steve Taylor commented that developers should work out costs before an application was made. He guessed that developers assumed a 30% profit to be made from the development and if this was not possible, it was affordable housing to be reduced first. He commented that the developer would not lose out but it was the Local Planning Authority that did not benefit as much. He also pointed out the affordable housing was always reduced and developers were being paid large bonuses. Chris Purvis explained that a lot of factors were considered, assessed and weighed up in a viability assessment which was in-depth and required an independent surveyor to advise the Council. There was guidance on a reasonable return of 20% for the developer and this scheme was less than that.

Councillor Potter agreed with Steve Taylor and said that developers prioritised profit first and affordability at the bottom of their list. He went on to say that the road was not just damaged, it was also muddy and he asked if the Council

could require the developers to wash the wheels of their vehicles or clean the road several times a day. Chris Purvis answered that a construction environmental management plan would have been included in planning conditions in the original outline planning permission. Julian Howes added that the Highways Team regularly visited the site and had requested that more wheel washing to be undertaken. However, the main mud came from the Rural Arisings site which was outside the Council's remit but the team had been over to the site to ask them to increase their wheel washing as well as washing along Arisdale Avenue.

A speaker statement in support of the application was heard from Owain Williams, Agent.

Members were against the application and felt that 6% affordable housing was not enough. It was said that homes were needed, not flats. Councillor Rice proposed that the application be deferred to enable Officers to seek more than 6% affordable housing from the Applicant. The Vice-Chair was minded to reject the application so that the Applicant could put forward a better proposal that would be of use to the community. Leigh Nicholson advised Members to exercise caution on refusing the application on the lack of affordable housing as the viability assessment had shown that this was not possible so it would be difficult for the Council to defend Members' decision. He noted a proposal for deferral and said that this would be a positive solution and the decision could be reconsidered at the next Committee meeting.

The Chair commented that there were other reasons to consider for refusing the application which was parking standards as the proposal was below the Council's parking standards. He said density was also a concern as there were a lot of homes in Ockendon.

Members discussed deferring the application to enable developers to reconsider what they could put on the site. It was noted that the site was near Ockendon train station and demand for flats would decrease as there would be less commuters due to the changing work practices. Homes with garden spaces were needed and some Members thought the original plan for the site was better. The Vice-Chair highlighted that 'sensible changes' were expected to come back to Committee if the application was deferred. He said that a rejection would be based on concerns on the density and that the current plan was out of touch with what the local community actually needed. Councillor Lawrence felt that the original plan of 31 semi-detached houses should be brought back. Chris Purvis advised Members that the original planning permission enabled developers to build the 31 houses regardless of the outcome of this application as the original planning permission was still live.

Councillor Rice proposed the motion to defer the application and was seconded by the Chair. The reasons given were:

- To enable Officers to negotiate for more than 6% affordable housing with the Applicant.
- To review the density of the proposed development

- The proposal was not in keeping with the needs of the local community as houses were needed and not flats
- For parking spaces to be looked at as it was below the Council's Parking Standards

FOR: (6) Councillors Tom Kelly, Colin Churchman, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

AGAINST: (3) Councillors Mike Fletcher, Angela Lawrence and Gary Byrne.

ABSTAINED: (0)

87. 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT

Before the Officer's presentation, Councillor Lawrence proposed a site visit to look into the details of the site. This was seconded by Councillor Byrne who suggested a site visit for a Saturday morning when Members could view how busy the access and junction would be. Steve Taylor said that the access and junction was also usually on Friday afternoons.

(Councillor Churchman would not be participating in this item due to his declaration of interest.)

FOR: (8) Councillors Tom Kelly, Mike Fletcher, Gary Byrne, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

AGAINST: (0)

ABSTAINED: (0)

The application was deferred for a site visit.

The meeting finished at 11.32 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

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11 February 2021		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead - Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director – Planning, Transportation and Public Protection.		
Accountable Director: Andy Millard, 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: 20/00749/CLOPUD

Location: The Willows, Kirkham Road, Horndon On The Hill

Proposal: Single storey outbuilding (garage) with pitched roof

3.2 Application No: 20/00444/HHA

Location: Oak Cottage, Oxford Road, Horndon On The Hill

Proposal: Two storey rear extension

3.3 Application No: 20/00604/FUL

Location: 5 Malpas Road, Chadwell St Mary

Proposal: New dwelling to side plot adjacent to 5 Malpas Road

3.3 Application No: 20/01344/HHA

Location: 1 Fanns Rise, Purfleet-on-Thames

Proposal: Single-storey rear extension (retrospective)

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/00504/FUL

Location: Jermaine, 3 Branksome Avenue, Stanford Le Hope

Proposal: Demolition of existing single dwelling and construction of two semi-detached new build properties each with separate summerhouse outbuildings, integral garages and parking provision

Appeal Decision: Appeal Dismissed

4.1.2 The Inspector considered that the main issues to consider were the effect of the proposed development on the character and appearance of the area; and, the effect of the proposed development on highway and pedestrian safety.

4.1.3 The proposal would replace the existing modest detached dwelling with a substantial semi-detached building. The width of the proposed building would be considerable, and it would maintain only small gaps to the side boundaries. The combined width, height and depth would create a building of substantial scale, which would be accentuated further by the provision of dormer windows at second floor level. The proposal would appear bulky and its size would be out of scale with neighbouring properties in the area. By virtue of the substantial scale of the proposed building and the lack of undeveloped space around it, the proposal would appear cramped on the plot and have a dominant presence in the street scene. The Inspector also considered the lack of any meaningful soft landscaping would be detrimental to the appearance of the proposal. The Inspector concluded that the development would be harmful to the character and appearance of the area contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy (2015) and Chapter 12 of the NPPF.

4.1.4 Turning to highway safety, the Inspector noted that the proposed block plan shows that the front parking spaces would be cramped, and there are no details to show how the parking spaces would be accessed. The parking layout is such that vehicles would be blocked-in by other vehicles on the parking area. The Inspector noted that, it is apparent that there would need to be significant manoeuvring of vehicles across the pavement and the highway in order to enter and leave the proposed parking spaces. The Inspector concluded that this would cause danger to users of the highway and pedestrians, particularly given the location of the appeal site close to a road junction and dismissed the appeal.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 19/01606/FUL

Location: Winfield Heights, Old Hill Avenue, Langdon Hills

Proposal: Demolition of Existing Scout Hut, and Outbuildings and
Erection of Bungalow with Associated Grasscrete
Driveway

Appeal Decision: Appeal Dismissed

4.2.1 The main issues considered by the Inspector were: whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and whether the harm by reason of inappropriateness, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

4.2.2 The appeal site includes a dilapidated scout hut, toilet block and storage building which would be demolished as part of the proposal. The toilet block and storage building are small, utilitarian structures which are largely hidden within an area of trees and vegetation. Nevertheless, the scout hut building is more noticeable in the surroundings due to its size and position. The scout hut building has not blended into the landscape and so the Inspector found that the land subject of the appeal is within the definition of 'previously developed land'. Therefore, the question was whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.

4.2.3 The Inspector noted that the NPPF indicates openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

- 4.2.4 The Inspector considered that even if the floorspace and volume decreased, an assessment of the effect of the proposal on the openness of the Green Belt goes beyond mathematical calculations. The matter also needed to be considered qualitatively with reference to the scale, siting and general visual perception of the proposal.
- 4.2.5 The proposed dwelling would be in a more open position, noted the Inspector who felt the proposal would result in a significant increase in height and mass and would accordingly appear more visually intrusive and have a greater impact on openness than the existing development. The proposal would reduce the openness of the Green Belt and lead to the encroachment of development into the countryside, contrary to one of the five purposes of Green Belt policy, as set out in paragraph 134 of the NPPF thereby constituting inappropriate development in the Green Belt.
- 4.2.6 It was not considered that the provision of an additional dwelling unit, the use of PDL, the modest economic benefit and improved site security would overcome the harm to the Green Belt. Accordingly the Very Special Circumstances did not clearly outweigh the harm and the appeal was dismissed.
- 4.2.7 The full appeal decision can be found online.

4.3 Application No: 18/01723/FUL

Location: Winfield Heights, Old Hill Avenue, Langdon Hills

Proposal: Erection of new dwelling including the demolition of existing scout hut, outbuildings and associated resurfacing of vehicle access leading to dwelling.

Appeal Decision: Appeal Dismissed

- 4.3.1 The main issues were: whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; the effect of the proposed development on the character and appearance of the area; and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- 4.3.2 The appeal site includes a dilapidated scout hut, toilet block and storage building which would be demolished as part of the proposal. The toilet block and storage building are small, utilitarian structures which are largely hidden

within an area of trees and vegetation. Nevertheless, the scout hut building is more noticeable in the surroundings due to its size and position. The scout hut building has not blended into the landscape and so the Inspector found that the land subject of the appeal is within the definition of 'previously developed land'. Therefore, the question was whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.

4.3.3 The Inspector noted that the NPPF indicates openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

4.3.4 The Inspector considered that even if the floorspace and volume decreased, an assessment of the effect of the proposal on the openness of the Green Belt goes beyond mathematical calculations. The matter also needs to be considered qualitatively with reference to the scale, siting and general visual perception of the proposal.

4.3.5 The proposed dwelling would be in a more open position, noted the Inspector who felt the proposal would result in a significant increase in height and mass and would accordingly appear more visually intrusive and have a greater impact on openness than the existing development. The proposal would reduce the openness of the Green Belt and lead to the encroachment of development into the countryside, contrary to one of the five purposes of Green Belt policy, as set out in paragraph 134 of the NPPF thereby constituting inappropriate development in the Green Belt.

4.3.6 It was opined that the proposal would be conspicuous in the surroundings; the design would have a stark appearance and contrast with other structures nearby and the use of large areas of glazing would increase the sense of scale and domestic character of the building. There was also concern over the potential for surfacing to access the site, as a result the proposal would be out of character with the rural character of the area.

4.3.7 It was not considered that the provision of an additional dwelling unit, the use of PDL, the modest economic benefit and improved site security would overcome the harm to the Green Belt. Accordingly the Very Special Circumstances did not clearly outweigh the harm and the appeal was dismissed.

4.3.8 The full appeal decision can be found online.

4.4 Application No: 18/00551/FUL

Location: Land Adjacent Curling Lane Helleborine And Meesons Lane, Grays

Proposal: Revised proposals seeking the development of 8 no. new two bedroom semi-detached low carbon dwellings with associated access, car parking and amenity areas.

Appeal Decision: Appeal Allowed

- 4.4.1 The Inspector considered the main issue in this case were the effect of the proposed development on the character and appearance of the area; and the living conditions of the future occupiers with regard to garden areas.
- 4.4.2 The three storey dwellings would be set into the slope with a pitched roof, with parking at ground level and pedestrian access via steps or a lift to first floor entrances. The principal, front elevations would face across the access road towards Helleborine and the rear gardens would back onto Meesons Lane. The dwellings would have a uniform, contemporary appearance with external cladding materials (the appellant proposed cement-based cladding and a cement-based roof finish in the application but during the appeal has suggested various cladding options), aluminium clad timber doors and windows and metal detailing on the pedestrian access platform. The principal front elevation would be seen from Helleborine through the existing tall trees and the second floor and roof on the rear elevation would be seen through trees from Meesons Lane.
- 4.4.3 The Council and local residents considered that the scheme would not reflect the character of Badgers Dene. The estate was built in the 1980s and has a suburban character of modest, two storey dwellings set on cul-de-sac off a central spine road. Although well maintained, the Inspector commented that the existing dwellings were unexceptional in their character and appearance and saw no need to replicate or reflect their design. Furthermore, the Inspector noted, the sloping topography of the site, its setting behind tall trees and its significant degree of separation from nearby dwellings by the intervening open space distinguishes it from the estate and requires a different approach. Whilst the scale, mass, contemporary style, materials and detailing would differ from those of the two storey, brick and tile houses on the estate, given its individual context, the Inspector found that the proposed development was of a high quality design that would sit comfortably within the site and enhance its surroundings. The proposed cladding, roof finish and doors/windows were considered acceptable in principle but as full details had not been provided, the Inspector noted a condition for external materials requiring the approval of details would ensure an attractive appearance.

4.4.4 The Inspector was satisfied that, subject to conditions, which would sufficiently mitigate the impact of the development, the proposal would not cause harm regarding landscape, ecology or highway matters.

4.4.5 The Inspector concluded that the proposed development would not harm the character or appearance of the area and would accord with development plan policies CSTP22, CSTP23 and PMD2 in the Council's Core Strategy and allowed the appeal subject to conditions.

4.4.6 The full appeal decision can be found online.

4.5 Application No: 20/00123/HHA

Location: 225 Princess Margaret Road, East Tilbury

Proposal: (Retrospective) Erection of front and side wall with railings and gates

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the main issues were whether the proposal would preserve or enhance the character or appearance of the East Tilbury Conservation Area and the effect of the proposal on pedestrian and highway safety, with regard to visibility.

4.5.2 The appeal comprised waist high brick walls with brick piers and railings, together with vehicular and pedestrian gates. Due to its siting, height and appearance the scheme was considered to be a wholly incongruous element that resulted in unacceptable harm to the appearance and character of the street scene.

4.5.3 The inspector concluded that the appeal scheme fails to preserve the character and appearance of the East Tilbury Conservation Area. It therefore fails to comply with Policies CSTP22, CSTP24, PMD2 and PMD4 of the Core Strategy.

4.5.4 Turning to highway safety, the Inspector noted the enclosed space at the front of the appeal property is used for the parking of cars. As there is a significant distance between the gateway and the road the Inspector was satisfied there is sufficient visibility in respect of cars leaving the appeal site and turning onto the road. As such the chances of harm to pedestrians due to the appeal scheme were considered to be minimal, so there was no reason for dismissal on highways safety.

4.5.5 The appeal was dismissed on design grounds.

4.5.6 The full appeal decision can be found online.

4.6 Application No: 20/00595/HHA

Location: Lilly Cottage, Kirkham Shaw, Horndon On The Hill

Proposal: Demolition of existing conservatory and erection of single storey side and rear extensions with rooflights

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector considered the main issue in this case were: whether the proposal would be inappropriate development for the purposes of the NPPF and development plan policy; the effect of the proposal on the openness of the Green Belt and if the proposal is inappropriateness development whether any very special circumstances necessary to justify the development.

4.6.2 The Inspector noted that cumulatively the proposal would significantly increase the footprint, floor area and bulk of the property by comparison to the original dwelling and concluded the proposal would result in disproportionate additions and would therefore be contrary to the NPPF constituting inappropriate development

4.6.3 The Inspector noted the proposal would, due to its volume and bulk, reduce, and therefore cause Harm to the openness of the Green Belt and attributed substantial weight to this harm.

4.6.4 The Inspector concluded that there were no very special circumstances that clearly outweighed the harm caused did not exist and dismissed the appeal.

4.6.5 The full appeal decision can be found online.

4.7 Application No: 20/00600/HHA

Location: 15 Alfred Road, Aveley

Proposal: Single storey side extension

Appeal Decision: Appeal Allowed

4.7.1 The main issue relating to this appeal was the effect of the proposal upon the character and appearance of the host dwelling and the street scene.

4.7.2 The Inspector noted that this end terrace corner property had been subject to an application for a dwelling development which was refused and subsequently dismissed at appeal. The appeal proposal was considered to be materially different to the previous scheme and would be narrower and

lower than the existing property. The Inspector noted the proposal would be sited away from the side boundary and the front elevation set behind the front building line of the terrace. The combination of these factors, the Inspector stated, would retain the spaciousness of the corner plot.

4.7.3 The Inspector concluded that the proposal would not be harmful to the character of the host building or immediate street scene and the appeal was allowed subject to three conditions relating to the development being built in accordance with the approved plans and materials

4.7.4 The full appeal decision can be found online.

4.8 Application No: 19/01184/FUL

Location: Land South Of Allotment Site And Adj 130 Heath Road,
Chadwell St Mary

Proposal: Permanent siting of park home with associated
hardstanding and landscaping

Appeal Decision: Appeal Dismissed

4.8.1 The main issues in the consideration of the appeal were: whether the proposal would be inappropriate development in the Green Belt and the effect on the openness of the Green Belt; the effect of the proposal on the character and appearance of the surrounding area; and if the proposal would be inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Whether the Proposal would be Inappropriate Development and its Effect on the Openness of the Green Belt

4.8.2 The Inspector considered that the site meets the definition of previously developed land in the NPPF and the proposal can be considered as limited infilling. However, he indicated that the proposal was materially larger than any development on the site and for this reason, it was clear that the proposed dwelling and related fixed surface infrastructure would have a greater impact on the openness of the Green Belt than what currently exists on the site. The proposal was contrary to the Core Strategy and NPPF in that regard.

Character and Appearance

4.8.3 The Inspector considered the appeal site to be contained to the east by the boundary with Orsett Heath and to the north by the boundary with an allotment site and the siting of the park home would not be particularly visible

from Heath Road and accordingly the proposal would not result in material harm to the character and appearance of the surrounding area.

Very special circumstances

4.8.4 The provision of a strip of land to be provided as a highway verge to accommodate a new footpath, the removal of an existing fence and replacement with a hedge and the lack of a 5 year housing supply were not considered to be matters that clearly outweighed the harm to the Green Belt as a result of the proposal. No very special circumstances existed and the appeal was accordingly dismissed.

4.8.5 The full appeal decision can be found online.

4.9 Application No: 20/00490/HHA

Location: 6 Nutberry Close, Grays

Proposal: Single storey rear extension with three roof lights

Appeal Decision: Appeal Dismissed

4.9.1 The main issues regarding the Inspector's consideration of this appeal were whether the proposals amounted to inappropriate development in the Green Belt for the purposes of Chapter 13 of the NPPF; the effect of the proposal upon openness; and whether, if it was inappropriate development, whether any very special circumstances existed which clearly outweighed the in principle and any other harm caused.

4.9.2 The Inspector noted that cumulatively the proposal would significantly increase the footprint, floor area and bulk of the property by comparison to the original dwelling and concluded the proposal would result in disproportionate additions and therefore contrary to paragraph 145 of the NPPF and inappropriate development.

4.9.3 The Inspector commented that the proposals would, due to the volume and bulk, cause harm to the openness of the Green Belt and attributed substantial weight to this harm.

4.9.4 The Inspector considered the matters raised by the appellant, including the need to work from home and reference to another development nearby. However, the Inspector concluded that very special circumstances that clearly outweighed the harm caused did not exist and dismissed the appeal.

4.9.5 The full appeal decision can be found online.

4.10 Application No: 20/00251/FUL

Location: 32 Lancaster Road Chafford Hundred

Proposal: Demolition of existing double garage, subdivision of existing plot and the construction of a new detached dwelling, including off-street parking, private garden amenity space and associated development

Appeal Decision: Appeal Dismissed

- 4.10.1 The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the living conditions of future occupiers with particular regard to private amenity space.
- 4.10.2 The Inspector found that the scale and positioning of the dwelling within the proposed plot left very little space about the building and that the scale and siting of the proposal in relation to the plot size and its positioning close to its rear boundary would lead to the development having a somewhat cramped and discordant appearance.
- 4.10.3 The Inspector considered the location of the majority of the garden space to the side of the dwelling would further emphasise the limited depth of the plot and the cramped appearance of the proposed dwelling and that the siting of the dwelling in such a tight plot would appear at odds with the prevailing more open form of development within the vicinity, and thus would cause harm to the character and appearance of the area, which would be clearly visible from users of the footpath and from Lancaster Road.
- 4.10.4 In addition the private amenity space was found to lack sufficient depth to provide an adequate and attractive area for future occupants to utilise as a private garden area.
- 4.10.5 The quality of the amenity space would be further reduced through the land rising towards the footpath at the rear, the presence of mature trees within the site and its use for the storage of refuse bins. This led the Inspector to conclude that the private amenity space would be a rather enclosed area that would be neither an adequate nor attractive space for future occupiers of the proposed dwelling.
- 4.10.6 Thus the Inspector found the development would result in harm to the character and appearance of the area and the living conditions of future occupiers. It would be in conflict with the Core Strategy and the NPPF which seek, amongst other things, to ensure that developments contribute positively to the character of an area and provide a high standard of amenity for future users.
- 4.10.7 Although the proposal would boost housing supply, it would only be by one unit and the harm to the character and appearance of the area and the living conditions of possible occupiers was serious and outweighs the benefits of

the scheme when assessed against the policies in the NPPF taken as a whole. As such the presumption in favour of sustainable development as envisaged by the NPPF does not apply in this case.

4.10.8 For the reasons given above, and having regard to the development plan when read as a whole, the appeal was dismissed.

4.10.9 The full appeal decision can be found online.

4.11 Application No: 19/01206/FUL

Location: Green House, Robinson Road, Horndon On The Hill

Proposal: Permission to build two detached 3 bedroom bungalows
Each will have a bathroom, lounge, kitchen/diner, utility room, ensuite and hallway. The walls will be a combination of stone and render with a slate roof.

Appeal Decision: Appeal Dismissed

4.11.1 The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect on the openness of the Green Belt and whether the harm by reason of inappropriateness would be clearly outweighed by other considerations, and whether these matters would amount to the very special circumstances required to justify the proposal.

4.11.2 The Inspector found the proposal was inappropriate development as it did not constitute infilling within a village, and the Inspector concluded the location was not within a village as required within paragraph 145. The Inspector also found that the proposal would result in a loss of openness which would be harmful. The Inspector also concluded that the proposed development would have an adverse effect upon the character and appearance of the surrounding area.

4.11.3 The Inspector concluded that the other considerations in the case did not clearly outweigh the harm and that the very special circumstances necessary to justify the development in the Green Belt did not exist.

4.11.4 The proposal was found to be contrary to the Core Strategy and the NPPF.

4.11.5 The full appeal decision can be found online.

4.12 Application No: 20/00345/HHA

Location: The Willows, Kirkham Road, Horndon On The Hill

Proposal: Single storey rear extension

Appeal Decision: Appeal Dismissed

4.12.1 The main issues were: whether the proposal is inappropriate development for the purposes of the NPPF and development plan policy; the effect of the development upon the openness of the Green Belt; and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.12.2 The Inspector agreed with the Council that the extension would exceed the reasonably sized room allowance as outlined within Policy PMD6 and would represent a disproportionate addition to the building owing to it resulting in a substantially greater form and massing when compared to the sizes of the original dwelling and would conflict with the Core Strategy and the NPPF.

4.12.3 The Inspector noted the increase in built form would be readily apparent from Kirkham Road owing to the availability of views of the side elevations of the proposed extension and this arrangement would erode the physical character of openness arising from the increase in built form. In addition, the increase in built form, would also erode the spatial quality of openness that is an intrinsic feature of the Green Belt and the Inspector concluded that the proposed development would have an adverse effect upon openness. The development, in this regard, would conflict with the Core Strategy and the NPPF.

4.12.4 The Inspector did not find any matters put forward amounted to the very special circumstances necessary to justify the development. Accordingly, the appeal was dismissed.

4.12.5 The full appeal decision can be found online.

4.13 Application No: 20/00488/FUL

Location: 1 Quarry Mews, Purfleet

Proposal: Retrospective planning permission for erection front boundary fence, the erection of side and rear boundary wall with the change of use from amenity land to residential use

Appeal Decision: Appeal Dismissed

4.13.1 The Inspector considered that the main issues were the effect of the development upon highway safety; and the effect of the development upon the character and appearance of the surrounding area.

4.13.2 In relation to highway safety the Inspector highlighted that the side wall is located immediately adjacent to the edge of the pavement and that the boundary treatment would be directly adjacent to this. It was noted that the positioning of the boundary treatments meant vehicles leaving the driveway would be somewhat obscured by other motorists and pedestrians. Furthermore, drivers of vehicles leaving the driveway would have their views of vehicles and pedestrians in Fanns Rise being somewhat obscured. In consequence, such motorists would not have sufficient levels of visibility in order to prevent such manoeuvres from coming into conflict with other motorists and pedestrians. This arrangement would erode highway safety.

4.13.3 In relation to the character and appearance of the development, the Inspector highlighted that within the area there was a varied use of boundary treatment, as such whilst re positioned the erected wall would not appear to be incongruous, particularly as other boundary treatments within the vicinity are in similar proximity to the highway. It was also noted that the enclosure of the amenity land is not injurious to the character of the surrounding area, irrespective of its permitted use.

4.13.4 The full appeal decision can be found online.

4.14 Application No: 19/00918/FUL

Location: 44 High Road, North Stifford, Grays

Proposal: Change of use from open land (nil use) to residential use in association with 44 High Road with associated plastic grass, partly constructed children's playhouse and wooden bench outside the curtilage of 44 High Road, situated to the rear of 34 and 36 High Road

Appeal Decision: Appeal Dismissed

4.141. The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect on the openness of the Green Belt and whether the harm by reason of inappropriateness would be clearly outweighed by other considerations, and whether these matters would amount to the very special circumstances required to justify the proposal.

4.14.2 The Inspector found the proposal would be inappropriate development within the Green Belt and therefore harmful. The proposal would cause harm to the Green Belt by virtue of inappropriateness. There would also be harm to the openness of the Green Belt and to one of the purposes of including land within it and this harm is given substantial weight. There would additionally be some harm to the character and appearance of the area. However, the

Inspector did not consider that with the removal of the children’s equipment the proposal would affect neighbouring amenity.

4.14.3 The proposal was found to be contrary to the Core Strategy and the NPPF.

4.14.4 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

5.1 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	4	5	4	7	0	4	3	0	14			46
No Allowed	1	0	2	2	0	0	3	1	0	2			11
% Allowed	20%	0%	40%	50%	0%	0%	75%	33.33%	0%	14.29%			23.91%

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

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

7.1 This report is for information only.

8.0 Implications

8.1 Financial

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

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Tim Hallam**
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').

8.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Strategic Lead Community Development and Equalities

There are no direct diversity implications to this report.

8.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

9.0. 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.

10. Appendices to the report

- None

<p>Reference: Thurrock Power NSIP</p> <p>Our Ref: 20/00273/DCO</p> <p>PINS Ref: EN010092</p>	<p>Site: Land to the north of the former Tilbury Power Station, off Fort Road, Tilbury.</p>
<p>Ward: Tilbury Riverside & Thurrock Park</p>	<p>Proposal: Application for a Development Consent Order (DCO) comprising of the following:</p> <p>Proposed Flexible Generation Plant comprising gas reciprocating engines with electrical output totalling 600 MW; batteries with electrical output of 150 MW; gas and electricity connections; the creation of access roads and a causeway; and creation of habitat and exchange Common Land</p>
<p>Applicant: Statera Energy</p>	
<p>Recommendation: That the Planning Committee consider and agree the content of both the Local Impact Report (LIR) forming Appendix 1 to this Report and the Written Representation (WR) forming Appendix 2 so that these Appendices can be formally submitted to the Planning Inspectorate by the statutory deadline (23 March 2021)</p>	

1.0 BACKGROUND

- 1.1 In May 2020, following a period of informal and formal consultation, Statera Energy submitted an application for a DCO with the Planning Inspectorate (PINS). The proposals within the application constitute a Nationally Significant Infrastructure Project (NSIP) as the development comprises the development of an energy producing use in excess of 50MW as set out in the thresholds of the Planning Act 2008. Consequently, an application for a DCO has been submitted to PINS who will undertake an examination and present a recommendation to the Secretary of State for a final decision.
- 1.2 PINS accepted the application in June 2020 and the 6 month period of examination is scheduled to commence in March 2021. The 2008 Act sets a 6 month period for the examination process. The process sets a number of deadlines and ‘Deadline 2’ (Wednesday 23 March 2021) sets a timeframe for the submission of a Local Impact Report (LIR) and a Written Representation report (WR) by the Council.

1.3 A Relevant Representation (RR) was submitted to PINS on 18 August 2020 and this set out what Officers considered to be the main issues raised by the application and the views of technical consultees available at that time. For information, the RR submitted to PINS identifies the following issues for consideration:

- Green Belt;
- Ecology and Nature Conservation;
- Landscape and Visual Impact;
- Heritage Assets;
- Flood Risk;
- Geology, Hydrogeology and Ground Conditions;
- Traffic and Transport;
- Air Quality;
- Noise and Vibration;
- Land Use and Agriculture, and Socio-Economics;
- Human Health; and
- Climate Change.

1.4 A Statement of Common Ground between the Council and Statera Energy (the applicant) is also being prepared. This document will confirm which 'topics' are agreed between the two parties with reference to the method of assessing impact, baseline conditions, and mitigation proposals etc.

2.0 DESCRIPTION OF PROPOSAL

2.1 A fuller description of the proposals is set out within Appendix 1. In summary the proposal submitted by the Thurrock Power Ltd is for the construction and operation of a flexible generation plant comprising of the following:

- Reciprocating engines with electrical output totalling 600MW;
- Batteries with electrical output of 150MW and storage capacity of up to 600MW;
- Gas and electricity connections;
- Creation of temporary and permanent private access routes for construction haul and access in operation, including a causeway for barge deliveries; and
- Creation of exchange Common Land and habitat creation or enhancement for protection species translocation and biodiversity gain.
- The proposed development will be designed to operate for up to 35 years.

3.0 SUBMISSION OF LIR AND WR

- 3.1 Although the Council is not the decision-making body for this application it nevertheless has a number of roles and responsibilities as 'host borough', including the submission of a LIR and WR.

Local Impact Report (LIR):

- 3.2 A LIR is defined by the 2008 Act as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. In coming to a decision the Secretary of State must have regard to any LIR submitted by the deadline. Advice produced by PINS provides guidance for the content of an LIR and the report at Appendix 1 broadly follows this advice. The report includes a statement of positive, neutral and negative impacts but, as advised by PINS, it does contain a balancing exercise between positive and negative impacts.
- 3.3 The LIR has to be submitted early in the 6 month examination period and the fixed deadline for receipt of the document by PINS is 23 March 2021. There is no flexibility in extending this deadline and it is crucial that the Committee consider and preferably agree the content of the LIR rather than deferring consideration to a subsequent meeting. It is suggested that any necessary relevant revisions to the LIR are delegated to be agreed by the Assistant Director of Planning, Transport and Public Protection so that the LIR can be submitted by 23 March 2021.

Written Representations (WR):

- 3.4 A WR is a separate document from the LIR which gives the local authority an opportunity to express an opinion on the submission. Whereas the LIR is a technical document setting out an assessment of the various impacts of the proposals, the WR is described by PINS as the most appropriate document for a local authority to set out its view on the application i.e. whether or not it supports the application and its reasons, with any accompanying evidence or documents.
- 3.5 Put simply the WR sets out the Council's view on the application, weighing and balancing the various positive and adverse effects to reach a balanced conclusion. As above, the WR has to be submitted by 23 March 2021 and there is no opportunity to extend this deadline. Therefore, it is essential that Committee consider and preferably agree the content of the WR rather than deferring consideration to a subsequent meeting. It is suggested that any necessary relevant revisions to the WR are delegated to be agreed by the Assistant Director of Planning, Transport and Public Protection so that the WR can be submitted by 23 March 2021.

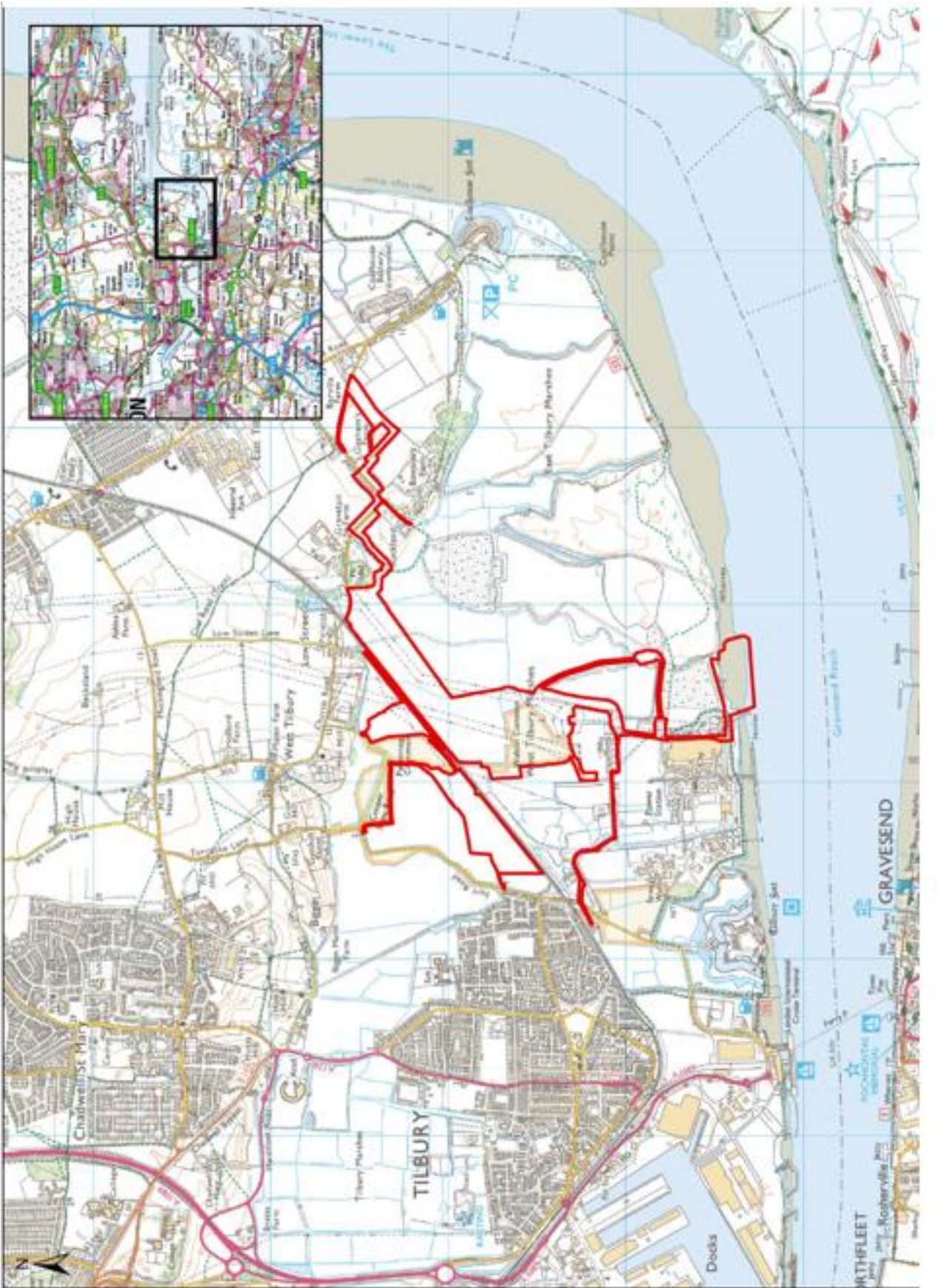
4.0 RECOMMENDATION

- A:** That the Planning Committee consider and agree the content of both the Local Impact Report forming Appendix 1 to this Report and the Written Representations report forming Appendix 2 and that these Appendices are formally submitted to PINS on or before the deadline of Monday 23 March 2021.
- B:** That any necessary relevant revisions to the content of the Local Impact Report and Written Representations report are delegated to be agreed by the Assistant Director of Planning, Transport and Public Protection so that these reports can be formally submitted to PINS on or before the deadline of 23 March 2021.

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

Planning & Growth

Thurrock Council

Local Impact Report

February 2021

Thurrock Power Ltd - Proposed Flexible Electricity Generation Plant

Planning Inspectorate Reference: EN010092

Contents

- Executive Summary
- 1. Introduction
- 2. Terms of Reference
- 3. Site Description and Constraints
- 4. Description of the Proposal
- 5. Relevant Planning History
- 6. Relevant Development Plan Policies
- 7. Consideration of Local Impacts
- 8. Consideration of Articles and Requirements of the Draft Order
- 9. Planning Obligations

Executive Summary

The table below provides a summary of the local impacts:

Material Consideration	Local Impact	Summary of the Impact and any Mitigation
Principle of the Development and the Impact upon Green Belt;	Positive & Negative	<p>Positive as the proposal would meet critical need for electricity demand, security and network resilience along with the locational factors for choosing this site.</p> <p>Negative impact upon the Green Belt as proposal would be 'inappropriate development' and would impact upon the openness of the Green Belt.</p> <p>However, factors put forward demonstrate Very Special Circumstances exist that would outweigh the harm.</p>
Ecology and Nature Conservation;	Positive & Negative	<p>The proposal would result in the loss of habitat and would impact upon protected species at the site, however, it is recognised that the areas to the north and south of the railway line would form new habitats to allow for translocation, net gain, along with improvements for accessing these areas, when compared to the difficult access arrangements to Walton Common, so there would be improvements to Green Infrastructure in the area.</p>
Landscape and Visual Impact;	Negative	<p>The proposal would lead to adverse landscape and visual impacts and consideration is needed for mitigation through careful design in regard to the proposal's impact upon the surrounding landscape and visual receptors.</p>
Heritage Assets;	Negative	<p>Precautionary approach as Negative until more information is proposed as follows:</p> <p>For archaeology further information is required because at present the submitted documents do not provide an appropriate understanding of the potential impact on the below ground archaeological deposits, their extent or significance.</p> <p>For heritage assets further information is required to address inconsistencies within the Historic Environment Desk Based Assessment (ES Vol 6:</p>

		Appendix 7.1), and there is a need to assess the grade I listed church of St Katherine, grade II listed Old Rectory and the grade II* Church of St James in the ES.
Flood Risk and Hydrology;	Negative	<p>Precautionary approach until it is clear that the Environment Agency have accepted the revised Flood Risk Assessment in regard to the second part of the Exception Test. Therefore the local planning authority may wish to make further representation once this has been received.</p> <p>The Council's Flood Risk Advisor has advised that there are a number of points of detail which need to be clarified which are summarised as follows: drainage calculations and discharge rates; details of drainage installations; drainage details such as the amount of impermeable areas; surface water flow paths; and what happens at decommissioning stage to the installed drainage. These matters will need further consideration as part of the application rather than all through the 'surface water drainage scheme' (requirement 10).</p>
Geology, Hydrogeology and Ground Conditions;	Neutral	The overall findings of the ES and the views of the Council's Environmental Health Officer for Contaminated Land identify that there are no objections raised to this consideration.
Traffic and Transport;	Neutral	The proposal's impact of the access arrangements and construction route raises no objection, and in terms of traffic impact would raise no conflict with policy. Through the 'requirements' it is recognised that the 'Construction Worker Travel Plan' would be provided to promote sustainable transport.
Air Quality;	Neutral	Subject to mitigation measures being implemented the proposal would not lead to any significant adverse effects upon air quality.
Noise and Vibration;	Neutral	Subject to mitigation measures being implemented the proposal would not lead to any significant adverse effects on receptors sensitive to noise and vibration.

Land Use and Agriculture, and Socio-Economics;	Positive & Negative	Employment creation for the construction and operational periods and improved Common Land areas that are more accessible. The only negative is some loss of agricultural land.
Human Health;	Neutral	Taking into consideration air quality, noise, traffic and the socio-economic benefits the proposal would not lead to any significant adverse effects on human health.
Climate Change;	Negative	The proposal would contribute to climate change using gas for electricity production, however, this is a flexible generating plant so it is recognised that this would not be used all the time. The battery storage would help store electricity and release to the grid when needed.

1.0 INTRODUCTION

- 1.1 This Local Impact Report (LIR) has been prepared by Thurrock Council (TC) in accordance with the requirements of the Planning Act 2008 (the Act) as amended by the Localism Act 2011. The LIR also takes into account the advice set out in the Planning Inspectorate (PINS) Advice Note One: Local Impact Reports (Version 2: April 2012). The content and conclusions of the LIR were presented to the Council's Planning Committee on 11 February 2021, with any relevant revisions after this time being agreed by the Assistant Director of Planning, Transport and Public Protection.
- 1.2 The LIR is part of the Council's response to an application submitted by the Thurrock Power Ltd for a Development Consent Order (DCO) on land directly to the north of formerly Tilbury Power Station site. The DCO would authorise, in summary, the construction and operation of a flexible generation plant comprising of the following:
- Reciprocating engines with electrical output totalling 600MW;
 - Batteries with electrical output of 150MW and storage capacity of up to 600MW;
 - Gas and electricity connections;
 - Creation of temporary and permanent private access routes for construction haul and access in operation, including a causeway for barge deliveries; and
 - Creation of exchange Common Land and habitat creation or enhancement for protection species translocation and biodiversity gain.
- 1.3 The proposed development is considered to be a Nationally Significant Infrastructure Project (NSIP) as the proposals would involve the construction of a generation station with a capacity of more than 50MW as set out in section 15(2) of the Planning Act 2008. Consequently, the proposals qualify as an NSIP for which development consent is required pursuant to section 31 of the 2008 Act.
- 1.4 As the development proposals comprise an NSIP, the application for a DCO has been submitted to the National Infrastructure Planning section of the Planning Inspectorate (acting for the Secretary of State for Communities and Local Government). The application was submitted by Thurrock Power Ltd on 28 February 2020 and accepted for examination by the Secretary of State (SoS) on 24 June 2020. A preliminary meeting took place with all parties on 20 October 2020 and on 2 November 2020 the Inspector decided that more information was required before the examination process can commence and this will now take place from March 2021 onwards.

2.0 TERMS OF REFERENCE

- 2.1 Section 60(3) of the Planning Act 2008 defines a LIR as a “report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)”. In coming to a decision, the SoS must have regard to any LIRs that are submitted.
- 2.2 The PINS Advice Note One (Local Impact Reports – Version 2 April 2012) provides guidance on the content of a LIR and confirms that the content of the LIR is a matter for the local authority concerned. The PINS Advice Note provides suggested topic headings (site description etc.) and this LIR broadly follows the suggested structure.
- 2.3 This LIR sets out the Council’s existing body of knowledge and evidence on local issues in order to present a robust assessment to the Examining Authority. As suggested by the PINS Advice Note, this LIR includes an evaluated statement of positive, negative and neutral local impacts within a structured document. This LIR also includes the Council’s views on the relative importance of different social, environmental and economic issues and the impact of the scheme on them. Finally, this LIR includes the Council’s views on the DCO articles, requirements and obligations.
- 2.4 For the purposes of this LIR the following environmental, economic and social topics will be considered:
- Principle and of the Development and the Impact upon Green Belt;
 - Ecology and Nature Conservation;
 - Landscape and Visual Impact;
 - Heritage Assets;
 - Flood Risk and Hydrology;
 - Geology, Hydrogeology and Ground Conditions;
 - Traffic and Transport;
 - Air Quality;
 - Noise and Vibration;
 - Land Use and Agriculture, and Socio-Economics;
 - Human Health;
 - Climate Change; and
 - Cumulative Impact;

3.0 SITE DESCRIPTION AND CONSTRAINTS

Introduction

3.1 The area which is the subject of the DCO and as identified as the “Order Limits” lies wholly within the administrative area of Thurrock Council (TC). The Order Limits extends to a total area of some 90.58 hectares and in total comprises areas for:

- The Main Development Site
- The Marine Area for the causeway and abnormal loads
- The exchanged Common Land and habitat creation area
- The gas and electricity connections

Site Location and Setting

3.2 The Order Limits are located to the north and east of the former Tilbury Power Station, north and south of the railway line, south to area of the River Thames, west to Fort Road, east to Station Road and as far east as Barvills Farm. The works below the mean low water line are beyond the administration area of Thurrock Council and are the responsibility of the Marine Management Organisation, Port of London Authority and the Environment Agency. The area between low and high water falls within the responsibility of these agencies but also Thurrock Council.

3.3 The main development site is currently open flat agricultural fields that are crossed by drainage ditches and three overhead power lines with steel lattice electricity pylons that are on the 400 kiloVolt and 275 KiloVolt network. It is immediately to the north of the existing Tilbury Substation and site of the decommissioned Tilbury B coal fired power station (300m away), with the River Thames a further 950m to the south. To the north (between 100m to 200m) is a section of the London, Tilbury and Southend Railway known as the Tilbury Loop, used mainly for commuter passenger services between central/east London and locations in Essex but is also used by freight trains that access the London Gateway Port. Within the main development site and other land within the order limits are areas of registered Common Land.

3.4 In addition to the main development site area for the flexible generation plant, further land is identified within the Order Limits for an underground gas connection, road access routes, a causeway, habitat creation and exchange Common Land.

3.5 In terms of the surrounding area the eastern edge of Tilbury is approximately 750 m west of the main development site, the village of West Tilbury is approximately 1 km to the north and East Tilbury village is approximately 2 km to the east. There are a small number of houses outside these settlements within around 600–800 metres of the main development site. The nearest being:

- Walnut Tree Farm, Havers Lodge and Low Street (580m north east);

- Condoovers Cottages (730m north east);
- Polwicks (740m north east);
- St James Church (790m north);
- Byron Gardens (640m west);
- Brennan Road (700m west); and
- Sandhurst Road (730m west).

3.6 The site setting is a mixture of agricultural land with small settlements and light industry to the north and east, crossed by the railway line, but more heavily developed with the power station site, associated overhead power lines, Port of Tilbury and town of Tilbury to the south and west. The landscape is generally flat, with fields typically separated by drainage ditches.

Site Constraints

3.7 The Order Limits is subject to the following land use planning policy designations as defined by the Core Strategy policies map:

- Land within the Metropolitan Green Belt (large majority of the site);
- Primary Industrial and Commercial Areas (neighbouring the western boundary with Walton Common);
- Local Nature Reserves (along the southern side of the flood defence for the River Thames where the causeway is proposed).

3.8 Some areas within the Order Limits have no land use policy designations within the Core Strategy.

3.9 The nearest ecological designations are Mucking Flats and Marshes SSSI located 0.77km from the site followed by the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site located 1.02km from the site.

3.10 There are no heritage assets within the Order Limits. The nearest Scheduled Monuments are Tilbury Fort (970m south west) 'Earthworks near church, West Tilbury' (730m to the north) and Coalhouse Fort (2.35km). The nearest listed buildings are the Church of St James, grade II* (880m to the north) and Marshalls Cottages in West Tilbury, grade II* (1.4km to the north). Within the grounds of Tilbury Fort is the grade II* Officer Barracks. The nearest Conservation Areas are West Tilbury (700m to the north) and East Tilbury (1.7km to the north east).

3.11 The majority of the Order Limit is located in a high risk flood zone, Flood Zone 3, a few areas within Flood Zone 2, and some small areas located in a low risk flood zone, Flood Zone 1.

3.12 Walton Common is Common Land within the Order Limits.

- 3.13 Public Footpath no.146 passes through the site and runs adjacent to the sea wall to the River Thames in a mainly west to east direction. Public Footpath no.200 runs to the east of the Order Limits. National Cycle Route no.13 runs close to the southern part of the Order Limit.

Cumulative Impact Sites

- 3.14 The applicant's Environment Statement (ES) process has given consideration to the cumulative impact with other developments and reference to these other sites are within the sections of the assessment of the local impacts. It is considered that the following sites are relevant to consideration of the cumulative impacts of the development:

App Ref	Site Location	Proposal	Status
Application for Development Consent Order (Ref TR03003)	Port of Tilbury and the project referred to a Tilbury 2	The creation of a roll on-roll off port terminal, construction materials and aggregates terminal and associated development	Majority of construction work completed and port partly operational
19/01274/FUL	Tilbury Sewage Treatment works	Short Term Operation Reserve (STOR) electricity generating station comprising 14 no. gas-fired generators with a capacity up to 21 MW	Planning permission granted December 2019
Application for Development Consent Order (Ref TR010032)	Lower Thames Crossing site	Development of a motorway road and tunnel underneath the River Thames approximately 14.5 miles long	Application likely to be submitted to the Planning Inspectorate
16/01232/OUT	East Tilbury/Linford	Planning application for up to 1000 dwellings	Pending consideration – no timeframe for consideration at committee
Application for Development Consent Order	The London Resort	Leisure and entertainment resort including a theme park, hotels, bars, restaurants, business space, training academy, monorail and associated infrastructure works	Live application submitted to the Planning Inspectorate at the end of 2020 currently awaiting acceptance

4.0 DESCRIPTION OF THE PROPOSAL

Introduction

4.1 In summary, the proposal would involve the construction and operation of a flexible generation plant comprising of the following:

- Reciprocating engines with electrical output totalling 600MW;
- Batteries with electrical output of 150MW and storage capacity of up to 600MW;
- Gas and electricity connections;
- Creation of temporary and permanent private access routes for construction haul and access in operation, including a causeway for barge deliveries; and
- Creation of exchange Common Land and habitat creation or enhancement for protection species translocation and biodiversity gain.

4.2 The proposals for which a DCO is sought are described in detail as a series of 14 categorised 'Works' in Schedule 1 of the Order. If approved, the Order would be known as 'The Thurrock Flexible Generation Plant Development Consent Order 202X' and would have the status of secondary legislation as a Statutory Instrument.

