

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 **28 October 2021**

South Essex College, High Street, Grays, RM17 6TF - rooms W1.22/W1.23 (sign in at reception required).

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

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **20 October 2021**

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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 23 September 2021 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun (Substitute) (substitute for Colin Churchman)

Apologies: Councillors Gary Byrne and Colin Churchman.
Steve Taylor, Campaign for Rural England Representative

In attendance:
Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Louise Reid, Strategic Lead - Development Services
Matthew Gallagher, Major Applications Manager
Ian Harrison, Principal Planner
Nadia Houghton, Principal Planner
Genna Henry, Senior Planning Officer
Lucy Mannion, Senior Planning Officer
Julian Howes, Senior Highway Engineer
Caroline Robins, Locum Solicitor
Grace Le, 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.

34. Minutes

The Chair stated that there was a time limit for the use of South Essex College venue which was until 9.30pm. He said that if the items on the agenda were not concluded by 9.30pm, the meeting would be adjourned and would recommence at the next Planning Committee meeting on 28 October.

The minutes of the meeting held on 19 August 2021 were approved as a true and correct record.

35. Item of Urgent Business

There were no items of urgent business.

36. Declaration of Interests

In relation to 20/01777/FUL, Councillor Watson declared that her property was close to the site and would be affected by the proposal. She stated that she had campaigned against the proposals before and would not be participating in the item.

In relation to 21/01061/OUT, Councillor Polley declared that the applicants were related to a colleague of hers but had not discussed the application or any planning related matters. She stated that she had sought advice from the Council's Monitoring Officer which would not require her to remove herself from participating the application.

In relation to 20/01777/FUL, Councillor Fletcher declared that he had been involved in the consultation process of this application and would make a decision on the application based on its merits.

In relation to 20/00064/FUL, Councillor Piccolo declared that he had commented on the proposals on behalf of his constituents but was not predetermined on the application. He stated that he would make a decision on the submissions of the application.

37. 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

Members declared that they had received emails from Nick Westlake in relation to 21/00698/FUL.

38. Planning Appeals

The Committee was satisfied with the report.

RESOLVED:

That the report be noted.

39. 21/00077/FUL Land adjacent Fen Farm Judds Farm and part of Bulphan Fen, Harrow Lane, Bulphan, Essex (deferred)

(Following the Constitution, Chapter 5, Part 3(d), 13.5, Councillor Halden did not participate in this item.)

The report was presented by Lucy Mannion.

The Chair stated that he was concerned with the battery storage on site and questioned what the minimum acceptable level of safety was as highlighted in paragraph 3.6 of the report. He also asked if the Essex Fire Brigade had been consulted in the application process. Lucy Mannion answered that it would be highly unlikely that there would be battery storage issues. She said that the batteries would be connected to the national grid and the batteries would need to comply with a certain level of safety to connect into the national grid.

She stated that the Essex Fire Brigade had not been consulted. Matthew Gallagher explained that the fire brigade were consulted on fire escape route in development proposals of buildings and not on energy farms. He said that the Local Planning Authority (LPA) were satisfied with the safety procedures in place. He commented that the rules on battery storage facilities had changed and the government was encouraging these.

Councillor Piccolo sought clarification on whether the land would revert back to Green Belt (GB) use at the end of the five year term. He also asked if a developer could build on the site after the five year term if it had been used for battery storage. Officers explained that the land would revert back to open GB and the designation of this site would not change.

Councillor Watson sought clarification on the responsible department to look into the detail of the safety management plan once it was received. Officers said that the Council's Environmental Health Team would look into the detail of this and check that it complied with policies. If required, the service would look for a specialist to look into the details of the plan. This detail would also be referred to the Fire Brigade for their comments,

The Chair commented that approving the proposal would mean that a part of the Fens would be lost but noted that renewable energy was needed particularly in the circumstances with the energy issues. He stated that he was still concerned about the safety of the battery storage facilities. Councillor Piccolo pointed out that the government would put safety measures in place if there were future issues on battery storage. Councillor Polley stated that she was uncomfortable with the size of the proposal and that she had not seen a battery storage facility site stored on flood plains similar to this site. She highlighted concerns of electrics being stored on this site and that there was nothing in the update report that had given reassurance on the safety of battery storage.

The Vice-Chair proposed the officer's recommendation and was seconded by Councillor Piccolo.

For: (4) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Terry Piccolo and Abbie Akinbohun

Against: (3) Councillors Mike Fletcher, Georgette Polley and Lee Watson

40. 20/00064/FUL Town Centre Car Park, King Street, SLH, Essex

The report was presented by Nadia Houghton.

Councillor Halden noted that the health contribution from the applicants were £12,500 and queried what the contribution was for. He said that the amount was little and was aware that local practices did not have enough resources to meet the extra demands from the proposal. He also sought further detail on 'less than substantial harm' in relation to the heritage assessment. Nadia Houghton answered that the details as to how this contribution would be used

by the NHS had not been provided to the Council and that the contribution was asked for by the NHS (Mid and South Essex) who had its own formula as to how the contribution would have been calculated. In regards to the heritage assessment, she said that the Heritage Team had identified less than substantial harm, which was not no harm, but that the level of harm caused was considered not sufficient to warrant a refusal of the proposal on heritage grounds.

Councillor Piccolo questioned why the car park on the site had not been included in the plan but instead formed part of the s106 agreement. He asked if the s106 agreement could be changed without the Committee's consent. Nadia Houghton explained that the applicant had not extended the red line boundary to include all of the car park, and suggested that the red line was in the applicant's control but the extent of the red line may have been due to the planning history from 2018. She said that any material changes to a s106 agreement that had been agreed and approved by Committee, would need to come back to Committee to be considered.

Speaker statements were heard from:
Shane Hebb, Ward Councillor in objection.
Danny Simmons, Agent in support.

Councillor Piccolo sought details in regards to including 3 hours free parking in the s106 agreement; whether the applicants could increase car parking charges in the future; and if the applicants could remove the car park for future development. Councillor Polley also asked if the applicants would consult with impacted local businesses on changes to car parking charges similar to the case of Corringham Town car park. Nadia Houghton said that she understood the points raised by Members and said that the site was privately owned but the applicant was agreeing to retain a short term stay car parking fee with the 42 spaces that remained for the town centre car park.

Councillor Fletcher asked whether these 42 spaces were for the proposed flats. He said that some of the future flat occupants may have two cars and queried where these would park. Nadia Houghton answered that there were designated spaces for the flats which was one space per flat. She said that the car park was a public car park and not within the red line boundary of the proposal and would have its own controls but could be used by members of the public subject to those controls. Julian Howes added that the car park had cameras and residents from the flats would not be able to overstay in the car park.

Councillor Piccolo questioned whether residents of the flats could apply through the visitor parking scheme as there were only 3 visitor spaces. Julian Howes pointed out that residents who were not eligible for the resident parking scheme would also not be eligible for other parking schemes as highlighted in the planning conditions and informatives.

Councillor Polley asked whether the applicant was the same applicant in the 2018 application and also the landowner. Nadia Houghton said that the

applicant was the same one from the 2018 application but was unsure whether they were also the purchasing landowner when the site was sold, but the applicant would be aware of the caveat mentioned in relation to the site.

Councillor Akinbohun asked how many of the spaces were for disabled users and whether a disabled user would be charged if they parked in a non-disabled bay if all disabled bays were full. Nadia Houghton answered that there were two allocated on the site. Julian Howes explained that the service could suggest no charges for disabled users parking in non-disabled bays but explained that most disabled bays had a time limit.

The Chair noted that the caveat in the land sale of the site was an agreement that the land owner retain 100 car parking spaces as requested by the Council. He asked whether this would be a material planning consideration to which Nadia Houghton confirmed that it would not be given that planning permission had expired.

Councillor Halden stated that he had no objection to regeneration in the area and felt that weight should be given to retaining the 100 parking spaces as per the land sale conditions. He pointed out that the development would be a 'substantial modern change' to the area and said that this was enough to cause harm to the heritage asset near the site. He felt that £12,500 health contribution was not enough and had not heard any positive comments about the proposal.

Councillor Piccolo said that the drawings of the proposed building were inaccurate as the drawings implied the proposed building was the same in height as the shops. He stated that the proposed building would look imposing in comparison to the surrounding buildings and that it did not fit in with the town's appearance. He said that he was not against the development but that the car park was needed.

Councillor Polley commented that following the appeal of the previous decision on the application, the applicant had not worked well with the Council to resolve previous issues. The Vice-Chair commented that there were parking issues in the area. Councillor Watson said that she liked the plan but there needed to be a good blend between modern designs with heritage assets. She said that there needed to be an agreement on the car parking charges in the s106 agreement before approval could be granted. Councillor Halden said that the application needed to be revised and recommended refusing the application.

The Chair said that the applicant had scaled down on the development following the appeal. He went on to say that the only material consideration for refusal was in regards to the impact on the listed building which the Planning Inspectorate had looked at in appeal. Leigh Nicholson noted that most of the debate had focussed on the parking charges and spaces. He advised the committee of the option to defer the application to enable the applicant to look into these issues.

The Committee discussed deferring the application.

No Members proposed recommendation A of the officer's recommendation.

The Vice-Chair proposed deferring the application to enable the applicant to look into the following:

- parking options to provide free car parking in the town centre car park which could be secured in the s106 agreement;
- further clarify the NHS contribution of £12,500; and,
- for consideration to be given as to the impact to the listed Church near the site.

This was seconded by Councillor Watson.

For: (6) Councillors Steve Liddiard (Vice-Chair), Mike Fletcher, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun

Against: (2) Councillors Tom Kelly (Chair) and James Halden.

The meeting was adjourned at 7.58pm for a short break and reconvened at 8.05pm.

41. 20/01777/FUL Former Culver Centre And Land To Rear Daiglen Drive, South Ockendon

(Councillor Watson removed herself from participating in this item due to her earlier declaration of interest.)

The report was presented by Ian Harrison.

Councillor Fletcher commented that the development team had worked well with the applicant on the landscaping of the proposal. He said that the local community had not been consulted on the landscaping and queried this. He also asked why the housing options offered were not social housing. Ian Harrison said that the Council would normally work with the applicant on the proposal and that not all applicants would consult the local community as it was not part of the planning application process. In regards to the housing options, he said that there were 35% affordable homes proposed with 69% of these allocated for affordable rent as asked for from the Council's social housing department.

Councillor Polley queried who the partner would be for the shared ownership of homes and officers confirmed that this was not known yet. She went on to say that the applicant needed to include the local community in the development process to which officers stated that an informative condition would be drawn up for this.

A speaker statement was heard from Will Lusty, the agent in support of the application.

The Vice-Chair questioned which organisation would manage the development once it was built. Ian Harrison answered that a management company would oversee the open spaces and if the highway was adopted by the Council, it would be managed by the Council.

At 8.22pm, the Committee agreed to suspend standing orders until 9.30pm.

Councillor Fletcher said that a lot of local residents felt strongly about the site and that Culver Centre needed to be cleaned up. He pointed out that Culver Fields was different as it was an open green space and that the development team had listened to the views of the local community. This had resulted in a revised scheme that offered more green spaces in the proposal. He noted that the borough needed to build 32,000 homes and that it was preferable to build on the Culver Centre site rather than a green field. He reiterated that the development team needed to include the local residents in the development process.

Councillor Polley said that there were flytipping issues on the site and that the development proposal had changed a lot from its original concept. She also reiterated that the developers continued to engage local residents in its development process.

The Vice-Chair proposed the officer's recommendation to approve the application and was seconded by the Chair.

For: (7) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Abbie Akinbohun.

Against: (0)

42. 21/00250/FUL 63 Wharf Road, SLH, Essex SS17 0DZ

The report was presented by Nadia Houghton.

Speaker statements were heard from:

Keith Mager, a resident in objection.

Shane Hebb, Ward Councillor in objection.

Gary Coxall, Agent in support.

Councillor Watson queried whether there was a turning point for a refuse vehicle. Julian Howes explained that a refuse vehicle and other large emergency vehicles would have difficulty getting into the access road due to the access radii of the road and the lack of accessibility to the turning area and whether a large vehicle could turn round. There was a turning point but it would be difficult to see how it would be used by large vehicles as the access radii were only 3 metres and the highways requirement was that access radii for roads should be a minimum of 4.5 metres ideally 6 metres. He said that

the applicant had provided a refuse strategy for occupants, but it was proposed to pick up refuse from Wharf Road.

Councillor Watson sought further detail on the proximity of the proposed dwellings to the school and overlooking issues. Nadia Houghton answered that the proposed dwellings would not overlook into the school as there were no windows proposed on the flanks of the dwellings facing the school. Regarding the proximity, she said that the proposed dwellings nearest to the school would be approximately 1 metre from the boundary with the school grounds.

Councillor Fletcher noted the planning history and sought clarification on whether the access road would always be the issue regardless of how many dwellings were proposed for the site. Nadia Houghton confirmed that the access road was an issue as the width of the road was too narrow, therefore it was a concern. The previous planning applications on the site had shown the access to be a consistent issue.

Councillor Watson commented that the proposed dwellings looked nice but it was not suitable for this site due to the access issues and its proximity to the school.

Councillor Watson proposed the officer's recommendation and was seconded by Councillor Polley.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun

Against: (0)

43. 21/00698/FUL Land part of Greenacre and Oakdene, High Road, Fobbing, Essex

The report was presented by Lucy Mannion. Since the publication of the agenda, there had been some updates:

- A submission letter received from an estate agent stating that there was a lot of interest in the proposed dwellings.
- The report stated no nearby amenities, but Fobbing Farm shop was nearby.
- The applicant was offering a £250,000 housing contribution but this was for properties off the site.

A speaker statement was heard from Nick Westlake, agent in support.

Councillor Piccolo sought clarification on the site being identified as phase two of the development. Lucy Mannion explained that the proposal was very similar to the adjacent development which used the same access road, the developer was the same and the proposed dwellings were the same design for over 55s.

Councillor Fletcher sought clarification on whether the applicant was aware of the Council's minimum requirement of 35% affordable housing. The Chair also asked whether the £250,000 contribution amounted to 35%. Lucy Mannion answered that the applicant was aware of the Council's minimum 35% affordable housing requirement but had thought the applications were separate. She said that the £250,000 contribution was not 35% and was also offered off site.

Councillor Fletcher proposed the officer's recommendation and was seconded by Councillor Watson.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun

Against: (0)

44. 21/01061/OUT Land adjoining Balgownie Farm, Lower Dunton Road, Bulphan, Essex

Due to the limited time left in the meeting, this item was deferred to the next Planning Committee meeting.

The meeting finished at 9.15 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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28 October 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, Transportation and Public Protection.	
Accountable Director: Julie Rogers, Director 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:** 21/00589/HHA

Location: 54 Dupre Close, Chafford Hundred, Grays

Proposal: Retrospective planning application for a metal fence with two access gates

3.2 Application No: 21/00966/HHA

Location: 53 Arun, East Tilbury

Proposal: Single storey side extension

3.3 Enforcement No: 21/00099/AUNUSE (Appellant 1)

Location: Land Part Of Thurrock Flexible Generation Plant, Fort Road, Tilbury

Proposal: Unauthorised encampment

3.4 Enforcement No: 21/00099/AUNUSE (Appellant 2)

Location: Land Part Of Thurrock Flexible Generation Plant, Fort Road, Tilbury

Proposal: Unauthorised encampment

3.5 Application No: 20/01739/HHA

Location: Summerville, Fort William Road, Vange

Proposal: Proposed golf simulator room and garden room

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/00870/HHA

Location: 5 Branksome Close, Stanford Le Hope

Proposal: Front porch extension with pitched roof and single storey side extension to be used as a garage

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the issues to be: the effect of the proposed single-storey side extension on the character of the existing dwelling and

surrounding area; and the effect of the proposal on pedestrian and highway safety in the immediate locality.

- 4.1.2 The Inspector considered the proposed roof design would introduce two different interconnecting roof styles and that the awkward design would appear as an unacceptably incongruous addition not in keeping with the character of the existing dwelling. In such a prominent location she found it would be to the detriment of the character of the surrounding area. She also considered the limited amount of parking and difficulty that would occur in manoeuvring would be likely to lead to harm to highways and pedestrian safety.
- 4.1.3 The proposal was therefore considered contrary to Policies PMD2, PMD8 & CSTP22 of the Core Strategy, the Residential Alterations and Extensions (RAE) 2017 and the NPPF 2021 and accordingly the appeal was dismissed.
- 4.1.4 A separate costs decision was also dismissed.
- 4.1.5 The full appeal decision can be found online.

4.2 Application No: 20/01080/HHA

Location: Judds Farm, Harrow Lane, Bulphan

Proposal: First storey side extension, single storey rear extension, removal of chimney stack, extension to existing loft conversion with the addition of a rear box dormer including 2no. Juliet balconies and the conversion of the garage into a habitable room.

Appeal Decision: Appeal Dismissed

- 4.2.1 The Inspector considered the key issues to be whether the proposal would be inappropriate development; the impact of the openness of the Green Belt; and, if inappropriate whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the every special circumstances necessary to justify the development.
- 4.2.2 The Inspector considered the proposals to be disproportionate, not subservient, and thereby inappropriate development. The Inspector gave very limited weight to potential Permitted Development options, both those previously applied for under Prior Notification and Lawful Development Certificates, and those not yet applied for, in his consideration of very special circumstances. The Inspector concluded there were no very special circumstances which existed to outweigh the harm by reason of

inappropriateness, and any other harm, for the development and dismissed the appeal.

4.2.3 The full appeal decision can be found online.

4.3 Application No: 20/00610/FUL

Location: Land To Rear Of 14 Corringham Road, Stanford Le Hope

Proposal: Demolition of existing single storey vacant garage unit and erection of a two storey four bedroom residential dwelling with living space in the roof, internal garage and associated amenity and parking areas.
Resubmission of 19/01094/FUL [Demolition of existing garage and erection of three storey residential building providing 2 no. 2 bedroom residential units with undercroft parking]

Appeal Decision: Appeal Dismissed

4.3.1 The main issues under consideration in this appeal was the effect of the proposal on the character and appearance of the area, to the occupiers of 3 to 5 Salisbury Avenue and if the proposal would provide satisfactory living conditions for future occupiers.

4.3.2 The Inspector considered the proposal would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. They also considered the proposal would have a harmful effect on the living conditions of the occupiers of 3 to 5 Salisbury Avenue with particular regard to privacy and outlook. The Inspector also supported the final reason for refusal and agreed the proposal would not provide future occupiers with satisfactory living conditions in terms of the size of the external space, or the standard of outlook and daylight reaching the ground floor rear windows. Consequently, there is conflict with policies PMD1, PMD2, CSTP22 and CSTP23 of the Core Strategy.

4.3.3 The Inspector concluded that the limited housing supply benefits of the proposal do not outweigh the harms set out above and the proposal would not amount to sustainable development

4.3.4 The full appeal decision can be found online.

4.4 Application No: 20/01503/HHA

Location: 15 Mary Rose Close, Chafford Hundred, Grays

Proposal: Loft Conversion consisting of two skylights to front and two dormers to rear.

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of 14 Mary Rose Close with particular regard to visual impact.

4.4.2 It was considered that the dormers would be poorly designed and incongruous as each proposed dormer would include a flat roof which would cause them to appear as overly large 'box like' additions, the bulk of which would give the host building an awkward top-heavy appearance. Accordingly the proposal was found to be contrary to Policies CSTP22 and PMD2 of the Core Strategy and criteria in the RAE.

4.4.3 The Inspector also considered that the presence of the new dormers would be so imposing as to overbear on the occupiers of No 14, which would feel intrusive. The proposal was found to be contrary to Policy PMD1 in this respect and accordingly the appeal was dismissed.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 20/01727/HHA

Location: 51 Stephenson Avenue, Tilbury

Proposal: (Retrospective) Demolition of existing garage and replace with outbuilding to be used as a gym and as storage space

Appeal Decision: Appeal Allowed

4.5.1 The Inspector considered the main issues were whether the development provides satisfactory living conditions for the occupiers of the appeal property with regard to private amenity space and the effect of the proposal on the living conditions of the occupiers of 49 Stephenson Avenue with regard to light and visual impact

4.5.2 The Inspector indicated that a suitably sized garden would be left for the occupier taking into account the size of the outbuilding and other exiting extensions to No 51. He also found that given the distance from No 49 and the orientation of the windows that there would not be a harmful impact on the amenities of the residents of No 49. Accordingly the appeal was allowed.

4.5.3 The full appeal decision can be found online.

4.6 Application No: 21/00123/FUL

Location: 78 Scott Road, Chadwell St Mary

Proposal: 2 bedroom annexe in the rear of the garden

Appeal Decision: Appeal Allowed

4.6.1 The Inspector considers the main issue is the effect of the proposed development on highway safety for the users of Scott Road with particular regard to on-street vehicle parking.

4.6.2 The plans show that the appeal dwelling has no off-street vehicle parking or a formal vehicle access and that none would be provided. The appellant confirmed that position ahead of the Council's decision and the application was determined on that basis.

4.6.3 The site visit by the Inspector saw that a vehicle crossover was in place along part of the site's highway frontage to provide access from the road to a hard surfaced area in front of the dwelling. Highways Officers letter dated 18th May 2021 gives approval in principal to the vehicle crossover, stipulates that the off-street parking is for one vehicle and that the vehicle crossover should be a minimum width in line with the deep point of the driveway and not in front of or extending to the point of the old porch. On that basis, the proposal would fall short of the Council's off-street parking requirement by one space

4.6.4 The Inspector concluded the main issue that the proposed development, despite the shortfall in off road parking by up to 2 spaces, would not have an adverse effect on highway safety As such, it does not conflict with Policies PMD2, PMD8 and PMD9 of the Council's Core Strategy and Policies for Management of Development (as amended).

4.6.5 Two additional conditions to be added to the approval. Standard Time Limit and Restrict the Use to the annexe to ensure that the development remains ancillary to the main dwelling.

4.6.6 The full appeal decision can be found online.

4.7 Application No: 20/01756/FUL

Location: 61 Cedar Road, Chadwell St Mary

Proposal: Erection of a 3-bedroom dwelling house, with integral garage, secure area for bicycle parking, bin storage, boundary treatment, vehicle access and associated landscaping

Appeal Decision: Appeal Dismissed

- 4.7.1 The Inspector considered that the main issues of the proposal was the, effect of the proposed dwelling on the character and appearance of the appeal site and street scene. The effect on the living conditions of the occupiers of No 61 Cedar Road, with regard to outlook and natural light; and whether the proposal makes adequate provision for parking and, related to this, the effect on highway safety.
- 4.7.2 Firstly, the Inspector considered that whilst the proposal would reduce the openness of the existing side garden, it would retain a good degree of separation from the dwellings to the west. The terrace to the north would be visible from the public realm, due to the limited projection of the new dwelling beyond the building line of this terrace and due to the grassed area immediately west of the appeal site. The new dwelling would also retain a small area of garden between its side wall and the boundary. As such, it would not appear cramped in this residential setting and would not impinge on the footpath adjacent to the boundary. The arrangement of the extended terrace would not be dissimilar to many other examples within the surrounding area. Therefore, any conflict with the principles of the SPD for extensions or new dwellings in this corner location would be limited and would not result in material harm.
- 4.7.3 The Inspector highlighted that the proposal would result in a breach of the 45-degree vertical plane and would significantly exceed the 60-degree maximum depth, from the nearest ground floor doors of No.61 as specified within the Council's SPD. It was noted that the appellant has been granted a certificate of lawful development for the same form of single storey projection at No 61 as would be built to the rear of the new dwelling. As such, this would overcome the Council's concerns and the appellant had suggested that a condition could be imposed to require the extension to No 61 to be built at the same time as the new dwelling. With such a condition in place, it was concluded that the proposal would not have a materially harmful effect on the living conditions of the occupiers of No 61 Cedar Road, with regard to outlook and natural light.
- 4.7.4 The proposal included two off-street spaces, one in the form of an integral garage, the other as a parking area in front of the garage, accessed via a new dropped kerb. The garage would not meet the requisite standard, which is referred to as 7 metres by 3 metres. While the appellant contended that the shortfall is marginal, the garage would be some 2 metres below the required length. While this might enable small vehicles to be parked, the fact is that the size is well below the expected standard and would, in my view, be more likely to result in the garage not being used for its intended purpose.

4.7.5 During the Inspectors visit to the site during the daytime, there was a relatively high number of vehicles parked on the street close to No 61 and neighbouring properties. The proposed dwelling would both further increase this demand and reduce the available on-street spaces by provision of a dropped kerb in a location where parking already occurs. This will add to the parking constraints in this location, which is likely to effect the free flow of traffic along this part of Cedar Road. As such, the proposal would have a materially harmful effect on parking and highway safety through the inadequate provision made on-site. Consequently, it is contrary to Policy PMD8 as described above, and to Policies PMD2 and PMD9 of the Core Strategy.

