

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 **23 September 2021**

South Essex College, High Street, Grays, RM17 6TF - rooms W1.23/W1.24 (sign in at reception required). Please note that this meeting will not be webcast.

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Qaisar Abbas, Abbie Akinbohun, Susan Little, Bukky Okunade and Elizabeth Rigby

Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Planning Committee meeting held on 19 August 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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6	Planning Appeals	15 - 22
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Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **15 September 2021**

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 19 August 2021 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Mike Fletcher, James Halden, Susan Little (substitute for Colin Churchman), Terry Piccolo, Georgette Polley and Lee Watson
- Steve Taylor, Campaign to Protect Rural England Representative
- Apologies:** Councillors Colin Churchman
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Matthew Ford, Chief Highways Engineer
Matthew Gallagher, Major Applications Manager
Chris Purvis, Major Applications Manager
Genna Henry, Senior Planning Officer
Caroline Robins, Locum Solicitor
Kenna-Victoria Healey, Senior Democratic Services Officer
-

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

26. Minutes

The minutes of the meeting held on 15 July 2021 was approved as a true and correct record.

27. Item of Urgent Business

There were no items of urgent business.

28. Declaration of Interests

Councillor Halden declared that he was pre-determined on 20/01761/FUL. He stated that he would remove himself from participating on this item and would be speaking as the Ward Councillor.

29. 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 that correspondence had been received from all three of the Aveley and Upland Councillors, Julian

Sutton (agent) and a number of residents of Ship Lane on application 21/00931/FUL.

Councillor Byrne declared that correspondence had been received from a CEO of a Football team #United on application 21/00931/FUL.

Councillor Halden declared that correspondence had been received from a resident addressing him as the Deputy Mayor on application 21/00931/FUL.

Councillor Liddiard declared a telephone call had been received from Andy Ansell on application 21/00931/FUL.

Councillor Fletcher declared that telephone calls had been received from Ward Councillors for Aveley and Uplands and the agent's communications team on application 21/00931/FUL.

30. Planning Appeals

The Committee was satisfied with the report.

RESOLVED:

That the report be noted

31. 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT (deferred)

The report was presented by the Major Applications Manager.

The Chair commented on the podium parking, suggesting that the lower car would go down underground. Officers explained the photo within the presentation was an example of how the podium parking could look. The Chair continued by enquiring as to who was managed parking on the site the Major Applications Manager explain the on-site manager from the management company would be responsible for parking on the site and further explained it would be for residents to use the podium parking with additional visitors parking being provided.

The Chair further enquired as to the football pitches, although they were not part of the application if Members were minded to approve the application whether they include a condition that the field be used for football. The Major Applications Manager explained to Members this had been raised with the applicant, who had explained that the football pitches had last been used 4/5 years ago and at present there was not an interest in using the pitches. He continued to advise that the applicant was happy to work with the Council in the future and if the sports pitches were to be re-used again.

Councillor Byrne commented when the application was last presented to the committee he felt he would support it, now he was not sure. He continued by commenting the application was close to town centre impacting on parking in

the area, although he could see the merit of the podium parking. He further enquired if there was any future prospect for development of the football pitches.. The Major Applications Manager advised that it was just the application before Members which they were to make a decision on, however at present there were no plans or live planning applications to redevelop the football team pitches which were protected by the planning policy.

Councillor Fletcher commented on the list of conditions on the recommendation for approval. He further stated the construction of the podium parking was a good idea however he was concerned it may be difficult to fix should something go wrong such as a power cut, and sought as to whether there was somewhere else within the country this car parking system has been used and was working efficiently. The Major Applications Manager referred the Committee to condition 18 within the report which related to the podium parking and confirmed there were other applications for other sites around the country which has used the podium parking system.

The Chair of the Committee stated this was the first time podium parking was to be used within the borough and mentioned it would be interesting to see it up and running in a few months' time.

During debate the Chair stated he felt it was the right action for the Committee to have deferred this application and he would be interested to visit the site in a few months' time to see how the development was getting on. Councillor Byrne commented that the application stated sports provision was included however he did not feel that a bowls club represented sports facilities.

The Chair proposed recommendation A of the officer's recommendation and was seconded by the Vice-Chair.

FOR: (6) Councillor Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Terry Piccolo, Georgette Polley, Mike Fletcher and Lee Watson

AGAINST: (1) Councillor Gary Byrne

ABSTAINED: (0)

The Chair proposed recommendation B of the officer's recommendation and was seconded by the Vice-Chair. Councillor Watson asked that this also be in consultation with the Chair of the Planning Committee.

FOR: (7) Councillor Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Terry Piccolo, Georgette Polley, Mike Fletcher and Lee Watson

AGAINST: (0)

ABSTAINED: (0)

The Committee also agreed the following informatives as suggested by the Chair:

1. For the applicant to work with the Council's leisure and sports officers to encourage use of the sports pitches to the rear of the site to help meet local needs for sports pitches in the Borough with a particular emphasis on the need for football pitches for existing football clubs.
2. For the applicant to provide the Council with the opportunity to revisit the site in 18 months or when occupied to see the development as built out and to see how the podium car parking spaces operate.

(Councillors Halden and Little did not participate in this application due to not present at the June meeting when this application was first presented)

32. 21/00931/FUL Thurrock Football Club, Ship Lane, Aveley, Essex RM19 1YN

The report was presented by the Major Applications Manager, who started by updating Members with the following housekeeping items which included:

- One additional objection from a member of the public who raised concerns about traffic pollution, excessive noise
- There was letter received from one of the Aveley Ward Councillors, Councillor Pearce. Although it was noted that the site was actually within the West Thurrock and South Stifford Ward.
- Email from Councillor Churchman who agreed with the raised by Councillor Pearce.
- Emails regarding concerns of traffic, Green belt flood risk and HGV movements
- A letter from the Planning Agent

The Chair sought clarification that when comparing to a similar application like Tilbury football club, officers were saying because the Ship Lane Stadium was previously developed there could be a scenario where developers could reapply with a PDI centre and on the basis the application could be up for approval.

The Major Applications Manager commented when Members were presented with an application back in January which was for the consideration for Tilbury football club and which was judged on its merits, that too was a Green Belt site for refusal, however it proposed residential development and a new stadium with a 3G pitch. He continued to explain the current applicant had said they could have a fallback position whereby if the application were unsuccessful they could make a new application in the form of a PDI facility on the site of the existing stadium and as long as there would be no greater impact on the existing site it could be policy compliant with paragraph no. 149 of the NPPF.

The meeting was adjourned at 7.24pm for technology issues to be resolved. The meeting recommenced at 7.37pm.

Following questions from Councillor Little Members heard how the applicant had provided officers a plan showing an idea of how the proposed width restriction and bus lane would work. In relation to the highway the plan did show some localised widening of Ship Lane to facilitate the bus lane, however this would be subject to further detailed design, and the applicant entering into a section 278 agreement with the Council to facilitate those works. The Chief Highways Engineer commented that Members should be confident that if agreed the layout of the bus lane and width restriction would be to the Councils design standards, and the applicant would then have to offer it up for adoption with the council as it would form part of the Highway. The Chief Highways Engineer continued to advise with regards to the route and vehicles entering into Aveley village, as part of officer's comments they had recommended subject to a section 106 agreement there would be no material impact in the village.

The Committee heard there was quite a substantial amount of PDI and car storage which had been permitted at Purfleet and as suggested there were new access arrangements as part of that package of schemes. Works had started in terms of diversion works on the network, although as yet section 278 agreement which was required to facilitate the roundabout was yet to be finalised. Members were advised in respect of the Purfleet port there didn't appear to be any long-standing issues with regard to the PDI operations on that site.

The Committee agreed to suspend standing orders at 8.28pm to allow the agenda to be completed.

Councillor Halden remarked there was a huge amount of weight on the argument of Green Belt land which he understood, however the weight he felt was not being attributed for things like stopping the HGVs running through Ship Lane and to restore the football club back to be used by the local community. He continued he felt the weight to be attached to the creation of jobs was a subjective judgement and any form of employment growth whether it was one job or 1000 jobs was good for local residents.

Councillor Piccolo sought clarification on the turnaround facility as to whether HGVs wouldn't be able to pass through it. He continued by commenting he thought there had been a consultation with local residents and the outcome was they would prefer a roundabout to allow easy flow of traffic.

The Chief Highways Engineer confirmed that the Council undertook a consultation in 2019 where there were five options to try and mitigate the harm of HGV movement on Ship Lane. The one scheme that came out on top in terms of the most resident support was for a roundabout option at the junction but that did incorporate a bus lane within it, so the idea was to have a width restriction with a suitable turnaround facility for HGVs to be able to turn

round and go back should they still come off junction 31 and progress up Ship Lane which was one of the overriding problems.

Speaker Statements were heard from:

- Teresa Webster, Resident – in objection
- Julian Sutton, Agent– in support.

During the debate the Chair of the Committee stated he felt if Members were minded to vote to reject the application, it could be a lost opportunity for sports provision in the borough. He continued that in terms of HGV's, realistically, a bus lane with camera could solve the problem and if it was the case then it could potentially save the Council up to £1million.

Councillor Kelly observed the application was £7 million of private investment from American firm who could deliver jobs for local people and although he understood the concerns over the environment he felt he could support the application.

Councillor Halden stated he was happy to second the application for approval. He said listening to the debate, he didn't see employment development on the site as particularly harmful. He continued by mentioning HGVs were a known problem but there was a solution in place and it was known there was problem with the lack of sports clubs again a solution was presented. Councillor Halden commented he felt the application provided tremendous benefits which out weighted the negative.

Steve Taylor commented he had heard Members comments but overall the application was inappropriate in the Green Belt. He reminded the Committee of officers commented about the risk of flooding from the Thames and the impact it could have on the site.

Councillor Fletcher mentioned he felt it was important that Members remembered the indisputable downside of the application which was the loss of Green Belt land, which couldn't be retrieved. As far as the discussion of HGV he was left neutral as he wasn't convinced the suggested mitigation would stop the clogging up of Ship Lane.

Councillor Little remarked she had listened to all the debate and she didn't feel the application was acceptable on Green Belt land and she agreed with other Members that there would be other areas better suited for need of the application.

Councillor Watson stated she was not going to support the application. She continued by commenting she felt the fact the site was located in the Green Belt outweighed so much more of losing it to an industrial company. Councillor Watson further commented that in terms of the HGV's, she thought it would be too much going through a small area of the borough.

The Vice-Chair proposed officers recommendation to refuse planning permission and was seconded by Councillor Piccolo.

FOR: (7) Councillor Steve Liddiard (Vice-Chair), Terry Piccolo, Gary Byrne, Georgette Polley, Mike Fletcher, Sue Little and Lee Watson

AGAINST: (2) Councillors Tom Kelly (Chair) and James Halden

ABSTAINED: (0)

33. 20/01761/FUL - Windy Ridge, 251 Branksome Avenue, Stanford Le Hope, Essex, SS17 8DF

The report was presented by the Senior Planning Officer.

Councillor Byrne enquired as to how many dwellings were required for Section 106 money to be required. The Senior Planning Officer explained Section 106 funding was generally captured for a minimum of 10 dwellings, however this site was proposing 9 dwellings. Councillor Byrne followed up his query by stating residents of the Homesteads felt they were protected from infilling on sites and sought clarification from officers as to whether this was the case. The Senior Planning Officer explained there were some areas within the Homesteads which were protected from development however this site was not one of them and therefore planning permission had been identified as acceptable development.

Councillor Fletcher raised concerns at to policy CSTP23 and whether this would be unsustainable at appeal. The Senior Planning Officer responded explaining when the application was presented at the January 2020 meeting it was refused planning permission relating to the issue of character, most of which was in relation to the existing bungalow outside mainly because the bungalow was single storey and this was adjacent to a two storey property. She further commented that the applicant had taken on officers and committee Member comments and therefore the application in front of Members was for approval.

Members enquired as to whether there would be an impact of traffic in the area due to the new housing. The Senior Planning Officer explained on the site there was resident parking spaces as well as visitor parking. She continued by stating Highway Officers had been consulted and they had no objections to the application commenting the application was in line with the draft parking standard. Councillor Little continued by seeking as to the effects of the increased traffic in the surrounding areas. Councillor Byrne stated there were 4000 car movements a day along Branksome Road including vehicles speeding. The Chief Highways Engineer commented that the current speed data and volume data on Branksome Avenue of two-way traffic flow was nearer to 4000 movements a day, and the peak hour flows were around 200-300 movements in the morning peak times.

Speaker Statements were heard from:

- James Halden, Ward Councillor – in objection.
- Mr Jolins, Resident – in objection
- Michael OConnell, Applicant– in support.

During the debate Councillor Byrne stated that nine dwellings being developed on the site was just under the recommended amount before an applicant would have to pay the funds toward the Council and would produce daily issues for the residents living on the site as it was for current residents who lived in new infilled sites for services such as bins collections. In addition the area was already trying to cope with up to 4000 car movements a day.

Councillor Fletcher stated he felt the application was over development within the area with the quantity of homes been too many, he also felt it was changing the character of the area which they were seeking permission to develop.

The Chair commented by reminding Members if they were mindful to refuse the application then they would need clear and concise material considerations. He continued to state that if the application was refused and put in front of an appeal inspector he was pretty certain that the appeal could be approved.

Councillor Piccolo remarked that section 106 funding could be captured in the case of 10 dwellings, however this development was under this and although he didn't like in filling of areas, he felt on occasion his could support this application.

(Councillor Halden did not participate in this application due to his declaration of interest.)

The Chair proposed officers recommendations to approve planning permission and was seconded by the Vice-Chair.

FOR: (5) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Terry Piccolo, Georgette Polley and Lee Watson

AGAINST: (3) Councillors Gary Byrne, Mike Fletcher and Sue Little.

ABSTAINED: (0)

The meeting finished at 10.25 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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23 September 2021	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Louise Reid, Strategic Lead - Development Services	
Accountable Assistant Director: Leigh Nicholson, Assistant Director – Planning, Transport and Public Protection.	
Accountable Director: Julie Rogers, Director of Public Realm	

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:** 21/00175/HHA

Location: 2 Bredle Way, Aveley

Proposal: Single storey rear and double storey side extension

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/01436/HHA

Location: 33 Saffron Road, Chafford Hundred, Grays

Proposal: Loft Conversion including clipped hip to gable alteration construction of rear dormer and three front facing roof lights

Appeal Decision: Appeal Dismissed

4.1.1 The main issue was considered to be the impact on the character and appearance of the area.

4.1.2 By reason of its overall width, more than half the width of the roof, the dormer was found to be contrary to the RAE, and its size and scale would make it appear dominant when viewed from the public realm. The Inspector noted that *“although other dormer windows were visible in close proximity to the site, these examples confirm that such dormer extensions can be detrimental to the character and appearance of an area and therefore should not be used as a reason to allow a similar development”* .

4.1.3 The proposal would be contrary to Policies PMD2 and CSTP22 of the Core Strategy and the RAE.

4.1.4 Accordingly the appeal was dismissed.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 20/01632/HHA

Location: 6 Church Crescent, South Ockendon

Proposal: Part two storey part single storey rear extension

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered that the main issues of the appeal were the effect of the development on the living conditions of No 8 Church Crescent.

4.2.2 It was considered that given the extent of that projection, and the proximity of the adjacent window at No 8 the proposal would have an overbearing impact when viewed from within the dwelling and the garden immediately to the rear. Given the scale and height of the proposed extension in conjunction with its proximity to No 8 it would obstruct light and outlook from a ground floor window at this neighbouring property, which serves a habitable room, which was considered to be harmful to the living conditions of neighbouring residents.

4.2.3 It was therefore concluded, that by virtue of its depth in proximity to the boundary, the proposed rear extension would have an overbearing impact and result in a loss of light to a habitable room and outlook when viewed from the neighbouring property at No. 8 such that it would have a detrimental effect on the living conditions of residents of that dwelling. Accordingly, it would be contrary to policy PMD1 of the CS and the guidance contained within the RAE which together seek to ensure appropriate standards of amenity for existing occupiers.

4.2.4 The appeal was dismissed.

4.2.5 The full appeal decision can be found online.

4.3 Application No: 20/01547/PAOFFR

Location: Go Train Ltd, Victoria House, Clarence Road, Grays

Proposal: Change of Use from office to 4 flats

Appeal Decision: Appeal Dismissed

4.3.1 This appeal represents a Prior Approval application, rather than a Planning Application.

4.3.2 On 1 September 2020 significant changes to the Use Classes Order were made. The existing rights for changes of use from offices to residential use continued to apply until 31 July 2021. The application was made in 2020, and was in time.

4.3.3 Any applications made after 1 August 2021 would be under different provisions. Given the timing of the appeal, the Inspector found the application could no longer be considered against the regulations against which the proposal was considered by the Council.

4.4.4. Accordingly the appeal was dismissed.

4.4.5 The full appeal decision can be found online.

4.4 Application No: 20/01507/FUL

Location: 1 Grove Road, Grays

Proposal: Extension to garage and conversion to HMO

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered that the main issues of the appeal were the character and appearance of the area, the living conditions of future occupiers, with particular reference to amenity space and internal space standards. Highway and pedestrian safety, with particular reference to the proposed parking arrangements, and the living conditions of existing occupiers, with regard to noise and disturbance.

4.4.2 The Inspector noted that the extended building would fill the entire width of the site. The introduction of glazing, would lead to a domesticated appearance, the top of which would be visible from outside of the site. The proposed outbuilding was considered to be a prominent structure, which would as a result of its design and appearance, be notable as a dwelling, rather than a domestic outbuilding, which was considered to be a discordant form of development, whereby existing dwellings front the street, failing to visibly integrate with the existing pattern of development contrary to CSTP22 and PMD2 of the Core Strategy.

4.4.3 Whilst the Inspector considered that the bedrooms to be provided would be adequate in their footprint, having regard to the proposed layout and size of the kitchen, it would be difficult for occupiers to spend time together comfortably in the communal areas. The lack of space to sit, eat and socialise, without being isolated within their own room would be detrimental to future occupiers and this is a factor which weighed against the proposal for the Inspector as it was considered that the development would fail to provide acceptable living conditions for future occupiers, with particular reference to internal living standards, contrary to policy PMD1.

4.4.4 The Inspector highlighted that the proposed development would result in the loss of the off-road parking space for 1 Grove Road and therefore increase demand for the parking provided within the neighbouring parking areas and streets. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. It was considered by the Inspector that the proposed development would lead to a detrimental effect on parking conditions, and consequently highway safety, and would conflict with policies PMD2 and PMD8 of the Core Strategy.

4.4.5 Accordingly the appeal was dismissed

4.4.6 The full appeal decision can be found online.

4.5 Application No: 19/01296/FUL

Location: Curtis Farm, High Road, Fobbing

Proposal: Erection of new agricultural building

Appeal Decision: Appeal Dismissed

4.5.1 The main issues were i) whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, ii) the effect of the proposal on the character and appearance of the area; iii) the effect of the proposal on the significance of the designated heritage assets.

4.5.2 The appeal site is situated within the grounds at Curtis Farm, which is designated as Green Belt land, adjacent to the Fobbing Conservation Area and nearby to a number of listed buildings within the local vicinity.

4.5.3 In terms of Green Belt, the agricultural justification for inappropriate development, the Local Planning Authority consulted the Council's Agricultural advisor. It was concluded the appeal proposal constituted inappropriate development due to the proposed use of the building and scale.

4.5.4 Conversely, the Inspector took the view that as a planning permission had been sought for an agricultural building, the Framework does not add any qualifications or limitations, in terms of scale or siting and, therefore, concluded these cannot be a factor in evaluating whether a building would be inappropriate. Therefore, the development would not be inappropriate it should not be regarded as harmful either to the openness of, or to the purposes of including land in, the Green Belt.

4.5.5 With regards to the effect of the proposal on the character and appearance of the area, the Inspector held that the development would fail to accord with NPPF requirements for development to be visually attractive and sympathetic to local character including surrounding landscape setting.

- 4.5.6 The nearby heritage assets were deemed to be preserved by the proposal and not harm the significance that any of the listed buildings derive from their setting.
- 4.5.7 The Inspector concluded the absence of Green Belt or heritage harm weigh neutrally and does not amount to considerations in support of the appeal. The conclusion was the proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. The appeal was, therefore, dismissed.
- 4.5.8 The full appeal decision can be found online.

4.6 Application No: 20/01276/FUL

Location: 2 Hall Lane, South Ockendon

Proposal: Development of a single-storey, 1-bedroom dwelling and reconfiguring the existing dwelling's rear extension and new vehicle crossover

Appeal Decision: Appeal Dismissed

- 4.6.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the area and on the setting of designated and non-designated heritage assets.
- 4.6.2 The Inspector found the development would result in an increase in the density of development within the locality, which is generally characterised by loosely spaced development. This increased density would lead to an urbanising affect which would be both out of character and harmful to the overall character and appearance of the area and it would not be compatible with the surrounding development and would have a harmful impact on the setting of No 1 and 2 Hall Las, non-designated heritage assets which are further down Hall Lane.
- 4.6.3 The Inspector found the proposal would not accord with the policies of the NPPF which seek to conserve and enhance the historic environment and would be contrary to policies PMD4 and CSTP24 of the Core Strategy. It would also be contrary to policies PMD2 and CSTP22 of the CS which promotes high quality design which responds to the sensitivity of the site and its surroundings.
- 4.6.4 Accordingly the appeal was dismissed.

4.6.5 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0	7	6								18
No Allowed	0	1	0	4	0								5
% Allowed	0%	25%	0%	57.14%	0%								27.78%

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

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

Agenda Item 8

Planning Committee: 23 September 2021

Application Reference: 21/00077/FUL

Reference: 21/00077/FUL	Site: Land adjacent Fen Farm Judds Farm and part of Bulphan Fen Harrow Lane, Bulphan Essex
Ward: Orsett	Proposal: Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, grid connection cable, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements

Plan Number(s):		
Reference	Name	Received
BF1.0 Rev v.b	Consolidated Location Plan	20 January 2021
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BF4.0 Rev 01	Inverter/Transformer Stations	20 January 2021
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BF13.0 Rev 01	PV Elevations Ballast	17 May 2021
BF14.0 Rev v.a	Field Topographical Data	20 January 2021
7509_005_D	Landscape and Ecological Enhancement Plan	20 January 2021
No no's	Preliminary Greyscale	17 May 2021

The application is also accompanied by:

- R003 Planning Statement including Green Belt Assessment
- R004 Design and Access Statement
- R005 Construction Traffic Management Plan
- R006 Non-Technical Summary of the Environmental Statement
- R007 Environmental Statement Main Text
- R008 Environmental Statement Technical Appendices
- R009 Landscape and Ecological Management Plan
- R010 Flood Risk Assessment and Drainage Strategy
- R011 Noise Impact Assessment
- R012 Ecological Appraisal Report (including Biodiversity Net Gain Statement)
- R013 Statement of Community Involvement
- R014 Agricultural Land Classification Report
- R015 Heritage Assessment Desk Based Assessment
- R016 Interim Archaeology Geophys Report
- R017 Glint and Glare Assessment
- Ecology Data File (parts 1 – 26)
- Ground Channel

Applicant:

Mr Simon Wheeler
Warley Green Limited

Validated:

18 January 2021

Date of expiry:

27 September 2021 (Extension of time agreed with applicant)

Recommendation: Grant planning permission

1.0 **BACKGROUND**

1.1 At the meeting of the Planning Committee held on 15 July 2021 Members considered a report assessing the above proposal. Members of the Planning Committee voted to undertake a site visit to view the site to better understand the proposal. The site visit took place on 7 September 2021.

- 1.2 There were also a number of questions raised by Members, which are addressed within this report.
- 1.3 A copy of the report presented to the July Committee meeting is attached.

2.0 CONSULTATION AND REPRESENTATIONS

- 2.1 Since the previous Committee report was published an additional representation has been received as follows.

Fen Farm Cottages – wish to confirm they do not object to the proposal.

3.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 3.1 Since the last committee the applicant's planning agent has provided a further submission regarding climate change. The agent advises that in an International context, the Intergovernmental Panel on Climate Change (IPCC) recently published the first part of their Sixth Assessment Report. The report assesses the physical science basis of Climate Change; multiple lines of scientific evidence confirm that the climate is changing due to human influence. The report states *Human-induced climate change is already affecting many weather and climate extremes in every region across the globe; the increased frequency and intensity of hot extremes, marine heatwaves, heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic sea ice, snow cover and permafrost*
- 3.2 From a UK national context the objectives of the UK renewable energy policies are in accordance with the overall international policy objectives. These are focused on a number of key climate change challenges, which include:
- The reduction of CO2 emissions to tackle climate change;
 - The promotion of competitive energy markets in the UK;
 - Affordability to customers; and
 - Security of decentralised energy supplies.
- 3.3 This support is rooted in the Government's policy of growing the economy in a decarbonising way and achieving its legally binding target of net-zero greenhouse gas emissions by 2050. This followed a national climate emergency being declared by UK Parliament in May 2019, building upon the previous target to reduce greenhouse gas emissions by at least 80% relative to 1990 levels by 2050. To achieve this ambitious target many commentators note it will require a step change in the way in which the UK generates electricity and in many other ways of life
- 3.4 To help achieve this net-zero target the Government is rapidly seeking to transition from a traditionally fossil fuel dependent economy to increasing amounts of secure, resilient renewable and low carbon energy, including solar power. The fact that solar

technology has advanced to the point where it no longer requires public subsidy to make it commercially viable lends it further support from Government compared to other innovative means of renewable energy generation, which are still reliant on subsidy.

3.5 The information below seeks to address the questions that were raised at the July Committee meeting.

3.6 Battery

There was a query raised with regard to battery storage safety. The applicant has submitted an Outline Battery Safety Management Plan (OBSMP). This evidences that for the proposed scheme safety risks are understood, accounted for and mitigated as far as possible. With the adoption of the measures set out in this OBSMP, the risk of a fire occurring from the battery energy storage systems (BESS) is considered to be minimised to an acceptable level. There is a suggested condition (no. 15) requiring that prior to the implementation of any BESS, a Detailed Battery Safety Management Plan (DBSMP) be submitted and approved, which would be in accordance with this report.

3.7 Concrete ballast

The use of concrete ballast is not proposed across the entire site, the main ground fixing for the PV array is a driven stanchion. This would extend into the ground to a depth dependent on conditions across the site. The concrete ballast would only be utilised within areas of archaeological interest. The concrete ballast cast offsite offers a shallow foundation option and is a result of the consultation response from the Council's archaeology advisor request that, following further archaeological investigation (as reserved by the proposed planning condition), a suitable solution is proposed for mitigating any archaeological impact. As the geophysical survey results show that the majority of the site is archaeologically sterile there is only a relatively small area (Field 4) where the concrete ballast option is used, this being potentially reduced to the key areas where it is demonstrated from further investigation that there is confirmed archaeological interest. The shallow foundation allows for a buffer between the minimal excavation depth and the underlying archaeological levels. This mitigation approach has been accepted in principle by the Council's archaeology advisor.

3.8 At the expiry of the temporary consent, the concrete ballast would be removed from the site along with the rest of the array and infrastructure and sent to a suitably regulated site for recycling and re-use therefore there would be no residual impact on the site.

3.9 Geese

BSG Ecology conducted both the site ecology surveys and the desk based studies of biodiversity records. The surveys carried out by BSG Ecology, including those targeted at breeding birds, did not record any native, wild geese which are of biodiversity conservation interest. The surveys did not record any feral geese. This is as expected as feral geese depend on waterbodies larger than farm ponds to establish a breeding territory and raise their young successfully (the risk of predation is too high on small waterbodies). Feral geese are not of biodiversity conservation interest and, in some circumstances, they are considered to be detrimental.

- 3.10 The desk studies contracted by BSG Ecology from the Essex Wildlife Trust and the Essex Field Club (representing the Essex Recorders' Partnership) provided no records of native, wild geese relating to the area of the solar farm or a 100m buffer around it. At a greater distance, small numbers of white-fronted geese have been recorded occasionally over the last 10 years at Orsett Fen.
- 3.11 The desk studies contracted by BSG Ecology from the Essex Wildlife Trust and the Essex Field Club provided records of feral Canada goose and greylag goose in the general area but none specifically in the area of the solar farm. These records should be given no weight in the decision making process as they relate to bird species that are not of biodiversity interest.

3.12 Construction traffic routing

There would be an average of 5 to 6 HGVs per day (10 to 12 two-way movements) during the construction phase of 40 weeks. The applicant's transport consultant has promoted the most appropriate route for the construction traffic as follows:

Inbound Route

Construction vehicles will route to the site from the A13 via the following roads:

- A128 (left-in turn only);
- Church Road; and
- Fen Lane.

Outbound Route

After departing the site, construction vehicles will route back to the A127 via the following roads;

- Fen Lane;
- Church Road; and

- A128 (left-out turn only).

3.13 It is understood from representations that there are concerns with construction traffic being routed through Bulphan village. The applicant has investigated other potential route options for construction traffic as follows.

Alternative route A:

A loop arrangement with inbound access via:

- B186 Warley Street;
- B186 Clay Tye Road; and
- Fen Lane.

Outbound route via:

- Fen Lane;
- Dunnings Lane;
- St Mary's Lane; and
- B186 Warley Street.

Alternative route B:

Inbound and outbound movements via:

- A127;
- Childerditch Lane; and
- Dunnings Lane.

Alternative route C:

Inbound and outbound movements via:

- B186 Warley Street; and
- Clay Tye Road.

Alternative route C:

Inbound access via:

- B186 Warley Street; and
- Clay Tye Road.

Outbound route via:

- Church Road; and
- A128.

3.14 The preferred route is from the site via Fen Lane to the A128. This is the shortest and most direct route to the higher category of road. Other routes were investigated; however, these alternative routes are not practical in terms of road widths and relative distances to reach the higher level of classified road within the shortest distance. All the other routes that have been put forward are less optimal in highways and planning terms than the proposed route. Subject to the planning conditions set out below, the preferred route is considered acceptable in both highways and amenity terms, over the temporary construction phase.

3.15 Health impacts

The system installation, or construction, process does not require toxic chemicals or processes. Photovoltaic systems do not emit any material during their operation; however, they do generate electromagnetic fields (EMF), sometimes referred to as radiation. In modern society humans are all exposed to EMF throughout our daily lives without negative health impact. Someone outside of the fenced perimeter of a solar facility is not exposed to significant EMF from the solar facility. Therefore, there is no negative health impact from the EMF produced in a solar farm. Solar farms are not known to pose any health dangers to their neighbours.

3.16 Disposal and recycling

Condition 4 requires a decommissioning statement; this has been updated to include wording requiring recycling where viable.

5.0 CONCLUSION

The recommendation remains one of approval for the reasons stated in 7.0 of the July Committee report.

6.0 RECOMMENDATION

6.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009; and
- (ii) Subject to the application not being called-in by the Secretary of State for

determination, grant planning permission subject to the following conditions:

TIME LIMIT

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

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

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
BF1.0 Rev v.b	Consolidated Location Plan	20 January 2021
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BF1.2 Rev v.b	Location Plan 2 (Thurrock)	20 January 2021
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BF14.0 Rev v.a	Field Topographical Data	20 January 2021
7509_005_D	Landscape and Ecological Enhancement Plan	20 January 2021
No no's	Preliminary Greyscale	17 May 2021

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

TEMPORARY PERIOD AND DECOMMISSIONING

3. Planning permission is hereby granted for a temporary period of 35 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 35th anniversary of the first commercial export of energy the use shall cease. Prior to the 35th anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

DECOMMISSIONING METHOD STATEMENT

4. Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment and details of recycling. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION PERIOD

5. The construction period shall be no more than 40 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.

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].

CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]

6. Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. R005 dated June 2021) and in particular the following elements of that document:

- Routing of construction vehicles; and
- Time of HGVs accessing the site

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].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

7. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
- (f) Wheel washing facilities; and
- (g) Days and hours of construction activities.

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].

ROAD CONDITION SURVEY

8. No construction works shall commence until a Road Condition Survey, the details of which to be previously agreed in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. A further Road Condition Survey shall then be submitted within one month of the completion of construction works. Any degradation of existing road surfaces directly due to the impact of construction of the development will be remediated in accordance with details to the previously agreed in writing by the local planning authority.

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

HGV BOOKING SYSTEM

9. HGV movements from the site shall be limited to a maximum of 14 two-way movements per day (7 in and 7 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

Reason: In the interests of amenity and highway and pedestrian safety, in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCORDANCE WITH ENVIRONMENTAL STATEMENT

10. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application. Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

11. The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number

7509_005_D) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

Within 6 months of the first export of energy from the site, the applicant shall undertake a review of the LEMP to consider whether there are opportunities for further enhancement as a result of mitigation proposals associated with the Lower Thames Crossing shall be submitted to and approved in writing by the local planning authority. If this review concludes there are reasonable further enhancements as a result of the Lower Thames Crossing, these enhancements shall be implemented as agreed.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGICAL WORK AND MITIGATION

12. No demolition/development or preliminary groundworks shall take place until the Applicant or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and specification which has been submitted to and approved in writing by the local planning authority. Following on from the works of investigation, no demolition/development or preliminary groundworks shall take place until the outcome of the investigations have been submitted to and agreed in writing with the local planning authority. The outcome of the investigations shall also detail any further safeguarding measures to ensure preservation in situ of any important archaeological remains and / or further archaeological investigation, such agreed measures shall be employed in accordance with the agreed scheme and timetable.

Reason: To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGY – POST EXCAVATION ASSESSMENT

13. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

EXTERNAL LIGHTING/SECURITY MEASURES

14. No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILED BATTERY SAFETY MANAGEMENT PLAN (DBSMP)

15. No implementation any of the battery energy storage systems (BESS) shall commence until a Detailed Battery Safety Management Plan (DBSMP) has been submitted to and approved in writing by the local planning authority. The BESS operation on site shall only take place in accordance with the approved DBSMP.