The Zones

4.3 The application maps split the Order Limits into different Zones A to J, also including sub zones, and the proposed 14 categorised scheduled 'Works' fall within these zones. Before considering the 'Works' it is important to understand the 'Zones' which are described in the following paragraphs:

Zone A

4.4 The 'main development site' immediately north of Tilbury Substation, within which the principal buildings or structures of the proposed development would be constructed. The gas engines, batteries, electrical switchgear (customer substations), runoff attenuation, control room and parking (up to 30 spaces) would all be within Zone A. This zone also includes land reserved for Carbon Capture Readiness (CCR).

Zone B

4.5 This is the existing National Grid Tilbury Substation. The proposed development would connect to the 275 kV circuit at this substation via underground cables crossing from Zone A into Zone B.

Zone C

- 4.6 Zone C is a corridor of land south of the railway line in which a permanent access road and underground gas pipeline would be constructed, between Station Road (which is at the north-eastern edge of this zone) and the main development site in Zone A. This would be one of two road accesses to the site, the other being via the new section of the A1089 which has been constructed as part of the Tilbury2 development and is accessed via Zone H. The route of the access road and gas pipeline within this corridor will be defined following detailed design through the 'requirements process', which is similar to the process for submission of information for the discharge of planning conditions. Up to two hectares of Zone C could be used for laydown or temporary construction compounds, if required.

Zone D

- 4.7 Zone D is split into further sub zones D1, D2 and D3. For D1 and D2 this Zone comprises sections of agricultural fields where the gas pipeline corridor would be located. For Zone D3 this would form the National Grid gas connection location and where the proposed gas compound (AGI) would be constructed. An existing high pressure pipeline crosses into Zone D3.

Zone E

- 4.8 This Zone north of the railway is currently used as agricultural land but it is proposed to be exchanged Common Land to address the loss of Walton Common through the development. This land would also be subject to a new footbridge connection to Fort Road. A route for access from Zone F2 to Zone E, across the south of Parsonage Common, would be provided for use during work to establish the Common Land and footbridge.

Zone F

- 4.9 Zone F is currently agricultural land and would be used for habitat creation or enhancement to mitigate for the permanent loss of habitat within Zone A and other areas of the proposed development. It is divided into four sub-zones (F1-4) to accommodate the habitat types proposed. Access routes for establishing and maintaining the habitat creation areas are provided from Cooper Shaw Road and Station Road. Zone F4 is located to the south of the railway line.

Zone G

- 4.10 This Zone includes all of the infrastructure required for delivery of abnormal loads via roll-on roll-off barge and transport to the main development site (Zone A). It includes the construction and operation of a permanent causeway on the foreshore of the River Thames, the dredging of a berthing pocket to enable barges to access the causeway, a local modification to the existing sea defences, and a haul road from the causeway to Zone A. The proposed haul road would comprise part of the existing private highway infrastructure on the former Tilbury B Power Station site and a new

section of purpose-built road to connect to Zone A. For part of the haul road route, two options are being considered to allow flexibility to determine the preferred option prior to construction due to recent ground disturbance in this area.

Zone H

- 4.11 Zone H comprises an existing private road through the former Tilbury B Power Station site and a re-aligned private road, as consented for the Tilbury2 development, which is proposed to provide the primary access route for construction traffic (with the exception of abnormal loads delivered via barge) from the new section of A1089 public highway being constructed for Tilbury2.

Zone I

- 4.12 This section of public highway at Station Road is subject to a Traffic Regulation Order (TRO) restricting access by vehicles of more than 7.5t in weight and it is proposed that this TRO would be suspended temporarily to allow HGV traffic access for construction of the gas connection compound in Zone D3.

Zone J

- 4.13 A temporary public right of way would be created if necessary in this zone along the existing road (where there is an existing marked recreational route). The temporary footpath would provide a diversionary route for Footpath 200 (FP200) to Station Road if it is necessary for the existing footpath where it crosses Zone D1 to be stopped up temporarily during gas pipeline construction.

Proposed Schedule of Works

- 4.14 As noted above, Schedule 1 (Authorised Development) of the Order provides a written description of a number of Works with reference to a number of Works Plans (document ref. A2.3). These Works are described in greater detail below.

Work No. 1 (in Zone A)

- 4.15 The 'main development site' (Zone A) immediately north of Tilbury Substation, within which the principal buildings or structures of the proposed development would be constructed. The proposed development is an electricity generating station and battery storage facility with a net electrical output of up to 750 MW comprising:
- 4.16 1A – A gas fired electricity generating station with a net rated electrical output of up to 600 MW consisting of –
- a) engine house building(s);
 - b) up to 48 gas reciprocating engines;
 - c) up to 48 exhaust stacks;

- d) up to 48 gas engine exhaust energy recovery systems;
- e) cooling system;
- f) air pollutant control system;
- g) lubricating oil and air pollutant control system reagent storage;
- h) a gas pre-heat, metering and pressure reduction compound; and

4.17 Reference to 'up to' is to provide flexibility and it is understood that the engines would be housed inside buildings/structures up to 20m high. Each engine would have an individual exhaust pipe but these may be grouped together into clusters of two to six exhausts. The maximum height of the stacks would be up to 40m with the final height to be determined by an Environmental Permit application to the Environment Agency. The engines would not run continuously and will be used when there is electricity network demand and this can be for short periods several times a day. The engines once started can reach full power in less than five minutes and provides more flexibility to conventional power stations where turbines are much slower to reach full power production.

4.18 1B – Battery storage facility with a net rated electrical output of up to 150 MW for four hours consisting of –

- i) storage battery houses or containers;
- j) storage inverter containers;
- k) cooling system; and

4.19 The battery storage facility comprises of battery cells, cooling and inverter to converter power outputs and these battery systems would be either housed in a building or in units that look similar to shipping containers stacked two high, in either case up to 10m tall. The battery technology can import or export large amounts of electricity with no time lag and this would help the National Grid balance loads on the electricity grid and maintain the frequency for safe network operation. The batteries can store spare renewable electricity generated during times of low demand. The batteries can store four hours' worth of power at their rated output of 150 megawatts.

4.20 1C – Facilities to serve both 1A and 1B consisting of –

- l) electrical equipment comprising 132 kV and 275 kV substations, switch houses and switch rooms, and auxiliary transformers;
- m) fire suppression system and firewater tank;
- n) an operations, maintenance and storage building;
- o) control room(s);
- p) septic tank or packaged foul treatment plant;
- q) internal roads and parking;
- r) surface water drainage;
- s) surface water runoff attenuation pond(s); and
- t) landscaping.

- 4.21 In the southern part of this site the electrical equipment would appear similar to the existing substation to the south and the connection between them would use underground cables. Also within the main development site internal access roads, car parking, a control room and a drainage system would be created. An area of land would be reserved for carbon capture readiness for potential future uses.

Work No. 2 (in Zones A and F)

- 4.22 Work No.2 comprises the creation and enhancement of onshore wildlife habitat including topsoil strip, planting, construction of ditches, mounds and banks, and enhancement of retained ditches for ecological benefit; and connection of retained ditches to Work No. 1C surface water drainage (Zones A and F). There are three separate areas: two are adjacent to Parsonage Common (F1 & F2) in agricultural land. Two other strips of land lie to north of the railway line (F3) and south of the railway line (F4).

Work No. 3 (in Zones A and B)

- 4.23 Work No.3 would be the proposed connection to the existing National Grid Tilbury Substation (Zones A and B). The proposed development would connect to the 275 kV electrical bay at this substation via underground cables crossing from Work No. 1 into Work No. 3. The connection equipment in Tilbury Substation consists of:
- a) civil works – equipment bases, cable trenching, fencing;
 - b) electrical equipment installation – current transformers, voltage transformers, high accuracy metering equipment, circuit breakers, disconnectors and emergency shutoff;
 - c) cable sealing end (where underground high voltage transmission cables join to existing overhead transmission cable) including, base, structure and terminations;
 - d) blockhouse (switch room); and
 - e) control and protection modifications for the re-equipped bay and integration to the site wide systems, including busbar protection.

Work No. 4 (in Zone A, C and D)

- 4.24 Work No. 4 is an underground high-pressure gas pipeline between Work No. 1 and Work No. 5A and gas pipeline(s) within Work No.1 (Zone A, C and D). It includes a corridor of land south of the railway line in which part of the underground gas pipeline would be constructed (with the final route of the gas pipeline within this corridor would be defined following detailed design), two crossings of Station Road, and a further corridor in agricultural land to Work No. 5. A fenced compound approximately 50m square would be built with access for vehicles off Station Road. The compound would have instrument kiosks, pressure valves and pipe inspection equipment, all no more than 5m high.

Work No. 5 (in Zone D)

- 4.25 This is a connection point to the gas National Transmission System (Zone D) comprising —
- 4.26 5A – A gas connection compound with landscaping consisting of:
- a) a National Grid Minimum Offtake Connection facility containing remotely operable valve, control and instrumentation kiosk, and electrical supply kiosk;
 - b) a Pipeline Inspection Gauge Trap Facility containing pipeline inspection gauge launching facility, emergency control valve, isolation valve, control and instrumentation kiosk, and electrical supply kiosk; and
- 4.27 5B – If required by the siting of Work 5A, a high-pressure underground gas pipeline between Work 5A(a) and the gas National Transmission System; and
- 4.28 5C – An access track and junction from Station Road with drainage and landscaping.

Work No. 6 (in Zone C)

- 4.29 Work No.6 is a permanent access road and junction from Station Road with drainage and landscaping within the corridor of the proposed gas pipeline (Zone C). The final route of the access road would be defined following detailed design.

Work No. 7 (in Zone C)

- 4.30 Work No.7 is a water supply connection to the water main at Station Road within the corridor of the proposed gas pipeline and access road (Zone C).

Work No. 8 (in Zones A and C)

- 4.31 Work No.8 comprises construction compound(s) and laydown area(s) south of the railway (Zones A and C).

Work No. 9 (Omitted from the Proposal)

- 4.32 Work No.9 was the proposed creation of saltmarsh habitat immediately downstream of the causeway (Work No. 10) using material dredged for its construction (Zone G). However, since the submission of the application for the DCO the applicant is no longer proposing these works following further discussions with the Environment Agency, Marine Management Organisation, Natural England and the Port of London Authority. Work No.9 has therefore been omitted from the proposal.

Work No. 10 (in Zone G)

- 4.33 Work No.10 is part of the infrastructure required for delivery of large abnormal indivisible loads (ALLs) via roll-on roll-off barge. These abnormal loads would consist of plant such as transformers and gas engine blocks. The causeway would be created to facilitate crane platforms extending from above mean high water springs to the foreshore and a berthing location for barges at the north bank of the Thames (Zone G).
- 4.34 The causeway would be 195m long by 12.5m wide. Working platforms for cranes would be provided at the river end of the causeway and the head of the causeway would meet the base level of the existing sea wall. A flood gate barrier system would be constructed to allow passage of vehicles onto the causeway. The causeway would have 2.5m high palisade security fencing and a gate at the landward end to prevent access onto it from the footpath. The causeway would remain in place as a permanent structure during the proposed development's operating life.

Work No. 11 (in Zone G)

- 4.35 Work No.11 comprises part of the infrastructure required for delivery of ALLs. It involves modification to the sea wall at the north bank of the River Thames to allow passage for ALL vehicles to access the causeway (Zone G).

Work No. 12 (in Zones G and H)

- 4.36 Work No.12 is an access road from the A1089 St Andrew's Road (Zone G and H) for primary access for construction traffic that is not abnormal loads comprising—
- a) repairs to carriageway defects and carriageway widening or realignment for use of existing private roads;
- 4.37 and connecting to 12(a)—
- b) engineering works and construction of new road section with drainage;
 - c) engineering works and construction of new road sections with drainage and landscaping;
 - d) engineering works and construction of new road sections with drainage and landscaping.

Work No. 13 (in Zone E)

- 4.38 Work No.13 is north of the railway, includes a footbridge, ground works and fencing for a permissive path between Fort Road and the area of new common land that comprises Work No. 14 (Zone E).

Work No. 14 (in Zone E)

4.39 Work No. 14 is the area of new common land, north of the railway, proposed in exchange for the loss of the majority of Walton Common (Zone E). It is currently agricultural land. There would be no specific habitat creation in this location, in order to prevent conflict with use as common land, but there would be incidental biodiversity benefits. Landscape planting is also proposed along the southern edge. The new Common Land would be next to Parsonage Common allowing for access from Cooper Shaw Road without crossing the railway.

Additional Works

4.40 In addition to the numbered works (1-14) described above, Schedule 1 also describes further development within the Order Limits in connection with the construction of any of those works comprising the Nationally Significant Infrastructure Project or associated development within the Order limits consisting of—

- i) retaining walls, embankments, barriers, parapets, drainage, fencing, culverts and lighting;
- ii) site preparation works, site clearance (including fencing and demolition of existing structures), earthworks (including soil stripping and storage, site levelling) vegetation clearance and remediation of contamination if present;
- iii) works to alter the position of apparatus below ground level including mains, sewers, drains and cables and also including below ground structures associated with that apparatus;
- iv) construction compounds and working sites, storage areas, temporary vehicle parking, ramps and other means of access, internal roads and tracks, construction fencing, perimeter enclosure, security fencing, construction-related buildings, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences including provision of services and utilities;
- v) landscaping, planting, tree planting and erection of permanent means of enclosure and boundary facilities including fences and gates, alteration of drains and ditches;
- vi) alteration of layout of streets to form temporary and permanent accesses, altering the level of any kerb, footway or verge within a street and surface treatments;
- vii) diversions during construction of existing access routes and subsequent reinstatement of existing routes; and
- viii) such other works, working sites, storage areas and works of demolition, as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised development,

4.41 But only insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Summary Table of Zones and Proposed Works

Zone	Zone Description	Works No.	Extent of Work
A	Main development site immediately north of Tilbury Substation	1	A. Gas fired electricity generation station development; B. Battery storage development; C. Associated infrastructure.
		2	Creation and enhancement of onshore wildlife habitat.
		3	Proposed connection to the existing National Grid Tilbury Substation; A. 275 kV high voltage underground cables; B. National Grid's existing 275/400 kV Tilbury Substation
		4	An underground high-pressure gas pipeline.
		8	Construction compound(s) and laydown area(s).
B	The existing National Grid Tilbury Substation	3	Proposed connection to the existing National Grid Tilbury Substation; A. 275 kV high voltage underground cables; B. National Grid's existing 275/400 kV Tilbury Substation.
C	Corridor of land south of the railway line	4	An underground high-pressure gas pipeline.
		6	Permanent access road and junction from Station Road.
		7	Water supply connection to the water main at Station Road.
		8	Construction compound(s) and laydown area(s).
D	Sections of agricultural fields within which the gas pipeline and National Grid gas connection compound (AGI) will be constructed	4	An underground high-pressure gas pipeline.
		5	Gas Connection Compound.
E	North of the railway is currently used as agricultural land but is proposed to be the area in which	13	North of the railway, includes a footbridge, ground works and fencing for a permissive path between Fort Road and the area of new common land that comprises Work No. 14.

	exchanged Common Land will be provided		
		14	Area of new common land, north of the railway, proposed in exchange for the loss of the majority of Walton Common.
F	Agricultural land that would be used for habitat creation or enhancement to mitigate for the permanent loss of habitat within zone A and other areas of the proposed development	2	Creation and enhancement of onshore wildlife habitat.
G	All of the infrastructure required for delivery of abnormal loads via roll-on roll-off barge and transport to the main development site (zone A).	10	Causeway with crane platforms.
		11	Modification to the sea wall at the north bank of the Thames.
		12	Access road from the A1089 St Andrew's Road.
H	Existing private road through the former Tilbury B Power Station site and a re-aligned private road	12	Access road from the A1089 St Andrew's Road.
I	Public highway at Station Road where existing Traffic Regulation Order will be suspended temporarily to allow HGV traffic access for construction of the gas connection compound in zone D3	n/a	No Works Proposed.
J	A temporary public right of way	n/a	No Works Proposed.

Construction

- 4.42 The construction process is identified to take one to two years and works could commence later this year. The application seeks flexibility so that the proposal could be built over three phases and up to a 6 year period if necessary. Details of the future construction environmental management plan would be within a number of the requirements as stated in the Order. These include the Code of Construction Practice, Construction Traffic Management Plan, Construction Worker Travel Plan and Landscaping and Ecological Management Plan.
- 4.43 The construction process would involve an estimated 250 full time jobs. Construction would take place Monday to Friday 8am to 6pm and Saturday 8am to 1pm with no planned works on Sundays or Bank Holidays

Operation and Maintenance

- 4.44 The facility is predicted to require 4-6 members of staff on site. The main functions would be controlled remotely off site. One major maintenance period and four minor maintenance visits are expected per annum requiring up to 20 staff on site.

Decommissioning

- 4.45 The application anticipates the development would have up to a 35 year lifetime. After then either another approval would be needed or the site will be decommissioned.

5.0 RELEVANT PLANNING HISTORY

5.1 The following details refer to the planning history for the Order Limits and pre submission applications:

Reference	Description	Decision
Draft Statement of Community Consultation (SOCC)	Draft Statement of Community Consultation which was subject to consultation with the Community Development and Equalities Manager	Advice Given 27.07.2018
18/4044/SCO Scoping for DCO S42 consultation	Planning Inspectorate Consultation - Scoping Report for future Development Consent Order [NSIP) - Proposal: To develop a flexible generation plant using fast start gas engines on land north of Tilbury substation to provide up to 600 MW of electrical generation capacity together with up to 150 MW of battery storage capacity and associated infrastructure	EIA Required 07.09.2018
18/01649/SCO PEIR S42 consultation	Comments required for the Preliminary Environmental Information Report (PEIR) for a future NSIP/DCO for the construction, operation and decommissioning of a gas fired flexible electricity generation plant and battery storage facility, known as the Thurrock Flexible Generation Plant.	Advice Given 07.09.2018
Draft SOCG	Draft SOCG provided November 2018 and response provided	Advice Given 28.11.2018
19/01838/SCO Additional Info (PEIR update)	Further Consultation to a future Development Consent Order [DCO/NSIP) - Two Gas Fired Electricity Generating Stations (GFEES) at 299.99MW each and a Battery Storage Facility (BSF) at 150MW to be known collectively as Thurrock Power Flexible Generation Plant	Advice Given 13.01.2020

5.2 In addition to the above the relevant planning history of Order Limits overlaps or are adjacent to other sites and their relevant history is stated below:

5.3 Tilbury Power Station:

Ref.	Description	Decision
50/00299/FUL	Access road	Approved
54/00035/FUL	132 KV substation and 33 KV compound	Approved
16/00186/DMI	Demolition of Tilbury B power station and all associated buildings and structures (including remaining structures from Tilbury A power station). The Jetty will not be demolished	Prior Approval granted
16/00848/FUL	Retention of use of land for storage of new motor vehicles for a temporary 5 (five) year period and retrospective planning permission for the laying of hardcore, improvement of concrete hardstanding, re-grading of land and formation of swale to western boundary	Approved
16/01234/FUL	Erection of 2.9m high security fencing.	Approved
17/00560/FUL	Use of land for storage of new motor vehicles for a temporary 5 (five) year period, including the laying of an anchored ground reinforcement paver to parts of the site	Approved

5.4 Port of Tilbury, known as 'Tilbury 2' adjacent to and part of former Tilbury Power Station site:

Ref.	Description	Decision
PINS ref TR030003	Application for a Development Consent Order (DCO) authorising, in summary, the construction and operation of a new port terminal with associated development (to be known as Tilbury2) on land formerly comprising part of the Tilbury Power Station site.	Development Consent Granted on 20 February 2019

5.5 Whilst still at pre-submission stage the Lower Thames Crossing site is relevant as it is within close proximity to the Order Limits for this application.

Ref.	Description	Decision
PINS ref TR010032	New road crossing connecting Kent, Thurrock and Essex. Approximately 14.5 miles (23km) in length, it will connect to the existing road network from the A2/M2 to the M25 with two tunnels (one southbound and	Application for Development Consent Order expected to be submitted to the

	one northbound) running beneath the River Thames	Planning Inspectorate
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6.0 PLANNING POLICY

Context

- 6.1 Section 104(2) of the Planning Act 2008 states that in deciding the application for a Development Consent Order the Inspector must have regard to any National Policy Statement (NPS) for the development to which the development relates, any Local Impact Report, any matters prescribed in relation to development of the description to which the application relates and any other matters considered important and relevant. The National Policy Statement for Energy, 'EN1', provides the 'Overarching National Policy Statement for Energy', 'EN2' provides guidance for 'Fossil Fuel Electricity Generating Infrastructure' and 'EN4', provides guidance for 'Gas Supply Infrastructure and Gas and Oil Pipelines'. These three national energy specific policy statements are considered in the same policy context as the NPPF and PPGs.
- 6.2 The PINS advice note for the preparation of LIRs refers to the inclusion of relevant development plan policies, supplementary planning guidance, development briefs or approved master plans. The LIR should also include the local authority's appraisal of the proposed development's compliance with local policy and guidance.

National Policy

National Policy Statement for Energy 'EN1'

- 6.3 The National Policy Statement for Energy, 'EN1', provides the 'Overarching National Policy Statement for Energy' and identifies the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply, and supporting the Government's policies on sustainable development, in particular by mitigating and adapting to climate change. This includes consideration of specific technologies, including gas supply and storage infrastructure to help meet energy demand.
- 6.4 EN1 recognises the need for new nationally significant energy infrastructure projects (Development Consent Orders) to achieved new energy developments. Paragraph 3.8 of EN1 recognises the need for significant gas infrastructure.
- 6.5 EN1 explains in the 'Assessment Principles' (part 4) section that applications should consider *inter alia* an Environment Statement, Habitat and Species Regulations, alternatives, criteria for 'good design', climate change adaption, grid connection, pollution control and health.
- 6.6 EN1 'Generic Impacts' (part 5) section lists a number of considerations that are relevant to consideration of the application and these are:
- Air quality and emissions
 - Biodiversity and geological conservation

- Civil and military aviation and defence interests
- Coastal change
- Dust, odour, artificial light, smoke, steam and insect infestation
- Flood risk
- Historic environment
- Landscape and visual
- Land use including open space, green infrastructure and Green Belt
- Noise and vibration
- Socio-economic
- Traffic and transport
- Waste management
- Water quality and resources

National Policy Statement for Energy, 'EN2'

6.7 The National Policy Statement for Energy, 'EN2', provides guidance for 'Fossil Fuel Electricity Generating Infrastructure' and as the proposal is reliant on gas for electricity production EN2 is relevant. EN2 needs to be read in conjunction with EN1 and the criteria set out above.

6.8 The relevant policies and paragraphs from EN2 are set out in 'Part 2' and this identifies that the impacts of fossil fuel generating stations shall need to consider:

- Air quality and emissions
- Landscape and visual
- Noise and vibration
- Release of dust
- Water quality and resources

National Policy Statement for Energy, 'EN4'

6.9 The National Policy Statement for Energy, 'EN4', provides guidance for 'Gas Supply Infrastructure and Gas and Oil Pipelines' and as the proposal is reliant on a gas pipeline for electricity production EN4 is relevant. EN4 needs to be read in conjunction with EN1 and the criteria set out above.

National Planning Policy

National Planning Policy Framework (NPPF)

6.10 The revised NPPF was published on 19 February 2019 and sets out the Government's planning policies.

6.11 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.

6.12 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 to achieve sustainable development.

6.13 Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

² The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

- 2. Achieving sustainable development
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Planning Policy Guidance (PPG)

6.15 In addition to the NPPF the PPG provides suite of further supporting information and guidance to a range of subject areas and of particular relevant to this application are:

- Air quality
- Climate change
- Conserving and enhancing the historic environment
- Design: process and tools
- Effective Use of Land
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Green Belt
- Historic environment
- Land affected by contamination
- Land Stability
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking

Local Planning Policy

The Development Plan

6.16 The statutory development plan for Thurrock is the Core Strategy and Policies for the Management of Development (referred to herein as the 'Core Strategy'), which was originally adopted by the Council in January 2011 and subsequently amended in 2015 following an examination of a focused review assessing consistency with the NPPF. The Core Strategy is accompanied by a Policies Map. These documents are available on-line at: <https://www.thurrock.gov.uk/current-development-plan>.

6.17 Reference is provided within policies in the Core Strategy to Site Specific Allocations DPD but following the advice of the Planning Inspectorate during 2013 the Council was advised not to progress the Site Specific Allocations DPD due to compliance issues with the then NPPF, and this remains the situation for the Borough.

Chapter 3 – The Future of Thurrock Council

6.18 The majority of the Order Limits are within the Metropolitan Green Belt and this location is not identified within the Core Strategy for any Green Belt land release.

- 6.19 Table 3 (Strategic Spatial Objectives) of the Core Strategy lists a number of Strategic Spatial Objectives including the need to minimise the impact of climate change by supporting the provision of renewable and low carbon energy sources in Thurrock and ensuring that new development incorporates climate change adaptation (SSO17).

Overarching Sustainable Development Policy OSDP1 – Promotion of Sustainable Growth and Regeneration in Thurrock

- 6.20 Following the focused review of the Core Strategy in 2015 policy OSDP1 was added to demonstrate compliance with the NPPF requiring the Council to take a positive approach that *'reflects the presumption in favour of sustainable development contained in the NPPF'*. This overarching policy sets out the Council's commitment to the sustainable growth and regeneration of Thurrock's communities. The policy therefore is consistent with the requirements of paragraph 11 of the NPPF. The policy can be viewed in the 'Core Strategy and Policies for the Management of Development: Focused Review: Consistency with National Planning Policy Framework', which was adopted January 2015.

Core Strategy Chapters 4, 5 and 6 – The Planning Policies

- 6.21 The following policies apply to the proposals:

SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP21 (Productive Land)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

Spatial Policy – CSSP2: Sustainable Employment Growth

6.22 This policy states that the Council will:

‘promote and support economic development in the Key Strategic Economic Hubs that seeks to expand upon their existing core sectors and / or provide opportunities in the growth sectors.’

6.23 The site is outside of Tilbury Town but the policy identifies ‘Core Sectors’ and for Tilbury the ‘Key Strategic Economic Hub’ is described in the policy as port logistics, transport and construction. ‘Growth sectors’ are identified in the policy as business, services, environmental technologies, recycling and energy. The Growth Sector therefore references ‘energy’, however, this policy is generally aimed at the existing urban area and previously developed land as well as the Port of Tilbury. The policy makes reference to Green Belt release to the north of Tilbury rather than land to the east/south east of Tilbury Town where the Order Limits are located. The Green Belt release has already been subject to other development.

6.24 In terms of this policy the operational phase of the development would only involve low levels of employment but the construction phase would lead to potential employment opportunities.

Spatial Policy CSSP4 – Sustainable Green Belt

6.25 This policy states that the Council will:

‘maintain the purpose function and open character of the Green Belt in Thurrock’

6.26 This is a key policy for assessing the proposal’s impact upon the Green Belt.

6.27 Point II of the policy makes reference to Tilbury Marshes and the release of Green Belt land to the north of Tilbury but the policy identifies that the Council will require

management arrangements to be put in place for the remainder of the Tilbury Marshes site that has important biodiversity interest and required mitigation measures to be implemented to replace lost habitat and flood storage areas. Such details would have been identified in adopted Sites Specific Allocations and Policies DPD, however, this DPD which has not progressed following the advice of the Planning Inspectorate (as stated above).

- 6.28 The site would form part of the remainder of the Tilbury Marshes and majority of the site is undeveloped land that is used for agricultural purposes with field boundaries including areas for biodiversity and is located within a high risk flood zone.

Spatial Policy CSSP5 – Sustainable Green Grid

- 6.29 The Core Strategy Proposals Map identifies that policy CSSP5 is applicable for certain parts of the site, these areas within the Order Limits include the railway corridor and the land to the south of flood defences to the River Thames, which extends partly into the intertidal zone.

- 6.30 This policy states that the Council and its Partners will deliver a Greengrid Strategy in a series of 8 Greengrid Improvement Zones, which includes Tilbury and East Thurrock/Rural Riverside (south of the flood defences to the River Thames) in point 2 of the policy. The policy identifies that the Greengrid will consider *inter alia* the following:

- Semi-natural green space
- Promotion and safeguarding of biodiversity and geodiversity
- Historic Environment and Heritage assets
- Strategic links and bridging points for Public Rights of Way
- Flood Risk and water management
- Mitigation of and adaptation to effects of climate change through the use of natural systems and green infrastructure assets
- Strategic views
- Broad landscape management areas

- 6.31 The key relevant part of the proposal in regard to this policy is the proposed causeway area to the land to the south of flood defences to the River Thames, which crosses an existing public footpath (no.146) adjacent to the sea wall to the River Thames in a mainly west to east direction. Map 3 within the Core Strategy also identifies 'Existing Open Space' which is the Common Land within the Order Limits. Part of the land within the Order Limits is within the East and West Tilbury Marshes Natural and Semi-Natural Green Space (NSNGS) as shown on Map 3 within the Core Strategy.

Thematic Policy CSTP6 – Strategic Employment Provision

- 6.32 Furthermore to policy CSSP2, which identifies Tilbury is recognised as a 'Key Strategic Economic Hubs', this policy seeks to '*maintain high and stable levels of*

economic and employment growth'. As stated above the construction phase of the development would create employment but the operational phase would only lead to low levels of employment.

- 6.33 Zone B within the Order Limits falls within land identified as 'employment land' on the Proposal's Map. The only element of the proposal that would cross this piece of employment land would be for the installation of high voltage cables which would be located underground, so would not impact upon future land uses as sought through the policy.

Thematic Policy CSTP14 – Transport in the Thurrock Urban Area

- 6.34 This policy identifies measures to promote the use of sustainable transport modes and is relevant as the route to the site would involve passing through some of Thurrock's urban areas, in particular the part of Tilbury nearest the Port of Tilbury for accessing this site.

Thematic Policy CSTP15 – Transport in Greater Thurrock

- 6.35 This policy requires the improvement and opportunities to use a range of transport modes to promote accessibility and movement. It is also relevant as the site falls outside of the urban area.

Thematic Policy CSTP16 – National and Regional Transport Networks

- 6.36 This policy states that the Council will work with partners to deliver improvements to national and regional networks. Relevant to this policy is the construction phase and the use of the road network including A1089, A13 and M25 for accessing the site.

Thematic Policy CSTP16 – National and Regional Transport Networks

- 6.37 This policy supports the logistics and port sectors and the positive impacts of freight activity in Thurrock. These policies are relevant to proposed construction phase and delivery of equipment, components and materials to the site.

Thematic Policy CSTP18 – Green Infrastructure

- 6.38 This policy states that the Council and its Partners will:

'restore, protect, enhance and where appropriate create its green assets. The Green Infrastructure seeks to address the connectivity between urban and rural areas in the Borough and ensure that such green assets are multi-functional in use'.

- 6.39 This policy overlaps with policy CSSP5 and the relevant parts of the Order Limits are the proposed causeway location and the public footpath for connectivity, but also the

proposed Common Land exchange area, permissive path to Fort Road and the multiple areas of habitat creation and enhancement as shown on the plans.

Thematic Policy CSTP19 – Biodiversity

- 6.40 This policy highlights the broad range of biodiversity interests in Thurrock and encourages development to include measures to contribute positively to biodiversity in the Borough. The Order Limits would not directly impact upon any nearby designated ecological sites but the site is recognised to include areas of habitat mitigation, creation and enhancement as shown on the plans.

Thematic Policy CSTP20 – Open Space

- 6.41 This policy identifies that the Council will seek to ensure a diverse range of accessible public open spaces is provided and is relevant to the consideration of the proposed Common Land exchange.

Thematic Policy CSTP21 – Productive Land

- 6.42 This policy recognises the importance of food security and will ensure the protection, conservation and enhancement of agriculture, productive land and soil in the Borough, which is relevant as the proposal would involve the loss of agricultural land.

Thematic Policy CSTP22 – Thurrock Design

- 6.43 This policy emphasises the importance of high quality design in Thurrock. The Council considers that any DCO should include measures or mechanisms to ensure the detailed design quality of buildings, structures and relevant associated development.

Thematic Policy CSTP23 – Thurrock Character and Distinctiveness

- 6.44 This policy explains that the Council will:

‘protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place’.

- 6.45 Thurrock has a varied character and the Order Limits define this area as part of the wider Tilbury Marshes landscape and this is identified in the applicant’s ‘Landscape and Visual Resources’ section of the ES. Historically land to the south was occupied by a former coal fired power station and whilst the power station has now been demolished the switchgear and associated infrastructure remain and therefore this forms part of and influences the landscape character. To the west the new Tilbury 2 development is changing the landscape character further with the associated extended port and portside uses.

Thematic Policy CSTP24 – Heritage Assets and the Historic Environment

- 6.46 This policy sets out a general objective of protecting and enhancing heritage assets. Point 2 of the policy requires all development proposals to appraise options and demonstrate that the final appraisal is the most appropriate for the heritage assets. Point 3 sets the Council's priorities for heritage and enhancement including:

ii (iv) 'promote public access between Tilbury Fort and Coalhouse Fort through riverside links'.

- 6.47 The proposed causeway element would interrupt the existing footpath alongside the sea wall. This footpath forms part of Natural England's England Coast Path, the sub-regional Thames Estuary Path and local Two Forts Way that is a coastal path and one that links Tilbury Fort and Coalhouse Fort. The applicant has confirmed that this route would remain open with 60 vehicle movements occurring during construction and a Banksman to manage walkers/vehicles.

Thematic Policy CSTP25 – Addressing Climate Change

- 6.48 This policy requires climate change adaption measures and technology and point iv refers to the need for developers to consider potential effects of climate change and specifically related to this application is the consideration of flood risk given that parts of the Order Limits are located in high risk flood zones on the Tilbury Marshes and in particular the causeway location for delivery of abnormal loads.

Thematic Policy CSTP26 – Renewable or Low-Carbon Energy Generation

- 6.49 This policy encourages opportunities to generate energy from non-fossil fuel and low carbon sources. The policy promotes a range of energy uses such as solar panels, biomass heating, small scale wind turbine, photovoltaic cells, combined heat and power, and other methods.
- 6.50 The policy would not be applicable to the proposal as gas is used as the only fuel source for generating electricity through the gas burning reciprocating engines.

Thematic Policy CSTP27 – Management and Reduction of Flood Risk

- 6.51 This policy requires flood risk management to be implemented and supported through effective land use planning and specifically related to this application is the consideration of flood risk given that parts of the Order Limits are located in high risk flood zones and in particular the causeway location for delivery of abnormal loads.

Policies for the Management of Development

Policy PMD1 – Minimising Pollution and Impacts on Amenity, Health, Safety and the Natural Environment

6.52 This policy prevents development from being permitted where it would cause or likely to cause unacceptable effects on:

- i. the amenities of the area;*
- ii. the amenity, health or safety of others;*
- iii. the amenity, health or safety of future occupiers of the site; or*
- iv. the natural environment.*

6.53 This takes account of a number of considerations relevant to this application:

- i. Air pollution;*
- ii. Noise pollution;*
- iii. Contaminated land/soil;*
- iv. Odour;*
- v. Light pollution and shadow flicker;*
- vi. Water pollution;*
- vii. Invasion of privacy;*
- viii. Visual intrusion;*
- ix. Loss of light;*
- x. Ground instability;*
- xi. Vibration*

6.54 This policy is relevant for the air quality, noise and vibration, ground conditions and the water pollution considerations.

Policy PMD2 – Design and Layout

6.55 This policy requires all design proposals to respond to the sensitivity of the site and its surroundings. Proposals are assessed having regard to certain criteria and for the purposes of this application the criteria relevant to the proposed development is listed below:

- *Character -*
- *Public Amenity space*
- *Accessibility*
- *Safety and Security*
- *Landscape*
- *Energy and Resource use*
- *Layout*

6.56 This policy is relevant for the landscape and visual impact considerations and in regard to the illustrative plans of the proposed development.

Policy PMD4 – Historic Environment

- 6.57 This policy ensures that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. This policy is therefore relevant to the assessment of impact upon the historic environment. In particular the heritage assets as defined in the 'Site Description and Constraints' section of this report.
- 6.58 This includes the nearest Scheduled Monuments of Tilbury Fort (970m south west) 'Earthworks near church, West Tilbury' (730m to the north) and Coalhouse Fort (2.35km). The nearest listed buildings are the Church of St James, grade II* (880m to the north), Marshalls Cottages in West Tilbury, grade II* (1.4km to the north) and the Officer Barracks, grade II* (within the grounds of Tilbury Fort). The nearest Conservation Areas are West Tilbury (700m to the north) and East Tilbury (1.7km to the north east).

Policy PMD5 – Open Spaces, Outdoors Sports and Recreation Facilities

- 6.59 Policy PMD5 is relevant to the proposed recreational offer within the application as part of the replacement Common Land which would allow for increased recreational opportunities to visit this land compared to the current situation with the difficulties of accessing Walton Common. This policy requires integration of new facilities into the design of development schemes.

Policy PMD6 – Development in the Green Belt

- 6.60 Policy PMD6 explains that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock in accordance with the provision of the NPPF. The policy allows for positive enhancement for beneficial use of the Green Belt for providing access to the countryside, opportunities for recreation and biodiversity, which all form part of this application.
- 6.61 The policy applies specific criteria for certain types of development and none of those are relevant to this application.

Policy PMD7 – Biodiversity, Geological Conservation and Development

- 6.62 Policy PMD7 requires development proposals to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site. The Council will seek to achieve net gains in biodiversity where such gains would be possible, with particular reference to the desirability of re-creating priority habitats and the recovery of priority species. This policy is relevant to the consideration of habitat creation and enhancement as proposed through the development.

Policy PMD8 – Parking Standards

- 6.63 Policy PMD8 requires all development to comply with the car parking standards. The proposal would create temporary car parking areas for the construction compound and would need parking provision for the operational phase of the development.

Policy PMD9 – Road Network Hierarchy

- 6.64 Policy PMD9 permits new accesses to the highway subject to meeting highway safety requirements and the proposal would result in the formation of a new/increased use of an access to the site from Station Road. The consideration of the road hierarchy is also relevant to the construction phase of the development and the route the construction traffic would take to access the site, and the impact this would have upon the local highway network.

Policy PMD10 – Transport Assessments and Travel Plans

- 6.65 Policy PMD10 requires Transport Assessments (TA) and Travel Plans to accompany applications. A TA is included within the ES documentation that assesses the impact upon the local highway network from transport from the development, which would be most intensive through the construction phase. The construction phase would also need to be subject to a Travel Plan to promote sustainable modes of transport to construction workers to the site and may be relevant for the operation phase as well.

Policy PMD15 – Flood Risk Assessment

- 6.66 Policy PMD15 requires application to be subject to the Sequential Test and to be accompanied by a site specific Flood Risk Assessment, as also required through the NPPF/PPG. Parts of the Order Limits fall within all Environment Agency Flood Risk Zones. The policy also requires that developments incorporate Sustainable Drainage Systems (SUDS). The application's ES includes an assessment flood and hydrology and the policy is therefore relevant to consideration of the application.

Policy PMD16 – Developer Contributions

- 6.67 Policy PMD16 is applied to secure planning obligations under s106 of the Town and Country Planning Act 1990 and in accordance with the NPPF and any other relevant guidance. Consideration will be given to need for any planning obligations that can help mitigate the impact of the development, if the development is considered acceptable.

Development Plan Proposals Map Policy Designations

- 6.68 The Core Strategy Proposals Map designations for the Zones and Scheduled Work area of the site are referred to in the table below:

Core Strategy Proposals Map Designation and Policies	Zones	Works No.	Comments and Analysis
Green Belt Policies CSSP4 & PMD6	All zones except B	All except 3	All works except those stated. The proposal would conflict this designation and policies CSSP4 and PMD6
Primary Industrial and Commercial Areas (west of Walton Common) Policies CSSP2 & CSPTP6	B	3	Proposed connection to the existing National Grid Tilbury Substation. The works would be underground so would not cause conflict to any policy compliant future development in this location
Along the southern side of the flood defence for the River Thames Policies CSSP5 & CSTP18	G	10 11	Causeway with crane platforms; Modification to the sea wall at the north bank of the Thames; The proposed works would case conflict with policies CSSP5 and CSTP18 through the impact upon the environment and required diversion of the public footpath

Thurrock Borough Local Plan – Saved Policies

6.69 The Borough Local Plan (BLP) was adopted in 1997 but only a list of ‘saved policies’ remain. These are referred to the applicant’s Statement of Case (document A8.3), however, having reviewed the BLP policies and the applicant’s Statement of Case it is considered none of the ‘saved policies’ are relevant to this application with the Core Strategy and the NPS/NPPF/PPG providing more up to date planning policies.

New Thurrock Local Plan

6.70 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. In December 2018 the Council began consultation on an Issues and

Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan. This remains the latest position.

- 6.71 As an evidence base to the future Local Plan the Council's Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 (Appendix C) provides the most up to date study. At present this evidence base can only be given very limited weight but for consideration of this application the site area would involve consideration of land Parcels 30, 33 and 34 from this assessment.

Other Relevant Local Planning Guidance

Thurrock Design Guide – Design Strategy SPD (2017)

- 6.72 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. It is a material consideration in the determination of planning applications and provides detailed guidance on the application of Core Strategy policies, in particular policy PMD2 (Design and Layout).
- 6.73 It is noted from the application that further information regarding the exact detail of the development would need to be secured through the 'requirements' to the DCO, however, the information provided can still be considered and commented upon with regard to the Design Strategy and this is considered in the section below.

Other Material Considerations:

- 6.74 The applicant's Statement of Case makes reference to other material considerations in the form of the following documentation:
- 6.75 'Upgrading Our Energy System, Smart Systems and Flexibility Plan, Ofgem, 2017'. It is understood that this plan refers to the need for a smart and flexible electrical system.
- 6.76 'UK Clean Growth Strategy' is understood to follow the 'Leading on Clean Growth' strategy from October 2019 referring to the Government's legally binding commitment to reach net zero greenhouse gas emissions in 2050, which will require decarbonisation in the power sector.
- 6.77 'Future Energy Scenarios', National Grid, July 2019 report explains that decarbonising energy is fundamental in the transition towards a sustainable future in seeking to reach net zero carbon emissions by 2050.

6.78 Whilst the above documents are identified as material planning considerations it is not considered necessary for the Council to comment upon these documents.

7.0 CONSIDERATION OF LOCAL IMPACTS

- 7.1 The development is considered to be development requiring an Environmental Impact Assessment (EIA), therefore the application has been accompanied by an Environmental Statement (ES). The ES considers the environmental effects of the proposed development during the stages of construction, operation and decommissioning and includes measures either to prevent, reduce or offset any significant adverse effects on the environment. The ES is accompanied by the figures and technical appendices referred to above.
- 7.2 Reference is provided in the assessment to the significant of the effect and this is based on the magnitude of the impact with the importance and sensitivity of the element of the environment. The size of an impact is described in a range from 'negligible', 'low', 'medium' to 'high', or there may be no change (a neutral impact). Taking into account the importance and sensitivity of the receptor, the resulting effect may be described using the following terminology 'substantial', 'major', 'moderate', 'minor' and 'negligible'.
- 7.3 The submitted ES and supporting documentation sets out a wide ranging assessment of the development proposal, its impacts and proposed mitigation measures. Thurrock Council accepts that the chapters of the ES identify the range of issues that are of a local concern to the authority.
- 7.4 The following section sets out the Council's view of the local impacts of the development based on the following material considerations:
- I. Principle of the Development and the Impact upon Green Belt;
 - II. Ecology and Nature Conservation;
 - III. Landscape and Visual Impact;
 - IV. Heritage Assets;
 - V. Flood Risk and Hydrology;
 - VI. Geology, Hydrogeology and Ground Conditions;
 - VII. Traffic and Transport;
 - VIII. Air Quality;
 - IX. Noise and Vibration;
 - X. Land Use and Agriculture, and Socio-Economics;
 - XI. Human Health;
 - XII. Climate Change; and
 - XIII. Conclusion
- 7.5 Consideration of mitigation measures which could address the negative impacts identified in the relevant sections are also addressed.

I. Principle of the Development and the Impact upon Green Belt

- 7.6 National Policy Statements for Energy EN1, EN2 and EN4 highlight the a need for new nationally significant energy projects and the proposal would provide a flexible electricity generating plant for producing electricity when demand is high. It is recognised that the proposal can generate electricity much faster than conventional power stations such as a coal fired and gas fired power stations.
- 7.7 The applicant's Statement of Case Green Belt Statement explains that the South East of England is experiencing greater periods of system risk to the electricity network due to the size of the population and the amount of industry in this part of the country. The applicant explains that there is a need for a more frequent standby facility in South East England than in other parts of the country and demand will only increase, particularly in Thames Gateway and South Essex Housing Market, over the next 10 years.
- 7.8 The applicant explains that the site has been chosen due to its location adjacent to the substation, which was built to serve the former Tilbury B Power Station. The substation still serves the National Grid and this location allows for development to connect to the substation in this location and provide improved capacity for the South East and London area. The location factor forms one of the applicant's factors as a Very Special Circumstance and is assessed in more detail below. Nevertheless, the need for new nationally significant energy projects is not disputed.
- 7.9 With the exception of Zones B, H and the western corridor to Zone G, the rest of and the majority of the site lies within the Green Belt.
- 7.10 With reference to the Green Belt, NPS EN1 reiterates the Government's position on Green Belt policy as also set out in paragraph 133 of the NPPF identifying that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness and their permanence'*. This puts the emphasis on applicants to demonstrate that there are factors leading to 'Very Special Circumstances' for overriding inappropriate development and the loss of openness within the Green Belt.
- 7.11 In terms of the Development Plan, 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 and are consistent and are in accordance with the requirements of the NPPF.
- 7.12 In terms of the NPS, NPPF and Core Strategy policies, it is necessary to consider 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

- 7.13 Paragraph 5.10.10 of the NPS EN1 establishes ‘a general presumption against inappropriate development’ in the Green Belt and is consistent with paragraph 143 of the NPPF, which defines ‘inappropriate development’ as definitional harm to the Green Belt and should not be approved except in Very Special Circumstances. Paragraph 5.10.17 of the NPS EN1 identifies that ‘energy infrastructure projects are likely to comprise ‘inappropriate development’ and therefore the determining authority will need to assess whether there are Very Special Circumstances to justify inappropriate development as the determining authority ‘will attach substantial weight to the harm to the Green Belt when considering any application for such development’.
- 7.14 Paragraph 145 of the NPPF allows for ‘exceptions’ for development in the Green Belt, however, all proposed buildings and structures constitute inappropriate development so none of the ‘exceptions’ set out in paragraph 145 apply.
- 7.15 Paragraph 146 of the NPPF considers that other certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Relevant to this application are:
- (b) engineering operations;*
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*
- 7.16 For the purposes of paragraph 146 there are a number of engineering operations, such as a new access road, that are applicable, so (b) applies, and the provision of replacement Common Land, permissive paths and biodiversity creation/enhancement is considered in regard to (e). Furthermore, the NPS EN1 considers that the installation of an underground pipe may be considered as an ‘engineering operation’ and identifies that the determining authority can attach substantial weight to the harm to the Green Belt when considering any application for such development whilst taking account of linear infrastructure that has no limited or no impact upon the Green Belt.
- 7.17 Policy PMD6 also includes ‘exceptions’ but none of the ‘exceptions’ listed in the policy apply to the proposal.

7.18 The table below assesses each of the Zones and Scheduled Works in regard to whether the development is ‘inappropriate development’ and in regard to the ‘exceptions’ from paragraph 146 of the NPPF.

Zone	Works No.	Extent of Work	In the Green Belt?	Inappropriate Development? And Any Comments
A	1	A. Gas fired electricity generation station development; B. Battery storage development; and C. Associated infrastructure;	Yes	Yes, these works would have a substantial impact upon the Green Belt. Some elements of 1C are not inappropriate development such as the access road, and drainage system as the NPPF paragraph 146 (b) applies.
	2	Creation and enhancement of onshore wildlife habitat	Yes	No, as this would appear as a natural part of the landscape in the Green Belt. NPPF paragraph 146 (b) applies.
	3	Proposed connection to the existing National Grid Tilbury Substation: A. 275 kV high voltage underground cables; B. National Grid’s existing 275/400 kV Tilbury Substation	Yes	No, an engineering operation for Works 3A and NPPF paragraph 146 (b) applies. Construction impacts on the Green Belt would be temporary in nature. Works 3B are not in the Green Belt.
	4	An underground high-pressure gas pipeline	Yes	No, an engineering operation, NPPF paragraph 146 (b) applies. Construction impacts on the Green Belt would be temporary in nature. All these works would be underground so would not impact upon the Green Belt.
	8	Construction compound(s) and laydown area(s)	Yes	Yes, but temporary areas so can be removed when construction is complete.
B	3	Proposed connection to the existing National Grid Tilbury Substation:	No	Zone B constitutes previously developed land outside of the Green Belt.

