

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 **2 December 2021**

South Essex College, High Street, Grays, RM17 6TF - rooms W1.23/W1.24 (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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| 1 Apologies for Absence | |
| 2 Minutes | 5 - 14 |
| To approve as a correct record the minutes of the Planning Committee meeting held on 28 October 2021. | |
| 3 Item of Urgent Business | |
| To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972. | |
| 4 Declaration of Interests | |

- 5** **Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**
- 6** **Planning Appeals** **15 - 20**
- 7** **Public Address to Planning Committee**
- The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).
- 8** **21/00304/FUL - Land Rear Of Ewen House High Road Fobbing Essex** **21 - 52**
- 9** **21/00894/TBC - 13 Loewen Road Chadwell St Mary Essex** **53 - 74**
- 10** **21/01578/HHA - 41 Scratton Road, Stanford Le Hope, Essex, SS17 0PA** **75 - 86**
- 11** **21/01548/FUL - 2 Morant Road, Chadwell St Mary, Essex, RM16 4UA** **87 - 102**
- 12** **21/01789/TBC - Alf Lowne Scout Centre, Richmond Road, Grays, Essex, RM17 6DN** **103 - 112**
- 13** **21/01557/HHA - Falconhurst, Second Avenue, Stanford Le Hope, SS17 8DP** **113 - 122**

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: **24 November 2021**

Information for members of the public and councillors

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1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
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- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
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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 28 October 2021 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson
- Apologies:** Councillors Colin Churchman
- In attendance:** Louise Reid, Strategic Lead - Development Services
Matthew Gallagher, Major Applications Manager
Nadia Houghton, Principal Planner
Julian Howes, Senior Highway Engineer
Caroline Robins, Locum Solicitor
Ollie Thursby, Trainee Engineer
Neil Wakeling, Trainee Engineer
Sarah Williams, Service Manager, Education Support Service
Kenna-Victoria Healey, Senior Democratic Services
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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the recording to be made available on the Council's website.

45. 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 2 December.

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

46. Item of Urgent Business

There were no items of urgent business.

47. Declaration of Interests

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.

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

Members declared that they had received an email from Andrew Blakely in relation to 21/01309/FUL.

Councillor Fletcher declared he had received an email in relation to 21/00894/TBC.

Councillors Halden and Polley both declared an email from Councillor Hebb in relation to 20/00064/FUL.

49. Planning Appeals

The Committee was satisfied with the report.

RESOLVED:

That the report be noted.

50. 20/00064/FUL Town Centre Car Park King Street Stanford Le Hope Essex (Deferred)

The report was presented by the Principal Planner.

Councillor Fletcher enquired as to the parking on the site and how officers came to the decision to allow three hours free parking. The Principal Planner explained it was felt three hours was a reasonable amount of time for shoppers to have the freedom to do what they needed to do, given the shops which were located on King Street and the High Street. Councillor Halden commented he felt that three hours was a reasonable amount of time given the range of shops on King Street such as hairdressers, restaurants etc. and that by only having three hours free parking and being close to the station would put a stop to commuters parking in the car park all day.

Councillor Fletcher sought clarification as to the impact of the view of the church, officers explained that further information and line of sight views had been provided by the applicant which demonstrated that the church was screened with foliage and therefore it was deemed the development would not impact on the view of the church.

Councillor Halden commented he was struggling with the health contribution, he continued to state within the report the contribution was to provide additional floor space and this would be utilised for the Corringham integrated hub, however to his knowledge planning permission and the total budget for floorspace was approved two years ago via Cabinet. The Principal Planner commented that the NHS reconsultation had confirmed the funding would be directly provided to the medical centre and benefit the medical centre and patients of the Corringham Surgery. During the discussion Councillor Halden

commented he just wanted to be sure that what had been promised for residents could actually be delivered. The Principal Planning officer explained that a specific IRL reference for healthcare provisions in Stanford le Hope and Corringham had been set up to ensure that the contributions offered would be put towards local healthcare and as a result complied with policy.

During discussions Members sought assurances that the three hours free car parking would not be removed from the application and the section 106 agreement would confirm this. It was explained to Members that there would be no planning approval issued until the section 106 agreement was secured and completed and that free parking for the site was included in this. If the applicant wanted or needed to modify any parking this would differ from what Members have given a resolution to approve and any material changes to the free car parking would have to come back to committee.

The Chair commented that three years ago the committee rejected the application due to no parking which Members felt was important, having now returned to the committee with three hours free parking the Chair felt the applicant had listened to Members and didn't feel the application was a bad idea, he actually liked the design of the flats.

Councillor Halden commended the work of officers in being able to secure the three hours free parking, was a lot more desirable than the original application. He continued by stating after listening to the debate and questions raised by Members he felt some Members were still concerned that the application could go through on appeal. The application put in front of Members for either approval or refusal could in actual fact just be a judgement call. He then referred to the speaker statement letter of Councillor Hebb from the last meeting who had spoken on behalf of residents of Stanford Le Hope. Councillor Halden continued by commenting the health contribution part of the section 106 agreement didn't make sense to him.

Councillor Piccolo commented he understood and agreed with some of the concerns Members had raised, that being said as Ward Councillor he was pleased that 57 parking spaces had been secured for residents and shoppers in Stanford Le Hope and was minded to support the recommendation.

Following clarification of a typo left in the recommendation, under the section 106 and car parking, it was confirmed the words "pricing system fixed for a" should have been omitted from the report.

Councillor Fletcher stated he felt it was time to draw a line on questioning whether an application would be taken through the appeal process and instead judge on its merits of the development in question and therefore the benefits or harm to the area. He continued by stating it was clear there was harm from the Heritage point of view, it was also clear that the development would limit the amount of parking in the area however this should be looked at against the housing needs and contribution to housing in Stanford Le Hope.

The Chair of the committee proposed officers recommendation and this was seconded by the Vice Chair.

Recommendation A

For (6) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, Terry Piccolo, Georgette Polley and Lee Watson.

Against (1) Councillor James Halden

Recommendation B

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

Against (1) Councillor James Halden

Abstained (1) Councillor Mike Fletcher

Councillor Byrne did not participate in the application due to not being present at the September meeting when is applications first presented.

51. 21/01061/OUT Land Adjoining Balgownie Farm Lower Dunton Road Bulphan Essex

The report was presented by the Major Applications Manager.

Councillor Byrne commented that a previous application for a bigger development seemed to sail through with approval from officers, however this application which was a smaller development and in the same location was being put forward for refusal.

The Major Applications Manager explained that the location had key differences at the time when the application in question came through it was in line with the local development framework, where the need for a hospice was highlighted. He continued by explaining the sites were not linked and the local authority had carried out a planning test as with all sites.

Speaker statement was heard from:

Mark Jackson, agent in support.

Councillor Byrne commented that Members needed to be consistent in our approach for this type of development as we had said yes to a much larger development nearby the site. He commented that this current application had been submitted by a family business who also looked after the local church. He continued by mentioning that a bigger development had been approved by the committee which was located across the road from the current site and he could not understand why Members were happy to approve that application yet seemed to have concerns with this one.

Steve Taylor stated that the location of the development was on the narrowest part of the Green Belt, which when established was between 25 to 35 miles around London which was why it was called the metropolitan greenbelt. He continued to state that the location where the development was suggesting to be built had about 5 miles of greenbelt remaining, this would be cut in half should the Local Thames Crossing go ahead, he further commented that the location of the development had no pavements for children to walk or local services, no bus stops and no special circumstances that he could see for the application to be approved.

Councillor Byrne mentioned that the development would result in creating up to 200 jobs for our captains of industry. Councillor Piccolo queried with Councillor Byrne where these 200 jobs would be coming from in relation to this development.

Councillor Halden mentioned when he first looked at the application he was happy to support Officers recommendations and oppose the development on the grounds that it was to be built on the Green Belt however as 2 of the 3 reasons were openness and characteristics of the site. He found this difficult to agree with as there was now a housing development site on the other side of the road which had already created the characteristics for the road and limited openness of the greenbelt.

Councillor Fletcher stated he knew how Councillor Halden felt, as looking at the application it was principle against practical consideration, which was why he had queried the building north-west of the site and if this was to be replaced as part of the application the site would be no more open than it currently was. He continued by stating his understanding was that just because there was a new development in the area, did not change the fact that the land was Green Belt.

Councillor Watson commented that she understood where Councillor Byrne was coming from, however the decision made with regards to the bigger development site was decided by a different Committee of members than those currently sitting on the Committee. She continued by stating there were plenty of Brownfield sites which could be developed and the application in front of them was still a Green Belt issue.

Councillor Polley remarked on the impact on the heritage of the site, she continued by stating following statement from Heritage officer it was clear that the development would cause harm to the heritage of the site.

Councillor Liddiard commented that they needed to make it clear to developers that we will not accept piecemeal development with 6 dwellings here, and 5 houses there, and that Members should say no to this.

The Chair of the Committee proposed officer's recommendation and this was seconded by the Councillor Fletcher.

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

Against: (2) Councillors Gary Byrne and James Halden

52. 21/01309/FUL Land Adjacent Blackshots Stadium And Stanford Road Grays Essex

The report was presented by the Principal Planning Officer and included the following updates:

- There were some plan references and date updates to Condition 2
- Condition 6 had a sentence added referring to a drawing reference
- Condition 7 refers to dpc rather than ground level
- Condition 8 omits the words 'off site' to the title
- Condition 9 included a plan reference number with respect to the proposed footway/cycleway recently received
- Condition 22 will also refer to a plan ref no which is based upon advice from the FRM
- Condition 23 had now been omitted as is not required as the license has been signed and agreed
- Condition 24 had a plan reference update change
- Condition 30 had a sentence added to say 'in particular no flooring and lighting shall be installed in the sports hall until the specification has been agreed with Sports England'
- Condition 31 had been omitted as it not required
- Finally there are very minor reference and word changes to Conditions 37 and 41

Steve Taylor commented he wasn't aware that the application spread over both sides of the road and enquired where the boundary was for the up-and-coming Lower Thames Crossing on Stanford Road. Officers explained the distance between the application and the boundary line was around 100m Highways England had been consulted with and had no objections to the application. Members are further advised there was access to both north and south of the highway which included a pedestrian crossing and as part of the recommendation £20,000 would be included for highway improvement as part of the development.

Councillor Byrne enquired further to the email from a Ward Councillor which had been circulated to Members as to whether any weight had been given to drop off and pick up points as part of the application. The Principal Planning Officer explained it was vital there was to be no dropping off on Stanford Road and in addition a detailed travel plan had been included as part of the application which included pick up and drop off points.

During discussions it was confirmed that access to Treetops School was included as part of the development and that works had been consented by the Highways Authority and were due to start in the New Year.

The Chair of the Committee enquired as to the use of King Edward Drive and Buxton Road and asked if the existing entry for Treetops School via these roads was to be discouraged. The Senior Highways Engineer confirmed that once the new road had been completed this would be the desired entry and exit to the school. Councillor Kelly, Chair of the Committee continued by enquiring as to what officers would do should parents park on King Edward Drive instead of the drop-off and pick up point located within the school grounds. The Senior Highways Engineer commented that there were not many children at present who would be attending the new school from the estate of which King Edwards Drive was part of , he continued to explain that there were options which could be used to prevent parking such as double yellow lines, however this would need to be looked into not only from a safety perspective but also the possibility of affecting residents who currently live in the area.

At 8:15 pm, the committee agreed to suspend standing orders until 9:30 pm.

Councillor Piccolo enquired as to whether there was enough room to have three lanes in each direction towards the access point on the Stanford Road for the school as currently the road was a single road carriageway. The Senior Highways Engineer assured members there was plenty of room for the proposed three lanes which would then merge into one and advise if necessary the speed of the road could be reduced, for example to 30 mph.

Councillor Polley remarked on the open spaces towards the Treetops School site and asked if the sports pitches were to be used by the school. She continued by stating if it was, she had concerns with excited children trying to cross the Stanford Road and there would presumably be no changing rooms or toilets provided. The Senior Highways Engineer commented that the school would be asked to supervise children when crossing the road and the possibility of having a bridge in place was not only expensive but also took up room on the highway. He continued by stating that there would be a provision in place for children waiting to cross the road.

Councillor Watson raised concerns with regards to whether officers were confident for the next academic year Stanford Road could cope with an increase of traffic movements. The Senior Highways Engineer stated following the traffic assessment the road and signals would cope with the increasing traffic. He continued by commenting a traffic management plan hadn't as yet been decided as officers would need to liaise with local residents, it was noted that if there any parking issues officers could deal with these and then include them in a traffic management plan.