4.7.6 Subsequently the appeal was dismissed.

4.7.7 The full appeal decision can be found online.

4.8 Application No: 21/00175/HHA

Location: 2 Bredle Way, Aveley

Proposal: Single storey rear and double storey side extension

Appeal Decision: Appeal Dismissed

- 4.8.1 The inspector considers the main issues are the effect of the proposed development on highway and pedestrian safety for users of the adjacent highways with particular regard to vehicle parking and on the character and appearance of the local area.
- 4.8.2 The Inspector notes the Council states that a dwelling of the size proposed would require 3 off-road parking spaces to meet its parking standard. At the moment, No 2 is served by a single off-road space on Bredle Way, opposite the site. A further parking space is available for visitors just in front of the existing dwelling. This arrangement reflects the approved parking layout for the housing development of which No 2 forms part. As no change is sought to this arrangement, the proposal would fall short of the Council's parking requirement.
- 4.8.3 There would be an additional loss of up to 2 parking spaces on site because the existing hard surface area would be removed to make way for the new side addition.
- 4.8.4 The Inspector concludes that the proposal would add to on-street parking demand and present a safety hazard to other roads users and pedestrians. As such, it conflicts with Policies PMD8 and PMD9 of the Core Strategy and Policies for Management of Development (CS), which note that all development, which includes dwelling extensions, should comply with relevant car parking standards and avoid prejudicing road safety.

- 4.8.5 The Inspector considered the second main issue of the character and appearance of the proposed 2-storey side and rear extension would introduce additional built form that would be close to the site's highway frontage with Park Lane. Even so, the appeal scheme would relate well to the style and appearance of the host building with a noticeable gap between the finished building and the footway. Although a sizeable addition, the proposal would not be disproportionate in scale or appear overly bulky.
- 4.8.6 The Inspector concluded that the proposed development would be in keeping with the character and appearance of the local area. It would therefore comply with CS Policies CSTP22 and PMD2 and the advice within the Council's Supplementary Planning Document, Residential Alterations and Extensions. These policies and guidance promote high quality design and aim to ensure that development adds to the character of the local area.
- 4.8.7 However the Inspector's finding on this matter does not outweigh the significant harm identified in relation to the first main issue.
- 4.8.8 The full appeal decision can be found online.

4.9 Application No: 20/00827/FUL

Location: Former Ford Motor Company, Arisdale Avenue, South Ockendon

Proposal: The erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping. (Partial revisions to phase 4 of approval 18/00308/REM Dated 12th June 2018)

Appeal Decision: Appeal Allowed

4.9.1 The Inspector considered the main issues with this appeal were:

1. Whether the proposal would provide an acceptable quality of development, with particular regard to density and character, housing mix and type and the living conditions of existing and future occupiers in terms of access to sufficient size and quality of open space.
2. Whether the proposed car parking provision would be acceptable.
3. Whether the proposed affordable housing provision would be acceptable.
4. If harm and conflict with the development plan is identified, whether this would be outweighed by other material considerations.

4.9.2 With regard to Issue 1, the Inspector noted the existing surroundings of development and in terms of density recognised that Phase 2 was a 71

dwellings per hectare development. On density and having regard to the existing character and surroundings of the site the Inspector considered that *'this is a good example where an opportunity to deliver additional units by an increase in density has been identified and successfully designed so as to integrate into the character of an existing housing development, with no adverse visual effects'*. The Inspector also considered the proposed housing mix reflected the Borough's housing needs for 3 bedroom houses and 1-2 bedroom apartments. For open space, the Inspector recognised that residents would have *'direct and easy access'* to open space at the site and that the proposed development would create *'an attractive and useable open space for occupiers of the apartments'*. The Inspector also noted the access to the nearby Little Belhus Country Park and Bonnygate Wood Recreation Ground with these areas also providing *'suitable and accessible open space for the occupiers of the dwellings..... in addition to their own gardens and balconies'*. In conclusion on Issue 1 the Inspector stated that *'in the absence of adverse character and appearance effects, and of an appropriate design, density, housing mix and creating acceptable living conditions in terms of access to open space, the proposal would be an acceptable quality of development. It would accord with Policies CSTP1, CSTP20, PMD2 and PMD5'*.

- 4.9.3 For Issue 2, parking, the Inspector decided that the 120 parking spaces for 92 dwellings would comply with the Council's minimum parking standard of 115 spaces and that each apartment would be provided with a space, the houses 2 spaces and a sensible approach taken in the provision and arrangement of 22 spaces for visitors. The Inspector commented that *'whilst I note comments made by Members about the level of accessibility, nonetheless, I observed the site lies in a location close to public transport links with South Ockendon rail station a short walk to the north and with regular bus services available along Arisdale Avenue. It is also close to adequate services and facilities to serve the scale of this development being within 1 kilometre of South Ockendon Town Centre'*. Furthermore, the Inspector stated that *'I also give some weight to the March report to the Council's relevant committee which stated the Council's officers were not aware of any ongoing parking issues on the development. Any modest increase in potential on-street parking as a result of the proposal from visitors or occupiers, including those occupiers of the apartments who may own a second vehicle, would not cause harm to highway safety'*. In conclusion, to the parking consideration the Inspector stated that *'for these reasons, the car parking provision and arrangements would be acceptable and would accord with Policy PMD8'*.

4.9.4 In terms of Issue 3, affordable housing, the Inspector noted that the application was supported by a viability assessment and that the development could deliver a 11 affordable housing units and this is in addition to the 10% already secured for Phase 4 and 5 reserved matters. In conclusion the Inspector stated that *'policy CSTP2 of the CS seeks the provision of 35% but parts 2 and 3 recognise that on brownfield sites, lower provision can be agreed via an open book approach. Having done so, the uncontested evidence of the appellant is that the viability position remains unchanged since that appraisal. I have no reasons to disagree, and the proposal would provide an acceptable affordable housing provision in accordance with the provisions of Policy CSTP2'*.

4.9.5 With regard to Issue 4 the Inspector found no issues with any other material considerations.

4.9.6 In assessing reaching the planning balance and conclusion the Inspector had regard to the Council's Housing Land Supply of 1.75 years deliverable housing land with the proposal assisting to address this *'considerable shortfall and be consistent with the Government's objective to significantly boost the supply of homes, including much needed affordable units, on previously developed land'*. Overall, the Inspector stated that *'drawing these conclusions together, there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed, and planning permission should be granted subject to the conditions set out in the attached Schedule'* and with regard to the agreed s106 agreement.

4.9.7 It should be noted that the applicant's application for costs against the Council was withdrawn during the appeal process following the Council's decision not to defend the reasons of refusal at the July Planning Committee following the receipt of legal advice.

4.9.8 The full appeal decision can be found online.

4.10 Application No: 20/01077/ADV

Location: Rosina Café, London Road, Aveley

Proposal: Upgrade of existing 48 sheet advert to support digital poster.

Appeal Decision: Appeal Dismissed

4.10.1 The Inspector noted the existing poster advert hoarding was likely to have deemed consent, and the Inspector did not consider the proposed signage would be read in the context of the Green Belt location but would rather be viewed as a backdrop to the more urban Purfleet. The Inspector therefore considered the proposal not harmful to openness.

4.10.2 With respect to highway safety, the Inspector commented that, “..the new LED screen would be visually prominent to southbound users of Arterial Road on the immediate approach to the junction with Purfleet Road.. ...the introduction of an internally illuminated LED 48-sheet sign, displaying a variety of static images that change at intervals, would attract the attention of road users... ... just at a time when they are required to exercise particular care and attention to safely negotiate a busy stretch of highway and when they may need to brake suddenly especially if vehicles are slowing to turn into Purfleet Road. By introducing an unacceptable distraction to southbound users of Arterial Road, the proposal would result in an unacceptable increase in risk of accidents for pedestrians and road-users.” The Inspector did not consider any of the suggested mitigation by the appellant (that included a maximum illumination level of 200 cd/m2, a switch off between 1200 midnight and 6am and restrictions on the frequency of changes of display) would alleviate this highway safety concern and dismissed the appeal.

4.10.3 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	10							28
No Allowed	0	1	0	4	0	3							8
% Allowed	0%	25%	0%	57.14%	0%	30%							28.57%

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: **Ian Hunt**
Assistant Director Law and Governance

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

8.3 Diversity and Equality

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

There are no direct diversity implications to this report.

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

None.

9.0. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: www.thurrock.gov.uk/planning. The planning enforcement files are not public documents and should not be disclosed to the public.

10. Appendices to the report

- None

<p>Reference: 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
3991 PL1000 Rev K	Sight Lines from King St to Spire of St Margaret's Church	14 th October 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • 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 • Aboricultural Assessment • Heritage Statement • Transport Assessment Parts 1,2 and 3 • Transport Assessment Addendum, dated 1st June 2021 • 3D Verified Views Report • Email from agent regarding Transport matters, dated 18th August 2021 • Transport Consultant Response Note, ref. JNY1169-02a, 17th August 2021 • Heritage Statement (ref. JCH01518) dated 6th October 2021 • Email from agent proving further clarification on Verified Images, dated 14th October 2021 	
<p>Applicant: Capital Land Partners LLP c/o RPS Planning and Development Ltd</p>	<p>Validated: 31 January 2020 Date of expiry: 30 November 2021 (Extension of Time agreed with applicant)</p>
<p>Recommendation: APPROVE subject to conditions and completion of section 106 agreement</p>	

1.0 BACKGROUND

1.1 At the meeting of Planning Committee held on 23rd September 2021 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the item in order to seek further information and clarification regarding the following matters:

- i) Whether the applicant would be willing to secure the remaining town centre car park free of charge;
- ii) For the applicant to provide further information as to the impacts of the proposal on the nearby listed St Margaret's Church;
- iii) For officers to provide further information and clarification in relation to what the proposed contribution towards healthcare requested by NHS Mid and South Essex) who be used towards.

1.2 A copy of the report presented to the September Committee meeting is attached.

2.0 CONSULTATIONS AND REPRESENTATIONS

2.1 Since the previous committee report was published there have been no further representations received.

3.0 PLANNING UPDATES, ASSESSMENT AND IMPLICATIONS

3.1 Since the last Committee officers met with the applicant and the applicant's agent to discuss the securing of the remaining town centre car park for free parking for shoppers as well as the heritage impacts of the proposals upon the nearby listed St Margaret's Church.

- i) Whether the applicant would be willing to secure the remaining town centre car park free of charge;

3.2 At the recent meeting between officers and the applicant and the applicant's agent, the applicant confirmed they would be willing to provide the public town centre car parking spaces free of charge for a period of three hours with no return. This period was considered by officers to provide an acceptable and appropriate level of time for shoppers and those making use of the town centre to park. This would be secured via a suitably worded s106 legal agreement.

- ii) For the applicant to provide further information as to the impacts of the proposal on the nearby listed St Margaret's Church;

- 3.3 The applicant has provided a further Heritage Note in direct response to the concerns raised by members at the previous Committee.
- 3.4 The applicant's further Heritage Note advises that in determining the appeal, the Planning Inspector found that the proposed redevelopment (see paragraph 35 of the decision letter):
- “would have a limited negative impact on the setting and significance of the listed building [the Church of St Margaret of Antioch]”
- 3.5 The applicant goes on to comment that this limited impact would arise from the loss of a particular view towards the church from the town centre and the alteration of other views, which were created by the redevelopment of the area in the 20th century. The applicant reiterates that no historic views of the church would be affected.
- 3.6 The applicant advises that the Planning Inspector subsequently clarified that this impact would result in less than substantial harm to the significance of the Grade I listed building, which would be outweighed by the public benefits of the proposed redevelopment, as set out at paragraph 41 of the Inspector's decision letter.
- 3.7 The current application represents some changes to design from the previously refused proposals. This applicant's further Heritage Note has therefore been prepared to demonstrate how, and to what extent, these changes may affect the setting and significance of the Grade I listed church and whether the conclusions previously reached regarding the heritage impacts are changed.
- 3.8 With respect to baseline conditions and the assessment of significance, the Church of St Margaret of Antioch is a Grade I listed building, which derives its significance from its historic, architectural and artistic interests. The setting of the building has undergone considerable changes throughout its history. This has included the redevelopment of much of the centre of Stanford le Hope. Despite these changes, the listed building retains a prominent setting, overlooking the core of Stanford le Hope, and acts as a local landmark. This setting contributes to the historic and architectural interest of the listed building.
- 3.9 The Design and Access Statement (DAS) prepared by Chetwoods includes images to demonstrate the visual impact of the proposed development. These are taken from similar positions as the illustrative images prepared for the previous

application and allow for a comparison regarding the visual impacts. The applicant contends that it is clear from these images that the impact on long-distance views from King Street looking south would be largely unchanged. The long-distance views from The Manorway would see a slight reduction in the massing of the building, but no impact on the ability to experience and appreciate the significance of the church. In closer views, particularly from King Street looking south the visual impact would be unchanged.

- 3.10 The applicant accepts that there would be some loss of close and middle distance views, in a similar way to that described by the Inspector at paragraphs 33 and 34 of his decision letter. The proposed development would therefore have a similar, and in some cases slightly reduced, visual impact on the setting of the Grade I listed Church of St Margaret of Antioch.
- 3.11 Some views, created by the 20th century redevelopment of Stanford le Hope, would be lost or reduced, while other full views from King Street would be retained. This means that the proposed development will have a similar impact on the significance of the listed building as the previous scheme, resulting in a limited impact on its setting and a low level of less than substantial harm.
- 3.12 For the avoidance of doubt, the Council can confirm that under Section 66 of the Listed Buildings and Conservation Areas Act 1990, whereby the Council has a general duty as respects listed buildings in its exercise of planning functions, full consideration and assessment of the impact of the proposals upon the setting of the listed building has been considered. The revised proposals present minor changes to the relationship between the proposed development and the Grade I listed Church of St Margaret of Antioch. This will result in a low level of less than substantial harm, which should be weighed against the public benefits of the proposals in accordance with paragraph 202 of the NPPF. Weighing in favour of the development are the positive factors:
- the redevelopment of a town centre site that would provide new homes (including 35% affordable housing provision) that would contribute towards the Council's five year housing supply and benefitting the vitality of the town;
 - the engaging of the titled balance presumption in favour of sustainable development (as required under Paragraph 11d);
 - the provision of additional commercial units;
 - public realm improvements; and,
 - the regeneration of derelict buildings.
- As such, there would be no objection to the proposals with regards its heritage impacts to warrant recommending refusal for this reason.

- iii) For officers to provide further information and clarification in relation to what the proposed contribution towards healthcare requested by NHS (Mid and South Essex) would be used towards.

- 3.13 Officers have been in communication with the NHS (Mid and South Essex) in relation to the healthcare contribution. Current capacity in GP surgeries is calculated using nationally accepted standards of floor space in GP surgeries. The optimal space for GP surgeries in Mid and South Essex based on the Department for Health guidance in "Health Building Note 11-01: facilities for Primary and Community Care Services, is 120m² per 1750 patients. The number of patients used is the current weighted list size based on the Carr-Hill formula, a figure that more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list. The floor space used in the calculation is the current net internal area occupied by the practice.
- 3.14 The contribution requested is the cost of providing the additional floor space needed for the number of residents likely to be generated by the development in question. The number of residents is based on Thurrock Council's average household size of 2.5 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales. The amount of floor space required is 120m² per 1750 patients, as described above, and the cost multiplier for providing floor space is currently £2,300. This is based on the standard m² cost multiplier for primary healthcare in the East Anglian Region from the BCIS Public Sector Q3 2015 price & cost index, adjusted for professional fees, fit out and contingency budget.
- 3.15 In summary, the NHS (Mid and South Essex) has advised that the contributions of £12,650 is calculated on the basis of the GP floor space needed for the number of residents likely to be generated by the proposals. The NHS (Mid and South Essex) has also advised that in this particular planning application it considers that the amount required would be utilised towards the Corringham Integrated Medical Centre for the benefit of the patients of the Corringham Surgery.
- 3.16 In addition, contributions towards healthcare provisions in Corringham and Stanford le Hope have been listed on the Council's Infrastructure Requirement List and the IRL reference has been included in the recommendations on page 35.

4.0 CONCLUSION

- 4.1 Following the comments raised by Members at the previous Committee, matters relating to the securing of the car park free of charge, the heritage impacts of the

proposals upon the church and the matter of healthcare contributions have been fully considered and assessed. The proposals are considered to comply with all relevant Core Strategy policies and the recommendation remains one of approval for the reasons stated in section 7.0 of the September Committee report.

5.0 RECOMMENDATION

Recommendation A:

- 5.1 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:

- 5.2 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 [IRL reference IRL-0481]; 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
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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
3991 PL1000 Rev K	Sight Lines from King St to Spire of St Margaret's Church	14 th October 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.

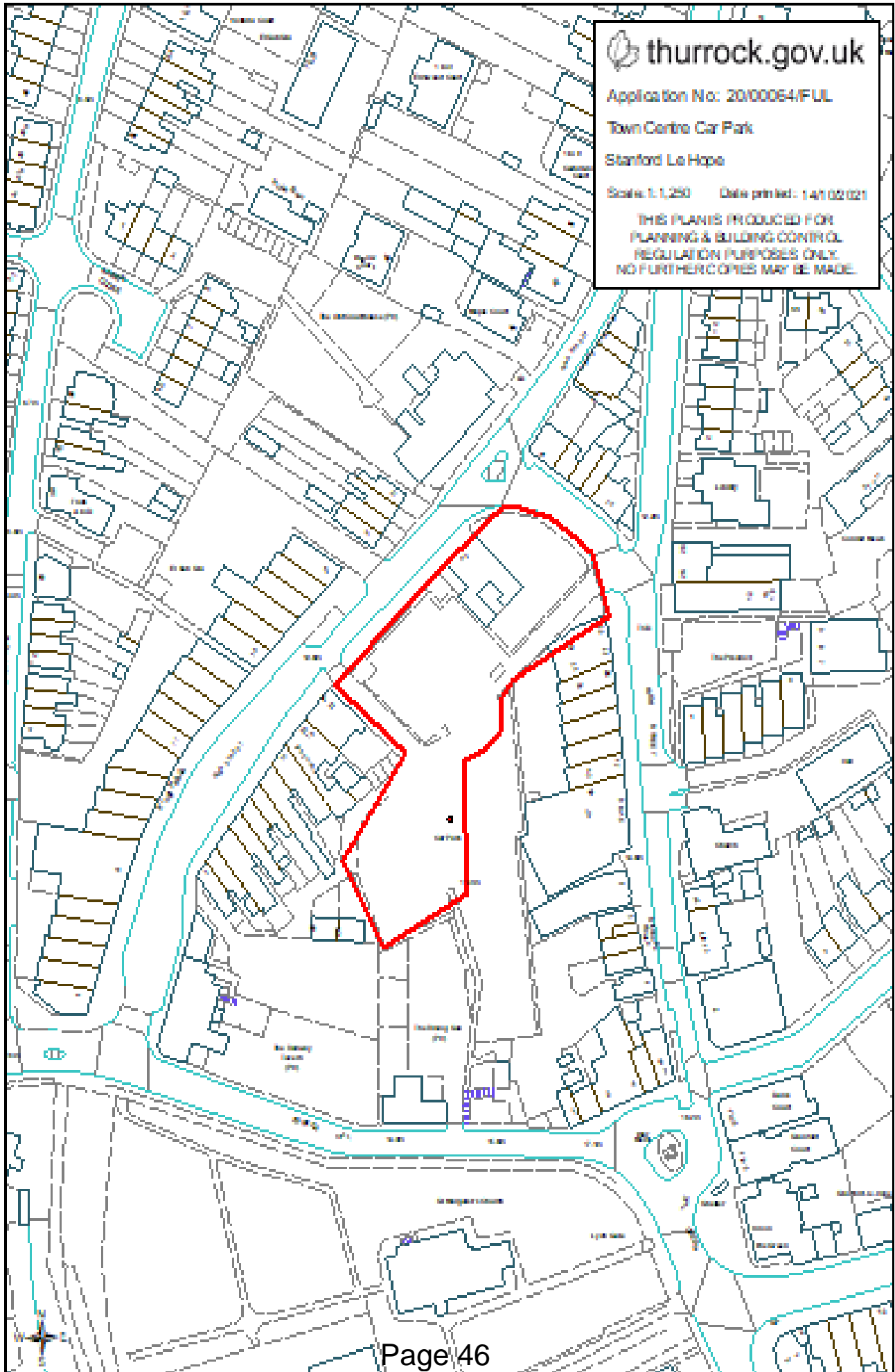
Positive and Proactive Statement

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>



<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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<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • 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>
<p>Recommendation: APPROVE subject to conditions and completion of section 106 agreement</p>	

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	<p>Within the site area:</p> <p>Flats: 1 space per unit – 32 spaces including 2 disabled spaces and 3 visitor spaces</p> <p>Commercial Units: 3 spaces</p> <p>Long Stay Season Permit Parking Bays: 15</p> <p>Public Disabled Spaces: 2</p>						

	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 undercroft 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

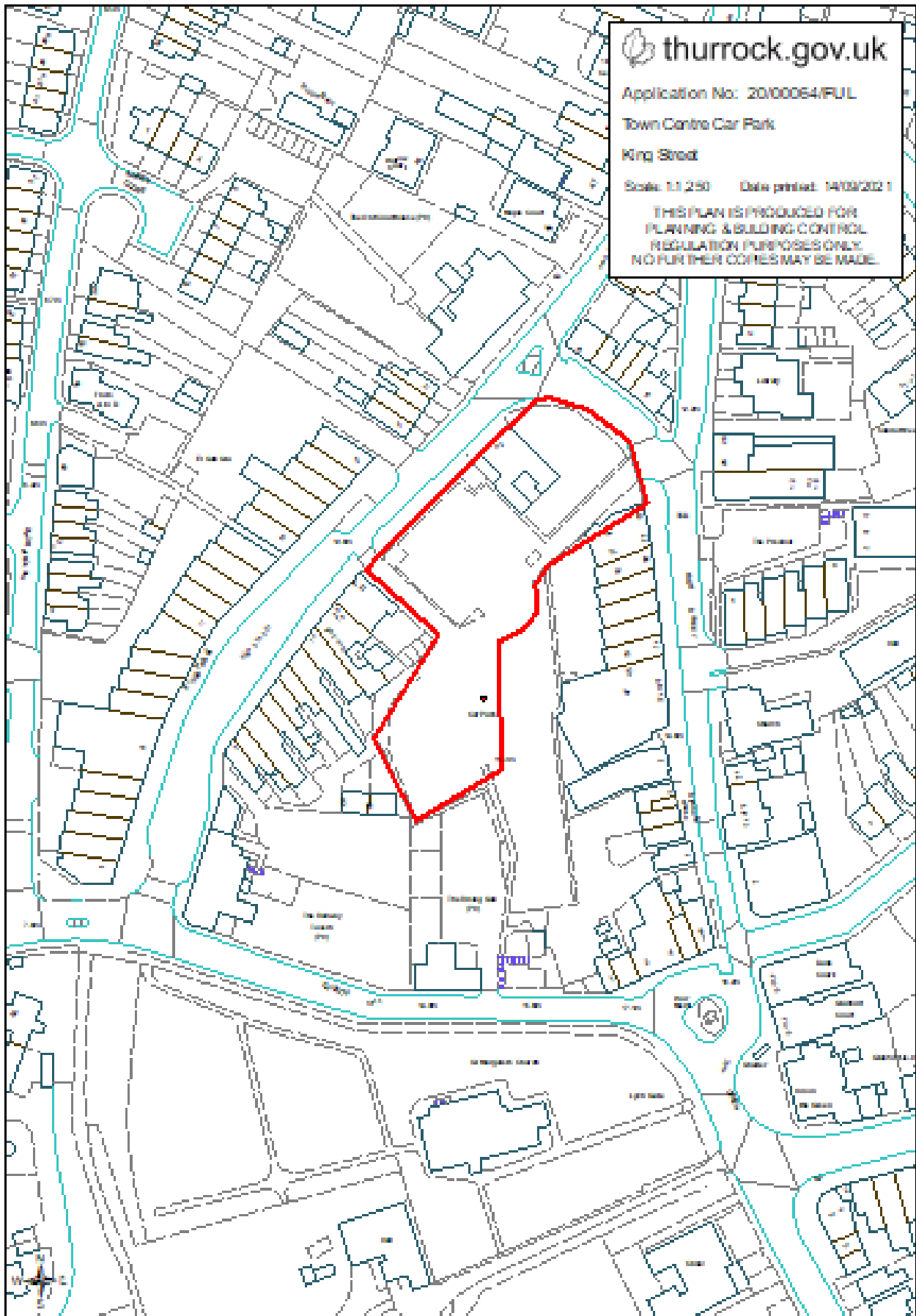
3. This permission conveys no consent to the advertisement signs shown on the submitted plans, which may need to be the subject of a separate application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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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Agenda Item 9

Planning Committee: 28 October 2021	Application Reference: 21/01061/OUT
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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: <ul style="list-style-type: none"> - 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: 1 November 2021 (Extension of time agreed)
Recommendation: Refuse planning permission	

1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 23rd September 2021 Members deferred consideration of this item due to time constraints. For clarity, Officers did not present their report to the Committee and statement(s) were not heard.