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

Informative(s)

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

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

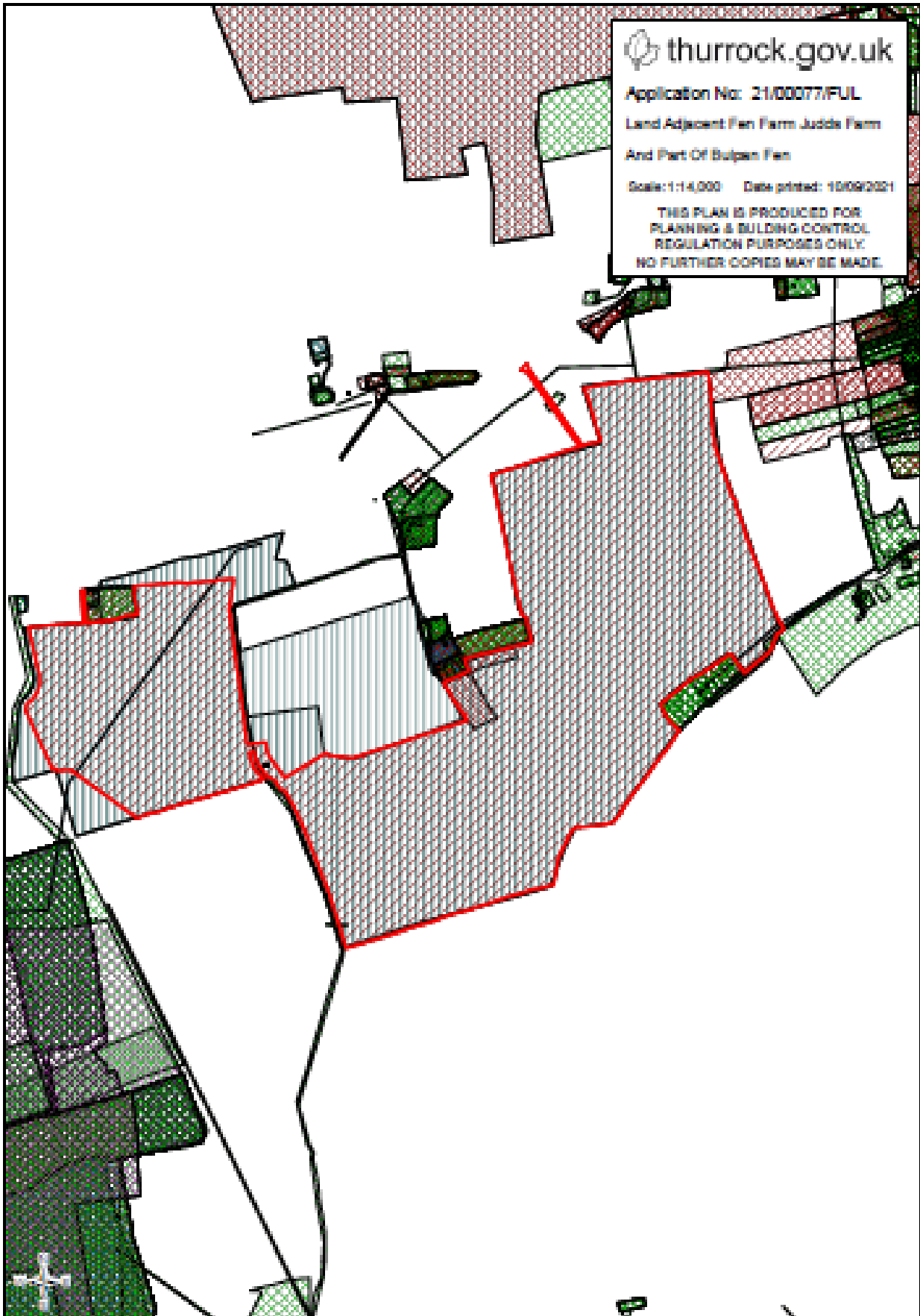
been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

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 15 July 2021	Application Reference: 21/00077/FUL
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Applicant:

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18 January 2021

Date of expiry:

19 July 2021 (Extension of time
agreed with applicant)

Recommendation: Grant outline planning permission, as per the recommendation set out at paragraph 8.1 of this report

1.0 DESCRIPTION OF PROPOSAL

1.1 The table below gives a summary of the proposal:

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Gross site area	138 hectares
Gross site area of PV panels	106 hectares
Power output	49.9MW of clean renewable electricity to the National Grid (providing the equivalent annual electrical needs of approximately 16,103 Thurrock family homes)

- 1.2 This application seeks planning permission to construct and operate a solar farm and battery storage facility with associated infrastructure. The solar arrays would be located wholly within Thurrock, but this is a cross boundary application with the underground cable providing the grid connection to the Warley National Grid Substation at North Ockendon, which is in London Borough of Havering (LBH). The applicant has therefore submitted joint applications with the relevant red line boundary plans to the two respective local planning authorities.
- 1.3 The solar panels would be 3m high, ground mounted on tracking frames. It is proposed to use solar arrays with bifacial panels and a tracking system to follow the path of the sun. This means that their height will vary throughout the day, but the maximum height would be 3m. The arrays will be installed on posts driven into the ground. The proposed inverters and battery storage units would be housed in containers 12m long and 2.9m high. The largest element would be a single substation 12.5m x 5.5m x 4.2m. It is proposed to install 2.2m high deer fencing around the perimeter of the site. The fencing would be set back at least 5m either side of all public rights of way. Buffer zones are proposed whereby no solar panels will be sited within 10m of a public right of way or within 9m of a drainage ditch. There would be no development within 15m of the top of the bank alongside the Mardyke, or within 6m of the top of a boundary drainage ditch or watercourse.
- 1.4 When operational, the solar farm and battery storage would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. The site would be operational for 35 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.
- 1.5 The scheme proposes a maximum electrical output of 49.9MW which is the maximum output which can be considered by a local planning authority via a conventional

planning application. Proposals involving an output of 50MW or more are classified as 'Nationally Significant Infrastructure Projects' (NSIPs) by the Planning Act 2008 and are considered by the relevant Secretary of State via the Development consent Order (DCO) process.

- 1.6 Due to the scale of the site, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES). The only topic which was scoped-in to the ES is Landscape and Visual Impact.

2.0 SITE DESCRIPTION

- 2.1 The site comprises 18 adjoining arable fields with associated hedgerows on Bulphan Fen approximately 600m to the west of Bulphan village. The Thurrock site area is approximately 138 hectares (the overall site area including LBH is approximately 143 hectares). The site is relatively low-lying, flat fenland and is all Grade 3b 'Moderate' soil within the applicant's Agricultural Land Classification (ALC). Access to the site is via Harrow Road and Fen Lane. There are a number of public rights of way within the site area. The site lies within flood zones 1, 2 and 3a. The site is within the Metropolitan Green Belt (GB). There are no statutory ecological designations affecting the site. However, the site is within 'impact zones' drawn around SSSIs located to the north-east and north-west.
- 2.2 The proposed route of the Lower Thames Crossing (LTC) lies immediately to the south west of the site.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
P0059.21	Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection	Under consideration

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	cable, landscaping and biodiversity enhancements	
20/01296/SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed solar farm and battery storage	Advice given
20/01178/SCR	Request for a Screening Opinion under Part 2 (6) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Proposed development comprising solar farm and battery storage facility	EIA required

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 notices which have been displayed within and adjacent to the site. The proposals have been advertised as a major development, as affecting a public footpath, as accompanied by an Environmental Statement, as a departure from the Development Plan and as affecting the setting of a listed building.

4.3 There were 29 comments of objection received. The matters raised are summarised below:

- Traffic routing;
- Effect to public rights of way;
- Reflected light/glare affecting traffic (LTC);
- Loss of wildlife;
- Pollution in construction stage;
- Detrimental visual impact;

- Solar panels are not really clean energy;
- Damaged solar panels release toxins;
- Loss agricultural land;
- Harm to character of the countryside;
- Lead to flooding;
- Precedence for future development of the site for housing;
- S106 for community causes is a bribe, doesn't comply with regulations;
- S106 could be provided to dredge Mardyke to maintain drainage;
- Doesn't meet sequential flood risk test;
- Negative effect to house prices;
- Solar farms should not and are usually not so near to homes.

4.4 ANGLIAN WATER:

No objections.

4.5 ARCHAEOLOGY:

No objections, subject to conditions regarding a programme of archaeological investigation and post excavation analysis.

4.6 CADENT:

No response received.

4.7 EMERGENCY PLANNING:

No objections, subject to condition regarding a Flood Warning Evacuation Plan.

4.8 ENVIRONMENT AGENCY:

No objections. As the site lies within flood zones 1, 2 and 3a. Therefore it is necessary for the application to pass the Sequential and Exception Tests.

4.9 ENVIRONMENTAL HEALTH:

No objections.

4.10 ESSEX FIELD CLUB:

Object to the proposal, do not consider information provide enough information to prove biodiversity net gain.

4.11 FLOOD RISK MANAGER:

No objection, subject to condition regarding soil management.

4.12 HIGHWAYS:

No objections, subject to conditions regarding HGV routing/logging and road condition surveys.

4.13 HIGHWAYS ENGLAND:

No response received.

4.14 HISTORIC BUILDINGS:

No objections.

4.15 LANDSCAPE AND ECOLOGY:

No objections.

4.16 LONDON BOROUGH OR HAVERING:

No response received.

4.17 NATIONAL GRID:

No response received.

4.18 NATURAL ENGLAND:

No objection.

4.19 PUBLIC RIGHTS OF WAY:

Recommend contribution towards footpaths/bridleways.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19 February 2019. The revised NPPF was published on 19 February 2019. Paragraph 11 of the Framework sets out 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.

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
- 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

5.2 National Planning Practice Guidance (PPG)

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

- Before submitting an application
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment
- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Hazardous Substances
- Historic environment
- Making an application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

5.3 PPG states that the need for renewable or low carbon energy does not automatically override environmental protections. The first part of the Solar PV Strategy, published in October 2013, states that solar PV should be *“appropriately sited, give weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local community to influence decisions that affect them”*.

5.4 PPG sets out criteria for assessing ground-mounted solar project planning applications. The following extract is taken from the guidance (Paragraph: 013, Reference ID: 5-013-20150327):

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether*
 - (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
 - (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

5.5 UK Solar PV Strategy

Part 1 of the Government’s (Department for Energy and Climate Change – DECC) UK Solar PV Strategy (2013) set out the four guiding principles for deployment of solar in the UK. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet the UK’s target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.
- support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

5.6 Part 2 of the DECC’s UK Solar PV Strategy (2014) refers to ambitions for deployment, including large-scale ground-mounted solar PV deployment. The Strategy highlights the planning guidance for renewable energy development provided by PPG.

5.7 There are a number of other Government directions on solar, including:

- Committee on Climate Change (9 December 2020) published its Sixth Carbon Budget which indicated that in order to achieve the UK’s legally-binding commitment of net zero carbon by 2050, the UK should target 85GW of installed solar by that date, enough to generate some 10-15% of the nation’s electricity.
- The Energy White Paper (December 2020) noted the importance of solar in future energy generation.

National Policy Statements:

- 5.8 Although National Policy Statements (NPS) apply specifically to NSIPs and applications under the Planning Act 2008 for DCOs, NPS reference (EN-1: Overarching National Policy Statement for Energy - 2011) states that *“In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis”*. The content of EN-1 could therefore be relevant to the current case. Paragraph no. 3.4.5 of EN-1 refers to *“UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent”*. Part 5 of EN-1 refers to the generic impact of land use including open space, green infrastructure and GB. With regard to decision taking, paragraph 5.10.17 of EN-1 states:
- 5.9 *“When located in the GB, energy infrastructure projects are likely to comprise ‘inappropriate development’¹³⁴. Inappropriate development is by definition harmful to the GB and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The IPC will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the IPC will attach substantial weight to the harm to the GB when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of GB designation”*.

Local Planning Policy

- 5.10 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock
- 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
- CSTP33: Strategic Infrastructure Provision

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
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

5.11 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.

5.12 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 Procedure:

With reference to procedure, this application has been advertised as being accompanied by an Environmental Statement and as a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, 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 Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. 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.

6.2 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 construction and on completion and includes measures either to prevent, reduce or offset any significant adverse effects on the environment.

6.3 The Council has a statutory duty to examine the ES submitted with the application and reach a reasoned conclusion on the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development. If planning permission is to be granted, the Council must ensure that all appropriate mitigation and monitoring measures are secured. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads

to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and planning obligations in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.

6.4 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose planning conditions and secure other mitigation measures through planning obligations in a s106 agreement.

6.5 The assessment below covers the following areas:

- I. Principle of the development and impact on GB;
- II. Landscape and visual impact;
- III. Traffic impact, access and parking;
- IV. Agricultural land classification;
- V. Effect on neighbouring properties;
- VI. Flood risk;
- VII. Archaeology;
- VIII. Built Heritage assets;
- IX. Ecology;
- X. Planning obligations; and
- XI. EIA matters.

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

6.6 There is a need for energy production in the UK and this is supported within planning policies to secure production, including energy from varied and low carbon sources. Paragraph 148 of the NPPF states *The planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure.* Paragraph 151 states plans should seek *To help increase the use and supply of renewable and low carbon energy and heat,* CSTP26 states *As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.* Part. II of CSTP26 requires that *The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.* However, this encouragement of renewable energy generation is still subject to GB policies.

- 6.7 Under the heading of the impact of the proposals on the GB, it is necessary to refer to the following key questions:
1. Whether the proposals constitute inappropriate development in the GB;
 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 necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the GB
- 6.8 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.9 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 a local planning authority should regard the construction of new buildings as inappropriate in the GB.
- 6.10 Paragraph 147 states *"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources"*.
- 6.11 Given the above the proposal would comprise inappropriate development with reference to the NPPF and Policy PMD6.
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it
- 6.12 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 GB, but it is also necessary to consider whether there is any other harm to the GB and the purposes of including land therein.

- 6.13 As noted above, paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new development in an area which is currently open. Consequently there would be harm to the spatial dimension of 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.
- 6.14 In terms of the bullet points above, openness in a spatial sense would be affected by the proposals which comprise a large development on what is presently open GB land. In terms of the visual aspect of openness, due to the nature of the site the visual effects would be limited as there are limited vantage points whereby the proposal would be viewable in its entirety.
- 6.15 The duration of the proposal is for a temporary period of 35 years operation. The site would then be returned to its present 'open' state. Although 35 years is still a considerable period of time, it is a very different proposal to a permanent building and therefore means the land would eventually be returned to undeveloped GB.
- 6.16 The degree of activity to be generated by the development would differ through the construction and operational phases. There would be some traffic generation during construction, which is likely to take approximately 40 weeks. However, this would not be excessive with 7 HGV movements a day (14 two way movements). When operational, there would be minimal vehicle movements associated with the site. Therefore, it is not considered that the proposal would impact openness in terms of activity generated, especially when the lifetime of the proposal is taken into account, the impact is negligible.
- 6.17 Paragraph 134 of the NPPF sets out the five purposes which the GB 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.

6.18 In response to each of these five purposes:

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

6.19 The site is located within a rural area outside the village of Bulphan. 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 built form on the site, albeit temporary.

b. to prevent neighbouring towns from merging into one another

6.20 On a broad geographical scale the site lies in between the towns of Basildon, Upminster and South Ockendon, however the proposal does not adjoin any of these towns. The development would not conflict with this Green Belt purpose to any material or significant degree.

c. to assist in safeguarding the countryside from encroachment

6.21 With regard to the third GB purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form. 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. The proposal would lead to a large area being covered with panels which are 3m in height. It is clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness and rural character of the GB. The development would consequently conflict with this purpose.

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

6.22 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

6.23 In general terms, the development could occur in the urban area, but there is a spatial imperative why GB land is required to accommodate the proposals. There are no

sites in the urban area of 138 hectares which have convenient access to a grid connection with the scale of sub-station required to handle 49.9MW. Therefore, the proposed development does not conflict with the fifth purpose of the Green Belt.

6.24 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary to purpose (c) 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 GB is clearly outweighed by other considerations so as to amount to the Very Special Circumstances (VSC) necessary to justify inappropriate development

6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances' (VSC), either singly or in combination. However, some interpretation of 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 VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC 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 VSC 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 VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

6.26 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*".

6.27 The Planning Statement sets out the applicant's VSC case which is listed and then assessed below:

1. Increasing Renewable Energy Generation

2. Climate Emergency
3. Energy Security
4. Best Available Technology
5. Good Design
6. Alternatives
7. Temporary and Reversible Impacts
8. Biodiversity Net Gain
9. Soil Regeneration
10. Green Infrastructure
11. Farm Diversification
12. Transmission Vs Distribution Connection

1. *Increasing Renewable Energy Generation (the Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of approximately 16,100 family homes in Thurrock. The anticipated CO2 displacement is around 23,600 tonnes per annum, which represents an emission saving equivalent of a reduction in c.7,800 cars on the road every year).*

- 6.28 The applicant considers the creation of renewable energy generation should be afforded significant weight in the planning balance.
- 6.29 A Committee on Climate Change 'Progress Report' 2020 states that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target. Reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

Consideration

- 6.30 The generation of renewable energy is promoted throughout local and national planning policies. Paragraph 154 of the NPPF confirms that applicants do not need to demonstrate the need for renewable or low carbon energy. Even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF states that commercial scale projects outside of planned areas, need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 6.31 The proposal is for a large scale solar farm and policy CSTP26 *Renewable or Low-Carbon Energy Generation* states that the Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar

panels. The policy also states that the Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts. It is considered that the provision of a large scale solar farm and the benefits of renewable energy generation can be given significant positive weight in the planning balance.

2. Climate Emergency

- 6.32 In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050. Thurrock Council declared a Climate Emergency in October 2019 which requires that the Council's activities become net-zero carbon by 2030. The Council recognised the need to consider strategies and actions which are currently being developed by the Council and other partner organisations and develop a strategy in line with a target of net-zero carbon by 2030. The applicant considers that this is afforded substantial weight in the planning balance.

Consideration

- 6.33 The proposal would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. This is a significant contribution towards increasing the proportion of renewable and low carbon energy generation to reduce the consumption of fossil fuels and the associated carbon footprint. Whilst it is agreed that Council has declared a climate emergency, this is not a planning 'policy' and amounts to substantially the same matter as covered within (1) above. Therefore, it can be given moderate positive weight to the planning balance.

3. Energy Security

- 6.34 The applicant considers that the proposal supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions. They consider this should be afforded substantial weight in the planning balance.

Consideration

- 6.35 There is an undisputed need for new energy generation sources including renewables. A large resource such as that proposed would aid both energy security and the amount of energy provided by renewable sources within the Borough as

required by national and local policies. It is agreed that the contribution to energy security should be afforded substantial weight in the planning balance.

4. *Best Available Technology*

- 6.36 The applicant states that the proposal comprises the latest best available technology that delivers greater levels of solar efficiency by utilising a solar tracking system, together with bifacial panels which, between them increase continuous electrical productivity by 20-25% when compared to traditional fixed solar arrays. This maximises renewable energy production from the site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects. The applicant considers this should be afforded significant weight in the planning balance.

Consideration

- 6.37 Solar technology is always evolving, as with any technology, especially ones which are future climate change focussed. The tracking system would enable the system to enable increased productivity and the efficiency of production. Whilst the applicant considers this should be afforded significant weight, Officers consider that this is an 'operational' factor, rather than a consideration which relates to GB matters. Therefore no positive weight can be attached to using the best technology.

5. *Good Design*

- 6.38 The overall design and layout of the site has been thought out to minimise harm and provide significant benefits to the development as a whole. The applicant considers this should be afforded moderate weight in the planning balance.

Consideration

- 6.39 The applicant has designed the proposal to best meet with all planning policies, so to maximise output and avoid any unacceptable impacts to any nearby properties and the wider area. Any such proposal of this scale, would obviously have impacts, but these need to be balanced with the benefits of such a scheme. It is agreed this can be granted some positive weight.

6. *Alternatives*

- 6.40 The applicant has, in the ES at Chapter 3 (Document Ref: R007), set out the

alternatives considered as part of the evolution of the design and location of the proposed development. This includes an explanation of the alternative sites considered. Overall, it concludes that within the defined Study Area, there are no alternative sites which are suitable and available for the proposed development. The applicant considers this should be afforded substantial weight in the planning balance.

Consideration

- 6.41 In terms of a proposal such as the current application, the planning considerations are complex and far reaching. The applicant has investigated other sites within the locality and concludes there are no alternative sites which could accommodate the proposal. The solar farm requires a large area for the solar panels themselves and the necessary connection to the grid via a sub-station with sufficient capacity to allow the solar farm to function. In this case, the site would connect to the Warley sub-station located west of Upminster and c.1.9km from the application site. This sub-station connects to the National Grid. The lack of alternative appropriate sites for a resource such as the proposed should be afforded significant weight.

7. Temporary and Reversible Impacts

- 6.42 The solar farm is proposed for a lifetime of 35 operational years. After the 35-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the proposed development would be removed from the site and it would continue in agricultural use. It is therefore considered that the proposal is a temporary development. This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. Construction traffic associated with the solar farm would be limited to the construction period of 40 weeks and will not have a material effect on the safety or operation of the local highway network. The applicant suggests this is afforded substantial weight in the planning balance.

Consideration

- 6.43 The temporary nature of the proposal, albeit for 35 years, is a matter which weighs in favour of the proposal. The solar farm would not have some of the impacts associated with many traditional built-development proposals and would be conditioned to return the area back to open land after 35 years. Officers consider this can be afforded some positive weight.

8. Biodiversity Net Gain

- 6.44 The applicant sets out a number of biodiversity benefits within the accompanying Landscape and Ecological Management Plan (LEMP Document Ref: R009). The LEMP sets out how the proposal would lead to significant enhancement of the biodiversity of the site. This is demonstrated by the Net Biodiversity Gain Statement contained within the Ecological Appraisal Report (Document Ref. R012), which concludes that there will be a net gain of 57.3% for habitats and 112% for hedgerows through the implementation of the Proposed Development. This is afforded substantial weight in the planning balance.

Consideration

- 6.45 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments. The Council's Landscape and Ecology Advisor has confirmed that the site is presently of low ecological value and the mitigation and enhancement put forward would increase biodiversity net gain of the site. Therefore, Biodiversity Net Gain should be afforded moderate weight within the planning balance.

9. Soil Regeneration

- 6.46 The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

The Agricultural Land Classification Report, (ALC report Ref: R014), states the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM. The applicant considers this is afforded moderate weight in the planning balance.

Consideration

- 6.47 The site is within soil categorisation 3b and therefore within the lower grades agricultural land which does not require the special consideration given to Best and

Most Versatile soils within Grades 1, 2 and 3a. Additionally, the opportunity to leave the land fallow for a number of years could allow the land to regenerate to being an agricultural land resource in the future. However, the opportunity to leave the land fallow does not require a solar farm and the Council considers this factor has no positive weight towards in the planning balance.

10. Green Infrastructure

- 6.48 The enhanced landscape structure will greatly improve green infrastructure corridors and connectivity across and within the site and therefore the applicant considers this should be afforded considerable weight in the planning balance.

Consideration

- 6.49 Policy CSSP5 seeks to safeguard biodiversity and create ecosystem opportunities and Policy PMD7 requires significant biodiversity habitat to be retained or if this is not possible, any loss is mitigated. The development would lead to biodiversity net gain and the green infrastructure corridors would be improved. Therefore, this can factor be afforded moderate positive weight.

11. Farm Diversification

- 6.50 Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero. This should be afforded moderate weight in the planning balance.

Consideration

- 6.51 The adopted Core Strategy does not have any specific policies concerning farm diversification. The NPPF in *Supporting a prosperous rural economy*, paragraph 83 states *Planning policies and decisions should enable:*
- b) the development and diversification of agricultural and other land-based rural businesses.*

As the applicant has stated, farming is responsible for a significant percentage of carbon production and marginal farming land can be redirected to offset this. Therefore, it is agreed that this can be afforded moderate positive weight in the planning balance.

12. Transmission Vs Distribution Connection

6.52 The advantage of connecting into the National Grid (Transmission) Network rather than the Distribution Network is that once a connection is identified, then a search can begin to identify the most suitable solar development land. This avoids considerable delays in securing both the connection with the Distribution Network Operator (DNO), land and ultimately the delivery of renewable energy to meet the UKs net zero target. This is afforded moderate weight in the planning balance.

Consideration

6.53 There is a separate application over the borough boundary to connect to the national grid. The solar farm would generate 49.9MW and this means the proposal should be ideally connected to the National Grid (Transmission) Network to ensure the plant connects directly into the Grid, rather than via the Distribution Network. This is important in terms of the efficiency of the proposal that the central system utilised. This factor links to some other of the considerations brought forward by the applicant in terms of why this site has been proposed. It is agreed this can be given moderate positive weight.

6.54 A summary of the weight which has been placed on the various GB considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development, harm to openness and conflict with Green Belt – purpose c.	Substantial	1. Increasing Renewable Energy Generation	Significant weight
		2. Climate Emergency	Moderate weight
		3. Energy Security	Substantial weight
		4. Best Available Technology	No weight
		5. Good Design	Some weight
		6. Alternatives	Significant weight

	7. Temporary and Reversible Impacts	Some weight
	8. Biodiversity Net Gain	Moderate weight
	9. Soil Regeneration	No weight
	10. Green Infrastructure	Moderate weight
	11. Farm Diversification	Moderate weight
	12. Transmission Vs Distribution Connection	Moderate weight

6.55 As ever, in reaching a conclusion on GB 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 GB with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as considerations 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'.

6.56 Taking into account all GB considerations, Officers are of the opinion that the identified harm to the GB is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. LANDSCAPE AND VISUAL IMPACT

6.57 Landscape and Visual Impact was the only topic to be scoped into the Environmental Statement. In consultation with the Council's Landscape and Ecology Advisor, it was agreed that the Land of the Fanns Landscape Character Assessment would be most appropriate published study for this site rather than Thurrock Council's Landscape Capacity Study. Additional viewpoints were requested to confirm potential effects from rights of way including one closer to Orsett. The Landscape and Visual Impact Assessment (LVIA) methodology is considered appropriate.

Baseline

- 6.58 Thurrock Reclaimed Fens, as the site is referred to within the Fanns Landscape Character Assessment, forms a low lying inland basin which contrasts with the rising land of the Brentwood Wooded Hills to the north, Ockendon Rolling Farmland to the west, Langdon Hills to the east and Orsett Lowland Farmland to the south.
- 6.59 The Landscape Character Assessment (LCA) considers the area to be of a moderate-low landscape quality. This is as a result of *'intensive farming and gradual loss of defining characteristics which reflected its wetland past.'* The LCA did not consider sensitivity or susceptibility. The LVIA therefore has attempted to establish this and suggests that the ability of the landscape to accommodate low level development would be of a medium-low susceptibility.
- 6.60 The landscape has suffered from intensive farming practices and many of the historic field boundaries have been removed. Nonetheless, the area retains an open character and the landform is relatively intact and has not been subject to the effects of activities such as mineral extraction. The Land of the Fanns LCA deems the open expansive views to be one of the characteristics that makes the Thurrock Reclaimed Fens special.

Impact

- 6.61 The character of the application site is low-lying and expansive fenland landscape, therefore the Zone of Theoretical Visibility (ZTV) is large. However, given the relatively low height of the solar arrays and associated structures the Zone of Visual Influence (ZVI) itself is smaller, this is agreed by the Council's Landscape and Ecology Advisor, as shown in Figure 6.4 (Document R008).
- 6.62 The existing hedges and landscape patterns would aid the accommodation of development such as a solar farm due the low heights of the various elements. Nonetheless, at 138 hectares, this is a large scale development and therefore the sensitivity would be higher. While the effects on landscape character are localised, it is accepted that the scheme would have large scale effects within the site and immediate surroundings. This is a fundamental change from an agricultural landscape to a solar farm and would be a new feature in a predominantly rural landscape.
- 6.63 The Council's Landscape and Ecology Advisor has stated that whilst they agree with the LVIA conclusion that the effects on landscape character for the site and within approximately 250m of the boundaries would be high-medium magnitude of moderate significance. These effects would decrease as the distance from the site increases. They consider the magnitude to be closer to high and at the high end of moderate significance due to the scale of scheme.

- 6.64 The visual effects would be similar to those of landscape character, with the main effects being to viewpoints close to or within the site. The visual effects would be most significant for users of the public rights of way, up to major-moderate, as they will directly experience the new expansive development. Comprehensive landscape and ecology mitigation measures such as tree and hedge planting have been proposed, but these will take time to establish.
- 6.65 The Council's draft Landscape Sensitivity Evaluation considered that solar farms over 5ha would have a moderate sensitivity, which would increase with scale. This scheme is significantly larger and therefore it is considered that the sensitivity would be at the highest end of moderate. Nonetheless, it is accepted that the design has sought to consider changes in topography, existing hedges and other features to reduce effects.

Mitigation

- 6.66 There are a number of mitigation measures within the proposal in terms of the landscape and visual impacts. There would be planting of hedgerows and woodland as well as improved grassland, wildflower and scrub areas. This includes enhancement of existing hedgerows, creation of a substantial green corridor along PRow from Bulphan, and planting of substantial areas of neutral grassland underneath the solar panels and neutral grassland with wildflowers and scrub throughout the site. The Landscape and Ecology Management Plan (LEMP – document R009) details the short and long term management of new and existing habitats. The objective of the LEMP is to help integrate the development into its surrounding landscape, minimise potential negative visual and landscape impacts (in so far as possible) and enhance the existing landscape structure, amenity value and biodiversity.
- 6.67 The Council's Landscape and Ecology Advisor concludes *'The proposed mitigation would enhance visual interest for those using the rights of way. Changes in farming practice and the need to increase measures to tackle climate change also need to be taken into account; even in a 'do-nothing' option it is likely that the character of this area will change. The most significant potential cumulative effects would arise from the construction of the Lower Thames Crossing (LTC) immediately adjacent to the site'*.

Residual Impact

- 6.68 The LCA considers the area to be tranquil and containing dark skies. This scheme would not generate noise or traffic and will be unlit. It is considered therefore that it

would not adversely affect these qualities. Guidance to conserve and enhance character includes preserving and enhancing the network of hedgerows and hedgerow trees, coverts of deciduous woodland, ponds and improving access. The design and mitigation measures have sought to deliver these enhancements.

- 6.69 The Council's Landscape and Ecology Advisor concludes *'that this large-scale scheme would have effects that would be important for local residents and rights of way users as it will alter the character markedly and the proposed mitigation will take several years to establish to achieve the most effective screening. The separate LCAs each recognise however that the existing landscape, dominated by intensive agriculture, has lost many of its historic landscape features such as fen and hedgerows. As a result its landscape quality is relatively low despite the area being relatively undeveloped'*.
- 6.70 The proposal is within an undeveloped part of Thurrock, which is unfortunate. The design and mitigation methods put forward have sought to minimise harm and restore and enhance landscape features. When balancing the landscape and visual effects with the need to produce cleaner energy it is not considered that objection to the scheme on landscape and visual grounds could be substantiated.

III. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.71 The highways issues relating to this development proposal are predominantly for the construction and the decommissioning phases of the development. There would be two construction vehicle access points on Fen Lane. Most of construction vehicles would access the site via an existing agricultural access on Fen Lane to the east of the junction with Dunnings Lane which is within Thurrock. This access is already used by large vehicles and is considered suitable for HGVs.
- 6.72 The applicant has confirmed there would be an average of 5 to 6 HGVs per day (10 to 12 two-way movements) during the construction phase of 40 weeks. The operational period would require a small amount of vehicular movements; it is likely there would be two LGV movements a month. There are concerns from local residents regarding the routing of the HGVs through Bulphan village itself and the A128, however this is the most direct and practical route. It is of a suitable width without weight or height restrictions and is therefore considered appropriate to accommodate vehicles associated with the construction phase. Other routes were investigated by the applicant, but these roads are not suitable for larger vehicles. The applicant's Construction Traffic Management Plan (CTMP) states HGV construction traffic would be routed to avoid right turns onto the A128 on the outbound trip and via A13 so left hand turns only.

- 6.73 The timings of the HGV movements would be restricted to times outside of school hours and rush hour, so only between 9.30am and 2.30pm Mondays to Fridays and 8am to 1pm on Saturdays, with none allowed on Sundays or Bank Holidays. There would also be road condition surveys required by condition to ensure that if any damage does occur to the highway that is put right at the cost of the applicant.
- 6.74 It is concluded that, subject to planning conditions, construction traffic associated with the proposal would not have a material effect on the safety or operation of the local highway network.

IV. AGRICULTURAL LAND CLASSIFICATION

- 6.75 The Planning Practice Guidance (PPG) identifies a number of factors which should be taken into account by local planning authorities when determining applications for large-scale PV solar farms, including encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. The PPG highlights that best quality agricultural land (Grades 1, 2 and 3a) should be preserved with preference being given to areas of poorer quality land (Grades 3b, 4 and 5).
- 6.76 Based on the submitted site specific Agricultural Land Classification report all the land within the proposal site is classified as grade 3b. The findings of the detailed site-specific land classification study report show that the land is capable of being developed as a solar farm as its temporary loss will not adversely affect agricultural productivity in the area. The DCLG publication 'planning practice guidance for renewable and low carbon energy' (July 2013), recognises that solar farms are temporary structures. At the end of the 35 year period of the panels being in place, the land would be restored to its existing agricultural use and this will be controlled by a condition.

V. EFFECT ON NEIGHBOURING PROPERTIES

- 6.77 Whilst the site is rural in nature there are some properties nearby, notably Fen Farm and Cottages and Judds Farm. The Council's Environmental Health Officer has confirmed that in terms of noise they do not consider the proposal would lead to any unacceptable noise to any sensitive receptors.
- 6.78 In terms of visual effects to these nearby properties, there would be an effect to their outlook where it is towards the solar panels. However, these would be set back at least 10m from the boundary of the proposal site and therefore this means the set back from the properties would be considerable. The panels would not be within close

proximity to Fen Farm and Cottages and Judds Farm and the effect would not be unreasonable.

- 6.79 The glint and glare from the solar panels is very little. They are made up of silicon-based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. The manufacturers of the panels use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the solar panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

VI. FLOOD RISK

- 6.80 Part of the site lies within Flood Zone 3, the high probability zone. The Environment Agency have confirmed a solar farm is considered to be 'essential infrastructure' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests, which is the responsibility of the Council. The Environment Agency do not object.

Sequential Test

- 6.81 The proposal has to be in its proposed location due to the available capacity in the national grid in the area, owing to its close proximity to the electricity distribution station just to the north west of the site. Additionally, there are no known available sites of 138 hectares which are located wholly within an area of lower flood risk. Therefore, it is considered that the Sequential Test is passed.

Exception Test

- 6.82 The Flood Risk Vulnerability Classification requires that the Exception Test is also applied. The NPPF states that:

“For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*

- 6.83 The design of the proposed layout has incorporated any vulnerable parts of the proposal in the areas at lowest risk of flooding. So, the substation and battery storage area would be located outside areas at risk of fluvial flooding, reservoir flooding and the tidal breach extent. The solar panels would be elevated on framework at least 0.8m above ground level, and, therefore, would not impede any surface water flowpaths or displace any ponding of surface water. The Flood Risk Assessment demonstrates that the development would not result in any increase in flood risk off-site or it increase flood risk on-site. Therefore, the proposal is considered to meet the exception test.
- 6.84 In terms of surface water drainage, the Council's Flood Risk Manager has confirmed that they do not object to the proposal with a condition regarding landscaping details, soil management plan, maintenance plan, the details of organisation responsible for maintenance and a confirmation that site will be maintained during its installation and operational period has been submitted to, and approved in writing by, the local planning authority.

VII. ARCHAEOLOGY

- 6.85 The Historic Environment Record shows that the proposed development covers a large area of the Bulphan Fen where very little archaeological research has been undertaken. The one piece of archaeological work on the edge of the development area has shown the presence of Bronze Age occupation within a thin pipeline corridor. The Heritage statement has not only identified the potential of field 4 but has also identified the site of the former farm of Castle's Farm. The date of Castle's Farm remains unclear and it would be hoped that development could avoid this area if this is identified as being of medieval or earlier date. Castle Farm was Castle Field in 1429 and the Place name Bulphan derives from marshland marked by a *burh* or fortified place which raises the question whether Castle Farm lies on the site of the former *Burh*.
- 6.86 The Council's Archaeology Advisor has confirmed they have no objections to the proposal with conditions to mitigate any possible effect to archaeology.

VIII. BUILT HERITAGE ASSETS

- 6.87 The Council's Historic Buildings Advisor has advised *there is a lack of visibility between the designated heritage assets, resulting from the tall hedges and trees within the study area, the site would be obscured from view. In addition, views of the designated heritage assets from within the site are equally obscured. Due to hedges and trees, there is no view of the spire of Grade I Listed church of St Mary in Bulphan*

(List Entry 1111617) and any views of the church from the site are not considered to have historic significance.

- 6.88 The development proposed would not have a negative impact on the setting of the designated heritage assets and would not result in harm to their significance. The development would result in less than substantial harm to the non-designated heritage assets within the site and this harm should be weighed against the public benefits of the proposed development, in line with local policies and Paragraph 196 of the NPPF. Therefore, it is considered any effect to built heritage assets are outweighed by the public benefits of cleaner energy generation.

IX. ECOLOGY

- 6.89 Ecological surveys were undertaken to support the application. These found that most of the existing habitats were of generally local ecological value, being dominated by arable and improved grassland. Habitats of Principal Importance included hedgerows (although these were species poor and often poorly maintained) and ponds, two of which contained Great Crested Newts. One badger sett was recorded and an assemblage of 11 nesting bird species of principal importance. While no water vole were recorded these were scoped in due to part records of presence within the Mardyke.
- 6.90 Mitigation measures have been incorporated into the Landscape and Ecological Management Plan (LEMP). These include measures to buffer and enhance existing hedges, and the planting of new hedges, creating woodland buffers, ecologically appropriate grassland throughout the site and buffers around existing ponds and watercourses. Measures have been incorporated to benefit a range of protected species. It is agreed that the proposed measures should result in some beneficial effects.
- 6.91 Given the poor condition and generally low value of the existing habitat it is agreed that proposed ecological mitigation and enhancement measures should result in a significant biodiversity net gain. The Council's Landscape and Ecology Advisor has stated that, should the scheme be permitted, it is important that the LEMP is reviewed in light of the emerging Lower Thames Crossing mitigation for the area; in particular this could see increased potential for water vole along the Mardyke. In view of the above there is no objection to the proposal on ecology grounds.

X. PLANNING OBLIGATIONS

- 6.92 The applicant has offered a Community Benefit Agreement, with suggestions of a contribution towards Bulphan in Bloom or children's play equipment in a local park.

However, it is not considered that the proposed agreement would meet the tests as the NPPF requires that any S106 agreement should be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The Community Benefit Fund would not meet any of the requirements of a S106 agreement.

XI. EIA MATTERS

6.93 In coming to its view on the proposed development the local planning authority has taken into account the content of the ES submitted with the application, further information to the ES, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.

