

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 **9 June 2022**

**Committee Room 2, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, James Halden, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Qaisar Abbas, Daniel Chukwu, Steve Liddiard, Susan Little and Elizabeth Rigby

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 16</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 7 April 2022 and 21 April 2022.	
<b>3 Item of Urgent Business</b>	
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.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any</b>	

**planning application or enforcement action to be resolved at this meeting**

**6 Planning Appeals 17 - 30**

**7 2021/2022 Planning Performance Report 31 - 36**

**8 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).

**9 22/00077/FULPSI: Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex (Deferred) 37 - 92**

**10 18/01404/OUT: Thames Enterprise Park, The Manorway, Coryton, Essex 93 - 278**

**11 22/00210/FUL: High Fields Lower Dunton Road, Bulphan, Upminster, Essex, RM14 3TD 279 - 296**

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**13 22/00375/FUL: 43 Purfleet Road, Aveley, South Ockendon Essex, RM15 4DR 307 - 322**

**14 22/00312/FUL: Woodlands Koi Farm, South Avenue, Langdon Hills, Essex, SS16 6JG 323 - 338**

**15 21/01883/FUL: Coach Park Pilgrims Lane, North Stifford Grays, Essex, RM16 5UZ 339 - 368**

**16 21/02004/FUL: Kipling Avenue, Land Adjacent 13 To 29 Kipling Avenue, Tilbury, Essex 369 - 384**

**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](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **30 May 2022**

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### Access to Information and Meetings

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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.
3. Hand sanitiser will also be available at the entrance for your use.

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
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Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

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- Access the modern.gov app
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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

## Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

### Pecuniary

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

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

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

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

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

### Non- pecuniary

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



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

## Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services



## Minutes of the Meeting of the Planning Committee held on 7 April 2022 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Mike Fletcher, James Halden, Terry Piccolo (arrived at 6.27pm), Georgette Polley, Colin Churchman and Lee Watson (arrived at 6.11pm)

Steve Taylor, Campaign to Protect Rural England Representative

**In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection  
Matthew Gallagher, Major Applications Manager  
Kenna-Victoria Healey, Senior Democratic Services Officer

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

### **84. Minutes**

The minutes of the meeting held on 17 March 2022 were approved as a true and correct record.

### **85. Item of Urgent Business**

There were no items of urgent business.

### **86. Declaration of Interests**

In relation to application 22/00048/ELEC, Councillor Halden declared that he was the Cabinet Member for Education at the time when Cabinet approved the Tilbury Freeport which he supported, however felt that he could hear the applications with an open mind.

### **87. 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**

There were no declarations made by Members.

### **88. 22/00101/CV : Doesgate Farm, Doesgate Lane, Bulphan, RM14 3TB**

The report was presented by the Major Applications Manager, during which he updated Members advising one late letter had of objection been received from a neighbour to the development noting the garages were not envisioned or included when the application was first submitted.

The Chair of the Committee enquired as to the impact of building garages on the site would create and should they have been included in the original application would it have still been approved, given it was development in the Green Belt. The Major Applications Manager confirmed he was surprised when the original application was submitted with no garages, however there were parking spaces for each plot including visitor spaces. He continued by advising that in line with policy the current application was inappropriate development on the Green Belt.

Councillor Halden commented that he felt the officer judgement made on this application was perhaps subjective, as the original application to build five four-bed homes was approved, however, to now include the garages was being recommended for refusal. He asked whether officers had thought at the time that another application for garages or formal parking would be later submitted. The Major Applications Manager mentioned he did not feel it was subjective judgement made on the original application by officers. He continued by saying this was now inappropriate development on the Green Belt, he further advised the original application submitted by the applicant was an acceptable redevelopment on the Green Belt although current application 'maxed out' on the development footprint. Members heard consideration was to be taken on whether other considerations outweighed the harm to the Green Belt.

The Campaign to Protect Rural England Representative sought clarification if the applicant had applied for the garages to be included on the original application whether this would have been refused by officers as the development would have exceeded the original footprint. The Major Applications Manager confirmed this was correct, should the footprint for the development been exceeded the original application would have been refused.

During discussions the committee heard how the recommendation to refuse was based on national policy and the impact of harm and openness to the Green Belt. Members sought clarity as to why the application for garages on the site was recommended for refusal as there was currently hard standing parking facilities on the site. Officers explained the original application for five dwellings was approved last year as that application was considered appropriate development within the Green Belt under the NPPF, as the proposed development at that time replaced a current building and resulted in no greater impact. The Major Applications Manager continued to advise the application in front of Members now exceeded the original footprint and therefore under policy was deemed a greater impact on the Green Belt and planning permission was to be refused on that basis.