The Principal Planning Officer replied to Members queries confirming there was tight wording which had been agreed with the applicant and Sport England, that when the school were not using sports pitches these could be used for community uses and that the southern pitches would be used for community uses.

Councillor Liddiard enquired, if a preferred route for children who lived on Long Lane would be from the north west of the site, this could mean walking across Blackshots Playing field. Officers confirmed that it would be encouraged for children to walk to school and if parents decided to park for a short time in Blackshots car park, to drop the children so they could walk to school as long as it did not cause any issues within the car park itself, they could not see any problems with this.

During discussions Members queried as to the impact the increase traffic would have on Danehole Roundabout and how the children would be arriving at the school, for example would there be any school buses to provide transport within the catchment area. Officers explained that the estimated travel plan expected 204 children to walk, 98 to cycle, 123 to travel via car, 21 to car share, four by taxi and four via scooter.

Councillor Byrne stated they should be getting the application right, with regards to children getting to school at this stage not later down the line waiting to see if anything would happen. The Senior Highways Engineer advised if Members wished for restrictions to be included from the start as part of the application this was something officers could look into and include.

Speaker Statements were heard from:

Michael Gamble, Resident in objection.

Joy Redsell, Ward Councillor in support.

Steve Mundy, CEO South West Essex Community Education Trust in support.

Councillor Fletcher enquired as to how the applicant knew what the objector was going to say as he covered some points within his speakers statement. Democratic Services explained that any objections were sent to the applicant as outlined within the Constitution to give the applicant the opportunity to respond to the objectors comments.

Councillor Halden remarked the Council had worked with the Multi-Trust the Academy was part of, and therefore knew how to work well with them. He continued to explain that Pupil Place Plans were in high demand across the borough and the figures were growing. Council Halden commented that the existing school was only a temporary building with 240 children and although it was not perhaps the ideal location, he was confident that mitigation could be put in place should there be any traffic issues which would ensure children's safety was a priority.

Councillor Polley expressed her concerns with regards to traffic issues not only made by residents but also a local Ward Councillor. She continued by stating she felt it was important the school had a designated drop off and pick up points.

Steve Taylor stated that although he understood there was a need for the application and more schools within the borough, he did not feel the location

was the best place for the development especially with a volume of traffic along Stanford Road.

Councillor Fletcher commented he agreed with Councillor Halden there was a need for schools in the borough, however he had concerns with regards to the location of the application and felt that in relation to Stanford Road the risks and concerns needed to be dealt with before agreeing the application.

Councillor Watson also agreed that schools was needed and although she too had concerns with regards to the location it was clear the school would soon be at full capacity for the new academic year and therefore highlighted its need in the area.

Following advice from the Principal Planning Officer, hearing the Ward Councillor's statement, and Members debate, Members agreed to the following wording for the 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 including specific drop-off and pick-up controls. 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."

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

For: (6) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), James Halden, Terry Piccolo, Georgette Polley and Lee Watson

Against: (2) Councillors Gary Byrne and Mike Fletcher

53. 21/00304/FUL Land Rear Of Ewen House High Road Fobbing Essex

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

54. 21/00894/TBC 13 Loewen Road Chadwell St Mary Essex

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

The meeting finished at 9.35 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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| 2 December 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 of Public Realm | | |

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1.0 Recommendation(s)

1.1 To note the report.

2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

3.0 Appeals Lodged:

3.1 **Application No:** 21/00777/HHA

Location: 4 Crescent Avenue, Grays

Proposal: Demolish existing garage, part single part two storey rear extension and two storey side extension

3.2 Application No: 21/00554/HHA

Location: 106 Digby Road, Corringham

Proposal: Hip to gable loft conversion with front and rear dormers. Single storey rear and side extension with roof lights.

3.3 Application No: 21/00810/HHA

Location: 49 Fyfield Drive, South Ockendon

Proposal: Loft conversion with rear dormer and three front roof lights.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/00749/CLOPUD

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

Proposal: Single storey outbuilding (garage) with pitched roof

Appeal Decision: Appeal Allowed

4.1.1 This application sought a Lawful Development Certificate (LDC) for a detached outbuilding, rather than a planning application. Accordingly there was no assessment against the Core Strategy, but against the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) on points of planning law. The Council refused to grant the certificate as it determined that the garage is not required for a purpose incidental to the enjoyment of the dwellinghouse, and that the eaves height would exceed 2.5 metres.

4.1.2 The Inspector noted that in these cases the size of the proposed building in relation to the existing dwelling is a relevant, but not conclusive factor. The Inspector considered that the size of the building was not excessive in relation to its purposes, and whilst there were other outbuildings presently on site, the building would be reasonably required for a purpose incidental to the dwellinghouse.

4.1.3 The Inspector also found that the height of the eaves complied with the requirements of the GPDO.

4.1.4 The appeal was therefore allowed.

4.1.5 The full appeal decision can be found online.

4.2 Enforcement No: 21/00015/AUNWKS

Location: Land Near Junction Of Biggin Lane Sandy Lane,
Chadwell St Mary

Proposal: Activity on the land, removal of bank.

4.2.1 The appeal was against the serving of an Enforcement Notice relating to the unauthorised material change of use of the land to B8 storage use and unauthorised development of hardstanding to facilitate that change of use. The Enforcement Notice sought the cessation of the B8 use of the land, along with any ancillary uses, within fourteen days of the date the Notice becomes effective; the removal of the authorised hardstanding and removal of equipment, machinery, rubble and debris associated with the works to comply, within three months of the date the Notice becomes effective.

4.2.2 The Inspector considered that main issue to be whether the material change of use occurred more than ten years ago, that is, before 28th January 2011. In these types of cases the onus of the proof is on the appellant and the standard of proof is the balance of probability. Following the consideration of all evidence provided, the Inspector concluded that the appellant had not demonstrated that on the balance of probability a material change of use and development had occurred before 28th January 2011. As a consequence, the change of use to B8 storage use and the creation of hardstanding was not immune from enforcement action. The Inspector also concluded that the Council's stated compliance periods on the Enforcement Notice were entirely reasonable.

4.2.3 As a result, the appeal was dismissed and the Enforcement Notice upheld subject to a revision to the wording relating to the description of the Land on an associated substituted plan.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 20/00454/OUT

Location: The Red House, Brentwood Road, Orsett

Proposal: Application for outline planning permission with all matters reserved: Residential development of up to 41 self-contained units (Use Class C3) with a maximum of 52 bedrooms for the over 55s with underground car park and dentists surgery (Use Class D1) of up to 70 sq.m. floorspace.

Appeal Decision: Appeal Dismissed

4.3.1 The main issues were as follows:

- Whether the proposed development would be inappropriate development in the Metropolitan Green Belt having regard to the revised NPPF of 2021 and any relevant development plan policies;
- The effect on the openness of the Green Belt;
- The effect on the highway network;
- Whether the proposed contribution towards affordable housing was acceptable; and
- If inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, was clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

4.3.2 The Inspector identified the development would not fall within the exception at criteria (d) of paragraph 149 of the NPPF and was therefore inappropriate development.

4.3.3 Although acknowledging the relatively isolated location and that all residents would need to use a car for most journeys the Inspector did not consider the proposal would be harmful of the local highways network.

4.3.4 The proposal included a signed unilateral undertaking to provide 40% of the dwellings as affordable houses, which the Inspector found to be acceptable and considered that this should attract significant weight.

4.3.5 However, in coming to a balancing exercise, the Inspector did not find the harm to the Green Belt was which he identified as “noticeable and dramatic” would be clearly outweighed by the limited benefits of the scheme.

4.3.6 The appeal was therefore dismissed.

4.3.7 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 | 1 | 2 | | | | | 21 |
| No Allowed | 0 | 1 | 0 | 4 | 0 | 3 | 1 | 0 | | | | | 9 |
| % Allowed | 0% | 25% | 0% | 57.14% | 0% | 30% | 100% | 0% | | | | | 42.86% |

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 Smith**
**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 Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

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

| | |
|---|---|
| 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 |

The application is also accompanied by:

- 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
- Solar Panels specifications

| | |
|---|--|
| <ul style="list-style-type: none"> - Vehicle Charging Point specifications - Very Special Circumstances | |
| Applicant: Mr Ricky Jeffs | Validated: 8 March 2021 Date of expiry: 6 December 2021 (Extension of time agreed with applicant) |
| Recommendation: Refuse | |

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 28 October 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 October Committee is attached at Appendix 1.

2.0 PLANNING UPDATES

- 2.1 The recommendation set out in the report at Appendix 1 is to refuse planning permission. There have been no updates to the application.

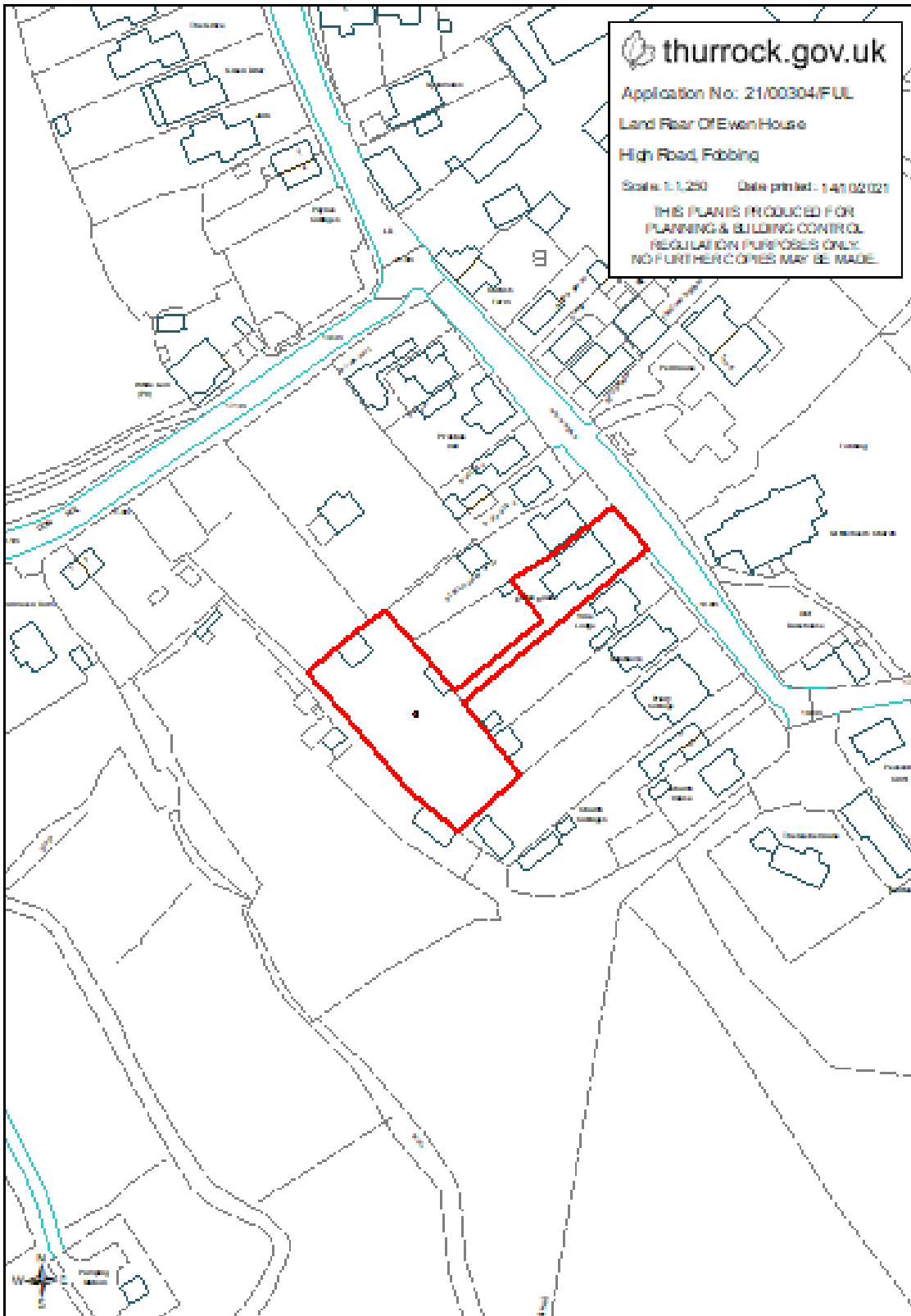
3.0 CONCLUSION

The recommendation remains one of refusal for the reasons stated in section 8.0 of the October Planning Committee report.