1.2 A copy of the report to the September Committee is attached at Appendix 1.

2.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 2.1 The recommendation set out in the report at Appendix 1 is to refuse planning permission for two reasons relating to:
- i. harm to the Green Belt (GB) and the lack of considerations which would clearly outweigh that harm such that very special circumstances exist to justify inappropriate development; and
 - ii. unacceptable impact on local character and the lack of a suitable heritage statement.
- 2.2 However, since the September meeting Officers have further considered the case and taken into account a similar planning application which was refused planning permission at the September meeting (ref. 21/00698/FUL – land part of Greenacre and Oakdene, High Road, Fobbing), which also involved residential development in the GB. The recommendation for application ref. 21/00698/FUL included a reason for refusal based on the lack of affordable housing provision which was agreed by the Planning Committee.
- 2.3 By way of background, application ref. 21/00698/FUL proposed a development of 8 dwellings on a site immediate adjacent to a previously approved development of 5 no. dwellings (ref. 20/01051/FUL). Both applications had a common applicant, design parameters and the same access road. The two applications were considered to be linked phases of a single development. As the combined total of new dwellings exceeded ten, adopted planning policies requiring the provision of affordable housing were engaged. Therefore at the September Committee meeting a reason for refusal based on the lack of affordable housing, as well as harm to both the GB and local character was agreed by Members.
- 2.4 There is planning case law and appeal examples of the issue of “threshold manipulation”, that is, tactical devices which can be used by landowners and developers to avoid their schemes exceeding the thresholds where the requirements for the provision of affordable housing applies. The relevant case law is found in R (Westminster City Council) v First Secretary of State and Brandford Limited (2003) which sets out a ‘tripartite test’ for considering whether two (or more) development proposals could be aggregated or considered to form part of a larger whole. The ‘tripartite test’ relates to:
- ownership;
 - whether the site is a single planning unit; and

- whether the development should be treated as a single development.

2.5 In this case, land at Balgownie Farm (located immediately to the south and west) of the current application site has been recently developed with a scheme of 8 detached residential dwellings via planning permission ref. 18/00709/FUL (as amended by 20/00652/CV). This permission followed a succession of similar planning permissions for the redevelopment of previously developed land as follows:

<u>Reference</u>	<u>Description</u>
15/01414/FUL	Erection of six executive houses on previously developed land
18/01079/FUL	Erection of eight executive houses
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.
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

2.6 The applications received in 2015, 2017 and 2018 were submitted by the current applicant who, at the time of submission, owned the land, although it is understood that a separate development company implemented the most recent planning permission (ref. 20/00652/CV). In terms of the current application, the applicant completed ‘Ownership Certificate A’ (confirming that they had complete ownership of the application site) in June 2021. Although ‘Ownership Certificate B’ was subsequently submitted in August 2021, this only confirms that another party has an interest in the application site, which could involve only a part of the site. The completion of ‘Certificate B’ on any residential site is a relatively simple process and sets a low ‘test’ at which the requirement to provide affordable housing would rest. If replicated, this device could be easily employed to sub-divide larger sites to avoid the cumulative trigger to provide affordable housing provision. It is clear that until last year the current applicant controlled ‘Land at Balgownie Farm’ and at the time when the current application was submitted (June 2021) controlled the application site. It is considered that these factors are relevant to this part of the ‘tripartite test’.

2.7 The concept of a ‘planning unit’ normally arises in cases involving Enforcement Notices, or applications for Lawful Development Certificates. In summary, a

planning unit is the area of land which is to be looked at in order to assess what planning rights apply to all or part of that area. As the existing and proposed developments involve dwellinghouses these can be considered as separate 'planning units' which would ordinarily enjoy permitted development rights (although these have been removed in this case). Consequently, the planning unit part of the 'tripartite test' is not relevant to this case.

- 2.8 The final limb of the test is whether the existing and proposed development should be treated as a single development. The development permitted by 18/01079/FUL (as amended by 20/00652/CV) is substantially completed and part-occupied. This development comprises 8 detached, two-storey, four-bedroom properties, with three different house-types. The current proposal would also involve detached, two-storey, four-bedroom properties comprising two different house-types. Although different architects are involved, the typology and general appearance of the existing and proposed dwellings is similar. More importantly, the two developments share a single access road onto Lower Dunton Road and it is very likely that foul water drainage would need to connect via to this road via the existing connection serving the eight dwellings. The proposed new dwellings would be accessed via a spur taken from the north side of the existing access road. Indeed the existing finished access road includes a turning head, with associated kerb, at the junction where the new access would connect. This detail is not shown on the approved plans for the existing development and could be interpreted as an intention to extend the approved development with a further phase. Furthermore, the existing access road has been constructed to a point on the western boundary of the adjacent site. Land to the west of the existing development is also within the control of the applicant.
- 2.9 Taking all these factors into account and applying the tripartite test it is concluded that it would be entirely reasonable to treat the two sites as a single development. Adopted Core Strategy policy (CSTP2) seeks the minimum provision of 35% affordable housing on qualifying sites of 10 or more dwellings. Whilst this application is for 6 dwellings, it would aggregate with the existing development to form a development of 14 units and it is appropriate and necessary for affordable housing to be provided. Although CSTP2 accepts that the capacity of a site to deliver affordable housing will be subject to financial viability, no financial viability assessment has been provided in this case. The proposal is therefore contrary to Policy CSTP2 and paragraph no. 65 of the NPPF

3.0 CONCLUSION

The recommendation remains one of refusal for the reasons stated in section 8.0 of the September Planning Committee report, with a third reason for refusal based on the lack of affordable housing provision added.

4.0 RECOMMENDATION

Refuse planning permission for the following reasons:

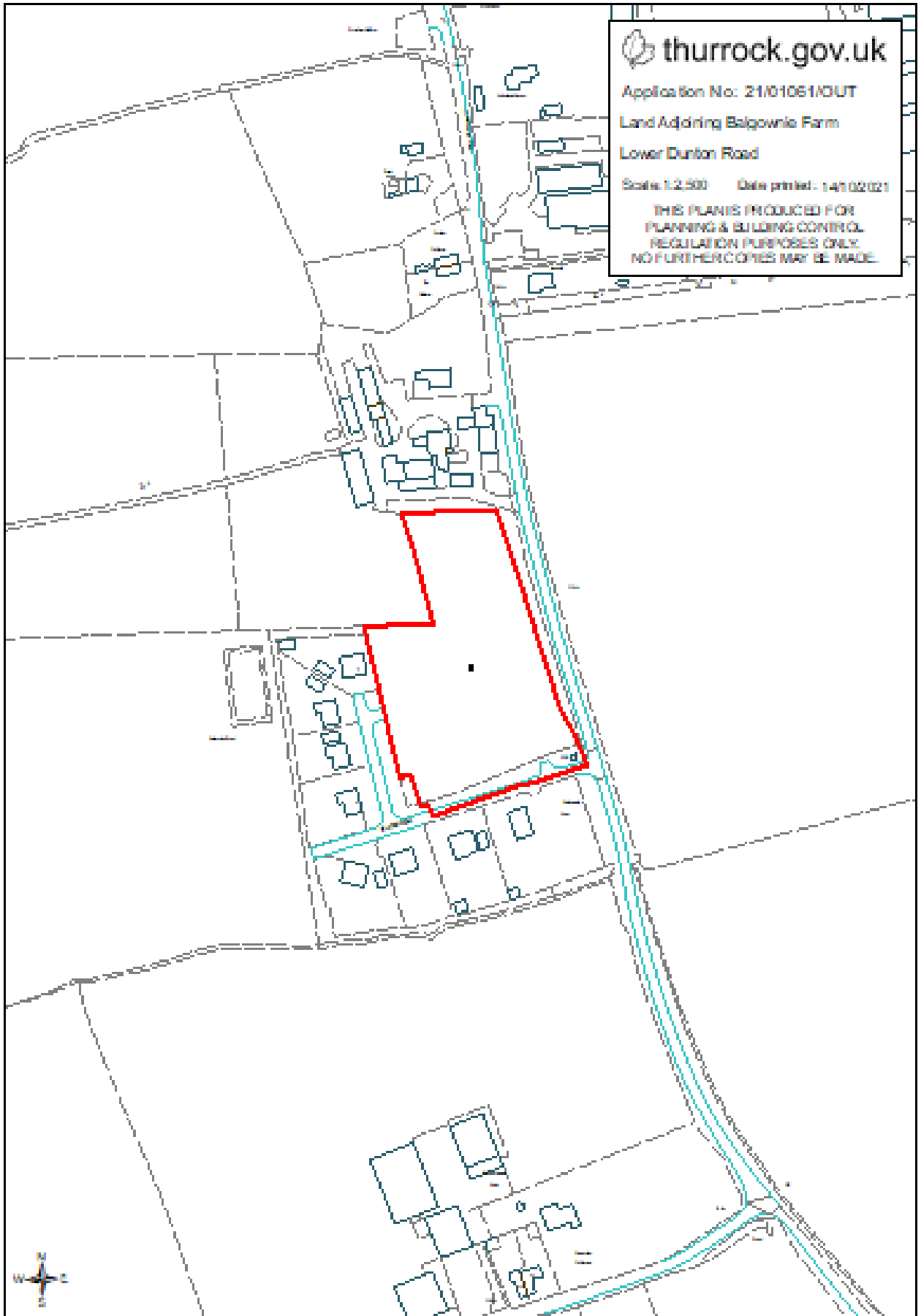
1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set 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.
3. The proposed development, by reason of the lack of on-site affordable housing provision has failed to demonstrate that it would contribute towards meeting affordable housing needs 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 paragraph no.65 of the National Planning Policy Framework 2019.

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**
Application No: 21/01061/OUT
Land Adjoining Belgownie Farm
Lower Dunton Road
Scale: 1:2,500 Date printed: 14/10/2021
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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

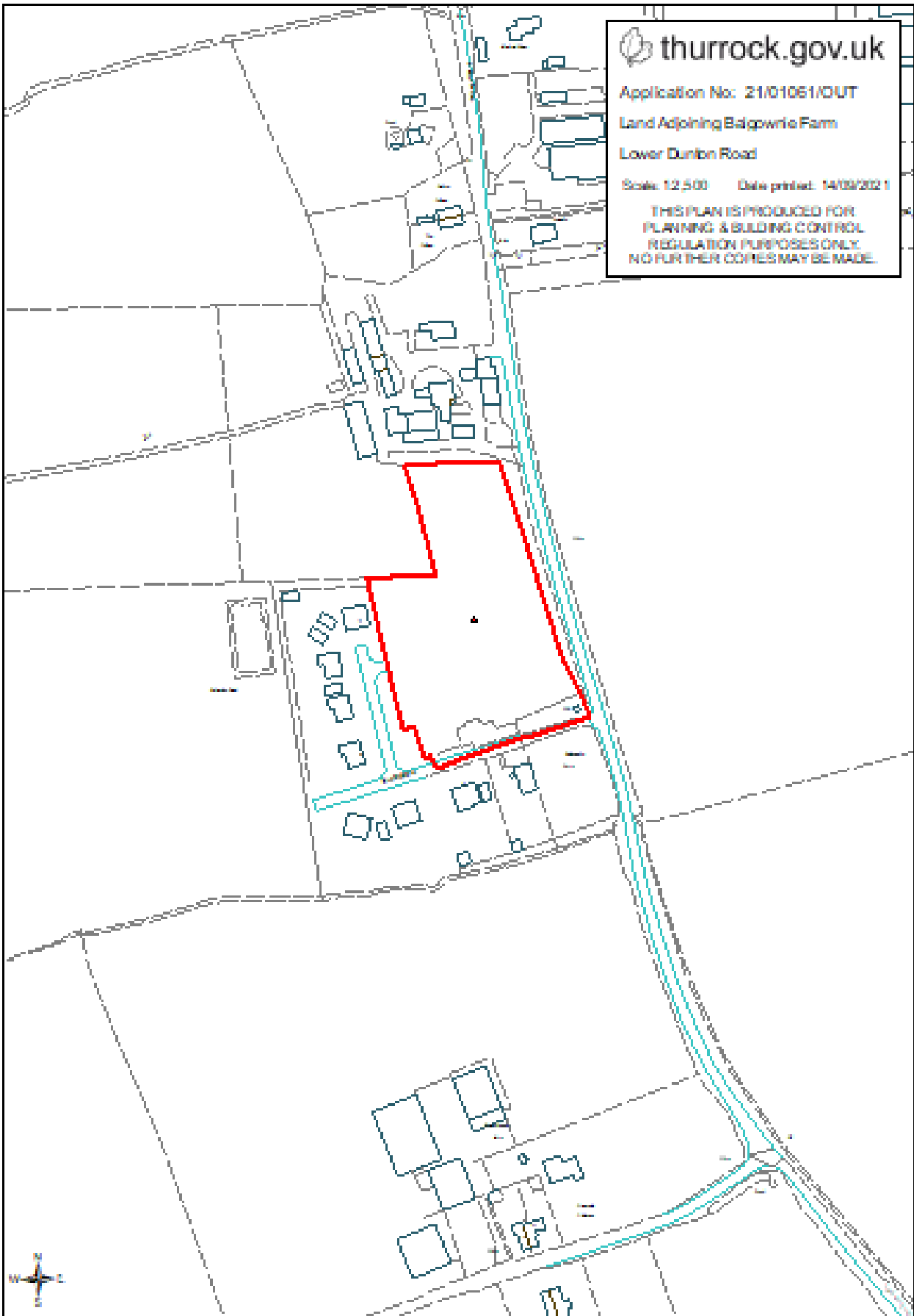
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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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Reference: 21/01309/FUL	Site: Land adjacent Blackshots Stadium and Stanford Road Grays Essex.
Ward: Little Thurrock Blackshots	Proposal: Development of a new secondary school with associated sports facilities, access, parking, highway improvements, landscaping and ancillary works

Plan Number(s):		
Reference	Name	Received
FS0718-STL-EX-ZZ-DR-L-00-0901	Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0902	Site Layout	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0904	Strategic Levels and Edges	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0905	Fencing Plan	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0906	Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0907	Hard Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0921	Hard Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0910	Tree Protection and Removal Plan	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0911	Indicative Pitch Provision	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0912	Access and Circulation	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0942	Bin Stores	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0943	MUGA Courts	26th July 2021
FS0718-STL-XX-01-DR-A-00-0101-PL01	Proposed First Floor Plan	26th July 2021
FS0718-STL-XX-01-DR-A-00-0711-PL01	First Floor Circulation Signage	26th July 2021

FS0718-STL-XX-01-DR-A-00-0721-PL01	First Floor Access Security Strategy	26th July 2021
FS0718-STL-XX-02-DR-A-00-0102-PL01	Proposed Second Floor Plan	26th July 2021
FS0718-STL-XX-EL-DR-A-00-0200-PL01	Proposed Elevations	26th July 2021
FS0718-STL-XX-02-DR-A-00-0712-PL01	Second Floor Circulation Signage	26th July 2021
FS0718-STL-XX-02-DR-A-00-0722-PL01	Second Floor Access Security Strategy	26th July 2021
FS0718-STL-XX-EL-DR-A-00-0200-PL01	Proposed External Elevations	26th July 2021
FS0718-STL-XX-EL-DR-A-00-0201-PL01	Proposed External Elevations	26th July 2021
FS0718-STL-XX-GF-DR-A-00-0100-PL01	Proposed Ground Floor Plans	26th July 2021
FS0718-STL-XX-GF-DR-A-00-0710-PL01	Ground Floor Circulation Signage	26th July 2021
FS0718-STL-XX-GF-DR-A-00-0720-PL01	Ground Floor Access Security Strategy	26th July 2021
FS0718-STL-XX-RF-DR-A-00-0103-PL01	Roof Plans	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0300-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0301-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0302-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0303-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0800-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0801-PL01	Sections	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0700-PL01	Construction Phasing Plan	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0900-PL01	Site Location Plan	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0901-PL01	Proposed Parking Block Plan	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0910-PL01	Existing Site Layout	26th July 2021

FS0718-STL-XX-ZZ-DR-A-00-0911-PL01	Proposed Site Layout	26th July 2021
FS0718-STL-XX-ZZ-SH-A-00-0400-PL01	External Finishes Schedule	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0600-PL01	Internal Views	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0600-PL01	Internal Views 01	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0601-PL01	Internal Views 02	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0602-PL01	External Views 01	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0603-PL01	External Views 02	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0604-PL01	External Views 03	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0605-PL01	External Views 05	26th July 2021
FS0718-WLK-00-XX-DR-E-00-6301	Proposed External Lighting Layout	26th July 2021
FS0718-STL-EX-ZZ-DR-L-0901	Landscape General	7 TH October 2021
FS0718-ATL-EX-ZZ-DR-L-00-0908 p07	William Edwards School Sport Facility Enhancement	15 th October 2021

The application is also accompanied by:

Cover Letter dated 16th July 2021

Design and Access Statement

Planning Statement, dated July 2021

Delivery and Servicing Plan (ref. 2550/1180 Doc. D004 Ver 1.0) dated July 2021

External Lighting Impact Assessment Report (ref. FS0718-WLK-00-ZZ-RP-E-00-0001, rev. P02)

Alternative Site Search, dated July 2021

Arboricultural Method Statement for Enabling and Construction Phases of Work (ref. 20-1734.06) dated July 2021

Arboricultural Impact Assessment (ref. 20-1734.06) dated July 2021

Air Quality Assessment, (ref. FS0718-CNS-XX-XX-RP-Y-00-0010, rev. C) dated 6th July 2021

Environmental Noise Report (ref. FS0718-CBS-ZZ-XX-RP-Y-00-0002, rev. P01) dated 12th July 2021

BREEAM Pre-Assessment Report (ref. 21-8096) dated July 2021

Flood Risk and Drainage Assessment (ref. JAG/CD/433452-Rp001-Rev A) dated June 2021

Response to SUDs Queries, (ref. JAG/CD/43452-Lt003) dated 1st October 2021

Phase II Geo-Environmental Assessment Report (ref JMS/ST/44565-Rp-002 Rev A) dated 17th December 2020
 Archaeological Desk Based Assessment (ref. LP3452E-DBA-v1.4) dated July 2021
 Energy Statement (ref. FS0718-WLK-00-ZZ-RP-ME-00-0004, rev. P03) dated November 2020
 Socio Economic Report, dated July 2021
 Reptile Survey Report (ref. 20-1734.05) dated July 2021
 Preliminary Ecological Appraisal (ref. 20-1734.05) dated November 2020
 Sports Provision Statement, dated July 2021
 Sports Provision Statement 2, dated July 2021
 Community Use Agreement – Key Principle Terms (October 2021)
 Statement of Community Involvement, dated July 2021
 Transport Assessment (ref. 2550/1190 Doc. D002 Ver.2.0) dated July 2021
 Transport Assessment Part 2
 Travel Plan, July 2021 v1.5
 Full Construction Logistics Plan (ref. 2550/1190 doc D005 Ver. 01) dated July 2021
 Transport Assessment Appendix J Treetops Signalised Junction (ref. 388522-MMD-BZ-XX-RP-D-02), dated 16th July 2021
 Technical Note in response to Highways, dated 28th September 2021

<p>Applicant: Caledonian Modular Ltd on behalf of Department for Education</p>	<p>Validated: 20 July 2021 Date of expiry: 30 November 2021 (Extension of Time as Agreed)</p>
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Recommendation: APPROVE, subject to Conditions:

1.0 BRIEF SUMMARY

- 1.1 This application is submitted on behalf of the Department for Education (DfE), to erect a purpose built secondary school for use by Orsett Heath Academy.
- 1.2 By way of background, the future growth of school places in the Borough is forecast by the Thurrock Pupil Place Plan 2020-2024 ('the PPP') and the application site is located within the Central Secondary School Area ('Central SSA'). As of 2019 the Central SSA was 4,745 pupils and under projections for September 2024 Thurrock has an indicated admissions growth of 5,342, a growth of 597 pupils over 5 years within the Central Area. Furthermore, pupil admissions will exceed the Published Admission Number and the number of pupil places available in the Central SSA.
- 1.3 In order to address the projected requirement for school places, the provision of two new Free Schools have been agreed with the Education Funding Agency; one being the Thames Park School (currently under construction) and the other, Orsett Heath

Academy; both are identified in the Education Support Strategy 2019-2022 document. Thames Park School was granted permission in May this year, and the first phase of the Orsett Heath Academy was granted permission to operate from the Thurrock Rugby Club site in February 2019 and the school opened in September 2020. The Orsett Heath Academy is run by the South West Essex Community Education Trust (SWECET), the same Trust leadership team as William Edwards School.

- 1.4 There is a pressing need to relocate existing teachers and pupils out of the temporary location into a purpose built and suitable teaching environment. The urgency for new for pupil places within the Central SSA is evident and the permanent base for the Orsett Heath Academy has been developed as a direct response to this need. Subject to planning permission, the school would plan to open its permanent site in the academic year 2022/23.

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	8.8 ha
Floorspace	8,678 sq.m
Building Height(s)	Overall maximum height of 14.4 metres, comprising: three storey Teaching Block at 11.4 metres; two storey Sports Hall at 7.5 metres, and a single storey Activity Studio at 3.75 metres
Parking Spaces Provision	168 (including 8 disabled accessible spaces) car parking spaces / 420 cycle parking spaces
Soft Landscaping	3,274 sq.m
Sports Pitches	44,825 sq.m
Pupil / Staff numbers	1,200 pupils / 100 staff (FTE)

- 2.2 This application proposes a new 8 form entry secondary school to provide 1,200 places to school years 7 – 11. A VIth form for years 12 – 13 is not proposed.
- 2.3 As set out in the ‘Site Description’ below the proposals involve land located on both the northern and southern sides of Stanford Road (A1013). A J-shaped building would comprise a single teaching block (c.8,678 sq.m floorspace), providing three floors of accommodation, which would be located on the northern and central part of the northern site. A sports hall would be attached to the north western part (rear) of the main teaching block and an activity studio would be located to the south eastern

side of the main block. A hardsurfaced car park would be located at the eastern end of the northern site. Three hardsurfaced Multi-Use Games Areas (MUGA) would be located adjacent to the western end of the northern site. Sports pitches would be provided to the northern half of the site and to the southern half of the site south of Stanford Road. A single vehicle access to the site would be provided from the eastern end of the site north of Stanford Road from a new four arm signalised junction that is proposed to be installed by Thurrock Council.

3.0 SITE DESCRIPTION

3.1 The application site comprises two parcels of land north and south of Stanford Road which are currently designated as open space and playing fields. The application site is located within the Metropolitan Green Belt and is located in Flood Risk Zone 1 (low risk). The application site appears as a reverse L-shaped site and is divided by Stanford Road. The eastern end of the application site parallel with Stanford Road includes a narrow strip of land identified as being required for the Lower Thames Crossing project (future application for a Development Consent Order) currently under consultation. The Blackshots Leisure Centre and King George’s Recreation Ground and the Thurrock Rugby Club are situated to the immediate north of the site. Allotments are to the northwest, Stanford Road is to the south and residential development to the west and south.

3.2 The application site south of Stanford Road comprises a parcel of overgrown, Green Belt land which is bound to the west and south by residential dwellings. To the south-east lies Treetops School and to the east, an access track leading to Treetops School with agricultural fields beyond. Informal pedestrian access into both northern and southern parts of the application site is taken from Stanford Road. There is no vehicle access into the application site at present. All of the application site is within the ‘Impact Risk Zones’ drawn around the Hangman’s Wood and Deneholes SSSI located a short distance to the south-west of the site.

4.0 RELEVANT HISTORY

Application Reference	Description	Decision
66/00616/FUL	Extension to recreation ground	Approved
76/01030/FUL	Rugby pitches, clubhouse and 'A' Detailed plans and 'B' Revised layout	Approved
81/00221/TBC	Use of land for public open space	Approved
17/00341/FUL	New artificial grass pitch with associated pitch perimeter and gated entrances. Installation of new hardstanding areas with team shelters, a new maintenance storage	Approved

	container and the installation of a new flood lighting system to replace existing floodlights	
18/00164/FUL	Retention of two trailer / caravan buildings for a temporary three year period for use as player's accommodation.	Refused
18/01709/FUL	Construction of new school building, extensions and alterations to existing rugby clubhouse and external works including parking, landscaping and play surface [rev]	Approved (and implemented)
19/30128/PMAJ	Development of an 8 form-entry secondary school (1200 pupils) at the site	Advice Given
20/30147/PMAJ	Development of an 8 form-entry secondary school (1200 pupils) at the site	Advice Given
21/01163/SCR	Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Request for a screening opinion for the construction of an 8-form-of-entry (1200 pupils) secondary school, total 8678 sqm GIA together with sports facilities, access, parking, highway improvements, landscaping and ancillary works at the application site.	EIA Not Required

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 PUBLICITY:

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

The application has been advertised as a departure from the Development Plan and as a major development.