6.94 The ES considers the impact of the development in terms of landscape and visual matters. Subject to appropriate mitigation which can be secured appropriate planning conditions, the ES concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. Having taken into account representations received from others, Officers consider that the proposed development is acceptable, subject to referral to the Secretary of State and compliance with a number of planning conditions to be imposed upon any consent granted.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The proposals would comprise inappropriate development in the GB. Furthermore, the proposed development would lead to a loss of openness and would, to a degree, be harmful to purpose (c) of including land within the Green Belt. Substantial weight should be attached to this harm in the balance of considerations.

7.2 The applicant has cited a number of factors which are promoted as comprising very special circumstances which outweigh the harm to the GB. It is considered that significant weight should be attached to the benefits of providing renewable energy, including the reduction in carbon emissions. The temporary nature of the development attracts some weight and weight can also be attached to the economic, social and environmental benefits of the proposals. On balance it is concluded on this point that the benefits of the proposals clearly outweigh the substantial harm to

the Green Belt described above, and therefore a departure from normal GB policies is justified.

- 7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets, flood risk or the surrounding highways network. The proposals also have the potential to provide benefits to ecology in the form of habitat creation and the proposals would ensure the continued agricultural use of the land. Finally, the proposals would not result in any material harm to landscape and visual receptors.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009; and
- (ii) Subject to the application not being called-in by the Secretary of State for determination, grant planning permission subject to the following conditions:

TIME LIMIT

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

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

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
BF1.0 Rev v.b	Consolidated Location Plan	20 January 2021
BF1.1 Rev v.b	Location Plan 1 (Havering)	20 January 2021
BF1.2 Rev v.b	Location Plan 2 (Thurrock)	20 January 2021
BF2.0 Rev v.b	Consolidated Site Location Plan	20 January 2021
BF2.1 Rev v.c	Consolidated Location Plan 1 (Havering)	20 January 2021
BF2.2 Rev v.c	Consolidated Location Plan 2 (Thurrock)	20 January 2021

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BF3.0 Rev 03	PV Elevations	20 January 2021
BF4.0 Rev 01	Inverter/Transformer Stations	20 January 2021
BF5.0 Rev 01	Internal Access Road Detail	20 January 2021
BF6.0 Rev 01	Fence and Gate Elevations	20 January 2021
BF7.0 Rev 01	Weather Station	20 January 2021
BF8.0 Rev 01	Substation Elevations	20 January 2021
BF9.0 Rev 01	Control Room Elevations	20 January 2021
BF10.0 Rev 01	Auxiliary Transformer	20 January 2021
BF11.0 Rev 01	CCTV Elevations	20 January 2021
BF12.0 Rev 01	Battery Container Elevations 40ft	20 January 2021
BF13.0 Rev 01	Storage Container Elevations 40ft	20 January 2021
BF13.0 Rev 01	PV Elevations Ballast	17 May 2021
BF14.0 Rev v.a	Field Topographical Data	20 January 2021
7509_005_D	Landscape and Ecological Enhancement Plan	20 January 2021
No no's	Preliminary Greyscale	17 May 2021

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

TEMPORARY PERIOD AND DECOMMISSIONING

3. Planning permission is hereby granted for a temporary period of 35 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 35th anniversary of the first commercial export of energy the use shall cease. Prior to the 35th anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

DECOMMISSIONING METHOD STATEMENT

4. Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing

by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION PERIOD

5. The construction period shall be no more than 40 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.

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].

CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]

6. Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. R005 dated June 2021) and in particular the following elements of that document:

- Routing of construction vehicles; and
- Time of HGVs accessing the site

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].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

7. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the

local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
- (f) Wheel washing facilities; and
- (g) Days and hours of construction activities.

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].

ROAD CONDITION SURVEY

8. No construction works shall commence until a Road Condition Survey, the details of which to be previously agreed in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. A further Road Condition Survey shall then be submitted within one month of the completion of construction works. Any degradation of existing road surfaces directly due to the impact of construction of the development will be remediated in accordance with details to the previously agreed in writing by the local planning authority.

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

HGV BOOKING SYSTEM

9. HGV movements from the site shall be limited to a maximum of 14 two-way movements per day (7 in and 7 out movements) A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request.

This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

Reason: In the interests of amenity and highway and pedestrian safety, in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCORDANCE WITH ENVIRONMENTAL STATEMENT

10. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application. Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

11. The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number 7509_005_D) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

Within 6 months of the first export of energy from the site the applicant shall undertake a review of the LEMP to consider whether there are opportunities for further enhancement as a result of mitigation proposals associated with the Lower Thames Crossing shall be submitted to and approved in writing by the local planning authority. If this review concludes there are reasonable further enhancements as a result of the Lower Thames Crossing, these enhancements shall be implemented as agreed.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGICAL WORK AND MITIGATION

12. No demolition/development or preliminary groundworks shall take place until the Applicant or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and specification which has been submitted to and approved in writing by the local planning authority. Following on from the works of investigation, no demolition/development or preliminary groundworks shall take place until the outcome of the investigations have been submitted to and agreed in writing with the local planning authority. The outcome of the investigations shall also detail any further safeguarding measures to ensure preservation in situ of any important archaeological remains and / or further archaeological investigation, such agreed measures shall be employed in accordance with the agreed scheme and timetable.

Reason: To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGY – POST EXCAVATION ASSESSMENT

13. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

EXTERNAL LIGHTING/SECURITY MEASURES

14. No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

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

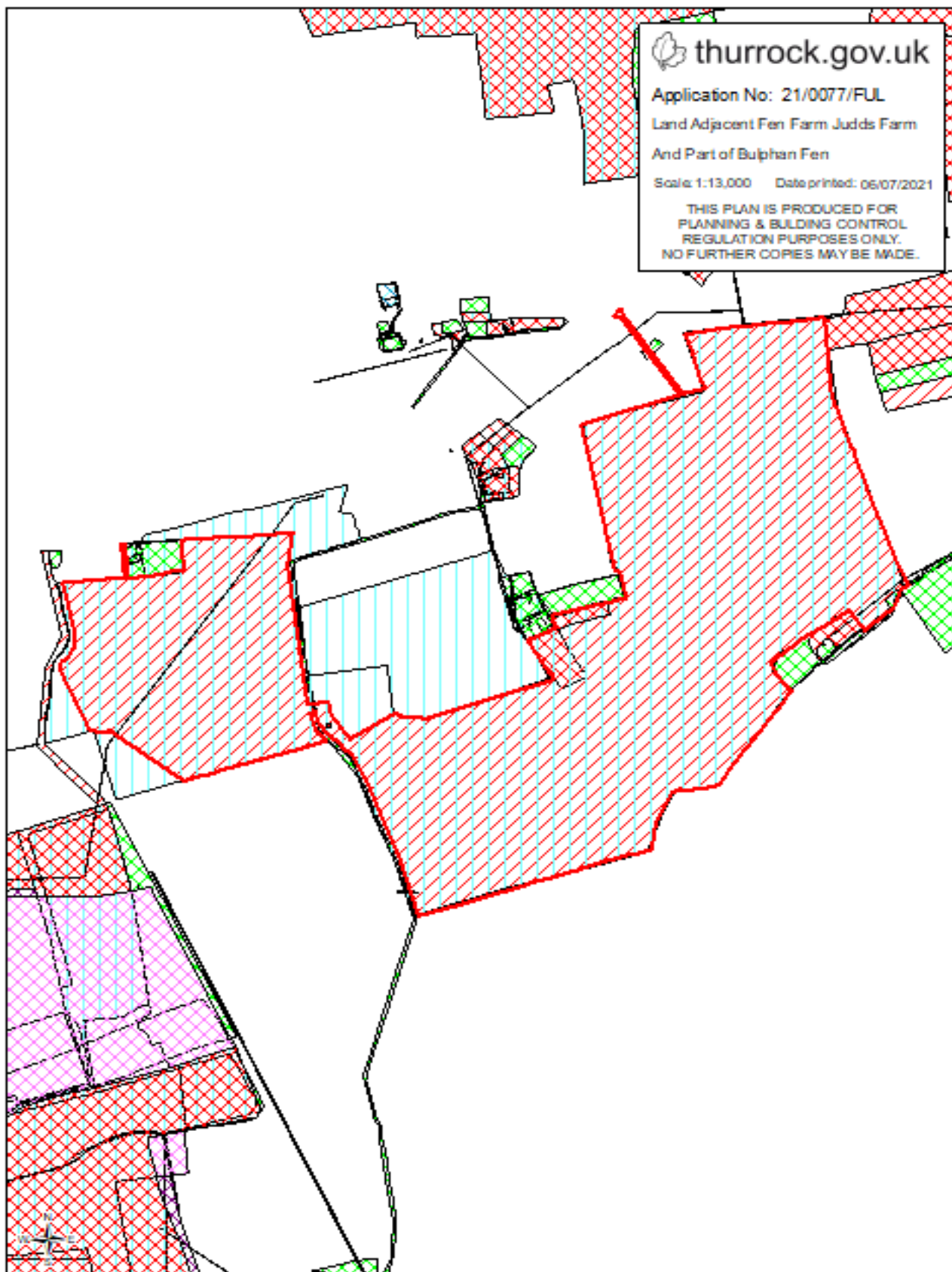
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

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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Agenda Item 9

Planning Committee: 23 September 2021

Application Reference: 20/00064/FUL

<p>Reference: 20/00064/FUL</p>	<p>Site: Town Centre Car Park King Street Stanford Le Hope Essex</p>
<p>Ward: Stanford Le Hope West</p>	<p>Proposal: Construction of a mixed use development comprising 245sq.m of retail / leisure / commercial units (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 32 residential units on upper floors together with an undercroft and surface car park (comprising 55 car parking spaces), access, landscaping and associated works.</p>

Plan Number(s):		
Reference	Name	Received
PL 1000K	Proposed Site Layout	26 th July 2021
PL 1100H	Proposed Floor Plans	6th May 2021
PL 1110H	Proposed Floor Plans	6th May 2021
PL 1120H	Proposed Floor Plans	6th May 2021
PL 1130H	Proposed Floor Plans	6th May 2021
PL 1140G	Proposed Plans	6th May 2021
PL 1160G	Proposed Plans	6th May 2021
PL 1200G	Proposed Elevations	6th May 2021
PL 1201G	Proposed Elevations	6th May 2021
PL 1210G	Proposed Elevations	6th May 2021
PL 1220F	Proposed Elevations	6th May 2021
PL 1230G	Proposed Elevations	6th May 2021
PL 1700H	Proposed Plans	6th May 2021
PL 1710F	Parking Bay Allocation Plan	18 th August 2021
PL 0001B	Location Plan	6th May 2021
PL 0100A	Existing Site Layout	6th May 2021
PL 0200	Existing Elevations	6th May 2021
10201-HYD-XX-XX-DR-S-210 Rev P3	Other	31st January 2020
0010A	Other	6th May 2021
0020 V5	Other	6th May 2021
0030F	Other	6th May 2021

PL1090 Rev C	Illustrative Plan Identifying Affordable Dwellings	2 nd August 2021
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The application is also accompanied by:

- Planning Statement
- Cover Letter, dated 6th May 2021
- Appeal Decision Letter, dated 29th January 2021
- Daylight and Sunlight Report, dated 4th May 2021
- Design and Access Statement, dated 26th April 2021
- Drainage Technical Note
- Arboricultural Assessment
- Heritage Statement
- Transport Assessment Parts 1,2 and 3
- Transport Assessment Addendum, dated 1st June 2021
- Verified Views Report
- Email from agent regarding Transport matters, dated 18th August 2021
- Transport Consultant Response Note, ref. JNY1169-02a, 17th August 2021

<p>Applicant: Capital Land Partners LLP c/o RPS Planning and Development Ltd</p>	<p>Validated: 31 January 2020 Date of expiry: 30 September 2021 (Extension of Time agreed with applicant)</p>
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Recommendation: APPROVE subject to conditions and completion of section 106 agreement

This application has been ‘called in’ to be determined by the Planning Committee by Cllr Hebb (Ward member), Cllr Watkins, Cllr Gledhill, Cllr Johnson, Cllr Jefferies and Cllr Maney in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) on the grounds of loss of amenity and impacts on local economy through the reduction of car parking spaces.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks full planning permission for the construction of a mixed use development comprising of three retail/leisure/commercial units of 245sqm (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 32 residential units on the upper floors of the proposed building together with an undercroft and surfaced

car park (comprising 55 car parking spaces), access, landscaping and associated works.

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

Site Area (Gross)	0.35ha						
Height	26.72m over 5 storeys						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Houses						
	Flats	6	26				32
	TOTAL	6	26				32
	Ground Floor	0 flats					
	First Floor	10 flats (2 x 1 beds & 8 x 2 beds)					
	Second Floor	10 flats (2 x 1 beds & 8 x 2 beds)					
	Third Floor	9 flats (7 x 2 beds & 2 x 1 beds)					
	Fourth Floor	3 flats (3 x 2 beds)					
	Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL	
Houses		-	-				
Flats		3	8				
TOTAL		3	8		11		
Commercial Floorspace		3 Ground Floor Commercial Units totalling 245 sq.m					
	Unit 1	92 sq.m					
	Unit 2	64 sq.m					
	Unit 3	89 sq.m					
	All units are proposed to fall in Use Classes A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food take-aways) and D2 (assembly and leisure)						
Car Parking	Within the site area: Flats: 1 space per unit – 32 spaces including 2 disabled spaces and 3 visitor spaces Commercial Units: 3 spaces Long Stay Season Permit Parking Bays: 15 Public Disabled Spaces: 2						

	Total: 55 spaces using part of the existing car park (26 spaces) and within the basement/ground level of the development (29 spaces) Total remaining public car parking spaces: 42 spaces (including 2 spaces within the site area and 40 outside of the site in the remaining car park area)
Cycle Parking	32 secure internal residential spaces, 2 visitor spaces and 4 commercial
Amenity Space	Balconies 7sq.m in size on average plus a 275 sq.m first floor amenity deck area and a 64 sq.m third floor amenity terrace on the corner of the building accessible by 6 of the third floor units
Density	91 units per Ha for the whole site

Background context

1.3 This application has been submitted following the refusal of planning application reference 18/00540/FUL, which was also dismissed on appeal. The main differences between the current application and the previous scheme are as follows:

- A reduction in the number of units from 47 to 32 (now 6 x 1 bed units and 26 x 2 bed units);
- The introduction of an amenity deck at the first floor level;
- A change in the allocation of car parking spaces, now including 32 spaces allocated for residential; 3 for visitors; 3 for the commercial units; 15 long stay season ticket parking bays and 2 public disabled accessible spaces. The applicant is also prepared to agree to the remaining car park spaces (42 outside of the site area) operating as a short term car park for shoppers and other visitors to the town centre. A pricing policy will be fixed, so as to prevent long term parking, and would be included within a Unilateral Undertaking.
- Scale and massing – Photomontage CGIs and Illustrative 3D images are provided to demonstrate the proposal has reduced the overall number of residential flats, and reduction in the scale and mass of the proposals.

Access

1.4 The development would be accessed via the existing car park from the High Street, which forms a one way system through to King Street. From the one way system a left turn would be created serving 40 remaining public car park spaces, 2 disabled accessible public spaces and 24 car parking spaces allocated for occupiers of the flats and the commercial units, which would be located in an area secured by a barrier system. Within the lower ground/basement area of the proposed building a further 29 car parking spaces would be provided in an under croft car parking arrangement

for occupiers of the flats and for their visitors. The existing car park exit onto King Street would remain the same.

Layout

- 1.5 The basement/ground floor level of the proposed building would mainly comprise of the car park behind three commercial units that would front onto King Street. The remaining basement/ground floor level would comprise servicing arrangements and cycle storage. The first to fourth floors would comprise of flats on each level accessed via internal stairways and lift systems with the numbers of flats per floor set out in the summary table above. On the roof of the building there would be an area allocated for photovoltaic solar panels.

Scale

- 1.6 The proposed building would step up in terms of storey heights from east to west, to a maximum height of 26.7m at five storeys; the building would be of a modern contemporary design featuring a palette of buff brickwork, glazing and stonework along with balcony features and a parapet style roof.

Amenity and Landscaping

- 1.7 Each flat would have a balcony/terrace as a form of amenity space and planters would be provided to the front elevation of the building fronting onto King Street. The first and third floors of the building would incorporate communal roof terracing areas with the first floor terraced area being the largest communal amenity space to the rear of the proposed building.

2.0 SITE DESCRIPTION

- 2.1 This application relates to an irregular shaped site measuring 0.35 hectares which is located in the middle of Stanford-le-Hope centre. The site is currently occupied by a derelict commercial premises on the corner of King Street/High Street which would be demolished as part of the development. The remainder of the site is currently used as a town centre car park providing 107 spaces. The site is bounded by the High Street, Church Hill and King Street.
- 2.2 In terms of location the site is located in the east of the borough of Thurrock and is approximately 250 metres north-east of Stanford-le-Hope railway station.
- 2.3 The topography of the site is such that ground levels slope upwards towards the junction of King Street/High Street. To the south of the site are two Listed Buildings, the Church of St Margaret of Antioch (Grade I) and the 'Inn on the Green' public house (Grade II).

- 2.4 The site is within the commercial centre of Stanford Le Hope with shops and other commercial properties fronting High Street and King Street, some with residential units above. Buildings are generally 2 to 3 storey in height.
- 2.5 The site is located approximately 200 metres north of Stanford-le-Hope railway station, which provides regular services to London (Fenchurch Street) and Southend. Stanford-le-Hope is also sufficiently served by bus services. The site is in very close proximity to the Manorway and, therefore, provides direct access to the Strategic Highway Network (A13), which subsequently feeds into the M25 and A127.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
12/50463/TTGFUL	Construction of a mixed use development, comprising retail store at ground floor level and 22 residential units at first, second and third floor levels together with a surface and decked car park (comprising 101 car parking spaces), access, landscaping and associated works	Approved (not implemented)
18/00540/FUL	Construction of a mixed use development comprising 159sq.m of retail/leisure/commercial units (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 47 residential units on upper floors together with an undercroft and surface car park (comprising 56 car parking spaces), access, landscaping and associated works.	Refused on 18.02.2019 Appeal Dismissed on 29.01.21

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.

At the time of writing, several petitions had been submitted (signed by a total of 458 signatories) objecting to the proposals on the following basis:

- Major impact on the viability of Stanford le hope town centre;
- Demanding any development should include 100 free car parking spaces which the petition signatories believe to form part of the sale agreement.

In addition, 23 letters of objection had been received raising the following comments:

- Loss of Amenity;
- Modern building would be out of character;
- Additional traffic and congestion;
- Insufficient parking for development;
- Access to site;
- Car park full of commuter parking;
- Loss of parking will cause shops to close, detrimental to local businesses and residents;
- Not enough parking proposed with the development and for visitors;
- Parking permits should be given to local residents of the High Street to allow longer staying customers to park out back;
- Nowhere to park for the shops;
- Council should not have sold the car park;
- Environmental pollution;
- Litter/smells;
- Possible excessive noise;
- Building needs reducing in size and the number of residential units;
- Development will infringe upon rights of access to businesses;

8 letters of support have also been received raising the following points:

- Proposal would create more jobs;
- Proposal would provide more housing;
- Landscaping improvements;
- Much needed amenity;
- Tidying waste ground;
- The new development would fit other modern development;
- Car park is an eyesore and attracts antisocial behaviour and the improved car park layout and security would be an improvement;
- Reduce the need for car ownership.

4.3 ANGLIAN WATER:

No objection subject to a condition requiring a surface water strategy.

4.4 CADENT GAS:

No objection.

4.5 EDUCATION:

A financial contribution of £91,974.42 is required towards nursery, primary and secondary provision or towards an extension to existing primary school/s in the Corringham and Stanford-le-Hope Primary School Planning Area [IRL reference IRL0068].

4.6 ENVIRONMENTAL HEALTH:

No objections subject to conditions requiring a scheme of soundproofing and ventilation for habitable rooms in the flats, a Construction and Environmental Construction Management Plan [CEMP], details of construction hours, and a watching brief for contamination. No implications for air quality.

4.7 ESSEX FIRE SERVICE:

No response.

4.8 ESSEX POLICE (ARCHITECTURAL LIASON OFFICER):

Recommend scheme seeks to achieve the Secured By Design accreditation.

4.9 FLOOD RISK ADVISOR

Holding objection as further information is required.

4.10 HIGHWAYS:

No objection subject to a S106 contribution for a contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area.

4.11 HOUSING:

No objection subject to the development providing 35% affordable housing provision to accord with LDF policy CSTP2 and the latest Strategic Housing Market Assessment [SHMA].

4.12 LANDSCAPE AND ECOLOGY ADVISOR:

No objection to the removal of trees subject to replacement trees to be agreed through a condition along with a landscaping condition. A planning obligation to secure £4,073.60 shall be needed to mitigate the impact of the development upon the Thames Estuary and Marshes Special Protection Area (SPA) as the site falls within the Zone of Influence for the Essex Coast RAMs requirement.

4.13 HERITAGE ADVISOR:

The harm caused to the Grade I listed Church of St Margaret of Antioch is considered 'less than substantial' and therefore this harm must be balanced against any public benefits which may arise as a result of the scheme (Paragraph 196 of the NPPF).

4.14 NATIONAL GRID:

No objection.

4.15 NHS (MID AND SOUTH ESSEX):

The proposed development is likely to have an impact on the services of up to 6 surgeries that operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area and a contribution of £12,650 is required.

4.16 PUBLIC FOOTPATH OFFICER:

Public Footpath 166 should not be obstructed and be kept open for use at all times unless a request for a temporary closure is required whereby an alternative route would be considered/agreed and a diversion route signed accordingly.

4.17 TRAVEL PLAN CO-ORDINATOR:

No objection subject to amendments to the applicant's 'Framework Travel Plan'.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20 July 2021 and sets out the government's planning policies. 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. 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.*

The assessment of the proposals against the development plan set out below refers to a number of policies, reflecting the nature of the proposals.

The Council's housing land supply is currently at 1.75 years. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)). In this regard, it is noted that the site is located within Stanford le Hope town centre as designated under Policy CSTP8, and this Policy refers to both retail, commercial and residential uses being acceptable.

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

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 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
- 16. Conserving and enhancing the historic environment

5.2 Planning Policy Guidance

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

- Climate change
- Design: process and tools
- Determining a planning application
- Effective Use of Land
- Flood Risk and Coastal Change
- Health and wellbeing
- Historic environment
- Housing and economic development needs assessments
- Housing and economic land availability assessment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Town centres and retail
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions
- Viability

5.3 Local Planning Policy Thurrock Local Development Framework

The “Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review” was adopted by Council on the 28th February 2015. 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)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP7 (Network of Centres)
- CSTP8 (Viability and Vitality of Existing Centres)
- CSTP14 (Transport in the Thurrock Urban Area)
- 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)
- PMD3 (Tall Buildings)
- PMD4 (Historic Environment)
- 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. Previous Refusal and Recent Appeal Decision
- III. The Loss of Parking and Impact upon the Town Centre
- IV. Housing Land Supply, Need, Mix and Affordable Housing
- V. Design and Layout and Impact upon the Area
- VI. Impact upon Heritage Assets
- VII. Traffic Impact and Access
- VIII. Internal Amenity Space and Living Conditions
- IX. Landscaping and Amenity Space
- X. Ecology and Biodiversity
- XI. Effect on Neighbouring Properties
- XII. Energy and Sustainable Buildings
- XIII. Viability and Planning Obligations
- XIV. Sustainability
- XV. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is located in the Stanford town centre and within the 'Shopping Areas' as defined on the LDF Proposals Map where policies CSTP7 (Network of Centres) and

CSTP8 (Vitality and Viability of Existing Centres) are applicable. Section 3 of policy CSTP7 identifies Stanford as an '*Existing Local Centre*' and encourages the following development:

- i. Renewal, upgrading or remodelling of existing floorspace;*
- ii. Additional small scale retail floorspace space in suitable locations that will strengthen the centres' retail offer;*
- iii. Investigation into the potential of a new supermarket on an appropriate site in Stanford-le-Hope to reduce convenience expenditure leakage from the east of the Borough.*

- 6.3 Policy CSTP8 seeks to '*maintain and promote the retail function of existing centres. Measures to improve the vitality and viability of the network of centres will be encouraged in order to meet the needs of the Borough's residents and act as a focus for retail, leisure, cultural, business and residential uses*'.
- 6.4 Paragraph 86 of the NPPF, and updated guidance in the PPG, recognises the importance of mixed uses in town centre locations including retail, leisure, office uses, and residential development where this would ensuring the vitality of centres. The Council's housing land supply is currently at 1.75 years. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)). In this regard, whilst it is noted that the site is located within the shopping area of Stanford town centre, that designation under Policy CSTP8 refers to such centres providing both retail and residential uses.
- 6.5 This current application follows application 18/00540/FUL, which was refused planning permission and dismissed on appeal for the reasons explained in the section below. It is important to note that the previous application was not refused for the principle of the development. It should also be recognised that prior to the 2018 application the principle of the development was established through planning permission in 2012 (12/50463/TTGFUL) which approved a mixed used development comprising of upper level residential development and a retail store designed to be used as a supermarket to meet criteria iii from policy CSTP7. However, the applicant's supporting information for this application demonstrates that no end user was interested in the supermarket from the 2012 application and the planning permission has since lapsed.
- 6.6 For the current scheme, the applicant is reliant upon criteria ii of policy CSTP7 as the development makes provision for three smaller retail/commercial units to complement the existing retail/commercial offer in Stanford town centre. The location of these ground floor commercial units would provide an important link between King Street and the High Street joining the two main shopping parades within the town centre which are currently separately by the current car park and derelict building on

site. Policy CSTP8 allows for residential uses in appropriate locations and paragraph 86 (f) of the NPPF recognises the importance of residential development in ensuring the vitality of centres. In this town centre location, it is considered that there are opportunities for further residential uses above ground floor level which would support the vibrancy of the town.

- 6.7 In summary, there are no in principle objections to the re-development of the site and the provision of retail/commercial uses at ground floor level. However, as a resubmission of a previously refused and dismissed application (18/00540/FUL) it needs to be demonstrated that the reasons of refusal and appeal dismissal have been addressed.

II. REASONS FOR REFUSAL AND RECENT APPEAL DECISION

- 6.8 As set out above, this application is a resubmission of a previous application (18/00540/FUL) which was refused planning permission at the Planning Committee meeting of 14 February 2019 for the following two reasons:

- 1. The development would result in the significant loss of public parking which would undermine the vitality of Stanford Le Hope town centre, contrary to the aims of the NPPF which seeks to promote sustainable development and requires development proposals to enhance the vitality of town centres. For this reason, the development also fails to comply with Policy CSTP8 of the Council's Core Strategy (2015).*
- 2. The development, by reason of its scale and mass would appear overly dominant and out of keeping with the prevailing townscape, contrary to the aims of section 12 of the NPPF and Policy PMD2 of the Council's Core Strategy (2015).*

- 6.9 Following the refusal, the applicant appealed against the decision which was dismissed on 8th December 2020. The Planning Inspectorate rejected the appeal for the following two reasons:

- 1. The impact of the blank 'podium' wall along the boundary at the corner junction of the King Street and the High Street, which would result in a significant harm to the character and appearance of the town centre; and,*
- 2. That around three fifths of the proposed flats would be single aspect and north west facing with the lower flats likely to be overly gloomy and not receive sufficient light.*

- 6.10 In summing up his conclusions on the appeal proposals, the Inspector concluded,

'The proposal would provide significant public benefit, as set out in the heritage balance earlier in this decision. However, I have identified significant harm to the living conditions of future occupants, and the character and appearance of the area. Furthermore, the proposal would result in less than substantial harm to the listed building, which carries considerable importance and weight.'

- 6.11 From this it should be noted that the planning appeal was not dismissed for the Council's two reasons of refusal as the Inspector accepted that the loss of public parking would not undermine the vitality of Stanford Le Hope town centre, and nor would the scale and mass of the development appear overly dominant and out of keeping with the prevailing townscape.

III. THE LOSS OF PARKING AND IMPACT UPON THE TOWN CENTRE

- 6.12 As set out above, the Planning Inspector did not agree with the Council's reason of refusal and commented that *'Stanford-le-Hope town centre car park, which includes part of the appeal site, provides around 107 pay and display parking spaces for public use. Town centre parking is further supplemented by free, short stay on-street parking bays in front of the King Street shopping parade. These appear popular with customers 'popping in' to the shops. The proposal [subject to the appeal] would reduce the town centre carpark capacity by around 64, to 43 spaces. As set out in the UU, it is intended that the remaining spaces would be used for public parking, with a focus on short stay provision, subject to a detailed parking scheme to be submitted to the Council. The [Appellant's] Unilateral Undertaking sets out that the detailed parking scheme would include provision of some all-day spaces, for example for shop workers and/or other types of parking that may be agreed in the light of an assessment of need for different types of parking.'*
- 6.13 The Inspector acknowledged that it was intended that the proposed car park would not provide free parking, but considered that this would not prohibit viable quantities of custom for the town centre shops and facilities. The Inspector also noted the nearby railway station car park provides alternative parking. The Inspector concluded that these factors point to the likelihood of Stanford-le-Hope town centre being viable in the future, including if the proposed [appeal] development were within it complying with Policy CSTP8.
- 6.14 In comparison to the previous application/planning appeal more information has been provided by the applicant with this current application regarding the car park's usage over the periods November – February 2018/19 and October – December 2019. The applicant's surveys show underutilisation of the car park and demonstrate that the car park is not operating at capacity. This is because the car park therefore offers a cheaper long stay alternative in comparison to the nearby station car park and a chargeable short stay period in comparison to the 2 hours free on street parking 8am

to 6pm Monday to Saturday in King Street and the High Street.

- 6.15 The Council's Highway Officer advises that the applicant's usage information of the car park, identifying 15 long stay parking spaces secured via season ticket/permit scheme, the commercial parking spaces and some of the residential spaces which would all be accessible via a control barrier system, would be acceptable. The remaining 42 public car parking spaces would be sufficient for public use. It is also noted that the applicant is prepared to agree to provide a planning obligation to ensure the 42 public car parking spaces remain as a car park for the town centre operating as a short term car park for shoppers and other visitors to the town centre.
- 6.16 In considering this current application Members need to be mindful that the car park is privately owned and in theory could be closed permanently at any time resulting in the complete loss of this town centre car park. If this were to happen only on street parking in the town centre would remain, which would lead to reduced public car parking availability in the town centre. The existing roads around the town centre are currently subject to three zones reserved for permit holders with two of these zones coming into force from June 2019 meaning that on street parking beyond King Street and the High Street is restricted.
- 6.17 It is not considered that a refusal based upon car parking could be sustained at appeal, given the very recent Planning Inspectorate decision, the applicant's amendments and in the absence of any objection from the Highways Officer. In conclusion under this heading, the proposed car parking arrangements are considered acceptable and would result in no conflict with Policy CSTEP8 or paragraph 86 of the NPPF.

IV. HOUSING LAND SUPPLY, NEED, MIX AND AFFORDABLE HOUSING

- 6.18 The Council at present cannot demonstrate an up to date five-year housing land supply to comply with the requirements of a paragraph 67 of the NPPF. The relevant housing policies CSSP1 (Sustainable Housing and Locations) and CSTEP1 (Strategic Housing Provision) should not be considered up to date, for housing need, if the Council cannot demonstrate a five-year housing land supply. The proposal would contribute to the housing land supply providing the development is built within 5 years.
- 6.19 Policy CSTEP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest (May 2016) Strategic Housing Market 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. In terms of the housing need requirement, the SHMA identifies a predominant need for 1 and 2 bedroom flats. The proposed development would

provide flatted development in compliance with the SHMA and therein assist in meeting housing need and delivering a recognised dwelling mix requirement, in accordance with the requirements of policy CSTP1.

- 6.20 With regard to affordable housing, policy CSTP2 seeks to achieve 35% of the development to be allocated for affordable housing. The applicant is offering a policy compliant level of 35% affordable housing for this development and this can be secured through a planning obligation to a future s106 legal agreement. The proposed housing mix demonstrates that the affordable housing units would be 3 x 1 bedroom units and 8 x 2 bedroom units.
- 6.21 In conclusion under this heading, the development would contribute to the Council's five year housing land supply needs, would provide a housing mix to accord with the SHMA and would provide a policy compliant level of affordable housing.

V. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.22 Policies CSTP22 and CSTP23 seek to create high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings for various criteria.
- 6.23 In addition to policy the Thurrock Design Strategy, which seeks achieve high quality design within the Borough, was adopted in 2017 as a supplementary planning document and endorsed as a material consideration in the determination of planning applications.
- 6.24 Chapter 12 of the NPPF acts as a benchmark to new development, through paragraph 124, requires *'the creation of high quality buildings and places'*. The PPG now includes a National Design Guide which requires consideration to be given to ten characteristics: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

Context

- 6.25 King Street and the High Street are characterised by terraces of two and three storey buildings providing commercial uses on the ground floor and some residential above. To the west of the site are two storey buildings with pitched roofs, whilst opposite is a three storey terrace. The car park forms the only flat / levelled open area in this location. One of the key buildings in Stanford town centre is the church which can be seen from within the site and various vantage points around the town centre. The church also forms a dominant feature on the skyline from outside Stanford Le Hope.

Layout

- 6.26 The principal elevation of the building would front King Street and would present three commercial units at ground floor level. The return frontage onto the High Street would not include any access to ground floor commercial units as the ground level rises towards the High Street although revisions have been made to include glazing for the ground floor commercial units on this return elevation. The proposed layout would retain the car park at the rear of the site which would be partly segregated for residential parking but would also retain part of the existing public car park. The existing car park entrance and exit for vehicular traffic would remain the same.

Scale, Massing, Height and Appearance

- 6.27 The second reason of refusal from the previous application was due to the scale and mass of the proposed development being overly dominant and out of keeping with the prevailing townscape, contrary to the aims of section 12 of the NPPF and Policy PMD2 of the Council's Core Strategy (2015). However, the Inspector considered the previous proposal to be of a *'bold and substantial modern change to a relatively open area of land at the heart of the town centre'*, concluding that, *'it would breathe new life into, and to some extent have a unifying effect on, the townscape.'* The Inspector was critical of the appearance and design of the northern corner of the previous proposal and the substantial expanse of the proposed podium wall at street level, stating that the scale of the blank wall would appear overly dominant and abrupt, jarring the street scene. The Inspector concluded that the podium wall element of the proposal would result, *'in significant harm to the character and appearance of the town centre'*.
- 6.28 The applicant's Planning Statement makes reference to the proposal creating a landmark building in this location and makes reference to 2012 planning permission which approved a development that was taller at more than 30m high when compared to the current proposal for a building 26.7m high. The previous refusal (under 18/00540/FUL) was also for a building with an overall height of 26.7m however, the applicant has reflected upon the decision made by the Planning Inspectorate, with particular reference to the Inspector's concerns relating to the number of previously proposed units which would have had single aspect windows, which has resulted in the subsequent revised scheme. The revisions have resulted in the scheme being reduced in mass and scale by virtue of the omission of the 15 units within the depth of the block which would have had a single aspect, including the removal of the previously proposed ground floor unit. The 'podium' design concerns raised by the Inspector at appeal, for the corner of the building and a high wall at the point the High Street and King Street meet, have also been addressed with the design revised to incorporate a commercial unit to this corner of the ground floor which would be fully glazed and the blank façade of the previous high walled edge of the podium removed and the corner softened with planters. The result is a

scheme which would have an identical overall maximum height but a reduced mass and overall scale and an improved detailed design and using high quality materials.

- 6.29 In seeking to address the reason of refusal, and in addition to the plans and information provided in the Design and Access statement, the applicant has provided three (3) photomontage CGIs to demonstrate the impact of the development. This is shown through two (2) photographs for each photomontage, one showing the existing appearance of the site/street scene and another showing the same image but including the appearance of the proposed development from differing viewpoints. Consequently, the revised proposal is not considered that the revised design of the current proposal would warrant a recommendation to refuse the application on the basis of its appearance or impact upon the character of the area.
- 6.30 Matters of design and appearance associated with this proposal are finely balanced, but in the context of the recent appeal decision, the proposal is considered to comply with policies CSTP22, CSTP23 and PMD2.