Documents:

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

www.thurrock.gov.uk/planning



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| | |
|---|-------------------------------------|
| Planning Committee 02 December 2021 (28 October 2021 – Appendix 1) | Application Reference: 21/00304/FUL |
|---|-------------------------------------|

| | |
|---|---|
| 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): | | |
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| 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 |
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| 11-13/1/A | Existing Plans – Ewen House | 23 February 2021 |
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| 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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| | |
|---|-------------------------------------|
| Planning Committee 02 December 2021 (28 October 2021 – Appendix 1) | Application Reference: 21/00304/FUL |
|---|-------------------------------------|

| | |
|--|--|
| <ul style="list-style-type: none"> - 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 obscured glass to balcony area. | Approved |
| 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 NPPF's 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 re-instated 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 |

| | | |
|---|---|----------------|
| Reduction in the openness of the Green Belt | | weight |
| 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 of the proposal. It is not considered the proposal 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

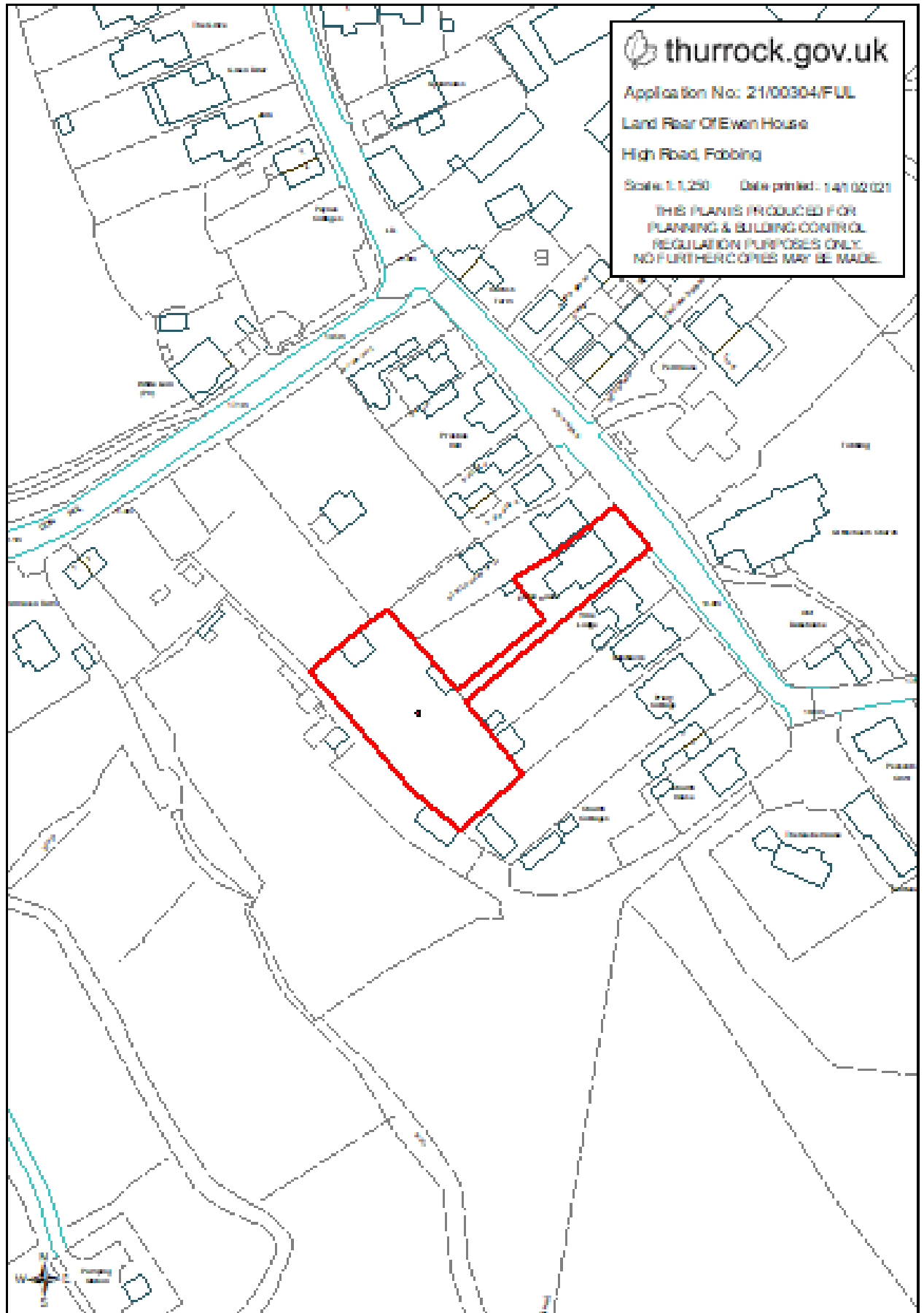
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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 9

| | |
|-------------------------------------|-------------------------------------|
| Planning Committee 02 December 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

| | |
|--|--|
| <ul style="list-style-type: none"> - 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: 6 December 2021 (Agreed extension of time) |
| Recommendation: Approve subject to conditions | |

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 28 October 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 October Committee is attached at Appendix 1.

2.0 PLANNING UPDATES

- 2.1 The recommendation set out in the report at Appendix 1 is to approve planning permission. There have been no updates to the application.

3.0 CONCLUSION

The recommendation remains one of approval for the reasons stated in section 8.0 of the October Planning Committee report.

| | |
|---|-------------------------------------|
| Planning Committee 02 December 2021 (28 October 2021 – Appendix 1) | Application Reference: 21/00894/TBC |
|---|-------------------------------------|

| | |
|-----------------------------------|--|
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| 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 |

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- Drainage Areas Layout
- Energy Statement

| | |
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| <ul style="list-style-type: none"> - 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 |

| | |
|---|-------------------------------------|
| Planning Committee 02 December 2021 (28 October 2021 – Appendix 1) | Application Reference: 21/00894/TBC |
|---|-------------------------------------|

| | | |
|-------------------------------|----------------|---------------------|
| 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 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.

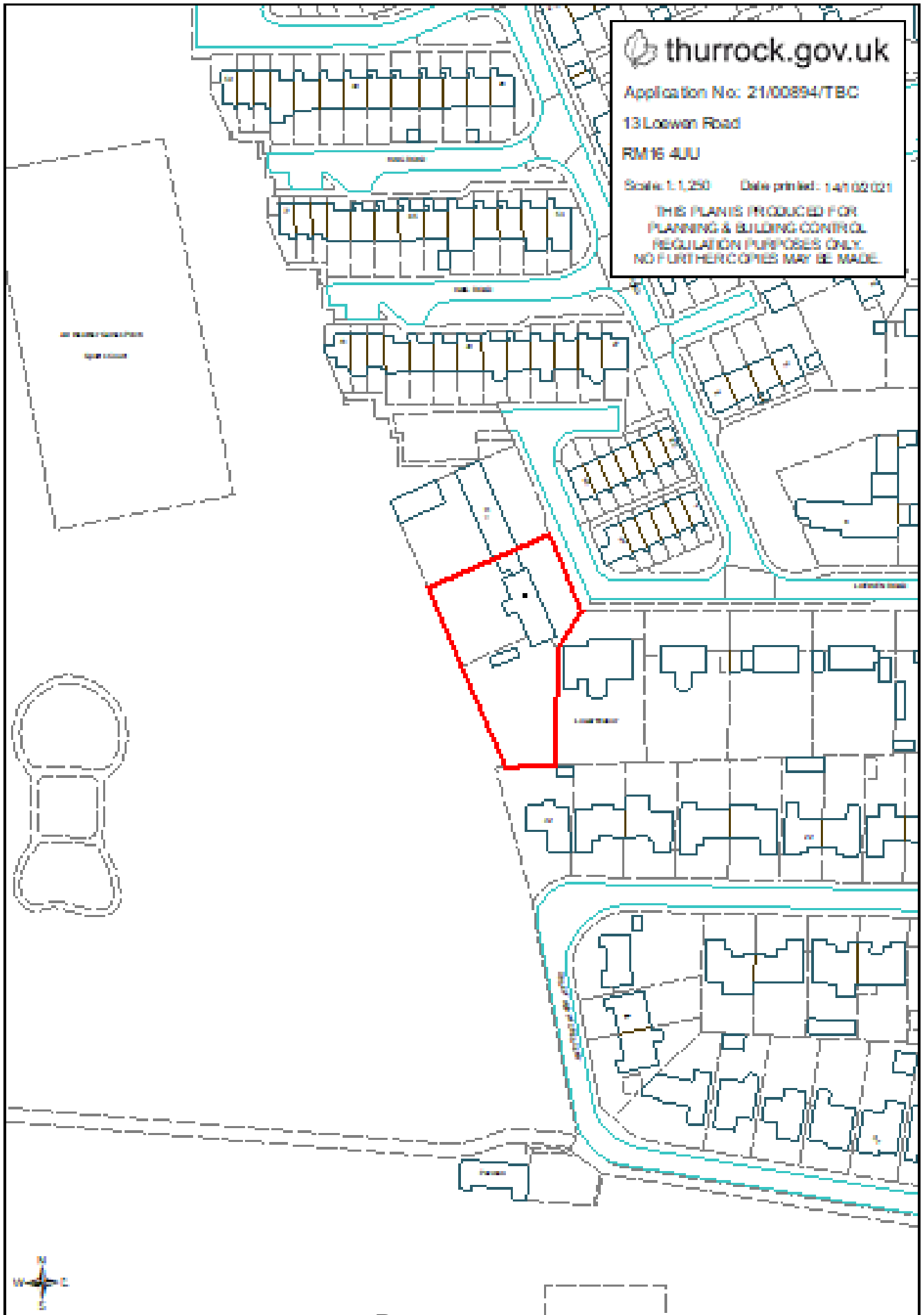
Highways Department,
Thurrock Council,
Civic Offices,
New Road,
Grays Thurrock,

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



| | |
|--|--|
| Reference: 21/01578/HHA | Site: 41 Scratton Road Stanford Le Hope Essex SS17 0PA |
| Ward: Stanford Le Hope West | Proposal: Two storey rear extension with rear and front dormer and side window alteration. |

| Plan Number(s): | | |
|-----------------|----------------------|---------------------|
| Reference | Name | Received |
| P3-24-01 | Location Plan | 14th September 2021 |
| P3-24-02 | Existing Floor Plans | 14th September 2021 |
| P3-24-03 | Existing Elevations | 14th September 2021 |
| P3-24-04 | Proposed Site Layout | 14th September 2021 |
| P3-24-05 | Proposed Floor Plans | 14th September 2021 |
| P3-24-06 | Proposed Elevations | 14th September 2021 |
| P3-24-07 | Proposed Sections | 14th September 2021 |

| | |
|--|---|
| The application is also accompanied by: N/A | |
| Applicant: Scott Turp | Validated: 14 September 2021 Date of expiry: 9 December 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 Councillors Anderson, Duffin, Hebb, Huelin and Collins (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks approval for a two storey rear extension, which includes a first floor rear dormer with sloping roof, a front pitched roof dormer and fenestration alterations to the north east flank elevation.
- 1.2 This application is an identical resubmission of application ref: 21/00767/HHA, which was refused in July 2021 for the following reason:

The rear extension would, by reason of its design and appearance, result in a visually awkward and incongruous addition that would be unduly dominating of the rear elevation of the dwelling and harmful to the character and appearance of the host dwelling and the locality. For these reasons, the proposal is unacceptable and contrary to Policies CSTP22, PMD1 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development 2015 and the Residential Extensions and Alterations Supplementary Planning Document 2017.

2.0 SITE DESCRIPTION

- 2.1 The application site features a detached chalet style dwelling. The dwelling benefits from a two storey rear extension extending part-way across the rear elevation closest to the north east side of the property. This is visible within the street scene, particularly when approaching from the Corringham Road junction. These additions were approved under two separate applications submitted in 1982 and 1984. The overall form and appearance of these additions are representative of a mansard design, which represents a different roof form to that of the host dwelling.
- 2.2 The property is set within a residential area where the appearance and character of the street scene is varied, consisting of detached, semi-detached and terraced properties. The application site is of a distinct design, particularly the original front element facing onto Scratton Road itself, which is reflected in a property of the same appearance located on the same side of the road five properties north of the site at no. 51 Scratton Road. Whilst there are visible differences between the two properties as a result of non-original additional development, both properties are broadly of the same appearance.