79 comments have been received, which are summarised below:

Objections (28 no.)

- Access to the site;
- Additional traffic;
- Environmental pollution;
- Involves loss of Green Belt;
- Wildlife impacts;
- Parking concerns;

- Litter and smells;
- Possible excessive noise;
- Amenity impacts;
- Overlooking;
- Poor location;
- Concerns regarding access restriction;
- Concerns with the location of the pupil / pedestrian access;
- Traffic congestion would result from the scheme;
- Concerns with air quality resulting from additional traffic;
- Concerns with the impacts of construction;
- Concerns regarding impacts to Lower Thames Crossing;
- Concerns about right of easement over the site;
- Concerns about right of access from a private right of way;
- Concerns regarding house values.

Comments for Support (51 no.)

- School is greatly needed for local students;
- Creating jobs;
- New landscaping;
- Much needed facility;
- Good and modern design;
- Good to have pedestrian and cycle access to a local school;
- Ample parking and proposed;
- Improved access;
- Looking forward to the submission coming forward to provide education for Thurrock children;
- Much needed sports facilities for school and community;
- Raise educational standards and achievements in the area;
- Add value to the surrounding area; and
- Supports needs of local children.

5.2 CONSULTATION RESPONSES:

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

5.3 ANGLIAN WATER:

Informative recommended.

5.4 BRITISH PIPELINE ASSOCIATION:

No objections

5.5 HOME TO SCHOOL TRANSPORT:

No objections, subject to an improved footway and appropriate lighting from Stanford Road to the school.

5.6 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection, subject to two pre-commencement conditions.

5.7 CADENT GAS:

Suggested informative regarding nearby assets.

5.8 EDUCATION:

Support the application.

5.9 EMERGENCY PLANNING:

No objection.

5.10 ENVIRONMENT AGENCY:

No comments to make.

5.11 ESSEX POLICE:

Offer recommendations regarding fencing, lighting and Secured by Design.

5.12 ESSEX & SUFFOLK WATER:

No comments received.

5.13 FLOOD RISK MANAGER:

No objection, subject to condition addressing surface water drainage.

5.14 HIGHWAYS:

Further Information Required

5.15 TRAVEL PLAN:

No objections subject to condition

5.16 LANDSCAPE AND ECOLOGY ADVISOR:

No Objections, subject to conditions and Natural England comments relating to bat survey.

5.17 NATURAL ENGLAND

Raised concerns about impact of proposal upon bat flight paths.

5.18 NATIONAL HIGHWAYS:

No objections

5.19 PUBLIC HEALTH:

Comments and observations raised in relation the following;

- Highways and access
- Air Quality Assessment
- Classroom air quality
- Exterior environment
- Security
- Sport England
- Sustainable Design

5.20 ENVIRONMENTAL HEALTH OFFICER:

No objections subject to conditions including Noise Mitigation Plan and CEMP.

5.21 SPORT ENGLAND:

No objections, subject to conditions.

5.22 SPORT AND LEISURE:

No objections subject to conditions including Community Use Agreement

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 20th 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:

- 2. Achieving sustainable development;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable transport;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land.; and
- 14. Meeting the challenge of climate change, flooding and coastal change.

6.2 Planning Policy Guidance

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

- Climate change;
- Design: process and tools;
- Determining a planning application;
- Flood Risk and Coastal Change;
- Green Belt;
- Healthy and safe communities;
- Land affected by contamination; Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Renewable and low carbon energy;
- Transport evidence bases in plan making and decision taking;
- Travel plans, transport assessments and statements in decision-taking; and
- Use of Planning Conditions

The policy statement 'Planning for schools development' (2011) is also relevant.

6.3 Local Planning Policy Thurrock Local Development Framework (2015)

The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The following adopted Core Strategy policies would apply to any future planning application:

Spatial Policies:

CSSP3 (Sustainable Infrastructure)

CSSP4 (Sustainable Green Belt)

CSSP5 (Sustainable Greengrid)

Thematic Policies:

CSTP9 (Well-being: Leisure and Sports)

CSTP10 (Community Facilities)

CSTP12 (Education and Learning)

CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)

CSTP19 (Biodiversity)

CSTP20 (Open Space)

CSTP22 (Thurrock Design)

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 Space, Outdoor Sports and Recreational Facilities)

PMD6 (Development in the Green Belt)

PMD7 (Biodiversity, Geological Conservation and Development)

PMD8 (Parking Standards)

PMD9 (Road Network Hierarchy)

PMD10 (Transport Assessments and Travel Plans)

PMD12 (Sustainable Buildings)

PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)

PMD14 (Carbon Neutral Development)

PMD15 (Flood Risk Assessment)

6.4 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.

6.5 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.

7.0 **ASSESSMENT**

Procedure:

7.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB and therefore the application will need to be referred under paragraph 4 of the Direction (i.e. Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'Call-In' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling in planning applications and relevant planning policies.

7.2 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design, Layout and Impact upon the Surrounding Area

- III. Traffic Impact, Access and Car Parking
- IV. Landscape & Ecology
- V. Impact to Amenity, Including Neighbour Amenity
- VI. Sports Facilities
- VII. Drainage
- VIII. Contamination
- IX. Energy & Sustainability
- X. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 7.3 Core Strategy policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the heading of “Secondary Education”) “new build, refurbishment and expansion of existing mainstream secondary schools”. This policy therefore identifies the general need for new build secondary schools as items of key infrastructure.
- 7.4 Core Strategy policy CSTP12 (Education and Learning) sets out a general approach which includes:
- the Council’s objective and priority to maximise the benefit of investment in buildings, grounds and ICT, to achieve educational transformation;
 - the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs.
- 7.5 Under the heading of ‘Secondary Education’ CSTP12 goes on to state that, *“To meet the educational, training and community needs of young people and their families for the period of this plan, the Council is committed to replace and improve mainstream secondary school provision and will work with partners to identify and/or confirm sites of an appropriate size and location for schools”*.
- 7.6 Hence in general terms, Core Strategy policies support the provision of education facilities, including new build schools. Paragraph 95 of the NPPF is also relevant and states that: *‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a*

proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications;*
- work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted’.*

7.7 Although not a part of either the NPPF or PPG, the national policy paper “Planning for Schools Development” (2011) is relevant to this application. This paper sets out a commitment to support the development and delivery of state-funded schools through the planning system. Furthermore the policy paper refers to the Government’s belief that the planning system should operate in a “positive manner” when dealing with proposals for the creation, expansion and alteration of state funded schools. Finally, the policy paper sets out the following principles:

- there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- local authorities should make full use of their planning powers to support state funded schools applications;
- local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible;
- a refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- appeals against any refusals of planning permission for state-funded schools should be treated as a priority; and
- where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

7.8 The key issues to consider when assessing the principle of development on this site is the impact upon the Green Belt and the need for education provision within the

Borough.

- 7.9 The site is comprises grassland, open space and playing fields open to public use. The site is bounded by trees and shrubs and is divided by Stanford Road. The site is identified on the LDF Core Strategy Proposals Map as within the Green Belt where policies CSSP4 (Sustainable Green Belt), PMD6 (Development in the Green Belt) apply, but also where policy CSTP20 (Open Space) is also relevant.
- 7.10 Policy CSSP4 (Sustainable Green Belt) identifies that the Council will, 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 (Development in the Green Belt) states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. The proposal is not identified in any of the sections of policy CSSP4 (Sustainable Green Belt) and would not fall within any of the categories for appropriate development within policy PMD6 (Development in the Green Belt). These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt.
- 7.11 In assessing the impact upon the Green Belt with regard to the Core Strategy and NPPF policies, consideration needs to be given 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;
- 7.12 Paragraph 147 of the NPPF makes it clear that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 goes on to state that: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- (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 Green Belt 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 Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority’.

7.13 The applicant’s Planning Statement submitted refers to Paragraph 99 of the NPPF which outlines the Government’s approach to open space and states, “existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless:

- a) As 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 propose 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.”

While the above extract is accepted, the wording of paragraph 149(b) stipulates that ‘the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it..’.

7.14 The proposed development involves a new school including a teaching block, sports hall and large areas of hardstanding to support the outdoor sports facilities and provide car parking and circulation routes. A number outdoor sports facilities would be provided, including a three court Multi-Use Games Area (MUGA), an Artificial

Grass Pitch (AGP), 1 no. senior grass rugby pitch and 4 no. youth football pitches (and 6 no. youth rugby pitches would be provided on Blackshots Recreation Ground); however, these are integral the proposed for the use as a school. That is, the educational use (as an 8 form entry secondary school) which generates the need for accompanying sports facilities. A new school building totalling 8,678 sq.m. floorspace clearly does not fall within any of the exceptions above and is inappropriate development. Notwithstanding the NPPF outdoor provisions the outdoor facilities forming part of the current application, while occupying a large proportion of the site, do not, preserve the openness character of the Green Belt by virtue of the hardstanding, car park and fencing proposed around the perimeter of the site and around the MUGA courts and AGP.

- 7.15 As the site comprises open playing fields, the site is not considered to fall within the NPPF's definition of Previously Developed Land and does not fall within any of the exceptions for the construction of new buildings as set out in Paragraph 149 of the NPPF and within policy PMD6.
- 7.16 The proposals would, therefore, constitute inappropriate development, which is by definition harmful to openness.

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

- 7.17 The analysis in the paragraphs above concludes that the proposal constitutes inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).
- 7.18 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belt being described as its openness and its permanence. The proposals would comprise a substantial amount of new built development and sporting facilities across the site, which is currently open.
- 7.19 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
- 7.20 In terms of NPPG, 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. With regard to the visual impact on the Green Belt assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. In light of the above, given that the site is located in an open and exposed position, bordered by Stanford Road and visible from the Blackshots Stadium, the development of the site as proposed would clearly harm the visual component of openness. 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 a school development and considered this activity would also impact negatively on the openness of the Green Belt. It is therefore 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.

7.21 Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves. In terms of whether the planning application would cause harm to the five purposes of the Green Belt, these are considered below:

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

7.22 The NPPF does not provide a definition of the term 'large built-up areas' but the site is located on the fringes of the built up area around Grays, which represents the largest built-up area within the Borough. The proposal would extend further into the Green Belt than the existing built up area. However, the site is somewhat separated from the built-up area by the local road network and nearby areas of open land. As a result of these circumstances it is considered it would have limited impact in terms of the unrestricted sprawl of this built up area into the Green Belt, nevertheless some harm to this purpose would occur.

b) to prevent neighbouring towns from merging into one another;

7.23 The site is located on the immediate fringes of Grays and some distance from Chadwell St Mary; the site is somewhat disconnected from Chadwell St Mary principally by the existing road network. While the proposal would increase the built form in the area between these urban areas it is considered that the proposal would not result in towns merging into one another to any significant degree.

c) to assist in safeguarding the countryside from encroachment;

7.24 The site currently comprises open space and playing fields. Current views across the site contribute towards the countryside setting and mark the beginning of

relatively open countryside beyond the urban area of Grays linking to the open areas of land to the east and north of Stanford Road. The detailed plans show that a significant built form will be introduced on the most prominent part of the site. The introduction of a significant level of built form within this area would result in encroachment into the countryside. As a result the proposal would conflict with this purpose of including land within the Green Belt.

d) to preserve the setting and special character of historic towns;

7.25 As there are no historic towns in the immediate vicinity of the site, the proposals would 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.

7.26 The site is located on the fringes of the urban area and therefore the granting of permission outside of this area would not encourage urban regeneration. Therefore the proposal would conflict with this purpose of including land within the Green Belt, albeit the Applicant's site selection is considered below.

7.27 Based upon the above tests from paragraph 138 of the NPPF the proposal would be contrary to purposes c and e with some limited impact on purpose a. The proposal would result in harm to some of the purposes of including land in the Green Belt, and harm to the openness of the Green Belt in addition to the definitional harm by reason of its inappropriateness. Reference to "any other harm" (NPPF para. 148), that is non-Green Belt harm, is referred to in the paragraphs below.

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.

7.28 Paragraph 147 makes it clear that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. Paragraph 148 of the NPPF then states 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

7.29 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held

that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). 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' (VSC). Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

7.30 The Planning Statement submitted to accompany the application sets out the applicant's case for VSC under the following main headings:

a) Identified Need and Provision of High Quality Secondary Education and Planning History

b) Lack of Alternative Sites

c) Established School

d) Socio-Economic Benefits to the Wider Community

e) Long Term Legacy Use

7.31 The detail of the applicant's case under these headings and consideration of the matters raised is provided in the paragraphs below.

a) Identified Need and Provision of High Quality Secondary Education and Planning History

Consideration

7.32 The Planning Statement outlines the fact that whilst Orsett Heath Academy's non-permanent location at the Thurrock Rugby Club is suitable for meeting current demand, it can only accommodate a maximum of 240 pupils. It is therefore critical that Orsett Heath Academy can move to its permanent site as soon as possible to ensure that the school can cater for the projected identified need within the Borough. The applicant states that an assessment of current state secondary school provision

identifies that there are 13 secondary schools open within Thurrock Borough as of July 2021. This includes both Thames Park School and Orsett Heath Academy which have been operating from temporary accommodation since September 2020. The application site is within the Central Secondary School Area (Central SSA), where there is a projected growth of 597 pupils over 5 years from 2109. This application, submitted on behalf of the Department for Education, is a direct response to the specific need for school places within the Central SSA.

- 7.33 This specific need is two-fold; firstly, because Orsett Heath Academy has been open since September 2020 (following the grant of planning permission under ref. 18/01709/FUL whereby significant weight was afforded to the lack of secondary education provision) and where staff and students are currently operating from a non-permanent location. Secondly, there is also a short/medium need as the projected growth of pupils within the Central SSA is likely to incrementally exceed the Published Admissions Number and the proposal seeks to address these specific needs.
- 7.34 Consequently, as the Orsett Heath Academy has an immediate and projected need for permanent long term and purpose built accommodation, paired with the projected published admissions numbers over the next 5 years within the Central SSA, it is understood and acknowledged that there is a need for pupil places within this area of Grays. There is sufficient compelling evidence to demonstrate there is a quantitative need for pupil places in the area. Although not part of the NPPF, the policy statement 'Planning for schools development' (2011) sets out a "presumption in favour of the development of state-funded schools". Significant positive weight is afforded to this factor in the balance of Green Belt considerations.

b) Lack of Alternative Sites

- 7.35 The applicant has submitted an Alternative Sites Search alongside its case for VSC. The applicant searched for sites within a 5km radius of the existing school at the rugby club. A total of 26 sites were identified, in and around the Borough, some of which are existing school sites, other Green Belt sites, other agricultural sites which are not within the Green Belt and other sites that have a number of constraints.
- 7.36 The applicant concludes that, 'only one site was deemed a suitable option for the proposals school, located to the north and south of Stanford Road. This is the preferred site due to its location, site characteristics, value for money and timescale for delivery.'

Consideration

- 7.37 The assessment and methodology adopted by the applicant have been deemed sufficiently robust in pre-application discussions and adequately demonstrate the site

is available and sequentially preferable. Although the proposals would result in some harm to purpose e. of the Green Belt, the applicant's analysis shows that there are no available sites within the built-up area. In conjunction with the needs analysis discussed in part (a) above, this factor is also afforded significant positive weight.

c) Established School

7.38 Orsett Heath Academy was established in temporary accommodation at Thurrock Rugby Football Club in September 2020 and has been in operation for one academic year. Part of the decision to locate the temporary accommodation for the school at the Rugby Club was linked to the aspiration that the application site would be developed for the school's permanent accommodation in due course and therefore there would be a close relationship, both in location terms and wider legacy/long-term use, between the two sites.

7.39 Furthermore, the applicant goes on to explain that on the basis that once the Orsett Heath Academy move into their permanent accommodation, it is proposed that the school's temporary accommodation at Thurrock Rugby Football Club will be redeveloped to provide specialist sports-science and performance analysis suites with the latest technology, to be known as 'Thurrock Institute of Sport'. This facility will be jointly used by Thurrock Rugby Football Club and the Orsett Heath Academy, with the school using such facilities to help with the development of their sports aptitude pupils and for pupils taking GCSE Physical Education, for example.

Consideration

7.40 The matter of the established school, its connections with the Rugby Club and the applicant's aspirations in providing high quality education facilities is one of the Council's key objectives. It is considered that this factor should be given significant positive weight in the determination of the application as a very special circumstance.

d) Socio-Economic Benefits to the Wider Community

7.41 As was noted under the planning permission granted for the temporary accommodation for the Orsett Heath Academy, the submitted Planning Statement notes that the Trust, SWECET, has a well-established relationship with the Thurrock Rugby Football Club. Since the school has opened, the applicant states that this relationship has deepened with pupils in the first September 2020 intake participating in extra-curricular activities ran by the school, Thurrock Rugby Football Club and other local organisations. The proposed development, including the provision of the rugby and football sports pitches, will continue the strong ties with Thurrock Rugby Football Club but also provide opportunities to foster new and stronger bonds with other local organisations including Thurrock Harriers, Grays Athletic Football Club

and other local community groups. Such bonds will be developed through the provision of facilities within the proposed development which will be accessible to the local community outside of school hours.

Consideration

- 7.42 Public health and outdoor sport are an important corporate priorities. The Council's Active Place Strategy (adopted Jan 2021) advises that the Council should be encouraging further sports facilities and community use agreements. The proximity of the school and the Thurrock Rugby Football Club would allow improved links between the two and would potentially support wider objectives to increase public health and reduce obesity (subject to a suitable community use agreement). Moderate positive weight should be attached to these health benefits.

e) Long Term Legacy Use

- 7.43 The applicant states that *'Orsett Heath Academy selects 10% of its intake on sporting aptitude, and as such the delivery of new high-quality sporting facilities as part of the proposed development will ensure that those with sporting aptitude are provided with state-of-the-art facilities to grow, develop and achieve their sporting targets.'*
- 7.44 The applicant contends that the high-quality sporting facilities will enable Orsett Heath Academy to deliver its *'Learning Through Sport'* curriculum at the site. The Planning Statement advises there is a well-established, award winning Year 8 and 9 curriculum developed at the same Trust's -ran William Edwards School that uses sport as a vehicle to improve literacy. It is considered that young athletes and those with a particular aptitude and interest in sport will be drawn from throughout Thurrock to this unique provision and benefit from the partnership arrangements between SWECET, Thurrock Rugby Football Club and Thurrock Harriers.
- 7.45 The applicant considers the development should also be assessed in light of the recently approved Thurrock Open Space Strategy which states, *'Blackshots Leisure Centre is beyond its anticipated life span and needs to be replaced. There is an opportunity to develop a larger scale, strategically important sports facility to serve the needs of the Grays community and, concurrently, consider development of the wider adjacent park. Orsett Heath Academy is due to open in 2022 on the same site. In addition, an interim academy is being built adjacent to Thurrock Rugby Football Club, also on King George's Field.'*
- 7.46 The Thurrock Open Space Strategy goes on to state, *'This combination of options provides a 'window of opportunity' for a full master planning exercise; taking account of education, leisure, physical activity, wellbeing and cultural needs.'* The applicant therefore considers that the proposed development therefore plays a key role in

contributing to, and supporting, the wider sporting masterplan for the immediate area surrounding the site.

Consideration

- 7.47 The proposed long term use of the site has the potential to provide a flagship development for the Borough. It would ensure positive educational benefits and health benefits and provide aspirational opportunities for young people in the Borough. This matter should be afforded significant weight in the consideration of the application. This factor was previously presented by the applicant in support of the temporary facilities and the assessment and weight given is consistent with the weight that Members afforded this previously.
- 7.48 Under the heading of Promoting Healthy and Safe Communities, paragraph 94(a) of the NPPF states: *'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications'*.
- 7.49 Policy CSTP12 (Education and Learning) is the relevant policy and it has already been established that the principle of a new build schools is acceptable. The Council is committed to replace and improve mainstream secondary school provision and work with partners to identify appropriate locations within the Borough. After sequential testing of sites, the applicant's findings suggest the application site is the most appropriate site, being located directly adjacent to the existing school and Rugby Club.
- 7.50 The Government's policy statement from 2011 'Planning for schools development: statement', while not forming part of the NPPF or NPPG, is also relevant to this proposal. This statement includes the following principles for the planning system:
- there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
 - local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
 - local authorities should make full use of their planning powers to support state funded schools applications;

- local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95; and
- a refusal of any application for state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.

7.51 As the site is located in the Green Belt it is not considered that the positive approach encouraged by national policy (above) would necessarily supersede the protection afforded to the Green Belt elsewhere within national planning policies. Therefore, it is still necessary to consider both the harm and benefits of the proposal and undertake a balancing exercise. Nevertheless, it is considered that local and national planning policies supporting the delivery of additional facilities for this new school can be afforded positive weight in the balance of Green Belt considerations.

Strategic Green Belt Assessment (2019)

7.52 The applicant references *'The Thurrock Strategic Green Belt Assessment Stages 1a and 1b (January 2019) within the Planning Statement. The Thurrock Strategic Green Belt Assessment Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the Green Belt in terms of their 'contribution' to three of the five Green Belt purposes. The site is identified as forming part of strategic parcel no. 27 and paragraph 5.1.9 specifically refers to Parcel 27 in the context of the Lower Thames Crossing development and notes that, 'The boundary of the town is poorly defined and the LTC would provide a more appropriate long-term Green Belt boundary in this particular location'.*

7.53 Paragraph 6.1.2 goes on to state that whilst Parcel 27 is assessed as having major importance contributing to the first purpose of the Green Belt, *'development within a parcel that has a very defined boundary is unlikely to constitute 'unrestricted sprawl' as it would be contained within a clearly defined limit (for example, parcel 27)'*.

Consideration

7.54 The Thurrock Local Plan Issues & Options (Stage 2) consultation refers to the Thurrock Green Belt Assessment Stages 1a and 1b as a technical document that does not specifically identify any sites or broad areas of Green Belt for development, given that any decision on the need to amend the boundary of the Green Belt in Thurrock must be taken as part of the wider plan-making and evidence development process. Consequently, the applicant's conclusions of the Green Belt Assessment have only very limited weight in the consideration of this case.

Other Harm

- 7.55 The application site is within the Metropolitan Green Belt and, consistent with its use as playing fields and pitches, the site topography is relatively flat but has a gradual slope at its southern and northern extremities of approximately 1 metre and the total variation from south to north is approximately 2 metres. The site is located in Flood Risk Zone 1. The application site appears as a reverse L-shaped site and is divided by Stanford Road.
- 7.56 In terms of layout, the built form would be concentrated towards the northern half of the site with the eastern corner allocated as a car park for 168 vehicles, with a new access road directly from Stanford Road. The building will front the application site oriented parallel to Stanford Road and be located relatively close to Stanford Road.
- 7.57 West of the teaching block, is a proposed three court multi-use games area (MUGA). Footpaths would lead from the teaching block to both Stanford Road and a pedestrian access from King George's Field and Blackshots Lane beyond. Rugby pitches would be provided immediately north of the building providing both a full size rugby pitch and an Artificial Grass Pitch. The southern parcel of the site contains the natural turf fields and would provide football pitches alongside an improved vehicle access way leading south to the Treetops School. 2.4 metre high weldmesh fencing is proposed around the entire site along with 3 metre weldmesh fencing around MUGA courts and the all-weather sport pitch, but with no fencing proposed for the natural turf pitches.
- 7.58 The applicant acknowledges the nature of the proposal would result in change within the wider landscape but considers that the siting of the building to the south west of the application site helps reduce its encroachment into the more open areas of Green Belt in the site. The applicant considers the positioning of the building minimises the intrusion into the Green Belt as far as possible and ensuring the main built form would not protrude beyond that of the existing built development along Stanford Road.
- 7.59 It is considered that the proposal would result in harm to this open landscaped setting by way of a loss of openness. This harm needs to be considered in the context of "any other harm" in addition to Green Belt harm (paragraph 144). Notwithstanding this, the above Green Belt assessment has identified that the applicant has advanced factors which could combine to clearly outweigh the identified harm to the Green Belt such that Very Special Circumstances could exist and, for these reasons, it is considered that these outweigh the harm to the openness of the landscape.

Green Belt Conclusions

- 7.60 It is clear that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and reduce the openness of the Green

Belt. Furthermore it is considered that the proposals would harm the openness of the Green Belt 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, and a summary of the weight which should be placed on various Green Belt considerations is provided in the table below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	Identified Need and Provision of High Quality Secondary Education and Planning History	Significant Weight
Reduction in the openness of the Green Belt		Lack of Alternative Sites	Significant Weight
		Established School	Significant Weight
		Socio-Economic Benefits to the Wider Community	Moderate Weight
		Long Term Legacy Use	Significant Weight
		Strategic Green Belt Assessment	Very Limited Weight

7.61 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 Green Belt 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. Consideration should also be given to the other harm arising from the proposal when undertaking the Green Belt balancing exercise. A number of 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'.