The Chair of the Committee explained that Ward Member Councillor Barry Johnson had submitted apologies to the meeting, however had submitted a statement in support of the application. He gave those present time to read the statement.

Speaker statements were heard from:

Statement of Objection: Miriam Bloxham, Resident  
Statement of Support: James Bomposs, Agent

The Chair of the Committee started the debate by commenting he had been listening to the discussion and questions asked by Members. He continued by saying he would have liked to have seen the garages included within the original application, and understood the decisions made by officers at the time to approve the application and the decision before the Committee to refuse as the application was deemed to cause greater impact on the Green Belt.

Councillor Byrne commented he felt the application caused additional harm to the Green Belt and for that reason he was against this development.

Councillor Polley mentioned she felt that garages on site would not only give potential homeowners storage but was in keeping with the design of the development and would be less of an eye sore than any portable storage. She further commented due to these reasons and having listened to all Members she was minded to support the application.

Councillor Halden stated he was in support of the application, as with or without the garages the harm to the Green Belt had already been caused. He continued by commenting regardless of the garages the dwellings would still be visible.

Councillor Fletcher agreed with the Campaign to Protect Rural England Representative as to the value of the Green Belt. He continued by saying he was still confused as to how original application was approved in the first place and surely harm had already been caused with hard standing parking.

No Member wished to propose the officer's recommendation.

The Assistant Director of Planning, Transport and Public Protection advised the committee that in line with the constitution should a recommendation not be agreed then an alternative recommendation was to be put forward. He continued by stating he had listened to the debate and discussion had by Members and had made a note of their concerns. Members were satisfied that the proposed development constituted appropriate development in the Green Belt, meaning that it was not necessary to identify Very Special Circumstances.

The Assistant Director of Planning, Transport and Public Protection summed up by advising should the committee approve the application conditions would need to be agreed by the Chair and applied to the application.

The Chair then proposed a recommendation of approval and was seconded by Councillor Halden, on the grounds that the application should be based on its own merits, impact to landscape was not subjective and having a garage as part of the development was more practical and would improve the overall development with minimal impact.

For: (6) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, James Halden, and Georgette Polley

Against: (1) Councillor Gary Byrne

Abstained (2) Councillors Mike Fletcher and Lee Watson.

*The committee adjourned at 7:41pm and returned at 7:45pm*

**89. 22/00048/ELEC : Tilbury Green Power, Tilbury Freeport, Tilbury, RM18 7NU**

The report was presented by the Major Applications Manager, during which the Committee heard there was one late letter received from the Environmental Officer, with no objection to the application.

The Campaign to Protect Rural England Representative commented that the application was impressive especially with the effectiveness which was an increase of 10% based on the technology to be used. The Major Applications Manager commented it would take time for the technology to change however once in place would create a better power supply.

Councillor Polley thanked officers for the report and enquired if it would be the only plant within the UK using this kind of technology. It was confirmed this was potentially the first of its kind to be used within the UK, phase one was to be operational.

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

For: (9) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson

Against: (0)

Abstained (0)

**The meeting finished at 8.10pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

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## Minutes of the Meeting of the Planning Committee held on 21 April 2022 at 6.00 pm

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- Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Susan Little (Substituting for Colin Churchman) Georgette Polley and Lee Watson
- Apologies:** Councillors Gary Byrne, Colin Churchman and Steve Taylor (Campaign to Protect Rural England Representative)
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection  
Nadia Houghton, Principal Planner  
Matthew Gallagher, Major Applications Manager  
Julian Howes, Senior Highways Engineer  
Lucy Mannion, Senior Planner  
Sarah Williams, Strategic Lead Education Support Services  
Kenna-Victoria Healey, Senior Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting was being recorded, with the recording to be made available on the Council's website.

### **90. Item of Urgent Business**

There were no items of urgent business.

### **91. Declaration of Interests**

There were no declarations of interest.

### **92. 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**

Councillor Kelly declared he had received an email from a Mr Taylor in relation to Planning Application 21/02159/FUL. He had also received an email from the Ward Councillor for Ockendon in relation to Planning Application 21/02159/FUL. He further declared emails had been received from Councillors Churchman and Van Day raising their concerns with regards to Planning Application 22/00077/FULPSI, he also received an email from a resident outlining their objections to the application.

Councillor Polley declared she had received an email from Miss C Sisseton in objection to Planning Application 22/00077/FULPSI. She continued by saying she had been told by members of the public they were not allowed to attend the meeting, however speaking with Democratic Services it was confirmed

this was not the case and public were allowed to attend the meeting if they wished to.

### **93. Planning Appeals**

The Assistant Director for Planning, Transport and Public Protection presented the report to Members.