		A. 275 kV high voltage underground cables, B. National Grid's existing 275/400 kV Tilbury Substation		
C	4	An underground high-pressure gas pipeline	Yes	No, an engineering operation so NPPF paragraph 146 (b) applies. Construction impacts on the Green Belt would be temporary in nature. All these works would be underground so would not impact upon the Green Belt
	6	Permanent access road and junction from Station Road	Yes	No, an engineering operation, NPPF paragraph 146 (b) applies.
	7	Water supply connection to the water main at Station Road	Yes	No, an engineering operation and all underground so would not impact upon the Green Belt.
	8	Construction compound(s) and laydown area(s)	Yes	Yes, but temporary areas so can be removed when construction is complete.
D	4	An underground high-pressure gas pipeline	Yes	No, an engineering operation so NPPF paragraph 146 (b) applies. Construction impacts on the Green Belt would be temporary in nature. All these works would be underground so would not impact upon the Green Belt.
	5	Gas Connection Compound	Yes	Yes, for works 5A as this would involve above ground level development, 5B & 5C - not an engineering operation so NPPF paragraph 146 (b) applies.
E	13	North of the railway, includes a footbridge, ground works and fencing for a permissive path between Fort Road and	Yes	Yes, the footbridge and fencing for a permissive path would have a minor impact compared to other elements of the proposal upon the Green Belt. The

		the area of new common land that comprises Work No. 14		ground works would constitute an engineering operation so NPPF paragraph 146 (b) applies.
	14	Area of new Common Land, north of the railway, proposed in exchange for the loss of the majority of Walton Common	Yes	No, as allowed through NPPF paragraph 146 (e) applies.
F	2	Creation and enhancement of onshore wildlife habitat	Yes	No, as would appear as a natural part of the landscape in the Green Belt. NPPF paragraph 146 (b) applies.
G	10	Causeway with crane platforms	No	On land outside of Green Belt on south side of sea wall.
	11	Modification to the sea wall at the north bank of the Thames	No	On land outside of Green Belt on south side of sea wall.
	12	Access road from the A1089 St Andrew's Road	Yes	No, an engineering operation NPPF paragraph 146 (b) applies.
H	12	Access road from the A1089 St Andrew's Road	Yes	No, an engineering operation NPPF paragraph 146 (b) applies.
I	n/a	No Works Proposed		
J	n/a	No Works Proposed		

Conclusion for this section

7.19 The table above identifies that some parts of the proposed development are compatible with paragraph 146 (b) and (e) of the NPPF, however, the rest of the development within the Green Belt is considered as inappropriate development and therefore would be, by definition, harmful to the Green Belt and contrary to paragraphs 5.10.10 and 5.10.17 of the NPS EN1, paragraph 143 of the NPPF and policy PMD6.

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

7.20 Having assessed the elements of the proposed development as listed in the table above, the next step is to consider the impact of the proposal upon the open nature of the Green Belt and the purposes of including land within it.

- 7.21 The NPS EN1 reiterates the Government's position on Green Belt policy as also set out in paragraph 133 of the NPPF identifying that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness and their permanence'*.
- 7.22 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. *to check the unrestricted sprawl of large built-up areas;*
 - b. *to prevent neighbouring towns from merging into one another;*
 - c. *to assist in safeguarding the countryside from encroachment;*
 - d. *to preserve the setting and special character of historic towns; and*
 - e. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 7.23 In response to each of these five purposes of the Green Belt:
- a. to check the unrestricted sprawl of large built-up areas*
- 7.24 The NPPF does not define 'large built up areas' but given the site's location to the north of the former Tilbury B Power Station within areas of undeveloped land forming part of the countryside the site is not, therefore, located immediately adjacent to the existing settlement of Tilbury, which is the nearest built up area. The site is also distant from the neighbouring built up areas of Chadwell St Mary, West Tilbury, Linford and East Tilbury.
- 7.25 The proposed development is an energy development that would not lead to the unrestricted sprawl to the east of Tilbury and its location would not prevent any future urban extensions to the east of Tilbury.
- 7.26 The proposed development does not conflict with this purpose of the Green Belt.
- b. to prevent neighbouring towns from merging into one another*
- 7.27 As stated above Tilbury is the nearest existing settlement and further distant but within the wider area are the neighbouring built up areas of Chadwell St Mary, West Tilbury, Linford and East Tilbury.
- 7.28 The proposed development is an energy development that would not lead to the merging of towns into one another.
- 7.29 The proposed development does not conflict with this purpose of the Green Belt.
- c. to assist in safeguarding the countryside from encroachment*

- 7.30 As already established the proposal would be 'inappropriate development' in the Green Belt. The site's location would occupy a countryside location that is currently used for mainly agricultural purposes but also includes other land uses such as Common Land, although no development exists. The only form of development are the electricity pylons that cross the site. It is noted that Zone A of the site would include the most significant elements of the development in the form of Works 1A, 1B and 1C being the gas fired flexible electricity generation station, the battery storage area and associated infrastructure. Other above ground development would be located in Zone D in the form of Works 5, Works 8 in Zones A and C, in Zone E for Works 13.
- 7.31 In terms of the proposed development in Zone A, which are Works 1A, 1B and 1C, these are the most significant elements of the proposed development, which would be sited within the proximity to existing development in the form of the Tilbury substation and previously developed land to the south in the form of the former Tilbury B Power Station, as well as the railway line to the north. The applicant's case is that this location is essential for providing a grid connection to the Tilbury substation and it is recognised that efforts have been made by the applicant to locate these Works as close to existing development/non Green Belt land as possible.
- 7.32 The proposed siting of the main development site would be between electricity pylons and adjacent to the substation to the south. Whilst this Zone is located towards the western part of the Green Belt in this location the proposed form and scale of the proposed development, as shown in the illustrative plans, demonstrates that it would have a substantial impact upon the openness of the Green Belt in this location both in spatial and visual terms. The proposal would therefore not assist in safeguarding the countryside from encroachment as this part of the proposal would lead to a further increase of built development to the north and east of the existing Tilbury substation and a continuation of development north east of nearby development that is located to the south and west of the site.
- 7.33 Furthermore, the Council's Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 identifies that Zone A falls in Land Parcel 34 and has a 'major' importance to the Green Belt with very apparent perception of openness with a rural character.
- 7.34 In terms of the other development:
- 7.35 Works 5 would be a gas connection compound located in Zone D (D3) but it is not clear at present the scale of the development in this location and details would need to be agreed through the 'requirements'. Furthermore, Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 identifies that Land Parcel 30 has a 'major' importance to the Green Belt and this applies to Zone D (D3) as there is a very apparent perception of openness with a rural character.

- 7.36 Works 8 would be construction compounds in Zones A and C and whilst these construction compounds would inevitably impact upon the openness of the Green Belt they would be temporary in nature and once removed, subject to an agreed restoration scheme, the impact upon the Green Belt could be restored to its current state. The comments above regarding Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 identifies that Land Parcel 34 would apply here.
- 7.37 In Zone E for Works 13 this would include a number of more low key developments in the form of a footbridge and fencing to a permissive path. The Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 identifies that Land Parcel 33 has a 'fundamental' importance to the Green Belt being a large area of open expansive marshland/farmland and a 'very apparent' perception of openness with a rural character, although for this Zone the proposal would provide improved access to the countryside with details of fencing and surfacing treatment needing to be agreed through a 'requirement'.
- 7.38 In summary the proposed development individually and cumulatively would impact upon the openness of the Green Belt in this location both in spatial and visual terms, and would not assist in safeguarding the countryside from encroachment.

7.39 The proposed development therefore conflicts with this purpose of the Green Belt.

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

- 7.40 The NPPF does not define 'historic town'. Tilbury as the nearest settlement is not an historic town and neither are the neighbouring settlements. West Tilbury, as a village, has a Heritage Asset in the form of a Conservation Area and listed buildings. West Tilbury is located 1km to the north of the site but as a village, and not a town.
- 7.41 The proposal would not cause a conflict with this purpose of the Green Belt.

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

- 7.42 This proposed type of development as energy development would lead to likely adverse environment effects during the construction and operational phase of the development and would therefore not be appropriate for a location within an existing settlement and it is not the type of development that would assist in urban regeneration or recycling of derelict urban land.
- 7.43 The proposed development does not conflict with this purpose of the Green Belt.

Conclusion for this section

- 7.44 In light of the above analysis, the proposal would be fundamentally contrary to point (c) as it would lead to significant development within the Green Belt which would have

an adverse impact upon the openness of the Green Belt and would fail *'to assist in safeguarding the countryside from encroachment'*, contrary to paragraph 134 of the NPPF, and policies CSSP4 and PMD6.

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 the development

7.45 Paragraph 5.10.10 of the NPS EN1 establishes *'a general presumption against inappropriate development within them. Such development should not be approved except in Very Special Circumstances'*. Paragraph 5.10.17 of the NPS EN1 states, for the determining authority, that *'Very Special Circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations'*, which is similar to the requirements of paragraph 144 of the NPPF.

7.46 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. Some interpretation of Very Special Circumstances has been provided by the Courts and this includes 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 on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt should not be accepted. 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.

7.47 The applicant's Planning Statement sets out the applicant's factors for Very Special Circumstances under the following headings:

1. Supporting the growth of renewable energy and low carbon;
2. Addressing a compelling and urgent need for on demand power generation;
3. The role of the application site in the Green Belt;
4. Proximity to high pressure gas and 275kV electricity network connections, site suitability and alternatives; and
5. Improvement of access to common land.

7.48 These are assessed through the 'consideration' comments which follow.

1. Supporting the growth of renewable energy and lowering carbon emissions;

- 7.49 The applicant's case is that the proposal would use existing electricity infrastructure in this location and provide immediate electricity generation from start-up which is much faster than conventional power stations and can be used in times of high demand to help ensure electricity security. The flexible generation plant would complement the '*growing mix of renewable electricity generation*'. This would help meet the Government's objective of maintaining a reliable electricity supply. The applicant explains that the proposed gas generating power engines can be up to full power within 5 minutes and the battery storage can provide power immediately on demand from stored electricity. When the proposed gas engines are not in use the system can operate at zero emissions through the battery storage feeding into the grid and can therefore lead to carbon savings. When in use it is stated that the proposed gas engines offer a low carbon system.
- 7.50 The applicant explains that the proposal can help meet the Government's Clean Growth Strategy, 2017, and help to achieve the Government's target of net zero emissions by 2050 as set out in the Climate Change Act 2008.

Consideration:

- 7.51 NPS EN1 recognises the need for new nationally significant energy infrastructure projects (Development Consent Orders) and paragraph 3.8 of EN1 recognises the need for significant gas infrastructure.
- 7.52 The Government has set out the requirement to reduce emissions to help address climate change but this proposed development is a not an emission free development and is not a renewable energy development but is instead one that relies upon gas to fuel the gas engines for producing electricity and for storing electricity within the battery storage part of the proposal. Nevertheless NPS EN2 recognises that a fossil fuel generating station can still have a role to play in electricity production and the use of gas is seen as one of the cleaner fossil fuels compared to coal and oil fired power stations.
- 7.53 It is understood that the proposed technology would help compliment renewable energy systems during periods of peak demand and therefore the proposed development can provide electricity when needed as a backup system and would not be needed to run 24 hours a day 7 days a week.
- 7.54 As the proposal is national significant infrastructure project it can help provide essential back up electricity generation in times of high demand in South East England and is a cleaner and more efficient source of electricity production compared to conventional electricity power stations.
- 7.55 For these reasons it is considered that this is factor can be afforded significant weight.

2. Addressing a compelling and urgent need for on demand power generation, contributing to energy security and network resilience;

- 7.56 The applicant's case makes reference to the Government's emphasis on the need to achieve security in energy supply with sufficient electricity capacity and the National Grid, through its publication Future Energy Scenarios 2019, recognises the continued need for gas fired generation and electricity storage facilities. The NPS EN1 identifies the critical need for the UK to have a secure and reliable supply of electricity to meet demand at all times and the Clean Growth Strategy 2017 also sets out energy security needs.
- 7.57 The applicant has identified that the established electricity generating stations, such as those used for fossil fuel use and the former power stations such as Tilbury B Power Station have been decommissioned and there is therefore a need to replace lost electricity generation. The applicant states that a total of 4.5-5GW of generation has been disconnected in the London area since the 1970's, with half of this lost since 2017, as the UK seeks to address climate change requirements. Therefore there is a need to replace lost supply for resilience, security and to lower costs for electricity customers.
- 7.58 The applicant explains that the location is a key factor for the proposal for connecting to the grid and to serve areas of high demand.

Consideration:

- 7.59 The applicant's reference to the Government, the NPS EN1, Clean Growth Strategy 2017 and the National Grid's Future Energy Scenarios 2019 publication all support the need for increase electricity generation systems and power station to meet demand and energy security.
- 7.60 There is no disputing this information as there is a compelling need allied to the existing infrastructure in this location, which would be used. Therefore this is factor can be afforded substantial weight.

3. The role of the application site in the Green Belt;

- 7.61 The applicant states the site is on the periphery of the Green Belt and adjacent to other land uses that influence the value of the countryside in this location, but recognises the proposal would be in conflict with one of the five Green Belt purposes, as set out in the NPPF, as it fails to prevent encroachment of development into the open countryside. It is stated that the close proximity to industrial and commercial development on the adjacent site to the west is not typical of open countryside.
- 7.62 The applicant considers that significant weight should be attached to the circumstances of the location this site and its limited impact upon the Green Belt. When harm does occur this is mitigated by the disturbed character of this Green Belt

site and further mitigated by the replacement of common land to another part of the countryside which will benefit from improved access.

- 7.63 The applicant says that other sites were considered and twelve of the sites were located in the Green Belt but this chosen site would cause less harm to the Green Belt than those other sites, all the other sites are located outside of Thurrock's administrative boundary.
- 7.64 Reference is made to policy CSTP26 which encourages low carbon energy schemes at appropriate locations. The applicant considers that the site could be allocated for employment or taken out of the Green Belt as the Council are reviewing Green Belt policy.

Consideration:

- 7.65 As identified earlier in this report in regard to point c) of the five purposes of the Green Belt, it is considered that the proposed development would individually and cumulatively impact upon the openness of the Green Belt in this location both in spatial and visual terms and would not assist in safeguarding the countryside from encroachment. The proposal is therefore in conflict with point c) of paragraph 134 of the NPPF and contrary to this purpose of the Green Belt.
- 7.66 Of particular significance, in terms of the impact, are the proposed works in Zone A which are the proposed gas engine power station and the battery storage development with associated infrastructure. These elements of the proposal represent the most significant forms of development that would have the most impact.
- 7.67 It is recognised that the applicant is seeking to position the main development site as close to the existing Tilbury substation to the south and closest to land uses that are not within the Green Belt. However, the importance of the land within the wider site/Order Limits is recognised as providing an important part of the Green Belt that separates the urban and industrial area of Tilbury to the west from the countryside and reclaimed marshland environment to the east, including this site. The importance of the Green Belt in this location is in the Council's Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 for Land Parcels 30, 33 and 34. Where the main parts of the development are located in Zone A this is identified in the Council's Strategic Green Belt Assessment Stages 1a and 1b Final Report 2019 as Land Parcel 34 and has 'major' importance to the Green Belt with recognition of its 'very apparent' perception of openness and rural character.
- 7.68 The reference to policy CSTP26 is recognised with point i) of the policy promoting proposals for *inter alia* low-carbon energy schemes at appropriate locations, including but not exclusively to Tilbury, although the policy does not imply that Green Belt sites should be used. The reference to Tilbury would be in regard to other energy producing uses in the urban area such as the former Tilbury B Power Station and the other energy producing uses in Tilbury such as the wind turbines at the Port of Tilbury

and Tilbury Green Power, which is a biomass and energy from waste fuelled power station.

- 7.69 Reference is made to future policy changes or land being taken out of the Green Belt for energy producing uses, however, at this stage the Council does not have a new draft Local Plan so any changes to future local planning policies in Thurrock are at this stage unknown and not relevant to this application.
- 7.70 Given the conflict with point c) of paragraph 134 of the NPPF as the proposed development would impact upon the openness of the Green Belt and would not assist in safeguarding the countryside from encroachment so no weight can be given to this factor in the consideration of whether Very Special Circumstances exist.

4. Proximity to high pressure gas and 275kV electricity network connections, site suitability and alternatives;

- 7.71 The applicant explains that a logical, staged decision making process has been undertaken to arrive at the point of choosing the site for this development. There are a number technical requirements that need to be satisfied for site selection purposes including electrical engineering criteria, economic criteria and regulatory criteria. Any generating station must connect to the electricity grid at a suitable location and for this development the connection must have headroom to accommodate at least 750 MW of capacity, to meet the level of electricity generation from the proposal.
- 7.72 The applicant has considered a regional study of 20 potential locations in and around the London area for the development. A list of sites and the reasons for discounting the sites is provided in the applicant's Statement of Case Green Belt Statement.
- 7.73 From the site selection process the 20 sites were narrowed down to 3 sites with existing substations on the 275 kV network around Greater London. These site were Tilbury, Elstree and Warley.
- 7.74 For the Elstree site there was spare capacity but the applicant's Statement of Case Green Belt Statement states that the site was *'not located on a part of the network that can provide the same value to the National Grid as Tilbury'*. The site was also further from the national transmission system for gas so for these reasons the site was discounted.
- 7.75 For the Warley site there is a need to extend the substation to enable a connection at 275 kV for exporting capacity of more than 150MW, the site was also within 300m of residential properties with limited space to buffer the site due to a neighbouring ancient woodland. The Tilbury site is 600m to the nearest residential properties. The Warley site is located within the London Borough of Havering and has been identified to be of 'paramount' importance to the Green Belt for the purpose of safeguarding the countryside from encroachment, and is would be highly sensitivity to change in terms of the landscape character assessment.

- 7.76 The applicant concludes that for the above reasons the Tilbury site was chosen as it does not have the same constraints, is within the 2km of a connection point to the gas transmission network and in close proximity to the existing Tilbury substation.
- 7.77 Other sites in the Tilbury area were also considered such as sites to the south, which are now subject to the Tilbury2 development and the former Tilbury B Power Station site.

Consideration:

- 7.78 It is recognised that a thorough analysis of other sites have been considered before deciding upon the Tilbury site. It is also recognised that there are number of specific factors that need to be considered before choosing this site for what is a very specialist form of development reliant on the national transmission system for gas and a connection to the National Grid. The gas connection is not too distant from the location and the Tilbury substation is located close to the south of the site so an easy connection can be made to the National Grid. The Tilbury substation also has the benefit of 'headroom' to accommodate the 750MW of electricity that would be generated and exported to the Grid without the need for further development.
- 7.79 The location factor with access to gas and an electricity connection to the Grid is a significant consideration and this factor can therefore be afforded substantial weight as there are a lack of alternative locations for this form of development that is necessary to meet the current and future energy demands.

5. Improvement of access to common land.

- 7.80 The applicant explains that the proposed development would occupy 10 hectares of Walton Common, which is where Zone A is located. To compensate for the permanent loss of Common Land the applicant will provide 11.6 hectares of replacement Common Land to the north of the railway.
- 7.81 The applicant explains that the location of Walton Common is rarely accessed by the public as there is only one point of access through Parsonage Common, which is located to the north of the railway line so pedestrians have to use the railway crossing point. There is no further connecting access from Walton Common.
- 7.82 The proposed replacement Common Land to the north of the railway would be located in the applicant's Zone E and would include additional works for access including a permissive path link from Tilbury to the west where this would link to Fort Road, including a footbridge, which are identified in Zone E. The applicant considers that the location of the replacement Common Land would provide better access for the public for recreational purposes and would allow visual access to the proposed habitat creation and enhancement location in Zone F (F1). The applicant considers this part of the proposal would comply with policy PMD6 as it would provide

enhancement of the beneficial use of the Green Belt and improve visual amenity for users of the Common Land.

7.83 The applicant states that if the proposal did not happen that the proposed replacement Common Land to the north of the railway would not take place.

Consideration:

7.84 Policy CSTP18 seeks to address connectivity between urban and rural areas within the Borough and PMD6 seeks to improve opportunities to access the countryside for recreation, amenity and biodiversity benefits. It is recognised that Walton Common is poorly accessed at present so the proposed replacement Common Land to the north of the railway would allow for improved access. The proposal would also allow for access to view the neighbouring proposed habitat creation and enhancement area which would have recreation and learning benefits for the public. These improvements are considered to meet the identified benefits stated within policies CSTP18, CSTP19 and PMD7, and as also recognised through paragraph 175 of the NPPF.

7.85 There are no exact details about the proposed footbridge, permissive path or proposed ground works, as identified in Works 13 in this Zone E location. Such details would need to be agreed through the DCO requirements.

7.86 As the applicant explains these changes would not take place without the proposed development so need to be considered as a positive benefit from the proposal. Nevertheless this needs to be balanced against the amount of development proposed.

7.87 It is considered this factor can therefore be afforded moderate weight in the consideration of whether Very Special Circumstances exist.

Summary of Very Special Circumstances

7.88 The table below provides a summary of the Very Special Circumstances and the weight that is attributed to them in assessing the planning balance for the whether the principle of the development is acceptable.

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	Supporting the growth of renewable energy and lowering carbon emissions	Significant
Reduction in the openness of the Green Belt		Addressing a critical and urgent need for on demand power generation,	Substantial

		contribution to energy security and network resilience	
		Role of the application site in the Green Belt	No Weight
		Proximity to high pressure gas and 275kV electricity network connections, site suitability and alternatives;	Substantial
		Improvement of access to Common Land	Moderate

Conclusion to this section

- 7.89 This Green Belt assessment has identified that the proposed development would result in inappropriate development that is by definition harmful to the Green Belt and would impact upon the openness of the Green Belt in spatial and visual terms, in particular the power generating station as identified in Zone A of the applicant's plans. The proposal would also conflict with the purpose of the Green Belt point c) of paragraph 134 of the NPPF as the development would lead to encroachment into the countryside. The harm associated with this carries substantial weight.
- 7.90 From the factors promoted as Very Special Circumstances consideration of the critical need for electricity demand, security and network resilience along with the locational factors for choosing this site are considered to carry significant and substantial weight.
- 7.91 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness has to be considered against the factors promoted as Very Special Circumstances. Several factors have been promoted by the applicant as 'Very Special Circumstances' and it is important to judge:
- i. the weight to be attributed to these factors;
 - ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'Very Special Circumstances'.
- 7.92 Taking into account all Green Belt considerations and for the reasons explained it is considered that the site presents a unique opportunity for power generation making beneficial use of the existing Tilbury substation and associated electricity pylon infrastructure. There is a clear demand for electricity production and security that is recognised at the national level through the Government's National Policy Statement for Energy EN1. Taking this into account the factors promoted by the applicant are

considered to clearly outweigh the identified harm to the Green Belt through inappropriate development and the adverse impact that would result upon the openness of the Green Belt in this location such that Very Special Circumstances exist. Therefore the principle of the development is considered acceptable.

II. Ecology and Nature Conservation

- 7.93 Similar to the NPPF/PPG section 5.3 of the NPS EN1 sets out the national planning policy for biodiversity requiring applicants to ensure that Environment Statements set out the effects on internationally, nationally and locally designed sites of ecological importance, on protected species and other species identified as being of principal importance. The NPS EN1 requires the applicant to set out the effects of proposal and any mitigation to allow the examining authority to consider in their decision making. NPS EN4 requires consideration to be given to biodiversity for new gas pipeline installations.
- 7.94 Policy CSTP19 (Biodiversity) will encourage measures to contribute positively to the overall biodiversity in the Borough considering safeguarding and enhancing existing ecological designations. In terms of development management, policy PMD7 (Biodiversity, Geological Conservation and Development) requires development proposal to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site through mitigation. Alongside this policy CSTP18 (Green Infrastructure) seeks to integrate Green Infrastructure for providing better connectivity between urban and rural areas for access but also protection of biodiversity.

Statutory designations

- 7.95 The site/Order Limits are not located within any international or national ecological designation sites. The applicant's ES identifies that the nearest is Mucking Flats and Marshes SSSI located 0.77km from the site followed by the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site located 1.02km from the site. It is noted that the examining authority will be the competent authority for the Habitat Regulations Assessment (HRA).
- 7.96 The Council's Landscape and Ecology Advisor has reviewed the amended HRA and this has incorporated the results of additional winter bird surveys and the changes to the construction, operation and de-commissioning of the causeway. It considers that the mudflats adjacent to the site are functionally linked land but the numbers of species of qualifying interest are relatively low. It is agreed that the loss of mudflat would not be significant. There is potential to cause significant disturbance to four species of qualifying interest during construction, operation and de-commissioning without appropriate avoidance and mitigation. The effects are influenced in particular by the timings of works. These can be controlled through the Code of Construction Practice (requirement 5). Subject to the avoidance and mitigation measures being followed TC agrees with the HRA conclusions.

Non statutory designations

- 7.97 The site/Order Limits includes non-statutory sites in the form of two Local Wildlife Sites (LWS) and these are the Low Street Pit, an area of regionally important Thames terrace gravels that support diverse invertebrate fauna and Goshems Farm which supports populations of Stinking Goosefoot and Hornet Robberfly. Within a 1km distance from the site are a number of further Local Wildlife Sites, the largest of which is the Tilbury Marshes at 39.8 hectares supporting a number of nationally scarce plants and habitats for invertebrates.
- 7.98 The Council's Landscape and Ecology Advisor identifies that in the draft Local Wildlife Site review completed in 2017 part of the site was proposed to be included in a Local Wildlife Site. This proposed designation has been acknowledged in the ES.

Protected Habitats and Species

- 7.99 The ES explains that a range of site specific surveys were undertaken in 2017, 2018 and 2019 and these included habitat and vegetation surveys in consultation with Natural England. The surveys identified that protected species may be present including invertebrates, eels, Great Crested Newts, reptiles, breeding and winter birds, water vole, bats, otter and badgers. The habitats include arable farming land, former grazing marsh, grassland and ditches.

Assessment of the Potential Impacts

- 7.100 The ES concludes that there are *'not likely to be any significant adverse effects on the ecological designation sites'* but as the site is close to the Thames Estuary and Marshes Special Protection Area and Ramsar site the Council's Landscape and Ecology Advisor considers that the proposed causeway could result in the loss of a small area of suitable habitat for the Avocet bird and other qualifying species when the causeway is constructed, which would be a negative impact. However, these impacts are not considered significant and however further details about this part of the development would need to be agreed through the requirements.
- 7.101 Although the study area occupies a large land take not all of the land is within the site subject to development. The main part of the development site is Zone A and Works 1 involving the development of the flexible generating station and battery storage would have the largest land take and would impact upon ecology/biodiversity. The ES identifies that this land is a mixture of arable farming and former grazing marsh which has been *'degraded and little botanical or breeding bird value'*. Other land within the site is crossed by gas pipelines and access roads. The ES reports that the main part of the development site has populations of adder, grass snake, common lizard and slow worms. A site containing four species of reptile meets Froglife's criteria for being considered a Key Reptile Site. Water voles have also been reported

in ditches. Eighteen species of birds with conservation concern are breeding within the survey area, the survey area is much larger than the site area.

- 7.102 In assessing the impact the ES considers the permanent loss of grassland and ditch habitat in the main part of the development site (Zone A) would impact upon invertebrates reptiles and water voles and is assessed to have a *'moderate adverse effect'* that is considered *'significant'*. However, the proposed flexible generating plant has been designed to retain some grassland and ditches at the boundary of the site in Zone A, and create a new area of habitat to the north and south of the railway in Zones E and F which are Works 2. The new habitat would allow for relocation of protected species and the ES concludes that this would provide a biodiversity net gain of just under 10% to mitigate the impact.
- 7.103 The Council's Landscape and Ecology Advisor identifies that the scheme would result in the loss of a significant part of Walton Common which includes remnant coastal grazing marsh, a habitat of principal importance, so this would be a negative impact. An Illustrative Landscape Plan and an Outline Ecological Management Plan has been produced and this shows new ponds either side of main buildings however these have been designed for managing surface water drainage at attenuation ponds, nonetheless they could provide habitats although have not been included in the ecological mitigation considerations. The Council's Landscape and Ecology Advisor does not object in principle but the requirements would need to agree a detailed landscape plan and ecological management plan.
- 7.104 The ES identifies that the proposal would have an impact of temporary disturbance to onshore species and a temporary loss of habitat during the construction of the development, which is *'not considered to be significant'*. The construction of the causeway would result in the loss of foreshore habitat for wintering birds and disturbance through barge deliveries. The ES considers that it would have the potential for a *'significant adverse effect'* on Avocets and to prevent this the construction of the causeway would not take place in November-March to avoid this impact. The causeway location is likely to impact upon the marine environment and affect sediment flows and saltmarsh in the intertidal zone within the Thurrock's administrative boundary, however, it is noted that the loss of intertidal mud is considered to be a *'negligible to minor effect'* and *'not significant'*. The Council's Landscape and Ecology Advisor considers the construction and use of the causeway results in loss of saltmarsh, mudflat and would provide a risk of water contamination affecting SPA so mitigation would be necessary. It is understood that Environment Agency, Marine Management Organisation, Natural England and Port of London Authority all shared similar concerns.
- 7.105 The proposal would give rise to noise and air pollution emissions but these are *'not predicted to be significant'* in terms of impact upon areas of sensitive habitat. There is a need to understand the impact of lighting on nearby ecology but it is noted that lighting for the construction and operational phases can be controlled through the *'requirements'* as set out in the Order.

7.106 The proposal would provide mitigation through habitat creation in Zones E and F, new and replacement planting, translocation (where necessary) on going monitoring. The application includes details through an 'Outline Ecological Management Plan' and 'Biodiversity Net Gain' document along with information explain the mitigation. This can be secured through the 'requirements' to the Order with specific requirements identified as a 'Landscaping and Ecological Management Plan' (requirement 14) and 'Bird Monitoring' (requirement 19).

Conclusion to this section

7.107 In terms of policy, the proposal provides the necessary information to comply with the requirements of the NPS EN1 by setting out the effects of proposal and considering and identifying mitigation. It is recognised that the proposal would result in some loss a habitat and would impact upon protected species at the site, however, it is recognised that the areas to the north and south of the railway line would form new habitats to allow for translocation and increased biodiversity net gain, which would accord with policies CSTP19 (Biodiversity) and PMD7 (Biodiversity, Geological Conservation and Development). Access improvements when compared to the difficult access arrangements to Walton Common, would achieve improvements to Green Infrastructure in the area in regard to policy CSTP18 (Green Infrastructure).

III. Landscape and Visual Impact

7.108 NPS EN1 recognises that the landscape and visual effects of energy project will vary on a case by case basis according to the type of development, location and landscape setting. NPS EN2 considers that the main structures for generating stations are large and their impact on the surrounding landscape and visual amenity needs to be considered. NPS EN2 recognises it is not possible to eliminate visual impacts associated with generation stations but expects applicants to mitigate by reducing the visual impact as far as reasonably practicable, including external finishes and colour. NPS EN4 requires consideration to be given to landscape and visual impacts for new gas pipeline installations. The NPPF paragraph 170 refers to valued landscapes and maintaining the character of the undeveloped coast, and paragraph 180 refers to the need to retain tranquillity and amenity value. The PPG on Green Belt allows the visual aspect of the impact of a development to have on the openness of the Green Belt.

7.109 Policy CSTP22 (Thurrock Design) is a design policy but requires development proposals to understand respond positively to their local context, whether urban or rural. Policy CSTP23 (Thurrock Character and Distinctiveness) protects, manages and enhances the character of Thurrock considering a number of locations where character is a key issue and in this of this location criteria *x Rural Landscapes* and *xi Green Belt* are both relevant. Policy PMD2 (Design and Layout) is another design policy requiring development proposal to consider criteria and relevant to this application are *i) Character* and *viii) Landscape*.

Landscape Character Areas

- 7.110 The site lies within the Greater Thames Estuary National Character Area (NCA 81) which is recognised for its low lying coastal landscape with open grazing pastures and drained, ploughed arable land protect from floods by seal walls.
- 7.111 From the Council's Landscape Character Assessment (LCA), which is the Thurrock Landscape Capacity Study 2005, the site is located within the Tilbury Marshes Character Area (LCA 5) which is similar to the above description as it is an open and exposed landscape dominated by the sky with few settlements. The area is influenced to a degree from Tilbury to the west with its roads, industry and port buildings along with the Tilbury Power Station, a building complex that has since been demolished since the Landscape Character Assessment was produced.

Assessment of the Potential Impacts

- 7.112 The ES baseline study has considered 34 viewpoints (some beyond Thurrock) taking photographs of each viewpoint and using wire line modelling and photomontages (for selected viewpoints) to consider the Zone of Theoretical Visibility (ZTV) to demonstrate the impact of the proposed development.
- 7.113 The main development area in Zone A and Works 1 would consist of the flexible generating plant, battery storage and associated infrastructure. Works 1 would include large spanning buildings up to 20m high to house the gas reciprocating engines and up to 48 exhaust stacks that would be up to 43m high. The battery storage buildings are similarly large spanning buildings up to 10m high. Elsewhere within the development a gas connection compound (Works 5) within Zone D would impact upon the landscape as would, to a lesser extent, the pipeline corridors (in construction phase) and access road. The applicant's Design Principles Statement provides visualisations to show how the proposed flexible generating plant would appear, although it is recognised that the actual details will be considered and determined through the 'requirements' as stated in the Order.
- 7.114 In terms of the impact upon landscape character the ES considers the proposal would be located in a dynamic landscape that is undergoing rapid change. The location of the main development area would be situated on a small area of land immediately to the north of Tilbury Substation. Although in part an area of mown grassland, it has two sets of high voltage power lines crossing it and another immediately to the east. The ES considers that there would be a '*minor adverse*' effect on Greater Thames Estuary National Character Area and a '*moderate adverse*' effect on Tilbury Marshes Character Area, neither of which are '*significant*'.
- 7.115 The most relevant viewpoints (VP) in Thurrock where the impact would be most noticeable are listed in the table below:

VP	Location	ES view and Comments on the Visual Impact
3	View south east from public open space to the south of Chadwell St Mary	<p>People using the Public Open Space and residents of Thames View are considered to have a high sensitivity, to the proposed Thurrock Flexible Generation Plant. The magnitude of impact on views will be minor. The effects experienced by these receptors will be moderate adverse which are not significant.</p> <p>It is considered that due to the distance from the site and the prevalence of other largescale commercial, port and infrastructure development within the field of view that this assessment is appropriate.</p>
6	View south from the junction of Gun Hill lane, Cooper Shaw Road and Fort Road	<p>Road users will have a low sensitivity to the proposed Thurrock Flexible Generation Plant facility. The effects on people travelling along these roads is considered to be minor adverse, which is not significant.</p> <p>People using the small strips of Access Land on either side of the roads will have a high sensitivity to the proposed Thurrock Flexible Generation Plant. The impact magnitude will be moderate. The effect experienced by these pedestrian users will be moderate adverse, which is not significant.</p> <p>At this location the stacks will be the most prominent features. These will be viewed in combination with existing pylons and electricity infrastructure. These large vertical structures will lessen the significance of the proposed scheme. The extent of visual harm will be influenced by the final design of the buildings and height of the stacks.</p>
7	View south from the graveyard of St James' Church West Tilbury	<p>People visiting the graveyard at St. James' Church will have a high sensitivity to the proposed Thurrock Flexible Generation Plant. However, the impact magnitude will be moderate. The effect experienced by these receptors will be moderate adverse, which is not significant.</p> <p>At this location the stacks will be the most prominent features. These will be viewed in combination with existing pylons and electricity infrastructure. These existing large vertical structures will lessen the significance of the proposed scheme. The extent of visual harm will be influenced by the final design of the</p>

		buildings and height of the stacks, particularly as the stacks are shown to be above the skyline of the Kent Downs AONB to the rear of the view.
8	View south west from junction of Station Road and farm track to the south of the railway line	<p>This is primarily a view experienced by road users, who will have a low sensitivity to the proposed Thurrock Flexible Generation Plant. The impact magnitude will be moderate. The effect experienced at this location will be minor adverse, which is not significant.</p> <p>At this location the stacks will be the most prominent features. These will be viewed in combination with existing pylons and electricity infrastructure. These large vertical structures will lessen the significance of the proposed scheme. The extent of visual harm will be influenced by the final design of the buildings and height of the stacks. The proposed Lower Thames Crossing would cross the railway on a viaduct at this point.</p>
9	View east to south east from Fort Road to east of Tilbury	<p>Road users will have a low sensitivity to the proposed Thurrock Flexible Generation Plant. The impact magnitude will be moderate. The effect on people travelling along this road is judged to be minor adverse, which is not significant.</p> <p>Pedestrian receptors using the bridge will have a high sensitivity to the proposed Thurrock Flexible Generation Plant. The impact magnitude will be moderate. The development will be prominent but in the context of the existing industrial river side development and presence of overhead cables and pylons, the change is not major. The effects experienced by these pedestrian users will be moderate adverse, which are not significant.</p> <p>At this location the stacks will be the most prominent features. These will be viewed in combination with existing pylons and electricity infrastructure. These large vertical structures will lessen the significance of the proposed scheme. The extent of visual harm will be influenced by the final design of the buildings and height of the stacks.</p>
11	View east from Fort Road bridge over railway	Road users will have a low sensitivity to the proposed Thurrock Flexible Generation Plant. The impact magnitude will be moderate. The effect on people travelling along this road is judged to be minor adverse, which is not significant.

		<p>The stacks will be the most prominent features from this viewpoint. At present there is limited pedestrian traffic using this route. It is agreed that the effects even on walkers in this location would not be significant.</p>
14	View north east from Byway 98 to south of Tilbury Fort	<p>People using this PRow byway will have a high sensitivity to the proposed Thurrock Flexible Generation Plant. However, the magnitude of impact will be minor from this distance and location. The effect experienced by people at this location will be moderate adverse, which is not significant.</p> <p>The site is approximately 1.5km away and would be viewed across the Tilbury 2 development. It is agreed that the effects would be minor adverse</p>
15	View north, north west from the Thames Estuary Path/Two Forts Way	<p>This view is representative of a short section of the path, on or beyond the land raising operations to the screening of Zone A by the buildings of Tilbury substation and the concatenation of wires and pylons, there are slightly elevated views, with no vegetation across open farmland to the proposed development in Zone A. The high sensitivity receptors will experience minor impact magnitude, resulting in a moderate adverse effect for the duration of the operation of the facility, which is not significant.</p> <p>At this location the stacks will be the most prominent features. These will be viewed in combination with existing pylons and electricity infrastructure. These large vertical structures will lessen the significance of the proposed scheme. The extent of visual harm will be influenced by the final design of the buildings and height of the stacks.</p>
30	View north west and west from the edge of the open space adjacent to Coalhouse Fort public car park	<p>People using the open space adjacent to the car park at Coalhouse Fort are considered to be high sensitivity receptors. The impact magnitude for this location is considered to be negligible. The effect is judged to be minor adverse, which is not significant.</p> <p>It is agreed that views from this location would be limited and therefore the effect would be minor adverse.</p>

- 7.116 The ES considers the visual impacts to be complex and it's probably easier to consider the impact of the development upon views from certain directions and from sensitive receptor locations.
- 7.117 Views from north of the proposed development and north of the railway line are across arable farmland crossed by pylons and overhead power lines towards Tilbury Substation, Tilbury2 port and beyond to higher land in north Kent. Most views of the flexible generation plant are considered in the ES to not be significant from this direction but there will be certain views from elevated positions and close views from the access land that would experience '*moderate adverse*' effects. However, the ES considers these effects are '*not significant*' given the existing industrial landscape context.
- 7.118 Views west towards the flexible generation plant from Coalhouse Fort are limited and no significant effect is predicted due to distance and screening vegetation. Views from the Thames Estuary Path, also known as Two First Way, are limited save for a short section due to higher elevation and lack of vegetation. The context of the view would remain that of the Tilbury Substation and extensive power lines, therefore the ES considers these to be a '*moderate effect*' on the view from this direction is considered '*not significant*'.
- 7.119 For receptors from sections of Common Land such as Parsonage Common the views are close. Views from Tilbury Fort are limited due to intervening infrastructure such as the sewage treatment works. Views from residential properties on the hillside to the north across the site are more limited including views from properties nearest Fort Road, which do not face towards the site as they address the streetscene they front. The construction and future decommissioning process would result in temporary changes to views. The proposal would impact on the background noise levels so the relative levels of tranquillity in parts of the site would change closest to the flexible generating plant.
- 7.120 There is a need to understand the impact of lighting on the landscape but it is noted that lighting for the construction and operational phases can be controlled through the 'requirements' as set out in the Order. The noise section of this report consider the impact upon tranquillity in this location.
- 7.121 The applicant's Arboricultural Assessment has identified a total of 152 individual and 32 groups of trees. None of the trees are subject to TPO's. The proposal would involve the likely removal of a number of trees but only two are category B (moderate value) trees. To compensate for the loss of trees replacement trees could be planted and secured through the 'requirements' to the Order. Existing trees close to the development will be subject to trees protection measures which are identified in the Arboricultural Assessment's Preliminary Tree Retention / Removal and Protection Plan.

- 7.122 In terms of the cumulative impact the Lower Thames Crossing would result in future landscape and visual changes and the current development of the Tilbury 2 port is already having a slight change to the area.
- 7.123 Overall, the ES concludes that there are not any likely to be any ‘*significant adverse effects*’ on landscape character and visual resources.
- 7.124 The Council’s Landscape and Ecology Advisor identifies that that this low lying largely flat marshland landscape could be subject to significant landscape effects alone and in combination with other developments in the area from buildings between 12.5m and 15.8m high and 48 exhaust stacks that would be up to 40m high. As the designs have yet to be finalised the choice of materials used in construction will affect the overall visual effects of the scheme. It is noted that the Design Principles Statement has set out measures that will address potential visual effects.
- 7.125 To mitigate the impacts of the development the Order includes ‘requirements’ and during the construction phase the ‘Code of Construction Practice (requirement 5)’ would retain existing trees within the Order Limits with protection measures. For the operational phase various ‘requirements’ will allow for consideration of the detailed design of the development through (requirement 4) and landscaping details through (requirement 14).

Conclusion to this section

- 7.126 The applicant’s ES concludes that there is not likely to be any significant adverse effects on landscape character and visual resources. However, in the absence of the detailed design of the development the precise impact is not known and the Council’s Landscape and Ecology Advisor recognises the scale and height of the development would impact upon the landscape character and visual appearance of the area. Helpfully the photomontages provide an illustrative impact and it is recognised that the main part of the development would be sited in a location nearest the existing Tilbury Substation and between two lines of pylons to attempt to reduce its impact and cluster development alongside this existing infrastructure.
- 7.127 Notwithstanding this the proposed development would have an impact upon the Greater Thames Estuary National Character Area and more so on the more localised Tilbury Marshes Character Area. In policy terms without a final designed building it is not possible to precisely confirm whether the proposal would comply with policies CSTP22 (Thurrock Design), PMD2 (Design and Layout) and the Thurrock Design Strategy (SPD) as the design is more about functionality than responding to the local context, although a colour palette of materials can help lessen the appearance of built form upon the landscape. The proposal would erode some of the rural landscape in this location and impact upon the Green Belt so would not protect or enhance in regard to policy CSTP23 (Thurrock Character and Distinctiveness).

- 7.128 In regard to the NPPF while this landscape is not a high status landscape such as a National Park or Area of Outstanding Natural Beauty it has its own landscape qualities but these are not considered significant when compared to those 'valued landscapes' in regard to paragraph 170 of NPPF and paragraph 5.9.9 of the NPS EN1.
- 7.129 As submitted the proposal would lead to negative adverse landscape and visual impacts although these would not be significant. Nevertheless consideration is needed for mitigation through careful design in regard to the proposal's impact upon the surrounding environment.

IV. Heritage Assets

- 7.130 Section 5.8 of the NPS EN1 recognises that energy infrastructure has the potential to result in adverse impacts on the historic environment and applicants are required to provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance.
- 7.131 Paragraph 189 of the NPPF notes that in determining applications local planning authorities should require an applicant to provide a description of the significance of any heritage assets affected and the contribution of their setting to that significance. Paragraph 193 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The PPG also provides guidance on the historic environment.
- 7.132 CSTP24 (Heritage Assets and the Historic Environment) states that the Council will preserve or enhance the historic environment through a number of considerations, and for proposed development application will be required to consider and appraise development options in terms of what is most appropriate for the heritage asset and its setting.
- 7.133 PMD4 (Historic Environment) ensures that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. This policy is therefore relevant to the assessment of impact upon the historic environment. In particular the heritage assets as defined in the 'Site Description and Constraints' section of this report.

Assessment of the Potential Impacts

- 7.134 There are no heritage assets within the Order Limits. The nearest Scheduled Monuments are Tilbury Fort (970m south west) 'Earthworks near church, West Tilbury' (730m to the north) and Coalhouse Fort (2.35km). The nearest listed buildings are the Church of St James, Grade II* (880m to the north), Marshalls Cottages in West Tilbury, Grade II* (1.4km to the north) and the Officers Barracks, grade II* in the grounds of Tilbury Fort. The nearest Conservation Areas are West Tilbury (700m to the north) and East Tilbury (1.7km to the north east).
- 7.135 The ES has assessed the impact upon the historic environment in two ways: firstly, the potential for construction work to disturb archaeological features, and secondly the potential for the development to affect the setting of heritage assets primarily due to being visible from them, or affecting the historic landscape.

Archaeology

- 7.136 The ES explains that a geo-physical survey of the main site was carried out to identify features below ground that could have archaeological significance and this has led to borehole investigations and the development of a geo-archaeological deposit model.
- 7.137 The ES identifies that there is evidence of prehistoric and Romano-British activity in the form of landscape reclamation and management (drainage channels), and the potential for possible industrial activity (salt production) and settlement, as well as anti-glider ditches dating to WWII within the main development site. There is also the potential to discover additional Palaeolithic and/or Mesolithic material during construction of the flexible generation plant, and low to moderate potential for archaeological assets dating from prehistoric to Post Medieval periods in the marine and intertidal zone affected by construction of the causeway.
- 7.138 Further updated heritage information has been provided since the submission of the application advising that additional geophysical survey work (detailed gradiometer survey) has been undertaken with further analysis ongoing. The applicant is relying on using information prepared by Highways England for the Lower Thames Crossing project.
- 7.139 The ES concludes that there is a potential '*moderate to major adverse effect*' on buried archaeological remains, if present, is predicted prior to mitigation, which would be significant.
- 7.140 In order to mitigate this effect, the applicant has stated that a written scheme of archaeological investigation for works in both the onshore and marine environment would be provided through the 'requirements' of the Order which includes provision for archaeological investigation. With the implementation of this mitigation, the ES considers that residual effect would change to '*minor adverse*', which is '*not significant*'.

- 7.141 The Council's Historic Environment Advisor for Archaeology explains that the proposed development lies in a highly sensitive area of archaeological potential. The development is situated on the former grazing marsh of the Thames with elements of the scheme extending onto the gravel terrace to the north. The gravel terrace is known to have been occupied from the Mesolithic through to the modern day.
- 7.142 The Council's Historic Environment Advisor for Archaeology has commented that further information is required because at present the submitted documents do not provide an appropriate understanding of the potential impact on the below ground archaeological deposits, their extent or significance. Although the document states that the Written Scheme of Investigation (WSI) has been agreed with the Thurrock Historic Environment advisers this is incorrect. This was submitted in February 2020 at which time the applicant was informed that much of the work described in the WSI should be undertaken to inform the DCO process rather than post consent. Section 2.5 within chapter 7 identifies the problems with this submission. The lack of fieldwork has resulted in a lack of evidence as to the impact of the development on the below ground archaeological impacts. At present there has been no field assessment of much of the area proposed for development. It is noted that the additional information submitted since the Inspector's preliminary meeting in October 2020 and this is an improvement upon the lack of information previously provided, however, the information has not achieved the level which is appropriate to determine an appropriate understanding of the impact on the historic environment. These matters will need further consideration and TC would welcome further discussions with the applicant's team.
- 7.143 Furthermore, it is noted that the Relevant Representation from Historic England has identified the same concerns regarding the need for a full detailed assessment as there has been no field assessment and therefore the ES does not fully address the impact upon the significant of asset. Historic England are separate to TC but a joined up approach to discuss this with the applicant's team would help to address this missing information.

Heritage Assets

- 7.144 For Scheduled Monuments, Tilbury Fort is predicted to be subject to a '*minor to moderate adverse*' effect that the ES considers to be significant '*at the lowest end of the scale*'. The ES considers this area to have industrial landscape and the changes to the setting of the fort are considered '*slight*' due to the limited views of the proposed development, and due to other developments in between such as the sewage works and the recent Tilbury 2 development. It is however recognised in the ES that there would be a '*significant effect*' due to the high sensitivity of the fort and its setting.
- 7.145 The designated Earthworks located 800m to the north of Zone A are likely to be early medieval date and ES considers the proposal would lead to a '*minor adverse*' effect, which is '*not significant*'.