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

II. DESIGN, LAYOUT AND IMPACT UPON THE SURROUNDING AREA

7.63 With respect to the layout of the site, Policy CSTP20 (Open Space) states that the Council will seek to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational spaces is provided and maintained to meet the needs of the local community. The same policy goes on to state that wherever possible, open spaces should be identified, planned, designed and managed as areas that can perform multiple functions. As the proposals seek to continue the provision of playing fields, sports pitches and a MUGA available for community use, in addition to the development of a new school, it is not considered likely that a recommendation to refuse the proposals based upon the application conflicting specifically with the objectives and aims of CSTP20 (Open Space) would be sustainable.

7.64 Paragraph 134 of the NPPF states; '*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*' It is notable that proposed amendments to the NPPF seek to improve the design of new development, in response to the findings of the 'Building Better, Building Beautiful Commission'.

7.65 PMD2 of the Core Strategy states; '*The Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts*'.

7.66 Prior to the submission of the planning application, the applicant sought pre-application advice which was put before the Thurrock Design Review Panel. The panel considered the scheme could be improved in various areas, including the internal and external layout, and the overall sense of place at the site.

- 7.67 The design has evolved since the advice given at pre-application stage and following the Thurrock Design Review Panel and it is considered that many of the key concerns relating to the scheme have been addressed.
- 7.68 In regards to the massing and layout, the applicant has sought to ensure that the proposed development would provide the optimum teaching environment for staff, students and community groups, whilst being condensed and clustered with a low impact to the surroundings. The external appearance of the school building would be a flat roof modular designed building which would be three storeys in height for the main teaching element, two storeys for the sports hall and single storey for the activity studio. With regards to materials, traditional brickwork would be used across the ground floor grounding the building with a dark coloured brick to contrast against the upper floors. Timber cladding is proposed above the brickwork across the majority of the building with a high quality finish. Feature metal cladding panels are also proposed to be used in strategic locations to highlight entrances and to book-end the edges of the building. This attractive finish would also tie in with the Orsett Heath Academy building at the Thurrock Rugby Football Club site. The proposed range of materials were considered by the Thurrock Design Review Panel and it was confirmed by panel members that they supported a modest pallet choice of materials but considered the façade could be calmer. These comments have been taken on board and the proposal comprises one primary material and two supporting materials. Whilst overall the comments from the Thurrock Design Review Panel have been taken on board, it is considered that the detailed design and external appearance of the proposed buildings would not help create a unique character for the school in this location.
- 7.69 The overall design approach is an important factor to consider as the school environment would also be experienced by the wider public, through a Community Use Agreement and will be an important civic space.
- 7.70 Members of the Committee are reminded that the Council adopted the Thurrock Design Strategy in 2017. The key aims of this strategy are to ensure that new development is of the highest possible quality and responds to the local context. The policies referenced above in the NPPF and Core Strategy above are also relevant and emphasise the importance of good design. It is considered and perhaps a missed opportunity that the external appearance seeks to respond to the generic modern methods of construction formula of buildings rather than adopting a bespoke design. Nevertheless, it is acknowledged that the applicant is working within budget constraints and tight timeframe for delivering the school.
- 7.71 There is perhaps a tension between paragraph 130 of the NPPF which aims to ensure that developments, inter-alia, “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development ... are

visually attractive as a result of good architecture ... are sympathetic to local character and history, including the surrounding built environment and landscape setting ... establish or maintain a strong sense of place” and the more standardised approach to new school design stipulated by the modern methods of construction approach.

- 7.72 Nevertheless, there are clearly design, timeframe and budget constraints associated with the delivery of new school buildings, although these constraints arguably run contrary to some elements of the NPPF. On balance, given the pressing need for school places and government guidance in relation to construction of new schools the design can be accepted.

III. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 7.73 The planning application is accompanied by a Travel Plan (July 2021), a Transport Assessment (TA) (July 2021), a TA Assessment Part 2 (July 2021), a Transport Assessment Appendix J Treetops Signalised Junction (16th July 2021) and a Technical Note in response to Highways, dated 28th September 2021 submitted in response to comments received from the Council’s Highways Officers.

- 7.74 There is no existing vehicle access to the proposed northern application site at present. The proposed development seeks to take vehicular access via an arm of a proposed signalised junction onto Stanford Road. Whilst the junction has been included for completeness as part of this planning application, the signalised junction and associated highways works are to be delivered separately by Thurrock Council and highways consent has previously been granted for these works to provide this signalised junction.

- 7.75 The access would be the sole vehicular access serving the development, with several pedestrian and cycle path routes providing further regular access for students and staff from the west, south and north. The new vehicular access would be a left-in, left-out arrangement and lead to the main car park for the site and include a one way system. Pedestrian accesses would also be located on Stanford Road frontage adjacent to the vehicular access linking to a pedestrian crossing on Stanford Road.

- 7.76 The applicant’s TA and transport data submitted indicates that an extensive assessment has been carried out in relation to the potential impact of the school expansion and the relocation into permanent accommodation on the site. Travel survey data collected from the school along with an assessment of the existing catchment postcodes was used to estimate travel demand and traffic distribution for both pupils and staff. This information was used to feed into the development of off-site junction modelling at three upstream/downstream junctions as was requested by Thurrock Highways during pre-application discussions and which were informed by

manual traffic counts and queue length surveys. The traffic modelling assessments undertaken demonstrate that all junctions are predicted to perform within available capacity, with only one arm of the Lodge Lane - Southend Road traffic signal junction tipping just over 90% degree of saturation in one peak period assessed. A full report prepared by Mott McDonald on behalf of Thurrock Highways sets out all modelling scenarios for the future implementation of the Stanford Road new signalised junction which demonstrates that with the introduction of double cycling of the signals (allowing one use of the pedestrian phase in every two cycles in the AM peak), the junction is predicted to operate within acceptable thresholds.

7.77 These works are considered to be essential in order to achieve safe access into the site for vehicle users, pedestrians and cyclists. All works associated with the installation of the signalised junction will be carried out by Thurrock Council given that the Highway Authority has granted consent for these works. It is anticipated the works will commence early in the New Year.

7.78 The Highways Officer has indicated that effective management of the children crossing to the sports facilities will need to be included in any school travel plan, along with community uses. The package of measures submitted by the applicant are not considered to go far enough to fully deal with the highway concerns for this site and the Highway Officer has recommended a commitment to highways improvements should be secured. The applicant has therefore agreed to provide the following:

- Financial contribution of £20,000 towards highway improvements to parking controls in the vicinity of the development site.
- Implementation of an improved footway cycleway on the northern side of Stanford Road to link the existing Pegasus Crossing to one of the proposed pedestrian accesses to the school on the west side of the site.
- Access rights for pick up and drop off of school transport and drop-off and pick up for car borne trips to the site within the car park facility.
- Creation and annual review of an employee and pupil travel plan via the Mode Shift STARS travel plan monitoring system (or similar approved Local Authority system). A Travel Plan to include the community use should also be provided.
- Car park management strategy for both the school operation and community use.

7.79 These works are considered to be essential in order to achieve safe access into the site for vehicle users, pedestrians and cyclists. As the measures listed above involve works within the public highway (on land outside of the applicant's control), and as

there is no highway agreement in place (s278) a planning mechanism is required. Similarly, the suggested £20,000 financial contribution for parking controls locally will need to be secured via a planning mechanism, while a Grampian condition will be imposed in regard to the works to Stanford Road.

- 7.80 Car parking for the proposed new school would be located at the eastern end of the site within the main car park. The proposal would seek to provide 168 parking spaces including 8 disabled accessible spaces. 420 cycle parking spaces would be provided.
- 7.81 The Council's draft Parking Standards and Good Practice document (March 2012) suggests a maximum car parking provision of 1 space per 15 pupils for secondary schools. Therefore, based on 1,200 pupils at the site (30 pupils per class / 8 classes per school year / 5 school years) the maximum car parking provision should be 80 spaces. Car parking is therefore over-provided at the site. Although there may be an understandable wish to increase car parking in order to avoid any possibility of overspill parking onto adjoining streets, this factor must be balanced against local and national policies aimed at promoting sustainable transport and the impact on the Green Belt.
- 7.82 Being located in Grays, it is considered that the site is well-served by bus routes. Bus stops are conveniently located on Stanford Road close to the footbridge over Stanford Road where route nos.100, 5A and 5B serving Basildon and Pitsea stop respectively. The 100 is every 20 minutes and the 5A and 5B about every 30 minutes. On the south side of Stanford Road there is a bus stop serving routes 100, the 5A and 5B. The 100 is to Lakeside, the 5A and 5B are to Pitsea. Route 475 which visits both bus stops on Stanford Road is a morning and afternoon service on school days only serving Brentwood County High School via a number of stops in the Borough. In King Edward Drive, routes 5A and 5B go towards Pitsea and Grays every 30 minutes. Both bus stops are near the junction of King Edward Drive and Stanford Road and all 4 bus stops are in a reasonable walking distance of the school. In this context of reasonable availability of public transport links, it is surprising that the car parking provision proposed is so far in excess of the Council's standards; however, as previously mentioned, the location of the site off Stanford Road and the importance of the development not resulting in any parking or stopping on the highway from parents dropping off or picking up is relevant to the consideration of this application and therefore the number of parking spaces proposed at this site. Subject to planning conditions, including the management of the car park, the level of parking on the site is considered acceptable.
- 7.83 With regard to proposed cycle parking, covered spaces for 420 cycles is proposed. The Council's draft Parking Standards and Good Practice document (March 2012) suggests provision of a minimum of 1 space per 5 staff plus 1 space per 3 pupils.

The proposals therefore comply with the required standards. The Highways Officer has recommended that the applicant implements an improved footway cycleway on the northern side of Stanford Road to link the existing Pegasus Crossing to one of the proposed pedestrian accesses to the school on the west side of the site. The applicant has agreed to these works as part of the proposals.

- 7.84 Linked to the above, a number of planning conditions and obligations have been recommended by the Highways Officer in order to mitigate any impact on the highway network. Subject to these requirements, no objection is raised by the Council's Highway Officer. The Council's Travel Plan Officer also raises no objections subject to a condition to secure the Travel Plan submitted with the application.
- 7.85 The applicant's submitted Construction Management Plan details how the construction phase of the development of the site will be made secure and what appropriate traffic management will be put in place. In relation to the specific highway elements, given the imminent construction of the new signalised junction works, close collaboration with the Highways Authority will take place.
- 7.86 In addition, given the application site includes the Lower Thames Crossing boundary 'strip' running along the southern edge of the eastern end of Stanford Road, National Highways has been consulted in respect of any impacts on the Lower Thames Crossing works. National Highways has raised no objections to the proposals and it is not anticipated that the proposals would impact upon any future works associated with the Lower Thames Crossing.
- 7.87 In conclusion under this heading, subject to conditions and the planning mechanism to secure the mitigations, it is considered that the proposals are acceptable and would be supported by an acceptable and robust Travel Plan. The residual impact of the development on the road network would therefore be considered acceptable and comply with Policies PMD2, PMD8 and PMD9.

IV. LANDSCAPE & ECOLOGY

Visual and Landscape Impact

- 7.88 The applicant has submitted detailed Soft Landscape, Hard Landscape and Tree Protection and Removal Plans detailing the proposed landscape changes resulting from the proposals. It is notable that the application site contains trees and vegetation along the majority of its boundaries. Existing mature trees to the northern, western and southern boundaries of the application (northern) site will be partly retained as part of the proposals. Trees will also be retained along the western boundary of the application (southern) site.
- 7.89 Some existing trees will be removed along the northern boundary of the southern

half of the site to help enable the creation of the Council's signalised junction along with a safe crossing area for students waiting to cross the road. Similarly, a number of trees will be removed at the far eastern corner of the site on its northern half, to enable the creation of the vehicle access into the site.

- 7.90 In addition to the retained trees and vegetation to the south western and southern boundaries of the site alongside Stanford Road, new wildflower planting will be provided towards the south-west corner of the site. The proposals will also be bolstered by new shrub planting and native-trees within the car park, helping to break-up the site and proposed hardstanding. New grass seed will be incorporated throughout the proposed development, and will facilitate the provision of a grass amphitheatre for drama and teaching towards the south-west of the school building.
- 7.91 Hard landscaped spaces will be formed to provide space for informal and social interaction. The car parking area will be softened using interspersed trees and planting, breaking-up the appearance of this hard-surfaced area. Wherever possible the existing boundary vegetation has been shown as being retained to maintain the feel of an established campus setting and also maintain a visual and acoustic screen from residential neighbours and surrounding roads.
- 7.92 The Council's Landscape and Ecology Advisor has been consulted and in relation to landscape impacts has advised that the proposals would not result in significant adverse landscape impacts. The Landscape and Ecology Advisor also states that the wildflower planting proposed has the potential for biodiversity net gain at the site (as required by para.174 of the NPPF), but will require appropriate management over time, and a landscape management plan condition for the effective management of the extensive proposed wildflower grassland other landscape elements. While soft landscape plans have been supplied with the current application, the Landscape and Ecology Advisor comments that due to the site layout, with the car park area fronting the site and location of the school building there would be little opportunity to help mitigate the visual harm caused by the three storey development. The Landscape Advisor also comments that the layout of the scheme will not extend the building line beyond that of the existing residential development on Stanford Road. This will help lessen the effects on the character of this Green Belt location.
- 7.93 Taking this matter in full consideration there are existing buildings nearby on the adjacent site Blackshots Stadium site, as well as the nearby Thurrock Rugby Football Club site being used as the Orsett Heath Academy School, in addition to the nearby residential development south of the Stanford Road. While the visual impacts on the area are noted these are, however, balanced against the identified need for new school places. Consequently, the landscape proposals would be considered acceptable subject to suitably worded planning conditions relating to landscape provision and a landscape management plan.

Ecology

- 7.94 Given that Hangman's Wood and Deneholes Site of Special Scientific Interest (SSSI) lie to the south-west of the application site and Stanford Road, Natural England has been consulted on the proposals.
- 7.95 The submitted Preliminary Ecological Appraisal (PEA) considers that the site is separated into two parts; the northern portion, comprising of sport pitches separated from Stanford Road and with some broadleaved plantation woodland both within and beyond the boundary, and the southern portion, comprising poor semi-improved grassland with dense scrub and occasional scattered broadleaved trees along the eastern boundary. The PEA concludes that the woodland, scattered trees and dense scrub offer opportunities for nesting birds, whilst these features also provide linear commuting and foraging corridors for bats, however, no roosting opportunities were identified on the site. The PEA also found that the southern portion of the site comprising grassland field and is also considered to offer some suitable foraging and cover for reptile species, and also lies within a badger territory, with a latrine present, and would provide foraging, and the remainder offers foraging habitat and sett digging opportunities, with links to arable beyond the north-eastern boundary.
- 7.96 Natural England was in broad agreement with the conclusions drawn from the PEA, however, it did request further bat survey work be undertaken in order to be ascertain that the proposed development would in no way be harmful in relation to bat linear commuting routes. At the time of drafting this report, the applicant was undertaking that additional bat survey work and it is anticipated that the results will have been submitted and Natural England is re-consulted and Members will be updated at the Planning Committee.
- 7.97 In regard to ecology, the Landscape and Ecology Advisor has commented that they agree with Natural England that further bat survey work is required to provide more detailed mitigation. As a consequence, an appropriate ecological method statement is required to detail how these species will be protected during the construction phase of the development. This can be secured by a suitably worded planning conditions prior to commencement.

V. IMPACT TO AMENITY, INCLUDING NEIGHBOUR AMENITY

Air Quality

- 7.98 The Public Health team have made comments advising that air quality should be taken into account due to the immediate locality of children and staff at the site due to the proximity of the Lower Thames Crossing route with the potential for providing

new sources of air pollution. The Council's Environmental Health Officer has made no adverse comments in relation to air quality implications for the proposed development.

- 7.99 In relation to specific implications for this site, the Lower Thames Crossing is still at the consultation stage with no confirmed final route yet agreed. The Lower Thames Crossing application will be supported by an air quality assessment. Furthermore, the site is not within an Air Quality Management Area, and as there are no objections from the Environmental Health Officer, there no objections raised under this heading.

Noise

- 7.100 The applicant has submitted an Environmental Noise Report dated 12 July 2021 along with follow up comments for the Environmental Health Officer. The Environmental Health Officer advises that the internal ambient noise levels in the school is satisfactory as assessed in the Noise Report. The Officer advises that they are satisfied the acceptable noise levels will be met if the ventilation strategy and glazing unit specification is implemented as is detailed in the noise Report.
- 7.101 The Environmental Health Officer also advises that any external plant should be selected and designed such that the cumulative plant noise does not exceed the existing representative background noise level at the nearest noise sensitive receptor. This should be required by condition.
- 7.102 In terms of the noise generated from the school, the Environmental Health Officer agrees with the findings of the Noise Report in relation to the development on the northern portion of the site. In relation to the proposed southern sports pitches, the Officer advise that it is likely that these pitches may be used at weekends and evenings where the road traffic noise is likely to be lower that the weekday daytime measurement in the assessment. The amenity of the residents close to the southern sports pitches could potentially be adversely affected by noise. The Officer has therefore recommended that a Noise Management Plan is required to control site activities in this case. Subject to condition, it is considered that the building and outdoor pitches and play areas are of a sufficient distance from noise sensitive receptors so that they are unlikely to have any adverse impact.
- 7.103 In conclusion, while it is noted there is a slight discrepancy between the recommendations in terms of air quality and noise from Public Health and the Environmental Health Officer, subject to the in-built mitigation measures promoted by the design of the scheme there are no objections to the proposals.

Neighbour Amenity

- 7.104 The closest neighbours to the application site are those living on the south side of

Stanford Road which face the application site and proposed school building, and those living on Masefield Road and Buxton Road whose properties back on to the proposed southern sports pitches.

- 7.105 At its closest point, the proposed development of the school building would be located approximately 55 metres away from the nearest residential properties along Stanford Road. The key boundaries of the site are populated with trees and other vegetation which further assists in protecting amenity. The existing mature trees to the northern, western and southern boundaries of the site will be retained and the existing tree vegetation along Stanford Road allows the proposal to be relatively obscured. In light of these distances it is considered that the proposed building would not result in loss of light, privacy or outlook for these residential receptors.
- 7.106 Turning to the use of the sports pitches including those to the southern side of the site, the applicant's Planning Statement states that noise impacts have been fully assessed and considered (and are assessed earlier in this report). These pitches will be used by the school during the school day as well as the local community. A level of noise would be generated by children using these pitches, however, this is commonplace for residential properties adjacent to school locations and indeed given the existing use of the site as playing fields and open space the level of noise would not be considered unacceptable.
- 7.107 It is also recognised that local residents generally living in the immediate area would be impacted by the construction of the proposal given its location in relation to residential development. In regard to the comments received regarding the construction works at the site, matters relating to hours of work, dust control, noise vibration management and wheel washing, the Environmental Health Officer is satisfied that these had been adequately addressed within the submitted Construction Management Plan submitted which will be secured via suitable condition.
- 7.108 With respect to impacts upon neighbour amenity the proposals are considered to comply with Policy PMD1.

VI. SPORTS FACILITIES

7.109 The proposals include the following:

- a sports hall, located to the north- western side of the teaching block, providing the sports hall (and main hall), drama studio and PE stores;
- an activity studio to the north-eastern corner of the new building, including a fitness studio, changing rooms and PE stores;

- an Artificial Grass Pitch, located to the north of the main building, for both rugby and football use;
- a Multi-Use Games Area comprising of three courts to the western end of the site;
- 1 no. senior grass rugby pitch;
- 6 no. youth rugby pitches (provided on Blackshots Recreation Ground); and,
- 4 no. youth football pitches

7.110 Sports pitches are proposed to be provided in three broad areas: at the northern part of the application site where the Orsett Heath Academy school is proposed; at the southern part of the application site on the 'Treetops side; and at the Blackshots Recreation Ground, which lies outside of the application site.

7.111 The planning history and the permission granted at the Thurrock Rugby Football Club for the initial phase of the Orsett Heath Academy is most relevant to the understanding of the sports pitch provision for the proposals. The existing Orsett Heath Academy has three pitches provided on land owned and controlled by the Thurrock Rugby Football Club. There are also several other pitches that the existing school has use of, and access to, which lie within the application site. Those pitches (which fall within the application site) would be temporarily lost should the proposals be approved, however, a phasing plan is proposed whereby there would be no loss in sports pitch provision during the construction phase of the proposals.

7.112 Part of this phasing includes the provision of sports pitches at Blackshots Recreation Ground, lying outside of the application site. This land is owned and controlled by the Council and is used as informal playing fields and pitches. Separate to, but relevant to this application, a licence has been agreed between the Council, the applicant and Thurrock Rugby Football Club in relation to the use, maintenance and delivery of the Blackshots area pitches. Sport England has requested a planning condition relating to the provision, delivery and maintenance of these specific pitches prior to commencement of the development in order that there would be no loss of sports provision. Whilst the pitches proposed at the Blackshots Recreation Ground fall outside the application site, their direct relevance to the overall proposals and the Council's landownership and control of the site provides an opportunity to secure the provision of these pitches via a suitably worded Grampian condition. The applicant has agreed to pay for the Council for the provision and maintenance of these pitches at Blackshots for this interim period. This payment will also be secured via planning mechanism.

7.113 Sport England has been engaged in detailed discussions with the applicant and the

Council during the pre-application stage, and has made detailed comments in relation to each of the facilities provided. Sport England raises no objection subject to a number of conditions, these will be summarised and discussed below.

7.114 With regards to the 3G Artificial Grass Pitch (AGP), the AGP would provide an all-weather pitch facility that could be used for meeting the school's curricular and extra-curricular PE and sport needs and offer continuity of facility provision when natural turf pitches are unavailable due to ground conditions. The AGP would offer significant benefits to Thurrock RFC as it could be used for meeting the club's training needs as well as matches and would reduce the level of overplay on the club's grass pitches. Detailed conditions have been requested by Sport England to ensure the design specifications, maintenance and delivery of the AGP which have been included.

7.115 The proposed sports pitches broadly accord with Sport England guidance, however, detailed conditions, including some pre-commencement conditions, will be required to ensure their suitable delivery, maintenance and delivery and relevant conditions have been included.

7.116 Subject to conditions, Sport England have no objections to the location or details relating to the Artificial Grass Pitch (AGP), the grass pitches and the Multi-Use Games Areas.

7.117 The proposals include a Community Use Agreement relating to both the indoor and outdoor sports facilities proposed. Following dialogue with the Council and Sport England, the applicant has provided a list of key principles for the proposed Community Use Agreement. In light of the above, and subject to the suggested conditions, the proposals will be consistent with CSTP9 of the Core Strategy.

VII. DRAINAGE

7.118 The application site is located in the low risk Flood Zone 1. The Environment Agency has confirmed it has no comments to make in regard to the application. In terms of 'Flood Risk Vulnerability Classification' within NPPG (Paragraph: 066 Reference ID: 7-066-20140306) educational establishments are defined as 'more vulnerable'. However, the associated Flood Risk Vulnerability Classification (Table 3) describes 'more vulnerable' uses as in Flood Zone 1 as 'appropriate'. Accordingly the proposed building on the site are 'appropriate' and as they are to be located within the lowest risk flood zone (Zone 1) a sequential test is not required.

7.119 The far south western corner of the site is at some risk from surface water flooding. The Council's Flood Risk Manager has made some comments on the applicant's submitted Flood Risk and Drainage Assessment and further information has been

provided by the applicant. The Flood Risk Manager has confirmed they have no objections subject to conditions to ensure suitable and adequate surface water drainage will occur as detailed in the consultant's response.

7.120 With respect to surface water drainage, subject to conditions, it is considered that the proposals will comply with Core Strategy Policies CSTP25, CSTP27 and PMD15.

VIII. CONTAMINATION

7.121 The applicant has submitted a Phase II Geo-Environmental Assessment Report in relation to the sports pitch provisions at the site. The Environmental Health Officer is in agreement with the findings and has advised that subject to a condition relating to the required remediation strategy there would be no objections in relation to contamination.

IX. ENERGY & SUSTAINABILITY

7.122 Policies PMD12 and PMD13 are applicable to the proposals and require the achievement of a BREEAM 'Outstanding' rating and that 20% of the energy requirements of the development are generated through decentralised, renewable or low carbon means. Both of these sustainability requirements may be relaxed where it can be adequately demonstrated, by way of viability assessment, that compliance with the policy requirements renders the proposals unviable.

7.123 The applicant has confirmed that the scheme will expect to meet a minimum BREEAM 'Very Good' rating as it is economically unviable to achieve anything higher in this case. In light of the strong national policy support for new school provision, the budget constraints and the timetable within which the applicant is working it would be difficult to object to the development on this basis. Although, it is of course disappointing that a prominent 'civic' building which will have wider public use does not meet the highest standards for environmental sustainability. Notwithstanding, a planning condition is justified to ensure that the "Very Good" target is met.