3.0 RELEVANT HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|---|----------|
| 82/00769/FUL | Rear Single Storey Addition with Balcony. | Approved |
| 84/01011/FUL | 1st Floor Extension. Plan, Local Planning Authority received 5.12.84. | Approved |
| 21/00767/HHA | Two storey rear extension with dormer, front pitched | Refused |

| | | |
|--|--|--|
| | roof dormer and window alteration to flank elevation | |
|--|--|--|

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and the Council's online planning register. Three comments have been received; two in support and one representation. The comments have outlined the following:

- The proposal would have no impact on neighbouring property to the rear of the site;
- Roof line would be in keeping with the existing;
- An alternate dormer design would not be in keeping with the style of the house.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 27th March 2012, revised on 24th July 2018, February 2019 and again in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 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
- 12. Achieving well-designed places

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:

- Consultation and pre-decision makers
- Design: process and tools
- Determining a planning application

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:

Thematic Policies

- CSTP22 (Thurrock Design)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)

Thurrock Design Guide: Residential Alterations & Extensions SPD (RAE)
September 2017

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.

6.0 ASSESSMENT

6.1 Policy Context

The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment which is indivisible from good planning and that it is important to plan for high quality design for all development including individual buildings.

Policy CSTP22 (Thurrock Design) 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.

Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that “Development will not be permitted where it would cause unacceptable effects on (i) the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site”.

Policy PMD2 (Design and Layout) 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.

The Residential Alterations & Extensions SPD (RAE) September 2017 states that:

4.1.1 The extension or alteration should respect respond positively to the character of the original dwelling such that its character is maintained or enhanced

5.2.2 Rear infill extensions should be as close to 2m in height along the boundary as reasonably possible, where the boundary is an existing garden fence or wall of up to 2m in height.

5.2.3 Where rear extensions can be seen from a public realm, more restrictions apply including how well they complement historical pattern of the neighbouring rear extensions, the treatment of the façade visible and roof form

5.4 The size of the proposed alteration, the prominence of the roof slope and the character of the surrounding area will be taken into account when considering weather a proposed roof alteration is acceptable

5.4.4 Roof conversions and additions will only be acceptable where high quality design is employed, where additions are in scale are in scale with the existing roof, and where addition does not spoil the existing roof form.

5.4.5 The design of dormers should follow the guidelines set out in the table 1 below.

Table 1: Dormer Windows and Roof-Lights

| Street-facing roof slope prominent side roof slope | Visible but less prominent side or rear roof slope | Rear roof slope that is not visible from a public space |
|---|---|---|
| <p>Dormer window may not be acceptable regardless of design.</p> <p>Box dormer unacceptable except where this is characteristic of the original architecture of the area.</p> | <p>Dormer window acceptable where the proposal avoids overlooking.</p> <p>Modest box dormer may be acceptable subject to size restrictions.</p> | <p>Dormer window acceptable in principle where the proposal avoids overlooking, subject to size restrictions.</p> |
| <p>Dormers should not occupy more than one third of the width of the roof.</p> <p>Maximum width of individual dormer 1.4m.</p> | <p>Dormers should not occupy more than one half of the width of the roof.</p> <p>Maximum width of individual dormer 2m.</p> | <p>Dormers should not occupy more than three-fifths of the roof width if the height exceeds three-fifths of ridge-to-eave distance; or not occupy more than three-fifths of the ridge-to-eave distance if the total width exceeds three-fifths of the roof width.</p> |
| <p>Roof-lights may not be acceptable in sensitive settings.</p> | <p>Roof-lights generally acceptable in principle, where design and layout are considered acceptable.</p> | <p>Roof-lights generally acceptable in principle, where design and layout are considered acceptable.</p> |

*Top of dormer window to be at least 0.3m below the roof ridge.
No plane of a dormer should be within 0.6m of a hip line or verge.*

Background

6.2 Plans submitted with this current planning application are identical to the previous refusal (Ref: 21/00767/HHA). No additional supporting information has been submitted for consideration. Prior to the submission of this application, Officers provided feedback to the applicant and the agent and identified alternative design approaches in an attempt to assist the applicant in identifying a design solution that would have been acceptable to officers. However, the applicant has chosen to re-submit an application showing an identical proposal.

6.3 The assessment below covers the following areas:

- I. Principle of Development
- II. Impact on the Character and Appearance of the Existing Dwelling and the Surrounding Area
- III. Effect on Neighbouring Properties.

I. PRINCIPLE OF THE DEVELOPMENT

6.4 There are no in principle objections given the application site is set within a residential area.

II. IMPACT ON THE CHARACTER AND APPEARANCE OF THE EXISTING DWELLING AND THE SURROUNDING AREA.

Front Dormer

6.5 The site currently benefits from a gable ended projection on the front facing roof scape and a dormer sited on the north east side of the roof slope, positioned towards the rear of the property but visible from the street scene.

6.6 The existing side dormer is not an original feature of the property and was a later addition. Given that both dormers would be visible from the public realm it would be reasonable to consider that both non-original pitched roof dormers should be of the same proportions finished in matching materials. Whilst the proposed front pitched roof dormer would be of a larger scale than the existing side dormer and vary in design and appearance from the existing non-original dormer, it would be finished in a render and window layout similar to that of the original triangular dormer within the same roof slope. Therefore, it is considered that the dormer would be suitably representative of the existing character of the host dwelling and, as such, the front dormer addition would not be harmful to the character of the host dwelling.

6.7 Furthermore, due to the presence and design of other front dormers within the street scene, it is not considered that the front dormer would detract from the character and appearance of the streetscene or the locality. As a result, the front dormer would not have a detrimental impact upon the character and appearance of the immediate street scene or wider area given the variation of dwelling styles.

Rear Extension

6.8 The rear extension would be relatively small in scale at ground floor, creating a larger increase in floor area to the first floor through the alteration of the angle of the roof pitch and the introduction of a sloping roof dormer. The extension would be positioned to the rear of the original host dwelling rather than the later rear extension, but would connect with the side elevation of the rear addition.

6.9 As set out above, the RAE provides guidance on the size of dormer windows. The roof of the existing rear extension dominates a substantial proportion of the original roofscape of the dwelling and this proposal would fill the majority of the original

roofscape that has not previously been extended. As a result, when the extension is considered alone and in addition to the previous extension at the rear of the dwelling, the resultant rear projections would have an unduly dominating effect on the rear elevation of the dwelling. This conflicts with the design guidance set out within the RAE above, particularly as the roof of the extension would fill more than three fifths of both the height and width of the remaining original roofscape.

- 6.10 The integration of the sloping roof dormer with the gambrel roof of the existing non-original rear element is considered to exacerbate the harm by introducing varying roof forms that result in the dwelling having a jumbled appearance. The proposal would not represent a high quality design and would fail to compliment or contribute positively to the appearance or character of the dwelling, appearing as an incongruous addition.
- 6.11 The extension would be visible from within other properties within the vicinity of the site and there might be fleeting views of the side elevation of the extension from the public domain due to the gap between the dwelling at the application site and the detached neighbour of 43 Scratton Road. Therefore, whilst there would be limited views of the extension from the street, the extension would alter the manner in which the dwelling is viewed within the locality and, for the reasons set out above, it is considered that the effect of this would be harmful and unacceptable.
- 6.12 The proposed rear extension would, therefore, detract from the character and appearance of the dwelling in a manner that is visually unacceptable and in conflict with policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015 and the design guidance contained within the RAE.

Window Alteration

- 6.13 The proposed window alteration would result in the first floor window to the south east gable end flank elevation being reduced in width in order to accommodate internal alterations. Although the smaller opening would be offset from the centre of the gable creating a somewhat unbalanced appearance of detriment to the character and appearance of the host dwelling which would be highly visible from the public realm due to the exposed nature of the elevation when approaching from the north east of Scratton Road, it is not considered that the harm caused in this respect would be substantial. Therefore, no objection is raised to the window alteration and the associated impact upon the street scene.

Overall Assessment

- 6.14 Whilst some elements of the proposal are considered to be acceptable, it is considered that, for the reasons set out above, the proposed rear extension would result in detrimental harm upon the original design and character of the dwelling and represent an incongruous addition that would be unduly dominating of the rear elevation of the original dwelling when considered cumulatively in addition to the previous rear extension.
- 6.15 The applicant has previously identified that the property directly to the south west of the site has recently received planning permission to implement a single storey rear

extension, double hip to gable loft conversion with three rear dormers, one front dormer and alterations to the front elevation (Ref: 20/01816/HHA). It is noted that permission has been granted for works to that dwelling, but the overall design, form and appearance of the proposals and the resultant dwellings would be markedly different. The dwelling at the application site has been extended previously with a two storey rear projection as set out above and, therefore, the dwelling is different to the neighbouring dwelling. From this basis, the starting point for the consideration of the respective applications is different and it is not considered that the permission at that site should carry substantial weight in the assessment of this proposal and does not represent a reason to reach a different decision.

- 6.16 Whilst it is acknowledged the appearance of the street scene is varied, the application site is of a distinct design and appearance, matching the nearby property at no. 51 Scratton Road. Whilst no. 51 also appears to benefit from additional development, this would be considered more sympathetic in relation to the original form of both dwellings. It is also acknowledged that the dwelling at the application site consists of varying forms and styles of later additions. However, regardless of these existing features it would be appropriate to attempt to preserve and enhance the original character of the host dwelling by encouraging an architecturally sympathetic extension. It is not considered that the current proposal achieves this.
- 6.17 Two comments of support have been received from nearby neighbours. One comment outlines that an alternative dormer design would not be in keeping with the current design of the property. This is not a view shared by Officers but, in any event, the assessment should be based on the proposal that has been submitted rather than alternative proposals and, for the reasons set out above, it is considered that the proposed extension would not be visually acceptable.
- 6.18 For these reasons, the proposal is considered to have an unacceptable effect on the character and appearance of the dwelling at the application site and the locality. The proposal is, therefore, considered to be unacceptable and contrary to Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the Residential Extensions and Alterations Supplementary Planning Document 2017 and the NPPF.

III. IMPACT ON NEIGHBOURS

- 6.19 The additional front dormer would have a similar outlook to that of the existing first floor front window and would therefore be unlikely to create an additional level of harm upon neighbouring amenity by way of loss of privacy or increased levels of overlooking.
- 6.20 The rear extension would not extend beyond the furthestmost rear building line of the property nor that of the closest neighbour at no. 43. The proposal would have a similar outlook as the remaining windows and doors within the rear elevation and would not result in additional levels of overlooking or loss of privacy harmful to neighbouring amenity.

- 6.21 The proposed side window would have a comparable relationship with the neighbouring property as the existing side window and would not, therefore, harm the living conditions of neighbouring properties.

7.0 CONCLUSIONS AND REASON FOR REFUSAL

- 7.1 Whilst there is no objection to the principle of extending the existing dwelling, it is considered the roof form of the rear extension would conflict with the existing form and character of the host dwelling detrimental to its overall appearance. The proposal is, therefore unacceptable and contrary to policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

8.0 RECOMMENDATION

Refuse, for the following reasons:

- 1 The rear extension would, by reason of its design and appearance, result in a visually awkward and incongruous addition that would be unduly dominating of the rear elevation of the dwelling and harmful to the character and appearance of the host dwelling and the locality. For these reasons, the proposal is unacceptable and contrary to Policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development 2015, the Residential Extensions and Alterations Supplementary Planning Document 2017 and the National Planning Policy Framework.