VI. IMPACT UPON HERITAGE ASSETS

- 6.31 The development would be within close proximity of the Church of St Margaret of Antioch, which is a grade I listed building and therefore careful attention should be paid to the potential impacts upon the setting and views of the heritage asset.
- 6.32 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'.
- 6.33 The Council's Historic Buildings and Conservation Advisor considers that the proposal would *'fail to preserve the special interest of the listed building'*, but the level of harm is considered 'less than substantial'. 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'*.
- 6.34 The assessment is a matter of judgement. The applicant has argued that the development would be beneficial to the town centre because it would provide new residential accommodation (including 35% affordable housing provision) in the urban area, new commercial units, public realm improvements and the regeneration of derelict buildings.

- 6.35 From the planning appeal the Inspector did not object to the proposed development's impact upon heritage assets and stated that the proposed [appeal] building would substantially increase the built mass on the site, with an apartment block up to five storeys high. This would obscure middle-distance views of the church tower for pedestrians in the vicinity of the appeal site's King Street frontage, including the pedestrian crossing. The Inspector went on to conclude, *'That said, intervening buildings and vegetation beyond the appeal site already limit views of the listed building. As such, much of the older historic core of the listed building is obscured from the appeal site and its King Street frontage for much of the year. Consequently, appreciation of the older historic core of the listed building and its churchyard takes place primarily at closer quarters than the appeal site.... As such, a relatively small proportion of the town centre would be deprived of a view of the upper part of the church tower. The above combination of factors lead me to find that the proposal would have a limited negative impact on the setting and significance of the listed building.'*
- 6.36 Taking into account the above assessment for this section of the report it is considered that the benefits of the scheme would outweigh the 'less than substantial harm' impact upon the listed church.
- 6.37 A second heritage asset within close proximity of the site is the 'Inn on the Green' public house, which is a grade II listed building. This heritage asset is located at the southern end of the High Street and with existing development in between the proposal would not adversely impact upon the setting of this listed building. This overall assessment is also the conclusion drawn by the Inspector for the recent appeal when they applied the tilted balance view in assessing the scheme versus the matter of harm to the heritage assets.
- 6.38 In conclusion under this heading, the benefits of the scheme would outweigh the 'less than substantial harm' impact upon the nearby heritage assets

VII. TRAFFIC IMPACT AND ACCESS

- 6.39 The site is located in a town centre location and is therefore within close proximity of retail, employment, education and commercial uses as well community support services. The site's location is within easy access of transport hubs including local bus stops and the nearby railway station. The site is therefore considered to be located in a sustainable location for residential and commercial uses.
- 6.40 The current one way car parking system is accessed from a dedicated vehicle access the northern end of the High Street and egressed from a dedicated vehicle access onto King Street. This access arrangement would remain the same as existing. The access would allow for vehicle access to the car parking spaces underneath the

proposed building, the allocated residential parking spaces and the remaining public car park to the south, outside of the site. The Council's Highway Officer raises no objections to the access arrangement which is acceptable with regard to policy PMD9.

- 6.41 In terms of traffic impact the applicant's Transport Assessment Addendum (Table 1) identifies that the proposed 32 unit scheme could be expected to generate 7 and 9 two-way trips in the morning and evening peak periods and a total of 90 two-way vehicle movements during the 12 hour day, equating to 74 fewer two-way vehicle trips daily than the previously appealed scheme (18/00540/FUL) which could have resulted in 164 two way vehicle movements during the day (TA para 5.8). In addition to the vehicle movements resulting from the proposed development the applicant's TA identifies that the development would have 'minimal' impact upon the local highway network and 'minimal' impact upon the public transport network. In this town centre location the proposed level of vehicle movements raises no objection.
- 6.42 The applicant's draft 'Framework Travel Plan' raises no objections from the Council's Travel Plan Co-ordinator but requires some amendments to the text within the document to allow for monitoring, which can be agreed through a revised travel plan as a planning condition, which would accord with the requirements of policy PMD10 and paragraph 111 of the NPPF.
- 6.43 There are 32 cycle parking spaces proposed which includes secure cycle parking within the building for residents and a further 7 external cycle parking hoops to the front and side of the building for the commercial uses and visitors, which is acceptable and can be secured through planning condition.
- 6.44 Public Footpath 166 runs through the site between Church Hill and King Street. The proposed site plan shows that the existing route of the public footpath will be retained in its same position with improvements through surfacing materials. These changes are considered to be a beneficial improvement to the public footpath. The Council's Footpath Officer has advised that the route should not be obstructed and should be kept open for use at all times unless a request for a temporary closure is required, whereby an alternative route would need to be considered/agreed and a diversion route signed accordingly, which can be included as an informative to this application as there is a separate process for temporary closure/diversion of a public footpath outside of the scope of this planning application.
- 6.45 The Council's Highway Officer has identified a planning obligation for a financial contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area

VIII. INTERNAL AMENITY SPACE AND LIVING CONDITIONS

- 6.46 From the planning appeal the Inspector considered that the previous proposal involved three fifths of the then proposed 47 units having a single aspect with six of the flats being both single aspect and north-west facing. The Inspector concluded that the proposal would result in the amenities of the occupiers of these flats being at harm due to the lack of receivable light stating that the proposal would be contrary to Policies CSTP22 and PMD2 for this reason. The proposal subject of this application have omitted the single aspect layout of the previous refusal by removing a number of flats from the rear elevation of the proposed building to allow for all flats to benefit from a dual aspect layout improving light and amenity for future occupiers.
- 6.47 The two bedroom flats would all provide an acceptable level of internal amenity space for the future occupiers. Three of the one bedroom flats would be slightly under the minimum 45 sq.m required by Council standards; however, these three flats would be one person occupied one bedroom units and it is not considered that the slight shortfall would be harmful to the occupiers or result in any detriment to their amenities. Overall, the proposal would provide an adequate level of internal amenity space for all of the flats proposed complying with Council standards and the national technical space standards.

IX. LANDSCAPING AND AMENITY SPACE

- 6.48 The applicant's Arboricultural Report identifies 24 trees within the site and these include a line of Leylandii trees on the eastern boundary street corner of the High Street and a row trees along the eastern boundary of the car park, which includes a sycamore tree and a birch tree. All of these trees would be removed as the proposed building would occupy this part of the site. This was considered acceptable with the previous permission and whilst it is unfortunate to lose trees, the applicant's Arboricultural Report recommends that at least five trees are planted to compensate for the loss of the higher categorised trees. Details of replacement trees and their location shall need to be agreed through a planning condition along with details of the proposed landscaping scheme, also through a planning condition. Both conditions can therefore help compensate for the loss of trees in consideration with the requirements of policy PMD2.
- 6.49 The plans show that each flat would have a 7 sq.m balcony, in addition to a communal roof terrace area measuring 64sq.m and larger terraced amenity deck area measuring 275 sq.m. The communal terraced areas and individual private balconies are considered an acceptable form of amenity space for each flat in this town centre location having regard to policy PDM2. The nearest public park, Hardie Park, is located within an acceptable walking/cycling distance of the site, along with the park to the south of Billet Lane, for further amenity usage.

6.50 In conclusion under this heading, replacement trees and landscaping can both be secured through planning conditions and the level of amenity provision for future occupiers is considered acceptable for this town centre location/

X. ECOLOGY AND BIODIVERSITY

6.51 The site does not form part of a designated site for nature conservation interest (on either a statutory or a non-statutory basis). However, the site falls within the ‘Zone of Influence’ of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site and it requires the Local Planning Authority to undertake a Habitat Regulations Assessment to understand the impact.

Habitats Regulations Assessment

6.52 In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 63 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site*

The competent authority must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

6.53 The table below is the Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained in the table below with the LPA’s response to each stage:

Stage	LPA response
Stage 1 is to identify whether the proposals are	The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify:

<p>directly connected with or necessary to site management for conservation;</p>	<ul style="list-style-type: none"> • New dwellings of 1+ units (excludes replacement dwellings and extensions) • Houses of Multiple Occupancy (HMOs) • Residential care homes and residential institutions (excluding nursing homes) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and traveling show people plots <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.</p>
<p>Stage 2 (Screening for Significance of Likely Effects) is necessary to examine if the proposals, in the absence of mitigation are 'likely to have a significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects;</p>	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the 'summary' section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements.</p> <p>Provided this mitigation is secured it can be concluded that this planning application will not have an adverse effect on the integrity of the above European site from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.</p>
<p>Stage 3 (Appropriate Assessment) is if 'likely to have</p>	<p>The application would result in a net increase of 32 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and</p>

<p>significant effects' on a European site were to occur solutions should be established to avoid or have a lesser effect on European sites.</p>	<p>Marshes SPA and therefore requires an Appropriate Assessment</p> <p><u>Summary of recreational disturbance mitigation package:</u> The application is for a net increase of 32 dwellings. The site is not within or adjacent to the SPA. 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.</p> <p>The current tariff is £127.30 per unit. Therefore the financial contribution should be £4,073.60 and this can be secured through a planning obligation.</p>
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- 6.54 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 6.55 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £4,073.60 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy. The applicant has agreed to provide the necessary mitigation within their Unilateral Undertaking.
- 6.56 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms 'Recommendation A'.

XI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.57 At ground floor level the majority of properties in King Street and the High Street have commercial usage but at first floor level and above, for those properties which are three storeys, there are flats above the ground floor uses.
- 6.58 The nearest buildings are 22/24 King Street which is located on the corner of King Street and the exit of the car park, directly to the west of the site, and 29-33 High Street located to the south east of the existing car park access.

- 6.59 For 22/24 King Street, which is in use as a taxi office, there are two windows on the eastern flank elevation which face towards the site but given the distance between the buildings across a public street these windows are not considered to be adversely affected. On the western elevation of the proposed development there are windows at first floor level which face towards the windows at 22/24 King Street but the nearest window faces across a public street and is not the sole source of light or outlook for the nearest proposed flat. The same layout is repeated for the second floor with the third floor identifying a balcony for this part of the building. A previous permission (12/50463/TTGFUL) was for a taller development that would have projected closer to 22/24 King Street was not considered unacceptable. This proposal would not adversely affected the neighbouring amenities 22/24 King Street.
- 6.60 For 29-33 High Street there are no windows in the northern flank elevation which face the site but there is an external staircase that serves amenity areas to the flats at first floor level on the western elevation of 29-33 High Street but this is located at an elevated position. The nearest flats in the proposed development would have oblique views of this amenity area but this is not considered to result in any adverse impact upon neighbouring amenity.
- 6.61 The applicant's Sunlight and Overshadowing Impact Assessment has considered the potential impact of the development upon all surrounding windows in the neighbouring/nearby existing buildings. This assessment has been undertaken in accordance with the Building Research Establishment (BRE) guidelines and demonstrates that there is no adverse daylight or sunlight implications for neighbouring occupiers.
- 6.62 The proposed development and its end users are not likely to give rise to any significant increase in noise and disturbance upon the surrounding area in terms of amenity impacts. The existing access entrance and exit would remain and therefore the noise climate in the area would be similar. No objections have been raised by the Council's Environmental Health Officer but conditions are recommended requiring a scheme for soundproofing and ventilation to be agreed to ensure habitable rooms meet the required British Standards (BS8233:2014) for the internal noise environment. It is also considered necessary for future hours of use and delivery hours to be agreed through a planning condition in the interests of the upper levels of residential use.
- 6.63 In terms of the neighbouring amenity impact the proposal is considered acceptable with regard to policy PMD1.

XII. ENERGY AND SUSTAINABLE BUILDINGS

- 6.64 In terms of meeting the requirements of policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low Carbon Energy Generation) it is stated in the applicant's Design and Access Statement that the development incorporate recycling facilities, the construction materials used would ensure the building is energy efficient, low water usage fittings would be installed, surface water would be attenuation and managed as part of a drainage strategy, and on the roof of the development photovoltaic panels would be installed for renewable energy provision. Details of these installations shall need to be agreed through a planning condition to ensure the installations do not project above the parapet of the roof to be visible from ground level as this would impact upon the design of the building.
- 6.65 In conclusion under this heading, a planning condition shall secure details of the photovoltaic panels, which are shown on the plans for the roof of the proposed building.

XIII. VIABILITY AND PLANNING OBLIGATIONS

- 6.66 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.
- 6.67 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 will continue 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.
- 6.68 Paragraph 57 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*
- 6.69 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 applicant is offering planning obligations as the following planning obligations have been identified for this proposal:

- Housing - For 35% of the proposed development to be provided for affordable housing and with a 50% affordable rented and 50% shared ownership;
- Education - A financial contribution of £ 91,974.42 is required towards nursery, primary and secondary provision or towards an extension to existing primary school/s in the Corringham and Stanford-le-Hope Primary School Planning Area (IRL reference IRL0068);
- Highways - A financial contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area ;
- Parking Scheme – to retain the public car park (shown in the blue line area on the location plan) as a short term public car park with a pricing system fixed for a maximum of three hours stay and a no return period within four hours, and within the site to provide 15 long term parking spaces in addition to the parking spaces identified residential, commercial, visitor and disabled parking spaces;
- Healthcare Services – A financial contribution of £12,650 towards local healthcare services; and,
- A financial contribution of £4,073.60 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.

6.70 Subject to the completion of the s106 agreement to mitigate the impact of the development there are no objections raised to approving the development.

XIV. OTHER MATTERS

6.71 The site is located in a low risk flood zone (Flood Zone 1) so is acceptable for development in flood risk terms. The Council's Flood Risk Advisor has issued a holding objection as further information is required, however, it is considered that as this site is previously developed land in this town centre location details of surface water management can be determined through a planning condition in this instance and with regard to policy PMD15.

6.72 There are no records of contamination on site however the Council's Environmental Health Officer has requested a Watching Brief for contamination which can fall within the criteria of a Construction Environmental Management Plan (CEMP) planning condition if consent were to be granted.

- 6.73 The Council's Environmental Health Officer has raised no air quality issues for this development.
- 6.74 For the construction phase of the development a Construction Environmental Management Plan can be secured through a planning condition which is necessary to agree hours for construction, control of dust and noise, and highway implications.
- 6.75 The applicant's TA identifies that refuse and recycling collections and deliveries to the site would take place at an allocated loading bay adjacent to the south elevation of the building, which is acceptable.

XV. SUSTAINABILITY

- 6.76 Paragraph 7 of the NPPF explains that the purpose of the planning system is to achieve sustainable development and 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.
- 6.77 For the economic objective the proposal would create employment opportunities for the construction phase and operational phase for the three commercial units. When the development is occupied new residents would provide household spending within the local economy in this town centre location. The dwellings would provide an opportunity for local people to live and work in this area. However, the loss of public car parking in the town centre would reduce visitors and shoppers which would economically affect the vitality and viability of the town centre.
- 6.78 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.
- 6.79 For the environmental objective the proposed development's impact upon the surrounding area would be acceptable given the Inspectorate's recent decision. Other environmental considerations including the impact upon the historic environment, amenity, noise and disturbance, surface water management and energy efficiency raise no objection. However, all three objectives need to be satisfied to achieve sustainable development but for the reasons explained the sustainability objectives would not be achieved.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 As set out above, the presumption in favour of sustainable development is applicable and the application of the NPPF, particularly Paragraph 11d), requires that residential

development is supported unless the harm caused clearly and demonstrably outweighs the benefits. The proposal would lead to the re-development of a town centre site providing new homes (including affordable homes) that would contribute to the Council's five-year housing supply as well to the benefit of the vitality of the town centre. The proposal would also provide three new commercial units in the town centre proving further benefit to the town centre. The proposal would result in the loss of some public car parking spaces however the loss of those public spaces was not considered likely to harm the vitality and viability of the town centre at a recent appeal decision and consequently there would be no likelihood of sustaining any refusal on the basis of the loss of public parking spaces in this town centre location. Whilst the proposal would be taller than the surrounding townscape, in light of the recent decision by the Planning Inspectorate, whereby a larger scale and mass proposal was considered acceptable in principle, the scale and mass of the proposed development would be considered acceptable. The application is therefore recommended to Members for approval.

8.0 RECOMMENDATION

Recommendation A:

- 8.1 That the local planning authority formally determine pursuant to regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

- 8.2 Approve the application for the reasons given in this report and delegate authority to the Assistant Director – Planning, Transport and Public Protection to grant planning permission subject to all of 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:
 - Housing - For 35% of the proposed development to be provided for affordable housing where the affordable housing will be split 50% affordable rented and 50% shared ownership
 - Education - A financial contribution of £91,974.42 towards nursery, primary and secondary provision or towards an extension to existing primary school/s in the Corringham and Stanford-le-Hope Primary School Planning Area [IRL reference IRL0068];

- Highways - A financial contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area ;
- Parking Scheme – To retain the public car park (shown in the blue line area on the location plan) as a short term public car park with a pricing system fixed for a maximum of three hours stay and a no return period within four hours, and within the site to provide 15 long term parking spaces in addition to the parking spaces identified for residential, commercial, visitor and disabled parking spaces;
- Healthcare Services – A financial contribution of £12,650 towards local Healthcare Services; and,
- Essex Coast RAMS Zone of Influence Mitigation Payment of £4,073.60.

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
PL 1000K	Proposed Site Layout	26 th July 2021
PL 1100H	Proposed Floor Plans	6th May 2021
PL 1110H	Proposed Floor Plans	6th May 2021
PL 1120H	Proposed Floor Plans	6th May 2021
PL 1130H	Proposed Floor Plans	6th May 2021
PL 1140G	Proposed Plans	6th May 2021
PL 1160G	Proposed Plans	6th May 2021
PL 1200G	Proposed Elevations	6th May 2021
PL 1201G	Proposed Elevations	6th May 2021
PL 1210G	Proposed Elevations	6th May 2021

PL 1220F	Proposed Elevations	6th May 2021
PL 1230G	Proposed Elevations	6th May 2021
PL 1700H	Proposed Plans	6th May 2021
PL 1710F	Parking Bay Allocation Plan	18 th August 2021
PL 0001B	Location Plan	6th May 2021
PL 0100A	Existing Site Layout	6th May 2021
PL 0200	Existing Elevations	6th May 2021
10201-HYD-XX-XX-DR-S-210 Rev P3	Other	31st January 2020
0010A	Other	6th May 2021
0020 V5	Other	6th May 2021
0030F	Other	6th May 2021
PL1090 Rev C	Illustrative Plan Identifying Affordable Dwellings	2 nd August 2021

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

Use Classes Commercial Units

- The ground floor commercial units shall only be used for uses falling with Classes A1, A2, A3, A4, A5 and D2 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

Reason: In the interests of retaining commercial uses on the ground floor having regard to 'main town centre uses' as identified in policy CSTP8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Materials

- No development, with the exception of demolition, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. In addition, the details shall include all surface

materials, balcony detail, metering arrangements and fenestration details [including reveals]. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Replacement tree planting details and implementation

5. Prior to first occupation of the development hereby permitted details of replacement trees to be planted in the neighbouring area of the site, or at a site suitably identified, shall be submitted to and approved in writing by the Local planning authority. The tree details shall include the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme, unless otherwise to be maintained in agreement with the Council's leisure and/or tree officers. The tree planting 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 is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree 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 compensate for the removal of the existing trees on or along the boundary of the site and secure appropriate landscaping in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscaping Scheme

6. Prior to first occupation of the development a detailed scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The details shall include all hard surfacing details. The scheme of landscaping shall be implemented as approved and all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

Landscape Management Plan

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

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

Parking Provision

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Electric Charging Points

9. Prior to the occupation of the development details of electric charging points for vehicle parking spaces shall be submitted to and approved by the local planning

authority. The electric charging points shall be installed as approved 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 Provision

10. Prior to first occupation of the development hereby permitted the cycle storage areas as shown on the approved plans shall be made available for use in accordance with the approved plans and shall be retained for bicycle storage use thereafter.

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

Travel Plan

11. Notwithstanding the details stated in the 'Framework Travel Plan' dated 19 April 2018 prior to the first residential occupation of the dwellings and/or commercial hereby permitted, a revised Travel Plan taking into account the comments from the consultation response from the Council's Travel Plan Co-ordinator shall be submitted to and agreed in writing with the local planning authority. 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 first occupation 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 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].

Hours of use and delivery hours

12. Prior to first use of the commercial units hereby approved details of the proposed hours of use and hours of any deliveries shall be submitted to and approved in

writing by the local planning authority. The approved hours of use shall be implemented in accordance with the approved details and retained in such arrangement.

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

Outside Storage

13. No goods, materials, packaging or other similar items shall be stored or kept outside of the front elevation of the building which fronts onto King Street.

Reason: In the interests of visual amenity as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Refuse and Recycling Provision

14. Prior to first occupation of the flats and/or commercial uses the refuse and recycling storage facilities as shown on the approved plans shall be made available for use in accordance with the approved plans and shall be 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].

Surface Water Drainage Scheme

15. No development, with the exception of demolition, shall commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage technique has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first occupation of the development hereby permitted.

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].

Surface Water Maintenance Plan

16. Prior to first occupation of the development hereby permitted 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].

Solar Panels and Photovoltaic

17. Prior to first occupation of the development hereby permitted details of the roof mounted solar or photovoltaic panels shall be submitted to and approved in writing by the local planning authority. The details shall include siting and height of the panels to ensure they do not project above the parapet. The roof mounted solar or photovoltaic panels shall be installed in accordance with the details as approved and retained for renewable energy provision thereafter.

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

External lighting

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

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

Communal TV/Satellite

19. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking or re-enacting that Order with or without modification] no flat shall be occupied until details of the number, size, external appearance and the positions of the communal satellite dish(es) have been submitted to and agreed in writing by the local planning authority prior to the installation of such systems. The agreed communal satellite dish systems shall be installed prior to the residential occupation of the flats and retained thereafter. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any Order revoking or re-enacting that Order with or without modification] no additional satellite dish(es) or aerials shall be fixed to the building without the prior written approval of the local planning authority.

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

Construction Environmental Management Plan (CEMP)

20. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (e) Details of construction any access or temporary access, and details of temporary parking requirements;
- (f) 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

- (g) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (h) Details of any temporary hardstandings;
- (i) Details of temporary hoarding;
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (l) Measures to reduce dust with air quality mitigation and monitoring,
- (m) Measures for water management including waste water and surface water discharge;
- (n) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (o) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (p) A Site Waste Management Plan,
- (q) Details of security lighting layout and design; and
- (r) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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].

Informatives:

Public Right of Way Diversion

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

Stanford-le-hope Resident's Permit Parking Scheme

2. The properties within this development will not be eligible for inclusion with the Stanford-le-hope Resident's Permit Parking Scheme.

Advertisement Signage

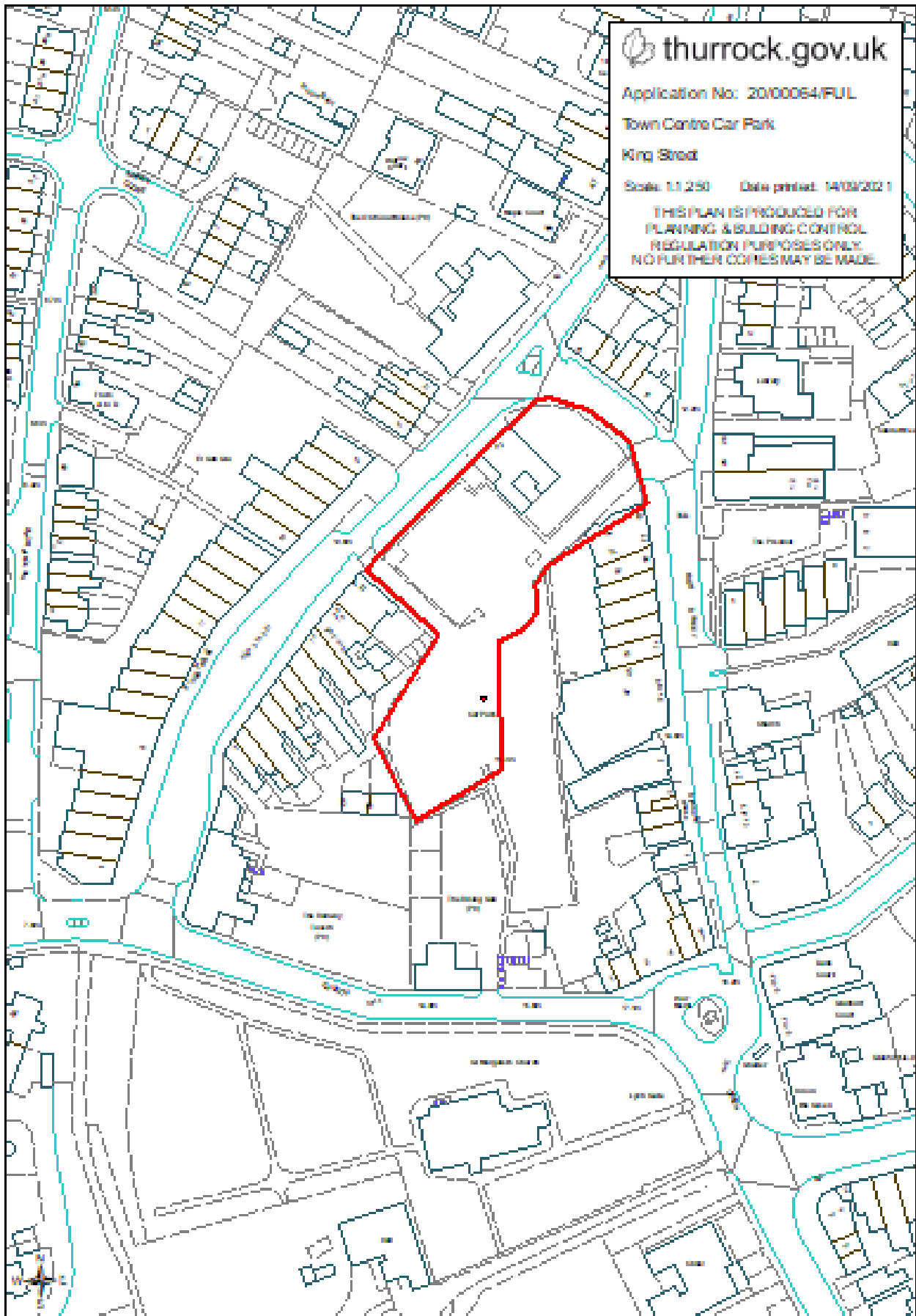
3. This permission conveys no consent to the advertisement signs shown on the submitted plans, which may need to be the subject of a separate application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

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



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Reference: 20/01777/FUL	Site: Former Culver Centre And Land To Rear Daiglen Drive South Ockendon Essex
Ward: Belhus	Proposal: Development of 173 residential dwellings, comprising a mix of one and two bedroom apartments and two and three bedroom houses alongside the re-provision of public open space with associated landscaping and public realm, private and communal amenity space, car and cycle parking provision and access improvements

Plan Number(s):		
Reference	Name	Received
13056-DB3-B01-00-DR-A-20-001A	Location Plan	20 th August 2021
13056-DB3-B01-00-DR-A-20-010A	Existing Site Plan	20 th August 2021
13056-DB3-B01-00-DR-A-20-050 Rev G	Proposed Culver Centre Site Plan	20 th August 2021
13056-DB3-B01-00-DR-A-20-060 Rev F	Proposed Site Plan with Levels	20 th August 2021
13056-DB3-B01-00-DR-A-20-070 Rev E	Proposed Boundary Treatments	20 th August 2021
13056-DB3-B01-00-DR-A-20-071 Rev A	Proposed Site Car Parking Plan	3rd August 2021
13056-DB3-B01-XX-DR-A-90-003 Rev D	Proposed Site Sections Sheet 01	9 th June 2021
13056-DB3-B01-XX-DR-A-90-004 Rev D	Proposed Site Sections Sheet 02	9 th June 2021
13056-DB3-B01-XX-DR-A-90-005 Rev D	Proposed Site Sections Sheet 03	9 th June 2021
13056-DB3-B02-00-DR-A-20-105 Rev F	Affordable Rent B02 Proposed Ground Floor Plan	9 th February 2021
13056-DB3-B02-01-DR-A-20-106 Rev D	Affordable Rent B02 Proposed First Floor Plan	21st December 2020

13056-DB3-B02-02-DR-A-20-107 Rev D	Affordable Rent B02 Proposed Second Floor Plan	21st December 2020
13056-DB3-B02-03-DR-A-20-108 Rev D	Affordable Rent B02 Proposed Third Floor Plan	21st December 2020
13056-DB3-B02-04-DR-A-20-109 Rev D	Affordable Rent B02 Proposed Fourth Floor Plan	21st December 2020
13056-DB3-B02-05-DR-A-20-110 Rev D	Affordable Rent B02 Proposed Roof Plan	21st December 2020
13056-DB3-B02-XX-DR-A-20115 Rev D	Affordable Rent B02 Proposed Elevations Sheet 01	9 th February 2021
13056-DB3-B02-XX-DR-A-20-116 Rev D	Affordable Rent B02 Proposed Elevations Sheet 02	9 th February 2021
13056-DB3-B02-XX-DR-A-20-117 Rev C	Affordable Rent B02 Proposed Sections Sheet 01	9 th February 2021
13056-DB3-B02-XX-DR-A-20-118 Rev B	Affordable Rent B02 Proposed Sections Sheet 02	21st December 2020
13056-DB3-B03-00-DR-A-20-125 Rev G	Affordable Shared Ownership B03 Proposed Ground Floor Plan	9 th February 2021
13056-DB3-B03-01-DR-A-20-126 Rev E	Affordable Shared Ownership B03 Proposed First & Second Floor Plan	21st December 2020
13056-DB3-B03-03-DR-A-20-127 Rev E	Affordable Shared Ownership B03 Proposed Third Floor & Roof Plan	21st December 2020
13056-DB3-B03-XX-DR-A-20-130 Rev D	Affordable Shared Ownership B03 Proposed Elevations Sheet 01	9 th February 2021
13056-DB3-B03-XX-DR-A-20131 Rev D	Affordable Shared Ownership B03 Proposed Elevations Sheet 02	9 th February 2021
13056-DB3-B03-XX-DR-A-20-132 Rev B	Affordable Shared Ownership B03 Proposed Sections	21st December 2020
13056-DB3-B04-00-DR-A-20155 Rev G	Private Flats B04 Proposed Ground Floor Plan	9 th June 2021
13056-DB3-B04-01-DR-A-20156 Rev F	Private Flats B04 Proposed First Floor Plan	9 th June 2021

13056-DB3-B04-02-DR-A-20-157 Rev F	Private Flats B04 Proposed Second Floor Plan	9 th June 2021
13056-DB3-B04-03-DR-A-20-158 Rev F	Private Flats B04 Proposed Third Floor Plan	9 th June 2021
13056-DB3-B04-04-DR-A-20-159 Rev F	Private Flats B04 Proposed Roof Plan	9 th June 2021
13056-DB3-B04-XX-DR-A-20-166 Rev G	Private Flats B04 Proposed Elevations Sheet 02	9 th June 2021
13056-DB3-B04-XX-DR-A-20-167 Rev G	Private Flats B04 Proposed Elevations Sheet 02	9 th June 2021
13056-DB3-B04-XX-DR-A-20-170 Rev C	Private Flats B04 Proposed Sections Sheet 01	9 th June 2021
13056-DB3-B04-XX-DR-A-20-171 Rev D	Private Flats B04 Proposed Sections Sheet 02	9 th June 2021
13056-DB3-B05-00-DR-A-20-210 Rev H	House Type B05 Proposed Plans	21st December 2020
13056-DB3-B05-XX-DR-A-20-211 Rev B	House Type B05 Proposed Elevations	21st December 2020
13056-DB3-B05-XX-DR-A-20-212 Rev C	House Type B05 Proposed Sections	21st December 2020
13056-DB3-B06-XX-DR-A-20-221 Rev B	House Type B06 Proposed Elevations	21st December 2020
13056-DB3-B06-00-DR-A-20-220 Rev F	House Type B06 Proposed Plans	21st December 2020
13056-DB3-B06-XX-DR-A-20-222 Rev B	House Type B06 Proposed Sections	21st December 2020
13056-DB3-B07-00-DR-A-20-230 Rev F	House Type B07 Proposed Plans	21st December 2020
13056-DB3-B07-XX-DR-A-20-231 Rev B	House Type B07 Proposed Elevations	21st December 2020
13056-DB3-B07-XX-DR-A-20-232 Rev B	House Type B07 Proposed Sections	21st December 2020
13056-DB3-B08- 00-DR-A-20-240 Rev J	House Type B08 Proposed Plans	21st December 2020
13056-DB3-B08-XX-DR-A-20-241 Rev B	House Type B08 Proposed Elevations	21st December 2020
13056-DB3-B08-XX-DR-A-20-242 Rev C	House Type B08 Proposed Sections	21st December 2020

13056-DB3-B08-XX-DR-A-20-245 Rev A	House Type B08 AC Proposed Elevations	21st December 2020
13056-DB3-B09-00-DR-A-20-250 Rev F	House Type B09 Proposed Plans	21st December 2020
13056-DB3-B09-XX-DR-A-20-251 Rev B	House Type B09 Proposed Elevations	21st December 2020
13056-DB3-B09-XX-DR-A-20-252 Rev B	House Type B09 Proposed Sections	21st December 2020
13056-DB3-B11-00-DR-A-20-270 Rev G	House Type B11 Proposed Plans	9 th June 2021
13056-DB3-B11-XX-DR-A-20-271 Rev B	House Type B11 Proposed Elevations	21st December 2020
13056-DB3-B11-XX-DR-A-20-272 Rev B	House Type B12 Proposed Sections	21st December 2020
13056-DB3-B12-00-DR-A-20-280 Rev F	House Type B12 Proposed Plans	21st December 2020
13056-DB3-B12-XX-DR-A-20-281 Rev B	House Type B12 Proposed Elevations	21st December 2020
13056-DB3-B12-XX-DR-A-20-282 Rev B	House Type B13 Proposed Sections	21st December 2020
13056-DB3-B13- 00-DR-A-20-290 Rev F	House Type B13 Proposed Plans	21st December 2020
13056-DB3-B13-XX-DR-A-20-291 Rev B	House Type B13 Proposed Elevations	21st December 2020
13056-DB3-B13-XX-DR-A-20-292 Rev B	House Type B13 Proposed Sections	21st December 2020
13056-DB3-B13-XX-DR-A-20-293	House Type B13A Proposed Plans	9 th June 2021
13056-DB3-B13-XX-DR-A-20-294	House Type B13A Proposed Elevations	9 th June 2021
13056-DB3-B13-XX-DR-A-20-295	House Type B13A Proposed Sections	9 th June 2021
13056-DB3-B13-XX-DR-A-20-296	House Type B13B Proposed Plans	9 th June 2021
13056-DB3-B13-XX-DR-A-20-297	House Type B13B Proposed Elevations	9 th June 2021
13056-DB3-B13-XX-DR-A-20-298	House Type B13B Proposed Sections	9 th June 2021

13056-DB3-B14-00-DR-A-20-300 Rev F	House Type B14 Proposed Plans	21st December 2020
13056-DB3-B14-XX-DR-A-20-301 Rev B	House Type B14 Proposed Elevations	21st December 2020
13056-DB3-B14-XX-DR-A-20-302 Rev B	House Type B14 Proposed Sections	21st December 2020
13056-DB3-B15-00-DR-A-20-310 Rev E	House Type B15 Proposed Plans	21st December 2020
13056-DB3-B15-XX-DR-A-20-311 Rev B	House Type B15 Proposed Elevations	21st December 2020
13056-DB3-B15-XX-DR-A-20-312 Rev B	House Type B15 Proposed Sections	21st December 2020
13056-DB3-B16-00-DR-A-20-320 Rev D	House Type B16 Proposed Plans	21st December 2020
13056-DB3-B16-XX-DR-A-20-321 Rev B	House Type B16 Proposed Elevations	21st December 2020
13056-DB3-B16-XX-DR-A-20-322 Rev B	House Type B16 Proposed Sections	21st December 2020
13056-DB3-B18-00-DR-A-20-340 Rev G	House Type B18 Proposed Plans	21st December 2020
13056-DB3-B18-XX-DR-A-20-341 Rev B	House Type B18 Proposed Elevations	21st December 2020
13056-DB3-B18-XX-DR-A-20-342 Rev B	House Type B18 Proposed Sections	21st December 2020
13056-DB3-B19-00-DR-A-20-350 Rev D	House Type B19 Proposed Plans	21st December 2020
13056-DB3-B19-XX-DR-A-20-351 Rev B	House Type B19 Proposed Elevations	21st December 2020
13056-DB3-B19-XX-DR-A-20352B	House Type B19 Proposed Sections	21st December 2020
13056-DB3-B20-00-DR-A-20-360 Rev D	House Type B20 Proposed Plans	21st December 2020
13056-DB3-B20-XX-DR-A-20-361 Rev B	House Type B20 Proposed Elevations	21st December 2020
13056-DB3-B20-XX-DR-A-20-362 Rev B	House Type B20 Proposed Sections	21st December 2020
13056-DB3-B22-00-DR-A-20-380 Rev D	House Type B22 Proposed Plans	21st December 2020

13056-DB3-B22-XX-DR-A-20-381 Rev B	House Type B22 Proposed Elevations	21st December 2020
13056-DB3-B22-XX-DR-A-20-382 Rev B	House Type B22 Proposed Sections	21st December 2020

The application is also accompanied by:

- Design and Access Statement Revision B (11 Sections over 2 Parts) - September 2020 & Addendum Dated 09 June 2021
- Energy Strategy Report Revision 03 - December 2020
- Environmental Noise Assessment Study Revision 2 – 03 October 2020
- Environmental Noise Impact Assessment Study Revision 2 – 04 November 2020
- Flood Risk Assessment and Drainage Strategy – 2 February 2021
- MEPH Utilities Report Revision 2 – December 2020
- Summer Overheating Assessment Revision 2 – December 2020
- Arboricultural Impact Assessment – January 2021
- Biodiversity Enhancement Strategy – January 2021
- Daylight and Sunlight Report (Neighbouring Properties) – 26 January 2021
- Daylight and Sunlight Report (Within Development) – 26 January 2021
- External Lighting Assessment Revision 2 – January 2021
- Health Impact Assessment – January 2021
- Landscape Design Report - January 2021
- Open Space Assessment (3 Parts) – January 2021
- Planning Statement – January 2021
- Preliminary Ecological Appraisal Revision A – January 2021
- Reptile Mitigation Strategy Revision A – January 2021
- Reptile Survey Revision A – January 2021
- Statement of Community Involvement – January 2021
- Sustainability Statement Revision 3 – January 2021
- Transport Assessment
- Preliminary Risk Assessment – January 2021
- Phase 2 Geo-environmental and Geotechnical Site Investigation – January 2021
- Stage 1 Road Safety Audit Brief (Dated 13/08/2021)
- Designers Response to Stage 1 Road Safety Audit Brief (Dated 24/08/2021)
- Stage 1 Road Safety Audit (Dated 20 August 2021)
- Traffic Flow Comparison Technical Note (Dated 28/07/2021)

Applicant:

Thurrock Council

Validated:

10 February 2021

	Date of expiry: 30 September 2021
Recommendation: Approve, subject to conditions and completion of s.106 agreement.	