- 7.146 The proposed development lies within the wider landscape setting of Coalhouse Fort and the ES considers the flexible generation plant would have no direct physical impact and therefore the potential impact is limited to an effects on its setting from the western and south western parts of the schedule area. The ES considers the significant of effect to be *'minor adverse'*, which is *'not significant'*.
- 7.147 The West Tilbury Conservation Area is the nearest Conservation Area to the site and the proposal would lead to *'moderate adverse effects'* on the setting of the West Tilbury Conservation Area, which are considered to be significant. The ES considers that *'given the existing industrialisation of the conservation area's locale, only a slight reduction to the setting's contributions to the assets' importance is predicted'*. The significance of the effect is determined to be *'medium to high sensitivity'* of this asset. For East Tilbury Conservation Area, which is further distant, the impact is considered as *'minor adverse'* and *'not significant'*.
- 7.148 In terms of listed buildings, the Church of St Mary is Grade I listed, Chadwell House and Sleepers Farm which are both Grade II listed are located to the north west of the site and would be subject to *'minor adverse'* effects which are not significant given the distance they are from the site. Buckland is a Grade II listed building to the east of site that would be subject t to *'minor adverse'* effects which are *'not significant'*.
- 7.149 In terms of historic landscape this includes the Scheduled earthworks at West Tilbury, the Grade II listed West Tilbury Hall, Conservation Area and Grade II* St James' Church. The ES considers the sensitivity of the historic landscape is considered to be medium and the magnitude of impact is deemed to be minor. The significance of effect during construction will therefore be *'minor adverse'*, which is *'not significant'*.
- 7.150 There are no mitigation measures proposed for addressing the impact upon Heritage Assets.
- 7.151 The Council Historic Environment Advisor for Heritage Assets considers that there are inconsistencies within the Historic Environment Desk Based Assessment (ES Vol 6: Appendix 7.1) and the Environmental Statement (ES), in some instances the assessment is not considered robust enough as well as lacking in information such as visualisations from key heritage assets. As such, it is considered that the applicant has not fulfilled the requirements of paragraph 189 of the NPPF as the assessment is not sufficient enough to understand the potential impact of the proposed development on the significance of the identified heritage assets.
- 7.152 Furthermore, the Council's Historic Environment Advisor for Heritage Assets considers the list of heritage assets in the ES do not marry up with those set out at section 4.7 of the Historic Environment Desk Based Assessment (ES Vol 6: Appendix 7.1), the grade I listed church of St Katherine and grade II listed Old Rectory are not assessed in the ES, the setting for the relevant heritage assets including in section 4.1 of the ES is not considered in enough detail and not assessed in line with Historic England guidance document GPA3: The Setting of Heritage Assets (2017), such as

grade II* Church of St James, which should be assessed separately to the conservation area that is located in as the church is situated on elevated ground with long views over the marshland. The applicant's Statement of Case has identified that there would be 'less than substantial harm' to the West Tilbury Conservation Area as a result of the proposed development. It is considered however that due to the reasons set out above, further assessment of the relevant heritage assets is required in order to assess impact. As such, it is considered that this harm may change or may extend to other heritage assets.

7.153 In terms of the further information submitted since the Inspector's first preliminary meeting in October 2020 the Council Historic Environment Advisor for Heritage Assets considers that the assessment is not sufficient enough to understand the potential impact of the development for the following reasons:

- The description of setting and the assessment of contribution of setting to importance included at Appendix 1, is not thorough enough or considered in enough detail in order to inform the assessment of impact;
- Reference has been made to figures/viewpoints within the LVIA in Appendix 1, however there are still a number of heritage assets from which viewpoints/photomontages/wireline images have not been taken. Additional plates have been included within the settings assessment document, however some of these show only the heritage asset itself and do not allow for an assessment of how setting contributes to significance.

Cumulative Impact

7.154 The cumulative impact assessment has considered other developments including potential urban expansion of Linford and East Tilbury, demolition of Tilbury Power Station, Tilbury 2 and the Lower Thames Crossing. The ES predicts that there would be no material contribution by Thurrock Flexible Generation Plant to any significant residual adverse effects.

Conclusion to this section

7.155 The applicant considers that the level of significance predicted does not transpose into 'substantial' harm in the terms of the NPPF and all adverse effects on designated heritage assets identified in the ES chapter represent 'less than substantial' harm in terms of the NPPF. Paragraph 196 states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*" The applicant considers that the public benefits that arise from delivery of the development are sufficient to offset any harm to heritage assets.

7.156 Before a conclusion can be reached TC requires further information, as set out above, to meet the requirements of the Council's Historic Environment Advisor for

Archaeology and Historic Environment Advisor for Heritage Assets to fully understand the local impact and to assess in regard to policies CSTP24 (Heritage Assets and the Historic Environment), PMD4 (Historic Environment), the NPS EN1, and the relevant paragraphs of the NPPF/PPG.

V. Flood Risk and Hydrology

- 7.157 Section 5.7 of the NPS EN1 sets out that all sources of flooding are taken into account to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. Where energy infrastructure is, exceptionally, necessary in such areas, the policy aims to make it safe it without increasing flood risk elsewhere. The NPS EN1 seeks applicants to prepare Flood Risk Assessments (FRA) that help allow the SoS to determine an application having regard to the Sequential Test (and Exception Test where applicable), national and local flood strategies, sustainable drainage systems, and flood resilient and resistant measures. This approach follows the NPPF as set out in paragraphs 155 to 165, and the guidance contained in the 'Flood Risk and Coastal Change' PPG. NPS EN4 requires consideration to be given to water quality and resources for new gas pipeline installations.
- 7.158 There are two policies from the Core Strategy that are relevant. These are policies CSTP27 (Management and Reduction of Flood Risk) and PMD15 (Flood Risk Assessment).
- 7.159 Policy CSTP27 requires flood risk management to be implemented and supported through effective land use planning and specifically related to this application is the consideration of flood risk given that parts of the Order Limits are located in high risk flood zones on the Tilbury Marshes and in particular the causeway location for delivery of abnormal loads.
- 7.160 Policy PMD15 requires applications to be subject to Sequential Test and be accompany by a site specific Flood Risk Assessment, as also required through the NPPF/PPG, to demonstrate that the development would be 'safe' and that surface water run off would not pose a risk to flooding. Parts of the Order Limit fall within all Environment Agency Flood Zones and therefore this policy is relevant to the assessment of the application. The policy requires that developments incorporate Sustainable Drainage Systems (SUDS).

Assessment of the Potential Impacts

- 7.161 The site is low lying reclaimed marshland forming part of the River Thames's catchment. The FRA explains that the ground level range from 1.23m AOD to 1.55m AOD with localised areas of elevated land between 1.6m AOD and 1.8 AOD. The majority of the proposed development is located within Flood Zones 2 and 3a, which are the medium and high risk flood zones. The FRA assesses a range of flooding sources with tidal flooding and surface water flooding identified as the two most likely

sources of flooding for this site. However, the site and the wider area are protected by existing flood defences that in the form of the tidal defence provides for a 1 in 1000 year flood event taking into account climate change. The ES has identified that the main development area is currently drained by a complex network of buried land drains. Many of the surface water channels are privately owned and maintained but some are managed by the Environment Agency.

- 7.162 The FRA identifies that the proposed power station plant is 'Essential' Infrastructure' based upon the PPG 'Table 2 - Flood Risk Vulnerability Classification' but the PPG states that *'Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood'*. The proposed power station does not have to be located in a high risk flood zone as it is not dependent on tidal waters for cooling purposes as can be the case with other power stations such as Bradwell and Sizewell further along the coast. This information will need to be considered for the 'Sequential Test'. In addition the 'Exception Test' will need to be applied as part of the development site falls within Flood Zone 3a as identified in PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility'. Before considering the Exception Test for the road, the whole proposal needs to be subject of the Sequential Test.
- 7.163 In applying the Sequential Test consideration needs to be given to other locations.
- 7.164 For the Sequential Test, the site is mainly allocated within the Green Belt based on the CS Proposals Map. However, through Green Belt Assessment the applicant has put forward factors as Very Special Circumstances for choosing this site for the development. Factor 4 presents the applicant's case for the proposed development's proximity to high pressure gas and 275kV electricity network connections, site suitability and alternatives. Both the infrastructure requirements for high pressure gas and the 275kV electricity network connections are fundamental requirements for the development, which seeks to connect to the Tilbury substation infrastructure that was originally built for the former Tilbury Power Station. The applicant's information demonstrates that 20 sites were originally considered and these were narrowed down to 3 sites with existing substations on the 275 kV network around Greater London. These site were Tilbury, Elstree and Warley. For the reasons stated in the Green Belt assessment Tilbury is the chosen site. It is considered that this information would appear to demonstrate that the Sequential Test is met but ultimately this is for the examining authority to decide.
- 7.165 The PPG advises that the Exception Test *'is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available'*. There are two parts to the Exception Test, which require the development to provide 'wider sustainability benefits that outweigh flood risk', and that the development would be 'safe for its lifetime'.

- 7.166 For the first part of the Exception Test (wider sustainability benefits), and similarly to the points raised in the Sequential Test, the proposal needs to be located with connections to the high pressure gas and the 275kV electricity network as this infrastructure represents a more sustainable approach compared to need to building a new substation and associated infrastructure including pylons, potentially in the Green Belt. The proposal would maintain electricity provision when required. Nevertheless it is for the examining authority to decide whether the first part of the Exception Test is met.
- 7.167 The second part of the Exception Test requires the development to be safe. The applicant's Flood Risk Assessment [FRA] advises on the baseline conditions, as set out above, and identifies that the site benefits from flood protection from an extensive and maintained tidal flood defence system for a 1 in 1000 year. In addition the FRA identifies flood mitigation and protection options such as raising the development platform for gas engines and battery units, using flood resistant and resilient materials and having a flood evacuation plan. Having regard to the comments of the Environment Agency there is a need for further information in the FRA. It is noted that the a revised FRA has been provided following requirement for more information following the since the Inspector's first preliminary meeting in October 2020, although the FRA does not assess the Exception Test and to date TC are not aware of an updated Environment Agency comment so it is not clear as to whether the second part of the Exception Test has been met. Therefore the TC reserve the right to make further representation on this in the future.
- 7.168 The Council's Strategic Flood Risk Assessment (SFRA) modelling of a potential breach in the tidal defences in a 1 in 1,000 year event indicates that the flood depth at the power station could be 2.45 m above Ordnance Survey datum (AOD), to which an additional 0.39 m depth has been added to account for worst-case sea level rise projections (total of 2.84m). This resulting depth would be greater than the expected finished site level for building bases in Zone A at 0.84m AOD so additional flood resilience measures would be critical and these include raising of the gas engines and battery units above the worst case flood levels. It should be noted that failure of the tidal defence is highly unlikely given it protects over 5,000 local residents to Tilbury and the Environment Agency is working to replace existing flood defences in the future.
- 7.169 The Council's Emergency Planner requires the Flood Warning and Evacuation Plan to provide further information including details of safe refuge when evacuation is not feasible, and actions for contractors and staff to take, in the event local defence system is breached or overtopped. Such measures could be dealt with through the 'requirements' to the Order and note the addition of 'requirement 11' to secure this.
- 7.170 In terms of surface water flooding, the FRA identifies that a new surface water drainage system will be designed with surface water collected through permeable areas such as gravelled areas, unbound stone access roads and hardstandings, and through impermeable surfaces such as a roof areas aiding gravity system through

gutters and downpipes connected to a surface water attenuation system. The FRA explains that surface water run-off will be collected and discharged to a below ground gravity to the local surface water drainage network. The Council's Flood Risk Advisor has advised that there are a number of points of detail which need to be clarified which are summarised as follows: drainage calculations and discharge rates; details of drainage installations; drainage details such as the amount of impermeable areas; surface water flow paths; and what happens at decommissioning stage to the installed drainage. These matters will need further consideration as part of the application rather than all through the 'surface water drainage scheme' (requirement 10).

7.171 In assessing the impacts and effects of the development the ES identifies a potential increase in flood risk due to increased run off from impermeable surfaces and therefore drainage design will need to incorporate the necessary run off attenuation and storage as recommended by the FRA. However, the ES concludes that '*no significant adverse effects*' due to flooding is expected and there would be '*no significant effect on watercourse*' from the gas pipeline route or construction access roads that cross existing watercourses.

7.172 The ES recognises the need for good practice measures during the construction activity and safe storage of materials on site to avoid contamination of the hydrology environment. Such mitigation details for all points raised can be agreed through the 'Code of Construction Practice' (requirement 5). During operation, any potentially polluting materials will be stored in accordance with the Environmental Permit and regulatory requirements, including secondary containment to capture and leaks. No significant adverse effects on surface water contamination from runoff are predicted.

Conclusion to this section

7.173 In summary, there is a need to understand how the revised FRA deals with the concerns previously raised by the Environment Agency which would identify if the development would remain safe in a flood event, part 2 of the Exception Test for the examining authority to determine. Secondly further information is required regarding the future surface water drainage approach to the site, which the Council's Flood Risk Advisor requires during the application process instead of all through requirement 10 (surface water drainage details).

7.174 The additional information through the requirements is necessary to allow the local impact to be assessed with regard to policies CSTP27 (Management and Reduction of Flood Risk) and PMD15 (Flood Risk Assessment) as well as the guidance within the NPS EN1, NPPF and PPG.

VI. Geology, Hydrogeology and Ground Conditions

7.175 Various paragraphs of section 5.3 of the NPS EN1 refer to geological conservation importance, ground conditions and hydrogeology requiring applicants to assess the

risk to the environment from a development. NPS EN4 requires consideration to be given to soil and geology for new gas pipeline installations. The NPPF refers to ground conditions and pollution in paragraph 178 requiring decision makers to take account of *'ground conditions and any risks arising from land instability and contamination'*.

7.176 Policy PMD1 (Minimising Pollution and Impacts on Amenity) considers the impact upon amenity in the terms of the location, health of others, occupiers and the natural environment from contaminated land/soil, water pollution and ground instability.

Assessment of the Potential Impacts

7.177 The ES explains that baseline information about the ground conditions was viewed using the British Geological Survey mapping, Environment Agency data, pollution records and the history of land uses in the local area. A site walkover was undertaken in 2018. As the land is reclaimed marshland the majority of the geology with the site is alluvium over sand and gravel. The evidence shows that the site has been historically used for agricultural use and is not considered to be subject to any sources of contamination, aside from fly-tipping of waste on Parsonage Common. The ES recognises that in the wider area there are possible sources of contamination from previous land uses such as the former Tilbury Power Station, historic landfills and former brickworks in the Low Street area but it is recognised by the Council that this would not affect construction work for the proposed development.

7.178 As a result the ES assesses that the potential for construction work including excavation and piling to mobilise any existing contamination and impact on human health, groundwater or surface waters is considered to be *'low'* and *'no significant adverse effect'* is predicted. The impact from the operational phase and the decommissioning phase would be *'negligible to minor adverse'*. The 'requirement' for the Code of Construction Practice (requirement 5) would be a mechanism for dealing with any unexpected contamination, and would also ensure measures for the management of construction activity and safe storage of materials on site to avoid any ground or water contamination.

7.179 The Council's Environmental Health Officer for Contaminated Land has no objections subject to the recommendations set out in the Phase 2 Site Investigation Report, (October 2019) being implemented. These will require:

1. A watching brief on the site, and particularly during the groundwork stage, for unexpected contamination with details including a risk assessment remediation strategy to be submitted to the Council;
2. All potable water pipework shall comply with the Water Supply Regulations; and,
3. Any imported material on to site should be validated before disposition.

4. If piling is required on site the Environment Agency should be consulted with regard to the type of piles required and their installation to avoid mobilisation of potential contaminants into the underlying aquifers.

7.180 To mitigate the impacts of the development the Order includes 'requirements' and during the construction phase the 'Code of Construction Practice' (requirement 5) will ensure construction work best practices are undertaken and the Contained Land and Groundwater (requirement 12) would deal with contamination of land or groundwater if discovered during construction. Substances used in the operation phase will be managed by an Environmental Permit, outside the scope of the Order.

Conclusion to this section

7.181 In summary, based on the overall findings of the ES and the views of the Council's Environmental Health Officer for Contaminated Land there are no objections raised to the local impact.

7.182 Taking this into account it is considered that the proposal's impact upon amenity in terms of location, health of others, occupiers and the natural environment from contaminated land/soil, water pollution and ground instability is acceptable. This is considered in regard policy PMD1 (Minimising Pollution and Impacts on Amenity) and subject to the necessary mitigation measures being implemented and agreed where necessary through the requirements of the Order.

VII. Traffic and Transport

7.183 Section 5.13 of the NPS EN1 recognises that traffic and transport can have a variety of impacts on surrounding transport infrastructure and connecting transport networks, such as increasing congestion. Additional traffic and transport can lead to environment impacts in terms of noise, disturbance and emissions. The NPS EN1 requires the applicant's ES to include a transport assessment and where appropriate a travel plan. The examining authority will consider the impacts and mitigation measures.

7.184 Chapter 9 of the NPPF promotes sustainable transport and through paragraph 102 requires transport issues to be considered at the earliest stage of development proposals. Paragraph 108 requires development proposals to explore opportunities to promote sustainable transport, safe and suitable access, and any significant impacts from the development on the transport network to be mitigated. The PPG advise on the requirement for transport evidence to be considered in decision making and advises on travel plans and transport assessments.

7.185 Policy CSTP14 (Transport in the Thurrock Urban Area) is relevant as the route to the site would involve passing through some of Thurrock's urban areas, in particular the part of Tilbury nearest the Port of Tilbury for accessing this site. The policy identifies measures to promote the use of sustainable transport modes. Policy CSTP15

(Transport in Greater Thurrock) is also relevant as the site falls outside of the urban area. This policy requires improvement and opportunities to use a range of transport modes to promote accessibility and movement.

- 7.186 Policy PMD9 (Road Network Hierarchy) is relevant to new or increased use of existing accesses and a hierarchical approach to road types in the Borough.
- 7.187 Policy CSTP16 (National and Regional Transport Networks) states that the Council will work with partners to deliver improvements to national and regional networks. Relevant to this policy is the construction phase and the use of the road network including A1089, A13 and M25. Policy CSTP17 (Strategic Freight Movement and Access to Ports) supports the logistics and port sectors and the positive impacts of freight activity in Thurrock. These policies are relevant to proposed construction phase and delivery of equipment, components and materials to the site.
- 7.188 The proposal will require parking to be provided for the construction phase, operational phase and decommissioning phase so policy PMD8 (Parking Standards) is relevant and applies the Council's draft parking standards.
- 7.189 Policy PMD10 (Transport Assessments and Travel Plans) requires Transport Assessments, Transport Statements, and Travel Plans to accompany applications.

Assessment of the Potential Impacts

Access and Construction Routes

- 7.190 The applicant's documents show that primary access to the site would be via the Tilbury 2 route adjacent to the Fort Road Bridge to the western part of the site and a second access would be formed from Station Road to provide access to the eastern part of the site. Both accesses would allow access to the main development area of the site in Zone A for both the construction and operational phase.
- 7.191 The ES explains that the primary daily construction vehicle route to the site would be from the A13 south on the A1089 Dock Approach Road, A1089 St Andrews Road and A1089 Ferry Road, then routing east onto the Tilbury 2 road and into the RWE and Tilbury 2 access. The Council's Highways Officer identifies that the majority of the route until the boundary at Tilbury Port is part of the Strategic Highway Network (A1089T) but after that St Andrews Road to Fort Road forms the local highways network.
- 7.192 The secondary access point from Station Road and the route to it from St Andrews Road would all be within the local highways network. The ES explains that the secondary access road would only be used in exceptional circumstances as it is not intended to be the construction vehicle route to the site. The Council's Highways Officer recognises that this secondary route follows country lane roads with varying widths and hedgerows.

Traffic Generation and Highway Impact

7.193 The ES explains that *'during construction, the proposed development is estimated to require on average 40 heavy goods vehicles (HGVs) per day (80 two-way trips) or a peak of 160 two-way HGV trips per day. On average 250 construction staff, peaking at 350, are expected to be required. Use of coaches and minibuses is proposed for construction staff. This would equate to around 70 daily car movements 36 minibus and four coach movements for the peak construction workforce'*. The ES assesses that the average and peak traffic generated by the development during the construction period would be below the threshold in transport assessment guidance at which any significant effects are likely for the majority of section of road assessed.

7.194 The Council's Highways Officer comments *'that in order for this route to be acceptable for the construction phase of the development, mitigation measures are required to reduce the harm on the network and the surrounding area. Firstly, a protective provision for the applicant to fund remediation works for any road deformation on the local highway network and this will need to require the applicant to:*

- 1. Undertake a baseline road condition surveys prior to commencement of works*
- 2. Undertake further road condition surveys every 4 weeks for the duration of construction traffic utilising the route should be secured.*

To avoid any doubt on the extents, the following roads are suggested:

- (a) St. Andrew's Road - boundary of Highways England Asset to Fort Road (including spur road)*
- (b) Fort Road - from St. Andrew's Road to Coopers Shaw Road*
- (c) Coopers Shaw Road - from fort Road to Station Road*
- (d) Station Road - from Fort Road to site entrance*

7.195 The Council's Highways Officer also requires *'protective provision to temporarily close Gun Hill and Church Road for all traffic should be made to ensure that all traffic entering and leaving the site do not by-pass the prescribed route and rat-run through West tilbury village. This can be in the form of Temporary road closure notice and appropriate hard barrier measures at the junction points with Fort Road and Coopers Shaw Road, with light measures at the other extents'*. This can either be implemented by the applicant or funding providing the Council to secure the necessary road closure notices and traffic management measures. It is noted that the 'requirements' include a Construction Traffic Management Plan to be approved, which is essential for the construction phase of the development.

7.196 The Relevant Representation from Highways England has raised concerns over the impact upon the 'Asda roundabout' junction if HGVs collect material from the Port of Tilbury to take to the site. This is because construction vehicles would leave the Port of Tilbury heading north using the A1089 St Andrew's Road and would then need to

make a U-turn manoeuvre around the roundabout to head to the site on the A1089, and Highways England has concerns about the safety and frequency of these U-Turns. Therefore Highways England is concerned to ensure that any potential operational and safety issues that may arise from the use construction traffic on the SRN are appropriately monitored and mitigated.

- 7.197 The ES explains that the delivery of abnormal loads would be via sixty barges over the construction period using the causeway and road constructed (Zone G) to access the main development site (Zone A). This route through the site and wholly within private landownership would not involve any abnormal loads needing to use the road network. The Council's Highways Officer seeks *'protective provision be included for the applicant to ensure that the pedestrian and cycle links along the river frontage are not prejudiced both during the construction phase and during the operation phase'*. Also, if a situation were to occur that required abnormal load vehicles to use the highway network the Council's Highways Officer considers that these should be restricted to outside the peak hours of the Port so to not affect the link and junction capacities.
- 7.198 To construct the gas pipeline route the ES confirms that the route would cross Station Road in East Tilbury in two locations and the road would have to be closed and a local diversion put in place. The ES states the method and diversion route would be agreed with the Council as the Local Highway Authority.
- 7.199 During the operation phase the ES explains that traffic generation would be very low as the flexible generation plant requires a workforce of only around 4-6 full time employees on site and up to 20 additional workers during annual maintenance periods.
- 7.200 In terms of cumulative impact, the ES confirmed that the proposal would use the existing road network and therefore the ES has taken into account existing vehicle movements and in particular the traffic generator that is the Port of Tilbury and the Tilbury 2 development. In terms of potential future developments within the area the Lower Thames Crossing proposal is expected to be submitted by Highways England to the Planning Inspectorate as an application for a Development Consent Order; and the London Resort application for a Development Consent Order has recently been submitted to the Planning Inspectorate and the proposal would include car and coach parking for visitors at the Port of Tilbury and further mitigation at the 'Asda roundabout junction'. Highways England have commented on the physical overlap of the proposal particularly with regard to high-pressure gas pipeline route and access roads, but also the cumulative effects assessment. Highways England do not object to this proposal but recognise the need for reaching an agreement with the applicant on protective provisions.
- 7.201 Overall, for traffic generation and highway impact the ES concludes that there would be *'no significant adverse effects due to construction traffic'* and *'no significant effect'* is predicted during operation phase as the level of traffic would be small and irregular.

Parking and Travel Plan

7.202 The plans submitted with the application do not show details of parking provision for the development as this would form part of the 'detailed design requirement' of the Order. Given the size of the site and the likely limited number of persons on site it is considered that there would be adequate space for on site parking provision during the operation phase. During the construction phase there would be between 250-350 persons on site and a 'Construction Worker Travel Plan' would be agreed as a 'requirement' of the Order. In addition, separately to this application, the Council are dealing with a planning application seeking temporary planning permission for a temporary car park for 200 cars and associated security and welfare facilities at the Arena Essex site, Arterial Road, Purfleet (ref 20/01285/FUL). The intention of that application is the construction vehicles park at the site and a private bus service would operate to take workers to and from the site during the construction hours.

Footpath Impact

7.203 The proposed causeway element would interrupt the existing footpath FP146 alongside the sea wall. This footpath forms part of Natural England's England Coast Path, the sub-regional Thames Estuary Path and local Two Forts Way that is a coastal path and one that links Tilbury Fort and Coalhouse Fort. The applicant has confirmed that this route would remain open with 60 vehicle movements occurring during construction and a Banksman to manage walkers/vehicles

7.204 The proposal would impact upon footpath FP200 but a temporary public right of way would be created if necessary in zone J along the existing road (where there is an existing marked recreational route). The temporary footpath would provide a diversionary route for Footpath 200 to Station Road if it is necessary for the existing footpath where it crosses Zone D1 to be stopped up temporarily during gas pipeline construction.

7.205 There are no objections raised to the impact upon these footpaths.

Conclusion to this section

7.206 In summary, and following consultation with the Council's Highways Officer and having regard to the Relevant Representation from Highways England, TC has no objections subject to the comments raised by the Council's Highways Officer which require the applicant to provide more detailed mitigation measures and protective provisions.

7.207 Taking this into account the local impact has been assessed with regard to the guidance contained within the NPS EN1 and the relevant paragraphs (102 & 109) of Chapter 9 of the NPPF and subject to mitigation would not conflict with these policies.

7.208 In terms of local planning policies, the proposal's impact of the access arrangements and construction route raises no objection with regard to policy PMD9 (Road Network Hierarchy), and in terms of traffic impact would raise no conflict with policies CSTP14 (Transport in the Thurrock Urban Area), CSTP15 (Transport in Greater Thurrock), CSTP16 (National and Regional Transport Networks), CSTP17 (Strategic Freight Movement and Access to Ports) or PMD10 (Transport Assessments and Travel Plans). Through the 'requirements' it is recognised that a 'Construction Traffic Management Plan' (requirement 6) and a 'Construction Worker Travel Plan' (requirement 7) would be provided to promote sustainable transport with regard PMD10 (Transport Assessments and Travel Plans) and in regard to parking considerations for policy PMD8 (Parking Standards).

VIII. Air Quality

7.209 NPS EN1 recognises that infrastructure development can have adverse effects on air quality through the construction, operational and decommissioning phases that can affect health, protected species and habitats, and/or the wider countryside. Air pollutants derive from exhaust stacks, in regard to this development, but also from the construction process. NPS EN2 recognises that generating stations lead to emissions of carbon dioxide, sulphur oxides and nitrogen oxides and Environmental Permits from the Environment agency would be required for emission to be regulated in accordance with the Large Combustion Plant Directive (LCPD) and the Industrial Emissions Directive (IED). Paragraph 181 of the NPPF recognises that opportunities to mitigate impacts should be identified, such as traffic and travel management.

7.210 Policy PMD1 (Minimising Pollution and Impacts on Amenity) consider the impact upon amenity in the terms of the location, health of others, occupiers and the natural environment from air pollution.

Assessment of the Potential Impacts

7.211 The site is not within an Air Quality Management Area as the nearest is 1.8km away. The applicant's air quality monitoring includes 47 receptor sites (not all are in Thurrock) and the results show that background concentrations of nitrogen dioxide in the area around the development site as within the relevant health based air quality objectives.

7.212 The main pollutant emitted from the power generating plant would be nitrogen dioxide from the gas engine exhausts but the ES confirms that these would comply with the emission limits for nitrogen dioxide set by the Industrial Emissions Directive (IED). The exhaust stacks have been designed to be 40m high to allow for dispersal of pollutants at the emission limits.

7.213 The majority of residential and other sensitive receptor locations modelled through the ES work identify that '*no significant effect is predicted*' but for the long term average there are two receptor locations affected at Walnut Free Farm and West

Street where a *'moderate adverse effect is predicted'* from nitrogen dioxide. For short term average concentrations nine existing receptors are predicted to experience *'moderate adverse'* impacts. The ES considers that the total nitrogen dioxide concentration is predicted to remain within the relevant air quality objectives at all but one modelled receptor, at West Street which is predicted to exceed the air quality objective with or without the development in 2022 and this is due to traffic emissions.

- 7.214 The applicant explains in the ES that predictions are based on a maximum case prediction with up to 48 individual exhaust stacks but the applicant will use a process to treat exhaust gas to reduce the nitrogen dioxide emissions below the limits.
- 7.215 The Council's Environmental Health Air Quality Officer has studied the dispersal modelling for the power generating plant and the exhaust stack heights for 40m high stacks. It is recognised that one receptor is above the annual mean air quality objective (9) West Street, but this is not in Thurrock, and is in Gravesham Authority.
- 7.216 In terms of the annual mean air quality objective for NO₂ the Council's Environmental Health Air Quality Officer does not have any concerns for air quality resulting from the operational side of this development. The modelled results for the short-term hourly mean objective for NO₂ indicate that there will likely be no breaches this objective. The overall impact is considered *'minor adverse'* as there are no potential breaches of the air quality objectives at any of the receptor locations. It is mentioned that further reductions could be achieved by aggregation of Stacks using Selective Catalytic Reduction (SCR) reducing NO_x emissions further and potentially "halving" any NO_x/NO₂ emissions from the stacks, if financially viable then this measure would be very much supported by Thurrock Council.
- 7.217 Other air pollutants from the proposal would involve the construction process which the applicant proposes to be mitigated through a Code of Construction Practice, which is offered as one of the requirements as set out in the Order.
- 7.218 During the construction/decommissioning and less so during the operation phase would be air pollution emissions from vehicles, particular construction vehicles to and from the site. The ES has reviewed the impact upon the road network and identifies that *'no significant adverse effect is predicted'*. The Council's Environmental Health Air Quality Officer recognises that the proposed development is likely to result in a significant uplift in the number of Heavy Goods Vehicles (HGV's) along various routes leading to the site, however, taking into account the modelling it is considered that there will not likely be any significant impact in terms of any significant air pollution arising from construction related vehicle movements in relation to this development
- 7.219 In terms of nitrogen deposition upon sensitive ecological habitats the ES states that *'no significant air quality effects on designated habitats are expected to arise due to the proposed development'*.

7.220 In terms of the cumulative impact, the Council's Environmental Health Air Quality Officer advises that there are various large scale operations have been included in a cumulative impact assessment for the Thurrock Power Plant, including schemes such as Tilbury2 and Tilbury Green Power. The long and short term modelling has been reviewed and there are three receptors in Thurrock. However the Council's Environmental Health Air Quality Officer has taken into account that the modelled scenario is considered 'conservative' overall and likely not real future case, any further mitigation measures as suggested before by using SCR would be recommended. If it falls under Best Available Techniques (BAT), and is deemed economically and environmentally viable and beneficial.

Conclusion to this section

7.221 In summary, based on the overall findings of ES and the Council's Environmental Health Air Quality Officer has no objection to this development as long as all appropriate mitigation measures are undertaken for limiting dust during the construction phase. Also it is recommended that additional mitigation is needed on the power plant operational side in terms of adopting the use of SCR if it is feasible to further limit any emissions of NO₂ from this development.

7.222 Taking this into account the local impact is assessed with regard to policy PMD1 (Minimising Pollution and Impacts on Amenity) and it is consider the proposal's impact upon amenity in the terms of the location, health of others, occupiers and the natural environment from air pollution is acceptable, having regard to the policy and subject to the necessary mitigation measures being implemented and agreed where through the requirements section of the Order. It is noted that the requirements include 'Code of Construction Practice' (requirement 5) for the operational phase and outside of the scope of the Order an Environmental Permit.

IX. Noise and Vibration

7.223 NPS EN1 recognises that excessive noise can have wide ranging impacts on the quality of human life, health and enjoyment of areas as well as adverse impacts upon wildlife and biodiversity. NPS EN2 recognises that generating stations can lead to noise and vibration impacts from gas and steam turbines, and air cooled condensers. Both NPS EN1 and NPS NE2 recognise the need for mitigation such as enclosing plant and machinery in noise reducing buildings and considering the layout of the development away from noise sensitive receptors. NPS EN4 requires consideration to be given to noise and vibration for new gas pipeline installations.

7.224 Paragraph 180 of the NPPF requires the consideration of the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, and in particular the need to mitigate and reduce noise from development and to protect tranquil areas. The PPG provides general guidance on noise policy and assessment methods following the Noise Policy Statement for

England and British Standards. The World Health Organisation (WHO) guidance is also necessary for consideration.

7.225 Policy PMD1 (Minimising Pollution and Impacts on Amenity) consider the impact upon amenity in the terms of the location, health of others, occupiers and the natural environment from noise pollution.

Assessment of the Potential Impacts

7.226 The applicant's ES recognises that existing background noise levels in this location are mostly influenced by the sound of local and distant traffic, and in some locations the sound of metal recycling, industrial sound from the Port of Tilbury and passing trains.

7.227 The ES identifies that baseline noise levels were monitored in February 2018 at seven locations considered to be the nearest noise sensitive receptors around the proposed development. The noise measuring took place for a week including the weekend. The seven locations were Byron Gardens, Buckland, Walnut Tree Farm, St James Church, Tilbury Fort, Sandhurst Road and Goshem's Farm.

7.228 The noise generating sources from the operational phase of the development would be in Zone A and would be from the gas engines in the power generating plant as well as their cooling fans and exhaust systems. The battery storage cooling system would also produce noise along with gas metering equipment and substation components.

7.229 The applicant proposes designed-in mitigation to reduce noise levels. With the mitigation in place the ES identifies that a *'moderate adverse effect'* at the most affected residential receptors in the vicinity of Buckland is predicted. The ES considers this would not be intrusive as the 39dB baseline ambient noise level would increase by +4 dB to 43 dB during the night-time. The Council's Environmental Health Officer for Noise considers that a change to +3 dB is the minimum that most people can perceive and exceeds the WHO free-field external level of 42 dB for Buckland, which would be moderately impacted, but agrees with the findings that this would not be cause a significant effect. For other sensitive receptors, including the impact upon background noise levels and tranquillity, the ES considers the impact to be *'negligible'* or to have a *'minor effect'*. The ES assessment is based on both the change in noise levels and absolute sound levels during the day and night. The ES concludes that the sound from the *facility 'would not result in any adverse impact on the quality of life of residents'* and the noise effects would be *'not significant'* during operation.

7.230 During the operation period to the proposal would not lead to any significant traffic impact for the site and the surrounding area.

7.231 The construction phase would be subject to the Code of Construction Practice (requirement 5) and is similar to a Construction Environmental Management Plan.

The Code of Construction Practice would apply best practice measures to reduce noise during construction and the details will be submitted for approval as a 'requirement' of the Order. The main noise sources during the construction would be from the works, plant use, piling, horizontal drilling (for the gas pipeline) and traffic. These are all temporary effects and the ES identifies that the impact is not considered to cause '*significant effects*' due to the distance to residences. The future decommissioning of the development would result in broadly the same impacts as the construction phase. The Council's Environmental Health Officer for Noise raises no objection as the construction work and future decommissioning work along with the traffic generated would not cause any significant impact.

7.232 The cumulative impact considers the development in conjunction with the current Tilbury 2 development and the future Lower Thames Crossing development (if permitted). The ES assesses the cumulative impact for the construction phase, operational phase and decommissioning phase of the development and considers that the cumulative impact would not contribute to any meaningful effects' and therefore no further mitigation, other than that proposed is required for cumulative impact considerations.

Conclusion to this section

7.233 In summary, based on the overall findings of ES and following consultation with the Council's Environmental Health Officer for Noise, the proposal would not lead to any significant adverse effects on receptors sensitive to noise and vibration.

7.234 Taking this into account the local impact is considered acceptable in regard to the proposal's impact upon amenity in terms of location, health of others, occupiers and the natural environment, having regard to the policy PMD1 and the need for mitigation to be agreed through the 'requirements' of the Order. The requirements identify the need for a 'Code of Construction Practice' (requirement 5) for the construction phase and for the operational phase and outside of the scope of the Order an Environmental Permit.

X. Land Use, Agriculture, and Socio-Economics

7.235 NPS EN1 through section 5.10 recognises that energy infrastructure projects can have direct effects on existing land uses, and for this location the predominant land use is agricultural land use and an area of common land. Paragraph 5.12.6 requires consideration to be given to the potential socio-economic impacts of new energy infrastructure. The PPG includes guidance on the need to protect and enhance valued soils and to take into account the economic and other benefits of the best and most versatile agricultural land.

7.236 Policy CSTP20 (Open Space) identifies that the Council will seek to ensure a diverse range of accessible public open spaces is provided, and policy PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities) requires new development to provide

open spaces, which would relate to the provision of common land through the application. Policy CSTP21 (Productive Land) recognises the importance of food security and will ensure the protection, conservation and enhancement of agriculture, productive land and soil in the Borough, which is relevant to this application.

Assessment of the Potential Impacts

7.237 The ES identifies that the agricultural land within the site is grade 3 agricultural land within the Agricultural Land Classification (ALC) and the majority of the soils in the site are clayey with areas of loamy material, gravel and sand. Grades 1 to 3 are the referred to as the 'Best and Most Versatile' land and policy CSTP21 states that *'development of the best and most versatile land will not be supported except in exceptional circumstances'*. The policy goes on to state that *'developers would need to demonstrate that'*:

- i. there is no suitable site in a sustainable location on land of poorer agricultural quality; or*
- ii. alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.*

7.238 The ES explains that the majority of the land affected by the proposed development forms part of a single large arable based family farm holding and comprises of lower quality agricultural land for the majority of the site but there is an area of around 1.15 hectares of higher quality agricultural land that would be permanently affected. The ES scores the loss of this agricultural land and the impact upon the farm holdings as *'negligible to minor adverse effects'*, which is *'not significant'*.

7.239 A large area of land is shown within the red line area (Order Limits) but the approach of zoning the site helps identify where proposed built elements of the development are to be located. Not all of the site is being developed and Works 1 is the main development area in Zone A, and this occupies land that is partly Common Land and partly an agricultural field parcel. Only half of the existing agricultural field would be lost as a result of the main development area. Other areas of the development would appear to result in a partial loss of agricultural field parcels to elements of the development such as the permanent access road in Zone C and the access road for the construction purposes in Zone G. The laying of gas pipelines underground would result in temporary disturbance of agricultural land but once installed the land above the pipeline would appear to be useable for agricultural purposes.

7.240 In terms of applying policy CSTP21 the Green Belt assessment has already identified the reasons for choosing this site and the lack of alternatives for this type of facility.

7.241 The proposal would result in the complete loss of Walton Common which is 10.10 hectares of Common Land within Zone A but the proposal includes the provision of new/replacement Common Land to the north of the railway line within Zone E of the

site. This would provide Common Land that is more accessible than Walton Common and therefore more beneficial in regard to policies CSTP18, CSTP20 and PMD5. The ES considers that the permanent effects are considered to be '*minor beneficial*'. There would also be some temporary loss of common land through the laying of the gas pipeline but as a temporary operation this does not raise any objection.

7.242 Other land uses affected include the permanent loss of access to sand and gravel deposits for an area of land 0.25 hectares in size, and the temporary stopping up impact upon footpath FP200. The ES considers there to be '*no significant effects*' on public rights of way and in terms of mitigation the 'Code of Construction Practice' (requirement 5) would deal with a short term diversion to public footpath FP200.

7.243 The ES estimates than an average of 250 full time construction jobs would be created over the construction period and additional jobs would be created during this phase. This would result in a '*minor to moderate benefit*' to the area. During the operation period the applicant does not expect there to be any staff based full time at the site other than when routine maintenance is being carried out, so the effect is considered to be '*negligible*'.

Conclusion to this section

7.244 In summary, the proposal would result in the permanent and temporary loss of agricultural land. The permanent loss of part of an existing agricultural field to the main development area does not raise any objections. The proposed replacement Common Land would be more accessible than the existing Walton Common so this would be a benefit. There are no objections raised to other land use affected. The proposal would result in socio-economic benefits during the construction period.

7.245 Taking this into account the local impact is assessed to be acceptable with regard to policies CSTP18 (Green Infrastructure), CSTP20 (Open Space) and PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities), and in regard to Common Land exchange and access. A negative impact would result from the permanent and temporary loss of agricultural land having regard to policy CSTP21 (Productive Land). The socio-economic benefits would be considered alongside paragraph 5.12.6 of the NPS EN1.

XI. Human Health

7.246 The NPS EN1 does not have a specific section on human health but it is covered in other sections in regard to pollution impact. The NPPF includes a chapter on promoting health and safe communities.

7.247 Policy PMD1 (Minimising Pollution and Impacts on Amenity) considers the impact upon amenity in the terms of the location, health of others, occupiers and the natural environment from various forms of pollution including air, noise, contamination, odour, light, water, visual intrusion, loss of light and vibration.

Assessment of the Potential Impacts

- 7.248 The applicant's ES considers the likely significant effects of the development on people's physical, mental and social wellbeing. The ES has gathered baseline information from various sources including the NHS, health profiles by Public Health England and the Joint Strategic Needs Assessment development by local public health teams to assess the impact. The baseline information considers life expectancy and physical health, mental health, lifestyle, deprivation, socio-economic, ward level baseline information and climate change. The proposal would impact upon air pollution and noise, traffic levels which can affect road safety, access from footpaths, common land and landscape amenity.
- 7.249 For air quality, the ES considers that a change in exposure to air pollution at sensitive locations such as residential areas and schools is considered by the ES to be '*minor*' and '*no significant adverse effect*' on health are predicted.
- 7.250 For noise, the ES considers the noise level during construction and operation is not predicted to lead to annoyance or sleep disturbance that could cause a significant adverse health effect.
- 7.251 For traffic impacts, the ES considers that the construction traffic flows would not be significant compared to existing road traffic and access routes. The construction phase is intending to use the trunk road network where possible. The ES determines that '*no significant adverse effect*' on health due to road safety or creation of barriers to pedestrians or cyclists is predicted.
- 7.252 For the socio-economic, the ES considers construction employment generation is estimated to average 250 full-time equivalent jobs and this has the potential for a '*beneficial effect*' on health on an individual level.
- 7.253 The ES considers and it is agreed that the exchanged Common Land would offer improved access to public access, with a slight improvement to accessibility as crossing the railway is no longer required. Therefore, the ES considers that '*no adverse effect*' on health and wellbeing due to changes in green space available for exercise and recreation is predicted.
- 7.254 The Council's Public Health Officer has noise concerns and the associated health impact of noise on local residents, which appears to be underestimated in relation to the existing population as local residents already experience higher rates of long-term conditions. This is recognised in Tilbury from existing industrial and port side uses within a closer distance to sensitive receptors than the application site. The Council's Environmental Health Officer for Noise considers that the proposal would not lead to any significant adverse effects on receptors sensitive to noise and vibration and for this reasons it is considered that there are no objections raised to noise impact upon human health.

Conclusion to this section

- 7.255 In summary, following consultation with the Council's Public Health Officer and the Council's Environmental Health Officer for Noise, it is considered that the proposal would not lead to any significant adverse effects on human health.
- 7.256 Taking this into account it is considered that the proposal's impact upon amenity in terms of location, health of others, occupiers and the natural environment from air quality, noise and traffic is acceptable in regard to the policy PMD1 (Minimising Pollution and Impacts on Amenity). Similarly, as the socio-economic benefits would be considered acceptable with regard to paragraph 5.12.6 of the NPS EN1. Where necessary mitigation measures will need to be implemented and agreed through the 'requirements' of the Order and in this instance the 'Code of Construction Practice' (requirement 5) would appoint a local community liaison officer during the construction phase of the development.

XII. Climate Change

- 7.257 The NPS EN1 requires applicants within their ES's to undertake assessments of carbon dioxide emissions and consider climate change adaption. Chapter 14 of the NPPF requires the planning system to meet the challenge of climate change through the transition a low carbon future. There is also a section on climate change in the PPG.
- 7.258 Policy CSTP25 (Addressing Climate Change) requires climate change adaption measures and technology to be considered in any development proposal. These include the reduction of emissions, renewable and low carbon technologies.

Assessment of the Potential Impacts

- 7.259 The applicant's ES identifies that the total emissions over the 35 year operating lifetime of the flexible generation plant would be the equivalent of 46 million tonnes of carbon dioxide. The battery storage facility has the benefit of storing electricity for a period of time. From the construction phase the ES advises that the greenhouse gas emission are estimated to be less than 1% of the total and would have '*very minor effects*' compared to the operational impact.
- 7.260 The proposal is not renewable or low carbon technology and would introduce emissions so would be contrary to the requirements of policy CSTP25 but it is recognised that the proposal would provide an on demand type of facility for when electricity is needed so would not run 24 hours a day like a traditional power station.
- 7.261 In terms of mitigation the 'Code of Construction Practice' (requirement 5) would deal with the use of electricity on site for construction.

XIII. Conclusions

Summary of Local Impacts

7.262 The table below provides a conclusion as summary of the local impacts based on the analysis of the material considerations.

Material Consideration	Local Impact	Summary of the Impact and any Mitigation
Principle of the Development and the Impact upon Green Belt;	Positive & Negative	<p>Positive as the proposal would meet critical need for electricity demand, security and network resilience along with the locational factors for choosing this site.</p> <p>Negative impact upon the Green Belt as proposal would be ‘inappropriate development’ and would impact upon the openness of the Green Belt.</p> <p>However, factors put forward demonstrate Very Special Circumstances exist that would outweigh the harm.</p>
Ecology and Nature Conservation;	Positive & Negative	The proposal would result in the loss of habitat and would impact upon protected species at the site, however, it is recognised that the areas to the north and south of the railway line would form new habitats to allow for translocation, net gain, along with improvements for accessing these areas, when compared to the difficult access arrangements to Walton Common, so there would be improvements to Green Infrastructure in the area.
Landscape and Visual Impact;	Negative	The proposal would lead to adverse landscape and visual impacts and consideration is needed for mitigation through careful design in regard to the proposal’s impact upon the surrounding landscape and visual receptors.
Heritage Assets;	Negative	<p>Precautionary approach as Negative until more information is proposed as follows:</p> <p>For archaeology further information is required because at present the submitted documents do not provide an appropriate understanding of the potential impact on the below ground archaeological deposits, their extent or significance.</p>

		For heritage assets further information is required to address inconsistencies within the Historic Environment Desk Based Assessment (ES Vol 6: Appendix 7.1), and there is a need to assess the grade I listed church of St Katherine, grade II listed Old Rectory and the grade II* Church of St James in the ES.
Flood Risk and Hydrology;	Negative	<p>Precautionary approach until it is clear that the Environment Agency have accepted the revised Flood Risk Assessment in regard to the second part of the Exception Test. Therefore the local planning authority may wish to make further representation once this has been received.</p> <p>The Council's Flood Risk Advisor has advised that there are a number of points of detail which need to be clarified which are summarised as follows: drainage calculations and discharge rates; details of drainage installations; drainage details such as the amount of impermeable areas; surface water flow paths; and what happens at decommissioning stage to the installed drainage. These matters will need further consideration as part of the application rather than all through the 'surface water drainage scheme' (requirement 10).</p>
Geology, Hydrogeology and Ground Conditions;	Neutral	The overall findings of the ES and the views of the Council's Environmental Health Officer for Contaminated Land identify that there are no objections raised to this consideration.
Traffic and Transport;	Neutral	The proposal's impact of the access arrangements and construction route raises no objection, and in terms of traffic impact would raise no conflict with policy. Through the 'requirements' it is recognised that the 'Construction Worker Travel Plan' would be provided to promote sustainable transport.
Air Quality;	Neutral	Subject to mitigation measures being implemented the proposal would not lead to any significant adverse effects upon air quality.
Noise and Vibration;	Neutral	Subject to mitigation measures being implemented the proposal would not lead to any significant

		adverse effects on receptors sensitive to noise and vibration.
Land Use and Agriculture, and Socio-Economics;	Positive & Negative	Employment creation for the construction and operational periods and improved Common Land areas that are more accessible. The only negative is some loss of agricultural land.
Human Health;	Neutral	Taking into consideration air quality, noise, traffic and the socio-economic benefits the proposal would not lead to any significant adverse effects on human health.
Climate Change;	Negative	The proposal would contribute to climate change using gas for electricity production, however, this is a flexible generating plant so it is recognised that this would not be used all the time. The battery storage would help store electricity and release to the grid when needed.