Informative:

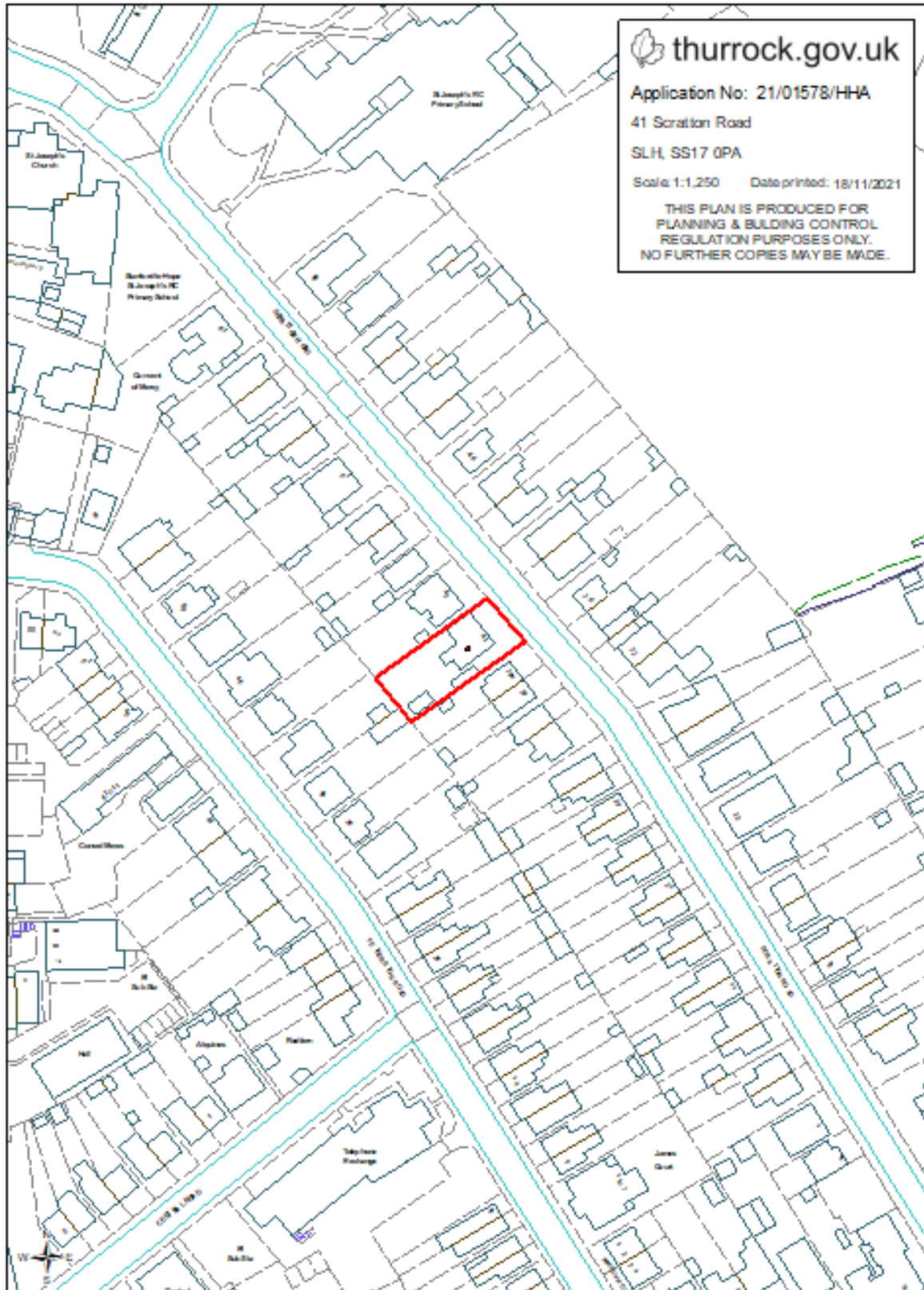
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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| | |
|-----------------------------------|---|
| Reference: 21/01548/FUL | Site: 2 Morant Road Chadwell St Mary Grays Essex RM16 4UA |
| Ward: Chadwell St Mary | Proposal: Demolition of existing 1no. residential dwelling to be replaced with a contemporary building containing 3no. self-contained apartments with associated parking and landscaping. |

| Plan Number(s): | | |
|----------------------|---------------------------|---------------------|
| Reference | Name | Received |
| DAPA_1533_3 03_02 | Proposed Plans | 5th November 2021 |
| DAPA_1533_3 04_00 | Proposed Parking Plans | 28th September 2021 |
| DAPA_1533_3 05-00 | Proposed Parking Tracking | 28th September 2021 |
| DAPA_1533_1 01_00 | Site Location Plan | 4th September 2021 |
| DAPA_1533_1 02_01 | Existing Site Layout | 4th September 2021 |
| DAPA_1533_3 00_01 | Proposed Site Layout | 5th November 2021 |
| DAPA_1533_3 01_00 | Proposed Floor Plans | 4th September 2021 |
| DAPA_1533_3 02_00 | Proposed Elevations | 4th September 2021 |

| | |
|--|-------------------|
| The application is also accompanied by: <ul style="list-style-type: none"> – Covering letter dated 29.09.2021 – Design and Access Statement dated 29.08.2021 – Email in relation to vehicle sight splays dated 03.11.2021 | |
| Applicant: | Validated: |

| | |
|-------------------------------|---|
| Mr Smith | 6 September 2021 Date of expiry: 10 December 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 A Mayes, A Carter and T Kelly (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to examine the impact upon the character of the area, privacy and loss of light upon neighbouring properties and parking.

1.0 DESCRIPTION OF PROPOSAL

1.1 Permission is sought for the demolition of the existing end of terrace dwelling and the erection of a two storey building providing three flats (1x 2 bed and 2x 1 bed) with associated parking and landscaping. The existing property benefits from a side garden in which the proposal would cover much of this site.

2.0 SITE DESCRIPTION

2.1 The application site is located within a residential area which features a mixture of semi-detached and terraced properties. The application site is a corner plot and features a two storey dwelling that adjoins No.17 Longhouse Road but has its principal elevation facing Morant Road.

3.0 RELEVANT HISTORY

| Pre-Application Reference | Description | Decision |
|---------------------------|--|--------------|
| 21/30072/PMIN | Demolition of the existing 1no. residential dwelling to be replaced with a contemporary building containing 4no. self-contained apartments. Proposal includes the provision of 4no. new parking spaces and includes landscaping and ancillary works. | Advice Given |

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There were 10 comments received objecting to the proposal. A petition of objection was also received which has 129 signatures.

4.3 The matters raised in the objections are summarised as:

- Morant Road is already at its capacity of dwellings;
- The appearance of the proposal is out of character within the street scene;
- Unacceptable use of materials;
- Overdevelopment of the site;
- Loss of light to neighbouring properties;
- Loss of amenity;
- Overlooking;
- Noise;
- Unacceptable impacts upon the adjoining property ;
- The proposal could cause damage to the adjoining property;
- Additional traffic;
- Access to site;
- Potential parking on the surrounding footpaths and highway;
- Existing parking on the street currently obstructs refuse and emergency vehicles, the proposal would exacerbate this ;
- Obstruction to vehicle and pedestrian visibility;
- The alley located to the rear of the site is current use as through road for school children;
- There has already been much development within the surrounding area, this scheme would result in overdevelopment of the area ;
- Environmental Pollution;

- Litter/Smells.

4.4 HIGHWAYS:

Further information required in relation to pedestrian and vehicular visibility plays and access to the proposed visitor parking bay.

4.5 ENVIRONMENTAL HEALTH:

No Objection subject to conditions addressing noise mitigation measures, a pre-demolition crack survey, methods of controlling dust and the submission and agreement of a Construction Environment Management Plan (CEMP).

4.6 LANDSCAPE AND ECOLOGY:

No objection, subject to landscaping condition and RAMS mitigation

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

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

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

2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance

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

- Air Quality
- Before submitting an application
- Appropriate Assessment
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Housing supply and delivery
- Effective use of land
- Housing needs of different groups
- Housing: optional technical standards
- Making an application
- Noise
- Use of planning conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

- 5.3 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in 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

Thematic Policies:

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

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- 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

Thurrock Local Development Framework 1997

- Annex 1 – Criteria relating to the control of development in residential areas

Thurrock Design Guide – Residential Alterations and Extensions (RAE): September 2017 - SPD

Thurrock Local Plan

- 5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

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

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design, Layout and Impact Upon the Surrounding Area
- III. Provision of a Suitable Residential Living Environment

- IV. Effect on Neighbouring Properties
- V. Traffic Impact, Access and Car Parking
- VI. Other Matters
- VII. Balancing Exercise

I. PRINCIPLE OF DEVELOPMENT

- 6.2 The site includes the dwelling and gardens of the residential property of 2 Morant Road. The application site lies within a residential area and there are no specific land use constraints; the Council's Core Strategy seeks to direct development to the existing urban area.
- 6.3 Therefore, it is considered that the principle of residential development within the urban area is acceptable subject to compliance with relevant development management policies and any other material considerations. Moreover, it is noted that the Council is not presently able to demonstrate a 5 year housing land supply and, therefore, the NPPF advises that planning permission for the development should be granted unless the harm caused clearly and demonstrably outweighs the benefits of the proposal.

II. DESIGN, LAYOUT AND IMPACT UPON THE SURROUNDING AREA

- 6.4 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015 accord with the NPPF in requiring development to have high quality design and to be well related to its surroundings.
- 6.5 The properties within the area are generally uniform in scale, layout and design, with the majority of the surrounding development comprising of terraces and semi-detached dwellings with gabled roofs. Moreover, due to the dwellings surrounding the site appearing to be of similar age, the materials and overall character of the built form in the area is largely consistent. A distinct characteristic of the area is that properties located on corner plots within both the immediate and wider locality maintain a large side garden such that the dwelling is set back from the both road frontages. In addition, the properties located within Morant Road which are to the west of the site, benefit from large front gardens, this provides a sense of openness along the road and creates a notional building line, which the side elevation of the dwelling house forms at the application site forms a part of. In comparison to the existing situation, the proposed built form would be located much closer to the boundary of the site that abuts the footpath of Morant Road.

- 6.6 The proposal seeks to replace the book-ended terrace with an attached building that would feature a cross gabled roof with two storey elements projecting forward of the existing terrace fronting Longhouse Road and Morant Road. Whilst the part of the building that would attach to the terrace would be the same height, the cross-wing would be taller and would feature a two-storey parapet feature around the entrance at the south elevation. As a result of the scale and positioning of the proposed development, the building would project forward of the notional building line of the properties located to the west of the site in Morant Road and be of such substantial bulk and mass that it would cause the proposed building to be of substantially increased visual prominence within the street scene in comparison to the existing building.
- 6.7 The height of the cross-wing element would cause that part of the building to be entirely out-of-keeping with the scale, proportions and form of the existing terrace and the other built form of the area. As a result of this, and the building being of wholly different appearance, the proposal would be jarringly at odds with the character and appearance of the other buildings within the locality. The building would show minimal regard to the scale or appearance of the surrounding built form and would not show adequate regard to the character and appearance of the area.
- 6.8 Furthermore, as a result of the building extending close to the boundary of the plot that abuts Morant Road, and the provision of a substantial two storey projection to the front, the building would disrupt the notional building line that exists within both Longhouse Road and Morant Road. This would cause the development to be at odds with the pattern and rhythm of development within the locality. Moreover, as a result of this and the positioning at a corner plot, the building would be of significant prominence in views along both Longhouse Road and Morant Road and this prominence would exaggerate the effect of the building being of a scale and appearance that is wholly at odds with the character of the area. Whilst it is not necessarily essential for development to replicate the existing built form of an area, in this case it is considered that the proposal would represent such a variation to the pattern and character of the built form in the area that it would be visually disruptive, incongruous and discordant.
- 6.9 The effect of the development would also be exacerbated by the site featuring a substantially reduced area of soft landscaping as opposed to the existing situation. The building and the footpaths and parking area of the proposal would result in hardsurfacing and built form dominating the site to a far greater extent than the existing situation. The loss of soft landscaping along with the loss of a sense of spaciousness at the corner plot would cause demonstrable harm to the character and appearance of the street and detract from the visually amenities of the locality.

- 6.10 The provision of a single storey extension with a balcony and glazed screen at one side would also be an alien feature in the context of the surrounding area.
- 6.11 The proposed layout, due to the retention of the front garden area, would provide some scope to provide new planting which would lessen the adverse effect upon the streetscape. However, this is not considered substantial enough to outweigh the adverse impact of the proposal, as discussed previously within the report.
- 6.12 For these reasons, the proposal would have an unacceptable visual effect on the character and appearance of the site, the street scenes of Morant Road and Longhouse Road and the locality in general. The scale, appearance and prominence of the built form at the site would fail to reflect the surroundings and would not be sympathetic to the pattern of development that is an important characteristic of the locality. Therefore, the proposal would be unacceptable and contrary to Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015. The proposal would also be contrary to the guidance contained within the NPPF and the Council's Design Guidance SPD.