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

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

Site Area	4.53ha						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Houses	0	18	59	0	0	77
	Flats	29	67	0	0	0	96
	TOTAL	29	85	59	0	0	173
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL		
	Houses	0	0	0			
	Flats	29	33	0	62		
	TOTAL	29	33	0	62		
Car parking	Flats: 96 (1 per flat) Houses: 154 (2 per house) Total allocated: 250 spaces. Total Visitor: 25 spaces (0.14 per unit) Total: 275						
Amenity Space	Minimum sq.m per dwelling 27 sq.m Maximum sq.m per dwelling 226 sq.m Average Amenity Space per dwelling - 77 sq.m Average Amenity Space per ground floor flat – 36 sq.m Average Balcony per upper floor flat – 7.7 sq.m Communal Space per flat – 7.3 sq.m						
Density	38 units per ha for the whole site						

1.2 The application seeks planning permission for the erection of 173 dwellings, including 29 affordable one bedroom flats, 33 two bedroom affordable flats, 34 two bedroom open market flats, 18 two bedroom open market houses and 59 3 bedroom open market houses. Overall, 36% of the proposed units would be affordable housing, with 69.4% being available for social rent and the remainder being available as shared ownership.

- 1.3 At the north west corner of the site, a part 3, part 4 storey block of flats is proposed that would measure a maximum of 14.8 metres tall and contain 19 shared ownership flats. To the south of this, on the opposite side of the main estate road, would be a part 4, part 5 storey 'L' shaped building that would contain 43 affordable social rented flats. This building would measure 44.3 metres wide at the elevation facing Daiglen Drive, 38.8 metres deep along the elevation facing the estate road and 17.25 metres tall (excluding the lift core). Communal amenity space would be provided to the rear of each building.
- 1.4 The other building containing flats would be positioned almost centrally at the site and face the larger area of retained open space. That building would contain 34 flats over 3 and 4 storeys, measuring 14 metres tall (excluding lift core) and 55 metres wide along the elevation facing the re-provided open space.
- 1.5 The majority of the dwellings would be provided at the north and eastern edges of the site and at the south east corner of the site. The other dwellings would be provided between the abovementioned blocks of flats to the south of the estate road and at the south boundary of the site, thereby backing on to the dwellings of Danbury Crescent. The dwellings provide accommodation over two or three storeys, with the third storey being provided in the roofspace where three storey accommodation is provided. Eighteen of the proposed dwellings would be built, wholly or partially, on the designated open space and 22 dwellings would be provided on the additional grassed land that is not included within that allocation. Although the scale of the buildings would vary, the architecture and materials of the proposed buildings would be from a consistent palette.
- 1.6 A vehicle access into the site would be provided from Daiglen Drive to serve the majority of the development, but one dwelling at the north east corner of the site would take access from Barle Gardens. A total of 275 car parking spaces and 296 cycle parking spaces would be provided, with 194 of those spaces being provided in parking courts adjacent to the flat blocks and along the roads that would pass through the site and the remainder being provided within the plots of the dwellings. Twenty five of the parking spaces would be for visitors.

2.0 SITE DESCRIPTION

- 2.1 The application site which measures 4.53 hectares, is located within the settlement of South Ockendon and comprises land between Daiglen Drive, the residential properties of Barle Gardens, Broxburn Drive, Danbury Crescent and Sancta Maria Mews and the grounds of the Shaw Primary Academy. The North West corner of the site is approximately 100 metres from the South Ockendon Shopping Area as allocated by the Core Strategy and 150 metres from the

allocated Shopping Centre. The variety of commercial, educational, community and residential uses surrounding the site creates substantial variety in the scale, character and appearance of the built form surrounding the site. In this regard, the surrounding residential buildings include two storey dwellings and three storey blocks of the flats.

- 2.2 The western part of the site formerly hosted the Culver Centre which was used for education purposes but the site has been cleared and is vacant, previously developed land that is enclosed by fences. The remainder of the site is grassed and soft landscaped land with paths running through it that is accessible from Danbury Crescent, Barle Gardens and a footpath that connects to Daiglen Drive, passing to the south of Sancta Maria Mews. Of that area, approximately 1.53 hectares is formally designated as Public Open Space

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Reference	Description	Decision
18/01717/SCR	EIA screening request for 66 two-bedroom houses, 66 three bedroom houses and 20 flats within seven buildings (a total of 152 properties). The proposed development will also include private and guest car parking, private gardens and communal landscaping.	EIA Not Required.
17/01115/DMI	Application for prior notification of proposed demolition: Demolition of school building for redevelopment	Approved
94/00205/REM	Renewal of THU/1/91	Withdrawn
94/00192/REM	Reserved matters pursuant to outline planning permission ref CC/DS/THU/1/91 for residential development and the provision of public open space.	Withdrawn
94/00042/FUL	Residential Development 137 houses 140 flats, public open space, access roads, car parking, amenity area and ancillary works	Approved
94/00042/REM	Reserved matters pursuant to outline planning permission ref CC/DS/THU/1/91 for residential development and the provision of public open space.	Approved
91/00010/CC	Residential Development on land at the former Culverhouse Comprehensive	Approved

	School, Daiglen Drive/Barle Gardens South Ockendon. (Full reference THU/10/91-CC/DS/THU/1/91)	
88/01058/CC	Development of Culverhouse School Site for residential purposes, public open space and retention of existing building for community purposes. (Full reference THU/1058/88-CC/DS/THU/19/88)	Approved
85/00449/CC	Residential Development, Public open space, Existing building for community purposes. (Full reference THU/449/85-CC/DS/THU/5/85)	Approved
73/00074/FUL	Garage	Approved

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Seven objections have been received which raise objections on the following grounds:

- Additional traffic;
- Environmental pollution including, noise, litter and odours;
- Loss of amenity including overlooking;
- Out of character with the area;
- Loss of open space which is well used by many for various purposes, is important for good mental health and not compensated for within the proposal;
- Other open space would be relied upon within the wider area but is distant from the existing residents of the area;
- Lack of facilities to cope with the additional population including health, education and other such services;
- The proposal may encroach on an existing footpath linking Barle Gardens and Daiglen Drive.

One representation of support has received which supports the proposal on the following grounds. Although objecting overall, some objectors have also made similar comments:

- Creation of jobs;
- Provision of landscaping and amenity space within the development.
- Improvement of existing site;
- Suggests that the affordable housing proposals would support first time buyers;
- Wishes for the area to be well lit.

4.3 ANGLIAN WATER:

Raises no objection and identifies that there is adequate capacity within the local infrastructure to accommodate the development. Also highlights that they have infrastructure within the vicinity of the site that is required to be considered by the developer.

4.4 CADENT GAS:

No objections - highlighted the responsibilities of the developer in terms of protecting their equipment that is within the vicinity of the site.

4.5 ENVIRONMENT AGENCY:

No comments

4.6 ESSEX POLICE:

No objection, requested development accords with Secured by Design.

4.7 NHS ENGLAND:

No objection subject to the additional demand for health services being mitigated through a contribution.

4.8 THURROCK COUNCIL EDUCATION TEAM:

Identified that both primary and secondary education facilities within the area are at or close to capacity and, as such, has requested a financial contribution.

4.9 THURROCK COUNCIL ENVIRONMENTAL HEALTH OFFICER:

No objection subject to conditions.

4.10 THURROCK COUNCIL FLOOD RISK MANAGER:

No objection to the proposal subject to the imposition of conditions.

4.11 THUROCK COUNCIL HIGHWAYS:

Most concerns raised in respect of the application as originally submitted have been addressed through the submission of a Road Safety Audit in relation to the main access into the site. It is noted that an amended layout would be required involving the removal of existing laybys in order to ensure that adequate visibility is able to be provided.

However, it remains a concern that the impact of the traffic from the site would have an unacceptable effect on the capacity of the Ford Place Junction (the junction of South Road, Stifford Hill and Sifford Road). To mitigate the effect of the development on the local road network, it is advised that junction improvements are required at the Ford Place junction and it is suggested that a contribution of £78,000 towards these works be secured under the terms of planning obligations. A number of other conditions are also recommended if planning permission is approved.

Various conditions have been suggested which will be considered further below. It has also been advised that a Section 278 Agreement would be required, but this would be handled under other legislation and need not form part of the planning assessment.

4.12 HOUSING:

Support the proposal as it complies with their standards in relation to the provision and type of affordable housing that is needed and sought.

4.13 LANDSCAPE AND ECOLOGY ADVISOR :

No objection subject to conditions relating to the details of the proposed landscaping, the play areas and the protection of the trees that are to be retained. It is identified that the existing open space is of low value and quality as it has few trees and limited equipment and that the proposal would represent a net increase of trees at the site and an improvement in the quality of the play space.

4.14 THURROCK COUNCIL URBAN DESIGN OFFICER:

Although the Urban Design Team do not support the proposal as submitted, it is recognised that wider considerations may lead to the proposal, as a whole, being considered acceptable by the Council. Concerns that have been raised have focussed on the amount of open-space that would be provided, the quality of the link for people travelling from east to west through the site, the visual dominance of car parking and the architecture of the dwellings. It has been advised that, if approved, conditions should be imposed to require the agreement and improvement of aspects of the architectural detailing of the proposed development and the agreement of alternative boundary treatments.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. 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.*

The assessment of the proposals against the development plan set out below refers to a number of policies, reflecting the nature of the proposals.

The Council's housing land supply is currently at 1.75 years. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)). In this regard, whilst it is noted that the abovementioned text refers to Local Green Space, that designation is specific to the NPPF and does not appear that the definition aligns with the designation of open space which is more generic.

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;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
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 National Planning Practice Guidance

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

- Air quality
- Climate change
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Flood risk and coastal change

- Healthy and safe communities
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing supply and delivery
- Land affected by contamination
- Light pollution
- Making an application
- 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
- Water supply, wastewater and water quality

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
- CSSP5: Sustainable Greengrid

Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision Of Affordable Housing
- CSTP5: Neighbourhood Renewal
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP12: Education and Learning
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury

- CSTP15: Transport in Greater Thurrock
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- 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 the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- 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, including Housing Land Supply, Housing Need, Housing Mix, Affordable Housing and Open Space Provision.
- II. Design and Layout and Impact upon the Area
- III. Biodiversity and Landscaping
- IV. Traffic Impact, Access and Car Parking
- V. Flood Risk and Drainage
- VI. Effect on Neighbouring Properties
- VII. Living Conditions of Future Occupiers.
- VIII. Land Contamination and Ground Works
- IX. Energy and Sustainable Buildings
- X. Planning Obligations
- XI. Other Matters

- I. PRINCIPLE OF THE DEVELOPMENT INCLUDING HOUSING LAND SUPPLY, HOUSING NEED, HOUSING MIX, AFFORDABLE HOUSING AND OPEN SPACE PROVISION.

6.2 As set out above, there are a number of issues that are key to the assessment of the principle of development. It is therefore considered appropriate to assess each of these matters before reaching an overall conclusion in respect of the principle of the proposed development.

Housing Land Supply, Housing Need and Housing Mix

6.3 The site is within the settlement of South Ockendon where the principle of undertaking residential development is generally acceptable. In this regard, Policy CSSP1 of the existing Core Strategy identifies South Ockendon as an outlying settlement north of the A13 where, in combination with other settlements, approximately 2,100 dwellings will be built. That policy also states that new residential development will be directed towards Previously Developed land in such areas. The part of the site that hosted the Culver Centre represents 'Previously Developed Land'. In this regard it is relevant to note that the NPPF states that planning decisions should promote the effective use of land and "promote and support the development of under-utilised land

and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.”

- 6.4 The Council has a housing supply and delivery deficit and therefore Paragraph 11d) of the NPPF is applicable, indicating that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, the proposed development enabling the delivery of 173 dwellings should weigh significantly in favour of the proposal.
- 6.5 Core Strategy Policy CSTP1 seeks development to provide a range of dwelling types and sizes to reflect the need that is identified within the Council's Strategic Housing Market Assessment (SHMA). In this regard, the 2017 Addendum to the SHMA identifies that the greatest housing need will be for 2 and 3 bedroom properties (26% and 48% respectively) with 1 and 4+ bedrooms accounting for the remainder of the need. In this context, whilst there would be no 4 bedroom dwellings, it is considered that the delivery of 173 dwellings with a range of dwellings and flats and an emphasis on 2 and 3 bedrooled units would be suitably reflective of the aims of the SHMA and the abovementioned policy.

Affordable Housing

- 6.6 The proposed development would provide 62 affordable housing units including 43 affordable rented units and 19 shared ownership units. This represents 36% of the dwellings proposed at the site and accords with the affordable housing need that has been identified by the Council's Housing Team. The proposal accords with Policy CSTP2 of the Core Strategy and paragraph 63 of the NPPF which identifies that, where a policy identifies that affordable housing is required, it should be expected that the affordable housing is provided on site. Given the shortfall of affordable housing delivery that is identified by the Council's Housing Team, it is considered that the proposal being policy compliant in this respect can be afforded substantial weight.

Density

- 6.7 Policy CSTP1 requires that, outside of specifically defined areas, a density range of between 30 and 70 dwellings per hectare will generally be sought, subject to design considerations. In this regard, the density of the proposed development would equate to 38 dwellings per hectare if the entirety of the site is considered and 57 dwellings per hectare if the proposed open space is excluded. Accordingly, the proposal would fall comfortably within the range set out by the Core Strategy and would accord with Policy CSTP1 in this respect. In relation to density, it is relevant to note that paragraph 125 of the NPPF states

that “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.” It is considered that this proposal achieves this requirement of the NPPF.

Open Space Provision and the Green Grid

- 6.8 34% (15,322 square metres) of the land at the application site is designated as Existing Open Space within the Core Strategy Policies Map. A further 27% (12,450 square metres) of the site is non-designated open-space.
- 6.9 The proposal would result in the provision of 15,032 square metres of designated open space within the site being retained, equivalent to 98% of the designated existing open space at the site. Accordingly, the effect of the development relative to the existing designated open space would be minimal (290 square metres).
- 6.10 Policy PMD5 of the Core Strategy states that the Council will safeguard all existing open spaces, outdoor sports and recreational facilities, going on to state that development proposals that would cause a partial loss will not be permitted unless conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss. That policy also requires that developments do not harm the character of the Green Grid or the area and requires that proposed developments make adequate provisions to meet the needs of the development. In more general terms, Policy CSTP18 is also applicable and seek to enhance green infrastructure.
- 6.11 Furthermore, paragraph 98 of the NPPF states that access to a network of high quality open spaces is important for the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Paragraph 99 goes on to state existing open space should not be built on unless:
- “a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

- 6.12 The Thurrock Community Needs and Open Space Study 2005 identified that The Culver Field was of low quality and value and the evidence available does not indicate that the condition of the field has changed. Therefore, whilst the field is well located in respect of the surrounding community, it is of limited quality as open space and there would be scope to substantially improve the quality of the open space. However, the Council’s Community Needs and Open Spaces Study identifies that there is a 0.54 hectare deficiency of Amenity Greenspace in the Aveley/Ockendon area and, whilst the applicant has identified the presence of various areas of open space within the vicinity of the site, this does not demonstrate that there is a surplus.
- 6.13 Whereas the existing open space is primarily grassed land with footpaths, the proposal would include several and varied play space areas throughout the development whilst also retaining a large, circular area of open space and walking routes throughout the site. A number of seats are also proposed which are a notable absence from the existing open space. It is also the case that the open space would benefit from far improved natural surveillance in comparison to the existing situation and, whereas the existing open space is only visible from a few properties, the development would result in a substantial number of properties facing the open space. For these reasons, it is considered that the proposal would represent a substantial improvement of the quality of the open space at the site.
- 6.14 As set out above, Policy PMD5 does not wholly prevent the loss of open space, but it requires the provision of open space of equivalent or improved standard that is sufficient to outweigh the loss. In this regard, it is considered that the improvements set out above outweigh the loss of non-designated open space and a marginal reduction of designated open space.
- 6.15 In support of this stance is Policy CSTP20 relates to Open Space and states that the Council will seek to ensure that a diverse range of accessible public space, including natural and equipped play and recreational space, is provided and maintained to meet the needs of the local community. That policy goes on to state that open spaces should be designed and managed having regard to various factors including biodiversity, urban quality, health and well-being, sustainable transport and movement and visual amenity. As set out above and elsewhere in this report, this proposal would represents a substantial improvement in each of these respects.

- 6.16 Conversely, the NPPF has a higher expectation which discourages building upon open space unless there is a proven surplus or replacement provision of better quantity and quality. In this case, it has not been demonstrated that there is a surplus and there is not an increase in quantity. As such, the proposal does not accord with that part of the NPPF. However, paragraph 93 of the NPPF states that decisions should plan positively for the provision and use of shared spaces and community facilities, such as open space and guard against the unnecessary loss of valued facilities. In this regard, it is considered that the uplift of quality would represent positive planning. Moreover, whilst the proposal would cause the loss of some open space, the development would not cause the total loss of open space at the site and, in the context of the abovementioned shortfalls, it is considered that this loss is not 'unnecessary' in the context of that paragraph.
- 6.17 As set out above, there is some divergence between local and national policies. However, as the Council is required to determine the application in accordance with the development plan unless material considerations indicate otherwise and it is reasonable to afford most weight to the compliance with Policy PMD5 rather than the conflict with part of the NPPF. Even if it were deemed that the loss of open space at the site were not compensated for by the improvements of the open space that would be retained, the harm arising in this respect can be found to be limited as the proposal would enable the retention of a substantial and improved area of open space.
- 6.18 Policy CSSP5 relates to the Sustainable Green Grid and identifies that the Council will protect and promote Local Green Spaces and not permit development unless there are very special circumstances, going on to state that these circumstances will include where the development would support the functional value of the space without detracting from the visual quality which the community may value. However, the pre-ambule to Policy CSSP5 indicates that Local Green Spaces are a different designation to open space, with it being suggested that these should be identified and designated through neighbourhood plans. It is therefore clear that this designation is intended to apply to specifically defined areas of open space and not all open space. Therefore, alike the similar reference within the NPPF, it is not considered that the site constitutes Local Green Space in the manner that is intended to be protected by Policy CSSP5. In any case, by improving the functional value of the site, enhancing the visual amenity of the previously developed part of the site and improving the setting of the open space, it is considered that the proposal would enhance visual amenity.
- 6.19 At Appendix 5 of the Core Strategy, standards are prescribed for the provision of various types of open space to serve developments. The applicant's

submissions demonstrate that a combination of the provisions on site and other facilities within the wider area would ensure that the future occupiers of the proposed development would have adequate access to most types of Open Space, including parks and gardens, natural greenspace, amenity greenspace, outdoor sport and children's play space. Although the applicant has not been able to undertake an assessment of allotment availability, it has been highlighted that the number of allotment plots required to serve the development would be limited and that there are three allotment sites within the local area. In this regard it is relevant to note that the proposal would include an overprovision of children's play space relative to the abovementioned standards.

Loss of Educational Land

- 6.20 Policy CSTP12 addresses Education and Learning and sets out the general approach towards meeting the educational needs of Thurrock. The NPPF also seeks to ensure that adequate education facilities are provided and prevent the loss of community facilities, including educational establishments. Policy CSTP10 states that the Council will safeguard existing community facilities and only allow their loss in circumstances where appropriate facilities of equal or better quality will be provided as part of the development.
- 6.21 In this regard, Thurrock Council has undertaken the necessary procedures to accord with Section 77 of the School Standard and Framework Act 1998 to enable the land at the site to be released for an alternative use. Through this process it has been established that the land is not required for educational purposes and it is noted that the former buildings at the site were demolished in 2017 and the site has not been used for educational purposes since.
- 6.22 As will be set out below, a financial contribution towards education facilities will be sought as expected for a development of this scale although this is to mitigate the effect of the proposed development and not compensate for the loss of land that was most recently used for educational purposes.

Other Considerations relevant to the Principle of Development

- 6.23 The NPPF encourages developments to be located where they reduce the need to travel and have access to services. The site is well located with respect to the shops and services of South Ockendon and its transport connections. Accordingly, the proposal accords with the NPPF in these respects and these factors can weigh substantially in favour of the proposal.

- 6.24 The applicant has provided an Economic Development Strategy which indicates that the residents of the site would contribute £1.2 million pounds worth of additional spending within the local economy. It has also been indicated that the proposal would create 105 construction jobs. This should also carry weight in favour of the proposal, albeit noting that the construction related benefits would be temporary.

Conclusion in relation to the Principle of Development

- 6.25 As set out above, the presumption in favour of sustainable development is applicable and, as a result of Paragraph 11d) of the NPPF it is considered that the shortfall of housing means that planning permission should be granted unless the harm from doing so clearly and demonstrably outweighs the benefits. In respect of the principle of development, it is considered that the benefits of providing a housing scheme of 173 dwellings, with policy compliant affordable housing should weigh substantially in favour of the proposal. Whilst the proposal would cause a loss of open space at the site, this would be compensated for by the re-provided area of open space being of substantially greater quality. Consequently, even if any harm deemed to be caused by the loss of open space, this would not clearly and demonstrably outweigh the substantial benefits brought about by the provision of much needed homes and affordable housing.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.26 The size of the application site leads to it being surrounded by a diverse range of built form including two storey dwellings to the east and south, three storey flats also to the south and a school building and 3 storey blocks flats to the north. To the west is Daiglen Drive and to the west of the application site is a vacant site, to the north of which are health service buildings. The wider area continues this diverse mix of built form and, as such, there is not a single approach to the layout or appearance of the built form in the area that should be replicated within the development. For this reason, and as the development is of significant scale, it is considered that it justifiable for the development to have its own character and appearance, that is sympathetic to the scale and form of the surrounding area but not a repetition of the surrounding built form.
- 6.27 Prior to the submission of the application, the applicant liaised with Officers through pre-application advice request and also commissioned a CABA Design Review. The findings of that review were that the plans submitted at that time represented a sum of different parts rather than a cohesive scheme. In addition, disappointment at the loss of open space was balanced with optimism about the increase of quality of the re-provided open space and the potential for that

space to become of substantial value. It was also advised that future submissions should be accompanied with more details relating to how the development would reflect its context and link to the surrounding pedestrian and cycle routes. Following the Design Review, amended plans were prepared which are similar to those that have now been received.

- 6.28 Following the character of the surrounding area, the proposed development would feature built form at a variety of heights, with buildings up to 5 storeys in height containing flats at the west frontage, at the north west corner and to the west of the retained area of open space. The remainder of the built form would be dwellings with accommodation over two and three floors. As a result, whilst not replicating the scale or appearance of the surrounding built form exactly, the development shows suitable regard to the scale of the surrounding built form and, as such, can be deemed to be sympathetic to the locality in a manner that accords with the design requirements of the Council's Design Strategy SPD and local and national planning policies and guidance.
- 6.29 The buildings within the proposed development would feature a combination of flat roofed and pitched roof designs and a suite of materials and architectural features that show a suitable level of consistency and allow for the development to appear as suitably cohesive as a whole. As set out above, the design of the buildings would depart from the appearance of the surrounding built form, but the development is considered to be of sufficient scale to have its own defining appearance and it is also considered that the scale and form of the building is sufficient to harmonise with the surrounding area. Whilst it is noted that the Council's Urban Design Team is not supportive of the architectural approach, in this instance it is considered that the uniformity of the architectural styling would be sufficient to enable the development to appear sufficiently cohesive.
- 6.30 It is also noted that 'exploring less conventional typologies for layout, architectural expression and materials' was recommended by the CABA Design Review. Whilst the Council's Urban Design Team have raised an objection to use of boxed eaves throughout the development, the applicant has identified that this is required to ensure thermal efficiency within the dwellings and is an important component of achieving an energy efficient development. In this instance, whilst the concerns of the Urban Design Team are considered to be reasonable, as the development would be designed to have its own character and appear as a cohesive development through the repetitive use of such architectural features, it is considered that it would be unreasonable to require that feature of the development to be altered.
- 6.31 Most car parking courts would be located sufficiently discreetly at the site to have a minimal impact on the views into the site from the existing public domain.

Furthermore, whilst substantial areas of proposed parking would be provided around the proposed buildings, much of the parking that would serve flats would be positioned relatively discreetly. Whilst there would be areas of parking located between the dwellings and the vehicle and pedestrian routes that would pass through the site, which would cause the parking areas to be of some prominence, this layout enables the built form to be set back from the footpaths and the public open space. As such, this would enable the development to have a lower density character and ensure that the built form does not have an overbearing impact on the public spaces. Moreover, the proposal would include areas of street tree planting which would reduce the extent to which the car parking would impose upon views through the development. For these reasons, whilst the concerns of the Council's Urban Design Team are noted, it is considered that the proposal strikes an acceptable balance between meeting the Council's parking requirements and achieving high quality design.

- 6.32 During the course of the application, minor amendments have been made to the arrangement of the two dwellings at the north east corner of the site. This arrangement is considered to represent a substantial improvement in comparison to the initial proposals as the layout enable the dwellings to face the route that connects to Barle Gardens and create an improved experience for those entering and leaving that part of the site. This arrangement also helps the development integrate with the surrounding area to a greater degree and avoids a single dwelling being detached from the remainder of the development.
- 6.33 The Council's Urban Design Team has raised a concern that the density of development would change substantially at the site and suggested that it might be preferable for development to be provided more consistently across the site. Whilst this suggestion is noted it is considered that there is benefit to providing the higher density parts of the development in closer proximity to Daiglen Drive which is a hub of activity and a lower density of development towards Barle Gardens where the character of the area is of lower density development. Therefore, whilst the suggestion is recognised, in this case it is considered that the spread of density enables the development to sit appropriately within its context.
- 6.34 The submitted boundary treatments plan shows that a variety of means of enclosure would be provided to separate the private and public spaces within the development. This incorporates a mix of timber fencing to the rear of many dwellings, railings to the front of most dwelling, and smaller elements of walls along with the retention of the existing palisade fence adjacent to the school. Whilst the layout of the boundary treatments is considered acceptable, the Urban Design Team's comments in respect of the quality of the boundary

treatments is considered to be well founded and, in this regard, it is considered that there are substantial areas of timber fencing proposed to front the public domain which might not be acceptable or be indicative of a high quality development. Accordingly, it is considered that a scheme of boundary treatments at the site should be secured by condition, either to achieve the replacement of the public facing fences with an alternative treatment or to ensure that the boundary treatments currently shown would be of sufficiently high quality.

- 6.35 For these reasons set out above and noting that large areas of open space will be provided within the development as will be discussed below, it is considered that the proposal would have a character and appearance that would contribute positively to the locality. The proposal would, therefore, accord with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the abovementioned Design Strategy SPD and the NPPF.

III. LANDSCAPING AND BIODIVERSITY

Biodiversity

- 6.36 Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF both requires that developments secure a net gain in terms of biodiversity and ensure that suitable regard is has to the presence of protected species and habitats.
- 6.37 The applicant has submitted a Preliminary Ecological Survey which identifies various measures of protection that should be employed during the construction process and also identifies that the site is a suitable habitat for reptiles. Subsequent survey work has led to the preparation of a Reptile Mitigation Strategy that has been submitted with the application and compliance with the recommendations of that document can be secured by condition. This addresses the requirements of the Natural England Standing Advice related to protected species and has been found acceptable by the Council's Landscape and Ecology Advisor.
- 6.38 In terms of net gain, the applicant has provided a Biodiversity Enhancement Strategy which identifies that the planting of replacement trees and the provision of other mitigation and enhancement features will achieve a net gain in terms of biodiversity. In this regard it is noted that the proposal would include areas of wildflowers, log piles, hedgehog passes, hibernacula, bat boxes, bird boxes and insect boxes which will be located throughout the site and should have the effect of improving the site for a variety of species. The Council's

Landscape and Ecology Advisor has agreed that the proposal would be able to achieve a net gain in terms of biodiversity.

- 6.39 The applicant has submitted an Arboricultural Impact Assessment which identifies that the site hosts 48 trees, groups of trees or hedges and the proposed development would involve the removal of 34 of those trees, groups of trees or hedges. Of those, 1 hedge (which would be partially removed) 1 group of trees and individual 3 trees are considered to fall within Tree Quality Assessment (TQA) Category B and are therefore of moderate quality. Five of the trees are categorised as being unsuitable for retention and the other trees, groups and hedge fall within TQA Category C (low quality). Five further trees that are intended to be retained are also deemed to be at risk of being damaged during the construction process.
- 6.40 The Council's Landscape and Ecology Advisor has identified that the removal of those trees and their replacement with trees that would have the opportunity to be of substantially greater value in the long term is considered to be acceptable and represents a minor benefit of the proposal.
- 6.41 For these reasons, the proposal would accord with Policies CSTP19 and PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

Landscaping

- 6.42 As set out above, the proposal would represent an overall reduction of the amount of open space at the site, but this would be compensated for by the proposed open space being of substantially higher quality which is anticipated to be of greater value to the local community. This uplift of quality is dependent on the proposal incorporating substantial areas of soft landscaping within the development that would be spread across the site. As set out above, there would be 166 trees planted at the site and areas of planting around the circular footpath. Moreover, street trees would be provided to break up the parking areas which are required to be provided and the public and private areas around the residential buildings would combine a suitable mixture of car parking, other hard surfacing, garden space and planted areas. Consequently, it is considered that the proposal would incorporate adequate soft landscaping to accord with the aims of Policy PMD2.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.43 The application site is well located with respect to the shops and services of South Ockendon. The site is considered to be a sustainable location for a

development of this scale in terms of access to public transport and the facilities needed for day-to-day living. It is considered that this also weighs in favour of the principle of the development to a moderate degree.

- 6.44 The proposed development would primarily be served by an access at the Daiglen Drive frontage of the site. However, a vehicle access would be provided at the Barle Gardens frontage of the site to serve a single dwelling and the pedestrian and cycle route at that frontage would also serve as an emergency access. Pedestrian access is also available from two points at Danbury Crescent as is the existing situation. Although a pedestrian route at the north part of the site would be lost as part of the development, this would be replaced by the main pedestrian route through the site which, although not as direct for people approaching from or heading towards the more northern part of Daiglen Drive, would be of substantially improved quality in terms of visual amenity and overall character, would benefit from enhanced surveillance and would be better located for any people approaching from or heading towards the more southern part of Daiglen Drive. As such, it is considered that the loss of the existing pedestrian route would be compensated for by the development.
- 6.45 The Highways Team have advised that they are satisfied that it will be possible to provide a safe and adequate access in the position shown. It is, however, considered necessary to require this to be demonstrated through the submission and agreement of a Road Safety Audit prior to the commencement of the development. In this instance, it is considered that it is reasonable to secure this through the imposition of a condition given the probability that providing an access will be able to be undertaken acceptably. In this regard, whilst it is noted that there would be traffic generated from this site in a wholly different manner to its previous use, it is relevant to note that there is an existing access at the site in the same location.
- 6.46 The Highways Team have identified that securing an acceptable access will be dependent on achieving clear visibility splays of 2.4 metres by 43 metres. Within the section of the highway that is adjacent to the proposed site entrance are two parking bays, the use of which might obstruct visibility. As such, achieving an acceptable access is likely to be dependent on the removal of those parking bays. Given the prevalence of public parking within the vicinity of the site, it is not considered that the loss of these bays would detract from the availability of parking or the safe use of the surrounding highways in a manner that would justify the refusal of the application. The removal of the bays has not been shown on the submitted plans but as those bays are within the highway and those works would be able to be secured by a suitably worded

condition, it is considered that it is reasonable to impose such a condition in this case.

- 6.47 In relation to the vehicle movements generated as a result of the proposed development, the applicant's submissions find that the development would be likely to cause 84 vehicle movements per hour at the peak times. This is not considered to be a level of vehicle movements that would be unexpected in a residential setting and has been found acceptable by the Highways Team. The submissions also include an assessment of the effect of the development on surrounding junctions and the highway network within the wider vicinity of the site. In this regard it is a concern that, after the proposed development, the Ford Place junction (where the B1335 Stifford Road and B186 South Road meet) would be operating in excess of its practical capacity. Consequently, the Council's Highways officers have requested that the effect of the development is mitigated. Upon further discussion, it has been suggested that the best mechanism to achieve this would be through a financial contribution of £78,000 being made to partially fund the necessary works. Subject to these provisions being secured, it is considered that the effect of the development on the local highway network can be found acceptable.
- 6.48 In terms of parking provision, the proposed development would deliver parking at a rate of 2 spaces per dwelling and 1 space per flat. Visitor's car and cycle parking spaces, disabled car parking spaces and residents cycle parking is also proposed at an acceptable rate. The Highways Team have identified that the site is located in an area of medium accessibility and, as such, the parking provisions can be found acceptable. It is considered appropriate to impose conditions to require the car and cycle parking to be provided. A condition can also reasonably be imposed to require the delivery of electric vehicle charging points in accordance with the NPPF.
- 6.49 The submitted plans also show that the site would be accessible by refuse collection vehicles and emergency service vehicles and adequate provision has been shown for the storage and collection of waste. From this basis, subject to the imposition of conditions relating to the provision and treatment of the roads within the development, it is considered that the proposal would be acceptable in these respects. In this regard, providing access to the parking of a single dwelling at the Barle Garden frontage would not be out-of-keeping with the nature of that road and it is noted that conditions can be imposed to ensure that the access does not detract from highway safety.
- 6.50 For these reasons, it is considered that the highways, access and parking arrangements in respect of the proposed development are acceptable and,

therefore, the proposal accords with Policies CSTP15, PMD8, PMD9 and PMD10 of Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

V. FLOOD RISK AND DRAINAGE

- 6.51 The application site is located within Flood Zone 1 and, as such, is not required to pass the sequential or exception tests. However, due to the scale of the development, the applicant has been required to provide a Flood Risk Assessment. This demonstrates that, whilst there would be a net increase of built form and covered ground at the application site, adequate features would be able to be built into the development to ensure that there would be no increase of flood risk.
- 6.52 The Council's Flood Risk Manager has advised that the overall drainage strategy can be found acceptable. However, it is advised that the amount of water flowing from the site will need to be reduced to ensure that capacity within the Anglian Water systems are not compromised during a flood event. It has been advised that this could be facilitated through the use of a comprehensive rainwater harvesting scheme that should aim to reduce the flow by 4 litres per second. No objection has been raised to the proposal by the Environment Agency. For these reasons and subject to the imposition of a condition, it is considered that the proposal can be found acceptable in relation to drainage and flood risk and is therefore in accordance with Policies CSTP27 and PMD15 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

VI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.53 The neighbouring buildings within Sancta Maria Mews are orientated away from the site, thereby leading to just the side elevations of those buildings facing the application site. Although the adjacent buildings have windows in the side elevation, due to the positioning and the arrangement of the buildings at the North West corner of the site, the development would not cause an unacceptable loss of daylight or sunlight within those buildings or their garden areas. The applicant's Daylight and Sunlight Report reaches a similar conclusion in that respect. Although windows within the proposed flat building would have a view towards the Sancta Maria Mews, the separation distance between the buildings would prevent unacceptable overlooking occurring. Furthermore, whilst a parking court would be in close proximity to the front and side elevations of the adjacent buildings, that parking court would provide parking for 22 cars and, as such, the level of activity would not cause noise or disturbance to an extent that is considered to be unacceptable.