Summary of Economic, Social and Environmental Impacts

7.263 The table below provides a summary of the Economic, Social and Environmental Impacts:

Economic	<ul style="list-style-type: none"> • The need for electricity demand, security and network resilience along with the locational factors for choosing this site • Job creation for the construction/future decommissioning and operational phases with a range of jobs involved. Jobs would include direct and indirect jobs for the construction/future decommissioning. Opportunity for specialist technical jobs for the operational phase. • Construction Phase could use local labour sources and local materials that would benefit the local economy for Thurrock.
Social	<ul style="list-style-type: none"> • Job creation and social benefits for employees • Access to exchanged Common Land and access to new ecology and nature conservation areas could provide leisure, recreation and educational benefits
Environment	<ul style="list-style-type: none"> • Impact upon the Green Belt • Landscape and Visual Impact

	<ul style="list-style-type: none"> • Impact upon Heritage Assets but more information required • Impact upon Flood Risk and Surface Water Drainage but more information is required • Ecology and Nature Conservation – loss of habitat and the need to translocate protected species but recognise the proposal would provide new ecology areas for habitats, net biodiversity gain and access improvements • Impacts on Ground Conditions, Air Quality, Noise and Vibration can be mitigated for environmental reasons and for human health reasons • Some loss of agricultural land • Use of a fossil fuel for electricity production would contribute to climate change
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Summary of the Green Belt Impact alongside any Other Material Considerations

7.264 The table below provides a summary of the Green Belt Harm, Any Other Harm and the Very Special Circumstances and the weight that is attributed to them in assessing the planning balance. A precautionary approach has been taken in regard to the consideration of the heritage assets and flood risk considerations as following the Council's internal consultation process both require further information to be submitted which may result in a change to this table in the future.

Summary of Green Belt Harm, Any Other Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	Supporting the growth of renewable energy and lowering carbon emissions	Significant
Reduction in the openness of the Green Belt	Substantial	Addressing a critical and urgent need for on demand power generation, contribution to energy security and network resilience	Substantial
Landscape and Visual Impact	Significant	Role of the application site in the Green Belt	No Weight
Heritage Assets – more information needed	Significant	Proximity to high pressure gas and 275kV electricity network connections, site suitability and alternatives;	Substantial

Flood Risk – need more information needed	Significant	Improvement of access to Common Land	Moderate
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7.265 Taking into account all Green Belt considerations and for the reasons explained it is considered that this proposed development is unique and in this location it would make beneficial use of the existing Tilbury substation and associated electricity pylon infrastructure. There is a clear demand for electricity production and security that is recognised at the national level through the Government’s National Policy Statement for Energy EN1. Taking this into account the factors promoted by the applicant are considered to clearly outweigh the identified harm to the Green Belt through inappropriate development and the adverse impact that would result upon the openness of the Green Belt in this location such that Very Special Circumstances exist. Therefore the principle of the development is acceptable.

Overall Conclusion

7.266 Overall the local impact of the development is assessed in the above three tables which identify that there are the positive, negative and neutral impacts for the relevant material planning considerations of this application. The proposed development would also have positive and negative impacts upon the economic, social and environmental roles. On balance the proposed development would be acceptable subject to the mitigation measures identified in the requirements to the Order and through planning obligations being agreed with the applicant through a section 106 legal agreement.

8.0 CONSIDERATION OF ARTICLES AND REQUIREMENTS OF THE DRAFT ORDER

Schedule 2, Part 1

- 8.1 With regard to the 'requirements' as set out Schedule 2, Part 1 of the Order there are no objections raised to the 'requirements' as set out in the schedule, although the revised draft DCO 'requirements' need proof reading before being approved and TC reserves the right to provide any further input into these throughout the application process.
- 8.2 It is considered that an additional 'requirement' should be included requiring information to be submitted to explain the future decommissioning process.

Schedule 2, Part 2

- 8.3 TC has no objection to the proposed procedure for the discharge of requirements set out by Part 2 (19) to (24). However, in the interests of clarity and consistency with the provisions of Town and Country Planning legislation (referring to applications for the approval of details reserved by planning conditions) it is suggested that consideration could be given to adding the following wording:

'The requirements of Schedule 2, Part 1 shall be deemed to be conditions subject to which a planning permission was granted under section 70 of the 1990 Act and, accordingly, they shall be subject to the provisions of that Act and all associated legislation.'

- 8.4 This suggested addition would have the benefit of allowing the applicant to use existing convenient on-line systems for the submission and approval of details reserved by planning conditions.
- 8.5 Furthermore, in regard to Schedule 2, Part 2 (19) it is respectfully requested that the 5 week period referred to be amended to 8 weeks to coincide with the process for discharging the 'requirement' as there will be a need for consultation, which for Schedule 2, Part 2 (21) (1) should also be 21 days rather than 10 days. This approach was accepted by the examining authority for the Development Consent Order for the Port of Tilbury – Tilbury 2 development so would represent consistency for decision making timeframes for the Council. Should this change be considered unacceptable it is noted that Schedule 2, Part 2 (19) (b) does allow for a longer period in writing to be agreed by the undertaker and relevant planning authority. It should also be noted that the

9.0 PLANNING OBLIGATIONS

- 9.1 A Community Infrastructure Levy is (CIL) being developed by TC alongside the preparation of a new Local Plan. Until the CIL is prepared TC seeks developer contributions in accordance with Policy PMD16 (Developer Contributions) of the current Core Strategy. Policy PMD16 sets TC's policy context for securing planning obligations under s106 of the Town and Country Planning Act 1990 and in accordance with the NPPF. Through the use of s106 agreements, TC will seek to ensure that development:
- i. appropriately contributes to the delivery of strategic infrastructure;
 - ii. meets the reasonable costs of new infrastructure made necessary by development;
 - iii. mitigates or compensates for any significant loss of amenity or resource; and
 - iv. provides for the ongoing maintenance of facilities provided as a result of new development.
- 9.2 The range of matters that may be covered by obligations as described by PMD16 include vocational training in employment, employment of local residents, sustainable public transport, accessibility and travel planning, pedestrian and cycling infrastructure, transport information, maintenance payments for existing transport infrastructure and preservation and enhancement of the historic environment.
- 9.3 TC uses an Infrastructure Requirement List which identifies development scenarios on an area by area basis. This list was used as the basis to provide the applicant with a schedule of potential infrastructure requirements last year.
- 9.4 Currently the application does not include any proposed draft heads of terms for a s106 agreement and therefore TC would welcome the opportunity to discuss s106 contributions, which taking into account the assessment of the application may include:
- 1) A financial contribution to the Council for any Highway Works;
 - 2) Promotion and implementation of an Employment and Skills Strategy during construction and operation of the development; and
 - 3) Any other obligations are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development in accordance with paragraph 204 of the NPPF.

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APPENDIX 2

Planning & Growth

Thurrock Council

Written Representation

February 2021

Thurrock Power Ltd - Proposed Flexible Electricity Generation Plant

Planning Inspectorate Reference: EN010092

Contents

1. Introduction
2. Summary of Representation
3. Summary of Relevant Topics
4. Overall Conclusions

1.0 INTRODUCTION

- 1.1 This document sets out Thurrock Council's (TC) Written Representations (WR) on the application for a Development Consent Order (DCO) made by the Thurrock Power Ltd for the construction and operation of a flexible electricity generation plant on land directly to the north of the former Tilbury Power Station site within the Green Belt.
- 1.2 Thurrock Council is a unitary authority and therefore performs functions as the local planning authority, local highways authority, waste planning authority and local lead flood authority. The area which is the subject of the application for the DCO lies wholly within the administrative area of TC.
- 1.3 The content and conclusions of this WR were presented to and agreed at the meeting of the Council's Planning Committee on 11 February 2021, with any relevant revisions after this time being agreed by the Assistant Director of Planning, Transport and Public Health. TC submitted a Relevant Representation (RR) in August 2020 which contained a summary of what is considered to be the main issues raised by the proposals. This RR representation also provided a position statement in the form of technical comments from relevant Council officers.
- 1.4 TC has prepared a Local Impact Report (LIR) which was also presented to the TC Planning Committee at its meeting on 11 February 2021. The LIR is a detailed 'technical' report which considers the range of social, environmental and economic impacts raised by the proposals and considers the positive, neutral or negative local impacts. TC has also engaged with the applicant to progress a draft Statement of Common Ground (SOCG) in order to confirm which matters relevant to TC are agreed, which matters are still under discussion and whether matters are not agreed between TC and the applicant.
- 1.5 In line with the guidance at paragraph 23.1 of the Planning Inspectorate (PINS) Advice Note 2 (The Role of Local Authorities in the Development Consent Process), this WR sets out the view of the local authority on whether or not it supports the application and its reasons for forming this view. This WR therefore balances and weighs the content of the applicant's submission, the LIR and the associated technical considerations to reach a TC 'summary position'. It is to be expected that the proposals, due to their significance and complexity, will result in a range of positive, neutral and negative local impacts. The primary purpose of this WR is therefore to balance the potential local impacts in order to set out TCs view on the application with associated reasons.
- 1.6 As suggested by paragraph 23.2 of Advice Note 2, this WR is intended to be a concise document, relying on cross-referencing to the LIR and draft SOCG in order to avoid unnecessary repetition.

- 1.7 TC appreciates that once submitted to PINS this WR cannot be withdrawn. Although TC reserves the right to provide further representations during the examination of the proposals if TCs view or policy position alters.

2.0 SUMMARY OF ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACTS

2.1 The Economic, Social and Environmental Impacts of the development the following table has been produced in the LIR:

Economic	<ul style="list-style-type: none"> • The need for electricity demand, security and network resilience along with the locational factors for choosing this site • Job creation for the construction/future decommissioning and operational phases with a range of jobs involved. Jobs would include direct and indirect jobs for the construction/future decommissioning. Opportunity for specialist technical jobs for the operational phase. • Construction Phase could use local labour sources and local materials that would benefit the local economy for Thurrock.
Social	<ul style="list-style-type: none"> • Job creation and social benefits for employees • Access to exchanged Common Land and access to new ecology and nature conservation areas could provide leisure, recreation and educational benefits
Environment	<ul style="list-style-type: none"> • Impact upon the Green Belt • Landscape and Visual Impact • Impact upon Heritage Assets but more information required • Impact upon Flood Risk and Surface Water Drainage but more information is required • Ecology and Nature Conservation – loss of habitat and the need to translocate protected species but recognise the proposal would provide new ecology areas for habitats, net biodiversity gain and access improvements • Impacts on Ground Conditions, Air Quality, Noise and Vibration can be mitigated for environmental reasons and for human health reasons • Some loss of agricultural land • Use of a fossil fuel for electricity production would contribute to climate change

3.0 SUMMARY OF RELEVANT TOPICS

3.1 The table below provides a conclusion as summary of the local impacts based on the analysis of the material considerations.

Material Consideration	Local Impact	Summary of the Impact and any Mitigation
Principle of the Development and the Impact upon Green Belt;	Positive & Negative	<p>Positive as the proposal would meet critical need for electricity demand, security and network resilience along with the locational factors for choosing this site.</p> <p>Negative impact upon the Green Belt as proposal would be 'inappropriate development' and would impact upon the openness of the Green Belt.</p> <p>However, factors put forward demonstrate Very Special Circumstances exist that would outweigh the harm.</p>
Ecology and Nature Conservation;	Positive & Negative	The proposal would result in the loss of habitat and would impact upon protected species at the site, however, it is recognised that the areas to the north and south of the railway line would form new habitats to allow for translocation, net gain, along with improvements for accessing these areas, when compared to the difficult access arrangements to Walton Common, so there would be improvements to Green Infrastructure in the area.
Landscape and Visual Impact;	Negative	The proposal would lead to adverse landscape and visual impacts and consideration is needed for mitigation through careful design in regard to the proposal's impact upon the surrounding landscape and visual receptors.
Heritage Assets;	Negative	<p>Precautionary approach as Negative until more information is proposed as follows:</p> <p>For archaeology further information is required because at present the submitted documents do not provide an appropriate understanding of the potential impact on the below ground archaeological deposits, their extent or significance.</p> <p>For heritage assets further information is required to address inconsistencies within the Historic</p>

		Environment Desk Based Assessment (ES Vol 6: Appendix 7.1), and there is a need to assess the grade I listed church of St Katherine, grade II listed Old Rectory and the grade II* Church of St James in the ES.
Flood Risk and Hydrology;	Negative	<p>Precautionary approach until it is clear that the Environment Agency have accepted the revised Flood Risk Assessment in regard to the second part of the Exception Test. Therefore the local planning authority may wish to make further representation once this has been received.</p> <p>The Council's Flood Risk Advisor has advised that there are a number of points of detail which need to be clarified which are summarised as follows: drainage calculations and discharge rates; details of drainage installations; drainage details such as the amount of impermeable areas; surface water flow paths; and what happens at decommissioning stage to the installed drainage. These matters will need further consideration as part of the application rather than all through the 'surface water drainage scheme' (requirement 10).</p>
Geology, Hydrogeology and Ground Conditions;	Neutral	The overall findings of the ES and the views of the Council's Environmental Health Officer for Contaminated Land identify that there are no objections raised to this consideration.
Traffic and Transport;	Neutral	The proposal's impact of the access arrangements and construction route raises no objection, and in terms of traffic impact would raise no conflict with policy. Through the 'requirements' it is recognised that the 'Construction Worker Travel Plan' would be provided to promote sustainable transport.
Air Quality;	Neutral	Subject to mitigation measures being implemented the proposal would not lead to any significant adverse effects upon air quality.
Noise and Vibration;	Neutral	Subject to mitigation measures being implemented the proposal would not lead to any significant adverse effects on receptors sensitive to noise and vibration.

Land Use and Agriculture, and Socio-Economics;	Positive & Negative	Employment creation for the construction and operational periods and improved Common Land areas that are more accessible. The only negative is some loss of agricultural land.
Human Health;	Neutral	Taking into consideration air quality, noise, traffic and the socio-economic benefits the proposal would not lead to any significant adverse effects on human health.
Climate Change;	Negative	The proposal would contribute to climate change using gas for electricity production, however, this is a flexible generating plant so it is recognised that this would not be used all the time. The battery storage would help store electricity and release to the grid when needed.

4.0 SUMMARY OF REPRESENTATIONS AND OVERALL CONCLUSIONS

- 4.1 The above summary of the positive, neutral and negative impacts of the proposal, along with the social, economic and environmental impacts has informed the TC overall conclusion to this application.
- 4.2 A full discussion of relevant Development Plan policies is set out in part 6 of the LIR. Furthermore, TC is aware that the National Policy Statements for Energy (EN1, EN2 and EN4) identify the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply, and supporting the Government's policies on sustainable development, in particular by mitigating and adapting to climate change. This includes consideration of specific technologies, including gas supply and storage infrastructure to help meet energy demand.
- 4.3 The LIR identifies the proposal would result in a 'negative impact' upon the landscape and visual receptors and the LIR through the relevant consultation responses identifies the need for further information to fully assess the impact upon heritage assets and flood risk/surface water drainage considerations. There would be a 'negative impact' through the loss of ecological habitat and through the impact upon climate change.
- 4.4 Subject to the proposed mitigation measures identified in the application, it is considered within the LIR that a 'neutral impact' would be applicable for geology, hydrogeology and ground conditions; traffic and transport; air quality; noise and vibration; human health; and climate change.
- 4.5 The proposal as explained in the LIR would result a 'positive impact' through biodiversity net gain in ecological and conservation and benefits within the site for leisure, recreation and educational benefits, along with improvements for accessing replacement Common Land and associated green infrastructure improvements. The socio-economic benefits would result in employment creation mainly for the construction period but there would also some employment opportunities for the operational period, either direct or indirect.
- 4.6 On balance, after considering the content of the application and supporting documentation, the consideration of national and local planning policy and feedback from various technical consultees, it is considered that TC should support in principle the application for the construction and operation of a flexible electricity generation plant.
- 4.7 In reaching this view, a thorough assessment of the principle of the development within the Green Belt has been considered in the LIR identifying that the proposal would result in a 'negative impact' as harm through inappropriate development and the impact upon the openness of the Green Belt in this location, however, this is

considered to be outweighed by the factors put forward as Very Special Circumstances by the applicant including the critical need for electricity demand, security and network resilience along with the specific locational factors for choosing this site with its connections to the National Grid in the form of the Tilbury Substation and associated pylons, and the nearby connection to the national transmission gas system.

Reference: 20/00905/FUL	Site: Land Part Of St Cleres Hall Adjacent To James Court Stanford Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Demolition of existing barns and construction of building containing five apartments with associated hardstanding and landscaping (resubmission of 18/00984/FUL - Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings)

Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing & Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020
3726_PL10	Fencing Location	11 January 2021

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Planning Statement - QC Planning Submission Opinion - Photos of fence 	
Applicant: Mr R Lyon	Validated: 22 July 2020 Date of expiry: 15 February 2021 (Extension of

	time agreed with applicant)
Recommendation: Grant planning permission, subject to conditions and s106 agreement	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, T Piccolo, D Huelin, A Watkins and J Halden (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 the local area.

1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 22 October 2020 Planning Committee meeting to enable a site visit to take place. Members visited the site on 17 December 2020. The application was deferred again at the 7 January 2021 Planning Committee meeting to allow the applicant to supply additional information regarding access and parking at the site.
- 1.2 The application remains recommended for approval subject to conditions and s106 as set out in the attached report.
- 1.3 A copy of the original report presented at the 22 October 2020 meeting is attached.

2.0 FURTHER INFORMATION REGARDING ACCESS AND PARKING

I. ACCESS

- 2.1 The access to the proposed development is from St James Court to the south as is the case for the other properties within the wider development. Concerns have been raised by Members regarding vehicles accessing the site from an existing dropped kerb on the spur road to London Road near to the junction with Stanford Road.
- 2.2 There is an existing right of way for the adjacent residential property (No 1 Cleres' Cottage) which is accessed via the spur road off London Road which provides vehicular access for a garage and shared vehicular rear access. This existing right of way cannot be altered as part of the current proposal as it is outside the red line of the application site. The Council cannot control vehicles using this existing access as it is outside of the applicant's control. It may be that delivery drivers use this access and then walk to the new properties that front London Road. However, it is not within the gift of the Council or the applicant to prevent this, this is a matter for the residents who have the right of way to address.

- 2.3 However, to address the concerns raised by Members, the applicant has erected a knee high rail wooden fence around the boundary of the site which is within their ownership. Therefore, the area to the front of the recently built properties and the application site cannot now be accessed by vehicles. This will prevent vehicles accessing the properties via the spur road from London Road.
- 2.4 The refuse collections from properties at the site would be from the rear access from St James Court.

II. PARKING

- 2.5 The level of parking provision is in accordance with the requirements of the Council’s Highway Officers, with 1 space per unit and a visitor space. The remainder of the site will be made up once development is completed and there is potential for additional parking to take place in and around the wider site.
- 2.6 The creation of further formalised areas of hardsurfacing for parking would harm the character and openness of the Green Belt, the street scene and potentially harmfully impact upon the nearby listed building. Accordingly it is considered the level of parking is acceptable for the proposed development.

3.0 RECOMMENDATION

- 3.1 Approve as set out the recommendation section of the report attached as Appendix 1, but with the below list of plan numbers in Condition 2:

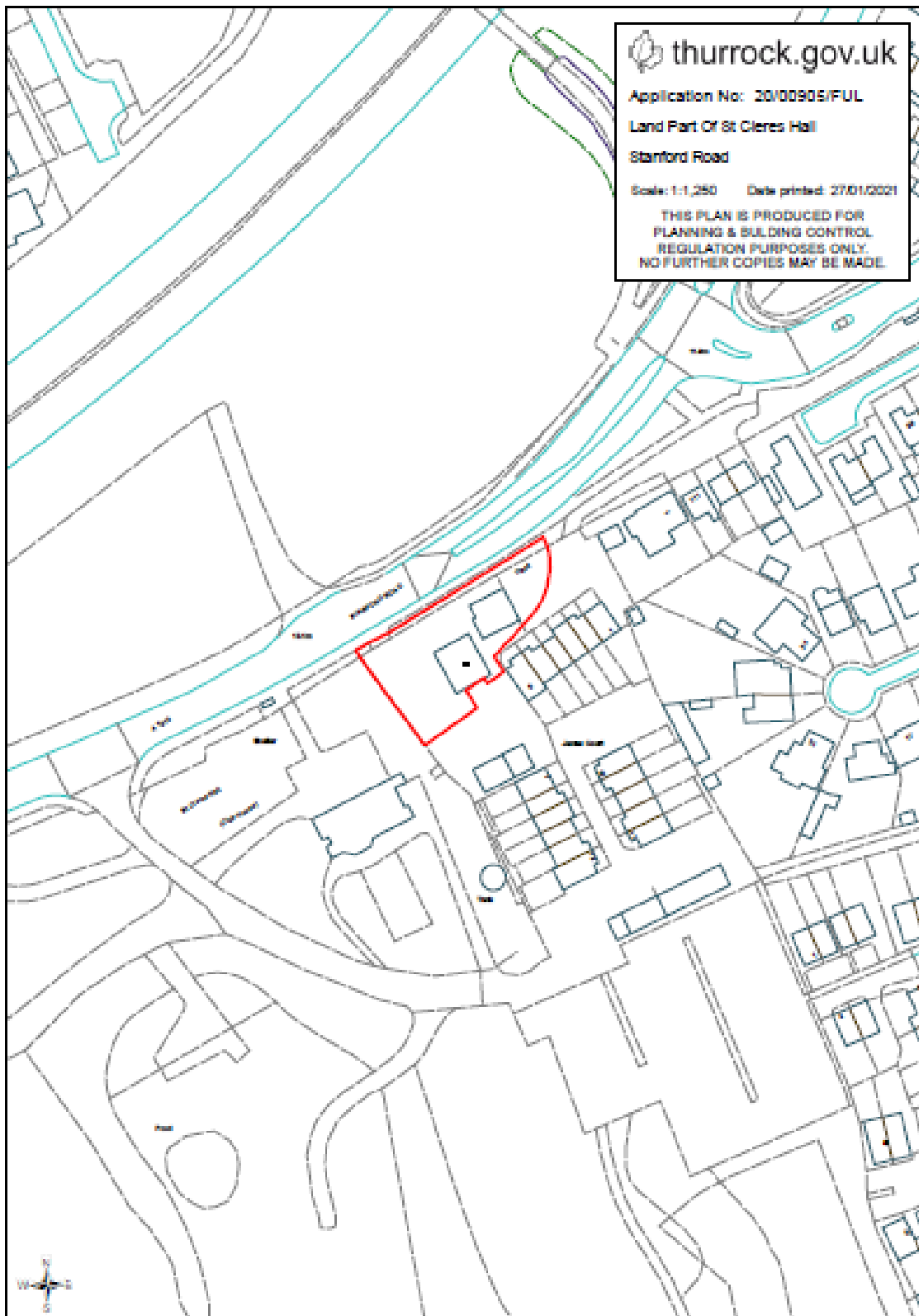
Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing & Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020
3726_PL10	Fencing Location	11 January 2021

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 October 2020	Application Reference: 20/00905/FUL
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Reference: 20/00905/FUL	Site: Land Part Of St Cleres Hall Adjacent To James Court Stanford Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Demolition of existing barns and construction of building containing five apartments with associated hardstanding and landscaping (resubmission of 18/00984/FUL - Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings)

Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing and Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020

The application is also accompanied by:	
<ul style="list-style-type: none"> - Design and Access Statement - Planning Statement - QC Planning Submission Opinion 	
Applicant: Mr R Lyon	Validated: 22 July 2020 Date of expiry: 23 October 2020 (Extension of time agreed with applicant)

Recommendation: Grant planning permission, subject to conditions and s106 agreement

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, T Piccolo, D Huelin, A Watkins and J Halden (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 area.

1.0 DESCRIPTION OF PROPOSAL

1.1 The table below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	0.119ha							
Height (maximum)	Eaves – 4.7m Ridge – 9.75m							
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL	
	Houses							
	Flats	1	4					
	TOTAL	1	4				5	
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL			
	Houses							
	Flats							
	TOTAL				0			
Car parking	Flats: 5 Total allocated: 5 spaces (1 per unit) Total Visitor: 1 space Total: 6							
Amenity Space	Over 800 sqm of communal amenity space							
Density	42 units per ha							

1.2 This application seeks planning permission for the erection of a building which would contain five apartments following the demolition of existing buildings on the site. The proposal also includes associated hardstanding and landscaping.

- 1.3 The proposed building would be located toward the north west corner of the wider site which is currently has been developed under previously approved planning applications 11/50268/TTGFUL and 16/00271/FUL. The building 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 which was approved 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 formerly part of a redundant farmyard which also included a large car storage building. The area to the south of the site has been 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 clubhouse for St Clere's Hall Golf Club.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the relevant planning history:

Application Reference	Description of Proposal	Decision
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
16/00271/FUL	Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings	Refused – Appealed – Allowed
17/01628/CONDC	Application for the approval of details	Advice

Planning Committee 22 October 2020	Application Reference: 20/00905/FUL
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	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 residential terrace of 5 no. three bedroom dwellings)	Given
18/00984/FUL	Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings	Refused – Appealed – Dismissed

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, press advert and public site notice which has been displayed nearby. There was one comment received which did not object to the proposal, although it raised concerns on the following matters:

- Access to site
- Additional traffic
- Use of green areas
- Possible excessive noise

4.3 CADENT GAS:

No objection.

4.4 ENVIRONMENTAL HEALTH

No objection, subject to conditions.

4.5 HIGHWAYS

No objection, subject to conditions.

4.6 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions.

4.7 LISTED BUILDING ADVISOR:

Recommend amendments, suggested conditions.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly 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
- 13. Protecting Green Belt land
- 16. Conserving and enhancing the historic environment

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design: process and tools
- Determining a planning application
- Effective use of land
- Green Belt
- Historic environment
- Housing: optional technical standards
- Housing supply and delivery

- Noise
- Planning obligations
- Tree Preservation Order and trees in conservation areas
- Use of planning conditions

5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28 February 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

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)
- CSTP24 (Heritage Assets and the Historic Environment)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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

Background

In 2018 planning permission was sought for *Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings*. The application was refused on the following three grounds:

- 1) Green Belt - 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.,
- 2) Character/ - 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
- 3) Impact to listed building - The development, would by reason of its siting and scale result in substantial harm to 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.

The applicant appealed the decision. In dismissing the appeal the Inspector noted:

Paragraph 10. *The preliminary finding is that there is no existing enforceable requirement to remove the 2 buildings presently located within the red-line site area*

of the present appeal, and that they are available to be considered with regard to the paragraph 145g exception, rather than judging the proposal against the originally intended open space.

Paragraph 25. *As a result, the setting of the former farmhouse should be regarded as extending north and south, but that over the appeal site or the land already developed is of low significance. The further development proposed in this appeal would not have an adverse effect on the setting of the listed building, and the shortcomings identified in the previous main issue in design and layout of the building and its car parking would not affect the setting in any event. It is concluded that the requirements of statute as well as local and national policy on the preservation of heritage assets would be satisfied in this case.*

The current application is within the same site area, but is a significantly different proposal with one building providing five flats with smaller footprint and bulk. Also, there is significantly less hardstanding proposed.

6.1 The assessment below covers the following areas:

- 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. Landscape and ecology
- VII. RAMS mitigation

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.2 Under this heading, it is necessary to refer to the following key question:

Whether the proposals constitute inappropriate development in the Green Belt

The site is identified on the 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.

6.3 Paragraph 133 within Chapter 9 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph

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, this includes:

- 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*

- 6.4 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.*
- 6.5 The principle of the residential re-development of the wider site has already been established by the granting of full planning permission under applications 11/50268/TTGFUL and 16/00271/FUL. The principle of redeveloping the site was initially given by the Thurrock Thames Gateway Development Corporation. 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 for the purposes of the assessment of the previous applications was the demolition the pre-existing buildings on site with their replacement considered to be appropriate development in the Green Belt. Part of the reason for the refusal of application 18/00984/FUL was that it was considered the floor area and volume of these buildings had been 'spent' in the previously consented schemes.
- 6.6 Despite this, at the last appeal the Planning Inspector concluded in paragraph 10: *The preliminary finding is that there is no existing enforceable requirement to remove the 2 buildings presently located within the red-line site area of the present appeal, and that they are available to be considered with regard to the paragraph 145g exception, rather than judging the proposal against the originally intended open space.* Therefore, given the Planning Inspectorate's decision the current proposal should be considered on the basis of the existing situation when considering whether it constitutes an exception to inappropriate development within Green Belt.

- 6.7 Before considering the impact of the development it is first pertinent to consider the extent of the site which constitutes PDL. There has been an assessment of the existing buildings, which, based upon the appeal decision, are available to be considered as part of the Green Belt assessment. The proposal is to replace these two buildings with one building which would contain five apartments.
- 6.8 Having clarified that the relevant part of the site does constitute PDL consideration must then be given to whether the development would result in a greater impact upon openness than the existing development on the site. The existing buildings on the site are located centrally within the site and the development would be partly within this footprint, although consolidated to the south west of the site. It is important at this point to consider the relative impact upon openness of these structures when compared with the redevelopment of the site for a building with five flats.
- 6.9 Footprint and volume comparisons are a starting point within the PDL exception test, however the character of the existing structures are also important. The existing buildings on site, which are applicable to use for PDL, are detailed below:

Existing building 1 - volume 477m³ / footprint 106m²

Existing building 2 - volume 636m³ / footprint 130m²

Total existing volume 1,113m³

Total existing footprint 236m²

The proposed building is detailed below:

New building – volume 1,130m³ / footprint 167m²

Difference of proposed volume +17m³

Difference of proposed footprint -69m²

Therefore, the redevelopment would lead to a decrease in footprint and a relatively minor increase in volume.

- 6.10 The proposed building would have a ridge height of 9.75m, the existing buildings have ridge heights of 6.3m and 6.5m. Nonetheless, the proposed building is a single structure which replaces two separate buildings. Additionally, with the proposed building whilst the ridge height is higher than the existing buildings, the ridge is steep with the eaves height a maximum of 4.7m which reduces massing and bulk in the roof. It is considered that the reduction in footprint and design of the building would reduce the visual extent of the built form on the site. Even with the increase of the ridge height of the building over the existing barns the overall extent of the massing

of the proposal is less than the existing situation on site. Therefore, in terms of height and massing, the proposed buildings would have less of an impact on openness.

- 6.11 However, it is also important to consider the character of the buildings to be replaced and the relative impact upon openness. The redevelopment would replace predominantly commercial style buildings with a residential building. These existing buildings and structures are of substantial and permanent construction. As a result it is considered that the impact upon the Green Belt in terms of the character of these existing buildings is relatively similar to the proposed building.
- 6.12 The apartment building would lead to less built in terms of footprint. The landscaping will be conditioned to ensure a more attractive finish with additional planting which will enhance the area. Given the above, the redevelopment would reduce built form on the site in terms of footprint and number of buildings and it is not considered the proposal would result in a greater impact upon openness than the existing development on the site. Additionally, the specific location of the site, is within an area where there are other residential units. Therefore the first exception of paragraph 145 g) is met and the proposal would constitute appropriate development.
- 6.13 Given that the proposal is considered to be acceptable based upon the relative impact in relation to the existing structures on site it is considered appropriate to impose conditions on removal of existing structures.

II. LAYOUT AND DESIGN

- 6.14 The proposed building would be sited to the south west of the wider residential site and would create a functional corner to the overall mews development. The building when compared with the last refused application has been set back away from Stanford Road, so it would not be so visually dominant within the street scene. This is also the case when compared with the existing buildings on the site. Additionally, the roof of the proposed building is pitched away from Stanford Road, which again reduces the visual impact.
- 6.15 The design of the proposed building compliments the existing recent residential developments within the cul-de-sac. The design and features have been inspired by the present houses on the site, such as the steeply pitched roof, black windows and weatherboarding.
- 6.16 In addition to the above, the development would improve the landscape buffer, which separates the proposed building from the road. There is currently a large extent of hardstanding and the proposal would ensure that as well as the removal of the

unsightly barns, the resultants shared amenity area of 849sq.m will lead to improvement of the aesthetics of the site.

- 6.17 Therefore it is considered, that the siting and scale of the proposed building are acceptable and would result in a complimentary building which would fit in with street scene and character of the area. The proposal would, therefore, comply with policies PMD2, CSTP22 and CSTP23 and the NPPF.

III. IMPACT ON LISTED BUILDING

- 6.18 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. Within the previous appeal decision the Planning Inspector evaluated that, in terms of setting, the application site is of low significance and that the previous proposed development would not have had an adverse effect on the setting of the listed building.
- 6.19 The Planning Inspector considered the previous application had limited impact on the listed building. As this proposal has a lesser effect there can be no objection on this matter. The Historic Buildings Advisor advises addition of conditions relating to materials and details be imposed, all well as details of all hard and soft landscaping and boundary treatments, to ensure a good quality of design he would not object to the proposal. Therefore, with the conditions suggested by the Historic Buildings Advisor, from a heritage perspective, the proposal would be acceptable in terms of policies CSTP24 and PMD4 and the NPPF.

IV. IMPACT ON AMENITY

- 6.20 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.
- 6.21 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 present or future occupiers of the wider development. Any views from the current proposal would be towards the flank of existing properties to the south east and would not directly overlook habitable room windows or private amenity space.

- 6.22 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.
- 6.23 The proposed building would provide units of a sufficient size and with suitable light and outlook to provide an acceptable living environment for future occupiers. The proposed shared amenity area would exceed the recommended standards and would provide sufficient 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

- 6.24 The proposal would be accessed through the estate road associated with the previously approved applications on the site. The proposal is for five additional dwellings which is unlikely to result in a significant increase in vehicular movements. The proposal would provide one parking spaces per unit and a visitor space which is considered to be sufficient for properties of this size in this location and would comply with the requirements of policy PMD8. A cycle store is proposed to be provided on the site.
- 6.25 Refuse collection arrangements would be the same as the previously approved applications. There is a refuse/recycling area provided within the site. Therefore no concerns are raised with regards to refuse storage or collection.

VI. LANDSCAPE AND ECOLOGY

- 6.26 The proposal would 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. RAMS MITIGATION

- 6.27 The application site falls within the Zone of Influence (ZoI) within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. It is therefore considered that a proportionate financial contribution in line with Essex

Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy

- 6.28 The mitigation strategy involves a tariff for each residential unit which is £125.58 per unit to mitigate the in-combination effects of recreational disturbance on the Special Protection Area. Having considered the proposed avoidance and mitigation measures above, the Council takes the view that with adopted mitigation the project will not have an adverse effect on the integrity of the European sites included within the Essex Coast RAMS. A unilateral undertaking would be appropriate in order to secure the mitigation costs within the Essex Coast RAMs Zone of Influence.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposed development is sited within the Green Belt and is considered to fall within one of the exceptions to inappropriate development as set out in the NPPF Paragraph 145. The proposal is considered acceptable as it would represent an appropriate form of development which would not affect the openness of the Green Belt. The proposal would rationalise the built form on the site in one area and additional landscaping would improve the appearance of the site.
- 7.2 In relation to design, appearance, layout and scale the proposal would be acceptable and in terms of technical highways matters the level of activity would be acceptable. Other matters of detail are also considered to be appropriate, subject to conditions.

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:

RAMS mitigation contribution

and

- ii) the following planning conditions:

TIME LIMIT

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

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Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS

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

Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing and Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020

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

DETAILS OF MATERIALS

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

4. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in

writing by the local planning authority in writing. The CEMP 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) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (d) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (e) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (f) Measures to reduce dust with air quality mitigation and monitoring,

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

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

BOUNDARY TREATMENTS

5. Prior to the first use or operation of the development, details of the design, materials and colour of the fences and other boundary treatments shown on drawing no. 003 Proposed Site Layout Ground Floor shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

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

SOFT AND HARD LANDSCAPING

6. No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works

shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area and to ensure that the proposed development in the Green Belt does not have a detrimental effect on the environment in accordance with policies CSTP18 and PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS

7. The development hereby permitted shall not be first occupied until such time as the vehicle parking areas shown on the approved plans, have been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking areas shall be retained in this form at all times thereafter and maintained for their designated purpose.

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

REMOVAL OF EXISTING BUILDINGS

8. No works above ground level of the development hereby permitted shall be undertaken until the existing barns on the site, as show on plan numbers 3726_PL01a and 3726_PL02a have been demolished and the resulting material removed from the site.

Reason: The development has only been approved on the basis that the development hereby approved is a replacement of volume and mass of built form in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

REFUSE AND RECYCLING STORAGE – AS PER THE APPROVED PLANS

9. The refuse and recycling storage facilities as shown on drawing number 3726_PL05e shall be constructed and completed prior to the first occupation of the development and 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].

CYCLE PARKING – AS SHOWN ON THE APPROVED PLANS

10. The cycle parking facilities as shown on the approved plan(s) shall be provided prior to the first occupation of any of the residential units and retained for such purposes thereafter.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ELECTRIC VEHICLE CHARGING CAPABILITY

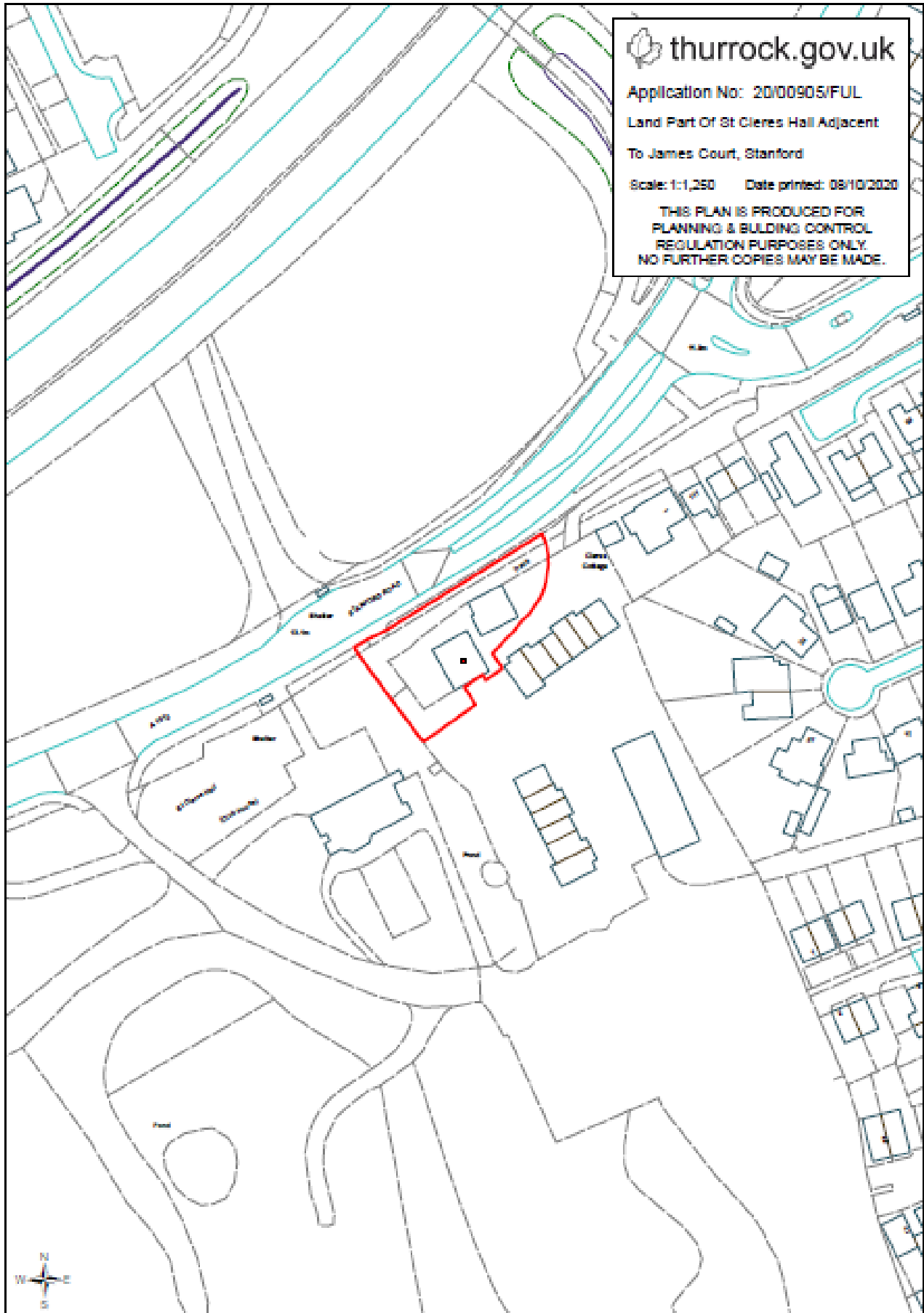
11. Prior to installation of any underground services, details of measures to ensure that the car parking spaces are capable of accommodating electric vehicle charging points shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed measures which shall be retained thereafter.

Reason: To reduce reliance on the use of petrol/diesel cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Documents:

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

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Planning Committee 7 January 2021	Application Reference: 20/00905/FUL
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Reference: 20/00905/FUL	Site: Land Part Of St Cleres Hall Adjacent To James Court Stanford Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Demolition of existing barns and construction of building containing five apartments with associated hardstanding and landscaping (resubmission of 18/00984/FUL - Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings)

Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing and Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020

The application is also accompanied by:	
<ul style="list-style-type: none"> - Design and Access Statement - Planning Statement - QC Planning Submission Opinion 	
Applicant: Mr R Lyon	Validated: 22 July 2020 Date of expiry: 11 January 2021 (Extension of time agreed with applicant)

Planning Committee 7 January 2021	Application Reference: 20/00905/FUL
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Recommendation: Grant planning permission, subject to conditions and s106 agreement
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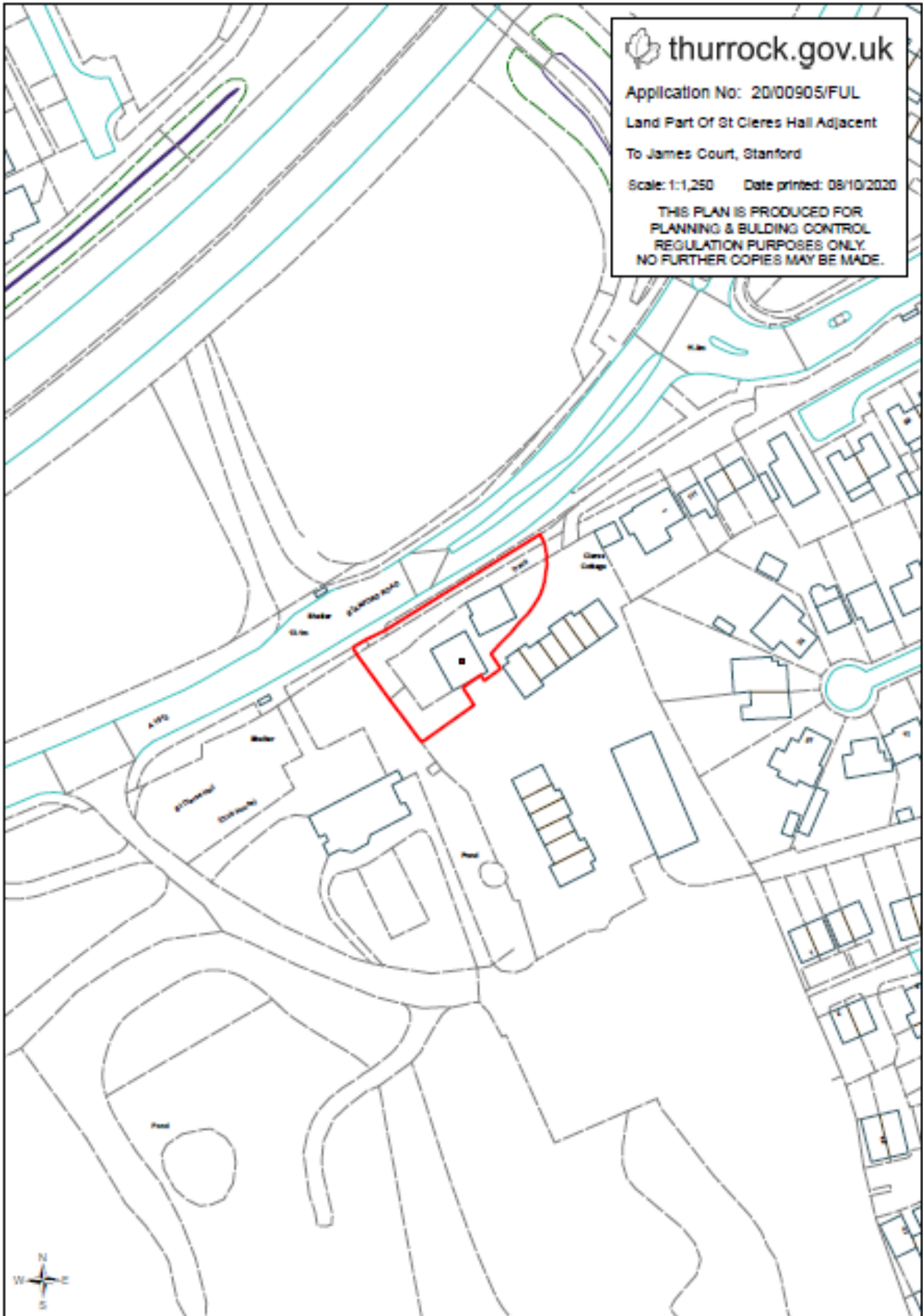
1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 22 October 2020 Planning Committee meeting to enable a site visit to take place. Members visited the site on 17 December 2020.
- 1.2 The application remains recommended for approval subject to conditions and s106 as set out in the attached report.
- 1.3 A copy of the original report presented at the 22 October 2020 meeting is attached.

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: 20/00957/FUL	Site: Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
Ward: Chadwell St Mary	Proposal: Erection of four detached two bed bungalows

Plan Number(s):		
Reference	Name	Received
20010_A1-01	Proposed Elevation Plans	29th July 2020
20010_A2-01	Proposed Site Layout	29th July 2020
20102_A4-02	Existing Site Layout	29th July 2020
19.5957-M001	Location Plan	29th July 2020
19.5957-M002A	Location Plan	29th July 2020
19.5957-M003	Wider Settlement pattern	29th July 2020
19.5957-M004	Settlement Limits of Orsett Heath	29th July 2020
[1] IT2184_SK-ATR001	Swept Path Analysis	15th September 2020

The application is also accompanied by: <ul style="list-style-type: none"> - Cover Letter - Planning Support Statement (Ref. 19.5957) 	
Applicant: Messrs J and M Gatrell JP & MD Properties Ltd	Validated: 28 July 2020 Date of expiry: 15 February 2021 (Extension of Time as agreed)
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr G Rice, Cllr L Worrall, Cllr V Holloway, Cllr S Shinnick and Cllr M Kerin in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to examine Green Belt issues and as the proposal has been advertised as a departure from the Development Plan.

1.0 Background

1.1 Consideration of this application was deferred at the 26 November 2020 Planning Committee meeting to enable a site visit to take place.

1.2 Following this site visit, at the meeting of the Planning Committee held on 7 January 2021 Members considered a report assessing the above proposal. The report recommended that planning permission be refused because:

- 1 *The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4, and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework 2019.*
- 2 *The proposed vehicular access would, by reason of its siting, width and lack of visibility site splays, be likely to result in awkward access and manoeuvring of refuse and delivery vehicles and thereby adversely impact on pedestrian and highway safety. The proposal is therefore contrary to Policies PMD2 and PMD9 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 2019.*

1.3 A copy of the reports presented to the November and January Committee meetings are attached.

1.4 At the January Committee meeting Members were minded to resolve to grant planning permission for the proposed development. Whilst it was acknowledged that there was significant harm to the Green Belt Members suggested that the following grounds amounted to Very Special Circumstances to outweigh this harm:

1. *Lack of 5 year housing supply, lack of 20% buffer of housing supply and the Council is failing Government housing supply targets year on year;*

2. *Employment generated through the construction which the Prime Minister has encouraged;*
3. *The location benefits from local amenities;*
4. *Lack of provision for older people's accommodation in the Borough;*
5. *The dwellings are a really good build with driveways and a nice layout for the elderly occupants;*
6. *The site is on a bus route.*

1.5 In accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer's recommendation. This report also assesses the reasons formulated by the Committee.

2.0 FACTUAL UPDATES

- 2.1 Since the January Committee meeting the agent has submitted a copy of the correspondence sent to Committee Members by the applicant.
- 2.2 Discussions have also been undertaken seeking to address the highways recommended reason for refusal.

3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 Since the previous report was published additional representations have been received and are detailed below. The additional information submitted by the applicant has also been subject to a further consultation process.
- 3.2 Detailed below is a summary of the consultation responses received since the previous report was published on the committee agenda for the January Planning Committee meeting. 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

HIGHWAYS:

- 3.3 In light of the new information provided by the applicant in relation to the swept path analysis, it is considered that the access can be suitably designed and configured in order to overcome the concerns relating to highway safety. Modifications will be required with respect to the visibility splays, however, these can be agreed via appropriate planning conditions.