III. PROVISION OF A SUITABLE RESIDENTIAL LIVING ENVIRONMENT

- 6.13 The plans submitted detail the three proposed flats (comprising of 1 x2 bed and 2 x1 bed units) would be of a reasonable size in line with the Council's adopted standards of 45 sq.m minimum floor area for one bedroom units and 55 sq.m minimum floor area for two bedroom flats, and the national technical space standards. Therefore, the proposal would provide adequate internal residential environment for the future occupiers and would provide sufficient light and outlook to habitable rooms.
- 6.14 Whilst the development would retain some landscaped setting to the east and south of the site, it is considered that this level of amenity area is limited in size and would be unusable as private amenity space given its layout and due to the lack of screening or privacy to this area. The minimum requirement stipulated within the 'saved' Annex 1 and 2 of the Borough Local Plan [1997] seeks a provision of 25sq.m of amenity space for a one bedroom unit and 50sq.m for a two bedroom unit. Whilst one-bed schemes can in some circumstances provide landscaped setting in lieu of any meaningful private amenity space, the fact that the proposal includes 2 bed units, which could be occupied by families, means that the proposal would provide inadequate private amenity space for future occupiers of the building. The first floor balcony is not, in itself, a reason to reach a different conclusion in this respect.

- 6.15 Therefore, it is considered that the limited amenity space and the overall massing of the development, as discussed previously, is indicative of the overdevelopment and the cramped and contrived nature of the site would be to the detriment of future occupants of the site. Therefore, the proposal is contrary to PMD1 and PMD2 of the Core Strategy.
- 6.16 The Council's Environmental Health Officer was consulted in relation to the proposal and advised that the internal layout places the kitchen and living room above a ground floor bedroom, which is not an ideal layout due to the level of noise that could arise. However, given that any approved building would need to comply with Building Control Approved Document Part E "Resistance to the passage of sound," it is considered that this other legislation provides ample reassurance that the living conditions of future occupiers would be acceptable in this respect.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.17 Whilst the Council's Residential Alterations and Extension (RAE) guidance primarily relates to residential extensions, it is considered that the guidance should also be applicable to this development which affects the relationship between proposed and existing residential properties and the assessment of the impact on living conditions can be expected to take the same approach.
- 6.18 The proposed building would be attached to the south west elevation of 17 Longhouse Road and would project 5.7m further to the rear than that of the existing dwelling. It is noted that No.17 has three outbuildings located upon the shared boundary with the application site, however, these are considered to be modest in both their mass and scale.
- 6.19 The proposal would not result in a breach of the 45 degree maximum height, when taken from the closest ground floor kitchen window located at No.17. However, the proposed dwelling would significantly exceed the 60 degrees maximum depth when taken from the centre of the closest ground floor window located at No.17. Notwithstanding this, it is noted that this room is served by another window which is set away from this shared boundary and, as such, the affected window is not the only source of light. Therefore, on balance, given that the proposal would not result in a breach of the 45 degree maximum height or 60 degree maximum depth to the primary light source to this room, it is not considered that the proposal would have an unacceptably detrimental impact on the light received within the habitable rooms located within No.17.
- 6.20 However, it is considered that due to the height of the proposal, rearward projection beyond the rear elevation of No.17 and proximity to the shared boundary fence, the proposal would have a significant overbearing and imposing impact, creating a

sense of enclosure to the private amenity space of the adjoining property. Whilst the outbuildings located upon the shared boundary are noted, these are not considered to be of a scale that would be comparable and, therefore, their presence does not give reason to find the proposal acceptable in this respect. Whilst the height of the building would not cause an undue loss of light within this neighbouring dwelling at no. 17, the effect on the living conditions of the occupiers of that dwelling would be substantial and harmful to an extent that would be contrary to policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the RAE and paragraph 127 of the NPPF.

- 6.21 A balcony is also proposed at first floor level to be located within the flank elevation, a 1.8m obscure glazed privacy screen is proposed to obscure any direct overlooking into the private amenity space of No.17. The views afforded from the balcony would be directed towards the rear garden of No.17 and therefore, as the proposal is within a residential setting where there is a degree of mutual overlooking, the balcony raises no significant concerns in relation to the loss of privacy to No.17. No windows are located within the flank elevation of the proposal which faces onto No.17, therefore the proposal would result in a limited loss of privacy or overlooking to No.17.
- 6.22 Whilst the proposal would extend across much of the application site, a reasonable distance is retained between the proposal and the other surrounding properties, as such it is considered that the proposal would not result in a loss of light or overbearing impact adversely affecting the amenities of other surrounding neighbours.
- 6.23 The proposal would introduce windows within its front and flank elevations that would appear larger than those typically found within the street scene. Eight windows or openings are proposed at ground floor level and nine at first floor level. Therefore, additional views would be afforded compared with the existing position. Although there are more and larger windows facing neighbouring properties at 13 and 15 Longhouse Road, given the separation distance between dwellings and the orientation of those windows, it not considered that the proposal would cause a loss of privacy within any other property to an extent that would be unacceptable or justify the refusal of the application for this reason.
- 6.24 Views would be afforded towards the flank elevation of No 4 Morant Road, and during a visit to the site it was established that a first floor window is located within the flank of the adjacent property. However, upon inspection this window is obscure glazed and appears to serve a hallway. Therefore, whilst the proposed balcony would afford additional views towards this neighbouring property compared with what is existing, the views would be direct towards the flank elevation and away

from the private amenity space of this neighbouring property. It is therefore considered that the balcony would not result in overlooking or a loss of privacy to No.4 Morant Road to an unacceptable extent.

- 6.25 Some of the matters relating to the means of constructing the proposed building that have been raised by interested parties and the Council's Environmental Health Officer could be addressed through appropriate condition. However, some relate to matters that fall outside the remit of planning control and could not be controlled. These matters have to be treated as 'non-material' to the planning assessment and could not represent a reason to refuse the application.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.26 The parking to be provided for the three proposed flats is to be located to the rear of the site. The proposed parking block plan details four off street parking spaces and access to these spaces would be obtained via an access road located to the rear of the site.
- 6.27 During the course of the application, the Council's Highway Officer has raised concerns in relation to the adequacy of the visibility splays provided to serve pedestrians and drivers and the potential for conflict to arise between those accessing the site and the users of the surrounding highways, particularly as a result of the reliance on the use of the adjacent road that leads to the rear of the site. Additional details have been provided by the applicant in respect of these matters, but it remains the case that the Highways Officer considers that it has not been demonstrated that the proposal would be acceptable in terms of highway safety and therefore refusal is recommended.
- 6.28 For these reasons, it is considered that the current layout is likely to result in unsafe visibility for pedestrian and drivers, which is harmful to road safety. The application is therefore contrary to policy PMD2 of the adopted Core Strategy 2015.

VI. OTHER MATTERS

- 6.29 The Council's Landscape and Ecology Advisor has commented that, whilst there are no trees located within the site that are covered by Tree Preservation Orders, a small Cherry tree and other young specimens are located to the rear of the site would require removal to allow for the proposed parking area. Whilst these are not high quality specimens, they do provide some visual amenity in an area with very few trees. However, their removal due to their low quality would not warrant a reason for refusal, but a landscaping scheme would need to be submitted if consent were to be granted.

6.30 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 measures to address direct and in-combination effects of recreational disturbance on SPA. A tariff to fund the mitigation, which is payable for all additional new dwellings is currently set at £127.30 per dwelling. Therefore, it is necessary for the LPA to apply a tariff of £254.60 given that the proposal would result in a net increase of two units. This would be secured via legal agreement in the event permission were to be granted and has been confirmed by the planning agent through email.

VII. BALANCING EXERCISE

6.31 As set out above, the NPPF indicates that residential development should be supported unless any harm caused clearly and demonstrably outweighs the benefits of the proposal. In this case, whilst the shortfall of housing is noted and is acknowledged to be significant, it is considered that the benefit of providing two flats would be limited. Conversely, substantial weight should be afforded to the harm caused in relation to the visual effect of the development, the detrimental impacts upon No.17 Longhouse Road and the effect on highway safety. The harm in each of these respects, when considered both separately and cumulatively, clearly and demonstrably outweighs the benefits of the proposal. As such, the NPPF does not indicate that the proposal should be approved and does not outweigh the development plan which also indicates that planning permission should be refused.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

7.1 The proposal would result in a feature that is excessive in its scale, bulk and footprint when viewed within the context of not only its site, but within its terrace and wider area. The reduction in the side garden is considered to be to the detriment of the character of the area. Due to the overall mass of the proposal, the provided amenity area is considered to be less than adequate which is not only to the detriment of the future occupiers but also represents an overdevelopment of the site contrary to policies PMD1, PMD2, CSTP22, the RAE and the NPPF.

7.2 The proposal due to its height, rearward projection beyond the rear elevation of No.17 and proximity to the shared boundary fence, would be likely to result in a significant overbearing and imposing impact, creating a sense of enclosure to the direct private amenity space of the adjoining property. The effect on the living

conditions of the occupiers of that dwelling would be substantial and harmful to an extent that would be contrary to policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the RAE and paragraph 127 of the NPPF.

- 7.3 The proposed parking provision within its current layout raises concerns in relation to both pedestrian and vehicle safety due to the lack of sufficient visibility splays, when viewed in conjunction of the potential awkward manoeuvres from the proposed parking and that access to plot 1 is located adjacent to this parking. The proposal would unacceptably impact upon highway and pedestrian safety and therefore it is considered the proposal would be contrary to Policies PMD2, PMD8 and PMD9.

8.0 RECOMMENDATION

Refuse for the following reasons:

1. The proposal, by virtue of its scale, bulk, design, prominent positioning and forward projection beyond both notional building lines located upon Longhouse Road and Morant Road would not contribute positively to the appearance of the character and appearance of the site and the surrounding area. In addition, by reason of the extent of development across the site and lack of adequate private amenity space, result in a cramped and contrived form of development that would be indicative of the overdevelopment of the site which would adversely impact upon the character and appearance of the area. The proposal is, therefore, unacceptable and contrary to Policies CSTP22, CSTP23, and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the Council's Design Guidance SPD and the NPPF.
2. The proposal would, by reason of the siting, height and rearward projection relative to the adjoining property No 17 Longhouse Road, be likely to result in a significant overbearing impact and sense of enclosure that would be detrimental to the amenities of the occupiers of the dwelling at 17 Longhouse Road. This is contrary to policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended) 2015, the Residential Alterations and Extension SPD 2017 and the National Planning Policy Framework 2021.
3. The proposed development would, by reason of the lack of suitable pedestrian visibility splays, in conjunction with the potential awkward manoeuvring from the proposed parking is likely to result in a detrimental effect on both pedestrian from the pathway, in regard to visibility of oncoming vehicles, and for drivers using the junction which is harmful to road safety, access and visibility. The application is therefore contrary to policy PMD2 of the adopted Core Strategy 2015.