- 6.54 In relation to the dwellings of 1 to 37 Danbury Crescent, the parking court at the rear of the flats fronting Daiglen Drive would be adjacent to the side elevation of 1 Danbury Crescent and the proposed dwellings at the south edge of the site would back onto the boundary that is shared with the rear gardens of the dwellings of 7 to 37 Danbury Crescent. The proposed dwellings would be to the north of the Danbury Crescent dwellings and a sufficient distance to the rear to prevent an unacceptable loss of daylight or sunlight to occur. Whilst visible, the dwellings would also not cause a loss of outlook that would justify the refusal of the application. The separation distance between the proposed dwellings and the boundary would be 7.8 metres and the closest part of the existing neighbouring dwellings which appears to have been the subject of a rear extension) would be 18.2 metres from the closest dwelling. As such, there would be some inter-visibility between properties. However, due to the separation distance between the properties, the proposal would not cause a loss of privacy to an extent that would justify the refusal of the application. The proposed parking court would be able to host 21 cars and therefore, whilst the use of the parking is likely to be audible within the neighbouring dwelling referred to above, the effect would not be unacceptable to an extent that would justify the refusal of the application.
- 6.55 The dwellings at plots 52 to 55 and 60 to 62 would have their rear gardens abutting the boundaries that are shared with 19 and 21 Barle Gardens. Although the proposed dwellings would be to the south and west of the neighbouring dwellings and their gardens, the separation distance of at least 22 metres between the proposed buildings and the neighbouring dwellings and the 11 metres between the proposed dwellings and the shared boundaries ensures that the proposal would not cause an unacceptable loss of daylight or sunlight within the existing dwellings. Again, the applicant's Daylight and Sunlight Report supports these findings. As with the properties of Danbury Crescent, whilst the proposed dwellings would be visible from the existing dwellings, the effect on outlook and privacy would not be at a level that would justify the refusal of the application. The relationship between the properties of 78 to 98 Broxburn Drive and the dwellings proposed on plots 63 to 70 is also acceptable for the same reasons, particularly given that the gardens of the neighbouring dwellings are deeper and the proposed dwellings would be to the west.
- 6.56 The dwelling of 213 Danbury Crescent would sit adjacent to the dwelling on plot 70, with a separation distance of 4.6 metres between those dwellings. As both dwellings would be orientated in the same direction, the proposal would not have an unacceptable effect on the living conditions of the occupiers of that

dwelling. Furthermore, as the dwellings on plots 71 to 76 would be positioned a minimum of 17 metres from the dwellings at 201 to 211 Danbury Crescent, the proposal would also be acceptable in terms of its effect on the living conditions of neighbouring residents. In this regard it is noted that the proposed dwellings would be visible from those properties and there would be some increased overlooking of the garden areas. However, this would not be to a level that would be unacceptable or should justify the refusal of the application.

- 6.57 For these reasons, the proposal would accord with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015. The proposal would also accord with paragraph 130 of the NPPF which states that development should ensure that development provides a high standard of amenity for future and existing occupiers.

VII. LIVING CONDITIONS OF FUTURE RESIDENTS

Light and Outlook

- 6.58 The applicant's Daylight and Sunlight Report (Within Development) identifies that, having regard to the standards contained within the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition" and applying a high standard to all rooms, all but 29 of the 619 tested rooms would receive sufficient daylight. Of the 29 rooms that would not, 21 would be kitchen/living/dining rooms and the study identifies that these rooms would accord with the slightly lower standard which is more applicable to such rooms. Moreover, the 8 bedrooms that would be effected would exceed the standard which is deemed to be appropriate for bedrooms. In terms of direct sunlight, the Daylight and Sunlight Report identifies that 20% of the proposed apartments would only have north facing living rooms and, whilst it is preferable for this figure to be kept as low as possible, the practicalities of developments containing flats mean that some flexibility is required. In this respect, having regard to the assessment provided by the applicant, it is considered that the living space within the proposed flats and houses would receive daylight and sunlight at a level that is acceptable. Moreover, all but 6 gardens would receive at least 2 hours of direct sunlight when the weather allows. Therefore the living conditions of future occupiers would not be undermined to an extent that would justify the refusal of the application.

Privacy and Overlooking

- 6.59 The majority of the houses would be arranged around the perimeter of the site and be laid out in such a way that the habitable rooms and gardens would

provide occupiers with a privacy at a level that would be expected in the context of an urban area. In this regard, the conclusion reached above in respect of the privacy of the occupiers of the dwellings neighbouring the site is applicable in reverse in this case.

- 6.60 Within the development, the relationship between the proposed flats and some of the dwellings that are arranged within the centre part of the site would result in the occupiers of some of the flats having views towards the rear elevations and the garden areas of some of the dwellings. However, due to the angle of the outlook from the windows that are at a higher level and the separation distance between all flats and dwellings, it is considered that the occupiers of the proposed houses and flats would not be overlooked to an extent that would provide unacceptable living conditions.

Amenity Space

- 6.61 The proposed dwellings would be provided with amenity space of sizes ranging between 27 square metres and 226 square metres and, in most cases, the size of the gardens would be proportionate to the accommodation provided within the dwellings (i.e. reflecting bedroom numbers and the likely level of occupation). All of the proposed upper floor flats would be served by balconies that would measure between 5 and 10.3 square metres in area. Furthermore, the ground floor flats would be served with private amenity areas with an average size of 36 square metres per flat. As such, the majority of the proposed properties would have access to private amenity space. Whilst some of the gardens would be of limited size, their shape and positioning relative to the dwellings ensures that all gardens would be usable and it is considered that gardens of such size, which future occupiers would be aware of in advance, can be found acceptable in a well-located site such as this that has a large area of open space included within the development.

Noise

- 6.62 The applicant has submitted an Environmental Noise Study which identifies three zones within the site and identifies glazing specifications that are necessary to ensure that future occupiers of the proposed properties are not subjected to undue noise, with the main noise source being the surrounding highways. The Council's Environmental Health Officer agrees with the findings of that report and therefore, subject to the imposition of a condition in this regard, it is considered that the occupiers of the proposed dwellings would not be subjected to undue noise from surrounding noise sources.

Overheating

- 6.63 The applicant's Summer Overheating Assessment identifies that, subject to the inclusion of appropriate measures within the development, the proposal would not cause any of the units to experience overheating, even allowing for the restrictions on the opening of windows caused by the mitigation that is required to address the issue of noise that are set out above.

VIII. LAND CONTAMINATION AND GROUND WORKS

- 6.64 As set out above, part of the site was formerly hosted a Pupil Referral Unit and the remainder features playing fields. In terms of potential contamination, a Preliminary Risk Assessment and a Phase 2 Site Investigation has been submitted, the latter of which concludes that a moderate risk exists for future occupiers of the site due to the presence of made ground, lead and asbestos and the potential for there to be unforeseen contamination. Accordingly it is recommended that further investigative works are undertaken and a remediation strategy is prepared. It is also advised that construction methods are tailored to suit the potential presence of made ground.
- 6.65 The Council's Environmental Health Officer agrees with these findings and therefore, subject to the imposition of suitable conditions, the development would be able to proceed in a manner that accords with national and local planning policies in this respect.

IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.66 The applicant has provided an Energy Strategy Report which identifies that all houses will be served by an air source heat pump that would be installed within the gardens and all dwellings and flats would be served by solar PV panels. This demonstrated that the proposal would bring about sufficient energy usage and emission reductions to accord with Policies CSDTP26, CSTP26 and PMD13 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF. Given the absence of details on the submitted plans that reflect the Energy Strategy Report, it is considered necessary to impose a condition to ensure that these features are provided in accordance with plans that should be submitted and approved prior to the occupation of any of the residential units. The applicant's Environmental Noise Impact Assessment Study identifies that the proposed installations would not cause undue noise to neighbouring residents.

X. PLANNING OBLIGATIONS

6.67 The applicant has accepted that the following obligations would be meet the tests set out at Section 122 of The Community Infrastructure Regulations 2010:

- The provision of 35% of the proposed dwellings as affordable housing in order to accord with the requirements of Policy CSTP2 of the Core Strategy.
- A contribution of £ of £867,178.24 towards primary and secondary education. This reflects the contribution that was requested by the Council's Education Team as set out above and is considered to be necessary to mitigate the effect of the development on education services arising from the additional population within the school catchment areas of Thurrock in accordance with the requirements of Policy CSTP12 of the Core Strategy.
- A contribution of £69,000 towards health services. This reflects the contribution that was requested by the NHS as set out above and is considered to be necessary to mitigate the effect of the development on healthcare services in accordance with the requirements of Policy CSTP11 of the Core Strategy.
- A contribution of £78,000 towards highway works consisting of junction improvements at the Ford Place junction in South Ockendon. This reflects the contribution that was requested by the Council's Highway team as set out above.

6.68 Planning Practice Guidance and the abovementioned Regulations combine to set out that planning obligations cannot represent a reason for granting planning permission unless they meet the tests of being necessary to make the development acceptable in planning terms, directly related to the development, and fairly reasonably related in scale and kind to the development. For the reasons set out above and elsewhere within this report, it is considered that each of the planning obligations set out above meet these tests and can therefore be given weight and deemed to be a reason to find the development acceptable.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 As set out above, the presumption in favour of sustainable development is applicable and the application of the NPPF, particularly Paragraph 11d), requires that residential development is supported unless the harm caused clearly and demonstrably outweighs the benefits. In this case, whilst the proposal would cause a reduction of open space at the site, this would be compensated for by a substantial improvement of the quality of the open space at the site. Even if any harm was found in this regard, this would not clearly

and demonstrably outweigh the substantial benefits that would arise from the provision of 173 much needed dwellings with a policy compliant provision of affordable housing. The proposal is considered to be acceptable in all other respects and, as such, it is recommended that planning permission be granted.

8.0 RECOMMENDATION

8.1 Approve, subject to the following:

- i) The completion and signing of planning obligations relating to the following heads of terms:
 - Affordable Housing at a rate of 35% of total units with the tenure split as set out above.
 - A contribution of £ of £867,178.24 towards primary and secondary education.
 - A contribution of £69,000 towards health services.
 - A contribution of £78,000 towards highway works consisting of junction improvements at Ford Place, South Ockendon.

- ii) And the following planning conditions:

Standard Time Limit

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

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

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
13056-DB3-B01-00-DR-A-20-001A	Location Plan	20 th August 2021
13056-DB3-B01-00-DR-A-20-010A	Existing Site Plan	20 th August 2021

13056-DB3-B01-00-DR-A-20-050 Rev G	Proposed Culver Centre Site Plan	20 th August 2021
13056-DB3-B01-00-DR-A-20-060 Rev F	Proposed Site Plan with Levels	20 th August 2021
13056-DB3-B01-00-DR-A-20-070 Rev E	Proposed Boundary Treatments	20 th August 2021
13056-DB3-B01-00-DR-A-20-071 Rev A	Proposed Site Car Parking Plan	3rd August 2021
13056-DB3-B01-XX-DR-A-90-003 Rev D	Proposed Site Sections Sheet 01	9 th June 2021
13056-DB3-B01-XX-DR-A-90-004 Rev D	Proposed Site Sections Sheet 02	9 th June 2021
13056-DB3-B01-XX-DR-A-90-005 Rev D	Proposed Site Sections Sheet 03	9 th June 2021
13056-DB3-B02-00-DR-A-20-105 Rev F	Affordable Rent B02 Proposed Ground Floor Plan	9 th February 2021
13056-DB3-B02-01-DR-A-20-106 Rev D	Affordable Rent B02 Proposed First Floor Plan	21st December 2020
13056-DB3-B02-02-DR-A-20-107 Rev D	Affordable Rent B02 Proposed Second Floor Plan	21st December 2020
13056-DB3-B02-03-DR-A-20-108 Rev D	Affordable Rent B02 Proposed Third Floor Plan	21st December 2020
13056-DB3-B02-04-DR-A-20-109 Rev D	Affordable Rent B02 Proposed Fourth Floor Plan	21st December 2020
13056-DB3-B02-05-DR-A-20-110 Rev D	Affordable Rent B02 Proposed Roof Plan	21st December 2020
13056-DB3-B02-XX-DR-A-20115 Rev D	Affordable Rent B02 Proposed Elevations Sheet 01	9 th February 2021
13056-DB3-B02-XX-DR-A-20-116 Rev D	Affordable Rent B02 Proposed Elevations Sheet 02	9 th February 2021
13056-DB3-B02-XX-DR-A-20-117 Rev C	Affordable Rent B02 Proposed Sections Sheet 01	9 th February 2021
13056-DB3-B02-XX-DR-A-20-118 Rev B	Affordable Rent B02 Proposed Sections Sheet 02	21st December 2020

13056-DB3-B03-00-DR-A-20-125 Rev G	Affordable Shared Ownership B03 Proposed Ground Floor Plan	9 th February 2021
13056-DB3-B03-01-DR-A-20-126 Rev E	Affordable Shared Ownership B03 Proposed First & Second Floor Plan	21st December 2020
13056-DB3-B03-03-DR-A-20-127 Rev E	Affordable Shared Ownership B03 Proposed Third Floor & Roof Plan	21st December 2020
13056-DB3-B03-XX-DR-A-20-130 Rev D	Affordable Shared Ownership B03 Proposed Elevations Sheet 01	9 th February 2021
13056-DB3-B03-XX-DR-A-20131 Rev D	Affordable Shared Ownership B03 Proposed Elevations Sheet 02	9 th February 2021
13056-DB3-B03-XX-DR-A-20-132 Rev B	Affordable Shared Ownership B03 Proposed Sections	21st December 2020
13056-DB3-B04-00-DR-A-20155 Rev G	Private Flats B04 Proposed Ground Floor Plan	9 th June 2021
13056-DB3-B04-01-DR-A-20156 Rev F	Private Flats B04 Proposed First Floor Plan	9 th June 2021
13056-DB3-B04-02-DR-A-20-157 Rev F	Private Flats B04 Proposed Second Floor Plan	9 th June 2021
13056-DB3-B04-03-DR-A-20-158 Rev F	Private Flats B04 Proposed Third Floor Plan	9 th June 2021
13056-DB3-B04-04-DR-A-20-159 Rev F	Private Flats B04 Proposed Roof Plan	9 th June 2021
13056-DB3-B04-XX-DR-A-20-166 Rev G	Private Flats B04 Proposed Elevations Sheet 02	9 th June 2021
13056-DB3-B04-XX-DR-A-20-167 Rev G	Private Flats B04 Proposed Elevations Sheet 02	9 th June 2021
13056-DB3-B04-XX-DR-A-20-170 Rev C	Private Flats B04 Proposed Sections Sheet 01	9 th June 2021
13056-DB3-B04-XX-DR-A-20-171 Rev D	Private Flats B04 Proposed Sections Sheet 02	9 th June 2021
13056-DB3-B05-00-DR-A-20-210 Rev H	House Type B05 Proposed Plans	21st December 2020

13056-DB3-B05-XX-DR-A-20-211 Rev B	House Type B05 Proposed Elevations	21st December 2020
13056-DB3-B05-XX-DR-A-20-212 Rev C	House Type B05 Proposed Sections	21st December 2020
13056-DB3-B06-XX-DR-A-20-221 Rev B	House Type B06 Proposed Elevations	21st December 2020
13056-DB3-B06-00-DR-A-20-220 Rev F	House Type B06 Proposed Plans	21st December 2020
13056-DB3-B06-XX-DR-A-20-222 Rev B	House Type B06 Proposed Sections	21st December 2020
13056-DB3-B07-00-DR-A-20-230 Rev F	House Type B07 Proposed Plans	21st December 2020
13056-DB3-B07-XX-DR-A-20-231 Rev B	House Type B07 Proposed Elevations	21st December 2020
13056-DB3-B07-XX-DR-A-20-232 Rev B	House Type B07 Proposed Sections	21st December 2020
13056-DB3-B08- 00-DR-A-20-240 Rev J	House Type B08 Proposed Plans	21st December 2020
13056-DB3-B08-XX-DR-A-20-241 Rev B	House Type B08 Proposed Elevations	21st December 2020
13056-DB3-B08-XX-DR-A-20-242 Rev C	House Type B08 Proposed Sections	21st December 2020
13056-DB3-B08-XX-DR-A-20-245 Rev A	House Type B08 AC Proposed Elevations	21st December 2020
13056-DB3-B09-00-DR-A-20-250 Rev F	House Type B09 Proposed Plans	21st December 2020
13056-DB3-B09-XX-DR-A-20-251 Rev B	House Type B09 Proposed Elevations	21st December 2020
13056-DB3-B09-XX-DR-A-20-252 Rev B	House Type B09 Proposed Sections	21st December 2020
13056-DB3-B11-00-DR-A-20-270 Rev G	House Type B11 Proposed Plans	9 th June 2021
13056-DB3-B11-XX-DR-A-20-271 Rev B	House Type B11 Proposed Elevations	21st December 2020
13056-DB3-B11-XX-DR-A-20-272 Rev B	House Type B12 Proposed Sections	21st December 2020
13056-DB3-B12-00-DR-A-20-280 Rev F	House Type B12 Proposed Plans	21st December 2020

13056-DB3-B12-XX-DR-A-20-281 Rev B	House Type B12 Proposed Elevations	21st December 2020
13056-DB3-B12-XX-DR-A-20-282 Rev B	House Type B13 Proposed Sections	21st December 2020
13056-DB3-B13-00-DR-A-20-290 Rev F	House Type B13 Proposed Plans	21st December 2020
13056-DB3-B13-XX-DR-A-20-291 Rev B	House Type B13 Proposed Elevations	21st December 2020
13056-DB3-B13-XX-DR-A-20-292 Rev B	House Type B13 Proposed Sections	21st December 2020
13056-DB3-B13-XX-DR-A-20-293	House Type B13A Proposed Plans	9 th June 2021
13056-DB3-B13-XX-DR-A-20-294	House Type B13A Proposed Elevations	9 th June 2021
13056-DB3-B13-XX-DR-A-20-295	House Type B13A Proposed Sections	9 th June 2021
13056-DB3-B13-XX-DR-A-20-296	House Type B13B Proposed Plans	9 th June 2021
13056-DB3-B13-XX-DR-A-20-297	House Type B13B Proposed Elevations	9 th June 2021
13056-DB3-B13-XX-DR-A-20-298	House Type B13B Proposed Sections	9 th June 2021
13056-DB3-B14-00-DR-A-20-300 Rev F	House Type B14 Proposed Plans	21st December 2020
13056-DB3-B14-XX-DR-A-20-301 Rev B	House Type B14 Proposed Elevations	21st December 2020
13056-DB3-B14-XX-DR-A-20-302 Rev B	House Type B14 Proposed Sections	21st December 2020
13056-DB3-B15-00-DR-A-20-310 Rev E	House Type B15 Proposed Plans	21st December 2020
13056-DB3-B15-XX-DR-A-20-311 Rev B	House Type B15 Proposed Elevations	21st December 2020
13056-DB3-B15-XX-DR-A-20-312 Rev B	House Type B15 Proposed Sections	21st December 2020
13056-DB3-B16-00-DR-A-20-320 Rev D	House Type B16 Proposed Plans	21st December 2020
13056-DB3-B16-XX-DR-A-20-321 Rev B	House Type B16 Proposed Elevations	21st December 2020

13056-DB3-B16-XX-DR-A-20-322 Rev B	House Type B16 Proposed Sections	21st December 2020
13056-DB3-B18-00-DR-A-20-340 Rev G	House Type B18 Proposed Plans	21st December 2020
13056-DB3-B18-XX-DR-A-20-341 Rev B	House Type B18 Proposed Elevations	21st December 2020
13056-DB3-B18-XX-DR-A-20-342 Rev B	House Type B18 Proposed Sections	21st December 2020
13056-DB3-B19-00-DR-A-20-350 Rev D	House Type B19 Proposed Plans	21st December 2020
13056-DB3-B19-XX-DR-A-20-351 Rev B	House Type B19 Proposed Elevations	21st December 2020
13056-DB3-B19-XX-DR-A-20352B	House Type B19 Proposed Sections	21st December 2020
13056-DB3-B20-00-DR-A-20-360 Rev D	House Type B20 Proposed Plans	21st December 2020
13056-DB3-B20-XX-DR-A-20-361 Rev B	House Type B20 Proposed Elevations	21st December 2020
13056-DB3-B20-XX-DR-A-20-362 Rev B	House Type B20 Proposed Sections	21st December 2020
13056-DB3-B22-00-DR-A-20-380 Rev D	House Type B22 Proposed Plans	21st December 2020
13056-DB3-B22-XX-DR-A-20-381 Rev B	House Type B22 Proposed Elevations	21st December 2020
13056-DB3-B22-XX-DR-A-20-382 Rev B	House Type B22 Proposed Sections	21st December 2020

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

CONTAMINATION

- 3 Prior to the commencement of any development at the site other than works necessary to comply with this condition, the further investigative works set out within the Conclusion and Recommendations section of the Phase 2 Geo-environmental and Geotechnical Site Investigation report that was submitted with the application hereby approved (prepared by RSK Environment Ltd, Project No.: 52014 R02, January 2021) shall be undertaken and a report of the

findings and a remediation strategy (including a schedule and timetable of the remediation works to be undertaken) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, all remediation works shall be undertaken in accordance with the remediation strategy and the associated timetable.

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].

UNFORESEEN CONTAMINATION

- 4 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 which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority.

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

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

- 5 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development
 - (b) Hours and duration of any piling operations,
 - (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
 - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,

- (e) Details of construction any access or temporary access, and details of temporary parking requirements;
- (f) 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
- (g) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (h) Details of any temporary hardstandings;
- (i) Details of temporary hoarding;
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (l) Measures to reduce dust with air quality mitigation and monitoring,
- (m) Measures for water management including waste water and surface water discharge;
- (n) A Site Waste Management Plan,
- (o) Details of security lighting layout and design; and
- (p) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

All 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]. Due to the nature of the matter which is to be addressed it is considered essential that this condition is addressed prior to commencement as any alternative timetable would not be effective.

MATERIALS

- 6 No development shall be undertaken 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].

LANDSCAPING AND MEANS OF ENCLOSURE

7. Prior to the occupation of any of the dwellings hereby approved, details of all hard and soft landscape works to be undertaken on the site and all means of

enclosure to be erected at the site shall 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 an aftercare and maintenance programme
- 4) Details of all hard surfacing materials to be laid out within the development.
- 5) Details of the design and layout of all means of enclosure proposed to be erected at the site.
- 6) A timetable for undertaking all hard and soft landscaping works and the erection of all means of enclosure.

Subsequently, all the approved hard and soft landscaping works and the means of enclosure shall be undertaken, provided, erected or installed in full accordance with the approved details and the approved timetable. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

PRIVACY SCREENS

8. All privacy screens shown on the plans hereby approved shall be installed prior to the first occupation of the flat that would be served by the associated balcony, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the privacy of future occupiers in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

PLAY EQUIPMENT PROVISION

9. Prior to the occupation of any of the dwellings hereby approved, details of all play equipment and provisions for informal play and a timetable for their

provision at the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently all approved play equipment and provisions for informal play shall be provided in accordance with the approved timetable and retained thereafter.

Reason: To ensure the adequate provision of play space and the enhancement of the existing area of open space at the site in accordance with Policies CSTP20 and PMD5 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

TREE PROTECTION

10. Prior to the commencement of the development hereby approved an Arboricultural Method Statement and Tree Protection Plan detailing the means of protecting the trees that are to be retained shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in full accordance with the Arboricultural Method Statement and Tree Protection Plan.

Reason: To protect the trees that are to be retained at the site throughout the proposed development and ensure that the necessary protection is in place prior to the commencement of works as any later timescale would not be likely to afford the trees the required protection, in the interests of protecting the natural environment and visual amenity of the area, in accordance with Policies CSTP19 CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

BIODIVERSITY NET GAIN

11. All measures of biodiversity enhancement shown on plan C152844-02-01 that is included at Section 6 of the Biodiversity Enhancement Plan shall be provided within three months after the first occupation of the dwellings hereby approved unless an alternative timetable for the provision of those measures has first been submitted to and approved in writing by the Local Planning Authority. In such circumstances, the measures shall be provided in accordance with the alternative timetable.

Reason: To secure a net gain in terms of biodiversity and habitats in accordance with Policies CSTP19 and PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

ECOLOGY, PROTECTED SPECIES AND REPTILE MITIGATION STRATEGY

12. The proposed development shall only be undertaken in full accordance with the recommendations set out at Sections 7.2 and 7.3 of the Preliminary Ecological Appraisal (Report No TR-MME-152427 Revision A, Dated June 2020) and the Reptile Mitigation Strategy (Report No RT-MME-153421 Revision A, Dated January 2021) that has accompanied the application hereby approved.

Reason: To ensure the suitable protection of protected species in accordance with Policies CSTP19 and PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

ENERGY USAGE AND EMISSION REDUCTION

13. Prior to the first occupation of any of the dwellings or flats hereby approved, details shall be provided of the positioning and the design of all solar PV panels and air source heat pumps that are to be installed at the site. The solar PV panels and/or air source heat pumps shall be provided in accordance with the Energy Strategy Report Revision 3 that accompanied the application hereby approved. No dwellings or flats hereby approved shall be occupied until the installations intended to serve that dwelling/flat have been installed and made operational in accordance with the approved details. Subsequently, the abovementioned installations shall be retained at all times.

Reason: To ensure that the energy usage and emission reductions proposed as part of the development are implemented and to ensure that the proposal accords with the aims of Policies CSDTP26, CSTP26 and PMD13 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

NOISE MITIGATION

14. All glazing within the development hereby approved shall be installed in accordance with the glazing specifications set out at Section 11.0 of the Environmental Noise Assessment Study submitted with the application hereby approved. Where a property straddles the boundary of the zones set out within that section of the Noise Assessment Study, the glazing shall accord to the standard applicable to the zone labelled with the lower letter. All glazing

installed within a dwelling shall be installed to meet the appropriate specification prior to the first occupation of that dwelling.

Reason: To ensure that future residents are not subjected to undue noise in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

AVOIDANCE OF OVERHEATING

15. Prior to the first occupation of each of the flats in Blocks B02 and B03, the measures set out within the Summer Overheating Assessment Revision 2 (K190187, December 2020) that is required for that flat shall be installed.

Reason: To avoid overheating of the flats and ensure that suitable living conditions are provided for future occupiers in accordance with the NPPF.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS – EXTENSIONS, ALTERATIONS AND OUTBUILDINGS

16. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2, Part 1 Class A of the Town & Country Planning [General Permitted Development] Order 2015 (as amended) [or any order revoking and re-enacting that Order with or without modification] no extensions, alterations, porches or outbuildings shall be erected to the buildings hereby permitted or within their plots without planning permission having been obtained from the local planning authority.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the site and the surrounding area in accordance with policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS – OPEN PLAN FRONTAGES.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a road or shared access drive without planning permission having been obtained from the local planning authority.

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

DAIGLEN DRIVE ACCESS DESIGN

18. Prior to the occupation of any of the dwellings or flats within the development hereby approved all works within the highway shown on plan 10856-002 shall be undertaken in full accordance with that plan. Furthermore, minimum visibility splays of 2.4 metres by 43 metres (clear of obstruction above ground level) will be provided in each direction from the Daiglen Drive junction.

Reason: To ensure that the access to the site and the adjacent highways and footpaths will be safe for all users of the public highway, in accordance with Policies CSTP15 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

BARLE GARDENS ACCESS

19. The proposed access from Barle Gardens that will serve the dwelling at plot 51 shall be provided prior to the first occupation of that dwelling. That access shall be provided with pedestrian visibility splays of 1.5 metres by 1.5 metres in each direction.

Reason: To ensure that the access to the site and the adjacent highways and footpaths will be safe for all users of the public highway, in accordance with Policies CSTP15 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

ESTATE ROADS DESIGN

20. Prior to the occupation of any dwelling hereby approved, a Scheme of Estate Highway Works shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:
- The means of construction and materials used in the construction of all parts of the estate roads and parking courts hereby approved.
 - All proposed street furniture (including street lighting) and the positioning and design of all proposed street furniture.
 - A Timetable for Completion or Installation of each of the abovementioned provisions.

Subsequently the development shall be undertaken with all of the abovementioned provisions being provided in accordance with the Timetable for Completion or Installation.

Reason: To ensure that the highways and footpaths within the site will be of adequate standard, safe for all users of the public highway and of suitable design quality, in accordance with Policies CSTP15 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

TRAVEL PLAN

21. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved by the Local Planning Authority and retained and updated periodically for the entire time the development is in use.

Reason: To promote sustainable travel choices for staff and visitors, in the interests of highway safety, efficiency and amenity and in accordance with Policy PMD10 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

CAR PARKING

22. No dwelling or flat hereby approved shall be occupied until the car parking facilities intended to serve that dwelling or flat have been fully provided and made available for use in accordance with the Proposed Site Car Parking Plan (13056 - DB3 - B01 - 00 - DR - A - 20-071 Revision A) hereby approved.

Reason: To ensure the adequate provision of car parking in accordance with Policy PMD8 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

CYCLE PARKING FOR HOUSES

23. No dwellinghouse shall be occupied until the cycle parking/storage facilities intended to serve that dwelling has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of cycle parking in accordance with Policy PMD8 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

CYCLE PARKING FOR FLATS

24. No building containing flats shall occupied until the visitor cycle parking/storage serving that building has been provided. Once provided, all cycle parking/storage shall be retained at all times.

Reason: To ensure the adequate provision of cycle parking in accordance with Policy PMD8 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015

ELECTRIC VEHICLE CHARGING

25. Prior to the first occupation of any dwelling or flat hereby approved, a scheme of electric vehicle charging installations, including the provision of pre-ducting to assist further future provisions and a timetable detailing the timing or phasing of the proposed installations, shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, all proposed installations shall be installed in accordance with the approved timetable.

Reason: To ensure that adequate provision is made for electric vehicles in accordance with the NPPF.

SURFACE WATER DRAINAGE

26. Prior to the commencement of the development hereby approved, a Surface Water Drainage Scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. The Surface Water Drainage Scheme shall include:

- 1) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- 2) A comprehensive rainwater harvesting system to capture all roof water and its details including design and calculations.
- 3) Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage rate of 4l/s flow reduction and the attenuation volumes to be provided.
- 4) A timetable for the installation of each part of the surface water drainage system and the rainwater harvesting scheme set out at 1) and 2) above.

- 5) Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

Subsequently the Surface Water Drainage Scheme shall be fully implemented in accordance with the timetable approved under the terms of section 4) above and maintained at all times in accordance with the details approved under the terms of section 5) above.

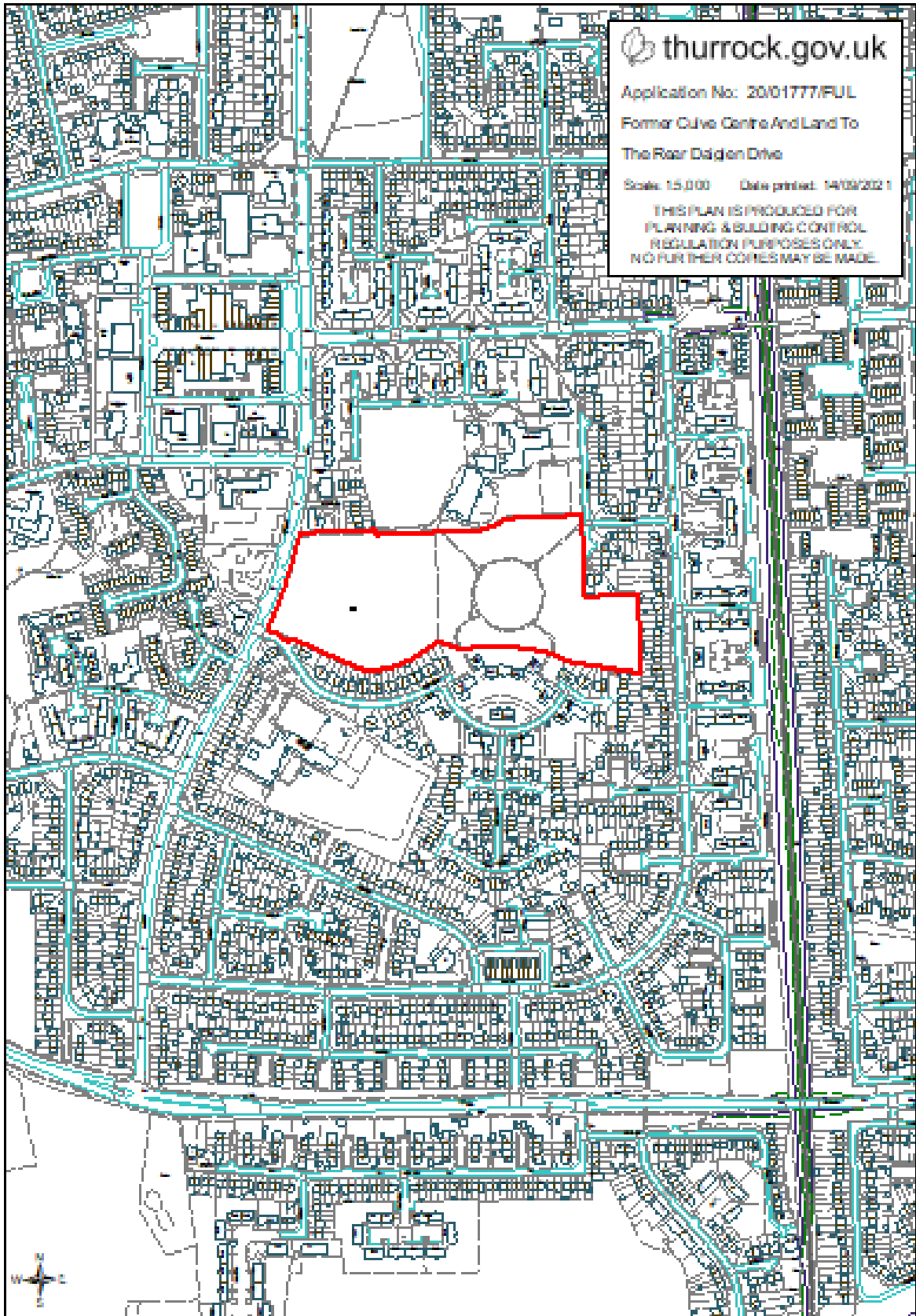
Reason: To ensure the proposed development is safe from flooding and does not increase flood risk elsewhere, in accordance with Policies CSTP27 and PMD15 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework and in compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

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



Reference: 21/00250/FUL	Site: 63 Wharf Road Stanford Le Hope Essex SS17 0DZ
Ward: Stanford Le Hope West	Proposal: Proposed demolition of existing dwelling to form access for four semi-detached chalets with parking and amenity space.

Plan Number(s):		
Reference	Name	Received
201	Proposed Plans	15th February 2021
202	Proposed Plans	12th May 2021
200	Proposed Site Layout	15th February 2021
(No Nos.)	Location Plan	20th May 2021
100	Location Plan	15th February 2021

The application is also accompanied by: - Design and Access Statement	
Applicant: Mr M James	Validated: 12 May 2021 Date of expiry: 27 September 2021 (Agreed extension of time)
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been Called In by Councillors Hebb, Anderson, Collins, Huelin and Ralph (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution) to enable Members to assess any potential loss of amenity to the local area.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks permission to construct four (4) dwellings, consisting of 4 bedroom semi-detached chalet bungalows. There would be provision for 9 car spaces, (including 1 dedicated disabled space). The development would be accessed from Wharf Road, with the existing dwelling at No 63 to be demolished to allow for the new access road.