4.0 PLANNING ASSESSMENT & IMPLICATIONS

4.1 As required by the Council's Constitution, an outline of the implications of making a decision contrary to the Officer recommendations is provided below. The recommendation reasons for refusal from the November Committee report is set out in italics below, with the implications considered subsequently.

4.2 REASON 1: PRINCIPLE OF THE DEVELOPMENT AND HARM TO THE GB

1 *The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4, and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework 2019.*

4.3 The following list was raised by Members as reasons to approve the application and these are considered more in detail below to assess whether these comprise the Very Special Circumstances necessary for approving inappropriate development in the Green Belt. The reasons are:

1. *Lack of 5 year housing supply, lack of 20% buffer of housing supply and the Council is failing Government housing supply targets year on year;*
2. *Employment generated through the construction which the Prime Minister has encouraged;*
3. *The location benefits from local amenities;*
4. *Lack of provision for older people's accommodation in the Borough;*
5. *The dwellings are a really good build with driveways and a nice layout for the elderly occupants;*
6. *The site is on a bus route.*

4.4 The reasons put forward by Members are assessed individually below to establish

whether they amount collectively, or individually, to very special circumstances which clearly outweigh the harm caused to the Green Belt.

1. *Lack of 5 year housing supply, lack of 20% buffer of housing supply and the Council is failing Government housing supply targets year on year;*

4.5 In recent appeal decisions, the Planning Inspectorate has indicated that the lack of a 5 year housing supply can be considered as a very special circumstance which can be given significant weight; however, the Inspectorate has also advised that this reason on its own cannot amount to very special circumstances to justify inappropriate development. Significant weight can therefore be given to this matter.

2. *Employment generated through the construction which the Prime Minister has encouraged;*

4.6 Owing to the scale of the development proposed it would be unlikely to generate any meaningful or significant employment, by way of construction associated jobs, which could clearly outweigh the harm to the Green Belt.

4.7 Indeed, the current application provides no detail as to any employment which might be generated specifically by this current proposal and given the lack of any evidence that significant employment would be generated if the proposal was approved, the resulting harmful impact of the inappropriate development upon the Green Belt would be significant in comparison. Consequently, it is considered that *no weight* can be given to this reason in the balance of assessing the very special circumstances.

3. *The location benefits from local amenities;*

4.8 The applicant's Supporting Planning Statement indicates that the closest amenities for the occupiers of the application site are as follows:

The closest facilities are:

'Peafs on the Heath' Convenience Store – Located 0.2km away

'The Fox' Public House – Located 0.2km away

Thurrock Play Network – Located 0.3ms away

A broader range of local amenities can be found on River View in Chadwell St Mary:

Community Church and other local shops including Post Office, Launderette, Hairdressers, Take Aways and other shops – located 1.4km away on River View, Chadwell St Mary

Elsewhere in Chadwell St Mary and other areas:

Herringham Primary School – located 1.5km away

Tesco Express and Petrol Filling Station – located 2km away

Medical centre, library and nursery school – located 2km away

Woodside Academy – located 2km away

USP College – located 2.4km away

- 4.9 As can be seen from the information submitted, other than a single convenience store and public house, the closest local amenities are located in shopping parade in River View, Chadwell St Mary located 1.4km away from the application site. It is not considered that this separation distance demonstrates that the site is particularly close to local amenities. The separation distance would be likely to result in occupiers of the site using a car, to travel to the nearest amenities in Chadwell St Mary. As a consequence, this reason cannot be given more than very limited weight in the balance.

4. Lack of provision for older people's accommodation in the Borough;

- 4.10 The application has not been submitted as older person's accommodation and the dwellings have not been designed for older people. This matter therefore is irrelevant and cannot be considered as a very special circumstance and cannot be taken into account as part of the decision.
- 4.11 Fundamentally, the use of the dwellings is not proposed to be for anything other than residential occupation by persons of any age. Following Member's comments at the last Planning Committee in relation to the age of the future occupiers of the site the applicant has been asked whether they would be interested in changing the proposal in order to restrict occupancy to the over 55s. The applicant has provided no response to this enquiry.
- 4.12 Given the proposal does not seek to provide specifically older person's accommodation then this consideration is irrelevant and it cannot even be considered as a very special circumstance (regardless of weight).

5. The dwellings are a really good build with driveways and a nice layout for the elderly occupants;

- 4.13 There is nothing particularly innovative, special or of a particularly high quality with respect to the layout, design or materials proposed for the properties. As previously indicated, there is no part of the proposal that appears to be specifically designed for the benefit or use of elderly persons. For these reasons the design and quality of the build proposal is not considered to be especially good or high quality to justify inappropriate development in the Green Belt. No weight is therefore given to this reason and is not considered justification for granting planning permission for this inappropriate development in the Green Belt in this location.

6. The site is on a bus route.

- 4.14 The closest bus stops are located 0.8km away to the north of the site on the A1013 close to the junction with Heath Road. A further bus stop is also located 0.8km away to the south on Heath Road close by the junction with Loewen Road. Given the separation distance from the site to either closest bus stop it is not considered that the proposal is conveniently located for access to public transport. As a result this reason is not considered to give no weight in any justification in the balancing exercise for granting planning permission for this inappropriate development in the Green Belt in this location.

Conclusion to this section

- 4.15 As detailed above the matters put forward by Members in support of the proposal are very general, lack empirical evidence and do not come close to providing very special circumstances case to overcome the in principle harm to the Green Belt. Most of these issues had already been considered by officers in making the original recommendation. At that time none were found to be enough to tip the balance to approving the principle of development. Following further consideration of each, as detailed above, it is shown that individually and collectively none of these matters constitute the very special circumstances that would be required to allow a departure from policy to be made. The proposal remains unacceptable in principle.
- 4.16 The matters put forward by Members relate solely to reason 1 of the refusal and do not address the other reason for refusal set out in the original Committee report. This second reason is considered below.

4.17 REASON 2: VEHICLE ACCESS AND HIGHWAY SAFETY

2 *The proposed vehicular access would, by reason of its siting, width and lack of visibility site splays, be likely to result in awkward access and manoeuvring of refuse and delivery vehicles and thereby adversely impact on pedestrian and highway safety. The proposal is therefore contrary to Policies PMD2 and PMD9 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 2019.*

- 4.18 Further discussions have been undertaken and information has been provided and the Council's Highways Officer is now satisfied that relevant amendments and visibility splays could be achieved through appropriate planning conditions. Following the withdrawal of the objection from the highways officer, this second reason for refusal is removed.

5.0 LEGAL IMPLICATIONS OF DECISION

- 5.1 Members are reminded that in making their decision, they are required to comply with the general law, national and local policies and the Council's Constitution. Only material considerations can be taken into account and reasons given must be cogent,

clear and convincing. In addition, considerations and reasons must be evidence based.

- 5.2 It is important to note that deviation from the above would potentially be unlawful and challengeable in the courts.
- 5.3 If Members are mindful of departing from the contents and recommendations of the officer reports, they are required strictly to adhere to the legal rules and principles of decision making.
- 5.4 As a matter of law, under s. 38(6) Town and Country Planning Act, planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.
- 5.5 The policies contained in the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015 are current and carry the legal status of the development plan.
- 5.6 Accordingly, to permit a departure from the Core Strategy, considerations are required to be ‘material’. This is an imperative and a legal requirement.
- 5.7 This application is contrary to the development plan.
- 5.8 In addition, unless underpinned by clear and cogent evidence, opinions and anecdotes are not material considerations and cannot legally be taken into account when making a decision or to support a reason. Further, reasons supporting a motion to approve the application against officer recommendation are required to be material planning considerations, with cogent supporting evidence. Disagreement with officer recommendation should be supported by clear and material reasoning, with evidence, and should importantly avoid involving a point of law.
- 5.9 The site is located within the Green Belt and decisions concerning Green Belt applications must be made strictly in accordance with:
1. Green Belt Policy and
 2. Current Green Belt boundaries
- This means speculation as to the outcome of a future Green Belt review as part of the Local Plan process cannot be taken into account when considering the planning application and/or could not be afforded weight.
- 5.10 In addition to being contrary to the development plan the development proposes inappropriate development in the Green Belt, which is ‘by definition, harmful to the Green Belt’ (NPPF paragraph 143).

As a matter of national policy the NPPF paragraph 144 states:

‘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 resulting from the proposal is clearly outweighed by other considerations.'

This paragraph is required to be followed in its entirety.

- 5.11 Planning permission for development in the Green Belt should only be granted if the benefits are shown clearly to outweigh the potential harm to:

1. The Green Belt and
2. Any other harm resulting from the proposal

and the planning balance gives rise to very special circumstances.

- 5.12 A recent appeal case clarifies the meaning of the term 'clearly' in paragraph 144 NPPF to mean 'not just marginally, but decisively'.

Accordingly, very special circumstances will not exist unless the benefits are shown to outweigh the harm clearly and decisively.

- 5.13 If the outcome of this planning balance is not clear (i.e. decisive), then, according to NPPF 144, very special circumstances will not exist, and planning permission should be refused.

- 5.14 NPPF paragraph 144 expressly requires harm to the Green Belt to be given substantial weight. The summary in the November officer report advises that in itself, the harm to the Green Belt clearly outweighs the benefits in this case, and officers recommend planning permission should be refused.

Summary of Legal Advice

- 5.15 From a legal (as well as a planning perspective), in addition to being contrary to the development plan, the application also proposes inappropriate development in the Green Belt. The assessment of the planning balance of all the benefits and all the harms weighs clearly, heavily and decisively to harm, indicating the proposals are positively harmful to the Green Belt. Accordingly, officers advise that no very special circumstances exist in this case and recommend planning permission should be refused.
- 5.16 Failure to follow the legal process would be unlawful and could result in a High Court Challenge.

6.0 OVERALL CONCLUSIONS

As required by the Constitution the implications of the Committee approving this application, which is a departure from national and local planning policies, are set out above. This report goes on to analyse the 6 reasons for approving the application contrary to recommendation provided by the Committee. These reasons to a large degree are considered to be generic, easily replicated and not necessarily site specific. It is not considered that these reasons clearly outweigh the identified harm

to the Green Belt, and other harm. Therefore the reasons for refusal have not been addressed sufficiently for the development to be considered acceptable and the reasons for refusal remain relevant.

7.0 RECOMMENDATION

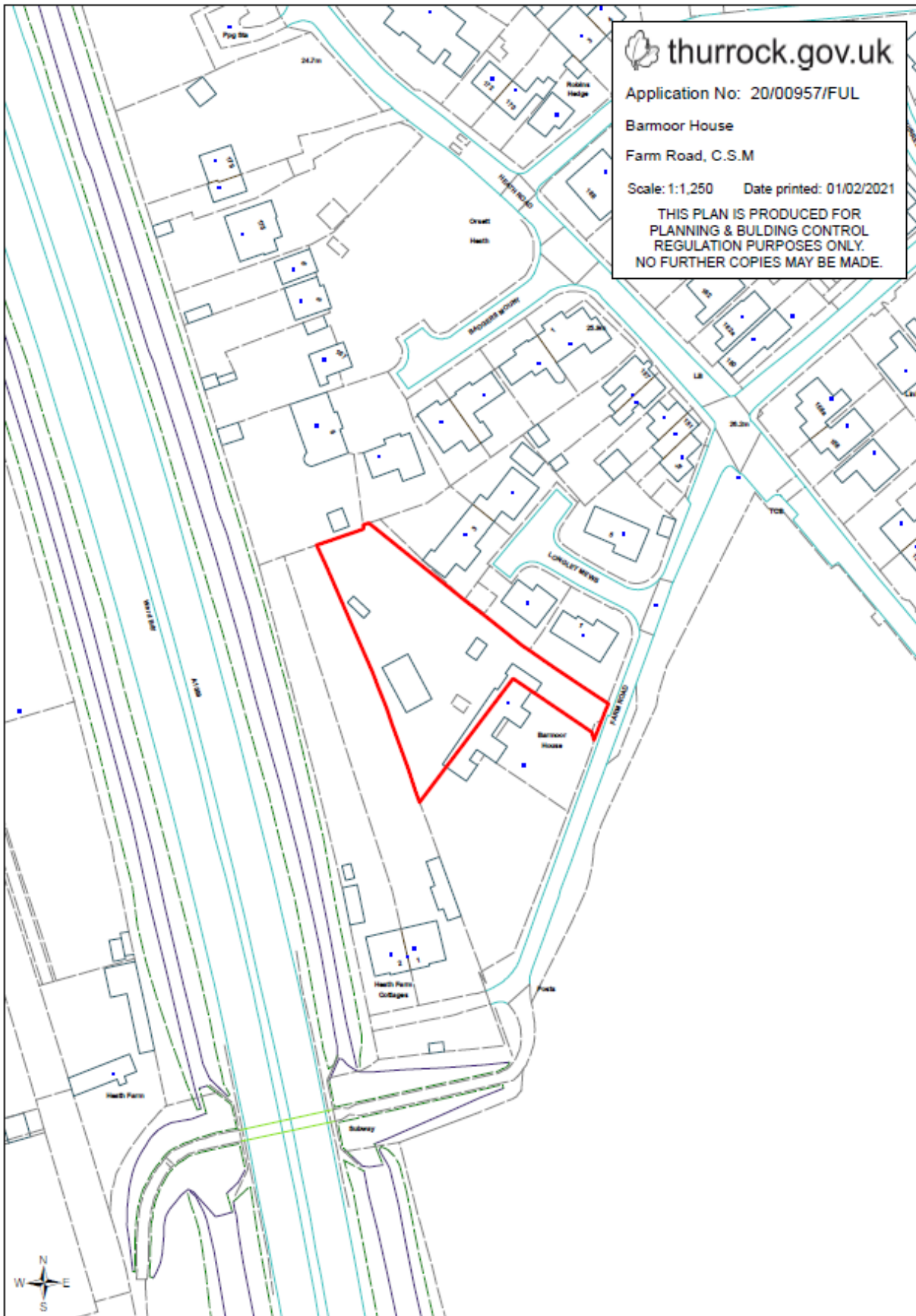
The Committee is recommended to refuse planning permission for the following reason:

- 1 *The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other material considerations; therefore, there are no Very Special Circumstances. The proposal is therefore contrary to Policies CSSP4, and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework 2019.*

Documents:

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

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Planning Committee: 26 November 2020	Application Reference: 20/00957/FUL
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Reference: 20/00957/FUL	Site: Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
Ward: Chadwell St Mary	Proposal: Erection of four detached two bed bungalows

Plan Number(s):		
Reference	Name	Received
20010_A1-01	Proposed Elevation Plans	29th July 2020
20010_A2-01	Proposed Site Layout	29th July 2020
20102_A4-02	Existing Site Layout	29th July 2020
19.5957-M001	Location Plan	29th July 2020
19.5957-M002A	Location Plan	29th July 2020
19.5957-M003	Wider Settlement pattern	29th July 2020
19.5957-M004	Settlement Limits of Orsett Heath	29th July 2020

The application is also accompanied by:	
<ul style="list-style-type: none"> - Cover Letter - Planning Support Statement (Ref. 19.5957) 	
Applicant: Messrs J and M Gatrell JP & MD Properties Ltd	Validated: 28 July 2020 Date of expiry: 30 November 2020 (Extension of Time as Agreed)
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr G Rice, Cllr L Worrall, Cllr V Holloway, Cllr S Shinnick and Cllr M Kerin in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to examine Green Belt issues and as the proposal has been advertised as a departure from the Development Plan.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission to erect four detached two-bedroom bungalows on the rear part of the site of the former Barmoor House. The rear garden of the former dwelling would be subdivided for each plot and off-street parking is proposed to be provided for each of the dwellings. Access to the properties would be achieved via Farm Road.

2.0 SITE DESCRIPTION

- 2.1 The site measures 0.2 hectares and is a largely triangular shaped plot located on the North West side of Farm Road. The site is within the Green Belt.
- 2.2 Planning permission to demolish the original 4-bedroom chalet dwelling (Barmoor House) and erect six, two-bedroomed detached bungalows was granted on 5th October 2018 (application reference: 18/01143/FUL). Five of the six bungalows are under construction and the application site has been created by omitting the recently permitted bungalow on Plot 1, allowing access to the pocket of land to the rear of the permitted bungalows.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/00763/FUL	Conversion and extension of one residential dwelling to five residential dwellings	Approved
18/01143/FUL	Demolition of house and outbuildings and replacement with 6No. 2 bed detached bungalows	Approved
19/01664/CV	Application for the variation of condition no 2 (plans) of planning permission ref 18/01143/FUL (Demolition of house and outbuildings and replacement with 6No. 2 bed detached bungalows) to extend the front bay window elevation outwards	Approved

The officer report for the 2018 application for the demolition of the outbuildings and the erection of the of 6 new dwellings noted that “[t]he proposal would result in a 1.2% decrease in volume of buildings across the site (1530 cubic metres against 1548.6 cubic metres as existing) and there would be a reduction in built footprint of 19.8sqm from 510.6sqm to 490.8sqm... Therefore it is considered that the proposal would represent the redevelopment of previously developed land which would not have a greater impact upon the openness of the Green Belt than the existing development. Therefore, the proposal would fall within one of the exceptions to inappropriate development in the Green as set out in paragraph 145 of the NPPF.”

The overall site has therefore accommodated the maximum amount of development that would be acceptable in relation to local and national Green Belt policy.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

www.thurrock.gov.uk/planning

PUBLICITY:

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

HIGHWAYS ENGLAND:

- 4.3 No objection.

ENVIRONMENTAL HEALTH:

- 4.4 No objection, with conditions.

HIGHWAYS:

- 4.5 No objection, but further clarification is sought on detail relating to access, and bin store details.

LANDSCAPE AND ECOLOGY ADVISOR:

- 4.6 No objection, subject to conditions and mitigation.

5.0 POLICY CONTEXT

National Planning Guidance

- 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19th February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development;
- 4. Decision-making;
- 6. Building a strong, competitive economy;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land;

5.2 Planning Practice Guidance

In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design;
- Determining a planning application;
- Green Belt;
- Planning obligations;
- 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” (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Spatial Policies:

- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

Thematic Policies:

- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

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

- PMD7: Biodiversity and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy

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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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**

Procedure:

With reference to procedure, this application has been advertised as being a departure from the Development Plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would not engage as the description of the development falls outside the ambit of paragraph 4 of the Direction. Therefore, the local planning authority (LPA) can issue the formal decision for the application without submitting to the Secretary of State.

6.1 The assessment below covers the following areas:

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

I. PRINCIPLE OF THE DEVELOPMENT

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

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

1. Whether the proposals constitute inappropriate development in the GB

6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state 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 GB to accord with the requirements of the NPPF.

6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”*

6.5 Paragraph 143 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

6.6 Paragraph 144 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the Green Belt and that Very Special Circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.7 With reference to proposed new buildings in the Green Belt, paragraph 145 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and

- burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- 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;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - 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 GB than the existing development; or
 - not cause substantial harm to the openness of the GB, 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.

6.8 The proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. Indeed, from the Planning History section above, Members will note that the site has been subject to the maximum amount of development that would be acceptable in compliance with national and local Green Belt policy. The application site is an open green space with no current built form. Consequently, as the application seeks permission for 4 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Green Belt which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 144), substantial weight should be given to this harm.

6.9 The applicant considers the site is within, a village, and this is assessed further into this report.

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

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

6.11 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

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

6.12 In response to each of these five purposes:

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

6.13 The site is situated at the very edge of Orsett Heath. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

B. to prevent neighbouring towns from merging into one another

6.14 The site is situated away from nearby towns and therefore would not result in the confluence of any towns. Therefore the development would not conflict with this Green Belt purpose.

C. to assist in safeguarding the countryside from encroachment

6.15 With regards to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The proposed development would spread the built form across the site where there is currently no built form. It is important to note that the scale of the development proposed, which includes 4 dwellings, associated hardstanding and vehicle access. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the open character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

- 6.17 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The erection of 4 dwellings with associated hardstanding/vehicle accesses is inconsistent with the fifth purpose of the Green Belt.
- 6.18 In light of the above analysis, it is considered that the proposals would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the Very Special Circumstances necessary to justify inappropriate development

- 6.19 The application site is currently a vacant open plot of land. It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. By nature of the fact the site is void of built form, the erection of four two-bedroom dwellings with associated residential paraphernalia would inherently harm the open character of the Green Belt. The amount of hardstanding and volume of structures would inevitably increase. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.
- 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, 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.

- 6.21 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 6.22 The Planning Support Statement submitted indicates that the applicant considers the proposed development does not constitute inappropriate development in the Green Belt. The applicant considers that paragraph 145 of the NPPF is relevant, in terms of providing an exception to inappropriate development in the Green Belt. The applicant suggests that the following exception to Green Belt development applies:
- e) *limited infilling in villages;*
- 6.23 The applicant considers that with respect to 'limited infilling' that there are a number of factors capable of being relevant when it comes to considering the concept of openness of the Green Belt including how built up the Green Belt is at present and the views of the proposed works. However, with reference to the application site, the land is void of built form and is in fact open land. While it is appreciated there is residential development adjacent to the site and on the opposite side of the road, this does not negate the fact the application site is essentially an open plot of land. The visual impact is a key part of the concept of openness of the Green Belt and that greenness is a visual quality. Therefore, the Council takes the view that the built form in the immediate locality does not detract from the fact that developing the site would be harmful to the open character of the Green Belt and would, in turn, permanently harm the green character of the site. This is implicit in the NPPF at paragraphs 133-134 since the purposes of the Green Belt seeks to prohibit development by protecting its inherent character.

Definition of a village

- 6.24 There is no definition of what constitutes a 'village' in terms of paragraph 145(e) of the NPPF. The Green Belt washes over this part of the Borough both to the North and East of the Grays / Little Thurrock area however, there are areas of development that have been excluded from the Green Belt and comprise 'islands' of built development within it. One of these is Chadwell St Mary to the south-east of Orsett Heath which has more of the characteristics of a 'village' or a suburban settlement because it is where various local facilities such as schools, a library, doctor's surgeries and a number of shops are located. In contrast the application site lies outside Chadwell St Mary, in Orsett Heath. Orsett Heath, is a location that lacks the

amenities and services which would normally be associated with a village and it is not considered that the location could be termed a village for the purposes of the NPPF. It is also notable that the site does not lie within an Established Residential Frontage; (which is an area identified on the Core Strategy Proposals Map wherein development in the Green Belt is acceptable; without the strict criteria which usually apply).

- 6.25 In light of the above, the proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. The application site is an open green space with no current built form. Consequently, as the application seeks permission for 4 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Metropolitan Green Belt, which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 144), substantial weight should be given to this harm.
- 6.26 The case put forward by the applicant above is not accepted, and for reasons noted above, the Council takes the view that the proposal would constitute inappropriate development. No formal Very Special Circumstances have been submitted, as the applicant does not consider this application represents inappropriate development. However, the applicant has submitted considerations in favour of the development. Given the Council's view of the development these have been assessed in terms of whether they represent benefits which would clearly outweigh the harm to the Green Belt and therefore give rise to very special circumstances for approving the application.
- 6.27 The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

a) Outdated Local Plan

- 6.28 The Council has the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] which has been found to be NPPF compliant at that time. This is the current Development Plan for the Borough. The duty in s. 70(2) of the Town and Country Planning Act, which is supplemented by the duty in section s.38(6) of the Planning and Compulsory Purchase Act 2004, is that in making planning decision "the determination must be made in accordance with the plan unless material considerations indicate otherwise". The application site is shown outside of any allocation for housing or other development, on the Proposals Map which accompanies the Core Strategy (2015). As a very special circumstance, no weight is afforded to this factor.

b) Housing provision – Lack of a 5 year housing supply

6.29 The current proposals would, with 4 units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, recent appeal decisions in Thurrock have clearly stated that this single issue of housing land supply on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

Green Belt Conclusions

6.30 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. It is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and would reduce the openness of the Green Belt. Furthermore it is considered that the proposals would cause some harm to role which the site plays in fulfilling the purposes for including land in the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant's case no formal very special circumstances have been put forward, but two considerations have been provided. An assessment of the considerations promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Simplified Summary of Green Harm and applicant's case for Very Special Circumstances			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Outdated Local Plan	No Weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Lack of 5 year Housing Supply	Significant Weight

6.31 Within the table above, only one of the two factors promoted by the applicant can be assessed as attracting any degree of 'positive' weight in the balance of considerations. As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must

be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and conflict with a number of Green Belt purposes. Two factors have been promoted by the applicant as comprising material considerations required to justify inappropriate development and it is for the Committee to judge:

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

6.32 It is considered that the applicant has not advanced any factors which would cumulatively amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD2 and 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 2019.

II. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

6.33 The proposal would provide four detached bungalows which would be situated to the north east of the former Barmoor House site, set behind the previously approved bungalows which are to be situated along Farm Lane. Vehicular access to the site would continue to be provided from Farm Road, which is a private road.

6.34 The development would result in four single storey dwellings finished in either render or brick with a tiled hipped roof. The properties created would be of a traditional bungalow design and largely similar, although some would have a different orientation.

6.35 The internal sizing of the dwellings is considered acceptable, as is the private amenity area for each dwelling.

6.36 The proposed siting of the proposed dwellings would result in development within an area which is currently open and free from any built development. In addition to the harm to the openness of the Green Belt, the development would negatively impact upon the rural character and appearance of the area.

III. AMENITY CONSIDERATIONS

6.37 The flank of the new dwelling at Plot 4 would be 1.25m from the flank of the property at 3 Longley Mews. This is considered acceptable as the new property is single storey, and the flank wall is that of a detached garage. There is also a window in this

flank, this again is considered acceptable with a condition to ensure fencing of at least 1.8m in height is retained on this boundary.

- 6.38 Due to the orientation of the proposed window arrangement and the distance between the new windows and the existing surrounding properties, there are no other amenity concerns.
- 6.39 The Council's Environmental Health Officer has advised that road traffic noise from the A1089 Dock Approach Road would affect the development site. Therefore, if permission were to be granted, a condition should be included on any consent granted to ensure a noise assessment is carried out to determine the acoustic environment for the development and any required mitigation.
- 6.40 The proposal would result in the loss of some of the garden space for the properties that are currently under construction. However the dwellings would still have garden space at a level similar to neighbouring properties in Longley Mews. In addition the gardens would remain of a depth that would ensure the new properties would not be overbearing to these occupiers. However, this does not detract from the assessment that the provision of new dwellings and their associated garden spaces and associated accoutrements would be seriously damaging to the character and openness of the Green Belt.
- 6.41 In light of the above, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF in so far as it relates to the provision of amenity space and living conditions.

IV. PARKING AND ACCESS

- 6.42 The proposal shows a total of 8 car parking spaces proposed for the development, equating to 2 spaces per dwelling. The proposal satisfies the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision however, the Council's Highway Officer has raised concerns regarding the lack of visibility site splays shown at the proposed access to Farm Road.
- 6.43 The Highway Officer has also raised concerns regarding the suitability of the access for refuse vehicles. Whilst the existing refuse collection is via Farm Road, access to these additional properties would be via the proposed access, adjacent to the newly permitted bungalows. A refuse storage area has been shown on the proposed site plan nearer to Farm Road, however this shows insufficient space given that Thurrock Council use three waste bins. Similarly, the applicant has failed to demonstrate that service vehicles would be able to access and turn within the confines of the site.
- 6.44 The proposal therefore fails to demonstrate sufficient means of access, servicing and visibility site splays contrary to policies PMD2 and PMD9 of the Core Strategy.
- 6.45 The Council's Highways Officer has further commented in relation to the suitability and upkeep of Farm Road, however it is a private road which is not maintained by the Council. As such the upkeep of the road is a private matter and one that cannot be considered as part of this application. The agent has confirmed that while the

client does not own the private road, the land has the benefit of a right of way with or without vehicles over Farm Road leading into Heath Road.

IV. LANDSCAPE AND ECOLOGY

- 6.46 It is noted that most of the site is currently being used for site storage during the development of the adjacent site, however there are some larger trees growing at the northern end of the site which are shown to be retained. In principle it is considered that this could be achieved; given the relative distance between the boundary and the proposed plots the retention of these trees would not harm the amenities or living conditions of potential occupiers.
- 6.47 Were permission to be granted a condition requiring submission and approval of an arboricultural method statement would be reasonable, to ensure adequate protection for these trees during construction. This should consider the effects of the current storage of material close to the trees and determine whether measures are required to remediate the compaction that has occurred around the tree roots.
- 6.48 The Landscape and Ecology Advisor also commented on the ecological impacts of the proposed development. The application site falls within the Zone of Influence (Zoi) within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.49 In the event that planning permission was to be granted this contribution would be secured through a suitably worded legal agreement.

V. INFRASTRUCTURE

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

- 6.52 Other than the request for payment towards the RAMS, there are no other required contributions or mitigation.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are any factors or benefits which clearly outweigh harm such that a departure and comprise the VSC necessary for a departure from normal policy to be justified.
- 7.2 The proposals are 'inappropriate development' in the Green Belt would lead to the loss of openness and would cause harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. It is concluded that the benefits of the development do not clearly outweigh harm and consequently the application is recommended for refusal. The site is considered to have reached the limit of development that is appropriate for it, by virtue of the earlier permission for 6 bungalows, which was policy compliant.
- 7.3 In addition to the Green Belt harm, the proposed vehicle access is deficient and would be harmful for manoeuvring, access and highways safety and amenity.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reasons:

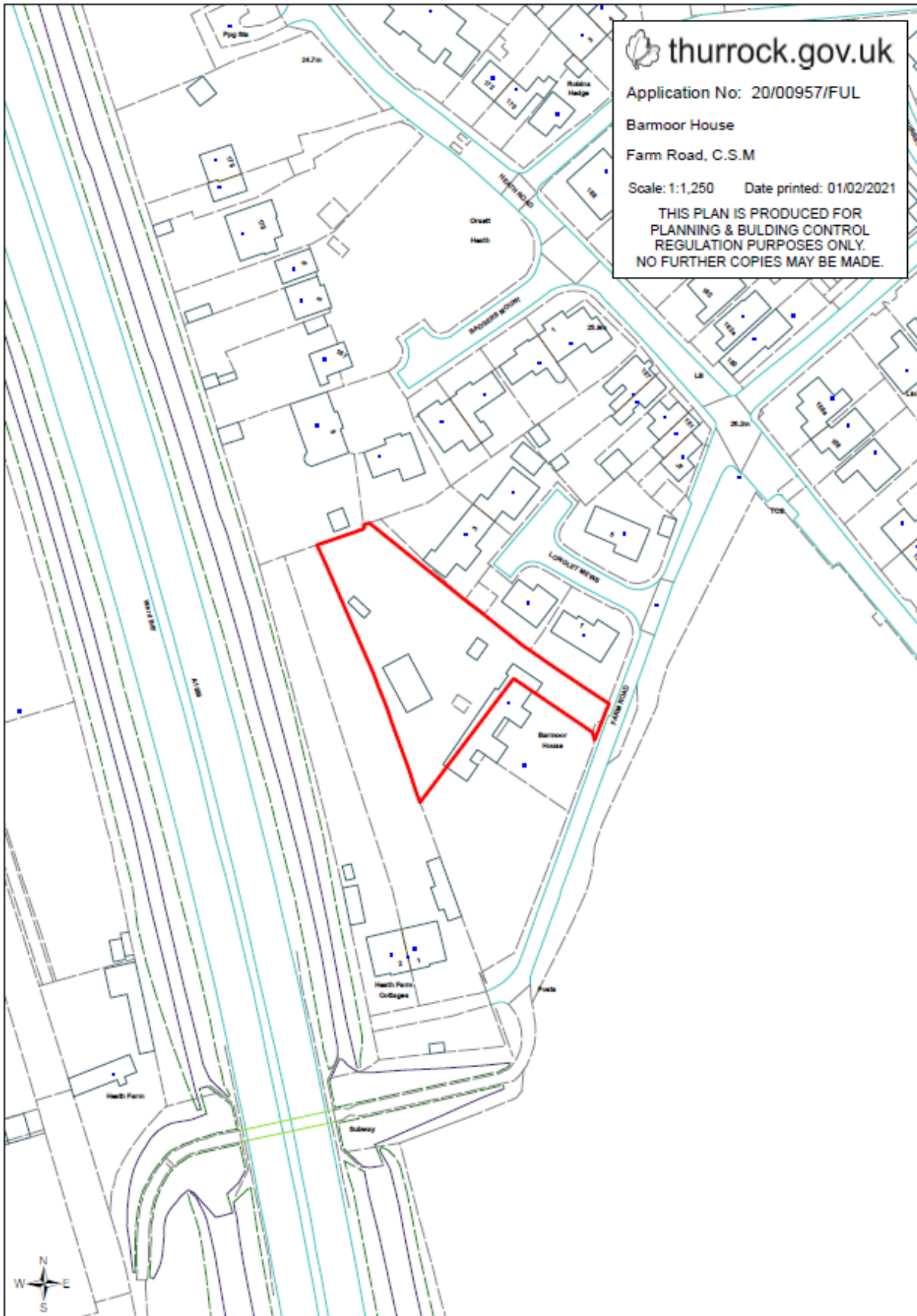
- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4, and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework 2019.
- 2 The proposed vehicular access would, by reason of its siting, width and lack of visibility site splays, be likely to result in awkward access and manoeuvring of refuse and delivery vehicles and thereby adversely impact on pedestrian and highway

safety. The proposal is therefore contrary to Policies PMD2 and PMD9 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 2019.

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**
Application No: 20/00957/FUL
Barmoor House
Farm Road, C.S.M
Scale: 1:1,250 Date printed: 01/02/2021
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Planning Committee 7 January 2021	Application Reference: 20/00957/FUL
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Reference: 20/00957/FUL	Site: Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
Ward: Chadwell St Mary	Proposal: Erection of four detached two bed bungalows

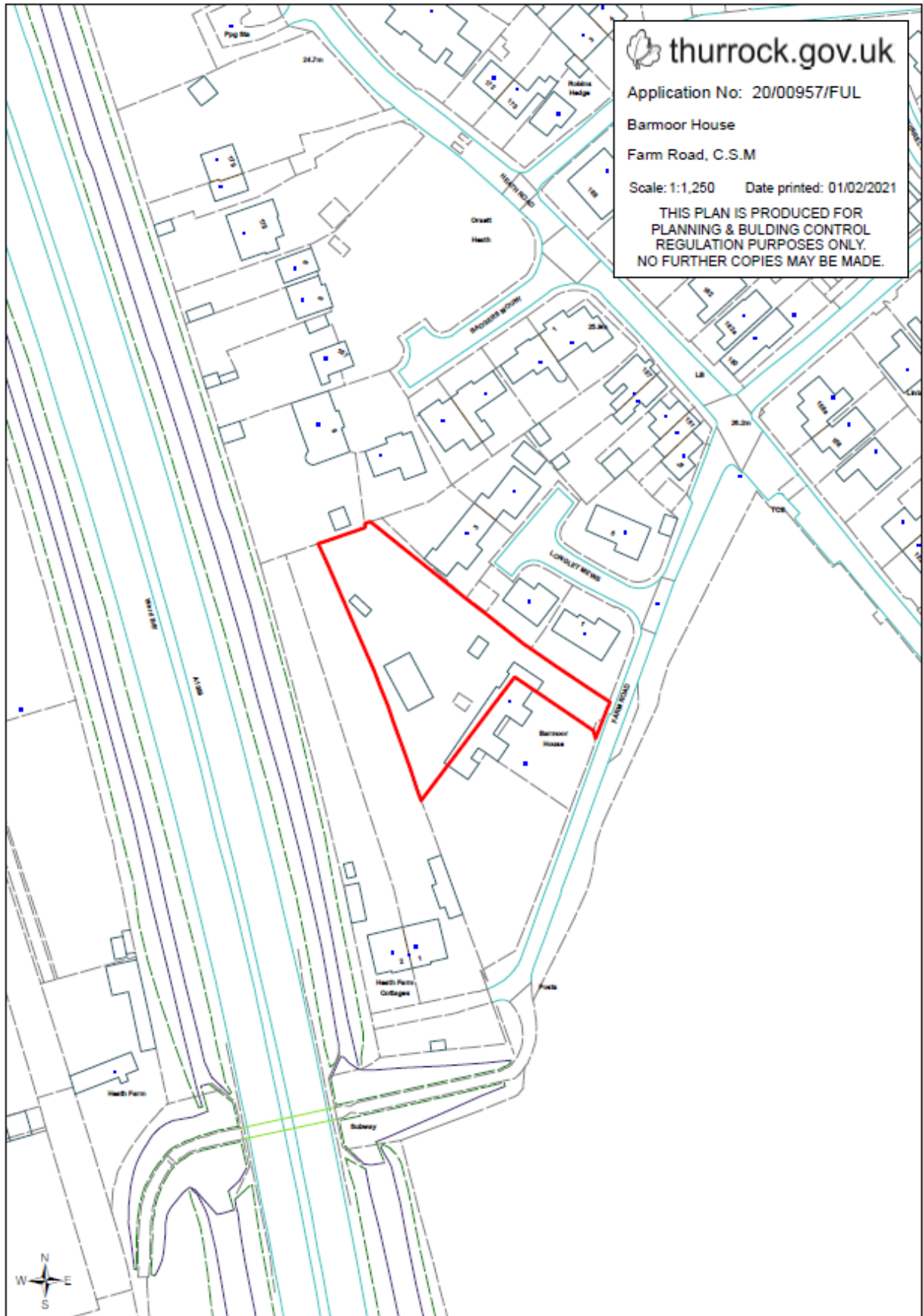
Plan Number(s):		
Reference	Name	Received
20010_A1-01	Proposed Elevation Plans	29th July 2020
20010_A2-01	Proposed Site Layout	29th July 2020
20102_A4-02	Existing Site Layout	29th July 2020
19.5957-M001	Location Plan	29th July 2020
19.5957-M002A	Location Plan	29th July 2020
19.5957-M003	Wider Settlement pattern	29th July 2020
19.5957-M004	Settlement Limits of Orsett Heath	29th July 2020

The application is also accompanied by:	
<ul style="list-style-type: none"> - Cover Letter - Planning Support Statement (Ref. 19.5957) 	
Applicant: Messrs J and M Gatrell	Validated: 28 July 2020 Date of expiry: 11 January 2021 Extension of time as agreed with applicant
Recommendation: To Refuse	

1.0 UPDATE

- 1.1 Consideration of this application was deferred at the 26 November 2020 Planning Committee meeting to enable a site visit to take place.

- 1.2 Members visited the site on 15 December 2020.
- 1.3 The application is recommended for refusal as set out in reasons 1 and 2 on the attached report.



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Reference: 20/00827/FUL	Site: Former Ford Motor Company Arisdale Avenue South Ockendon Essex RM15 5JT
Ward: Ockendon	Proposal: The erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping. (Partial revisions to phase 4 of approval 18/00308/REM Dated 12th June 2018)

Plan Number(s):		
Reference	Name	Received
R9052-CUR-20-XX-DR-C-2001-P03	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2002-P04	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2003-P05	Drainage Layout	6th November 2020
R9052-STN-18-00-DR-A-0902-P60	Site Layout	20th January 2021
R9052-STN-18-00-DR-A-0903-P58	Site Layout	20th January 2021
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	20th January 2021
R9052-STN-18-ZZ-DR-A-0905-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0906-P62	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0908-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0909-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0910-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0912-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	20th January 2021
R9052-STN-20-01-DR-A-1051-P57	Floor Layout	6th November 2020
R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
R9052-STN-20-03-DR-A-1053-P57	Floor Layout	6th November 2020
R9052-STN-20-EL-DR-A-2000-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2001-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2140-P56	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2150-P57	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2160-P57	Elevations	6th November 2020
R9052-STN-20-GF-DR-A-1040-P49	Floor Layout	6th July 2020

R9052-STN-20-GF-DR-A-1050-P57	Floor Layout	6th November 2020
R9052-STN-20-GF-DR-A-1060-P57	Floor Layout	6th November 2020
R9052-STN-20-R0-DR-A-1042-P49	Roof Plans	6th July 2020
R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
R9052-STN-20-R0-DR-A-1062-P57	Roof Plans	6th November 2020
R9052-STN-20-XX-DR-A-4006-P50	Other	6th July 2020
R9052-STN-20-XX-DR-A-4007-P57	Other	6th November 2020
R9052-STN-20-ZZ-DR-A-1000-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1001-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1041-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1061-P57	Floor Layout	6th November 2020
R9052-STN-20-ZZ-EL-A-0920-P57	Elevations	6th November 2020
R9052-STN-18-ZZ-DR-A-0911-P57	Other	20th January 2021
2044 09 General Arrangement Plan	Landscaping	6th November 2020
2044 B POS Sketch Masterplan	Landscaping	6th November 2020
R9052-CUR-20-00-DR-C-2004-P01	Drainage Layout	6th November 2020
R9052-CUR-20-00-XX-RP-C-00001-V06	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	20th January 2021
R9052-STN-20-XX-DR-A-4007-P57	Floor Layout	6th November 2020
R9052-CUR-18-XX-DR-C-9208-P14	Other	9th December 2020
R9052-CUR-20-00-DR-D-7216-P01	Drainage Layout	4th December 2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Planning Statement - Design and Access Statement & Addendum - Accommodation Schedule - Air Quality Assessment - Financial Viability Assessment & Addendum - Flood Risk Assessment and Drainage Report - Noise Assessment - Transport Statement 	
<p>Applicant: Mr Owain Williams</p>	<p>Validated: 17 July 2020</p> <p>Date of expiry: 19 February 2021 (Extension of time agreed with applicant)</p>
<p>Recommendation: Approve subject to conditions and a s106 agreement</p>	

1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 7 January 2021 Members considered a report on the above proposal. After a debate, the application was deferred for the following reasons:

1. To enable Officers to negotiate more than 6% affordable housing with the applicant;
2. To review the density of the proposed development;
3. Because the proposal was not considered to be in keeping with the needs of the local community as houses are preferred instead of flats; and
4. Because the proposed parking levels are below the Council's adopted Parking Standards.

1.2 A copy of the report presented to the November Committee meeting is attached as Appendix 1.

2.0 UPDATED INFORMATION

2.1 Since the January meeting the applicant has provided additional information in response to the Committee's reasons for deferral. This comprises written statements in relation to affordable housing, density, the needs of the area and a new plan related to parking provision. This detail is discussed in detail in the updated assessment below.

3.0 UPDATED CONSULTATION RESPONSES

3.1 HIGHWAYS:

No objection.

3.2 HOUSING:

No objection to the proposed provision for affordable housing.

4.0 UPDATED ASSESSMENT

4.1 The following paragraphs assesses the reasons for deferral:

1. To enable Officers to negotiate more affordable housing

4.2 As stated in the 'Viability and Planning Obligations' section of the main report, (Appendix 1), the application is subject to a Financial Viability Assessment, which has been independently reviewed. The independently reviewed report identifies that

the scheme can provide £288,122 that can be used to secure an education contribution, a healthcare contribution and the travel plan monitoring fee along with 6% affordable housing (6 units).

- 4.3 This would form the planning obligations which would need to be secured through a s106 agreement should planning permission be approved. The s106 would also include a viability review mechanism which means that if the development has not been substantially started within 24 months of the consent, the viability of the scheme would have to be reviewed again – if the viability of the scheme has improved, it will allow for an uplift in Affordable Housing provision.
- 4.4 It is recognised that the proposed level of affordable housing is below what policy CSTP2 requires (35% of the development) but the policy allows for exceptions where financial viability indicates policy compliant affordable housing is not viable. This is applicable to a number of sites in Thurrock which are built on previously developed land, similar to this one. One of the costs involved in this particular site is the need for piling due to ground conditions. The Council's Planning Committee have considered and approved similar applications on previously developed land where viability issues have been presented.
- 4.5 Members are reminded that the outline planning permission was approved by the Thames Gateway Development Corporation in 2011. The outline consent allowed for between 10% to 42.5% affordable housing through the s106 agreement, subject to financial viability testing. Since the outline permission each of the earlier phases of development have been subject to 10% affordable housing provision for viability reasons.
- 4.6 Since the deferral at the January committee meeting Officers have been liaising with the applicant. The applicant has confirmed that the previous approved Phase 4/5 development (18/00308/REM) originally included 23 affordable housing units but through additional grant funding, outside the scope of the previous planning permission, this was increased and has since achieved a total 41 affordable housing units for the previous Phase 4/5 development. It should be noted that the previous proposal for the current application site area included no affordable housing units, instead market housing.
- 4.7 Through the discussions with the applicant it has been agreed that in addition to the 6% affordable housing as set out in the attached report (Appendix 1) a revised planning obligation will be agreed requiring the applicant to use reasonable endeavours for securing the transfer of 5 additional units for affordable housing using Homes England grant funding. If for any reason it is not possible to transfer the additional 5 unit affordable units then the applicant agrees that these 5 units will be

available for discounted open market sale at 80% open market value to local residents.

- 4.8 This means that in addition to the 41 affordable housing units for the previous Phase 4/5 development this application would provide another 11 affordable housing units and in total provide 52 affordable housing units which equates to 18% for affordable housing for the combined previous Phase 4/5 development and this application. This is more than the 10% from the earlier phases of development of the planning permission at the wider Arisdale site.

2. To review the density of the proposed development

- 4.9 The previous Phases 4/5 development represented a housing density of 49 dwelling per hectare and the current proposal would be 70 dwellings per hectare which represents an increase in housing density at the site. In terms of dwellings per hectares, policy CSTP1 allows for '*a density range of between 30 and 70 dwellings per hectare*' and the proposed development therefore meets this policy requirement.
- 4.10 Furthermore, included within the wording of policy CSTP1 is a 'Housing Density Approach' and states that '*Proposals for residential development will be design-led and will seek to optimise the use of land in a manner that is compatible with the local context*'. Density is not just about the number of dwellings per hectare but about creating high quality, well designed developments and this application represents the continued evolution of the redevelopment of the wider Arisdale development site with a high quality designed development in regard to scale, massing and appearance.
- 4.11 The applicant's additional information explains that the proposal would only provide 37 more dwellings than the originally consented 650 dwellings envisaged for the wider Arisdale development from the outline planning permission.
- 4.12 As stated in paragraph 6.3 of the main report (Appendix 1) and as required by paragraph 75 of the NPPF the Council's Housing Delivery Test Action Plan (HDTAP) (published in August 2019) identifies a housing delivery shortfall of 309 homes over the three previous financial years up until 2017/18. One of the priorities identified in the HDTAP for the Council is to consider opportunities for development at a higher density in urban areas (paragraph 4.6 of the HDTAP) and this application seeks to achieve a higher density development as part of the wider Arisdale site and therefore complies with these requirements.
- 4.13 Chapter 11 of the NPPF is titled 'Making effective use of land' and paragraph 117 is relevant to this consideration as it states that '*planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living*

conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land (emphasis added)'. Furthermore, paragraph 122 states 'Planning policies and decisions should support development that makes efficient use of land, taking into account.....different types of housing and other forms of development, and the availability of land suitable for accommodating it, and the importance of securing well-designed, attractive and healthy places'. The proposal would therefore comply with these requirements.

4.14 In conclusion under this heading, this proposal represents an opportunity to increase density and provide much needed housing within the urban area; the density of the scheme is considered acceptable in the urban context of this part of South Ockendon and in particular, the existing built environment of Arisdale Avenue.

3. Whether the proposal is in keeping with the needs of the local community as houses are preferred instead of flats

4.15 As stated in paragraph 6.4 of the main report, Appendix 1, 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 but also the need for 1 and 2 bedroom apartments.

4.16 The proposed dwelling mix would result in the "loss" of 31 approved mainly semi-detached houses in favour of 1 and 2 bedroom apartments. The revised dwelling mix of mainly apartments reflects the Borough's housing needs in regard to the latest SHMA and policy CSTP1. There are no objections raised by the Council's Housing Officer as the proposed units would meet the demand as set out in the 2017 Strategic Housing Marketing Assessment.

4.17 The applicant's additional information identifies that the changes to the original proposals for this part of the Arisdale development reflects the demand for apartments with a waiting list of 50 buyers looking to purchase an apartment on site. The applicant explains that demand comes from young people in their 20's and 30's with 95% of purchasers being first time buyers.

4.18 In conclusion under this heading, the dwelling mix complies with the SHMA and policy CSTP1 and there is no objection from the Council's Housing team. In this regard it would be very difficult to sustain an objection based upon the proposed dwelling mix at appeal if the application was to be refused for this reason.