Informative:

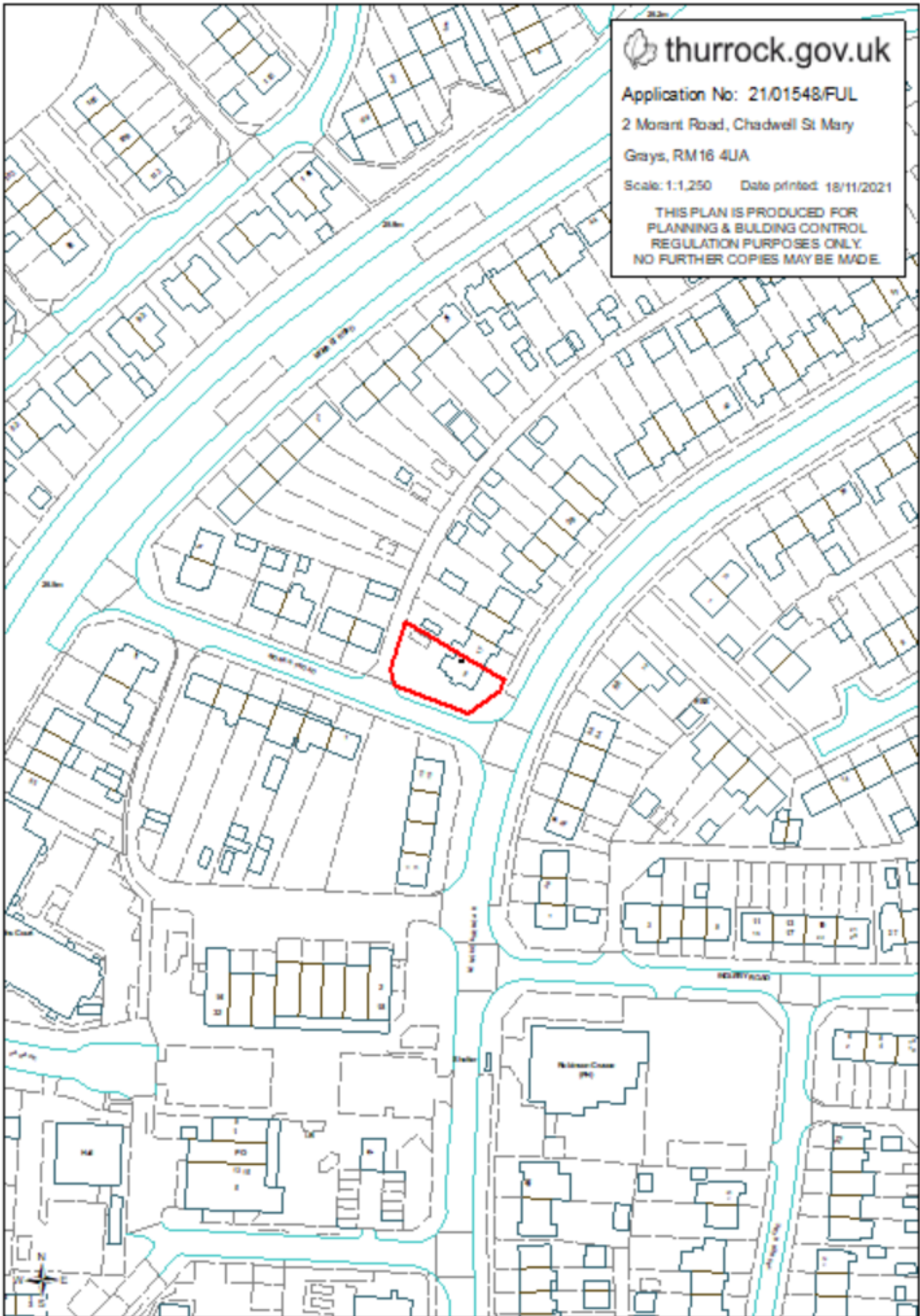
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



| | |
|-----------------------------------|--|
| Reference: 21/01789/TBC | Site: Alf Lowne Scout Centre Richmond Road Grays Essex RM17 6DN |
| Ward: Grays Thurrock | Proposal: Provision of new site entrance from Richmond Road to Alf Lowne Scout Centre. |

| Plan Number(s): | | |
|-----------------|-----------------------------|-------------------|
| Reference | Name | Received |
| 2021/0235/01 | Existing and Proposed Plans | 2nd November 2021 |
| (No Nos.) | Location Plan | 18th October 2021 |

The application is also accompanied by:

N/A

| | |
|---------------------------------------|--|
| Applicant: Thurrock Council | Validated: 26 October 2021 Date of expiry: 21 December 2021 |
|---------------------------------------|--|

Recommendation: Approval

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 This planning application seeks permission to create a new vehicle and pedestrian access from Richmond Road to the Alf Lowne Scout Centre.

- 1.2 The vehicle access would be 4.8m wide and the pedestrian access would be 2m wide. The existing 1.6m high dwarf walling and galvanised steel railing boundary treatment would be replaced, for the width of the access, by matching galvanised steel gates that would be manual and inward opening.

2.0 SITE DESCRIPTION

- 2.1 The application site is an area of hardsurfacing used for off-street parking and boundary treatment, immediately south of the Alf Lowne Scout Centre is a two storey detached building located on the west side of Richmond Road.

3.0 RELEVANT PLANNING HISTORY

There is no relevant planning history.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. 16 written objections have been received in relation to the application.

- Access will result in loss off off-street parking spaces within the centre site;
- Access will result in loss off on-street parking spaces on Richmond Road;
- Scout centre already has suitable access via Adult Community College site;
- Additional traffic;
- Access to site;
- Loss of Amenity, noise and overlooking.

4.3 HIGHWAYS:

No objections subject to conditions.

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
- 11. Making effective use of land
- 12. Achieving well-designed places

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
- Noise
- 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:

THEMATIC POLICIES

- 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. Layout and appearance
- III. Impact on amenity
- IV. Highway impacts and parking

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The application site lies within a residential part of Grays and there are no in principle land use objections to the development, subject to compliance with development management policies.

II. LAYOUT AND APPEARANCE

6.3 The current access arrangements for the Scout Centre are via the existing access serving the Thurrock Adult Community College site to the immediate south on Richmond Road. As this site is now closed, the Scout Centre is keen to secure its own independent access arrangements.

6.4 The proposed vehicle access would be 4.8m wide and the pedestrian access would

be 2m wide. The existing 1.6m high dwarf walling and galvanised steel railing boundary treatment would be replaced, for the width of the access, by matching height galvanised steel gates that would be manual and inward swing opening.

- 6.5 The siting, design and appearance of the proposed access and boundary treatment would not be out of character with the appearance of the immediate locality. The proposed access would not conflict with Core Strategy Policies CSTP22 and PMD2 and would be acceptable.

III. IMPACT ON AMENITY

- 6.6 At the time of drafting the report, sixteen letters of objection from local residents had been received. The principle concerns raised by local residents relate to the potential for loss of off-street parking within the Alf Lowne Scout Centre, and loss of on-street parking on Richmond Road as a result of the proposals. Other comments received also raise concerns regarding potential amenity impacts by way of noise and additional traffic.
- 6.7 The applicant has advised that there is not likely to be any material change in the way in which the access to the Scout Centre is likely to be used in comparison to the existing access arrangements. The daily vehicle numbers/usage estimated by the applicant is as follows;

Monday: 4.30pm to 9pm, 25 cars;
Tuesday: Less than 5 cars;
Wednesday: Less than 5 cars;
Thursday: Less than 5 cars;
Friday: Less than 5 cars;
Saturday: 9am to 1pm, 30 cars;
Sunday: 6.30pm to 9.30pm, 20 cars.

As a result, it is considered unlikely that there would be any material change to neighbour amenities, by way of noise, overlooking or vehicle movements using the access, sufficient to warrant a recommendation to refuse the application for this reason. The proposal complies with Policy PMD1 and would be acceptable.

IV. HIGHWAY IMPACTS AND PARKING

- 6.8 The concerns and comments raised by local residents regarding the potential for the proposal to result in a loss of both on and off-street parking are noted. The proposed new access would lead to a loss of two on-street parking spaces in Richmond Road, where parking on the road is already at a premium. While it is noted that the creation of a new access would result in the loss of some current on-

street parking, as well as the loss of several off-street spaces within the application site, the proposal would ensure that the site has independent vehicle and pedestrian access and thereby ensures off-street parking will continue to be provided for those users of the Alf Lowne Scout Centre. The creation of the access and the associated loss of on-street and off-street parking is not considered to lead to such significant highway or parking concerns to warrant recommending refusal on this basis.

- 6.9 The Council’s Highways Officer has raised no objections to the proposal, subject to conditions ensuring adequate sight splays are provided and the inclusion of a Section 278 Agreement in regards works on the highway. The Highway Officer has also commented that there may be a need to implement double yellow lines for the management of parking across the proposed access and this may be included as part of the Section 278 works.
- 6.10 The proposal would comply with Core Strategy Policies PMD2, PMD8 and PMD9 and would be acceptable with respect to highway impacts.

7.0 CONCLUSIONS AND REASON FOR APPROVAL

- 7.1 The proposal complies with all relevant adopted Core Strategy Policies and is considered to be acceptable.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

Standard Time Limit

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

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

Approved Plans

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

| Plan Number(s): | | |
|-----------------|------|----------|
| Reference | Name | Received |
| | | |

| | | |
|--------------|-----------------------------|-------------------|
| 2021/0235/01 | Existing and Proposed Plans | 2nd November 2021 |
| (No Nos.) | Location Plan | 18th October 2021 |

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

Access Details

3. Prior to the commencement of the development details shall be submitted to the Local Planning Authority showing the layout, dimensions and construction specification of the proposed access to the highway; such details shall be approved in writing and then shall be fully implemented on site concurrently with the remainder of the development hereby approved and thereafter retained.

Reason: In the interests of highway safety and efficiency.

Pedestrian Site Splays

4. Before the access is first used, clear to ground level sight splays of 1.5 metres x 1.5 metres from the back of the footway shall be laid out either side of the proposed access within the site and maintained at all times.

Reason: In the interests of highway safety.

Visibility Sight Splays

5. Sight splays of 2.4 metres x 43 metres shall be provided at the proposed access and thereafter maintained at all times so that no obstruction is present within such area above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety and efficiency.

Informatives:

1. Positive and Proactive Statement

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

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

2. Highways Informative

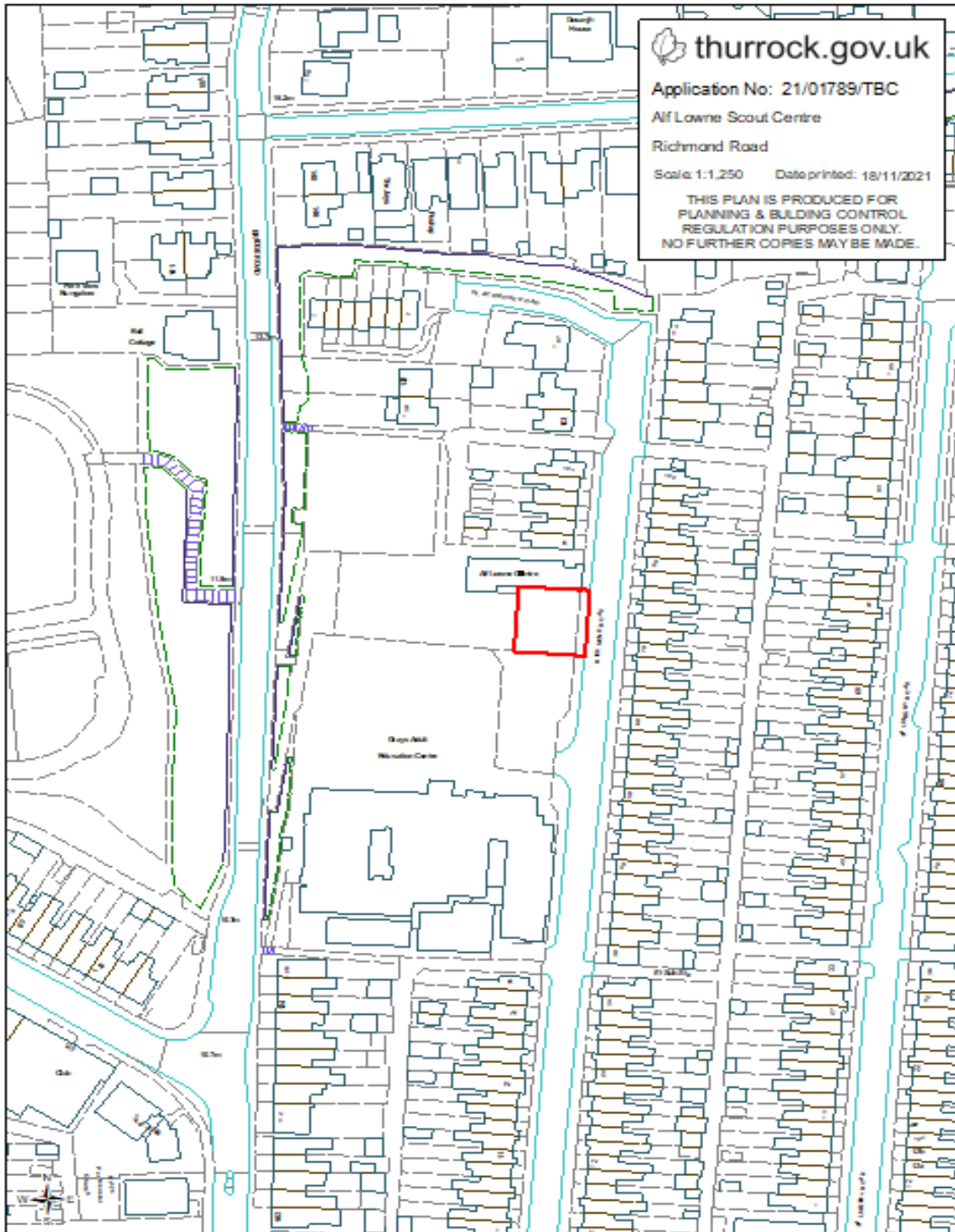
Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such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

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

Documents:

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

www.thurrock.gov.uk/planning



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|-----------------------------------|--|
| Reference: 21/01557/HHA | Site: Falconhurst Second Avenue Stanford Le Hope SS17 8DP |
| Ward: The Homesteads | Proposal: Boundary wall alterations (Part retrospective) |

| Plan Number(s): | | |
|-----------------|---------------|--------------------|
| Reference | Name | Received |
| (No Nos.) | Location Plan | 7th September 2021 |
| (No Nos.) | Site Layout | 7th September 2021 |
| SS178DPF1 | Site Layout | 7th September 2021 |
| SS178DPF2 | Elevations | 7th September 2021 |
| SS178DPF3 | Elevations | 7th September 2021 |
| SS178DPF4 | Elevations | 7th September 2021 |

| | |
|--|---|
| The application is also accompanied by: N/A | |
| Applicant: Mr Mokolade | Validated: 7 September 2021 Date of expiry: 2 November 2021 (Extension of time agreed with applicant 6 December 2021) |
| Recommendation: Refuse | |

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Kelly, Halden, Collins, Duffin, Huelin, Carter and Byrne (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the character and appearance of the area and to highway safety.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application has been submitted following an enforcement complaint and investigation.