2.0 SITE DESCRIPTION

2.1 The application site is an overgrown rectangular piece of land behind a row of detached and semi-detached houses on the eastern side of Wharf Road. The site abuts the playing field of Stanford le Hope Primary School to the east and the rear gardens of No 2 Warrene Close to No 53 Wharf Road to the north. To the south are residential dwellings fronting Grove Road.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
20/01053/FUL	Demolition of existing dwelling to form access for seven (7) retirement bungalows with parking and amenity space.	Recommended for refusal to Planning Committee 22 October 2020. Members resolved to refuse.
08/01054/FUL	Erection of 8 semi-detached retirement bungalows and associated car parking [on land To Rear Of 57-71 And 57 Wharf Road utilising a different access point on Wharf Road]	Recommended for refusal to Planning Committee 8 January 2009. Members resolved to approve subject to completion of s106 Agreement, which was never signed. Application subsequently withdrawn.
08/00397/FUL	Demolition of No. 67 Wharf Road to create and access road to land to the rear, and the erection of eight (8) semi-detached retirement bungalows	Refused (on grounds of unsatisfactory layout and design and lack of financial contributions to provide the requisite health and other infrastructure)
88/00379/OUT	Four no semi-detached chalets	Refused. Subsequent appeal dismissed. This proposal sought to create an access to the site via the removal of part of no. 67 Wharf Road. The Inspector considered the proposal to be an undesirable backland development, likely to lead to negative impact via disturbance and noise upon no. 65 and 67 Wharf Road, and the changes to no. 67 would have a detrimental impact upon the appearance of the street scene
THU/439/64	Outline permission for 2 bungalows	Refused - undesirable backland development,

		causing overlooking and suffering from overlooking, and inadequate vehicular arrangements via unmade access between 71 and 81 Wharf Road)
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4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Ten (10) representations were received from nearby occupiers – all raising objections to the proposed development on the following grounds:

- Inadequate and unsatisfactory access to the site;
- Additional traffic;
- Drainage and flood risk concerns;
- Environmental pollution;
- Lack of privacy for the existing and proposed dwellings;
- Light pollution;
- Loss of trees detrimental to the visual amenity of the area;
- Loss of habitats and species;
- Detrimental to the character and appearance of the area;
- Safeguarding concerns;
- Security impacts;
- Strain on existing services and infrastructure

4.3 ENVIRONMENTAL HEALTH OFFICER:

Recommend the imposition of conditions to control the hours of construction and the submission of CEMP for approval.

4.4 FLOOD RISK ADVISOR:

Stanford-le-Hope is a critical drainage area, therefore SuDS provisions are recommended.

4.5 ESSEX POLICE:

Recommends that the developer seeks to achieve the relevant Secured by Design accreditation.

4.6 HIGHWAYS:

There are concerns with the width of the access road and turning head, particularly for larger vehicles. Further concerns also expressed in respect of parking provision.

4.7 LANDSCAPE AND ECOLOGY ADVISOR:

No objections, subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework

The revised NPPF was published on 20 July 2021 and sets out the government's planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

Thematic Policies

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- 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)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD16 (Developer Contributions)

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.

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 proposal raises the following issues:

- I. Principle of the Development
- II. Design, Layout and Impact upon the Character and Appearance of the Area
- III. Traffic Impact, Access and Car Parking
- IV. Impact on the Amenity of Neighbours
- V. Internal and External Amenity Area
- VI. Biodiversity and Ecological Impact
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The application site is within an established residential area where new residential development could be considered acceptable in principle subject to consistency with the provisions in the NPPF and conformity with the relevant provisions in the Development Plan and adopted standards.

II. DESIGN, LAYOUT, CHARACTER AND APPEARANCE

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

6.4 Policies CSTP22 and CSTP23 of the Core Strategy indicate that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

6.5 It is proposed to develop a narrow, rectangular strip of land behind a row of detached and semi-detached bungalows and dwellinghouses. A cul-de-sac would be created between the existing dwellings fronting Wharf Road and the school playing fields serving the Stanford le Hope Primary School. The layout of the development bears no relationship with the spatial pattern of the surrounding townscape in Wharf Road, Wharf Close and Warrene Close, where every dwelling has a street frontage. There are no similar examples of the type of development proposed in the vicinity of the site. Furthermore, the site coverage of the proposed buildings relative to the plot sizes significantly exceeds that of the neighbouring plots, with very little separation between the flank wall and the boundary – resulting in a cramped and contrived form of development.

- 6.6 Furthermore, each of the proposed dwellings features a flat-roofed rearward projection which give the appearance of the properties having already been extended. The roof design represents a poorly executed attempt to obtain additional floorspace within the proposed dwellings; the design would be incongruous in the street scene and is also indicative of overdevelopment of the site.
- 6.7 In the light of the foregoing, it is considered that the proposed backland development, by reason of its layout, scale, siting and design would be incongruous and out of keeping with the locality and would be detrimental to the character and appearance of the area, in contravention of Core Strategy policies PMD2, CSTP22 and CSTP23 and inconsistent with the provisions in the NPPF and Thurrock Design Strategy.

III. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.8 Core Strategy Policy PMD9, amongst other matters, seeks to ensure that new development does not prejudice road safety. Wharf Road is a level 2 Urban Road and is used frequently by Heavy Goods Vehicles to access the Stanhope Industrial Estate. The Council's Highways Officer has expressed concern about the proposed access and turning head, particularly when considering access for larger vehicles. A suitable and adequate access arrangement would be a necessity at this location to prevent awkward reversing manoeuvres back onto the highway. Furthermore, there is a potential safety hazard and conflict point with the vehicular access to Cabborns Crescent on the opposite side of Wharf Road.
- 6.9 The application form states that the proposed dwellings will be 3-bedroom properties, however the plans submitted demonstrate 4-bedrooms. This discrepancy raises concerns regarding the level of off-street parking provision for the site. In line with the Council's draft parking standards a 4-bedroom property would require 3 off-street parking spaces. As such the 9 parking spaces proposed falls short of the Council's draft parking standards.
- 6.10 In the light of the foregoing, the proposed parking and access arrangements would be inadequate and unsatisfactory and would be likely to give rise to conditions interfering with the free flow of traffic and undermine highway safety, contrary to Core Strategy policy PMD9. In addition due to a lack of parking spaces, the proposal would be contrary to Policy PMD8 of the Core Strategy.

IV. IMPACT ON THE AMENITY OF NEIGHBOURS

- 6.11 Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 paragraph f) states among other things that planning policies and decisions should ensure that developments "*Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*" Policy PMD1 reinforces the emphasis on the protection of amenity. It seeks to ensure that development does not cause, among other things, noise and disturbance, invasion of privacy, loss of light or visual intrusion.

- 6.12 The contrived layout of the proposed development means that the proposed dwellings would be close to the common boundary with the neighbouring properties fronting Wharf Road. Given the orientation of the properties and the addition of both front and rear dormers, acting as the only windows to habitable rooms, there is a potential for overlooking. Potential acute views across the rear gardens of the properties fronting Wharf Road from these dormer windows could be achieved, in contrast with no development to the rear at present. Furthermore, the vehicular movements close to the neighbouring properties would generate noise and disturbance that would adversely affect the living conditions of the neighbours, contrary to policy PMD1 of the Core Strategy.

V. INTERNAL AND EXTERNAL AMENITY AREA

- 6.13 NPPF provisions and policy PMD1 also seek satisfactory living standards for residential occupiers. The internal layout of the 4 dwellings complies with both Thurrock and National Space Standards. The rear gardens would also be comparable to neighbouring properties in the area. As such it is considered that the proposal would provide a suitable living environment for potential future occupiers in accordance with the above policy and guidance in the NPPF. However, this does not override the concerns raised elsewhere in the report.

VI. BIODIVERSITY AND ECOLOGICAL IMPACT

- 6.14 The NPPF seeks positive improvements in the quality of the natural environment, moving from a net loss of bio-diversity to achieving net gains for nature. It further states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Amongst other matters, Core Strategy policy PMD7 requires an assessment of what species and habitat would be lost or adversely affected as a result of development (including an ecological survey where appropriate - to enable the Council to determine an application which would result in a loss of biodiversity or geological value.
- 6.15 The site had been unmanaged for many years and comprises a mix of scrub and long grass with a mature hedge along the rear boundary with the adjacent school playing field. Residents had previously reported reptiles within the site and bats foraging over it. The site would also have potentially been suitable for nesting birds. Without a Preliminary Ecological Appraisal (PEA) it is not possible to determine the value of the habitat that had existed on site. The previous scheme was recommended for refusal given the lack of ecological surveys and any opportunities for appropriate mitigation and the need to remove the perimeter hedge. It was considered to be in conflict with policy PMD7 of the Core Strategy and the relevant NPPF provisions.
- 6.16 Since the meeting of the Planning Committee held on 22 October 2020, where Members resolved to refuse application 20/01053/FUL, the site has been cleared. The application is now supported by a PEA which confirms that the site has low ecological value and does not contain any features that would support protected species. It is clear from the proposed siting of the bungalows in proximity to the boundary to the north east that the existing hedge would need to be removed. Its removal would open up views over the school playing field. These would be difficult

to screen even with fencing due to the close proximity of the proposed dwellings to the boundary. On balance, given the lack of ecological value, it is no longer considered that the proposal is in conflict with policy PMD7 of the Core Strategy and the relevant NPPF provisions, subject to a condition requiring an arboricultural method statement and a landscape scheme.

- 6.17 The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the 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. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the necessary mitigation to address mitigation impacts to be funded through a tariff applicable to all new additional dwellings. The current tariff is £127.30 per additional dwelling. This scheme would result in a net increase of 3 units; therefore it would be necessary for the LPA to apply a tariff of £381.90 in order to fund works to mitigate the in-combination effects of recreational disturbance on SPA. No legal agreement or other undertaking to pay this contribution has been received.
- 6.18 In the absence of any signed obligation or undertaking to address the mitigation of the impacts, the proposal is contrary to policy PMD16 of the Core Strategy.

VII. OTHER MATTERS

- 6.19 The Council's Flood Risk Advisor highlighted that Stanford-le-Hope is a critical drainage area. However, the application is for a proposal which is classified as minor development and is not within an area where there is an identified risk of surface water flooding. In such instances the Lead Local Flood Authority is not required to be consulted on surface water drainage. In addition to this the site lies in an area which is classified as having very low risk of flooding and in the circumstance, neither a flood risk assessment nor a drainage strategy is considered to be required for this application.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

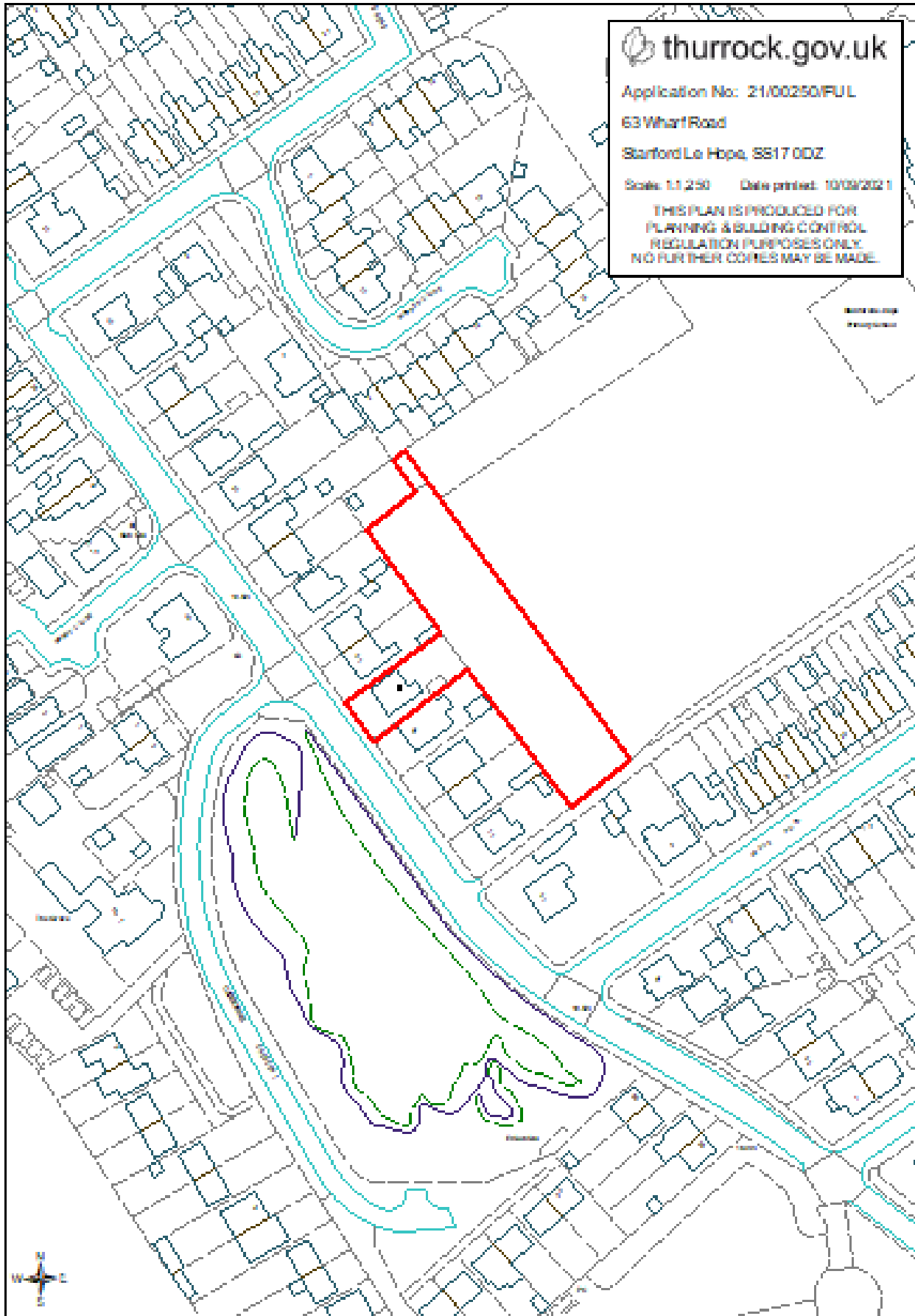
- 7.1 The proposals would result in harm to the character and appearance of the area and the living conditions of existing occupiers surrounding the site.
- 7.2 The proposal would also be harmful to highways and pedestrian safety due to an inadequate access point to Wharf Road and unsuitable parking provision.
- 7.3 Additionally, the application submission is lacking any opportunities for appropriate ecological mitigation, including a signed obligation and or an undertaking.
- 7.4 The proposal is therefore recommended for refusal.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

1. The proposed development would, by reasons of its layout, scale and siting, be an undesirable overdevelopment of the site, which detracts from, and would be out of keeping with, the prevailing character and appearance of the surrounding area, in contravention of policies CSTP22, CSTP23 and PMD2 of the Thurrock Core Strategy and Policies for the Management of Development (2015) and the provisions within Chapter 12 of the National Planning Policy Framework 2021.
2. The proposed development would, by reasons of its layout, scale and design, result in unacceptable impacts upon neighbouring amenity by reason of overlooking and loss of privacy. Furthermore, the expected traffic generation would result in noise and disturbance in close proximity to residential properties, detrimental to the living conditions and amenity of the existing adjoining occupiers contrary to section 12 of the National Planning Policy Framework 2021 and policies PMD1 and PMD9 of the Core Strategy 2015
3. The proposed access arrangement is inadequate and unsatisfactory and fails to provide safe and appropriately sized access. Furthermore, insufficient parking provision poses a potential safety hazard and point of conflict, should parking migrate to the highway. Therefore, its layout, siting and design would be likely to give rise to conditions prejudicial to pedestrian and highway safety, contrary to policies PMD2, PMD8 and PMD9 of the Core Strategy 2015.
4. The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the 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. In the absence of any signed obligation or undertaking to address the mitigation of the impacts, the proposal is contrary to policy PMD16 of the adopted Core Strategy 2015.



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Reference: 21/00698/FUL	Site: Land Part Of Greenacre And Oakdene High Road Fobbing Essex
Ward: Corringham And Fobbing	Proposal: Eight single storey detached dwellinghouses for the over 55s with associated parking and amenity areas

Plan Number(s):		
Reference	Name	Received
F1(S)1:100SF S01	Proposed Floor Plans – Fibonacci 1 (Spirals) 1:100 Scale	27 April 2021
F1(S)1:100SF S03	Proposed Floor Plans – Fibonacci 2 (Spirals) 1:100 Scale	27 April 2021
F1PED05	Fibonacci 2 Proposed Elevations	27 April 2021
F1PGFD01	Fibonacci 1 Proposed Ground Floor Plan	27 April 2021
F2PED07	Fibonacci 2 Proposed Elevations	27 April 2021
F2PGFD03	Fibonacci 2 Proposed Ground Floor Plan	27 April 2021
F2TC(S)1:100 SFS02	Fibonacci 2 Tai Chi (Spirals) 1:100 Scale - Proposed Ground Floor Plan	27 April 2021
F2TCPED06	Fibonacci 2 Tai Chi Proposed Elevations	27 April 2021
F2TCPGFD02	Fibonacci 2 Tai Chi Proposed Ground Floor Plan	27 April 2021
F3(S)1:100SF S04	Fibonacci 3 (Spirals) 1:100 Scale - Proposed Ground Floor Plan	27 April 2021
F3PED08	Fibonacci 3 Proposed Elevations	27 April 2021
F3PGFD04	Fibonacci 3 Proposed Ground Floor Plan	27 April 2021
SLP1:1250S	Site Location Plan	27 April 2021
PSLP1:500S(F VS)	Proposed Site Layout Plan 1:500 (Forward Visibility Splays)	26 July 2021
PSLP1:500S(V T2R)	Proposed Site Layout Plan 1:500 (Vehicle Tracking 2 Refuse)	29 July 2021
PSLP1:500S(V T3R)	Proposed Site Layout Plan 1:500 (Vehicle Tracking 3 Refuse)	29 July 2021
PSLP1:500S(V T4R)	Proposed Site Layout Plan 1:500 (Vehicle Tracking 4 Refuse)	29 July 2021

The application is also accompanied by:

- Air Source Heat Pump specifications
- Design & Access Statement
- Electric Vehicle Charging specifications
- House of Commons, Communities and Local Government Committee Housing for older People, Second Report of Session 2017–19 and Government Response
- Solar Panel specifications
- Various Fibonacci Spiral Plans
- Very Special Circumstances

Applicant:

Mr Ricky Jeffs

Validated:

5 May 2021

Date of expiry:

27 September 2021 (Extension of time agreed with applicant)

Recommendation: Refuse

This application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs G Snell, D Huelin, S Hebb, J Duffin and A Anderson (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of infilling residential back gardens in a green belt area.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for eight single storey residential properties (all for over 55 year olds) in a backland development, situated in a linear arrangement with an oval cul de sac to the rear. The development would run perpendicular from the road on land that is presently part of the plots of part of Greenacre and Oakdene, in High Road Fobbing.

2.0 SITE DESCRIPTION

2.1 The site is accessed directly from High Road Fobbing, it is the final property along the High Road which is designated as an established residential frontage within Green Belt. The gradient of the site rises up from the High Road. The site has a vehicular entrance which is adjacent to Oakdene and then is broadly rectangular and

covers 0.45 hectare. The site is open grassed garden area with some trees to the boundaries.

3.0 RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history at the site of Oakdene. However, there is the following application at the adjacent site which is relevant:

Application Reference	Description of Proposal	Decision
20/01051/FUL	Five single storey detached dwellinghouses for the over 55s with associated parking and amenity areas (40 High Road Fobbing)	Approved

3.2 The application was recommended for refusal, but this was overturned by Members at Planning Committee and planning approval was granted in January 2021. The approved dwellings are shown on the proposal plans for this application and applicant obviously views the current proposal as part of an overall scheme. Nonetheless, as they applications are separate there is no guarantee that both applications would be implemented in full if permission was to be granted, notwithstanding the recommendation.

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 were comments received from six different addresses, these were all in support of the proposal. The matters raised in support are summarised as:

- Homes for neglected sector community/benefit the community;
- Would not lead to overlooking;
- Preferable to build on gardens over green fields;
- No impact to the surroundings;
- Existing vehicle access to the site.

4.3 BRITISH PIPELINE ASSOCIATION:

No objections.

4.4 ENVIRONMENTAL HEALTH:

No objections, subject to condition for a Construction Environment Management Plan (CEMP).

4.5 HIGHWAYS:

No objections, subject to conditions for parking and access.

4.6 LANDSCAPE AND ECOLOGY:

No response received.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. 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;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
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:

- Design: process and tools
- Determining a planning application
- Green Belt
- Housing and economic needs assessment
- Housing for older and disabled people
- Housing: optional technical standards
- 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:

SPATIAL POLICIES

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

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)

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 assessment below covers the following areas:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic impact and parking
- III. Design, layout and impact upon the area
- IV. RAMS Mitigation
- V. Other matters

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

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

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

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

6.3 The site is identified on the 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 137 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 147 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* At paragraph 149 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. The site is within the Core Strategy designation of Established Residential Frontage (ERF), which the applicant refers to. ERF is a designation whereby there is some relaxation of usual Green Belt policy. This application does not meet the requirements of this policy as the relaxation applies to the existing frontage only and the proposal is backland development.

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.
- 6.6 The proposal would introduce built form into an area where there is currently none and therefore there would be an impact to the open nature of the site. Therefore, there would be an impact on openness which is a key element of the Green Belt. Planning policies seek to protect openness, as it is an essential characteristic of the Green Belt. Therefore, the development would encroach upon the openness of the Green Belt resulting in actual harm to openness
- 6.7 Paragraph 138 of the NPPF sets out the five purposes that 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.

6.8 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 in a rural location, on the edge of the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. As a result the development would not result in the unrestricted sprawl of a built up area and therefore would not conflict with this purpose.

b. to prevent neighbouring towns from merging into one another

6.10 The development would not conflict with this Green Belt purpose.

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 site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The eight single storey residential units would cause 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

6.12 The site is not within Fobbing Conservation Area and it is not considered that the proposal would harm the character of a historic town.

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. Allowing unrestricted development on land outside the urban area would conflict with the aim of directing development towards the urban area. Therefore the proposed dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

6.14 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

- 6.15 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 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.
- 6.16 With regard to the NPPF, paragraph 147 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 148 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 consideration forward to demonstrate very special circumstances submitted with this application:
- a) Overall Housing Supply
 - b) Elderly Housing Provision, that is in highest need
 - c) General Health Benefits
 - d) Eco friendly
 - e) Economic Benefits / Local Occupation / 1 year start
 - f) Innovative Internal and External Design
 - g) Sustainable Village Location
 - h) Not harming the aims of the Green Belt

These are assessed below:

- a) *Overall Housing Supply – (applicant considers very significant)*

- 6.18 The applicant puts forward the need for housing within Thurrock as a consideration towards proving very special circumstances.

Consideration

- 6.19 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh GB harm to constitute the very special circumstances justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a recent Green Belt appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that “even so, unmet need on its own, is highly unlikely to amount to very special circumstances”. Accordingly the benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.
- 6.20 The current proposal would, consisting of 8 units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. Nonetheless, the matter of housing delivery contributes towards very special circumstances and should be afforded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

b) Elderly Housing Provision, that is in highest need - (applicant considers significant to moderate)

- 6.21 The applicant put forward the ‘critical’ need for older peoples housing as a consideration towards VSCs.

Consideration

- 6.22 There is no evidence that these houses are specifically required for people within Fobbing. There is no substantive evidence that the dwellings would meet local community needs. As noted later in this report the location is not easily accessible or near to local facilities which are considered as an integral factor for older people’s housing. Specialist older person’s accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents. The proposal has none of these and the units are standard residential properties.

6.23 The principle of increasing the supply of housing for the elderly is recognised but for the Borough's specific needs to be met such accommodation would need to be suitable in all respects. There is nothing provided within the application which makes the proposal unique to the needs of older people. The properties are standard dwellings and they would meet Part M of the building regulations (ease of access). Whilst it is recognised that 5 retirement dwellings have been approved at the adjacent site, it remains the view of Officers that this is not a suitable location for housing for older people. This is because the site is distant from all shops, services and facilities needed for day-to-day living. This is discussed in greater detail later in the report. Therefore, only limited weight can be afforded to this consideration towards very special circumstances.

c) General Health Benefits - (applicant considers significant to moderate)

6.24 The applicant states that the proposal would lead to health benefits as the bungalows would ensure older people do not have accidents in their homes.

Consideration

6.25 The applicant considers bungalow living would ensure older people do not have accidents in their homes. No evidence has been presented by the applicant to demonstrate that living in a bungalow would ensure there are no accidents in the home. It is probable to consider some accidents would occur on stairs, but many do not. Therefore, no weight can be afforded to this consideration towards very special circumstances.

d) Eco friendly - (applicant considers moderate)

6.26 The proposal includes the following:

- solar panels
- air source heat pumps
- electric car charging points

The inclusions of such renewable energy are recommended within Chapter 14 of the NPPF that is in part tasked with meeting the challenge of climate change.

Consideration

6.27 National policies and the development plan encourage the inclusion of renewable energy. However, in many respects this is now addresses as a requirement of other legislation and going forward would be expected as a matter of course. The information provided does not provide a detailed evidence base to demonstrate the

uplift from Building Regulations. Therefore, this can only be afforded minimal weight towards VSCs.

e) Economic Benefits / Local Occupation / 1 year start - (applicant considers moderate)

- 6.28 The applicant states they would accept conditions/legal agreement to start the development within one year and agree to use local builders and tradespeople for the scheme. This would therefore lead to economic benefits. Additionally, they state the development would be occupied by local people.

Consideration

- 6.29 The sentiment of the fifth VSC is appreciated, but the practicality of such a condition or agreement to use only local workforce is considered to be unreasonable and unenforceable. In terms of a quick start on site, government guidance states the standard time limit condition of commencement within 3 years should not be amended. In terms of local occupation, there is no evidence that these houses are specifically required for people within Fobbing. There is no substantive evidence that the dwellings would meet local community needs. Additionally, the site is located close to the borough boundary so local to Fobbing does not necessarily mean within Thurrock. Therefore, no weight can be attributed towards this as a VSC.

f) Innovative Internal and External Design – (applicant considers moderate)

- 6.30 The applicant states they consider the proposal offers a high-quality innovative design shaped around the site circumstances available. They conclude the development meets HAPPI Standards (Housing our Ageing Population Panel for Innovation).

Consideration

- 6.31 The proposal is for single storey residential properties, the applicant specifies what they believe is *innovative* about the proposal. However, there does not seem to be any offering which is inventive or ground-breaking within the layout or design. Therefore, this factor cannot be afforded any weight towards very special circumstances.

g) Sustainable Village Location – (applicant considers moderate)

- 6.32 The applicant states that the proposal site is within a sustainable location, therefore suitable for older people's housing.

Consideration

6.33 The site is not considered to be within a sustainable location. It is situated to the edge of the village, being the final property within the established residential frontage. Fobbing is a linear settlement, which is located mostly along the main road. The facilities which are available within the village, the pub, church and church hall are all located in what would have been the historic centre of the village. This centre is over a mile walk from the application site. In addition, there are no shops within the village. There are some buses which serve the village, but these are infrequent and, at best, offer a bus twice an hour. There are no GPs or dentists within the village either. Therefore, it is difficult to see how the site can be termed sustainable and therefore suitable for older people’s housing. The applicant states that site is within a central village location, this is not agreed as it is clearly not well-connected and is remote from facilities. Therefore no weight can be afforded to this consideration towards very special circumstances.

h) Not harming the aims of the Green Belt – (applicant considers limited to moderate)

6.34 The applicant considers that the development would be infill development within a village.

Consideration

6.35 Paragraph 149 of the NPPF states some exceptions to construction of new buildings being considered inappropriate within Green Belt, part e) is limited infilling in villages. There is no specific definition within the NPPF as to what would constitute limited infilling within a village. It is not considered the proposal would constitute limited infilling as the proposal is for back land development which would mean there are eight new properties on what is presently a private garden. Therefore, the proposal does not constitute limited infilling and the proposal clearly does harm the aims of the Green Belt and no weight can be attached to this as a VSC.

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	a) Overall Housing Supply	Very significant 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 – purposes c and e.		
	b) Elderly Housing Provision, that is in highest need -	Limited weight
	c) General Health Benefits	No weight
	d) Eco friendly	Minimal weight
	e) Economic Benefits / Local Occupation / 1 year start	No weight
	f) Innovative Internal and External Design - Moderate	No weight
	g) Sustainable village location	No weight
	h) Not harming the aims of the Green Belt	No 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 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 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. In this instance it is considered that 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 and PMD6 of the adopted Core Strategy and the National Planning Policy Framework.

II. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.39 The proposal would utilise a single access road which would be positioned along one side of the front boundary in order to provide access to the rear of the site. This then expands to an oval road layout which provides access to all 13 properties (with the previously approved 5 unit scheme). Concerns have been raised by the Council's Highway Officer with regards to the suitability of the access onto High Road, the increase in the intensity of the use and the ability of the internal access road to accommodate all necessary vehicle movements including access by refuse vehicles. Whilst these concerns are noted it is considered that there is adequate scope within the site to alter the layout to provide a suitable internal road layout. In addition the matters relating to the use of the access point and the provision of suitable visibility splays could be addressed through appropriate conditions.
- 6.40 The proposed site plan indicates there would be two parking spaces per dwelling and visitor spaces. There is concern regarding the usability of some of the proposed parking spaces. But again, there is sufficient space and it is considered the site can provide a suitable level of parking for future occupants. This could be secured by condition.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.41 The National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.42 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.43 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.44 Policy CSTP23 of the Core Strategy states the Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.

- 6.45 Whilst there are a number of existing single storey buildings in the surrounding area, these are set in relatively informal layouts. The proposed dwellings would be single storey in scale and would extend in a formal layout towards the rear of the site. Whilst in isolation such a scale is preferable to two storey dwellings it would result in the introduction of a level of built form at a scale which would appear urban and significantly out of character to the rear of High Road. Therefore in conjunction with the position of the proposed dwellings this would lead to a level of bulk and massing which would appear out of character in the area to the rear of High Road. Given the above the proposal would result in a significant adverse impact upon the generally open character of this area contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF.
- 6.46 The actual appearance of the buildings with the design of the facades is concerning, as they appear almost utilitarian. Additionally, the appearance is unbalanced and confused, creating an awkward finish. There are large areas of blank wall which contribute to the unattractive aesthetics of the properties. From the Design and Access Statement it appears the applicant is proposing a modern appearance. Presently, the details of how the design shown on the plans could be interpreted to create an attractive modern building are not clear.
- 6.47 With regards to neighbouring amenity the proposed dwellings would be located away from the nearest residential neighbours. In addition the dwellings would be single storey in scale. The relationship with neighbouring dwellings would ensure that there would not be a significant loss of light, overbearing impact or loss of privacy to neighbouring properties.
- 6.48 With regards to the amenity of future occupiers there would be sufficient space to provide suitable light and outlook to habitable rooms. There is significant concern regarding the properties which are situated within the centre of the oval. To enable these properties to have privacy within their gardens the boundary treatment would inevitably be an imposing wall or fence which would detract from character and appearance. The rear gardens would be of sufficient size to provide suitable amenity for future occupiers.
- 6.49 As noted above, the amenity of both existing and the prospective residents in terms of loss of light, overbearing impact or loss of privacy to neighbouring properties is considered acceptable. Nevertheless, there are significant concerns regarding the layout of the buildings and detailed design of the facades. Therefore, the proposal is considered contrary to the NPPF and policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

V. RAMS MITIGATION

- 6.50 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence and therefore it would be necessary for the local planning authority to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably, such a contribution could be secured via an appropriate legal agreement.

VI. DEVELOPER CONTRIBUTIONS

- 6.51 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.52 Policy CSTP2 seeks the minimum provision of 35% affordable housing, this is applicable when 10 or more units are proposed. Whilst this application is for 8 units, it is clearly going to be joined with the previously approved 5 unit scheme, with the same access road, design parameters and applicant. Therefore, it is considered in this case it is appropriate and necessary for the affordable housing to be provided. The 35% requirement should be of the total 13 units, which would be 5 units. Therefore, the proposal would fail to contribute towards affordable housing need in the Borough contrary to policy CSTP2.

VII. OTHER MATTERS

- 6.53 Within the previously approved application, Essex Police raised concerns regarding the proposal due to the layout whereby the buildings are set back from the road and therefore there would be limited surveillance which is a safety concern. Therefore, should the application be recommended favourably a condition requiring a Secure by Design accreditation would be required.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development is sited within the Green Belt and would not fall within one of the exceptions to inappropriate development as set out in the NPPF. Therefore it would result in inappropriate development in the Green Belt which is by definition harmful to openness.

- 7.2 The proposal would also introduce a significant amount of built form into an area which is currently open and has no development. Therefore, the development would encroach upon the openness of the Green Belt resulting in actual harm to openness. The applicant has not advanced any circumstances that would amount to very special circumstances that could overcome the strong presumption against this type of proposal. The development is therefore contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF and is therefore harmful by definition.
- 7.3 The scale of the development and the formal layout would result in an urbanising appearance out of character to the rear of properties along High Road. Additionally, the detailed design of these properties appear unbalanced and unattractive. Therefore, the proposal is contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF.
- 7.4 The proposal does not include a legal agreement in relation to the provision of affordable housing and would therefore fail to contribute towards meeting affordable housing need in the Borough. As a result it would be contrary to policy CSTP2 of the Core Strategy and the NPPF.

8.0 RECOMMENDATION

8.1 Refuse planning permission for the following reasons:

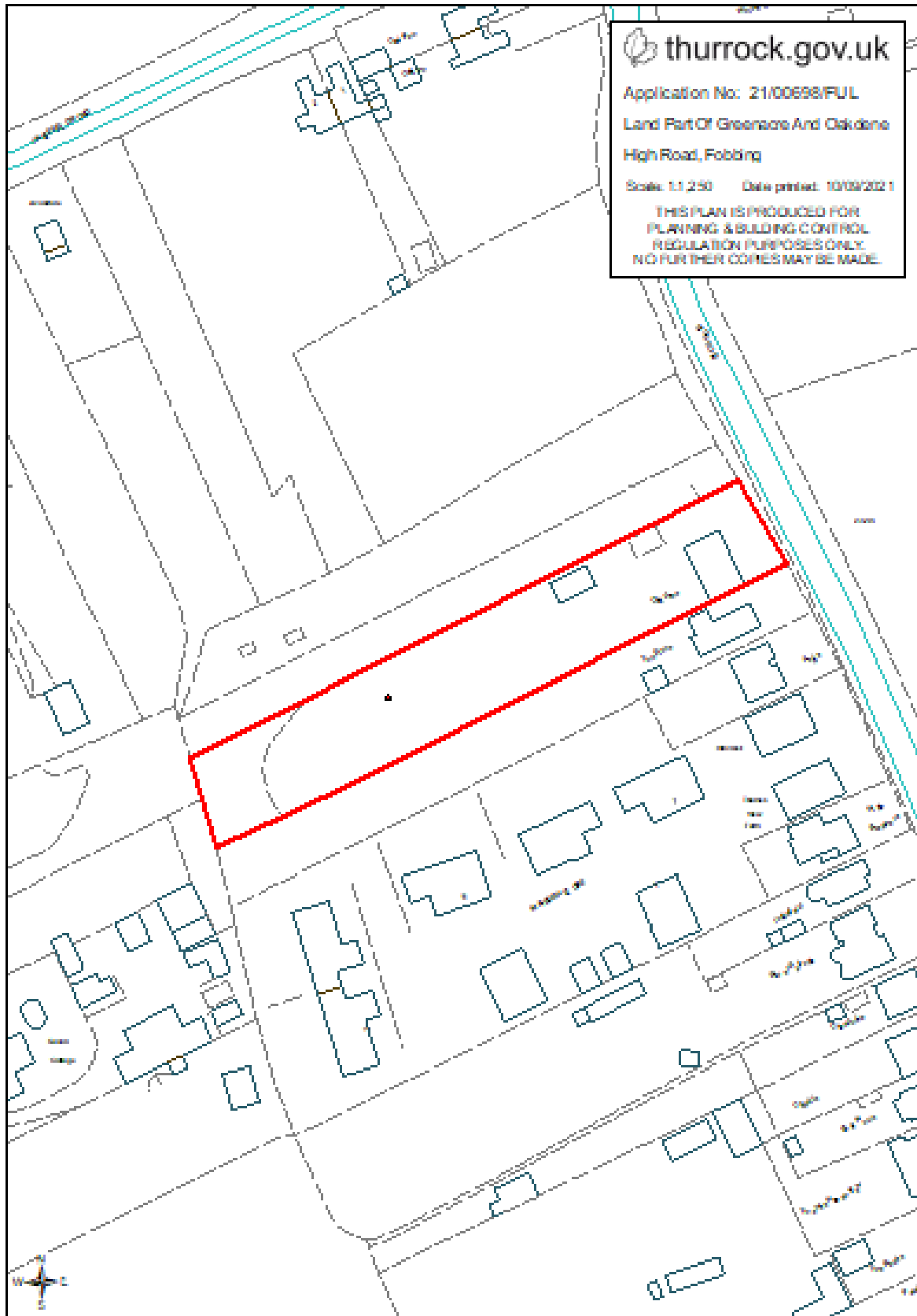
- 1 The proposal represents an inappropriate form of development within the Green Belt, which is, by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The circumstances put forward by the applicant would not amount to very special circumstances that clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and the requirements of the National Planning Policy Framework 2021.
- 2 The proposed dwellings, by reason of their design, scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance, thereby being significantly out of character with the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and the requirements of the National Planning Policy Framework 2021.
- 3 The proposed development, by reason of the lack of a legal agreement towards the provision of affordable housing has failed to demonstrate that it would contribute

towards meeting affordable housing need in the Borough. The proposal is therefore contrary to policy CSTP2 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



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Reference: 21/01061/OUT	Site: Land adjoining Balgownie Farm Lower Dunton Road Bulphan Essex
Ward: Orsett	Proposal: Outline planning application (with matters relating to landscaping reserved) to erect 6 no. dwellings using the vehicle access associated with existing development

Plan Number(s):		
Reference	Name	Received
05	Proposed Plans For Units 2 & 4	28th June 2021
04	Proposed Streetscene	28th June 2021
02 rev J	Proposed Plans For Units 1,3 5 & 6	28th June 2021
01 rev P	Existing / Proposed OS Plans	23rd August 2021

The application is also accompanied by:

- Heritage Statement by Janice Gooch Heritage Consultancy, dated 18 May 2021, job no 21/420, version 1
- Design & Access Statement, by Architectural Design & Plan, dated June 2021;
- Transport Statement by Redwood Partnership Transport Limited (ref PMcL/3408d1/Jun 2021)

Applicant: Mr TJ & Julian Macalle	Validated: 25 June 2021 Date of expiry: 30 September 2021 (Extension of time agreed)
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Recommendation: Refuse planning permission

This planning application is scheduled for determination by the Council's Planning Committee because it has been called in by Councillors G Byrne, F Massey, S Muldowney, L Watson and Georgette Polley to consider the need for 'top-end' houses, provision of electric charging points and "the developer giving a large sum of 106 money to local causes" (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution).