4. Whether the Proposed Parking Levels are below the Council’s adopted Parking Standards

- 4.19 As stated in paragraph 6.19 of the main report (Appendix 1) the parking layout needs to be assessed in regard to the outline permission, subsequent reserved matters and the Design Code.
- 4.20 The table below sets out the proposed parking provision for the development taking account of the extra 3 parking spaces provided in the revised plans since the deferral from the January planning committee:

Car Parking	Apartments: 1 space per flat – 88 spaces in total Houses: At least 2 spaces per house - 14 spaces in total for 6 houses Total allocated: 102 spaces Total Visitor: 18 spaces Total: 120 (1.3 spaces per unit)
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- 4.21 The proposal meets the requirements of the Council’s draft Parking Standards, which requires a minimum of 115 spaces for this development. Furthermore the proposed parking ratio would be 1.3 spaces per dwelling so is within the 1.3 to 1.5 parking space per dwelling range as required by the Design Code ‘pr6’ (parking arrangements) and condition 15 of the outline permission.
- 4.22 Planning condition 9 (parking provision) would ensure that the parking layout is provided as per the plans and allocated accordingly, and planning condition 10 (parking management strategy) would ensure a parking management scheme is enforced on site.
- 4.23 In conclusion under this heading, the car parking provision proposed accords with the Council’s standards and there is no objection from the Council’s highway team. In this regard it would be very difficult to sustain an objection based upon insufficient car parking at appeal if the application was to be refused for this reason.

5.0 RECOMMENDATION

- 5.1 Approve as set out in the recommendation section of the report attached as Appendix 1 but with the following updated planning obligations in regard to affordable housing, and a revised condition regarding the revised plans submitted since the January planning committee:
 - 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:

- Provision of 6% Affordable Housing (6 units) and
- For the applicant to use reasonable endeavours for securing grant funding to provide 5 additional units for affordable housing, or,
- If, for any reason, it is not possible to transfer the additional five affordable dwellings then these 5 additional units shall be made available as discounted open market dwellings at 80% of open market value with priority for local residents.

ii) and subject to the following revised planning condition, numbered to reflect the updated condition from the report attached as Appendix 1:

Approved Plans

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

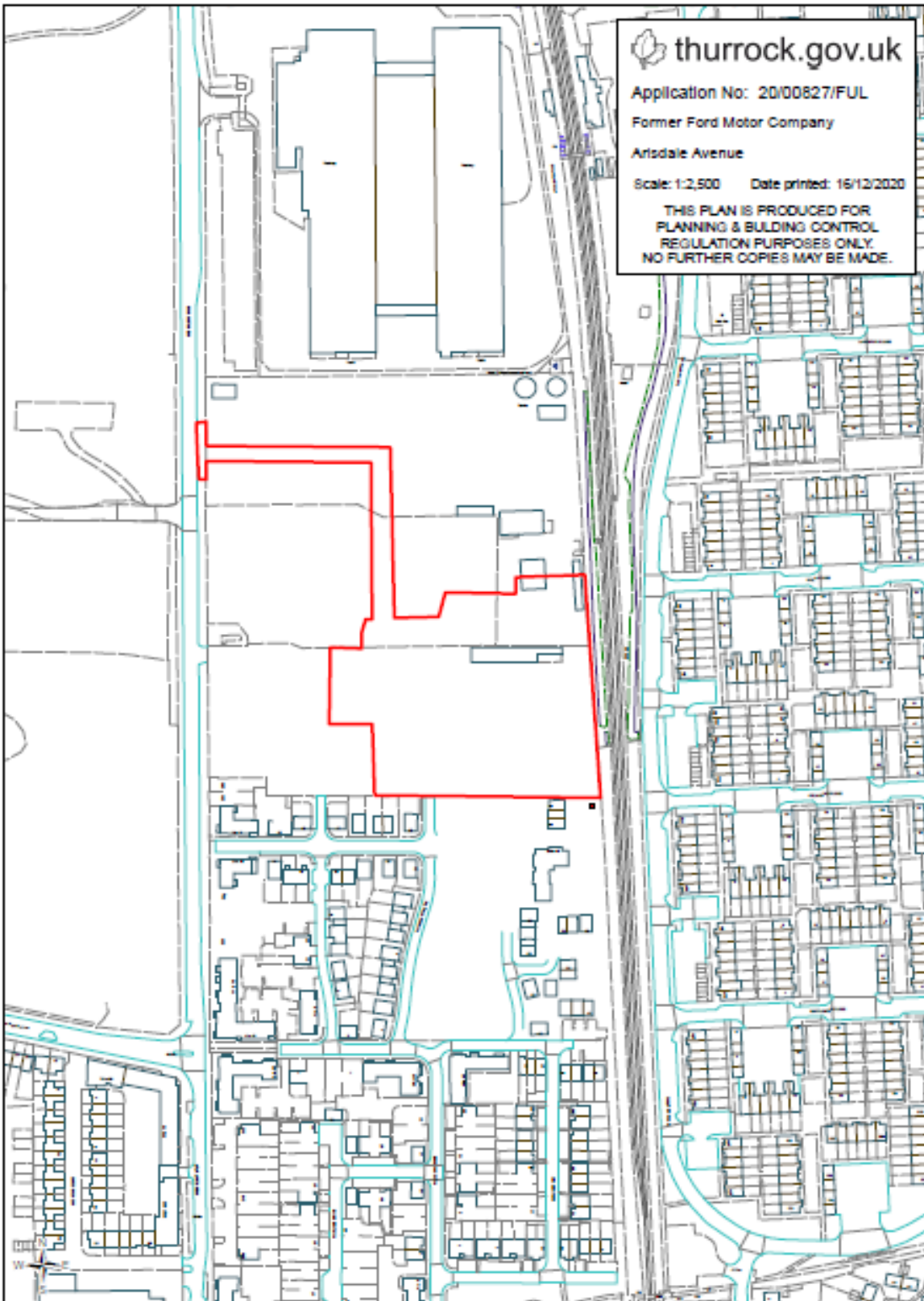
Plan Number(s):		
Reference	Name	Received
R9052-CUR-20-XX-DR-C-2001-P03	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2002-P04	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2003-P05	Drainage Layout	6th November 2020
R9052-STN-18-00-DR-A-0902-P60	Site Layout	20th January 2021
R9052-STN-18-00-DR-A-0903-P58	Site Layout	20th January 2021
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	20th January 2021
R9052-STN-18-ZZ-DR-A-0905-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0906-P62	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0908-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0909-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0910-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0912-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	20th January 2021
R9052-STN-20-01-DR-A-1051-P57	Floor Layout	6th November 2020
R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
R9052-STN-20-03-DR-A-1053-P57	Floor Layout	6th November 2020
R9052-STN-20-EL-DR-A-2000-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2001-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2140-P56	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2150-P57	Elevations	6th November 2020

R9052-STN-20-EL-DR-A-2160-P57	Elevations	6th November 2020
R9052-STN-20-GF-DR-A-1040-P49	Floor Layout	6th July 2020
R9052-STN-20-GF-DR-A-1050-P57	Floor Layout	6th November 2020
R9052-STN-20-GF-DR-A-1060-P57	Floor Layout	6th November 2020
R9052-STN-20-R0-DR-A-1042-P49	Roof Plans	6th July 2020
R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
R9052-STN-20-R0-DR-A-1062-P57	Roof Plans	6th November 2020
R9052-STN-20-XX-DR-A-4006-P50	Other	6th July 2020
R9052-STN-20-XX-DR-A-4007-P57	Other	6th November 2020
R9052-STN-20-ZZ-DR-A-1000-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1001-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1041-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1061-P57	Floor Layout	6th November 2020
R9052-STN-20-ZZ-EL-A-0920-P57	Elevations	6th November 2020
R9052-STN-18-ZZ-DR-A-0911-P57	Other	20th January 2021
2044 09 General Arrangement Plan	Landscaping	6th November 2020
2044 B POS Sketch Masterplan	Landscaping	6th November 2020
R9052-CUR-20-00-DR-C-2004-P01	Drainage Layout	6th November 2020
R9052-CUR-20-00-XX-RP-C-00001-V06	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	20th January 2021
R9052-STN-20-XX-DR-A-4007-P57	Floor Layout	6th November 2020
R9052-CUR-18-XX-DR-C-9208-P14	Other	9th December 2020
R9052-CUR-20-00-DR-D-7216-P01	Drainage Layout	4th December 2020

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

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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Planning Committee: 7 January 2021	Application Reference: 20/00827/FUL
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Reference: 20/00827/FUL	Site: Former Ford Motor Company Arisdale Avenue South Ockendon Essex RM15 5JT
Ward: Ockendon	Proposal: The erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping. (Partial revisions to phase 4 of approval 18/00308/REM Dated 12th June 2018)

Plan Number(s):		
Reference	Name	Received
R9052-CUR-20-XX-DR-C-2001-P03	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2002-P04	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2003-P05	Drainage Layout	6th November 2020
R9052-STN-18-00-DR-A-0902-P60	Site Layout	11th December 2020
R9052-STN-18-00-DR-A-0903-P57	Site Layout	6th November 2020
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	6th November 2020
R9052-STN-18-ZZ-DR-A-0905-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0906-P60	Other	11th December 2020
R9052-STN-18-ZZ-DR-A-0908-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0909-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0910-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0912-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	6th November 2020
R9052-STN-20-01-DR-A-1051-P57	Floor Layout	6th November 2020
R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
R9052-STN-20-03-DR-A-1053-P57	Floor Layout	6th November 2020
R9052-STN-20-EL-DR-A-2000-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2001-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2140-P56	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2150-P57	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2160-P57	Elevations	6th November 2020

Planning Committee: 7 January 2021	Application Reference: 20/00827/FUL
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R9052-STN-20-GF-DR-A-1040-P49	Floor Layout	6th July 2020
R9052-STN-20-GF-DR-A-1050-P57	Floor Layout	6th November 2020
R9052-STN-20-GF-DR-A-1060-P57	Floor Layout	6th November 2020
R9052-STN-20-R0-DR-A-1042-P49	Roof Plans	6th July 2020
R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
R9052-STN-20-R0-DR-A-1062-P57	Roof Plans	6th November 2020
R9052-STN-20-XX-DR-A-4006-P50	Other	6th July 2020
R9052-STN-20-XX-DR-A-4007-P57	Other	6th November 2020
R9052-STN-20-ZZ-DR-A-1000-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1001-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1041-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1061-P57	Floor Layout	6th November 2020
R9052-STN-20-ZZ-EL-A-0920-P57	Elevations	6th November 2020
R9052-STN-18-ZZ-DR-A-0911-P57	Other	6th November 2020
2044 09 General Arrangement Plan	Landscaping	6th November 2020
2044 B POS Sketch Masterplan	Landscaping	6th November 2020
R9052-CUR-20-00-DR-C-2004-P01	Drainage Layout	6th November 2020
R9052-CUR-20-00-XX-RP-C-00001-V06	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-STN-20-XX-DR-A-4007-P57	Floor Layout	6th November 2020
R9052-CUR-18-XX-DR-C-9208-P14	Other	9th December 2020
R9052-CUR-20-00-DR-D-7216-P01	Drainage Layout	4th December 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	11th December 2020

The application is also accompanied by:

- Planning Statement
- Design and Access Statement & Addendum
- Accommodation Schedule
- Air Quality Assessment
- Financial Viability Assessment & Addendum
- Flood Risk Assessment and Drainage Report
- Noise Assessment
- Transport Statement

Applicant:

Mr Owain Williams

Validated:

17 July 2020

Date of expiry:

15 January 2021 (Extension of time)

Planning Committee: 7 January 2021	Application Reference: 20/00827/FUL
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	agreed with applicant)
Recommendation: Approve subject to conditions and a s106 agreement	

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic implications (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution) and the previous applications have been determined by the Planning Committee.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 In April 2011 Thurrock Thames Gateway Development Corporation (TTGDC) granted outline planning permission for the '*Demolition of existing buildings and redevelopment of the site for up to 650 residential dwellings, associated car parking, roads, landscaping and public open space. Outline application with all matters reserved except for the points of access to the site*', ref: 09/50035/TTGOUT. The outline permission was subject to a number of planning conditions and a s106 legal agreement.
- 1.2 The outline permission is set out in the planning history but the table below shows the number of dwellings consented through the reserved matters approvals.

Phase	Phase and application reference	Dwelling numbers
1	11/50443/TTGREM	92
2	14/00950/REM	185
3	16/01726/REM	113
4 & 5	18/00398/REM	230
	Total	620

- 1.3 The outline planning permission, for the wider site area, has now expired as all reserved matters needed to have been submitted by 26 April 2018. Therefore this application seeks full planning permission and would result in an increase in dwelling numbers beyond the 650 dwellings originally permitted with the outline permission for the wider site.
- 1.4 This full planning application seeks permission for the erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping.
- 1.5 The proposal represents partial revisions to phase 4 of approval 18/00308/REM. The changes would result in 6 houses instead of 4 houses approved within the central part of the Phase 4 development, and a change from 31 houses to 86 apartments in the form of three blocks of apartments in the central and eastern side of the Phase 4

development. These changes would result in a net increase of 57 dwellings and in total would increase the development to 677 dwellings on the former Ford factory site.

- 1.6 A summary of the proposed development for this full planning application is stated below:

Site Area (Gross)	1.31 ha						
Height	Up to 4 storeys for the apartments (13.8m) 2 storeys for houses (9.3m high)						
Units (All)	Type (ALL)	1- bed	2- bed	3- bed	4- bed	5- bed	TOTAL
	Houses		4	2			6
	Apartments	27	59				86
	TOTAL	27	63	2			92
Affordable Units	Type (ALL)	1- bed	2- bed	3- bed	TOTAL		
	Apartments	2	4		6		
	TOTAL	2	4		6		
Car parking	Apartments: 1 space per flat Houses: 1 space for 2 bed dwelling and 2 spaces for a 3 bed dwelling Total allocated: 96 spaces (Average of 1.04 space per unit) Total Visitor: 21 spaces (Average 0.23 per unit) Total: 117 (1.27 space per unit)						
Cycle Parking	Total allocated: 128 spaces (Average of 1.4 space per unit) Total Visitor: 30 spaces (Average 0.3 per unit) Total: 158 (1.7 space per unit)						
Amenity Space	Minimum 60m ² for each house Balconies and informal gardens for apartments but have access to public open spaces in the wider development						
Density	70 units per ha for the site area 53 units per ha for the wider site						

- 1.7 Below is a more detail description of aspects of the proposal.

- 1.8 **Access:** Vehicular access to the site would utilise the internal road layout approved through phases 3, 4 and 5 of the outline planning permission/reserved matters. The nearest main points of access to Arisdale Avenue is located to the west and north western part of the wider site.

- 1.9 **Layout:** The layout represents increasing of the number of houses from 4 houses to 6 houses in the central part of the Phase 4 development and replacing the rows of houses in the eastern side of the site with three apartment blocks and associated parking and amenity areas. Each house would have its own car parking allocation either off street or dedicated on street space. The apartments would have car parking arrangements in parking courts mainly behind the apartments. In between the blocks of apartments a landscaped amenity space would be provided instead of the previously approved road layout. Each house would have a private garden and apartments would have balconies.

1.10 Housing Layout and Mix:

	Type	Floor	
Houses 6 units	2 bedroom		4 units
	3 bedroom		2 units
Apartments 86 units	Block 4 43 units	Ground	10 units 3 x 1 bed & 7 x 2 bed
		First	11 units 4 x 1 bed & 7 x 2 bed
		Second	11 units 4 x 1 bed & 7 x 2 bed
		Third	11 units 4 x 1 bed & 7 x 2 bed
	Block 5 32 units	Ground	9 units 3 x 1 bed & 6 x 2 bed
		First	10 units 4 x 1 bed & 6 x 2 bed
		Second	8 units 2 x 1 bed & 6 x 2 bed
		Third	5 units 1 x 1 bed & 4 x 2 bed
	Block 6 11 units	Ground	3 units x 2 bed
		First	4 units 1 x 1 bed & 3 x 2 bed
		Second	4 units 1 x 1 bed & 3 x 2 bed

- 1.11 **Scale:** The development would have 2 storey houses, and the apartments would range between 2 and 4 storeys high.

- 1.12 **Design and Appearance:** Modern contemporary design to reflect continuation of the existing and consented development in the wider site area.
- 1.13 **Amenity Space:** East house would have a 60m² private garden area and all apartments would have balconies and informal communal gardens. All future occupiers would have access to the areas of public open spaces between the apartment blocks and access to the nearby area of public open space in the wider development. Trees are proposed to be planted at locations within the site.

2.0 SITE DESCRIPTION

- 2.1 The site is approximately 1.31 hectares of the 12.69 hectare Former Ford Factory wider site situated to the northern edge of South Ockendon. The Former Ford Factory was demolished following the granting of outline planning permission in 2011 and has been built out on a five phase development process following the approval of reserved matters applications between 2011 and 2018.
- 2.2 Phase 3 of the development is located directly to the south of the site. To the north and west of this site is Phase 4 and 5 of the wider development site and access to Arisdale Avenue. To the east is the branch railway line linking Upminster to Grays.
- 2.3 South Ockendon railway station is located to the north-east of the site. A pedestrian scissor bridge across the railway line is located 650m to the south of the rail station and connects Ardmore Road to the west with Tamarisk Road to the east. The site is within walking distance of the shops and services within South Ockendon centre at Derwent Parade to the south west and to Ockendon Village centre to the north east.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Reference	Description	Decision
09/50035/TTGOUT Outline Planning Permission	Demolition of existing buildings and redevelopment of the site for up to 650 residential dwellings, associated car parking, roads, landscaping and public open space. Outline application with all matters reserved except for the points of access to the site'. S106 secured; (A) Affordable housing. (B) Public Open Space and play equipment (C) SUD's Management / Maintenance (D) To pay	Approved 28.04.2011

Planning Committee: 7 January 2021	Application Reference: 20/00827/FUL
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	Phased Financial contributions (E) Highway Scheme - The scheme means works of improvement to Arisdale Avenue. (F) Parking management strategy	
11/50443/TTGREM Phase 1	Submission of Reserved Matters pursuant to Outline Planning Permission ref: 09/50035/TTGOUT with regard to the creation of 92 no. two, three and four bedroom houses and apartments, plus associated roads, paths, drives, car parking, ancillary structures and landscaping	Approved 29.06.2012
14/00950/REM Phase 2	Submission of Reserved Matters pursuant to outline planning permission 09/50035/TTGOUT for the creation of 185 no. two and three bedroom houses and apartments, plus associated roads, paths, drives, car parking, ancillary structures and landscaping.	Approved 17.11.2014
16/01617/CONDC	Discharge of condition 4 from approved planning application 09/50035/TTGOUT – Phase 3 dwelling numbers increased to 113 from 99 as Phase 1 was built with less dwellings than originally Phased	Approved 13.01.2017
16/01726/REM Phase 3	Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 3 of the outline planning permission 09/50035/TTGOUT comprising of the construction of 113 residential dwellings new public open space, car parking and associated infrastructure.	Approved 26.06.2017
18/00308/REM Phases 4 & 5	Approval of reserved matters (layout, scale, appearance, landscaping and internal access) for Phase 4 and 5 of the Arisdale Avenue development (LPA Application Ref. 09/50035/TTGOUT), comprising the construction of 230 residential dwellings, new public open	Approved

	space, car parking and associated infrastructure works.	
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4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

14 objections raising the following concerns:

- Access to the site
- Additional traffic and congestion
- Road network will continue to struggle
- Parking will be an issue with on street parking
- Environmental Pollution
- Litter/smells
- Possible excessive noise
- Too many people living on a small plot of land/overcrowded
- Insufficient amenities and infrastructure to support it, impact upon local services
- Doctors and schools over subscribed
- Out of character
- No benefit to local people
- Over development
- Visual eyesore
- Increase pressure on trains
- Impact upon adjacent houses, loss of view
- Negative impact upon property values

4.3 ANGLIAN WATER:

No objection subject to a condition requiring details of a surface water strategy.

4.4 EDUCATION:

No objection subject to a financial contribution of £267,187.15 towards nursery, primary and secondary education.

4.5 ENVIRONMENTAL HEALTH:

No objection subject to conditions requiring noise mitigation measures and a Construction Environmental Management Plan (CEMP).

4.6 ESSEX POLICE ARCHIECTURAL LIAISON OFFICER:

No objection subject to the development meeting the Secured by Design accreditation.

4.7 FLOOD RISK ADVISOR:

No objection subject to conditions requiring a detailed surface water drainage scheme, details of the future management and maintenance arrangements, and the requirement for existing pipes within the site to be cleared and restored to a working condition.

4.8 HIGHWAYS:

No objection.

4.9 HOUSING:

It is recognised from the applicant's financial viability assessment that the scheme cannot provided the normal 35% affordable housing and that 10% affordable housing has been provided in Phase 4 of this development.

4.10 LANDSCAPE AND ECOLOGY ADVISOR:

No objection on landscape or ecology grounds.

4.11 NETWORK RAIL:

No response.

4.12 NHS ENGLAND:

No response.

4.13 SOUTH OCKENDON COMMUNITY FORUM:

No response.

4.14 TRAVEL PLAN CO-ORDINATOR:

No objection subject to the requirement of a residential travel plan and monitoring fee of £525 per annum for a minimum period of five years.

4.15 URBAN DESIGN OFFICER:

No objection.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

The revised NPPF was published on 19 February 2019 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
- 5. Delivering a sufficient supply of homes
- 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 a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Design; process and tools
- Effective use of land
- Flood Risk and Coastal Change
- Healthy and safe communities
- Housing supply and delivery
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements
- Use of Planning Conditions
- Viability

5.3 Local Planning Policy Thurrock Local Development Framework

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)

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)

- CSTP13 (Emergency Services and Utilities)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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
- II. Housing Land Supply, Need, Mix and Affordable Housing
- III. Design and Layout and Impact upon the Area
- IV. Accessibility, Traffic Impact and Parking
- V. Flood Risk and Drainage
- VI. Air Quality and Noise
- VII. Effect on Neighbouring Properties
- VIII. Refuse and Recycling
- IX. Energy and Sustainable Buildings
- X. Viability and Planning Obligations
- XI. Sustainability
- XII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The principle of the residential development on the Former Ford Factory site for up to 650 residential units was established through an outline planning permission granted in 2011 by the Thurrock Thames Gateway Development Corporation and subsequent reserved matters applications which has led to a five stage phasing process for the development. This application seeks amendments to part of the Phase 4 development and given the site's history there is no objection to the principle of the development.

II. HOUSING LAND SUPPLY, NEED, MIX AND AFFORDABLE HOUSING

6.3 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. The Council's Housing Delivery Test Action Plan (HDTAP) was published in August 2019 to meet the requirements of paragraph 75 of the NPPF. The HDTAP identifies a housing delivery shortfall of 309 homes over the three previous financial years up until 2017/18. One of the priorities identified in the HDTAP for the Council is to consider opportunities for development at a higher density in urban areas (paragraph 4.6) and this application seeks to achieve a higher density development as part of the wider Arisdale site.

6.4 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 apartments. The proposed dwelling mix would result in the loss of 31 approved mainly semi-detached in favour of increased 1 and 2 bedroom apartments. This would be beyond the requirements of condition 7 of the outline planning permission. However, it is recognised that the outline planning permission was approved in 2011 and since then a more up to date Strategic Housing Marketing Assessment for South Essex has been undertaken with the latest referred to above. The revised dwelling mix of mainly apartments would provide a revised mix to reflect the Borough's housing needs in regard to the latest SHMA and policy CSTP1. There are no objections raised by the Council's Housing Officer as the proposed units would meet the demand as set out in the 2017 Strategic Housing Marketing Assessment. The proposal would provide some affordable housing which is assessed below in the 'Viability and planning Obligations' section of this report.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.5 The existing position on site is that parts of Phases 4 and 5 have been constructed and some dwellings occupied, similarly Phase 3, directly to the south, is mainly completed with dwellings occupied. It is necessary for the proposed development to be considered in regard to the character and appearance of the existing built development within the wider site. It is also necessary for this application to have regard to the previous applications, which includes the outline permission, reserved matters and in particular the Design Code.

Layout

- 6.6 The proposed changes to the layout of the development through the 88 apartments within three blocks would replace the 31 houses from the previous application for Phases 4 and 5. Through the Design Code this part of the site was never considered for apartments as Design Code 'bf1' (block typologies) identifies this area of the wider site to be for medium density development of mainly housing. The introduction of apartments instead would create a higher density area of development. The layout also increases the number of houses from 4 houses to 6 houses in the central part of the Phase 4 development.
- 6.7 The proposed layout follows the general road layout of the previous approved development with the exception of the change in the location of the apartment blocks which would include parking to the north of Block 4 and to the south of Block 5 and 6. This layout approach allows for a landscaped amenity space in between the blocks and represents an amendment to the application following earlier concerns over the lack of amenity space and parking dominance. This revised layout strikes a balance with achieving a useable amenity space for occupiers of the apartments and the

wider development as would appear as an extension to the nearby park area in Phase 4. Overall the layout arrangement is considered acceptable with regard to policies CSTP22 and PMD2.

Scale and Design

- 6.8 There are no objections to the proposed scale of the development for the apartment blocks which range between 2/3/4 storeys in height as there are existing apartment blocks of similar height in the wider development site. All houses would be 2 storey which is also similar to the existing development on site. For these reason there are no objections raised to the scale of the development with regard to policies CSTP22 and PMD2.
- 6.9 The design and appearance of the proposal seeks to continue the form and massing levels of the earlier phases of development. The overall design approach follows a simple contemporary form. Some of the design features include gable ends, large windows, solidier coarsing above windows, framing elements around windows, enclosed balconies and porch canopies. The overall design would create uniformity and rhythm throughout. As the design and appearance of the apartments and houses would represent a continuation of the existing and consented development in the wider site area there are no objections raised with regard to policies CSTP22 and PMD2.

Materials

- 6.10 For this development it is important that the materials match those used in Phases 4 and 5 to ensure the development is visually seen in the same context as the approved and existing development. The Design and Access Statement explains that the material palette would accord with the Design Code from the previous permissions, particularly for Phases 4 and 5. The materials would include buff brick, grey weatherboarding, dark grey window frames and all pitched roofs would have a slate coloured roof tiles. In terms of surface finishes, all roads and parking courts within the site would have either asphalt or coloured block paving. The proposed boundary treatment would match existing boundary treatment approved and used within the development.

Open Space

- 6.11 The proposed amenity space between the apartment blocks would create an area of open space for the benefits of occupiers of the apartments but would also be useable by the wider development. The level of open space is considered acceptable within the context of the site and the wider development. Occupiers of this part of the

development would also have easy access to the public open space to the north and Local Area of Play (LAP) which is being delivered through the Phase 4 and 5 part of the development. This is acceptable with regard to policy PMD5 and a number of Design Code requirements from the outline permission.

Amenity Space

- 6.12 Given that this proposal would represent modification of the previous outline permission which detailed amenity standards through a Design Code, it is considered necessary to follow the Design Code requirements approach as this proposal would be seen within the context of the previous applications at this wider site.
- 6.13 The replacement dwellings would have a private amenity space in the form of a rear garden space of between 66m² to 96m². This would accord with the previous application's Design Code 'bf13' (garden sizes and private amenity), which stipulates the requirements for the development and garden sizes must be at least 60m². For apartments the previous application's Design Code 'bf13' required the balconies to be 5m² and apartments that are 2 bedrooms or more must have at least 25m² of amenity area provided in close proximity. The open space between the apartment blocks would be provide an area of communal amenity space for the occupiers of the apartments, which is acceptable in regard to the requirements of the Design Code and policy PMD2.

Landscaping

- 6.14 The open space between the apartment blocks would be landscaped and would therefore contribute to the wider development. A number of trees are proposed to be planted throughout this part of the site, including street trees, trees in the amenity area and trees within the parking areas. The provision of trees is necessary for meeting the previous application requirement of Design Code 'pr10' (street trees). In addition to trees the development would incorporate hard and soft landscaping in areas such as the 'square'.
- 6.15 In conclusion under this heading, the overall layout, scale, design, materials, open space, amenity space and landscaping 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 and has been considered in regard to the Design Code from the outline permission.

IV. ACCESSIBILITY, TRAFFIC IMPACT AND PARKING

Accessibility and Access

- 6.16 The site is located within a sustainable location with close access to the nearby Ockendon railway station, via the footbridge to the south of the site, which can be accessed through the wider site. There are bus stops located along Arisdale Avenue, which serve the area. Roads and footpaths lead to South Ockendon town centre where a range of goods and services can be found and this is approximately 1km away for pedestrians and cyclists. The site has good accessibility with regards to transport modes and with regard to paragraph 110 of the NPPF and policy PMD9.
- 6.17 The proposed main vehicular access point is the 'T' junction onto Arisdale Avenue, which is located towards the north west corner of the wider site within Phase 4 area and the red line location plan highlights this as the main access to this part of the site. There are also alternative vehicle access points from the earlier phases onto Arisdale Avenue and the site can be easily accessed from Phase 3 to the south. There are also pedestrian access points along Arisdale Avenue that allow access to this site. All of these access points accord with the points of access and road layout as approved from the previous permissions and as shown in the Design Code. The only change is the replacement of a section of road with the landscaped amenity area and this section road, shown on the details to the Phase 4 and 5 part of the development would have linked through to Phase 3 from the location of the proposed apartment blocks. This means that access to the car parking areas to Blocks 5 and 6 would only be from the south, instead of providing two access arrangements. This does not raise any objections in highways terms. Overall the access arrangements locations are acceptable and comply with policy PMD9.

Traffic Impact

- 6.18 The proposal would increase the housing density at the site with the addition of 57 extra dwellings. This would give rise to more traffic movements than the previously approved scheme and departs from the original Transport Assessment from the outline planning permission. The applicant's Transport Assessment (TA) has assessed the transport impact in regard to the approved Phase 4 and 5 development (18/00308/REM), which is the most recent of the approved applications at the wider site. The TA demonstrates that the proposed development including the approved Phase 4 and 5 development would result in a revised trip generation of 96 and 109 two way vehicle trips during the AM and PM peak hour respectively. In comparison to the approved Phase 4 and 5 development this application would result in a net increase of 13 two way vehicle trips during both the AM and PM peak hours. The TA states (paragraph 6.4.2) that this 'net increase is not considered a significant variance from the consented scheme' and 'will not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network'. The

Council's Highway Officer raises no objection and the traffic impact would be acceptable with regard to paragraph 109 of the NPPF and policy PMD9.

Parking

- 6.19 The parking layout needs to be assessed in regard to the outline permission, subsequent reserved matters and the Design Code as the proposal would be viewed in context of these permissions and the requirements are therefore slightly different to the Council's Draft Parking Standards.
- 6.20 The proposed parking strategy is based on 1 space per flat, 1 space per 2 bedroom house and 2 spaces for a house. There would be 96 allocated parking spaces and 21 visitor spaces provided and this would result in a total of 117 parking spaces for the development which is 1.2 spaces per dwelling so is slightly below the 1.3 to 1.5 space per dwelling as required by the Design Code 'pr6' (parking arrangements) and condition 15 of the outline permission. The proposal would not change any of the remaining parking provision (outside of the red line area) as approved for Phases 4 and 5.
- 6.21 The houses would have a mix of off street and some on street allocated parking. All apartments would have allocated parking provided in parking courts for each of the three blocks of apartments. All visitor parking would be either on street or allocated within the parking courts to the apartments. A 'Parking Management Strategy' explains that a management company would operate and enforce a permit system for parking on any parking courts or estate roads, and would ensure visitor parking spaces are not used by residents. The 'Parking Management Strategy' also advises that all internal roads within the site will remain private and maintained by a private management company, who will also be responsible for signage, lighting and controlling any unauthorised car parking.
- 6.22 For cycle parking a total of 158 spaces (128 allocated and 30 visitor spaces) would be provided through this application. Each house will be provided within an outbuilding within the rear garden for the property which can be used for covered and secure cycle parking. Each apartment would be allocated a cycle parking space within a communal secure and sheltered cycle parking store. Visitor cycle parking would be provided in the public realm such as within the open space area and within the cycle parking stores for the apartments. The proposed parking arrangements would accord with Design Code 'pr4' (cycle parking/storage), which requires 'on plot cycle parking facilities and cycle parking facilities within the public realm'.

- 6.23 The Council's Highway Officer raises no objection and the proposed car and cycle parking arrangements are acceptable in regard to paragraph 102 of the NPPF and policy PMD8.

Travel Plan

- 6.24 The proposed development would give rise to the need for a Travel Plan to promote sustainable modes of transport to accord with policy PMD10 and paragraph 111 of the NPPF. The applicant's TA refers to the Travel Plan from the outline permission but either that Travel Plan or an updated Travel Plan would need to be secured through a planning condition. The Travel Plan shall require targets of decreasing single occupancy car usage, increase walking and cycling to the development, increase bus and train usage, and increase car sharing and car club uses. The Council's Travel Plan Co-ordinator raises no objection subject to the need for further details within a travel plan and associated monitoring which can be secured through a planning obligation and the details of the Travel Plan secured through planning condition.

V. FLOOD RISK AND DRAINAGE

- 6.25 The site is not within a high risk flood zone as it is located in lowest risk flood zone (Flood Zone 1) but as the development is more than 1 hectare in size the planning legislation requires the submission of a Flood Risk Assessment (FRA). As the site is Flood Zone 1 the Sequential and Exception Tests, as set out in the NPPF and PPG do not need to be applied and the FRA demonstrates the site would be safe from flooding.
- 6.26 In terms of drainage the surface water drainage would use the attenuation system which is included within the previous Phase 4 permission and the Drainage Strategy demonstrates the future flow rates from the site would remain unchanged for this application, when compared to the information approved for Phases 4 and 5. The attenuation system comprises of impermeable surfacing draining via pipes in the roads to attenuation tanks and there are three attenuation tanks proposed within the location of the three blocks of apartments. The Flood Risk Manager raises no objection subject to the use of planning conditions requiring a detailed surface water drainage scheme, details of the future management and maintenance arrangements, and the requirement for existing pipes within the site to be cleared and restored to a working condition, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.
- 6.27 The foul drainage would connect to the foul drainage systems managed by Anglian Water who have no objections.

VI. AIR QUALITY AND NOISE

- 6.28 The site is not within an Air Quality Management Area (AQMA) and the applicant's Air Quality Assessment identifies that existing sources of airborne pollution would be from rail emissions and vehicle emissions. Whilst the proposal would increase vehicle movements in the area the increased traffic would not have a significant impact upon local air quality for future residents in this location. There are no objections raised by the Council's Environmental Health Officer and therefore the proposal would not cause any unacceptable effects from air pollution in regard to policy PMD1 or paragraph 181 of the NPPF.
- 6.29 The site is located adjacent to the branch railway line that links Grays to Upminster and the site is close to Ockendon station. The applicant's Noise Assessment demonstrates that noise level monitoring was carried out in February 2020 to determine the noise climate adjacent to the railway boundary. The Noise Assessment results identify that the typical rail noise level was 59dB. Block 6 is nearest to the railway line but has no habitable room windows facing towards the railway line. Instead windows are located on the north, south and west elevation and would be at a distance of 19m from railway track. The nearest window facing the railway would be 30m away.
- 6.30 For habitable rooms nearest the railway line mitigation would be required and the Noise Assessment recommends these habitable rooms are fitted with specific glazing units and acoustic rated vents. This approach is similar to the requirements of condition 10 of the outline permission, which required mitigation measures to the early phases of development in the wider site. There are no objections raised by the Council's Environmental Health Officer subject to the noise mitigation measures being agreed through a planning condition and this will ensure the amenities of future residents are not subject to noise disturbance, in accordance with the requirements of policy PMD1 and paragraph 180 of the NPPF.

VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.31 From the previous permissions the Design Code 'bf12' (privacy and back to back distances) required a 22m distance back to back distance from habitable rooms to avoid unnecessary privacy intrusion. The majority of the earlier phases of the development achieved this requirement, with the exception of a few plots. This application shall therefore apply the same requirement as the proposal is part of the wider development area. The plans demonstrate that at least 22m back to back distance on all housing plots, apart from plot 236 which would be 21.5m but given this is one plot that is only fractionally below the previous Design Code requirement this is not considered grounds for refusal. Therefore the proposed layout of housing

and apartment blocks would not lead to any significant loss of privacy for the future occupier's dwellings in Phase 4 of the development.

- 6.32 Directly to the south of application site is Phase 3 where there are houses with rear gardens which back onto the site. The proposed housing layout and apartment block 6 would not impact upon these properties in terms of privacy or obtrusiveness. The south elevation of apartment block 5 would be 2m from the common boundary between the houses to the south in Phase 3 and would result in a building to building distance ranging between 11.5m and 13.5m. There would be no windows in the south elevation of Block 5 so no material overlooking/loss of privacy would result. The outlook from these houses would be similar to the approved house type (house type D1) from the reserved matters application (18/00308/REM) with the outlook facing the blank wall. The side elevation of the approved house type was 9.5m high ground to ridge height and the blank wall of Block 5 would be 7.5m ground to parapet height. It is noted that the block steps up high to 3 and 4 storeys but this stepping arrangement is further away from the houses in Phase 3. For these reasons the proposal would not significantly impact upon privacy or result in obtrusiveness to the occupiers to the south of the site.
- 6.33 The proposed layout of the development would involve more traffic movements and some of the ground floor plots to Apartment Block 4 would be in close proximity to parking spaces but the layout is considered acceptable with regard to residential amenity.
- 6.34 Overall the proposal would be acceptable with regard neighbouring impact and policies PMD1 and PMD2.

VIII. REFUSE AND RECYCLING

- 6.35 A 'Site Refuse Strategy Plan' shows that each house would have space within their rear garden for refuse/recycling provision and the apartment blocks would have detached communal refuse/recycling stores within the car parking courts. The plan shows that all refuse/recycling facilities can be accessed for all collection vehicles. The site's refuse and recycling strategy follows the approach taken as a requirement of condition 25 of the outline permission and Design Code 'pr5' (bin storage/recycling) so is consistent with the approach for the wider site. Therefore there are no objections raised with regard to policy PMD2.

IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.36 The roofs of the apartment blocks would include photovoltaic panels and rainwater harvesting plan (water butts) would be provided for each house. These details would

accord with the requirements of policies PMD12 and PMD13 for sustainable development and the use of renewable energy sources. Similarly with the outline permission condition 8 required sustainable design and construction for each phase of development so the current proposals are consistent with the previous phases of development at the wider site.

X. VIABILITY AND PLANNING OBLIGATIONS

- 6.37 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.
- 6.38 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. In September 2019 the pooling restrictions were removed through the updated Community Infrastructure Levy Regulations but the Council continues to maintain the Infrastructure Requirement List (IRL) to provide 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 The proposal is a standalone full planning application and so would be different from the requirements of the outline permission for the wider site. From the consultation process planning obligations are sought as follows:
- For 35% of the development to be for affordable housing provision as required by policy CSTP2;
 - An education contribution of £267,187.15 for nursery, primary and secondary education provision;
 - Travel Plan monitoring fee of £525 per annum for at least 5 years.
- 6.40 The application offers the following planning obligations:
- A financial contribution of £198,098 towards nursery and primary education;
 - A financial contribution of £58,000 towards additional healthcare;
 - 6% affordable housing provision.
- 6.41 The planning obligations derive from applicant's Financial Viability Assessment. The applicant's Financial Viability Assessment which has been considered by the

Council's independent viability assessors. The independently reviewed report identifies that the scheme can provide £288,122 that can be used to secure an education contribution, a healthcare contribution and the travel plan monitoring fee.

- 6.42 The independently reviewed report has also assessed that 6% affordable housing can be provided for this development. Whilst this level of affordable housing is below what policy CSTP2 requires (35% of the development) the policy does allow an exception where financial viability can be considered on sites in Thurrock that were subject to previously development land and subject to physical constraints. It should also be noted that the previous outline permission allowed for between 10% to 42.5% affordable housing through the s106 agreement subject to financial viability testing, with the majority of the development providing 10% affordable housing provision.
- 6.43 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' and it is recommended that the viability review is carried out if development has not substantially started within 24 months of the consent being granted.

XI. SUSTAINABILITY

- 6.44 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 to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.
- 6.45 For the economic objective 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 an opportunity for local people to live and work in this area.
- 6.46 For the social objective the development would help create a new community at this site. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's five year housing land supply
- 6.47 For the environmental objective the proposed developments would deliver a high quality designed development consistent with the approach from the previous permissions at the site and in particular a continuation of Phases 4 and 5. Energy efficient measures are proposed through this application and would also be secured

through the Building Regulations. The development would be built to surface water management measures to reduce flooding. The implementation of noise mitigation measures would make the apartments adjacent to the railway habitable for future occupiers. As identified above the site is accessible by a range of transport modes.

- 6.48 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

- 6.49 Due to previous uses of the land, the site has been subject to a contaminated land report including recommendations for mitigation measures that was discharged through a discharge of condition application, reference 17/01566/CONDC, prior to commencement of development for Phases 4 and 5 and therefore included this site, which forms part of Phase 4. The Environmental Health Officer has identified the need for a verification report to be provided by condition.
- 6.50 Unless removed by way of planning condition, the proposed dwellings would benefit from permitted development rights which include the ability to build limited extensions and outbuildings, and undertake alterations in certain circumstances. Whilst the exercise of permitted development rights for extensions and outbuildings would reduce the amount of garden area, it is considered that this is a matter of choice for the individual householder and, therefore, it is not recommended that these rights be removed in this instance, which is consistent with the previous permissions for all phases of development at the wider site.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 This proposal would result in a change to the permitted 35 dwellings occupying this part of the site that was approved through fourth and fifth phases of development at the wider site. The change would result in the provision of 92 dwellings on the site and therefore a net increase of 57 dwellings and in total a development of 677 dwellings on the former Ford factory site.
- 7.2 The increase in dwellings at the site and applicant's immediate build programme would contribute to the Council's 5 year housing land supply and would provide more apartments in this sustainable lactation to meet the housing mix and needs of the Borough, making best use of urban land. The proposal would bring forward a high quality designed development which would represent a continuation of the design approach currently being built in Phases 4 and 5 of the previous permission. All other material considerations are considered acceptable subject to conditions and obligations where necessary.

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7.3 Therefore the recommendation for approval of planning permission is subject to completion of a section 106 agreement and subject to the planning conditions,

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:

- Provision of 6% Affordable Housing;
- A financial contribution of £267,187.15 towards nursery, primary and secondary education provision;
- A financial contribution of £18,282.85 towards NHS healthcare improvements in the local area;
- Travel Plan monitoring fee of £525 per annum for 5 years (£2,625 in total).

Viability review mechanism

- In the event that development has not reached slab level for 6 house plots and 2 apartment block plots within 2 years of the grant of planning permission, 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
R9052-CUR-20-XX-DR-C-2001-P03	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2002-P04	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2003-P05	Drainage Layout	6th November 2020
R9052-STN-18-00-DR-A-0902-P60	Site Layout	11th December 2020
R9052-STN-18-00-DR-A-0903-P57	Site Layout	6th November 2020
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	6th November 2020
R9052-STN-18-ZZ-DR-A-0905-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0906-P60	Other	11th December 2020
R9052-STN-18-ZZ-DR-A-0908-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0909-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0910-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0912-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	6th November 2020
R9052-STN-20-01-DR-A-1051-P57	Floor Layout	6th November 2020
R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
R9052-STN-20-03-DR-A-1053-P57	Floor Layout	6th November 2020
R9052-STN-20-EL-DR-A-2000-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2001-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2140-P56	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2150-P57	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2160-P57	Elevations	6th November 2020
R9052-STN-20-GF-DR-A-1040-P49	Floor Layout	6th July 2020
R9052-STN-20-GF-DR-A-1050-P57	Floor Layout	6th November 2020
R9052-STN-20-GF-DR-A-1060-P57	Floor Layout	6th November 2020
R9052-STN-20-R0-DR-A-1042-P49	Roof Plans	6th July 2020
R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
R9052-STN-20-R0-DR-A-1062-P57	Roof Plans	6th November 2020
R9052-STN-20-XX-DR-A-4006-P50	Other	6th July 2020
R9052-STN-20-XX-DR-A-4007-P57	Other	6th November 2020
R9052-STN-20-ZZ-DR-A-1000-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1001-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1041-P49	Floor Layout	6th July 2020

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R9052-STN-20-ZZ-DR-A-1061-P57	Floor Layout	6th November 2020
R9052-STN-20-ZZ-EL-A-0920-P57	Elevations	6th November 2020
R9052-STN-18-ZZ-DR-A-0911-P57	Other	6th November 2020
2044 09 General Arrangement Plan	Landscaping	6th November 2020
2044 B POS Sketch Masterplan	Landscaping	6th November 2020
R9052-CUR-20-00-DR-C-2004-P01	Drainage Layout	6th November 2020
R9052-CUR-20-00-XX-RP-C-00001-V06	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-STN-20-XX-DR-A-4007-P57	Floor Layout	6th November 2020
R9052-CUR-18-XX-DR-C-9208-P14	Other	9th December 2020
R9052-CUR-20-00-DR-D-7216-P01	Drainage Layout	4th December 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	11th December 2020

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

Materials

- The materials to be used on the external surfaces of the development hereby approved, as referred to on the approved 'Site External Materials Plan', shall match those used on the external finishes of the Phase 4 and Phase 5 planning permission from references 09/50035/TTGOUT, 18/00308/REM and 18/00309/CONDC.

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

Secured by Design

- No development above ground level shall commence until details have been submitted to and approved and in writing by the local planning authority that

demonstrate how the principles and practices of the Secured By Design 2019 have been incorporated into the design. The Development shall be carried out in accordance with the approved details.

Reason: In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Boundary Treatment

5. All boundary treatments, as referred to on the approved 'Site Boundary Treatment Plan', shall match those boundary treatments used in Phase 4 and Phase 5 of planning permission from references 09/50035/TTGOUT, 18/00308/REM and 18/00309/CONDC.

Reason: In order to safeguard the amenities of neighbouring occupiers, in the interests of the visual amenity of the area and to ensure that the proposed development, in the Green Belt, does not have a detrimental effect on the environment as required by policies PMD1, PMD2 and policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Landscaping Scheme

- 6 No development above ground level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority.

The Soft Landscaping works shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or

becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard Landscaping works shall include:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved and retained and maintained as such thereafter.

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).

Open Space and Landscaping Management and Maintenance

7. Prior to the occupation of the development details of the future management arrangements for the maintenance of the open space and landscaping of the site shall be submitted to and approved in writing by the local planning authority. The management details as approved shall be implemented and managed at all times thereafter following first occupation of the development.

Reason: In the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Estate Road Construction

8. The carriageways and footways as shown on the approved plans shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

Reason: To ensure roads/footways 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).

Parking Provision

9. Prior to the occupation of the development the vehicle parking areas shown on the approved 'Site Parking Strategy Plan', including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be maintained and retained in this form at all times thereafter. 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.

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

Parking Management Strategy

10. Prior to the occupation of the development a Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced shall be submitted to and approved in writing by the local planning authority. The Parking Management Strategy shall be implemented and thereafter retained for the duration of the residential use in accordance with the agreed Car Parking Management Strategy unless the prior written approval of the local planning authority is obtained to any variation.

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

Electric Charging Points

11. Prior to the occupation of the development details of electric charging points for parking spaces shall be submitted to and approved by the local planning authority. The electric charging points shall be installed as approved prior to occupation of the development and shall be maintained and retained in this form at all times thereafter.

Reason: In the interests of sustainability and to ensure that adequate car parking provision is available for electric vehicles in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of

Development (2015).

Cycle Parking Provision

12. Prior to the occupation of the development the cycle parking provision as shown on the approved 'Site Parking Strategy Plan', shall be provided prior to the occupation of the development and retained for such purposes thereafter.

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

Travel Plan

13. Prior to the occupation of the development, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the occupation of the development and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

Reason: To reduce reliance on the use of 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).

Surface Water Drainage Scheme

14. No development, with the exception of demolition, shall commence until the detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include detailed engineering drawings of each component and feature of the drainage scheme. The detailed surface water drainage scheme shall be implemented as approved prior to occupation of the development and shall be maintained and retained as such thereafter.

Reason:

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

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

Surface Water Maintenance Plan

15. No development, with the exception of demolition, shall commence 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. In accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Surface Water Yearly Logs

16. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any Maintenance Plan. These shall be made available for inspection upon the written request of 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. All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Foul Drainage Connection

17. The proposed foul drainage systems shall connect to the existing foul drainage systems for existing development.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Clearance of Existing Water Pipes

18. No development shall commence until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

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

Noise Mitigation Measures

19. Prior to the occupation of the development the noise mitigation measures as identified in the Report on Existing Noise Climate Revision 5 dated 5 November 2020 shall be installed during the construction of the development. The noise mitigation measures shall be maintained, where necessary, and retained at all times thereafter.

Reason: To protect the amenities of 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).

Contamination and Remediation – Validation Report

20. Following the completion of measures identified in the Remediation Strategy and Verification Plan for discharging condition 20 of 09/50035/TTGOUT an updated validation report that demonstrates the effectiveness of the remediation carried out to this application site 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,

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).

Unforeseen Contamination

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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 and be submitted for approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Condition.

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).