- 1.2 Planning permission is sought for a perimeter wall and part railing to the frontage with Second Avenue, and partially around the corner onto Southend Road and a brick & rendered wall to the rear of the property and part of the elevation onto Southend Road. The new walls would be built on the boundaries of the property.
- 1.3 The development of the wall has already partially been carried out and the application is in part retrospective. It should be noted that a brick and breeze block wall has been erected on the majority of the frontage of the property to Second Avenue, whereas the plans show that a wall with railings is proposed on this frontage.
- 1.4 The proposed plans show the front wall would have 9 pillars with a height of 2.1m, together with a wall height of 1m with metal railings in-between the pillars with an overall height of 1.9m. The proposed plans show the wall follows the boundary to the side of the dwelling with 12 brick pillars at a height of 2.1m; 9 of these will have a rendered insert of 1.9m in height and the three pillars forward of the front flank wall of the dwelling will have a wall height of a 1m with railings above, with an overall railing height of 1.9m. The rear wall of the site will have 10 pillars with a height of 2.1 metres with a wall height of 1.9 metres.

2.0 SITE DESCRIPTION

- 2.1 The application site contains a detached dwelling with an integral garage. It forms a corner plot and the southern flank wall is level with the front of the adjacent bungalow at 191 Southend Road. The site is within The Homesteads which is a designated Residential Precinct.
- 2.2 The plot is spacious with a generous front garden which wraps around the southern flank wall. The immediate locality is residential in character; the properties to the south, east and along the western boundary do not have a consistent architectural character. However, the 3 properties to the north along with the application site all have a uniform character and appear to have been erected as part of a development in the 1970's for the demolition of a former bungalow and the erection of four detached houses with integral garages.
- 2.3 The area consists of low front boundary walls along this section of Second Avenue and Southend Road.

3.0 RELEVANT PLANNING HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|---------------------------|----------|
| 21/01349/HHA | Two storey side extension | Approved |

| | | |
|-----------------|---|---------------------------------------|
| 21/01270/CLOPUD | Single storey rear extension | Deemed lawful and under construction. |
| 20/00669/FUL | Demolition of existing dwelling and erect 2no new dwellings | Refused |

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, the Council’s online register and a public site notice which has been displayed nearby. Comments have been received from two addresses both raising objections and concerns regarding the proposal. Comments raised were as follows:

- Wall too high and causes visual problems;
- Wall not built in accordance with plans;
- Wall has already been constructed;
- Detrimental to highway safety.

4.3 HIGHWAYS

Highway engineers have raised no objection but require suitable sight splays to be provided.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 19th February 2019 and again in 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:

- 4 Decision making
- 8 Promoting healthy and safe communities;
- 12. Achieving well-designed places;

5.2 National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application
- Enforcement and post-permission matters
- 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 28th February 2015. The following policies apply to the proposals:

THEMATIC POLICIES

- 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 Residential Alterations and Extensions Design Guide (RAE)

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

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design, Appearance and Impact upon Character of the Area
- III. Access, Traffic Impact and Car Parking
- IV. Neighbouring Amenity Impacts
- V. Enforcement

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is located within a residential area and the principal of development is acceptable, subject to compliance with development management policies

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.3 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to design to the creation of high quality, beautiful and sustainable buildings

6.4 Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that “Development will not be permitted where it would cause unacceptable effects on (i) the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site”.

6.5 Policy PMD2 (Design and Layout) 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.

6.6 Policy CSTP22 (Thurrock Design) of the Core Strategy states that the Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to fully investigate the magnitude of change that would result from

the proposals, and mitigate against negative impacts. Amongst other criteria, this policy states that development must contribute positively to the character of the area in which it is proposed and to surrounding areas that may be affected by it. Development should seek to contribute positively to local views, townscapes, heritage assets and natural features and contribute to the creation of a positive sense of place.

6.7 The Residential Alterations & Extensions SPD (RAE) September 2017 states that:

5.7.1 Alterations to boundary structures and gardens at the front of a property (including the introduction of a parking space) should respect and enhance the character of the street and disturb the least original walls, fences, railings, hedges and trees.

- 6.8 The pre-existing low brick built wall (1m in height) has been removed and replaced with a much higher brick built wall on the front boundary of the site. The existing boundary fencing, separating the front garden from the rear garden, has also been removed.
- 6.9 The development has resulted in a boundary wall measuring almost 1.9m high with an overall length of 17.9m on the front boundary, 24.3m on the side boundary and 21m to the rear boundary.
- 6.10 Notwithstanding the detail on the submitted plans, the wall has been partially constructed. A site visit confirms the wall to the frontage on Second Avenue has not been constructed in accordance with the plans that have been submitted, in that the wall does not include iron railings to the front the boundary wall.
- 6.11 The area is characterised by boundary treatment which mainly consists of low brick walls. The application site is located on a corner location with Southend Road and Second Avenue. The front boundaries of dwellings in the locality are therefore of open and visible frontages and not solid, closed boundaries of a height close to 1.9 metres.
- 6.12 Whilst it is accepted that the site owner would want some form of boundary treatment at the property, matters such as privacy and amenity, particularly for front gardens, can be achieved with soft landscaping. The open aspect of this corner and the surrounding street scene has been lost via the walls that have been erected and would also be lost by virtue of the walls and railings that are proposed.
- 6.13 The solid brick wall that has been built, together with the walls and railings that are proposed to be built, would appear overly dominant and incongruous in the street scene and have a significant adverse impact upon the character of the area. The

development therefore results in significant harm to the street scene and the character of the area contrary to policies CSTP22 and PMD2 of the Core Strategy, criteria in the RAE and guidance within the NPPF.

III. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.14 The Council's highway team has been consulted on the proposals. They have not objected in principle but have sought more detail in relation to the site splays where the wall at the vehicular access to the site would meet the back of the pavement. No further information has been received at the time of drafting this report, however if permission were to be granted a condition could be applied to ensure adequate site splays are provided. Accordingly there are no objections on highways or access matters.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.15 Where the wall replaces an existing boundary treatment on the shared boundary with the neighbour to the rear the wall would be of a size that would be expected on side/rear boundaries. On this basis it is considered that the impact upon amenity is limited and does not unacceptably effect neighbours. The development does not conflict with policy PMD1 as a result.

V. ENFORCEMENT

- 6.16 As the development has already taken place, and the application that has been submitted following enforcement investigations is recommended for refusal, it follows that if this application is refused, enforcement action (in the form of an Enforcement Notice) would be taken immediately.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 Where it is forward of the main front wall of the dwelling the solid brick wall as built, and the wall and railings as proposed, appears overly dominant and incongruous in the street scene and has a significant adverse impact upon the character of the area. The development therefore results in significant harm to the street scene and the character of the area contrary to policies CSTP22 and PMD2 of the Core Strategy, criteria in the RAE and guidance within the NPPF.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason:

- 1 Where it lies forward of the main front wall of the dwelling the wall as built, and proposed, by reason of its siting, appearance, scale and design results in an overly dominant and incongruous feature in the street scene which results in significant

harm to the appearance of the street scene, character of the area and local vernacular contrary to Policies CSTP22 and PMD2 of the Core Strategy 2015, criteria in the RAE and guidance within the National Planning Policy Framework 2021.

Positive and Proactive Statement

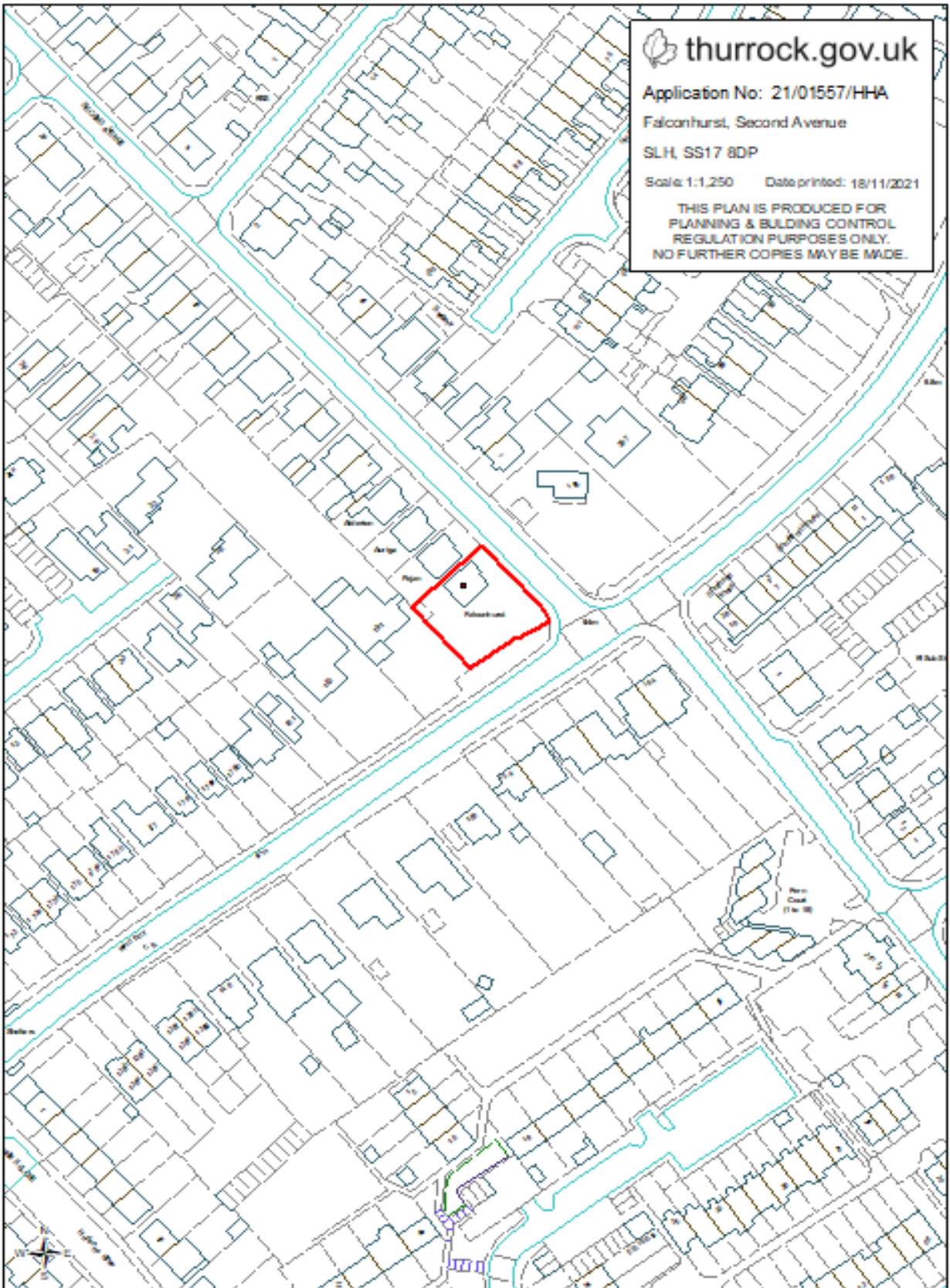
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



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