1.0 BRIEF SUMMARY

1.1 This application is a resubmission of a similar application (ref 20/01172/OUT) for outline permission (with matters relating to appearance, layout, scale and landscaping reserved) for the erection of 7 dwellings, which was refused in January 2021. The current application seeks to address the previous three reasons for refusal, principally by reducing the scheme by one residential unit and reducing the site area to approximately 0.9 hectares such that the proposal which no longer constitutes a ‘major’ application. Only landscaping is a reserved matter in the current application and consequently access, appearance, layout and scale can be considered at this stage.

2.0 DESCRIPTION OF PROPOSAL

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

Site Area (Gross)	0.9 ha							
Height	All Two Storey							
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL	
	Houses	-	-	-	6	-	06	
Affordable Units	Applicant refers to a financial contribution to affordable housing							
Car parking	Houses: Total allocated: 3 spaces (including garage) per unit Total: 18							
Amenity Space	Minimum 490 sq.m Maximum 711 sq.m <u>Garden depths</u> Minimum 5.1 m Maximum 41 m							

3.0 SITE DESCRIPTION

3.1 The site lies on the west side of Lower Dunton Road outside any settlement. Horndon on the Hill is located to the south and Bulphan to the west. The site would be served by a single gated secure access from the existing access serving the development to the south and west.

- 3.2 The site comprises an open field with hedgerow along the boundary with Lower Dunton Road and is located within the Metropolitan Green Belt (GB). The site is also located c.60 metres south of a Grade II listed building (Lower Dunton Hall Farm).
- 3.3 Land immediately adjoining the current site located to the south and west is currently being developed for residential purposes via planning permission ref. 18/01079/FUL (Erection of eight executive houses). This adjacent site shares the same access onto Lower Dunton Road. Although the Planning Statement submitted with the applicant states:

“The application site exceeds the 0.5 hectare threshold. The adjacent built site is in separate ownership and is not in any way connected with this development and therefore should not be considered to be a second phase”

However, the applicant has stated on the application forms for both 18/01079/FUL and the current case includes one common party (Julian Macalle). Although since submission of this application in June 2021 a ‘Certificate B’ ownership certificate has been submitted suggested that a different party has an interest in the site.

4.0 RELEVANT PLANNING HISTORY

Land adjoining Balgownie Farm

Application Reference	Description of Proposal	Decision
20/01172/OUT	Outline planning application (with matters relating to appearance, layout, scale and landscaping reserved) to erect 7 no. dwellings using the vehicle access associated with existing development	Refused
97/00288/OUT	Detached bungalow	Refused

Land at Balgownie Farm

Application Reference	Description of Proposal	Decision
20/00652/CV	Variation of condition no 1 (approved plans) of planning permission ref 18/01079/FUL (Erection of eight executive houses) to erect additional garages.	Approved
20/00058/CONDC	Application for the approval of details	Advice Given

	reserved by condition nos. Condition 3 (Materials) Condition 4: (Design Details) Condition 5 (Soft and hard landscaping scheme) Condition 6: (CEMP) Condition 7: (Surface Water Drainage) Condition 8 (Surface water maintenance plan) of planning permission ref: 18/01079/FUL (Erection of eight executive houses.)	
18/01079/FUL	Erection of eight executive houses.	Approved
17/01664/CONDC	Application for the approval of details reserved by condition no. 4 (Highways Management Plan), 5(Construction Management Plan), 7(Access and Emerging Visibility Site Spla) and 9(Drainage Strategy) of planning permission ref. 15/01414/FUL (Erection of six executive houses on previously developed land)	Advice Given
17/01388/NMA	Application for a proposed non-material amendment to amend (size of plot 6 only) of planning permission 17/00162/FUL(Erection of six executive houses on previously developed land)	Refused
17/00162/FUL	Erection of six executive houses on previously developed land [revised application following planning approval 15/01414/FUL for six executive houses on previously developed land. This current application seeks to revise one of the house types.	Approved
15/01414/FUL	Erection of six executive houses on previously developed land.	Approved
07/00294/FUL	Change of use of redundant farm buildings to light industrial uses.	Refused

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 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

5.2 PUBLICITY:

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

A total of one representation has been received raising the following concerns;

- The land in question is in fact Green Belt and not available to build houses on.

The following consultation responses have been received:

5.3 EMERGENCY PLANNING:

No objection

5.4 ENVIRONMENTAL HEALTH OFFICER:

No objection, subject to conditions requiring a CEMP

5.5 ENVIRONMENT AGENCY:

No comment.

5.6 FLOOD RISK MANAGER:

No objection, conditions suggested regarding sustainable drainage systems.

5.7. HIGHWAYS:

Further information required and concerns raised regarding intensification of the access and the unsustainable location.

5.8 LANDSCAPE & ECOLOGY:

No comment received, but RAMS payment is to be expected given the location.

6.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

6.1 The revised NPPF was published on 24th July 2021. The NPPF sets out the Government's planning policies. 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:

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.*

6.2 As the proposal comprises a residential development, paragraph 11(d) is relevant to a degree in respect of the five-year supply of deliverable housing. The Council's most recently published figure for housing land supply (July 2016) refers to a supply of between 2.5 to 2.7 years and it is to be expected that this figure has reduced as completions on large development sites has progressed. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission would normally engage. However, as this is a site located in the GB the presumption in favour does not apply.

6.3 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
- 16. Conserving and enhancing the historic environment
- 14. Meeting the challenge of climate change, flooding and coastal change;

National Planning Practice Guidance (NPPG)

6.4 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
- Housing supply and delivery

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

6.5 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:

- 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 Historic Environment)
- CSTP27 (Management and Reduction of Flood Risk)

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)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

6.6 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.

6.7 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

7.1 Procedure:

With reference to procedure, this application has been advertised as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, 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 any referral as a departure relates to the GB and therefore the application will need to be referred under paragraph 4 of the Direction. 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.

7.2 The assessment below covers the following areas:

- I. Principle of Development
- II. Design, Layout and Historic Environment
- III. Effect on Neighbouring Properties
- IV. Living Standards and Private Amenity Space
- V. Impact on Landscape, Ecology and Biodiversity
- VI. Site Drainage and Flood Risk
- VII. Traffic, Access and Car Parking
- VIII. Planning Obligations
- IX. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

7.3 As all of the site is located within the GB, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting GB land). Under the heading of GB considerations it is necessary to refer to the following key questions:

- i. whether the proposals constitute inappropriate development in the GB;
- ii. the effect of the proposals on the open nature of the GB and the purposes of including land within it; and
- iii. 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.

i. Whether the proposals constitute inappropriate development in Green Belt

7.4 The first reason for refusal on the previous application (ref 20/01172/OUT) states the following;

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.'

- 7.5 The site is identified on the Core Strategy Proposals Map as being within the GB where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the GB 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.
- 7.6 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs 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 147 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”*. Paragraph 148 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the GB and that VSC will not exist unless the potential harm to the GB by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.7 With reference to proposed new buildings in the GB, paragraph 149 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.

7.8 The applicants Planning Statement maintains that paragraph 145 of the NPPF (now 149 of the revised version) is appropriate to justify inappropriate development;

'The Paragraph does permit infilling as an exception to this. This would normally be within a village or on brownfield land. Although the site is not within the village it is a site which is immediately adjacent to a built up area of the Green Belt. In the immediate vicinity there are now 11 large detached houses....three of the sides of the site is completely enclosed by housing and associated buildings within their curtilages' (see paragraph 5.6 of planning statement).

7.9 The applicant acknowledges that the site is inappropriate development but seeks to use sub-paragraphs 145(e) and (g) as exceptions to inappropriate development in the Green Belt. The applicant has tried to suggest that the site constitutes limited infilling, primarily because the site is enclosed by buildings on three sides, although the site does not constitute previously developed land, as defined in the glossary of the NPPF and/or fit within the definition of a village settlement. Therefore, as established in the report for the previous refused application at the site (ref 20/01172/OUT), the proposals do not fall within the NPPF exceptions to inappropriate development as defined in paragraph 149. Furthermore, the applicant's Planning Statement, at paragraph 1.2 confirms that the site is an open field which the family, at Balgownie Farm and a local football club (un-named) have used for football and recreational purposes.

7.10 Consequently, as the application seeks outline permission for 6 residential units on open green space the proposal comprises inappropriate development in the GB, which is harmful by definition, with reference to the NPPF and Policy PMD6 and CSSP4. In accordance with the NPPF (para. 148), Policies PMD6 and CSSP4, substantial weight should be given to this harm.

- ii. The effect of the proposals on the open nature of the GB and the purposes of including land within it

- 7.11 The analysis in the paragraphs above concludes that the residential development is inappropriate development which is, by definition, harmful to the GB (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).
- 7.12 As noted above paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence.
- 7.13 Although this is an application for outline planning permission with only landscaping as a reserved matter, it is evident that the built development and accompanying curtilages etc. would be spread across the majority of the application site. The proposals would comprise a substantial amount of new built development in an area which is currently open. Advice published in NPPG (Jul 2019) addresses the role of the GB 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
- 7.14 It is considered that the proposed 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 volumes. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally the development would generate traffic movements associated with the residential scheme and it is considered this activity would also impact negatively on the openness of the GB. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.
- 7.15 With regard to the visual impact on the GB assessment of openness, the quantum of development proposed would undoubtedly harm the open visual character of the site. It is noted a landscape buffer is referenced in the planning statement and reflected on the plans to limit the visual impact to the adjacent highway. The planning statement submitted (at para 3.1/3.2) maintains;

'The raison d'être of the proposals is to create a landscape dominant pattern and form of development, that is similar to that found in the more Arcadian, low density developments of the villages and suburban areas of Essex. The proposal also seeks to reflect the character and appearance of the historic and recently erected dwellings which immediately about the application site...Strategic landscape buffer planting is proposed between the heritage asset buildings and their historic curtilages and the proposed plot 1...'

7.16 Notwithstanding this, Officers take the view that limited weight can be afforded to the landscape buffer, since landscaping is a reserved matter. As the site has no built form, built development on the site as proposed would clearly harm the visual component of openness.

7.17 The current proposal would therefore reduce openness as both a spatial and visual concept. Despite this, the applicant's Planning Statement maintains the following;

'Policy guidance seeks that the aims and purposes of the "Green Belt" are considered. Redevelopment of the site would not lead to encroachment into the countryside as the site is wholly distinct as a non-agricultural area, defined as a 'Residential Use' due to its use as garden to the existing Balgownie Farm House.'

7.18 Regardless of the applicant's position above, paragraph 138 of the NPPF sets out the five purposes which the GB 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

7.19 The site is situated within the GB, but outside of large built up areas. The application site is directly adjacent to Lower Dunton Road which has a rural character with large open fields and few buildings sporadically scattered throughout the length of the road. The proposal would extend built form into the open parcel of land where there is currently no development. Although compared to the earlier refusal this scheme seeks to reduce the quantum of residential units, reduce the site area to 0.9 ha and increase the landscape buffer to the northern part of the site. However, for the

purposes of the NPPF, the proposal is considered outside a large built up area and, therefore, it is not directly contrary to the first purpose of the GB.

b. to prevent neighbouring towns from merging into one another

7.20 The site is situated north of Horndon on the Hill and further north of the site is Langdon Hills / Basildon. Given the location of the application site, the development would not result in the confluence of any towns.

c. to assist in safeguarding the countryside from encroachment

7.21 The Planning Statement submitted maintains that the proposal constitutes a 'small encroachment into the countryside' and 'only a very modest level of harm to the purposes of the Green Belt'. Officers do not agree with the applicant's assessment of impact on this purpose of the GB, as there is no definitive guidance on the 'degrees of harm' to the GB or what constitutes 'a small level of harm by encroachment'.

7.22 Therefore, with regard to the third GB purpose, the proposal would involve built development on a site which is currently open and undeveloped. The proposed development would spread across the majority of the site and it is important to note that the proposed dwellings would inevitably require parking spaces, hardstandings, associated roads and residential curtilages. 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 with this purpose.

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

7.23 The site is near to a Grade II listed building. Nonetheless, as there are no historic towns in the immediate vicinity of the site, in terms of the criteria of the NPPF, the proposals do not conflict with this defined purpose of the GB.

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

7.24 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why GB land is required to accommodate the proposals. The erection of 6 units with associated hardstanding/vehicle accesses, fencing etc. is inconsistent with the fifth purpose of the GB.

7.25 In conclusion under the headings (i) and (ii) it is considered that the current proposals would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result

of conflict with GB purposes (c) and (e). In accordance with 144 of the NPPF substantial weight should be afforded to this harm.

iii. 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

7.26 Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities -

“should ensure that substantial weight is given to any harm to the GB. VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”

7.27 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of 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 VSC (.i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.

7.28 In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being replicated on other sites, could be used on different cases leading to a decrease in openness of the GB. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being a VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgement for the decision-taker.

7.29 The Planning Statement submitted to accompany the application has not advanced formal factors which would amount to VSC that could overcome the harm that would result by way of inappropriateness other harm identified in the assessment. However, the Planning Statement and Design and Access Statements provides justifications for inappropriate development in the GB, these will be addressed under the following headings.

- a. Council's Lack of Housing Land Supply
- b. Financial Contribution to Affordable Housing
- c. Presumption in Favour of Sustainable Development

These matters are assessed in the paragraphs below.

a. Council's Lack of Housing Land Supply

Consideration

- 7.30 The issue of housing land supply (including affordable housing) has been considered by the Committee regularly with regard to proposals for residential development in the GB and it is acknowledged that there is currently a lack of 5 year housing supply. The most recently published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that "the dwelling requirement set out in the Core Strategy is now considered to be out of date". Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is accepted that supply is less than the five year (+20%) requirement.
- 7.31 The current proposals would, with only 6 units, be of minimal benefit in contributing towards addressing the large shortfall in the supply of new housing as set out in the Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery is a benefit which contributes towards VSC and should be accorded significant positive weight in the consideration of this application. In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh GB harm to constitute the VSC justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2021) does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, an appeal decision from February 2020 (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that "... unmet need on its own, is highly unlikely to amount to vsc...". Accordingly the very significant benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the VSC necessary to justify inappropriate development.

b. Financial Contribution to Affordable Housing

Consideration

- 7.32 The third reason for refusal on the previous refused application stated;
3. *The proposed development, by reason of the lack of a legal agreement towards the provision of affordable housing has failed to demonstrate that it would contribute towards meeting affordable housing need in the Borough. The proposal is therefore contrary to policy CSTP2 the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) the National Planning Policy Framework 2019.*
- 7.33 Policy CSTP2 seeks the minimum provision of 35% affordable housing. While the applicant's willingness to seek a legal agreement to secure an affordable housing financial contribution is noted, no legal agreement has been forthcoming. The threshold for affordable housing provision is also 10 residential units. The applicant has recently received approval of a section 73 application for an extant permission (18/01079/FUL) to build 8 detached properties south and west of the current application site. The s73 application (20/00652/CV) sought to add additional garages for 7 of the plots. In the previous refused application it was concluded that the scheme was effectively a second phase of development within the applicant's ownership of land, and officers took the view that the applicant should comply with the 35% policy requirements. Therefore, it was considered that if the scheme were consented, there would be a total 15 units within the whole site at Balgownie Farm and a provision 5 affordable housing units should be supplied on-site or a financial equivalent (as per the 7 units proposed within the previous application 20/01172/OUT).
- 7.34 In response to the previous reason for refusal, the applicant indicates that they would be willing to make a financial contribution of £200,000 presumably to off-site affordable housing provision, but simultaneously maintains they no longer own the entire site at Balgownie Farm where the 8 dwellings have been erected. This is not entirely clear from the location plan supplied with the application as the two dwellings closest to Lower Dunton Road (plots 7 & 8), are the only two plots outlined within the applications ownership. Furthermore, during the course of the current application the applicant has exchanged the certificate A for certificate B; confirming that another party, apart from the applicant, has an interest in the land and provided the notice letter to the appropriate persons. At this stage, it is not known the extent of the interest in the land, but officers are left to conclude the quantum of development within the applicant's ownership, resulting from the existing and proposed development, is unlikely to exceed the 10 units' threshold for provision of affordable housing.

- 7.35 In light of the above conclusion, in terms of the proposed £200,000 contribution to off-site affordable housing, Officers consider that contributions cannot be accepted from the applicant if the totality of residential units on the adjoining approved scheme and the proposed units do not exceed 10 units which are under the applicant's ownership. Furthermore, it is unclear how the applicant has arrived at the figure of £200,000 and/or whether this figure is viability tested this figure could fluctuate subject to the viability of the scheme.
- 7.36 Therefore, although the third reason for refusal from the previous refused application can be removed, the proposed £200,000 contribution towards affordable housing is afforded no weight as a VSC necessary to justify inappropriate development in the Green Belt. This is because if (as claimed in the Planning Statement) there is limited connection between the implemented permission and the current proposal, the requirement for the provision of affordable housing does not engage and therefore any financial contribution would clearly not meet the legal tests set out at paragraph 57 of the NPPF, namely:

Planning obligations must only be sought where they meet all of the following tests:

- (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.*

c. Presumption in Favour of Sustainable Development

- 7.37 The applicant considers that the proposed development would be economically sustainable due to the number of jobs generated during the construction phase and would also have environmental and social benefits. Also, it is held that future residents would increase the number of people using the facilities and services of the more urban areas of the borough.

Consideration

- 7.38 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 7). At para. 11 the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking para. 11 (c) and (d) confirm the application of the presumption in favour of sustainable development as:

- (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-date, 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 proposed; 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.*

7.39 Footnote (7) from the above extract includes the GB as an area or asset of particular importance. Succinctly put, land designated as GB provides a strong reason for refusing the erection of 6 units as proposed and the current proposal could not be viewed as achieving sustainable development since this would directly contravene the NPPF's policies on 'Protecting Green Belt land' (Chapter 13).

7.40 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure, create jobs in the short term during construction but the creation of 6 dwellings are likely to have limited social benefit. Furthermore, the site is within an isolated location in the GB, with no public transport links and not within walking distance to any local amenities. Lower Dunton Road has no pedestrian accessibility and the site is not within a sustainable location and there would be a total reliance on personal car use. Therefore the temporary economic benefit of construction jobs and economic benefits from 6 new households is afforded only very limited weight.

Green Belt Conclusions

7.41 Under the heading considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and reduce the openness of the GB. Furthermore it is considered that the proposals would harm the openness of the GB in terms of both the spatial and visual aspects of openness and would cause some harm to the role which the site plays in fulfilling the purposes for including land within the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above.

7.42 However, for convenience, a summary of the weight which should be placed on various GB considerations is provided in the table below;

Simplified Summary of GB 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	Lack of Housing Land Supply	Significant
Reduction in the openness of the Green Belt		Financial Contribution to Affordable Housing	No Weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Presumption in Favour of Sustainable Development	Limited Weight

7.43 Within the table above, the factors promoted by the applicant can be assessed as attracting varying degrees of ‘positive’ weight in the balanced of considerations. As ever, in reaching a conclusion on the GB issues, a judgement as to balance between the 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. Limited factors have been promoted by the applicant as comprising the ‘very special circumstances’ 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’.

7.44 Taking into account all Green Belt considerations, Officers are of the opinion that in this case the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so to amount to very special circumstances justifying inappropriate development.

II. DESIGN, LAYOUT AND HISTORIC ENVIRONMENT

7.45 The NPPF states at paragraph 207 that; *‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.*

7.46 CSTP24 of the Core Strategy states the following;

'All development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting, in accordance with i. the objectives in part 1..., ii. The requirements of PMD4 Historic Environment, iii. Conservation Area Character Appraisals and Management Proposals...and iv. Relevant national and regional guidance.'

7.47 PMD4 of the Core Strategy also states the following;

'The Council will ensure that the fabric and setting of heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments and other important archaeological sites, and historic landscape features are appropriately protected and enhanced in accordance with their significance.'

7.48 The current proposal is an outline planning application with matters relating to landscaping reserved. Notwithstanding this, the applicant has submitted plans to illustrate the potential landscaping arrangements around the boundary of site. This application differs to the previous refused application at the site (ref 20/01172/OUT), in that details relating to appearance, layout and scale were previously reserved matters and were not for consideration within the parameters of the application.

7.49 The second reason for refusal on the previous application (ref 20/01172/OUT) states;

'The proposed development would, by reason of its increased built form, urbanised layout and associated vehicle surfacing/hardstanding, appear out of context in a rural setting given the surrounding pattern and nature of buildings and would appear out of character within the immediate locality failing to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. Furthermore, the application is not supported by a statement to describe the significance of the adjacent listed building and therefore the local planning authority cannot understand the potential impact of the proposals on this designated heritage asset. The proposal is therefore contrary to Policies PMD2, PMD4 CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and paragraph 189 of the National Planning Policy Framework 2019.'

7.50 In the current application, the Planning Statement maintains that the applicant's Heritage Advisor recommended that the application be revised to omit one of the dwellings, reducing the scheme to six dwellings in order to provide considerable separation to the adjacent listed building, which includes a landscape buffer to the

northern boundary of plot 1. It is acknowledged the size of the application site has reduced from the refused application which, in turn, reduces the distance of the site boundary from Lower Dunton Road by approximately 1.3 metres.

- 7.51 Notwithstanding this amendment, the dwellings would be two storey and of substantial scale with roof ridge heights up to c.9m. In terms of appearance and layout, erecting a further 6 dwellings would clearly harm the open character of the site.
- 7.52 Furthermore, the site is in relatively close proximity to a Grade II listed building (Lower Dunton Hall - List Entry ID: 1111583), which is an eighteenth-century red brick farmhouse, consisting of two-storeys with attics. The Council's Heritage Advisor has been consulted in relation to the current outline application. In the previous application the Advisor maintained that the applicant should have provided a Heritage Statement to support the application. Officers agreed with this position, and the Advisor noted that the surrounding area is predominantly rural and characterised by farmsteads set within open fields. It was said that:

'Historic maps illustrate that this area of land has historically remained open and undeveloped. As such, the proposed development would fundamentally alter the rural, undeveloped character of this parcel of land located in close proximity to the listed building, which forms part of the historic agrarian landscape context of the heritage asset. It is therefore considered that the proposals would cause harm to the significance of the listed building.'

- 7.53 Overall the previous advice from the Advisor asserted that there would be harm to the significance of the Grade II listed building and directed the LPA to paragraph 196 of the NPPF (now para. 202), which 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.'

- 7.54 The Advisor suggested the proposal would amount to less than substantial harm to the designated heritage asset, although other than the contribution to the housing land supply, the public benefit of the scheme was and is limited. While less than substantial harm has been attributed to the proposed development, it is acknowledged this is not the same as 'no harm' to the designated heritage asset. It is acknowledged that the applicant has tried to address the impact to the designated heritage asset, by removing one unit of housing from the previous proposal and increasing the landscape buffer to the north of the site, closest to the boundary shared with the listed building.

- 7.55 There are two key positions the applicant's Heritage Statement makes, the first being that the erection of the 8 dwellings at Balgownie Farm, the site, subject of the current application, has limited function as farmland or other potential uses. Therefore, the Heritage Statement suggests that the residential development proposed is a solution to the site in redundant use. Secondly, it is maintained that it was previously held by the Council's Heritage advisor that there would be less than substantial harm in line with NPPF (para 202).
- 7.56 In response to the former, the allocation of the site within GB is a spatial designation and as stated previously, paragraph 137 of the NPPF says 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."* and that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Therefore, in relation to the applicant's assertion that the site is 'redundant', there is no requirement of the site to fulfil a function other than being 'permanently open' which is in accordance with the NPPF.
- 7.57 In relation to the second position in the applicant's Heritage Statement, the reduction in both site area and the number of units to 6 and landscape buffer are noted. However, given the comments from the Heritage Advisor in the refused application and the wording of the reason for the refusal, Officers consider the revisions to the proposals are insufficient to remove the heritage reason for refusal. Furthermore, the comments from the Heritage Advisor suggest that the Heritage Statement submitted is inadequate and fails to meet Historic England's guidance criteria. As a result, the supplied Heritage Statement fails to describe the significance of any heritage assets affected, including any contribution made by their setting and the impact of the proposals upon that significance.
- 7.58 Therefore, and as noted above, the proposed development would fundamentally alter the rural, undeveloped character of the surrounding area, which forms part of the historic agrarian landscape context of the heritage asset.
- 7.59 While the adjacent site has recently gained planning permission for the erection of 8 dwellings, the context is different as a proportion of the land concerned was deemed previously development land and ultimately, involved the demolition of a number of buildings on the site. Therefore, officers consider there is no direct comparison with the consented schemes (ref 20/00652/CV and 18/01079/FUL) and the current application.
- 7.60 On a similar note, the applicant maintains in the Planning Statement that within the 2018 application at Balgownie Farm (ref 18/01079/FUL), the site was classed in the

delegated report as residential use. However, references to residential use concerned the application site at Balgownie Farm, rather than the current site.

- 7.61 In light of the above, Officers consider that the proposal would also harm the open, rural setting of the site which also harms the historic agrarian landscape of the area, which also has further implications for the heritage asset. The proposal is clearly contrary to Policies CSSP4, PMD2, PMD4 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.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 7.62 Notwithstanding the principal GB objection, the development would comprise 6 large dwellings which would be situated directly adjacent to the recently built development at Balgownie Farm. Given the generous garden depths of the of the proposed units, being over 35 metres, plots 1-5 at Balgownie Farm are not considered to experience any negative impact in terms overlooking or loss of privacy.

- 7.63 The southern boundary of plot 6 of the current application would be opposite plots 5-8 at Balgownie Farm. However, the distance from these properties at Balgownie Farm would be over 28 metres and would not create an overbearing impact.

IV. LIVING STANDARDS AND PRIVATE AMENITY SPACE

- 7.64 Each dwelling would be of a generous size to provide a suitable living environment for future occupiers. There would also be suitable levels of privacy for future occupiers.

- 7.65 As stated above, the proposed garden sizes are generous and it is considered the private amenity spaces are therefore acceptable. The proposal complies with PMD1 and PMD2 of the Core Strategy.

V. IMPACT ON LANDSCAPE, ECOLOGY AND BIODIVERSITY

- 7.66 As noted above, the application site is open land, in a rural setting within an historic agrarian landscape. Therefore, officers consider that the proposed introduction of significant built form associated with residential development would result in an urbanised character fronting the adjacent highway, Lower Dunton Road.

The Council's Landscape & Ecology Advisor has been consulted, but in his previous response stated;

'The character of development along Lower Dunton Road is typified by single or small groups of buildings. This proposed development together with the already permitted scheme to the west would form a relatively large grouping of housing that is considered to be out of character with this area.'

- 7.67 Therefore, proposal is clearly contrary to Policies CSSP4, PMD2, PMD4 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 2021.

IV. SITE DRAINAGE AND FLOOD RISK

- 7.68 The application site is within the lowest Flood Risk Zone Area (Zone 1). No adverse comments have been received from the Environment Agency. The Flood Risk Manager has also been consulted and raises no objection but mentioned that SuDs practices, including raingarden and swales could be included within the development before the water hits a soakaway, will provide a better water quality.
- 7.69 A lack of drainage details were also noted in the drainage comment made in the previous refused application although Officers consider that this could be managed within a reserved matters application which effectively removes any objection on the grounds of drainage grounds.

V. TRAFFIC, ACCESS AND CAR PARKING

- 7.70 The primary concerns from the Highways Officer regarding this application are the intensification of the existing access at the site and isolated location. However, the current proposal seeks to use the current access to the wider site at Balgownie Farm, which serves the approved 8 residential units. This vehicle access would be extended to the plot to also facilitate the further 6 units proposed.
- 7.71 The comments from the Highways Officer are appreciated, however, the principle of intensification of the existing access onto a Level 1 Rural Road, has already been established on the previous applications on the wider site for the erection of 6 units (refs 15/01414/FUL and 17/00162/FUL) and no further objections were raised on the recent 8 units scheme (ref 18/01079/FUL).
- 7.72 It is appreciated there could be an intensification of the vehicle access to the site, given that the access previously only served a single dwelling and previous agricultural buildings in the past. However, given the in-principle objection on GB grounds and that the same approach to the intensification of the access in the refused application (ref 21/01061/OUT) was adopted, it is considered that an objection to the intensification of the access could not be substantiated.

VI. PLANNING OBLIGATIONS

- 7.73 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary to secure a financial contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement. The applicant has confirmed they would be willing draft a s106 to address the RAMS mitigation measures.

VII. OTHER MATTERS

- 7.74 Although, not raised in the Planning Statement, one of the reasons this application was called-in to Committee was due to the need for 'top end' houses. Although the need for this type of housing, in this location, has not been substantiated. Moreover, although due to the number of units proposed there is no requirement to consult with the Council's Housing Department, previous advice is that there is a need for 1-2 bed units within the Borough. Core Strategy CSTP1 (Strategic Housing Provision) simply states (under the heading of 'Dwelling Mix'):

The Council will require new residential developments to provide a range of dwelling types and sizes to reflect the Borough's housing need, in accordance with the findings of the Strategic Housing Market Assessment, any relevant development briefs, the local context, amenity and car parking standards.

This factor does not form a benefit of overriding importance which would clearly outweigh the GB and other harm.

8.0 RECOMMENDATION

To refuse for the following reason(s):

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 138 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 2021.

2. The proposed development would, by reason of its increased built form, urbanised layout and associated vehicle surfacing/hardstanding, appear out of context in a rural setting given the surrounding pattern and nature of buildings and would appear out of character within the immediate locality failing to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. Furthermore, the application is not supported by a sufficient statement to describe the significance of the adjacent listed building and therefore the local planning authority cannot appropriately assess the potential impact of the proposals on this designated heritage asset. The proposal is therefore contrary to Policies PMD2, PMD4 CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and paragraph 189 of the National Planning Policy Framework 2021.

Positive and Proactive Statement

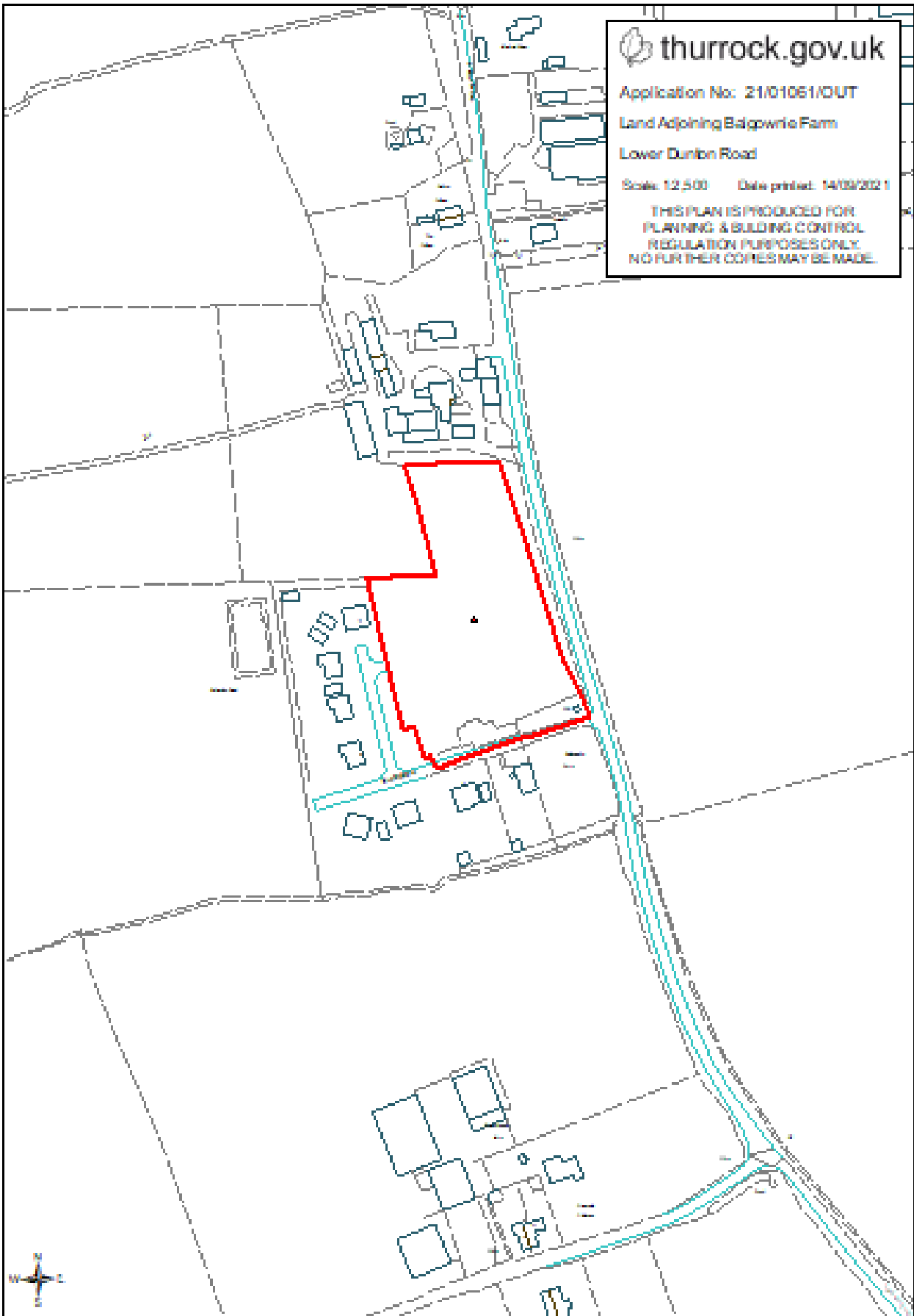
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**
Application No: 21/01061/OUT
Land Adjoining Balgowrie Farm
Lower Dunbrn Road
Scale: 1:2,500 Date printed: 14/09/2021
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