Piling

22. Piling or any other foundation designs using penetrative methods shall not be used unless a report has been submitted to, and agreed in writing by, the local planning authority demonstrating that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Contamination has been identified at the site. The foundation piles in or through contaminated land has the potential to mobilise contaminants which can result in their release into the groundwater. The groundwater in the vicinity of the site may be abstracted for industrial or domestic use and hence must be kept free from pollution in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Energy and Sustainability Measures

23. No development shall commence until details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through

the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the local planning authority.

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

Rainwater Harvesting

24. The rainwater harvesting and water resource efficiency as shown on the 'Site Sustainability Plan' shall be constructed and completed prior to the first occupation of the development and retained for such purposes at all times thereafter.

Reason: To ensure the sustainability of the potable water supply to the development and wider area through efficient use of water resources in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Refuse and Recycling

26. The refuse and recycling storage facilities as shown on the 'Site Refuse Strategy Plan' shall be constructed and completed prior to the first occupation of the development and retained for such purposes at all times thereafter.

Reason: 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).

External Lighting

27. Prior to the occupation of the development details of any external lighting, with the exception of lighting within residential plots, shall be submitted to and agreed in writing by the local planning authority. The details shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports. The approved external lighting shall only be implemented and operated in accordance with the agreed details.

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

Superfast Broadband

28. The dwellings 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.

All Services to be run underground

29. All electrical and telephone services to the development shall be run underground.

Reason: In the interests of visual amenity and the integrity of the design in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Construction Environmental Management Plan (CEMP)

30. No development 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);

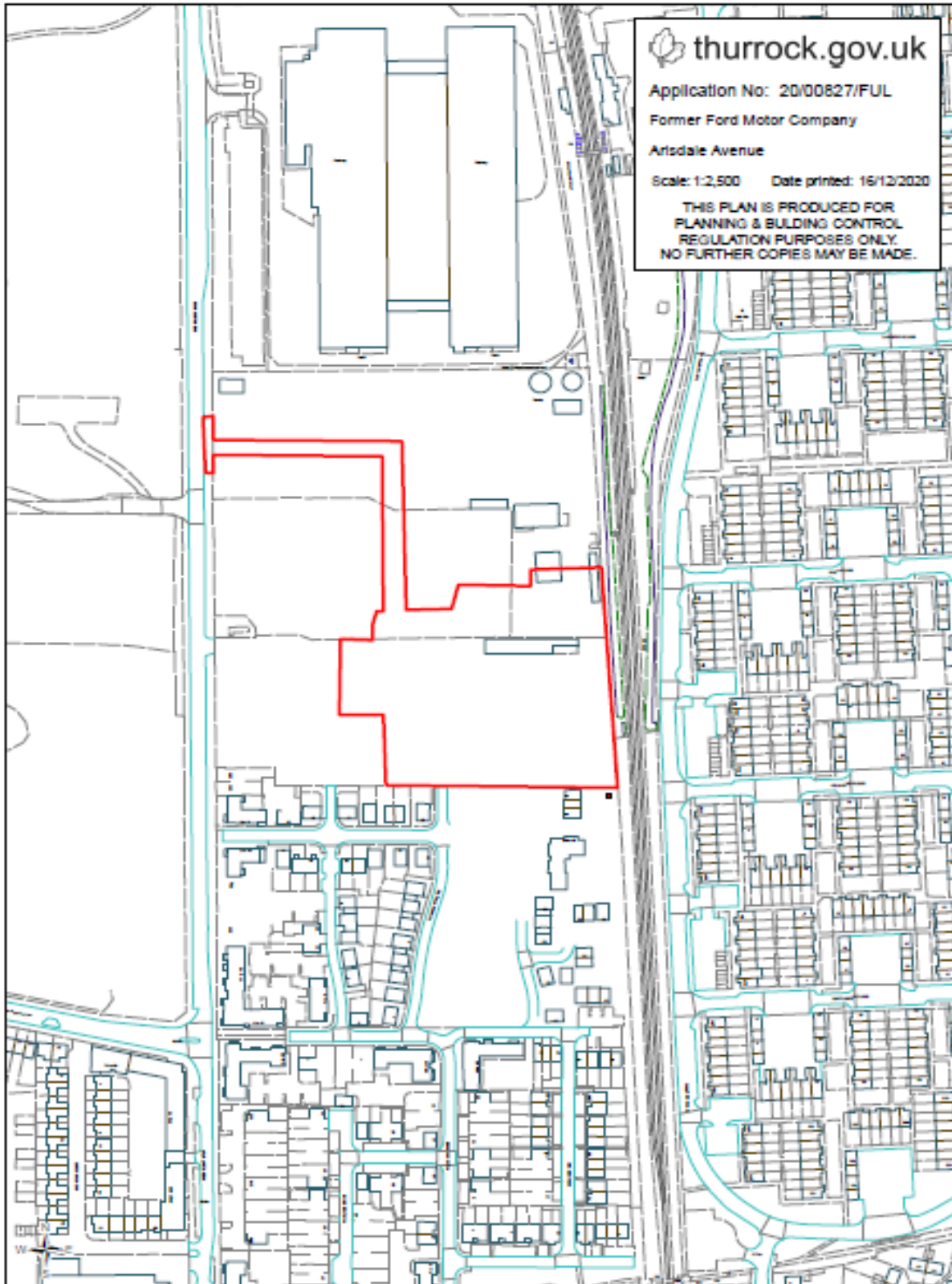
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;
- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (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;
- (p) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- (q) Details of security lighting layout and design; and
- (r) A procedure to deal with any unforeseen contamination, should it be encountered during development.

Development 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).

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>



Reference: 20/01743/FUL	Site: Stanford Le Hope Railway Station London Road Stanford Le Hope Essex SS17 0JX
Ward: Stanford Le Hope West	Proposal: Construction of new station buildings, a new footbridge, forecourt, ancillary commercial unit (class E/F.2) and widening of platform 1

Plan Number(s):		
Reference	Name	Received
60636799-ACM-SFO-PL-DRG-EAR-000001 Rev A01	Proposed Footbridge Stairs Plans	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000002 Rev A02	Proposed Platform Level GA Plan Platforms 01 & 02	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000003 Rev A01	Proposed Roof Level GA Plan	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000009 Rev A02	Proposed Footbridge Sections and Elevations	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000012 Rev A01	Proposed Building Sections 1/50	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000013 Rev A02	Proposed Building Sections 1/100	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Existing Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Proposed Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000405 Rev A01	Footbridge and Lift Plan and Sections	15 December 2020
13015-04 000 301-S3-P4	Site Location Plan	15 December 2020
No number	Land Ownership Boundaries Plan	15 December 2020

The application is also accompanied by:

- Air Quality Assessment and update statement
- Arboriculture Report and update statement

- Flood Risk Assessment
- Lighting Assessment
- Noise & Vibration Assessment
- Planning Support Statement (including Design and Access Statement, Energy Statement, Sustainability and Transport Assessment)
- Travel Plan

Applicant:
Thurrock Council

Validated:
16 December 2020
Date of expiry:
15 February 2021 (Extension of time agreed with applicant)

Recommendation: Approve, subject to conditions

This application is scheduled as a committee item as the application has been submitted by the Council, in accordance with Part 3 (b) Section 2 2.1 (b) of the Council's Constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to redevelop the site to provide modern station buildings, a new footbridge and widen Platform 1.
- 1.2 The new station buildings would be single storey in height made up from lightweight prefabricated material covered by a modular canopy system. The larger building to the east of the railway line would provide accommodation for operational requirements; ticket office, staff welfare facilities, toilets and a commercial unit. The smaller building to the west of the railway line would provide a covered second gate line.
- 1.3 The access for pedestrians would be from the main and secondary station entrances from the southern footway on London Road, where step-free access would be provided.
- 1.4 The new footbridge would be further to the south of the existing footbridge and would have an integral lift. The new structure would be enclosed with an architectural mesh to the sides of the walkway and the roof would be enclosed with insulated aluminium panel.

2.0 SITE DESCRIPTION

- 2.1 The existing station site forms a land parcel measuring 0.37 hectare to the south of London Road and some 50m from the junction with King Street. The original station dates from 1850s and the current main station and platforms were built in the 1960s. The station buildings have recently been demolished and there is currently hoarding around the site and temporary structures. There is a pedestrian bridge over the railway line.
- 2.2 The site is designated on the Core Strategy Proposals Map as being within a Local Nature Reserve, associated with the adjacent Mucking Creek which passes in close proximity to the eastern boundary, with private residential housing and associated rear access road adjoining the eastern bank of the creek. There are further residential uses including flats and a communal car park to the west of the site and west of the rail line.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/01504/FUL	Redevelopment of existing station to provide a new station building of 517 sq.m, new footbridge, forecourt and associated vehicle drop off and pick up areas, 84 new cycle spaces and ancillary retail (Class A1/A3) premises	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. One objection has been received objecting to the proposal due to access to the site, additional traffic and the lack of public access to the footbridge.

4.3 EMERGENCY PLANNING:

No objection, subject to Flood Warning Evacuation Plan condition.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 ENVIRONMENTAL HEALTH:

No response received.

4.6 HIGHWAYS:

No objection.

4.7 LANDSCAPE AND ECOLOGY:

No objection.

4.8 NETWORK RAIL:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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.

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

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (PPG)

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

- Air Quality
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Flood Risk and Coastal Change
- Light pollution
- Noise
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure

THEMATIC POLICIES:

- CSTP10: Community Facilities
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD10: Transport Assessments and Travel Plans

- PMD12: Sustainable Buildings
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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.

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout
- III. Impact upon biodiversity and ecology
- IV. Impact to residential amenity
- V. Traffic impact, access and car parking
- VI. Flood risk and site drainage

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The NPPF states that the planning system should place significant weight on the need to support economic growth by encouraging and not impeding sustainable growth (paragraph 80). The NPPF also describes the importance of transport in

facilitating sustainable development. Within chapter 9, *Promoting sustainable transport*, the NPPF stresses that transport systems needs to be balanced in favour of sustainable transport modes and that Local Authorities should work with transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including transport investment necessary to support strategies for the growth of ports or other major travel demands in their areas.

- 6.3 The proposal represents significant investment in infrastructure within the public transport network which would help to support the Council's wider regeneration aims in one of the key hubs in the Borough. The upgrading of the station will lead to wider benefits to the local area with the subsequent enhanced accessibility to the station for commuters and employees in the nearby area.
- 6.4 The proposal would create a modern station (with the future proposed improvement to the car park and a bus turnaround area on the opposite side of the road) and improved cycle storage facilities which would encourage passengers to adopt alternative methods of transport to access the station and travel within and outside of the Borough. The present application can be seen as phase 1 of the development, with the bus turnaround and car park area as phase 2. This phase 2 element is currently being finalised with working taking place on the comprehensive design. This detailed planning application is imminent. Planning policies have for many years supported sustainable forms of transport, of which rail travel is an important part. In this respect, the application satisfies many of the policies mentioned in national and local policy documents including chapter 9 of the NPPF.
- 6.5 The scheme would make the station more convenient due to the larger size of the station building and platforms. This is considered necessary for the local area, with developments such as London Gateway in close proximity. The recent growth in housing in the area along with new employment opportunities have and will continue to result in increased passenger numbers which will not be able to be accommodated within the existing station in the future.
- 6.6 In conclusion under this heading, the proposal accords a range of Core Strategy policies and guidance contained in the NPPF. The principle of the redevelopment is therefore considered to be sound.

II. DESIGN AND LAYOUT

- 6.7 The proposal comprises the complete redevelopment of the station buildings on both sides of the railway line. The larger station building largely follows the footprint of the previous building, although it will be closer to the highway. The buildings would be finished in an anodized aluminium finish. The steel structural elements would be powder coated and the canopies would be covered with transparent polycarbonate sheet panels.

- 6.8 The footbridge would be demolished and rebuilt further to the south of the site to allow for a sloped access and lifts. The footbridge would be enclosed with an architectural mesh and the roof would be enclosed with a standing seam insulated aluminium panel.
- 6.9 The design of the previous station reflected the era of its construction. In contrast, the modern design of the new station building would have a positive impact on the visual qualities of the immediate surroundings and provide a much improved facility for passengers.
- 6.10 The open appearance of the building will create a visual link between the building and the street frontage, allowing pedestrians to see into the building and passengers to see out towards the street. The design of the bridge provides a strong link between the buildings on each side of the track. The new station building and site layout would be a vast improvement to the present situation and the buildings formerly on the site. The replacement buildings would be visually more attractive and more suitable to the function they perform.
- 6.11 In conclusion under this heading, the proposal is considered to enhance the area and comply with Policies PMD2 and CSTP22 of the Core Strategy.

III. IMPACT UPON BIODIVERSITY AND ECOLOGY

- 6.12 Policy CSTP18 states that the Council will restore, protect, enhance and where appropriate create its green assets and sees green infrastructure as a means to address the connectivity between urban and rural areas in the Borough and ensure that such green assets are multi-functional in use.
- 6.13 The application site lies within part of a 'Green Chain' running through the site north to south. The Council's Landscape and Ecology Advisor considers the scheme design would make a positive improvement to the existing streetscape. The proposal broadly follows the existing site footprint and would have even less impact on the adjacent Mucking Creek than the previously consented scheme.
- 6.14 There are 12 new trees proposed to mitigate for the loss of existing screening. It is considered that additional planting should be provided to reinforce this initial planting to screen views for residents in Chantry Crescent. This can be dealt with by condition.
- 6.15 With regard to wildlife, the Council's Landscape and Ecology Advisor indicates that the habitat interest of the site is relatively low. A bat, water vole and otter survey were carried out prior to the submission of the application. The surveys revealed no sign of these species. However, a small population of common lizard were found in a woodchip pile in the land adjacent to platform 1. This is very small and localised

however reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed or injured. Therefore these reptiles will need to be removed to a suitable receptor prior to any construction works in this area. This work can commence once the reptiles are active in the spring.

- 6.16 In conclusion under this heading, the loss of trees could be mitigated by the planting of new trees after the construction of the replacement station building is completed. A landscaping scheme should be secured by condition on any consent granted to ensure the visual appearance and landscape quality of the area is protected. Additionally, the lizards are protected under legislation and subject to suitable relocation, no objection is raised.
- 6.17 In view of the above, there are no objections to the scheme on landscape or ecology grounds complying with CSTP18.

IV. IMPACT TO RESIDENTIAL AMENITY

- 6.18 The station redevelopment would bring about many benefits to the wider area but policy PMD1 states that it is important that development does not adversely affect nearby properties. The loss of the established trees between the station and the properties in Chantry Crescent will need to be mitigated. The plans indicate that significant mature planting will be provided between the new station building and the adjacent properties in Chantry Crescent and this will need to be addressed via condition.
- 6.19 The station buildings themselves would not affect amenities of any nearby properties to a harmful degree, but the footbridge has the potential to cause nearby neighbours the perception of overlooking and possible noise. It is recognised that the footbridge is proposed to be enclosed in steel mesh which will minimise impacts and it is also recognised that an existing, open air footbridge has been in situ at this station for many years, albeit not in the exact location where the new bridge would be located.
- 6.20 In conclusion under this heading, with the provision of additional landscaping/tree screening, the Construction Environment Management Plan (CEMP) to mitigate harm during construction and a restriction on any external flues, the proposal is acceptable with regard to the requirements of Core Strategy Policy PMD1.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.21 A separate planning application for car and bus facilities will be submitted imminently on land to the opposite side of the road. The current proposal itself does not offer any improved or changed access for cars or buses, which was proposed within the

previous application however there have been no objections from the Highway Authority to the current proposal.

VI. FLOOD RISK AND SITE DRAINAGE

- 6.22 Parts of the site are within Flood Zone 3 which is at a high risk from flooding, although much is Flood Zone 1. The Council has undertaken a sequential test for the site within its Local Plan (as the application site lies within one of the Borough's regeneration areas) and concluded that test to be passed as there are no other alternative sites. The exception test is met as the development cannot take place elsewhere as there is a significant amount of railway infrastructure which is already in place.
- 6.23 The proposed finished floor level of 7.4m AOD would retain an adequate standard of protection with regard to potential flooding from a tidal defence breach or flooding from Stanford Brook, surface water flooding, groundwater flooding or sewer surcharge.
- 6.24 The Council's Emergency Planning Officer has suggested a Flood Warning and Evacuation Plan [FWEP] as some of the building is within Flood Zone 3. This is considered reasonable and necessary.
- 6.25 Modelling results indicate that the development would have no adverse impact on flood levels in the brook for a range of flood frequencies and that there would be no loss of floodplain storage or reduction in flood flow capacity. The scheme is considered to meet the relevant tests of the NPPF and Core Strategy policies CSTP27 and PMD15.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The development of a modern station is considered necessary for local residents and is also recognised as a key driver for further regeneration in Stanford Le Hope and Thurrock as a whole.
- 7.2 The visual appearance of the station would be significantly improved from the previous station building and would create to a modern gateway to Stanford Le Hope. Through careful consideration a suitable landscaping scheme can be provided which will ensure the development is successfully integrated into the landscape and the privacy and amenity of nearby residents is protected.
- 7.3 Overall, the redevelopment of this site is to be welcomed and approval is therefore recommended.

8.0 RECOMMENDATION

8.1 Approve, subject to the following conditions:

TIME LIMIT

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

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

PLANS

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

Plan Number(s):		
Reference	Name	Received
60636799-ACM-SFO-PL-DRG-EAR-000001 Rev A01	Proposed Footbridge Stairs Plans	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000002 Rev A02	Proposed Platform Level GA Plan Platforms 01 & 02	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000003 Rev A01	Proposed Roof Level GA Plan	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000009 Rev A02	Proposed Footbridge Sections and Elevations	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000012 Rev A01	Proposed Building Sections 1/50	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000013 Rev A02	Proposed Building Sections 1/100	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Existing Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Proposed Site Plan	15 December 2020

60636799-ACM-SFO-ZZ-DRG-ECV-000405 Rev A01	Footbridge and Lift Plan and Sections	15 December 2020
13015-04 000 301-S3-P4	Site Location Plan	15 December 2020
No number	Land Ownership Boundaries Plan	15 December 2020

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

DETAILS OF MATERIALS/SAMPLES TO BE SUBMITTED

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

- 4 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- a) Construction hours and delivery times for construction purposes,
- b) Hours and duration of any piling operations;
- c) Vehicle haul routing in connection with construction and engineering operations;
- d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- e) Details of construction access;
- f) Details of temporary hoarding/boundary treatment;
- g) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- h) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime.

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

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LANDSCAPING

5 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

Hard Landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

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].

NO VENTILATION AND EXTRACTION – UNLESS OTHERWISE AGREED

- 6 No external plant or machinery shall be used unless and until details of the ventilation and extraction equipment have been submitted to and approved in writing by the Local Planning Authority. Any measures required by the Local Planning Authority to reduce noise from the plant or equipment shall be completed prior to the ventilation and extraction equipment being brought into use and retained and maintained as such .

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

FLOOD WARNING AND EVACUATION PLAN [FWEP] – details to be provided

- 7 Prior to the first operational use of the buildings hereby approved a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the 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 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].

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

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

3 Environmental Permitting Regulations

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Stanford Brook, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> Anyone carrying out these activities without a permit where one is required, is breaking the law.

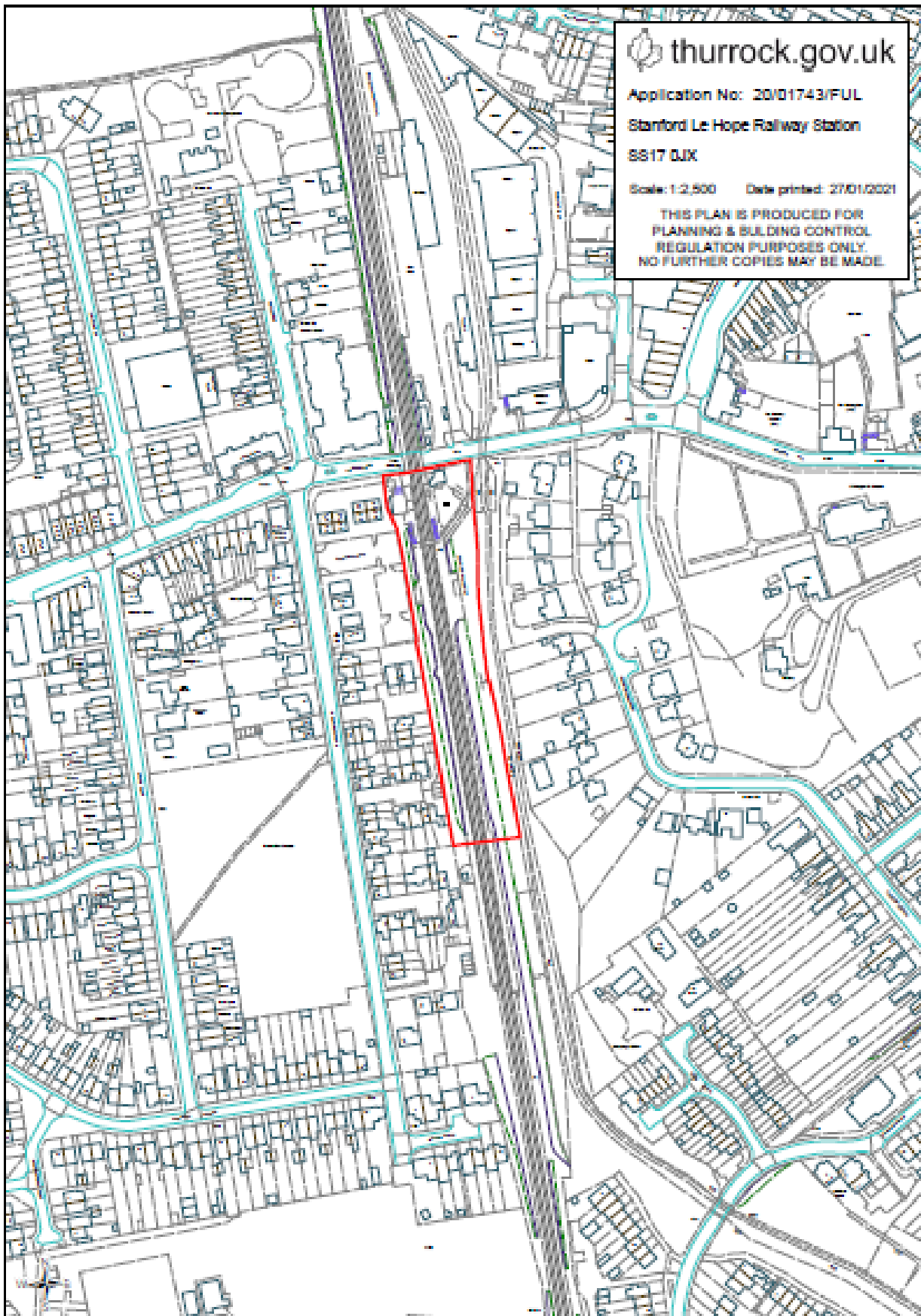
4 Wildlife and Countryside Act 1981 (as amended)

A small population of common lizard in a woodchip pile in the land adjacent to platform 1. Given the lack of surrounding suitable habitat this population would be very small and localised. Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed or injured. It will be necessary therefore for these animals to be removed to a suitable receptor prior to any construction works in this area. This work can commence once the animals are active in the spring.

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: 20/01394/OUT	Site: Kemps Farm Dennises Lane South Ockendon RM15 5SD
Ward: Ockendon	Proposal: Outline planning permission for the construction of 27 custom-build dwellings (Use Class C3), with all matters reserved with the exception of access.

Plan Number(s):		
Reference	Name	Received
2404-04 F	Proposed Plans	16th October 2020
2404-04 F	Proposed Plans	16th October 2020
2404-05	Existing Site Layout	16th October 2020
2404-10 REV. D	Proposed Plans	16th October 2020
2404-11 C	Proposed Plans	16th October 2020
2404-12 C	Proposed Plans	16th October 2020
2404-13	Proposed Plans	16th October 2020

The application is also accompanied by: <ul style="list-style-type: none"> - Air Quality Assessment - CGI 1 - CGI 2 - Custom Build Needs Assessment - Design and Access Statement: Parts 1-6 - Ecological Assessment - Flood Risk Assessment & Sustainable Drainage Strategy - Heritage Assessment - Legal Opinion - Noise Assessment - Planning Statement - Sustainability and Energy Statement - Transport Note - Transport Statement: Parts 1-3 	
Applicant: Mr Lee Felstead	Validated: 15 October 2020 Date of expiry: 15 February 2021 (Extension of Time as agreed by applicant)

Recommendation: Refuse planning permission

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic implications involving development in the Green Belt (GB) (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks outline planning permission, with all matters reserved except access, for the construction of 27 custom-build dwellings. For information, the glossary at Annex 2 of the NPPF defines self-build and custom-build housing as:

"Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing ..."

1.2 An indicative masterplan has been provided indicating that the plots would form a crescent around the existing pond and would also be situated to the north east of the existing development eleven dwellings approved by planning permission ref. 12/00871/FUL and south of the development of seven dwellings which has recently been completed (planning reference 15/00135/FUL).

1.3 The proposal would indicatively comprise four distinctive, customisable house types, although details of the appearance and scale is reserved for future approval. Details of access are for consideration as part of this submission and it proposed to gain temporary construction access from Dennis Road close to the northern boundary of the site, with operational access via a continuation of the existing access serving the dwellings recently constructed on-site. As per the existing 'Kemps Farm Mews' development, the proposal is for a 'gated' residential development.

2.0 SITE DESCRIPTION

2.1 The application site is an irregular shaped site to the north of South Ockendon. The site lies between Dennises Lane to the east and the M25 motorway to the west.

2.2 Adjacent to the site are the recently constructed dwellings. The Grade II Listed Kemp's Farm is centrally located within the site and Kemp's Farm Cottage, also Grade II Listed, is a short distance to the west of the site.

2.3 Access to the site is from a spur road off Dennises Lane. The site lies within the Metropolitan Green Belt (GB). The majority of the Kemp's Farm site is visible from the M25 which is elevated on an embankment in this location.

3.0 RELEVANT HISTORY

3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
12/00871/FUL	Conversion and restoration of existing curtilage listed buildings into 11 homes (3 x 1 bed; 4 x 2 bed and 4 x 3 bed) with associated parking and amenity areas, demolition of one building, and provision of new 5m bunding to northern boundary of the site, including enhanced landscaping.	Approved
13/00829/LBC	Listed Building consent for the conversion and restoration of existing curtilage Listed Buildings into 11 homes and associated parking and amenity areas, demolition of one building, and provision of new 5m bunding to the north of the site, including enhanced landscaping.	Approved
14/00109/FUL	Redevelopment of land for the provision of 11 new dwellings with associated access, parking provision and amenity space.	Refused
15/00135/FUL	Redevelopment of land for the provision of 7 new dwellings with associated access, parking provision and amenity space.	Approved
15/01369/CV	Variation of condition 5 [Removal of wording "Furthermore, and notwithstanding the details shown on the plans no habitable accommodation shall be formed within the roof areas of the dwellings hereby permitted without the prior written permission of the Local Planning Authority"] from approved planning application 15/00135/FUL	Approved
16/00607/NMA	Non material amendments to planning application 15/00135/FUL; Relocation of Gate House.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The application has been advertised and publicised as a major development, a departure from the Development Plan and as affecting the setting of listed buildings. No comments have been received.

4.3 ANGLIAN WATER:

No objections.

4.4 ARCHAEOLOGY:

Trial trenching and excavation recommended.

4.5 EDUCATION:

Request a financial contribution to mitigate the impacts of the residential development on nursery and secondary education.

4.6 ESSEX POLICE:

Secured by Design accreditation recommended.

4.7 ESSEX & SUFFOLK WATER:

No comments received.

4.8 EMERGENCY PLANNING

No objections.

4.9 ENVIRONMENT AGENCY:

No comments received.

4.10 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.11 FLOOD RISK MANAGER:

Holding objection issued, based on outstanding surface water drainage issues.

4.12 HERITAGE ADVISOR:

Objects on the grounds of harm to the setting of the adjacent Listed Buildings.

4.13 HIGHWAYS:

Recommend refusal on basis of intensification of an existing junction in a rural location, poor accessibility and the lack of public transport facilities.

4.14 HIGHWAYS ENGLAND:

No objections.

4.15 LANDSCAPE AND ECOLOGY:

Detailed landscape scheme recommended.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

5. Delivering a sufficient supply of homes;
12. Achieving well-designed places;
13. Protecting Green Belt land;
15. Conserving and enhancing the natural environment.

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-

topics. Those of particular relevance to the determination of this planning application include:

- Appropriate Assessment
- Before submitting an application
- Design
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Green Belt
- Housing needs of different groups
- Making an application
- Natural environment
- Rural housing
- Self-build and custom housebuilding
- Use of planning conditions

5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

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

Overarching Sustainable Development Policy:

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

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)
- CSTP24 (Heritage Assets and the Historic Environment)

Policies for the Management of Development

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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**

Procedure:

- 6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to

grant planning permission (contrary to recommendation), the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to the provision of buildings where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e. GB development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact on the Green Belt;
- II. Access, traffic impact and parking;
- III. Heritage impacts;
- IV. Ecology;
- V. Surface water drainage;
- VI. Developer contributions; and
- VII. Other matters.

I. PRINCIPLE OF DEVELOPMENT AND IMPACT ON THE GREEN BELT:

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

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

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

6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and Policy PMD6 states that the Council will '*maintain, protect and enhance the open*

character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy.

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

- 6.5 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
- 6.6 Although only outline planning permission (including from access) is sought for the proposed residential development it is apparent from the submitted indicative drawings that built development and accompanying curtilages, parking etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development on predominantly open Green Belt land. Consequently, there would be clear harm to openness. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;
 - the duration of the development, and its remediability; and
 - the degree of activity likely to be generated, such as traffic generation.

- 6.7 It is considered that the proposed residential development would have a detrimental impact on both the spatial and visual aspects of openness (i.e. an impact as a result of the footprint of development and building volume). The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the residential development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the proposed dwellings would generate traffic movements and this activity would also impact negatively on the openness of the Green Belt. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.
- 6.8 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns from merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

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

- 6.9 The site is located within a rural area outside the main settlement of South Ockendon. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. At a broader geographic scale the nearest large built-up areas are located at Upminster to the north-west and South Ockendon to the south-east. The proposed development would represent the addition of significant new urban form on the site, but it is not considered that the proposals would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

- 6.10 As noted above, the site is located outside of South Ockendon and broadly in between South Ockendon and Upminster to the north-west. Therefore and albeit to a limited degree the proposals would incrementally merge the two towns.

c. to assist in safeguarding the countryside from encroachment

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped site. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

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

6.12 The proposals do not conflict with this defined purpose of the Green Belt.

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

6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the GB. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.

6.14 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary in varying degrees to purposes (b), (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

6.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances (VSC) 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 GB. 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.

6.16 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

6.17 The applicant has put forward the following case for very special circumstances within the Planning Statement submitted with this application:

a) The delivery of custom-build housing and the lack of five year housing supply

6.18 The applicant has put forward that the NPPF makes it clear that LPAs should plan for people who want to build their own homes; that in the UK custom house building is relatively low; that government targets for 100,000 self-build homes in 10 years equates to 107 per LPA for the next 5 years and that the proposal is uncommon, with only one other custom-build site in Thurrock. They continue that as of April 2016 there were 63 people on the register for the custom build houses in the Borough and there is no provision in the current Core Strategy for custom build. The applicant indicates significant weight should be provided in the determination of the application. The applicant provides details from a range of sites, including a site in Great Dunmow (appeal ref: APP/C1570/A/14/2223280) where the Inspector in allowing the appeal noted there had been "little opportunity for self-builders in recent years" and that demand existed for self-build evidenced by the self-build register maintained by the Council. And further, accordingly, "the provision of custom/self – build housing [should be afforded] significant weight".

6.19 The applicant has also put forward the lack of a five year housing supply in Thurrock.

Consideration

6.20 Given that both these cases relate to provision of housing, they will be considered as a joint justification.

- 6.21 The provision of custom-build homes is a specific market area which government guidance seeks to develop and it is acknowledged that the Core Strategy does not presently provide any sites specifically for this purpose.
- 6.22 The Council is currently preparing a new Local Plan which will factor this type of housing as part of the allocations. It is not clear whether the developer has considered any other sites prior to putting this one forward; however, given the recent appeal decisions in similar, local planning authorities, the government drive to encourage varied forms of housing and the lack of a 5 year supply, it is considered that this matter can be attributed significant weight in the determination of the application.
- 6.23 The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt. The housing land supply consideration carries significant positive weight for planning applications within the Borough. However, the NPPF's presumption in favour of sustainable development (para. 11) is only engaged for sites or locations with a GB designation after they have been shown to satisfy Green Belt tests (either of being appropriate development or demonstrating VSC). If Green Belt policy provides a clear reason for refusing permission, there is no scope for the presumption to apply. It is clear from the NPPF (para. 133) that the permanence of the Green Belt is one of its essential characteristics, and this is inevitably eroded if Green Belt land is released to meet a shortfall in the five year housing supply or affordable housing needs, and in that context it is considered that the contribution of the proposals towards five year housing land supply is not a sufficiently strong factor to justify a departure from normal planning policies.

b) Zero carbon;

- 6.24 The applicant has put forward that Policy CSTP25 seeks to reduce emissions and introduce low carbon technologies, and that furthermore the Planning White Paper states that from 2025 new homes should be producing 75-80 less CO₂ emissions. The carbon dioxide emissions reduction strategy for the proposals aims to reduce carbon emissions from the development to net-zero, greatly exceeding policy position and responding positively to the Climate Emergency declared by Thurrock Council in October 2019.

Consideration

- 6.25 Policy CSTP25 seeks to reduce emissions and introduce low carbon technologies. The NPPF also highlights the importance of supporting a transition towards a low-carbon future.

- 6.26 Given the expectations of local and national policy, any proposal should meet these requirements. However in this case and despite the case presented for VSC, no detailed reports have been provided to justify or evidence how this development would achieve a zero carbon rating. The application is for outline consent with all matters reserved, except for access, and therefore no specific details for the development are provided. Similarly, the dwellings are proposed to be custom build and as such there is a degree of flexibility for each owner.
- 6.27 Accordingly, this factor is afforded no weight in the consideration of the proposal.

c) The site's positioning in a national growth area;

- 6.28 The Planning Statement identifies the site as positioned within a national growth area, but provides no further explanation or justification.

Consideration

- 6.29 Thurrock is widely recognised as a growth area within the Thames Gateway, however this refers to the Borough in its entirety and should not be interpreted as justification for ad hoc development in the Green Belt. This factor is not unique to the application site and does not temper the harm to the Green Belt, nor demonstrate any spatial imperative why Green Belt land is required to accommodate the proposals.
- 6.30 Accordingly, this factor is afforded no weight in the consideration of the proposal.

d) Providing a high-quality design / placemaking;

- 6.31 The applicant states that the proposals seek to build on the high-quality design principles of Phase 1. Although in outline form, the submitted 'Design Code' (which would be a condition in the event of permission being granted) would ensure that features such as boundary treatments, landscaping, frontage arrangements and materials would ensure the development when built would be high quality and that the large building plots would provide a mix of housing that is not well provided for in the Borough.

Consideration

- 6.32 The Council's Design Strategy and Residential Alterations and Extensions guide put good design at the heart of all development proposals. The NPPF also highlights good design as being indivisible from good planning. Good design should be a given in any proposal. In any event in this case, the design of the development is a reserved matter which is not able to be fixed at this stage.

6.33 Accordingly, this factor is afforded no weight in the consideration of the proposal.

e) *The role of the application site in the Green Belt;*

Consideration

6.34 The matter of the value of the site in contributing to the purposes of the Green Belt has been addressed above. The applicant maintains the application site does not make a significant contribution to the purposes of the Green Belt and cites ‘The Thurrock Strategic Green Belt Assessment Stages 1a and 1b (January 2019) to justify their position. The Thurrock Strategic Green Belt Assessment Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the Green Belt in terms of their ‘contribution’ to three of the five Green Belt purposes. The site is identified as forming part of strategic parcel no. 31 and paragraph 6.1.13 (conclusions) includes this parcel in a recommendation for more detailed scrutiny and assessment. Furthermore, the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock Green Belt Assessment Stages 1a and 1b as a technical document that “...does not specifically identify any sites or broad areas of Green Belt for development as any decision on the need to amend the boundary of the Green Belt in Thurrock must be taken as part of the wider plan-making and evidence development process...”.

6.35 Consequently, the conclusions of the Green Belt Assessment have only very limited weight in the consideration of this case. As set out above, it is considered that the development of the site as proposed would be harmful to a number of the purposes of including land in the Green Belt.

6.36 A summary of the weight which has been placed on the various Green Belt considerations is provided below;

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	Provision of custom-build housing; Ability to positively contribute towards housing land supply	Significant weight
Reduction in the openness of the Green Belt		Zero Carbon	No weight

Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.	The sites positioning in a national growth area	No weight
	High quality design and place-making	No weight
	Role of the application site in the Green Belt	Very limited weight

6.37 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and the matter for judgement is:

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

6.38 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions which could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD6, PMD2 and CSTP22 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 2019.

II. ACCESS, TRAFFIC IMPACT AND PARKING

6.39 The highway considerations are assessed against a number of Core Strategy policies including CSTP15 (Transport in Greater Thurrock), PMD8 (Parking Standards), PMD9 (Road Network Hierarchy), PMD10 (Transport Assessments and Travel Plans) and the guidance in Chapter 9 of the NPPF and PPG.

6.40 When considering development proposals, paragraph 108 of the NPPF should be taken into account; it seeks to ensure that: (a) appropriate opportunities to promote

sustainable transport can be taken up; (b) safe and suitable access to the site can be achieved for all users; and (c) significant impacts on the transport network (capacity and congestion) or highways safety can be mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 6.41 The application site is located in an unsustainable location (with regard to accessibility by walking, cycling and public transport) accessed via Denises Road, which is a country road. There are no footways on either side of the road to provide pedestrian access to and from the site at the existing site entrance, nor are there footways along the main route of Denises Road. Other footpaths in the area are located away from the site and involve paths crossing fields and woodlands, which are unsuitable in hours of darkness and when weather conditions are poor. There are no cycle routes serving this area, the nearest signed cycle route is located to the West of the M25. In terms of access to public transport there are no bus routes along Denises Road and the nearest bus routes serves South Ockendon, to which there are no sustainable transport links. Both Upminster railway station, to the north-west, and Ockendon would require vehicle usage to access.
- 6.42 Reference is made in the applicant's Transport Note to the possible provision of a footpath connecting the site to public footpath 139, southbound via Denisses Road. However this cannot be guaranteed as it falls beyond the redline boundary for the application site and is beyond the applicant's control.
- 6.43 Taking into account these considerations it is more likely that the proposal would result in a high dependency on private car use. Denisses Road is a fast, (60mph) rural road, narrow in places with no footways to encourage walking to and from the site. Therefore it would be difficult for future residents and users of the site to access the site and the wider area through alternative sustainable transport modes such as walking, cycling and public transport.
- 6.44 As the site is located in an unsustainable location it is likely to be highly dependent on private vehicle usage contrary to the requirements of the paragraphs 102 and 103, and 108 – 111 of the NPPF, which seek to support opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas. The proposal is contrary to Policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF in this regard.

III. HERITAGE IMPACTS

- 6.45 The application site is within the setting of two Grade II Listed designated heritage

assets, Kemps (List UID: 1111627) and Kemps Cottage (List UID: 1308865). The Listed buildings represent the surviving elements of an historic farmstead and the historic rural setting of these assets has already been harmed by the residential development to the east and the presence of the M25 Motorway to the west.

- 6.46 Policy PMD4 states *'the Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock's built or archaeological heritage assets'*. When assessing the impact upon a designated heritage asset the NPPF advises on differing levels of assessment, these are 'total loss of the heritage asset', 'substantial harm' and 'less than substantial harm'.
- 6.47 The further development of the site as proposed would result in the cumulative escalation of harm to the setting of the designated heritage assets. The scheme has not considered the orientation of the historic farmstead and the Council's Historic Buildings and Conservation Advisor considers that this harm could not be mitigated through any appropriate design approach, or the use of traditional materials and indeed the principle behind the development of the site is problematic. The magnitude of change to the setting of the listed buildings is far too great and the result would be to isolate the historic farmstead within an urbanised housing estate
- 6.48 The Council's Historic Buildings and Conservation Advisor is concerned that *"The scheme would eradicate the character of the surviving historic setting of the Listed, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990"* and advises, in regard to the NPPF tests that the impact falls within the 'less than substantial harm' test. When assessed against the criteria of the NPPF paragraph 196 states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*
- 6.49 The assessment is a matter of judgement. The only factor which can be considered a public benefit is the ability to positively contribute towards housing land supply, however given that no affordable housing is proposed this weighting would be limited.
- 6.50 On balance, it is considered that the benefits of the scheme would not outweigh the 'less than substantial harm' impact upon the two designated heritage assets. As a result the proposal would be contrary to policies PMD4 and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the National Planning Policy Framework 2019.

IV. ECOLOGY

- 6.51 The site comprises mainly recently disturbed ground with the vegetation dominated

by ruderals and species poor grassland. There is a small fishing lake stocked with carp within the western part of the site. Tree belts and hedges are confined to the site perimeter. The site is bounded by the M25, Dennises Lane and arable farmland.

- 6.52 The application is supported by an ecological assessment, which concludes that the site has limited ecological value at present and that the proposed development offers potential to deliver biodiversity enhancements.
- 6.53 Although the plans submitted at this outline stage are indicative, the Council's Ecology Advisor has raised concerns that the level of development indicated would provide little space for additional landscape enhancement measures although the acoustic bund around the northern and western boundaries will be retained and provides the main opportunity of landscape enhancement. Furthermore, the boundary vegetation beside Dennises Lane appears to require removal to allow the construction of the some units. This would open up views into the site which are currently well-screened; this would not be an ideal resolution.
- 6.54 An image within the Design and Access Statement shows some dwellings extending out over what is currently the fishing lake. In principle this is considered acceptable given its current low ecological and amenity value, however, were permission granted it would be important that a detailed scheme for landscaping and maintaining the lake is developed which will not only consider how it is landscaped but will ensure that there are not water quality issues in the future.
- 6.55 Planning conditions could be used to secure the proposed mitigation measures and consequently there are no objections to the proposals on ecological grounds.

V. FLOOD RISK AND SITE DRAINAGE

- 6.56 At the time of writing, there is an outstanding holding objection from the Flood Risk Manager, based on the following:
- Discharge rates;
 - Whether there are any ditches/waterbodies which can be discharged into;
 - Urban creep allowance;
 - Surface water treatment;
 - Where the drain discharges to, and who owns the drain.
- 6.57 Were permission to be granted, it would be possible to address these concerns through further negotiation or relevant planning conditions.

VI. DEVELOPER CONTRIBUTIONS

- 6.58 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.
- 6.59 Certain Core Strategy policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.
- 6.60 The Infrastructure Requirement List (IRL) 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.
- 6.61 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development*
- 6.62 Through the consultation process to this application and assessing the information contained within the Council's IRL the proposal would fall within the category H1 scenario for housing development [between 11-50 dwellings]. The following planning obligations have been identified for this proposal:
- Education - A financial contribution of £108,926.31 towards Nursery and Secondary education.
- 6.63 If the planning application were to be considered acceptable, as submitted, then the planning obligations would be necessary to comply with paragraph 56 of the NPPF.

VII. OTHER MATTERS

- 6.64 The Council's Environmental Health Officer has recommended conditions relating to noise mitigation, air quality and a Construction and Environmental Management Plan (CEMP).

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. The proposal is therefore objectionable in principle and very special circumstances are required to be demonstrated to clearly outweigh harm. The applicant's case for very special circumstances has been carefully considered but does not clearly outweigh the significant harm to the Green Belt.
- 7.2 The site is located in a particularly rural part of the Borough and is unsustainable in terms of its location, which is distant from local facilities, community services, essential support facilities and a choice of transport modes. In this regard, the proposal runs contrary to policies CSSP1, CSSP4 and PMD2 and Chapter 2 of the NPPF.
- 7.3 The application site is also within the setting of two Grade II Listed designated heritage assets. It is considered that the proposal would unacceptably impact upon these heritage assets. In this regard, the proposal runs contrary to policies PMD4 and CSTP24 and paragraphs 193 and 197 of the NPPF. This harm would not be outweighed by the limited benefits offered by the scheme in terms of housing provision.

8.0 RECOMMENDATION

- 8.1 The Committee is recommended to refuse planning permission for the following reasons:
1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes c) and e) of the Green Belt, as set out by paragraph 134 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals

are therefore contrary to Part 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 (2015).

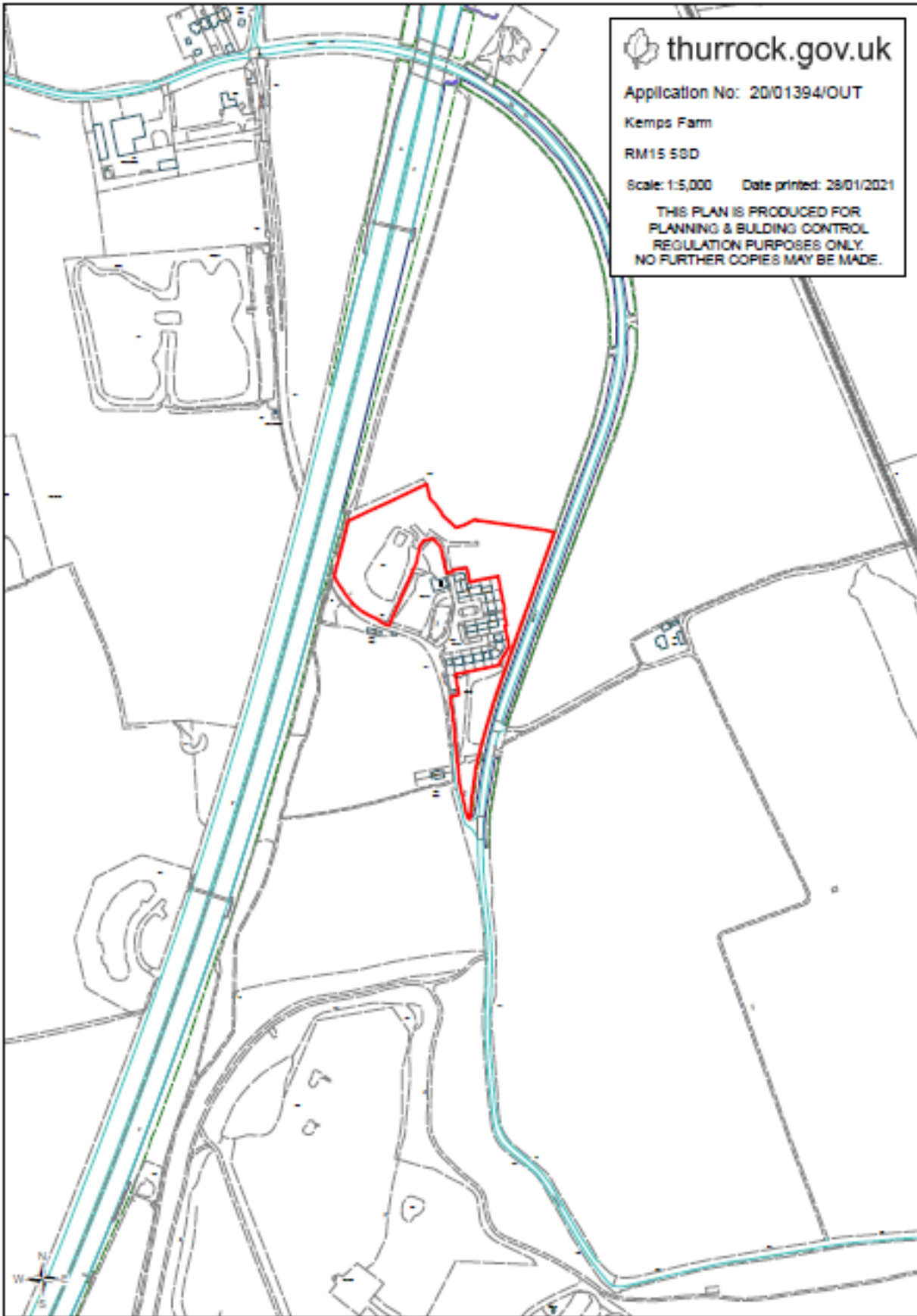
2. The proposal would create an isolated residential development at a site that is located in an unsustainable location, distant from community services, essential support facilities and a choice of transport modes. As such the proposal would represent an unsustainable form of development in an unsustainable location, contrary to policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF
3. The development, would, by reason of its siting, and scale in close proximity to designated heritage assets, be harmful to the setting of these assets. This harm would not be outweighed by the limited benefit of the scheme in terms of the provision of an additional residential unit. As a result the proposal would be contrary to policies PMD4 and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the NPPF.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. 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: <http://regs.thurrock.gov.uk/online-applications>



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