7.124 The applicant's Energy Statement highlights that Air Source Heat Pumps would be a viable solution to both providing the hot water services whilst also saving energy for the proposals and has been recommended as the main focus of energy saving. Additionally, the building fabric has been designed to be thermally efficient in order to be as lean as possible in terms of emission rate. Particular care has been taken with regard to glazing to ensure that overheating does not occur. Overall, the inclusion of Air Source Heat Pumps into the project would reduce domestic hot water services energy usage significantly and result in the proposals providing 44% of the predicted building energy usage which would comply with Policies PMD12 and PDM13. The energy usage and BREEAM rating will both be secured by suitable planning condition.

X. OTHER MATTERS

7.125 The Council's Archaeological Advisor has been consulted on this application and commented that the area north of the A1013 is shown in the desk based assessment to have potential archaeological features present from the geophysical survey. As a consequence of the Advisor's comments, a number of conditions have been recommended will be necessary prior to the commencement of development.

8.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 8.1 The application proposes an 8 form entry secondary school comprising a main building proving the teaching block, sports hall and activity studio with associated changing room facilities. A number of outdoor sports pitches are also proposed and these include an artificial grass pitch (AGP), and three Multi Use Games Area (MUGA) courts.
- 8.2 The site is located within the Green Belt and the proposals comprise inappropriate development. Consequently, there would be definitional harm to the Green Belt, as well as harm by way of loss of openness and harm to a number of purposes which the Green Belt serves. Substantial weight should be attached to this harm. The applicant has set out factors which they consider to clearly outweigh the identified harm such that very special circumstances exist to justify the inappropriate development. Consideration of these factors is set out above and it is concluded that a case for very special circumstances exists.
- 8.3 The proposals would provide a new secondary school and associated sports facilities. The planning application has been submitted in response to a clear need and demand for additional school places in this central area of the Borough. The provision of a new secondary school is supported by both local and national planning policies with respect to education provision. The majority if not all of the design and layout comments made by the Thurrock Design Review Panel have been addressed. The applicant is making an over-provision of car parking and is also limited to an extent by both budget constraints and national baseline designs for new school buildings. There is perhaps a tension between adherence to these baseline designs and the aspirations of both the NPPF and local guidance to achieve high quality design which responds to local context. Nonetheless, it is also acknowledged that the proposal would fully comply with the Council's energy and sustainability requirements and the development would provide the school places needed and be of significant wider public benefit.

8.4 Other matters of detail are also considered to be acceptable.

9.0 RECOMMENDATION

9.1 The Committee is recommended to:

APPROVE, subject to Referral to the Secretary of State, and subject to the application not being ‘Called In’, and subject to the following planning conditions:

TIME LIMIT

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

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
FS0718-STL-EX-ZZ-DR-L-00-0901	Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0902	Site Layout	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0904	Strategic Levels and Edges	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0905	Fencing Plan	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0906	Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0907	Hard Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0921	Hard Landscaping	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0910	Tree Protection and Removal Plan	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-	Indicative Pitch Provision	26th July 2021

0911		
FS0718-STL-EX-ZZ-DR-L-00-0912	Access and Circulation	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0942	Bin Stores	26th July 2021
FS0718-STL-EX-ZZ-DR-L-00-0943	MUGA Courts	26th July 2021
FS0718-STL-XX-01-DR-A-00-0101-PL01	Proposed First Floor Plan	26th July 2021
FS0718-STL-XX-01-DR-A-00-0711-PL01	First Floor Circulation Signage	26th July 2021
FS0718-STL-XX-01-DR-A-00-0721-PL01	First Floor Access Security Strategy	26th July 2021
FS0718-STL-XX-02-DR-A-00-0102-PL01	Proposed Second Floor Plan	26th July 2021
FS0718-STL-XX-EL-DR-A-00-0200-PL01	Proposed Elevations	26th July 2021
FS0718-STL-XX-02-DR-A-00-0712-PL01	Second Floor Circulation Signage	26th July 2021
FS0718-STL-XX-02-DR-A-00-0722-PL01	Second Floor Access Security Strategy	26th July 2021
FS0718-STL-XX-EL-DR-A-00-0200-PL01	Proposed External Elevations	26th July 2021
FS0718-STL-XX-EL-DR-A-00-0201-PL01	Proposed External Elevations	26th July 2021
FS0718-STL-XX-GF-DR-A-00-0100-PL01	Proposed Ground Floor Plans	26th July 2021
FS0718-STL-XX-GF-DR-A-00-0710-PL01	Ground Floor Circulation Signage	26th July 2021
FS0718-STL-XX-GF-DR-A-00-0720-PL01	Ground Floor Access Security Strategy	26th July 2021
FS0718-STL-XX-RF-DR-A-00-0103-PL01	Roof Plans	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0300-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0301-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0302-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-0303-PL01	Sections	26th July 2021
FS0718-STL-XX-SE-DR-A-00-	Sections	26th July 2021

0800-PL01		
FS0718-STL-XX-SE-DR-A-00-0801-PL01	Sections	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0700-PL01	Construction Phasing Plan	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0900-PL01	Site Location Plan	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0901-PL01	Proposed Parking Block Plan	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0910-PL01	Existing Site Layout	26th July 2021
FS0718-STL-XX-ZZ-DR-A-00-0911-PL01	Proposed Site Layout	26th July 2021
FS0718-STL-XX-ZZ-SH-A-00-0400-PL01	External Finishes Schedule	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0600-PL01	Internal Views	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0600-PL01	Internal Views 01	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0601-PL01	Internal Views 02	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0602-PL01	External Views 01	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0603-PL01	External Views 02	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0604-PL01	External Views 03	26th July 2021
FS0718-STL-XX-ZZ-VS-A-00-0605-PL01	External Views 05	26th July 2021
FS0718-WLK-00-XX-DR-E-00-6301	Proposed External Lighting Layout	26th July 2021
FS0718-STL-EX-ZZ-DR-L-0901	Landscape General	7 TH October 2021
FS0718-ATL-EX-ZZ-DR-L-00-0908 p07	William Edwards School Sport Facility Enhancement	15 th October 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).

OFF-SITE HIGHWAY MITIGATION

3. Not to commence any part of the development until a section 106 (or other suitable mechanism, if any) is in place to secure payment of a financial contribution of £20,000 (index linked) to be paid to the Council to enable the local Highways Authority to amend parking controls locally prior to the first use or operation of the development.

Reason: In the interests of highway and pedestrian safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and to enable the planning permission to be issued prior to the granting of a lease of the site to the DfE.

OFF-SITE PITCH MITIGATION

4. Not to commence any part of the development until a section 106 (or other suitable mechanism, if any) is in place to secure the maintenance (which may include a sum of money) of the sports pitches at Blackshots until the end of 2023.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory sports pitch provision which secures a continuity of use and to accord with Development Plan Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and to enable the planning permission to be issued prior to the granting of a lease of the site to the DfE.

ELECTRICAL CHARGING POINTS

5. Prior to the first opening of the school, details of measures to ensure that 20% of all car parking spaces are capable of accommodating electric vehicle charging points shall be submitted to and agreed in writing by the local planning authority. The development shall be operated in accordance with the agreed measures which shall be retained thereafter.

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

ROAD LAYOUT, PARKING AND CONSTRUCTION DETAILS

6. No development above ground level shall commence until details of the layout, dimensions and construction specification of the proposed revised road layout, parking and construction details including footways, loading, parking and turning areas and crossing facilities have been submitted to and approved in writing by the local planning authority. Prior to the first operation of the school development, the agreed road layout, footways and parking areas shall be laid out, constructed and surface finished in accordance with the details as approved.

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

SITE ACCESS DETAILS

7. No development above ground level shall commence until details of the layout, dimensions and construction specification of the proposed access to the highway including the junction arrangement have been submitted to and approved in writing by the local planning authority. Prior to the first operation of the school development, the access shall be laid out, constructed and surface finished in accordance with the details as approved.

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

OFF-SITE HIGHWAYS WORKS

8. The development authorised by this permission shall not begin operation until the works shown on the drawing no FS01718-STL-XX-ZZ-DR-A-00-0901 Rev. PL01 Proposed Block Plan have been completed in accordance with those drawings and have been certified in writing as complete by or on behalf of the local planning authority

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

OFF-SITE PROVISION OF FOOTWAY/CYCLEWAY

9. The development authorised by this permission shall not begin operation until details (including plans drawings and specification) have been submitted to the Highway Authority for written approval of the provision of a cycleway and footway on the northern side of Stanford Road to link the existing Pegasus Crossing to one of the proposed pedestrian accesses to the school on the west side of the site. The provision of the cycleway and footway, as approved in writing, shall then be fully implemented in accordance with the approved details prior to the operation of the development and thereafter retained.

Reason: In the interests of highway and pedestrian safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core

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

TRAVEL PLAN

10. Prior to the to the first operation of the school buildings hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include the Mode Shift STARS Travel Plan process and detail specific measures to reduce the number of journeys made by car to the school buildings hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted 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 agreed measures contained in the Travel Plan are being undertaken at any given time.

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

CAR PARK MANAGEMENT

11. Prior to the first use or operation of vehicle parking areas, as demonstrated on the vehicle access and circulation plans as shown on drawing numbers Proposed Site Plan, FS0718 –STL-XX-ZZ-DR-A-00-0911 Rev PL01, Access and Circulation Plan FS0718- STL-EX-ZZ-DR-L-00-0911 Rev. P03 and in the Delivery and Servicing Plan ref. 2550/1180 Doc. D004, Ver. 1.0 July 2021 a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking, details of management of community use activities and details of monitoring and reporting measures to the local planning authority, including the feasibility of remedial measures to be agreed with the local planning authority in the event of overspill car parking onto the surrounding highways network. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

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

amended 2015).

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

12. Notwithstanding the measures contained within the submitted Construction Logistics Plan (Project no. 2550/1190 Doc D005, Ver. 1.0 Dated July 2021), prior to the commencement of demolition, remediation or development a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to, details of:

- (a) Hours and duration of works on site
- (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site
- (c) Details of construction access
- (d) Details of temporary hard standing
- (e) Details of temporary hoarding
- (f) Water management including waste water and surface water drainage
- (g) 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
- (h) Details of method to control wind-blown dust
- (i) details of the temporary construction related impacts on Thurrock Rugby Football Club's site, including details of the route for construction vehicles, the time periods that vehicles will require access, safety measures to protect users of the rugby club, car park restoration proposals and the duration of the arrangements.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

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].

HOURS OF CONSTRUCTION

13. Notwithstanding the submitted Construction Logistics Plan ((Project no. 2550/1190 Doc D005, Ver. 1.0 Dated July 2021) and Condition 12, no construction or demolition shall take place excepting between the following hours: 08:00 to 18:00 Hours, Mondays to Fridays; 08:00 to 13:00 Hours, Saturdays; and no working on Sundays

or Public Holidays. If impact piling is required it shall only be carried out during the following times: 09:00 to 18:00 Hours, Mondays to Fridays; 09:00 to 13:00 Hours, Saturdays; and not at all on Sundays or Public Holidays.

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].

NOISE IMPACT ASSESSMENT

14. The measures contained within the Environmental Noise Report dated 12 July 2021 which forms part of this planning permission, shall be implemented and in place prior to the first occupation of the development and shall be retained and maintained as such thereafter.

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].

EXTERNAL PLANT NOISE

15. Notwithstanding the permission hereby granted, any external plant proposed should be selected and designed such that the cumulative plant noise does not exceed the existing representative background noise level at the nearest noise sensitive receptor as detailed in the Environmental Noise Report dated 12 July 2021, which forms part of this planning permission, and shall be implemented during the lifetime of this development.

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].

NOISE MANAGEMENT PLAN

16. Notwithstanding the permission hereby granted, prior to the operational use of the southern sports pitches located south of Stanford Road, a Noise Management Plan shall be submitted and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

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].

SITE LEVELS

17. No development shall commence until details of existing and finished site levels, finished external surface levels, and the finished floor level of the buildings and sports facilities hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

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).

ECOLOGICAL METHOD STATEMENT

18. Prior to commencement of development, an Ecological Method Statement, including details of how Nesting Birds and Reptiles are to be protected, shall be submitted to and approved in writing by the local planning authority. The Ecological Method Statement shall be implemented in accordance with the details as approved from the commencement of development and retained thereafter, unless otherwise agreed in writing by the local planning.

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

REPTILES

19. The construction and operation of the development shall be undertaken in accordance with the mitigation and enhancement measures referred to by the submitted Reptile Survey Report ref. Delta-Simons Project No. 20-1734.05 dated July 2021, unless otherwise agreed in writing by the local planning authority.

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

LANDSCAPE MANAGEMENT PLAN

20. Prior to the first opening of the school a landscape management plan, including management responsibilities, maintenance schedules for the upkeep of all landscaped areas, including management of the wildflower grassland, shall be

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 from first opening of the school 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).

LANDSCAPE PLANS

21. The development hereby permitted shall be constructed and completed in accordance with the following plans: Soft Landscape Plan FS0718-STL-EX-ZZ-DR-L-00-0906 Rev. P03; Hard Landscape Plan FS0718-STL-EX-ZZ-DR-L-00-0907 Rev. P03 and Landscape General Arrangement FS0718-STL-EX-ZZ-DR-L-00-0901 Rev. P07 prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

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

FLOOD RISK AND SUSTAINABLE DRAINAGE STRATEGY

22. No development shall commence until an surface water drainage strategy, in line with the principles mentioned in the planning application consultation comments from the Flood Risk Manager (dated 11th October 2021), has been submitted to and approved in writing by the local planning authority. Thereafter the surface water drainage system(s) shall be constructed in accordance with the approved strategy and maintained thereafter.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of water environment and minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

BLACKSHOTS RECREATION GROUND – THURROCK RUGBY CLUB LICENCE

23. Prior to the commencement of the development hereby permitted, a licence for Thurrock Rugby Club's use of the sports pitches on the Blackshots Recreation Ground shall be completed in accordance with the 'Licence to Occupy relating to land

at Blackshots Recreation Ground between Thurrock Borough Council and Thurrock Rugby Football Club'. A copy of the completed licence shall be provided to the Council and the completed licence shall be complied with in full with effect from the commencement of development.

Reason: To ensure sufficient benefit of the development to sport and to provide adequate security of tenure for the users of the playing field and to accord with Development Plan Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BLACKSHOTS PITCHES PROVISION AND MAINTENANCE

24. The sports pitches on the Blackshots fields shall be laid out and provided in accordance with the details set out in the planning application, supporting Sports Provision Statement Appendix 13 and drawing Blackshots Pitch Layout ref. FS0718-STL-EX-ZZ-DR-L-00-0912 Rev. P03 and made available for use prior to commencement of the development hereby permitted. The sports pitches shall thereafter be maintained in accordance with the maintenance programme set out in the 'Orsett Heath Academy Maintenance Recommendations' (prepared by Agrostis Sports Surface Consulting) 9 June 2021 unless otherwise agreed in writing with the Local Planning Authority following consultation with Sport England

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory sports pitch provision which secures a continuity of use and to accord with Development Plan Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARTIFICIAL GRASS PITCH DESIGN SPECIFICATIONS AND MAINTENANCE PROGRAMME

25. No development shall commence on the artificial grass pitch hereby permitted until the design specifications of the Artificial Grass Pitch, including details of surfacing, construction cross-section, line marking and fencing together with a maintenance programme for the Artificial Grass Pitch have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The Artificial Grass Pitch shall not be constructed other than in accordance with the approved details and shall be maintained thereafter in accordance with the approved maintenance programme.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARTIFICIAL GRASS PITCH CERTIFICATION

26. Use of the artificial grass pitch hereby permitted shall not commence until:
- (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation (or equivalent International Artificial Turf Standard (IATS)) and World Rugby Regulation 22 specification; and
 - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;
- have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015

ARTIFICIAL GRASS PITCH PHASING AND DELIVERY

27. The artificial grass pitch hereby permitted shall be provided in accordance with the details set out in the planning application and those details agreed in accordance with Condition 26, and made available for use prior to first occupation of the development.

Reason: To ensure sufficient benefit of the development to sport and to accord with Development Plan Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015.

SOUTH OF STANFORD ROAD PLAYING FIELD CONSTRUCTION SPECIFICATION AND IMPLEMENTATION

28. Prior to commencement of the reinstatement works to the playing field to the south of Stanford Road, a contractor's specification for the works prepared in accordance with the approved 'Orsett Heath Feasibility Study (prepared by Agrostis Sports Surface Consulting), dated 25 October 2020), which includes a construction programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing field reinstatement works shall be implemented in accordance with the approved specification and implementation programme and shall be made available for use prior to first occupation of the development hereby permitted and thereafter.

Reason: To ensure sufficient benefit of the development of sport and to ensure that the playing field is prepared to an adequate standard and is fit for purposes and to accord with policies CSTP9, CSPT10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

NATURAL TURF PITCH MAINTENANCE PROGRAMME

29. From first occupation of the development, the natural turf playing fields on the application site shall be maintained fully in accordance with the 'Orsett Heath Academy Maintenance Recommendations' (prepared by Agrostis Sports Surface Consulting) 9 June 2021 unless otherwise agreed in writing with the Local Planning Authority following consultation with Sport England.

Reason: To ensure that the maintenance of the playing fields is satisfactory, provides sporting benefits and is fit for purposes and to accord with policies CSTP9, CSPT10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

INDOOR SPORTS FACILITIES

30. No use of the indoor sports hall shall commence until details of the design and layout of the sports hall including line markings, flooring and lighting specifications have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the indoor sports facilities is to an adequate standard and is fit for purposes and to accord with policies CSTP9, CSPT10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015)

MULTI USE GAMES AREAS (MUGA)

31. No development of the multi-use games areas hereby approved shall commence until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The multi-use games areas shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

COMMUNITY USE AGREEMENT

32. Prior to first occupation of the development, a community use agreement prepared in accordance with the 'Orsett Heath Academy - Community Use Principles

Document' (October 2021) and in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch, natural turf playing pitches, sports hall, fitness studio, activity studio, multi-use games area and the supporting ancillary facilities as a minimum and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefits to the development in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

ARCHAEOLOGICAL WORK

33. No development of the northern parcel of land north of Stanford Road, including preliminary groundworks, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The agreed archaeological work shall then be carried out prior to the commencement of development to the northern parcel of land.

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

POST EXCAVATION ANALYSIS

34. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which 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 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].

SITE REMEDIATION SCHEME

35. No development shall commence, other than that required to carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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].

VERIFICATION OR VALIDATION REPORT

36. Following completion of measures identified in the approved remediation scheme from Condition 35, a verification or validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.

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

BOUNDARY TREATMENTS

37. The fences and other boundary treatments as shown on drawing nos FS0718-STL-EX-ZZ-DR-L-00-0905; FS0718-STL-XX-ZZ-VS-A-00-0602-PL01; FS0718-STL-XX-ZZ-VS-A-00-0603-PL01; FS0718-STL-XX-ZZ-VS-A-00-0604-PL01 and FS0718-STL-XX-ZZ-VS-A-00-0605-PL01 of the development hereby permitted shall be implemented as detailed within the application. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

Reason: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD1, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

MATERIALS AND EXTERNAL FINISHES

38. The external materials/finishes to be used on the external surfaces of the development, as indicated in External Finishes Schedule ref FS0718-STL-XX-ZZ_SH-A-00-0400-PL01, hereby permitted shall be implemented as detailed within the application.

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

EXTERNAL LIGHTING

39. The lighting proposed for the development shall be carried out in accordance with Proposed External Lighting Layout ref. FS0718-WLK-00-XX-DR-E-00-6301. The lighting shall be installed in accordance with the agreed details prior to first use or operation of the development and 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 (as amended 2015).

BREEAM

40. Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be built to the "Very Good" Building Research Establishment Environmental Assessment Method (BREEAM) rating. Within three months of the

first use or operation of the development a copy of the Post Construction Completion Certificate for the building verifying that the "Very Good" BREEAM rating has been achieved shall be submitted to the local planning authority.

Reason: In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

RENEWABLE ENERGY

41. Unless otherwise agreed in writing by the local planning authority, prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or operation of the development and shall thereafter be retained in the agreed form.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

Informatives:-

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

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

- 2 Highway Works

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

3 Sport England Informative 1:

The applicant is advised that the design and layout of the Artificial Grass Pitch should comply with the Rugby Football Union's 'Essential Guide – Artificial Grass Pitches and the Football Association's Guide to 3G Football Turf Pitches Design Principles and Layouts.

4 Sport England Informative 2:

The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality and every two years to meet World Rugby Regulation 22 accreditation.

5 Anglian Water

The applicant's attention is drawn to advice and guidance in the response from Anglian Water dated 7th August 2021 in relation to its assets within or close to the development boundary.

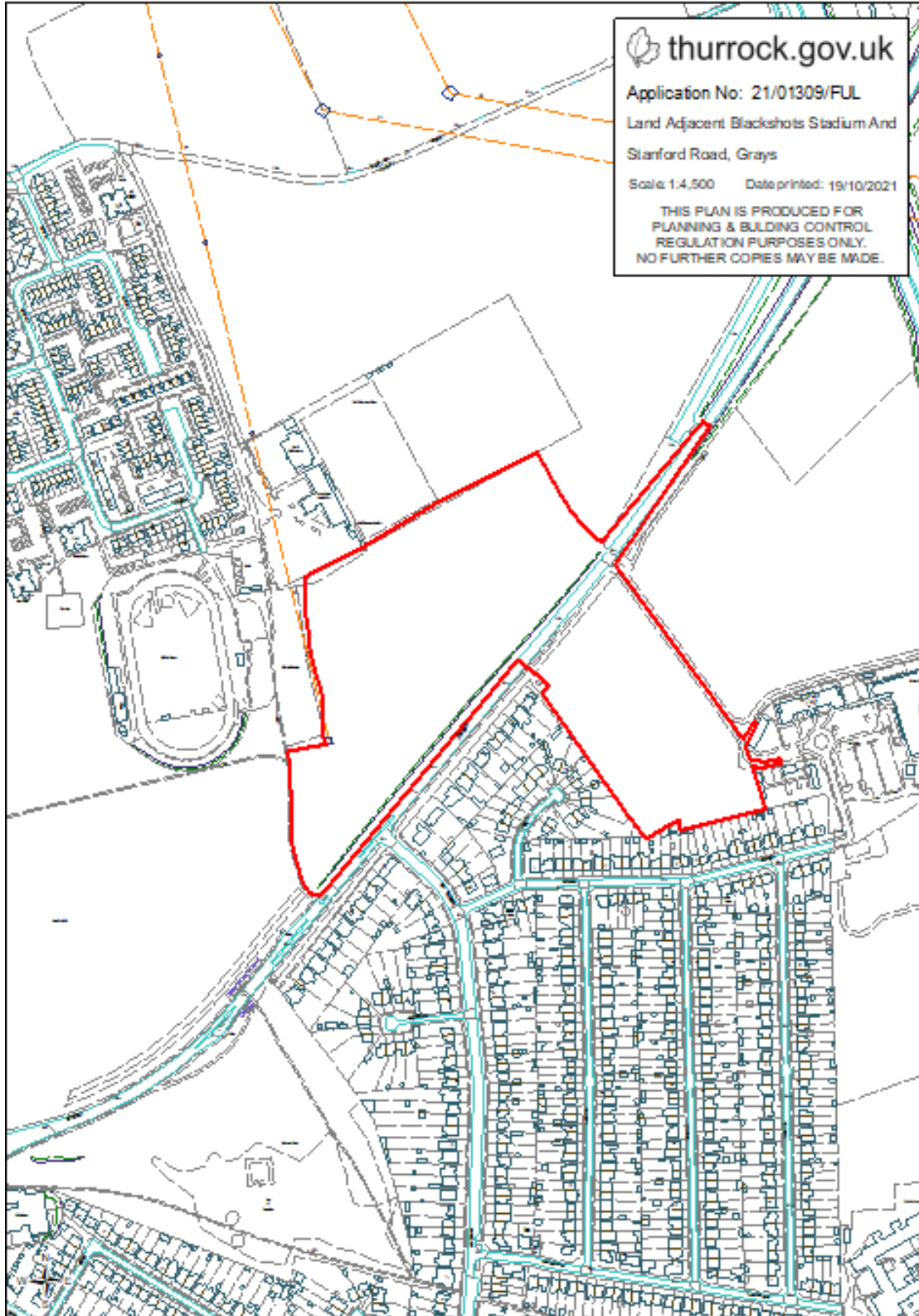
Important Information

1. This notice relates only to the requirements for planning permission under the Town and Country Planning Act 1990 (as amended). You may require consent from other statutory regulators before commencing with this development. **In particular you may require permission under the Building regulations. You must therefore contact the Building Control Division at this Council as soon as possible**
2. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. The RSPB publish a booklet "Wild Bird and the Law". English Nature also produce Guidance Notes relating to Local Planning and Wildlife Law – both of which are useful.

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: 21/00304/FUL	Site: Land Rear Of Ewen House High Road Fobbing Essex
Ward: Corringham And Fobbing	Proposal: Two single storey detached dwellings for people over the age of 55 on land to the rear of Ewen House with a traffic light system and an extended width of dropped kerb to the High Road with minor alterations to Ewen House (external chimney changed to internal and bin store)

Plan Number(s):		
Reference	Name	Received
PSLP1:500S(VS) C	Proposed Site Layout	23 August 2021
F3PGF/01	Fibonacci 3 Proposed Ground Floor Plan	23 February 2021
F3PE(PV&HP)02	Fibonacci 3 Proposed Elevations (PV & HP)	23 February 2021
F3(S)1:100S	Fibonacci 3 (Spirals) 1:100 Scale	23 February 2021
PSCi.C1:1250S	Proposed Landscape Section inc. Contours	20 May 2021
PSLP.C1:1250S	Proposed Site Location Plan inc. Contours	1 June 2021
11-13/1/A	Existing Plans – Ewen House	23 February 2021
11-13/1/C	Proposed Plans – Ewen House	16 August 2021
110-1.A.TL 100/210	Traffic Light	16 August 2021
(No Nos.)	Location Plan	8 March 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Air Source Heat Pump specifications - Design and Access Statement - Drone Footage - Fibonacci Spirals (various) - Heritage Statement - House of Commons, Communities and Local Government Committee Housing for older People, Second Report of Session 2017–19 and Government Response
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- Solar Panels specifications
- Vehicle Charging Point specifications
- Very Special Circumstances

Applicant:
Mr Ricky Jeffs

Validated:
8 March 2021
Date of expiry:
1 November 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 Rice, V Holloway, L Worrall, C Kent and S Shinnick (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to examine Green Belt issues.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for two single storey residential properties (for over 55 year olds) in a backland development arrangement, situated to the rear of Ewen House on the High Road Fobbing. The development would be accessed along a long, thin access alongside Ewen House. The application also seeks minor alterations to Ewen House itself.

2.0 SITE DESCRIPTION

2.1 The main part of the application site is to the rear of Ewen House in Fobbing but the site also includes the main house, as some minor changes are proposed to the dwelling, and an access route to the side of the dwelling. Only part of the garden area of the dwelling is included within the application site. The rear part of the application site appears to have been used for purposes akin to a builders storage yard. There are presently some buildings, shelters and equipment at the site. The site is within Fobbing Conservation Area and the Green Belt.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
20/00327/HHA	First floor rear extension and addition of	Approved

	obscured glass to balcony area.	
18/01838/OUT	Outline planning permission with all matters (except for layout) reserved for demolition and removal of all buildings and hardstanding on site and construction of 4 detached single storey dwellinghouses with associated parking, landscaping and fencing on land to the rear of Ewen House	Refusal
18/01814/CLOPUD	New storage building for B8 use (warehousing) on land to the rear of Ewen House under Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015	Refused
16/00100/HHA	Dormer to front elevation	Approved
13/01181/HHA	Formation of two front dormers and insertion of a conservation roof light to front roof slope.	Approved
11/00680/HHA	Erection of greenhouse	Approved
09/00382/FUL	Use of existing flat roof over ground floor extension as a balcony and erection of screen fencing on northwest and southeast elevations.	Approved
01/01270/FUL	Demolition of existing buildings and erection of 2 no. detached houses with detached garages	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There were 19 comments received, there were 12 comments of support and 7 of objection.

4.3 The matters raised in support are summarised as:

- Homes for neglected sector of the community/benefit to the community;

- No impact to the surroundings;
- Create local jobs
- Preferable to current use

4.4 The matters raised in objection are summarised as:

- Highways – access and safety
- Effect on conservation area and listed building
- Harm to wildlife

4.5 **ARCHAEOLOGY:**

Recommend conditions in regard to trial trenching and excavation.

4.6 **HIGHWAYS:**

Object due to access, recommend refusal.

4.7 **HISTORIC BUILDINGS:**

Object over the effect to the conservation area and listed church opposite, recommend refusal.

4.8 **LANDSCAPE AND ECOLOGY:**

No objection, subject to landscaping condition and RAMS payment.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. 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 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.
- 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 ...
 - 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.

5.2 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
- 5. Delivering a sufficient supply of homes
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

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

- Design: process and tools
- Determining a planning application
- Green Belt
- Historic environment
- Housing needs of different groups
- Housing: optional technical standards
- Natural Environment
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Use of Planning Conditions

Local Planning Policy

5.4 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

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
- CSTP24: Heritage Assets and the Historic Environment
- CSTP26: Renewable or Low-Carbon Energy Generation

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
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation

5.5 Thurrock Local Plan

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

5.6 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of development and impact upon the Green Belt
- II. Effect on Fobbing Conservation Area
- III. Access and traffic impact
- IV. Design, layout and effect to neighbouring properties
- V. Archaeology
- VI. RAMS Mitigation

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. This includes the *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development."*
- 6.5 Whilst part of the site can be considered to fall within the NPPF's definition of previously developed land it is currently relatively open and only occupied by single storey buildings and informal open storage. The proposal would result in a substantial increase in the built form on the site and would spread this across a wider proportion of the site. The buildings would also be of greater scale and have an increased degree of permanence when compared to the existing structures. The applicant has stated there is 300 cubic metres of built form presently at the site, which is including two caravans which definitely cannot be deemed to be buildings. The proposal is for two houses which are 421 cubic metres each, so a total of 842 cubic metres of built form is proposed. In addition to the buildings themselves, the residential paraphernalia associated with the construction of dwellings such as fences and areas of hardstanding would result in a far more urbanised appearance

than currently exists on the site. Therefore the proposals would clearly have a greater impact upon the openness of the Green Belt than the existing development. In this regard, whilst it is noted that the applicant suggests that the ground levels of the site and the surrounding area would reduce the effect of the development, this is not considered to avoid the development having an unacceptable effect on the openness of the Green Belt.

- 6.6 As a result the proposal represents inappropriate development in the Green Belt which is by definition harmful. The proposal would need to demonstrate very special circumstances which clearly outweigh the harm to openness.

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

- 6.7 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

- 6.8 Paragraph 138 of the NPPF sets out the five purposes that the Green Belt serves, each of which is set out below along with an assessment in relation to each purpose:

- 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.

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 parts of the site which are predominantly open and undeveloped. Whilst some of the site is considered to be previously developed land (PDL) the fringes of the site, particularly to the south east are relatively devoid of built form. The boundaries also feature substantial overgrown vegetation. Although entirely within the Green Belt, the dwellings fronting High Road, Fobbing are allocated as being part of an established residential frontage. However, the land to the rear of those dwellings has a distinctly different character that represents an important wedge of countryside that separates the dwellings of High Road, Fobbing from the settlement of Corringham. The development would extend the built form of High Road, Fobbing to the rear. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside as it would encroach further into the countryside than the existing development. The two single storey residential units would constitute material harm to the open character of the Green Belt. The development would consequently conflict with this purpose.

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

6.12 The site is within Fobbing Conservation Area and on land to the rear of four late twentieth and early twenty-first century properties. The area of land which is to be developed is considered highly prominent in views from the south-west due to the topography which in many ways defines the setting of the village. Developing down the side of the valley also distorts the historic settlements legibility as being established upon an area of high ground above the marshes. The development would consequently conflict with this purpose.

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, d and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to the harm caused in these respects.

6.15 In terms of the effect on openness, the majority of the assessment that has been set out above is applicable. In this regard, it is considered appropriate to

emphasise that the effect on openness is not only a reason to conclude that the development does not accord with the exceptions to what should be deemed to be inappropriate development in the Green Belt, but it is also an area of harm that both national and local planning policies stress should be found unacceptable.

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

- 6.16 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances (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.
- 6.17 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*".
- 6.18 The applicant has put forward the following considerations forward to demonstrate very special circumstances submitted with this application:
- a) Overall Housing Supply
 - b) Previously Developed Land
 - c) Lack of small bungalows in Thurrock

- d) Not harming the purposes of the Green Belt
- e) Health Benefits
- f) Sustainable Location
- g) Eco friendly
- h) Innovative internal and external design
- i) Public Revenues
- j) Local labour, commencement of work within 1 year

These are assessed below:

a) *Overall Housing Supply*

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

Consideration

- 6.20 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.
- 6.21 The current proposal would, consisting of two 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 very 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) *Previously Developed Land*

- 6.22 The applicant considers that the site representing previously developed land is a very special circumstance.

Consideration

- 6.23 In 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.”* At paragraph 149 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. This includes the *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development.”* Paragraph 119 of the NPPF also encourages the use of PDL/brownfield land but this is of substantially reduced weight in this case as the Green Belt status, alongside other issues, mean that the site is not acceptable to be utilised for residential development.
- 6.24 Whilst part of the site can be considered to fall within the NPPFs definition of previously developed land (PDL) it is currently relatively open and only occupied by single storey buildings and informal open storage. The proposal would result in a substantial increase in the built form on the site and would spread this across a wider proportion of the site. The buildings would also be of greater scale and have an increased degree of permanence when compared to the existing structures. Whilst the applicant has identified that the builders yard use of the site could be reinstated and intensified, there is no reason to consider that this is particularly likely to occur or that doing so would have a comparable effect on the Green Belt. As such, it does not represent a fallback position that justifies the use of PDL being afforded more than minimal weight.
- 6.25 In addition to the buildings themselves, the residential paraphernalia associated with the construction of dwellings such as fences and areas of hardstanding would result in a far more urbanised appearance than currently exists on the site.
- 6.26 Therefore, whilst the use of previously developed land can be afforded some weight, in this case it is considered that the harm arising from doing so in the manner proposed means that this benefit can only be afforded minimal weight. This is considered to align with paragraph 120 of the NPPF which states that the use of PDL within settlements should be afforded substantial weight but does not extend that support to sites within the Green Belt which are addressed under the other paragraphs set out above. Furthermore, given the extent of previously

developed land that exists within Thurrock, it is not considered that the site being previously developed land is very special.

c) *Lack of small bungalows in Thurrock*

- 6.27 The applicant has put forward the lack of small bungalows as a consideration towards VSCs.

Consideration

- 6.28 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. The location is within a village with limited facilities and accessed down a considerable access way which is not considered ideal 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.
- 6.29 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. Whilst it is noted that the applicant has provided some details of the number of retirement properties and two bedroom bungalows that are available to buy within the Thurrock area, it is not considered that this is conclusive evidence of supply or demand such that this demonstrates conclusively that there is a shortfall. This evidence also shows no regard to the potential increase of supply of similar housing within the locality including that which has been approved at 40 High Road Fobbing, under the terms of application 20/01051/FUL, which might go some way to meeting any need for such accommodation within this locality. The evidence of the applicant in relation to the need or demand for housing for the elderly is also considered to be based on substantial generalisations that do not have a footing in planning policy. Additionally, 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). Therefore, only limited weight can be afforded to this consideration towards very special circumstances.

d) *Not harming the purposes of the Green Belt*

- 6.30 The applicant considers the proposal does not harm the purposes of the Green Belt is a consideration towards VSCs.

Consideration

- 6.31 Paragraphs 6.7 to 6.15 above review the harm to the purposes of the Green Belt and the openness of the Green Belt. It is considered that the proposals would be contrary to purposes c, d and e of the above listed purposes of including land in the Green Belt. Therefore, no weight can be afforded to not harming the purposes of the Green Belt. Even if it were deemed that the proposal was acceptable in any of these respects, it is a fundamental expectation that development should be acceptable and, therefore, this would not be a very special circumstance.

e) Health Benefits

- 6.32 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

- 6.33 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.

f) Sustainable Location

- 6.34 The applicant considers the proposed dwellings are in a sustainable location.

Consideration

- 6.35 The proposal is situated to the historic centre of Fobbing and close to most of the facilities which Fobbing can offer. Nonetheless, it cannot be said that a small village is a sustainable location for older people who could have significant needs. Additionally, the access to the properties is not suitable for older people as it is a long, narrow, access way which would also be used by vehicles. Therefore, no weight can be afforded to the location being sustainable.

g) Eco friendly

- 6.36 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

- 6.37 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.

h) Innovative internal and external design

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

Consideration

- 6.39 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. This is particularly the case in relation to the external design given that the buildings represent timber clad rectangular shaped houses with pitched roofs and, as such, are not innovative and neither are they of any particular visual interest in architectural terms. In this regard, whilst the applicant has suggested that the building has suggested that the building would be innovative, it has also been stated that the buildings would take the form of a typical Essex/Suffolk barn which, by definition, is not innovative. Therefore, this factor cannot be afforded any weight towards very special circumstances.

i) Public Revenues

- 6.40 The applicant states the proposal would contribute to the public purse through Capital Gains Tax.

Consideration

6.41 Capital Gains Tax is a national tax and whilst it is accepted the applicant would pay this, it does not aid the case for why the development should be allowed within Green Belt. Therefore, public revenues is afforded no weight towards VSCs.

j) Local labour, commencement of work within 1 year

6.42 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

6.43 The sentiment of this approach 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. Therefore, no weight can be attributed towards this as a VSC.

6.44 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) Previously Developed Land	Minimal weight
		c) Lack of small bungalows in Thurrock	Limited weight

	d) Not harming the purposes of the Green Belt	No weight
	e) Health Benefits	No weight
	f) Sustainable Location	No weight
	g) Eco friendly	Limited weight
	h) Innovative internal and external design	No weight
	i) Public Revenues	No weight
	j) Local labour, commencement of work within 1 year	No weight

6.45 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’.

6.46 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.

6.47 The application also includes some elements to the main house. The change of the

chimney from external to internal would not have any effect to the Green Belt. There has been no details submitted in terms of the bin store, so the Council cannot make a full judgement on this but it is considered that this type of structure would be unlikely to be unacceptable in the context of the other developments proposed. The applicant decided to add a traffic light system to the main house to try to overcome access issues, this is assessed within the next section.

II. EFFECT ON FOBBING CONSERVATION AREA

- 6.48 The NPPF encourages the conservation and enjoyment of the historic environment. It highlights the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. It also opines that features of historic, architectural or social interest, once lost, cannot be retrieved. Thus it is essential that any works which affect the significance of the asset must be fully justified.
- 6.49 Policy PMD4 of the Thurrock Local Development Framework relates to the historic environment and states that The Council will ensure that the fabric and setting of heritage assets, including Listed Buildings are appropriately protected and enhanced and applications must demonstrate that they contribute positively to the special qualities and local distinctiveness of Thurrock through compliance with local heritage guidance.
- 6.50 The Council's Historic Buildings Advisor has advised that the adopted 2007 Character Appraisal identifies this land as part of a wider significant open space. There are a number of Public Right of Ways to the south west – most notably Footpath 22 and 24 – which allow for open views across the shallow valley towards the settlement and notably also the Grade I listed Church of St Michael (HE Ref: 1146807).
- 6.51 In its current condition, the site does not contribute positively to the landscape setting of the settlement, but the erection of dwellings on this land is not considered a favourable or proportionate solution to this problem. The area of land which is to be developed is considered highly prominent in views from the south-west due to the topography which in many ways defines the setting of the village. Developing down the side of the valley also distorts the historic settlements legibility as being established upon an area of high ground above the marshes. It has also been advised that the proposal would not preserve the setting of the Grade I listed Church of St Michael, and the Fobbing Conservation Area. This harm has been confirmed as less than substantial by the Council's Historic Building Advisor.
- 6.52 Within Chapter 16 of the NPPF it states that where a proposal will lead to less than substantial harm to a designated heritage asset this harm should be weighed

against the public benefit is the proposal. , It is not considered the proposals promotes high quality and considered design that respects the local character of the area. Therefore, the proposal would result in less than substantial harm to the character of the Conservation Area and the setting of the Listed Building which can be afforded very significant weight, particularly as the Planning (Listed Building and Conservation Areas) Act 1990 states that the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses..

- 6.53 Even having regard to the public benefits of the proposal that have been advanced by the applicant as very special circumstances, affording these factors similar weight as set out before, it is not considered that these public benefits outweigh the less than substantial harm that would be caused to heritage assets. Accordingly, the development would be contrary to the requirements of the NPPF and policy PMD4 of the Core Strategy.

III. ACCESS, AND TRAFFIC IMPACT

- 6.54 The proposal would utilise a narrow access road 60m in length which runs adjacent to the existing dwelling. The applicant has submitted numerous amendments to the initial plan to try to satisfy the requirements of the Council's Highways Officer. The proposal now incorporates a widened section in what is presently the rear garden of Ewen House alongside a traffic light system to ensure safety for vehicles and pedestrians. This over engineered solution for two properties is considered unworkable and unsafe. This is also considered to substantially detract from the semi-rural character of the locality and the setting of a Grade I listed building by introducing traffic lights that would contribute to the area having an entirely different character that is of a much more urban nature.
- 6.55 The concerns raised by the Council's Highways Officer are numerous and have not been satisfactorily addressed by the applicant. In particular it remains the concern of the specialist advisors that the access would not be adequate to serve the existing and proposed dwelling with it being unclear why the applicant has utilised unconventional practices in demonstrating the visibility at the point of access on to High Road, Fobbing.
- 6.56 Moreover, inadequate details of a potential crash barrier alongside the boundary with Vine Lodge have been provided and it is a concern that this would reduce the width of the access. Furthermore, there is not confidence that the site would be accessible to emergency vehicles or deliveries and it is a concern that, the

intensification of the use of the driveway could result in vehicles having to reverse out onto the highway if there is a conflict between vehicles entering and leaving the site. The collection of refuse may also be problematic as refuse vehicles may not be able to enter the site and, whilst a refuse collection point is shown on the plans, this would be distant from both the houses and the road and would therefore be undesirable.

- 6.57 Whilst the applicant has provided some details to show that the existing access is able to be used by commercial vehicles and that it would be physically possible for emergency vehicles to reach the rear of the site, this does not amount to a full swept path analysis which has been sought by the specialist advisors and is considered to be necessary to demonstrate that the access would be adequate. Therefore, it is considered that there are a number of uncertainties within the submissions and, as such, it has not been demonstrated that the access is adequate for the development proposed.
- 6.58 It is therefore considered that the proposal would provide an unsuitable access that is likely to be prejudicial to highway safety, contrary to the requirements of PMD9 of the Core Strategy and the NPPF.

IV. DESIGN, LAYOUT AND EFFECT ON NEIGHBOURING PROPERTIES

- 6.59 The 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.
- 6.60 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.
- 6.61 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.
- 6.62 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.
- 6.63 The dwellings within the immediate vicinity of the site are mostly two storey, being of varied scale and appearance, but having a distinctly residential appearance that

creates a pleasant residential environment whereby the dwellings are of conventional appearance. Brick and render is the dominant treatment of the elevations of the dwellings facing High Road, Fobbing. Conversely, the dwellings proposed by this application would take the form of two separate timber clad buildings that are single storey and of very basic appearance. Although there are some 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.

- 6.64 The proposed dwellings appear to show no regard to the scale, form or appearance of the other dwellings that surround the site and as such are neither sympathetic to local character nor of sufficient visual or architectural interest to be considered to represent high quality design. The backland arrangement of the development would also be at odds with the pattern of development within the immediate locality and would detract from the character and appearance of the area, particularly as the undeveloped land at the rear of the site is considered to be an important feature in terms of defining the extent of Fobbing and views from the south west. 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.
- 6.65 The actual appearance of the buildings with the design of the facades is concerning, as they appear almost utilitarian. 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. Whilst the use of materials and the scale of the building may help the dwellings to appear subservient to the dwellings of High Road, Fobbing, and have a form that is akin to the outbuilding building at Prior Cottage that has been identified by the applicant, it is considered that this is not adequate grounds to find the proposed dwellings visually acceptable in this location.
- 6.66 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.
- 6.67 The applicant has proposed an acoustic fence within the plans. The details of this have not been provided and it is a concern that this further complicates the issues with the width of the accessway. However, given that the proposal relates to two additional residential properties it is not considered that the noise arising from vehicle movements would be such that the noise impact on neighbouring residents would be at a level that would justify the refusal of the application.

- 6.68 With regards to the amenity of future occupiers there would be sufficient space to provide suitable light and outlook to habitable rooms. The rear gardens would be of sufficient size to provide suitable amenity for future occupiers.
- 6.69 In terms of the proposed changes to the main house, the repositioning of the chimney to internally within the property is acceptable and would not lead to any issues with design. The details of the bin area have not been received and so cannot be assessed but it is considered that it would be possible to address this matter through the imposition of a condition if necessary.
- 6.70 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 dwellings. Therefore, the proposal is considered contrary to the NPPF and policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

V. ARCHAEOLOGY

- 6.72 The Historic Environment Record shows the proposed development lies within an area of known archaeological deposits. The proposed development sits within the historic settlement area of Fobbing. This settlement was an important settlement in the medieval period located on the edge of the Thames. Cartographic evidence indicates potentially earlier buildings within the development area during the post medieval period. The Council's Archaeology Advisor has confirmed that should the application be approved conditions regarding archaeological investigation schemes would need to be submitted before any works at the site.

VI. RAMS MITIGATION

- 6.73 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.

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. The proposal would also introduce significant built form into an area which is currently open and has limited built form. 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, even when considered cumulatively, would amount to very special circumstances that could overcome the strong presumption against this type of proposal and the harm that has been identified. The development is therefore contrary to policy PMD6 of the Core Strategy and guidance contained in the NPPF.
- 7.2 The proposal is also deemed to negatively affect Fobbing Conservation Area, the setting of a Grade I listed building and the general character of the area. The proposed layout has failed to demonstrate that suitable access and parking can be provided for the site. The scale of the development and the formal layout would result in an urbanising appearance that would be out of character to the rear of properties along High Road. Additionally, the detailed design of these properties would appear incongruous in the context of the surrounding area and would not represent high quality design. Therefore, the proposal is contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF. Furthermore, it has not been demonstrated that the access to the dwellings would be adequate and safe and, therefore, it has not been shown that the proposal would accord with Policy PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 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 and would conflict with the purposes of including land within the Green Belt. The very special circumstances put forward by the applicant would not 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 dwellinghouses, by reason of their siting, mass and bulk would result in harm to Fobbing Conservation Area due to the highly prominent in views from the

south-west due to the topography which defines the setting of the village and would also detract from the setting of a Grade I listed building. The development is therefore contrary to policy PMD4 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 its 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 significantly out of character for the area. Furthermore, the proposed buildings would show little regard to the character and appearance of the built form of the surrounding area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area and not represent high quality design that is sympathetic to local character. The development is, therefore, unacceptable and 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.
- 4 The intensification of the existing access to the site would be unacceptable due to its length and width and would provide an unsuitable access that is likely to be prejudicial to highway safety contrary to the requirements of Policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative

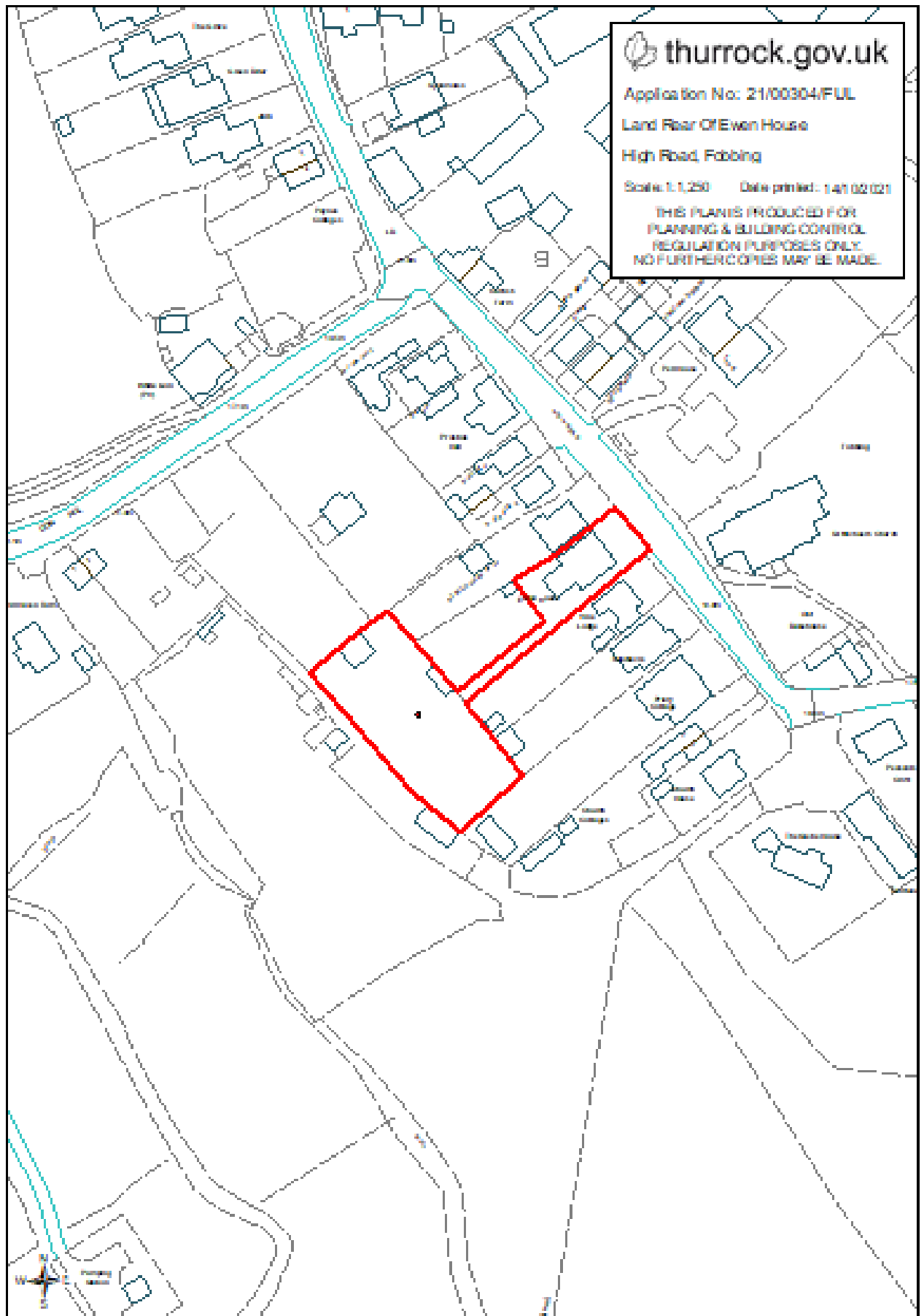
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



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Agenda Item 12

Planning Committee 28 October 2021	Application Reference: 21/00894/TBC
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Reference: 21/00894/TBC	Site: 13 Loewen Road Chadwell St Mary Essex RM16 4UU	
Ward: Chadwell St Mary	Proposal: Demolition of existing property and the construction of a new residential development consisting of 4 dwellings (100% Affordable Housing), with associated landscaping, car parking and cycle parking.	

Plan Number(s):		
Reference	Name	Received
13897-DB3-B01-ZZ-DR-A-20051	Location Plan	28th May 2021
13897-DB3-B01-ZZ-DR-A-20052	Existing Site Layout	28th May 2021
13897-DB3-B01-ZZ-DR-A-20053	Sections	28th May 2021
13897-DB3-B01-ZZ-DR-A-20054	Existing Elevations	28th May 2021
13897-DB3-B01-ZZ-DR-A-20060 A	Proposed Site Layout	21st September 2021
13897-DB3-B01-ZZ-DR-A-20061 A	Proposed Floor Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20062 A	Proposed Elevations	21st September 2021
13897-DB3-B01-ZZ-DR-A-20063 A	Sections	21st September 2021
13897-DB3-B01-ZZ-DR-A-20064 A	Sections	21st September 2021
13897-DB3-B01-ZZ-DR-A-20080 A	Proposed Floor Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20081 A	Proposed Elevations	21st September 2021
13897-DB3-B01-ZZ-DR-A-20083 A	Proposed Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20084	Proposed Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20085 B	Landscaping	21st September 2021
AC20005-CIV-100 T1	Proposed Plans	21st September 2021
11344-003B	Proposed Plans	21st September 2021

The application is also accompanied by:

- Acoustic Report
- Biodiversity Enhancement Strategy
- Daylight and Sunlight Report
- Design and Access Statement
- Drainage Areas Layout
- Energy Statement
- Engineering Layout

- Flood Risk Assessment
- Geotechnical Report
- Historic Environment
- Land Contamination Report
- Preliminary Bat Roost
- Preliminary Ecological Appraisal
- Reptile Survey
- Surface / Foul Water Drainage Strategy
- Transport Statement
- Tree Survey

Applicant:
Thurrock Council

Validated:
8 June 2021
Date of expiry:
1 November 2021 (Agreed extension of time)

Recommendation: Approve subject to conditions

This application is scheduled as a Committee item because the Council is the applicant and landowner (in accordance with Part 3 (b) Section 2 2.1 (b) of the Council’s constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the demolition of an existing 5 bedroom detached property which is currently owned by the Council and vacant, to facilitate the construction of 4 new dwellings with associated landscaping, car and cycle parking.
- 1.2 The proposed development would consist of 3-bedroom properties and would offer 100% affordable housing provision.

Background context

1.3 This application has been submitted following the refusal of planning application reference 20/01736/TBC. The main differences between the current application and the previous scheme are as follows:

- A reduction in the number of units from 5 to 4;
- Reconfiguration of the parking layout to include visitor parking;

2.0 SITE DESCRIPTION

2.1 The application site is a generous residential plot on the western side of Loewen Road, within the Council’s ownership. The surrounding area to the north, east and south comprise residential properties, whilst the plot is bordered directly to the west by open public land, namely Chadwell Recreation Ground.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
20/01736/TBC	Demolition of existing dwelling and the construction of 5 houses with associated landscaping, car parking and cycle parking.	Recommended for Approval Refused by Planning Committee 18 March 2021

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

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

Eight letters of objection have been received making the following comments:

- Loss of large unit of accommodation
- Out of character with street scene and local area
- Dwellings and gardens are too small
- Increase in traffic and parking on street
- Noise and disturbance during build
- Overlooking and loss of privacy
- Overdevelopment of site
- Impact on local facilities
- Overshadowing

4.3 EDUCATION:

No education contribution required.

4.4 ENVIRONMENTAL HEALTH:

No objections, subject to conditions

4.5 Essex Police

No objections.

4.6 HIGHWAYS:

No objections, subject to conditions

4.7 LANDSCAPE AND ECOLOGY:

No objection, subject to conditions and RAMS tariff payment.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 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
- 16. Conserving and enhancing the historic environment

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was

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

- Design: process and tools
- Determining a planning application
- Effective use of land
- Housing: optional technical standards
- Housing supply and delivery
- Planning obligations
- Use of planning conditions

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

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

5.4 Thurrock Local Plan

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

an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Previous Refusal
- III. Housing Land Supply, Need, Mix and Affordable Housing
- IV. Layout and design
- V. Impact on amenity
- VI. Highways and parking
- VII. Landscape and ecology
- VIII. RAMS mitigation
- IX. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 Core Strategy policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. The policy aims to ensure that up to 92% of new residential development will be located on previously developed land. The application site is within the urban area and comprises a 'brownfield' site.

6.3 The principle of housing would be compatible with the character of surrounding development. Accordingly, the site may be considered as a 'windfall' location for

housing and no objections are raised to the principle of residential development at this location.

II. PREVIOUS REFUSAL

6.4 As set out above, this application is a resubmission of a previous application (20/01736/TBC) which was refused planning permission at the Planning Committee meeting of 18 March 2021 for the following three reasons:

1. *The proposal would, by virtue of the number of dwellings proposed, result in the creation of properties with cramped private gardens and unsuitable internal accommodation which would be likely to appear cramped and overdeveloped in the street scene, harmful to the character and appearance of the area contrary to Policies CSTP22 and PMD2 of the Core Strategy (2015) and design guidance in the NPPF.*
2. *The proposals would, by virtue of the level of off street parking provision and lack of visitor parking in particular, be likely to result in the migration of parking on to the highway to the detriment of the free flow and safe movement of traffic in the locality contrary to Policies PMD8 and PMD9 of the Core Strategy (2015) and the NPPF.*
3. *The proposal would result in the loss of one specially adapted Council property suitable for a disabled occupiers, in favour of five dwellings which are not proposed to be adapted, to the detriment of the amenities of potential future occupiers of the existing dwelling contrary to Policy PMD1 of the Core Strategy (2015) and the NPPF.*

6.5 This application has been designed to address the matters detailed above which comprised the reasons for refusal. The report assesses the application and how the scheme has addressed Members previous objections to the previous proposal.

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

6.6 Albeit relatively small, the proposed development would make a contribution to the Council's five year housing land supply through the provision of 4 affordable housing units (a net gain of 3 units overall) which are necessary to meet the affordable housing needs of the Borough. As a Council application, submitted by the Housing Team, the proposed housing size and requirements are appropriate to meet the affordable housing needs of the location. The NPPF

6.7 Reason for refusal (3) of the pervious applications relates to the loss of a specially adapted Council property. The applicant has provided a supporting statement in relation to the existing dwelling. The applicant advises:

The current property on this site required significant investment to refurbish it to an up to date liveable standard. The property had been extended twice previously to address the specific needs of previous occupants, however these additions meant it no longer presented a suitable layout to accommodate the size of family household it would be applicable for. In addition both the size and layout of the surrounding garden/grounds were unmanageable for a family with specific needs.

The requirement for adapted properties is being met through other routes. The council has recently acquired a 6 bedroom property with adaptations suitable for specific needs through the buyback programme. 16 adaptable bungalows have been added to the housing stock this year at Claudian Way new build site and two further adapted bungalows will shortly be coming into the housing stock as new build properties in Chadwell area via the HUSK project.

- 6.8 The site as existing is a large plot in a sustainable location. The units identified above for adaptable units are modern and are/will be built to high standards and will have garden spaces more suitable for such units. It clearly makes sense to make more efficient use of existing land and assets. With no current need for the existing dwelling, expensive renovation costs and the opportunity to make a net gain of 3 dwellings, it is considered that sufficient information has been put forward to overcome reasons for refusal 3.

III. LAYOUT AND DESIGN

- 6.9 The existing site measures 0.14 Hectares and is a generous residential plot, with a spacious rear garden area. The site is presently occupied by a large detached two storey house. Reason for refusal (1) of the previous application related to the cramped and overdeveloped appearance with regards to the street scene, and character of the area.
- 6.10 The proposed development has been amended by reducing the number of dwellings from 5 to 4. Each dwelling would feature an individual garden and the site would comprise a communal parking area to the front of and adjacent to the new properties. Each garden would provide good quality usable space and 2 of the gardens would be well in excess of what is often seen for properties of this size.
- 6.11 Whilst the proposed layout would be different from the larger properties located along the southern side of Loewen Road, the increased density would reflect the overall residential character of the wider surrounding area which is more varied. The reduction in unit numbers would also make the site feel more spacious and allow for increased circulation space around the site.
- 6.12 The development would comprise two house types each providing three bedrooms.

There would be an overall increase in height of 1.75m compared to the existing dwelling, however Loewen Road and Haig Road feature a variety of house designs and given the layout and orientation of the properties, this increase would not result in significant change to the character of the local area.

- 6.13 The proposed design and material palette would be reflective of that of the existing dwelling and other dwellings within Loewen Road.
- 6.14 Given the above, it is considered that the siting and scale of the proposed properties would be acceptable and the design would be appropriate and would fit in with street scene and character of the area. The reduction in the number of units has appropriately addressed reason for refusal (1) and the proposal would, therefore, comply with policies PMD2, CSTP22 and CSTP23 of the Core Strategy and the NPPF.

IV. IMPACT ON AMENITY

- 6.15 The plans submitted indicate the dwellings would be of a size in line with the National Technical Space Standards, as well as ensuring a sufficient and policy-compliant provision of private amenity space, both more generous than proposed under the previous application. Based on the proposed layout there would be suitable light and outlook for the habitable rooms of each dwelling. There would also be suitable levels of privacy.
- 6.16 The proposed dwellings closest to the neighbouring properties at 11 and 15 Loewen Road would be sited in such a way that the proposed flank windows would face onto the side of the existing dwellings, rather than their private amenity areas. Furthermore, proposed windows in the first floor flanks would only serve bathrooms, which could be obscure glazed via planning condition. The submitted plans demonstrate a degree of screening to the southern boundary of the site, preventing overlooking to the southern neighbouring properties. All of the gardens would have a depth greater than 12m, thus a sufficient distance would be provided between the proposed properties and neighbours, particularly those to the south.
- 6.17 In light of the above, it is considered that the siting and scale of the proposed development would not result in a significant detrimental impact upon neighbouring properties, and would provide a suitable living environment for future occupants. The proposal would, therefore, comply with Policy PMD1.
- 6.18 Turning to the matter of noise, the application is supported by an acoustic report which identifies the principal noise source affecting the proposed dwellings as road traffic from the Dock Approach Road. As such, the Council's Environmental Health Officer has recommended a condition requiring a soundproofing scheme prior to the first occupation. Subject to this condition there would be no objections on the

basis of noise.

- 6.19 Given the proximity of the neighbouring residential dwellings, particularly no.15 which is attached via garage, it is considered appropriate to impose a condition requiring a Demolition Environmental Management Plan (DEMP) and Construction Environmental Management Plan (CEMP) to be submitted to the Local Authority and approved in writing prior to commencement. This would serve to protect neighbouring amenity during both demolition and construction phases.
- 6.20 The hours of demolition and construction, along with any driven piling if necessary, should also be limited via condition to further protect neighbouring amenity.

V. HIGHWAYS AND PARKING

- 6.21 Loewen Road is a 30mph, unclassified, residential street where no parking restrictions are in place. The application is supported by a Transport Statement which indicates that vehicular movements to and from the site are unlikely to have a detrimental impact upon the local highway network. This is agreed by the Council's Highways Officer.
- 6.22 Reason for refusal (2) of the previous application referred to the level of off-street parking and lack of visitor parking in particular.
- 6.23 The plans submitted demonstrate 10 off-street parking spaces, including 2 visitor spaces. This development is located in a medium accessibility area where the Council's Draft Parking Standards requires 3 bedroom dwellings to be provided with 1.5 - 2 off street parking spaces and 0.25 visitor spaces per dwelling. As such the development would comply with the Council's Draft parking standards. The Council's Highways Officer has raised no objection to the proposal.
- 6.24 Paragraph 109 of the NPPF states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The proposal would comply with the parking standards and there would be no severe impact on the highways network to constitute a reason for refusal. As such it is considered that reason for refusal (2) of the previous application has been overcome.

- 6.25 Matters of detail relating to highways could be covered by conditions to ensure the parking is available for use and adequate sight splays are provided.

VI. LANDSCAPE AND ECOLOGY

- 6.26 The Council's Landscape and Ecology Advisor has advised that the site is of low ecological value and most of the trees on site are small and also of low amenity value. As such there is no in principle objection to the proposal.
- 6.27 One Category B tree, a large Monterey Pine, would need to be removed to enable construction but it is proposed to mitigate the loss of the Monterey Pine by planting seven native species with a higher biodiversity value. To ensure the retained trees are not adversely impacted during construction it would be reasonable to impose a planning condition requiring an arboricultural method statement and tree protection plan.
- 6.28 An indicative landscape plan has been provided, however, it would also be reasonable to impose a planning condition requiring a detailed landscape scheme to be submitted to and approved by the Local Planning Authority prior to commencement.

VII. RAMS MITIGATION

- 6.29 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.
- 6.30 The proposal would result in a net increase of 3 units. Based on the current tariff a payment of £381.90 would be required for this scheme and the applicant has accepted to provide the necessary mitigation.

X. OTHER MATTERS

- 6.31 Objections relating to access, traffic and highways impact, and matters relating to design, character and amenity impacts have been addressed previously within this report.
- 6.32 Objections also relate to infrastructure strain as a result of the development. The application falls below the threshold for financial contributions or mitigation and as such no objection could be sustained on these grounds.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The development would provide a welcome addition to the Council’s housing stock, with a net increase of 3 dwellings.
- 7.2 The level of parking provision is considered to be acceptable in the context of the location of the proposal and it would effectively put to use urban land in keeping with the NPPF. Other matters of detail are considered acceptable.
- 7.3 The proposal is therefore acceptable and in accordance with Policies CSTP22, CSTP23, PMD1, PMD2 and PMD8 of the Core Strategy.

8.0 RECOMMENDATION

- 8.1 Approve, 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
13897-DB3-B01-ZZ-DR-A-20051	Location Plan	28th May 2021
13897-DB3-B01-ZZ-DR-A-20052	Existing Site Layout	28th May 2021
13897-DB3-B01-ZZ-DR-A-20053	Sections	28th May 2021
13897-DB3-B01-ZZ-DR-A-20054	Existing Elevations	28th May 2021
13897-DB3-B01-ZZ-DR-A-20060 A	Proposed Site Layout	21st September 2021
13897-DB3-B01-ZZ-DR-A-20061 A	Proposed Floor Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20062 A	Proposed Elevations	21st September 2021
13897-DB3-B01-ZZ-DR-A-20063 A	Sections	21st September 2021
13897-DB3-B01-ZZ-DR-A-20064 A	Sections	21st September 2021
13897-DB3-B01-ZZ-DR-A-20080 A	Proposed Floor Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20081 A	Proposed Elevations	21st September 2021

13897-DB3-B01-ZZ-DR-A-20083 A	Proposed Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20084	Proposed Plans	21st September 2021
13897-DB3-B01-ZZ-DR-A-20085 B	Landscaping	21st September 2021
AC20005-CIV-100 T1	Proposed Plans	21st September 2021
11344-003B	Proposed Plans	21st September 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 Core Strategy and Policies for the Management of Development [2015].

MATERIALS AND FINISHES AS DETAILED WITHIN APPLICATION

- 3 The materials to be used on the external surfaces of the development hereby permitted shall be implemented as detailed within the application.

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

DEMOLITION MANAGEMENT PLAN & CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

- 4 No demolition or construction works shall commence until Demolition Management Plan [DEMP] and a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The DEMP shall address all matters in relation to demolition including, but not limited to hours of works, a dust suppression plan and scheme for noise control.

The CEMP should contain or address the following matters:

- (a) Hours of use for the demolition and construction of the development
- (b) Hours and duration of any piling operations,
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (f) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (g) Measures to reduce dust with air quality mitigation and monitoring,
- (h) Measures for water management including waste water and surface water discharge;
- (i) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (j) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (k) A Site Waste Management Plan,
- (l) Details of security lighting layout and design; and

- (m) 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 Core Strategy and Policies for the Management of Development [2015].

SOUNDPROOFING/NOISE INSULATION

- 5 Prior to the commencement of development a scheme for noise insulation of the proposed dwellings shall be submitted to and agreed in writing with the local planning authority. The scheme shall assess the noise impact from road noise upon the proposed dwellings and shall propose appropriate measures so that all habitable rooms will achieve 'good' internal levels as specified by BS8233:2014. The scheme shall identify and state the glazing specifications for all the affected windows, including acoustic ventilation, where appropriate. The noise insulation measures and specification shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

NO WINDOWS IN FLANKS

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those provisions, no additional windows or other openings shall be inserted in the flank elevations of the extensions hereby approved.

Reason: In the interests of neighbour amenity and privacy in accordance with Policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

- 7 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, E or F of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, roof alterations shall be carried out to the buildings hereby permitted or outbuildings or hardstandings constructed within the curtilage of each dwelling without planning permission having been obtained from the local planning authority.

Reason: In order to safeguard the amenity of future occupiers of the site and in the interests of the character of the area in accordance with policies PMD1, PMD2 and CSTP22 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015] and chapter 13 of the National Planning Policy Framework 2019.

PARKING SPACES NUMBERED

- 8 Prior to the occupation of the development hereby approved the parking area shall be marked out with the spaces for the dwellings numbered and the visitor and disabled spaces marked out and thereafter retained as such.

Reason: To ensure that satisfactory off-street car parking provision is made in accordance with the Local Planning Authority's standards and in the interests of highway safety.

ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE

- 9 Prior to the occupation of the development, details of electric charging infrastructure to allow for a minimum of 1 EV space per dwelling shall be submitted to and approved by the local planning authority. Thereafter development shall installed as approved prior to occupation of the development and shall be maintained and retained in this form at all times thereafter.

Reason: In the interests of sustainability and to ensure that adequate car parking provision is available for electric vehicles in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

SIGHT SPLAYS

- 10 Prior to occupation of the development hereby permitted sight splays measuring 1.5m x 1.5m shall be provided at each side of the proposed vehicle access and shall constructed concurrently with the remainder of the development and thereafter be retained and maintained. In particular, there shall be no physical obstruction within either sight splay above the level of 0.6m when measured from the level of the adjoining highway carriageway.

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

ARBORICULTURAL METHOD STATEMENT

- 11 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree replacement and protection as follows:

- Arboricultural method statement (including drainage service runs and construction of hard surfaces).
- Tree Protection Plan

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved details.

Reason: To secure the retention of the trees within 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 Core Strategy and Policies for the Management of Development [2015].

SOFT AND HARD LANDSCAPING SCHEME

- 12 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

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

Hard Landscape works

- 4) Details boundary treatments with materials, construction design and dimensions
- 5) of walls with brick types, construction design and dimensions

- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

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

OBSCURE GLAZING

- 13 Any windows at first floor level in the flank elevations shall be fitted with obscure glazing and any part of the window that is less than 1.7m above finished floor level shall also be fixed shut.

Reason: In the interests of the privacy and amenity of nearby occupiers in accordance with PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

Informatives:

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

- 1 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.

Highways Works

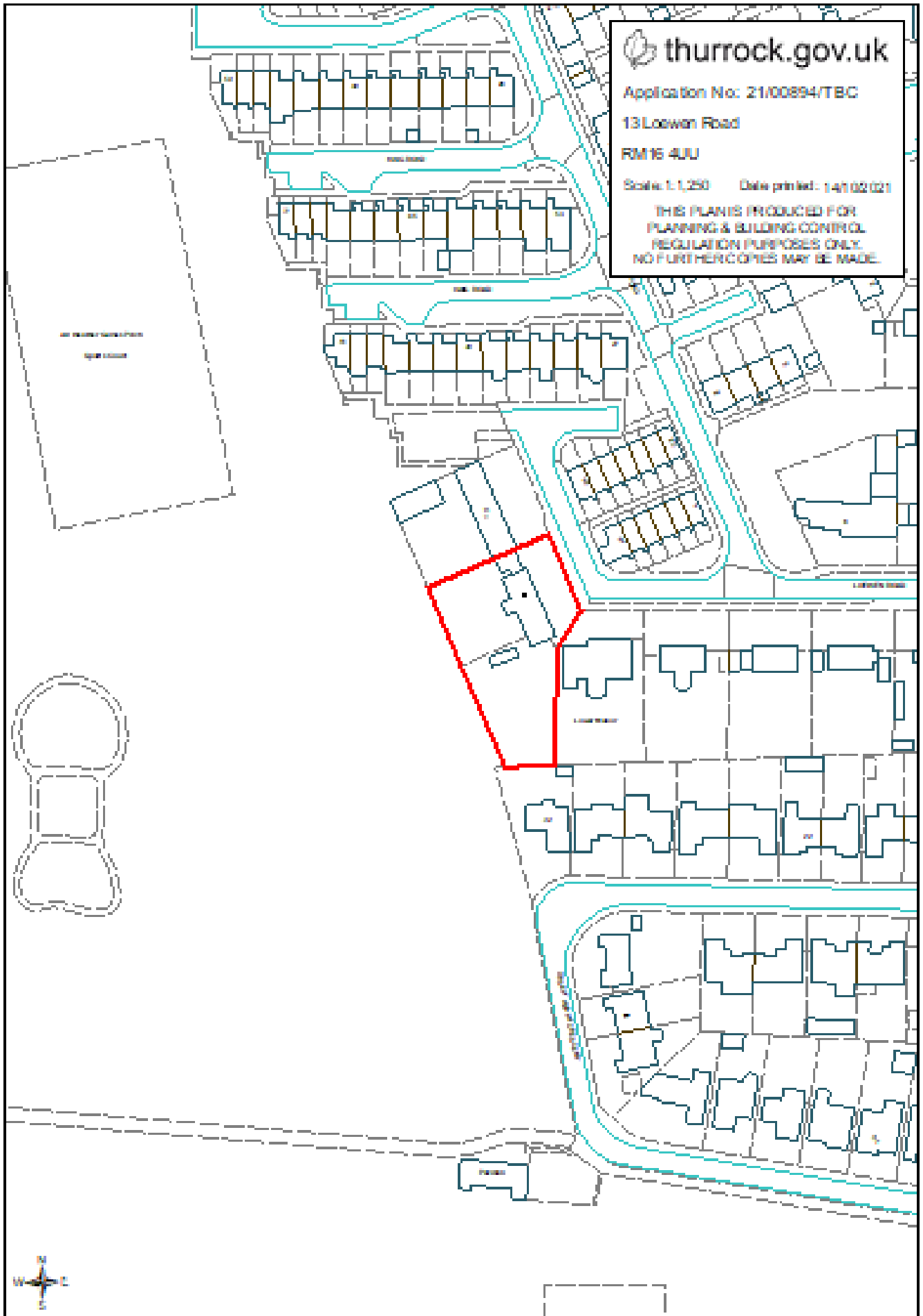
- 2 Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works to apply for a Section 278 Agreement.

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

Documents:

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

www.thurrock.gov.uk/planning



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