During discussions Councillor Halden raised concerns he felt the council were losing more appeals than they were currently winning, as 47% of appeals had been allowed. He asked if it was possible to have a split of the appeals as to whether they were Member or delegated decisions. The Assistant Director for Planning, Transport and Public Protection advised at the first meeting of the new municipal year a performance report would be presented to the Committee, which would show a breakdown of appeal decisions and compare against other Local Authorities.

#### **RESOLVED:**

**That the report be noted.**

### **94. 22/00077/FULPSI: Harrier Primary School Land Adjacent A13 and Love Lane Aveley Essex**

The report was presented by the Senior Planner.

The Chair of the Committee commented on the energy efficiency rating. The Senior Planner explained within the planning policy it stated an 'outstanding/' energy rating should be achieved however the school was offering an efficiency rating a 'very good'.

Councillor Halden enquired as to why bulge classes were not being used given the time restraints. The Strategic Lead Education Support Services explained the Pupil Place Plan assisted officers in forecasting the number of students expected for the coming year, she stated that in-year applications were also to be taken into account and the current local schools in the area were filling up quickly.

During discussions it was highlighted there were 88 school places required within Aveley, Councillor Halden commented he understood there was pressure for school places within the area, however the number of spaces required for this year didn't seem a valid reason to approve the application as a matter of urgency. He continued by stating he agreed new schools were required however with this application he had concerns with its design. This was echoed by Councillor Little who also remarked she had concerns with the design of the application.

The Strategic Lead Education Support Services advised Members if approved the school would be opened as a two form entry, starting as one form entry to begin with, having the ability to become two form entry and grow with the



number of children within the area when required. She continued by advising the Committee the Pupil Place Plan was reviewed annually, and for the last four years there had been bulge classes at Benyon Primary however this was no longer suitable. Members heard how the free school had been approved by the Department for Education.

It was observed by Members and commented they had the impression officers were not entirely happy with the design of the application, however even with this in mind some were minded to approve the application, if it was to ease the pressure on local schools. It was comment as to whether it would be possible to negotiate with the applicant with regards to the design so that it was in line with the council's policy.

Councillor Watson enquired as when the school was to be opened. The Strategic Lead Education Support Services confirmed the school was hoping to open in 2023.

Speaker statements were heard from:

Statement of Support: Michelle Davies, Agent

During the debate Councillor Halden suggested the application be deferred given the concerns raised by Members and to be able to have a more in depth conversations with the applicant. As well as to receive more information of the Local Plan. He continued by stating he didn't feel the decision was one which urgently needed to be made at this meeting.

Councillor Polley mention she felt there were too many unanswered questions with regards to the application one of which was there was no travel plan.

Councillor Piccolo reminded the committee this was Green Belt land and if developing on then it should have a quality development. He echoed Councillor Polley's concerns with regards to there not being a travel plan which for him included pick up and drop off points. The Highways Engineer advised Members a travel plan was not required to include pick up and drop off areas, however officers had asked for these to be included.

Councillor Watson echoed her fellow Members concerns relating to the Local Plan and there not being a travel plan included with the application. She stated she was not against a new school however it needed to be built in the right place to meet the needs of children in the borough. She further stated she also agreed with the suggestion of a deferral for the application. The Assistant Director of Planning, Transport and Public Protection advised the committee he had listened to the debate and discussion had by Members and had made a note of their concerns.

Councillor Fletcher proposed an alternative recommendation that the application be deferred and was seconded by Councillor Halden. Members put forward the following reasons to defer the application:

- Although there was a condition set out within the report, Members were concerned a travel plan had not been included within the application.
- Loss of cultural land, again while addressed in the report and taken into account in the balance of the Greenbelt decision making process. Members asked to see the assessment of the agricultural land before they made a decision.
- The design of the application and the urgency to approve the application within a 10 week deadline period, given the design didn't entirely meet the councils policy.

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

Against: (0)

Abstained (0)

**95. 22/00302/FUL: Orsett Heath Academy, Oakfield, Long Lane, Stifford Clays, Grays, RM16 2QH**

The report was presented by the Principal Planner, during which she advised conditions 9 and 10 were to be updated and following the consultation eight letters of support for the application had been received.

It was enquired by the Chair whether the temporary building would be used by the Rugby Club. The Principal Planner advised that the temporary structure would only be used by the school and the artificial cricket strip would be used by the Club as it was to replace an existing dilapidated cricket strip on the same site.

Cllr Piccolo asked whether it would be difficult to reinstate the ground upon which the structure would be located after the temporary 2 years. The Principal Planner advised that as this area was just grassed it would not be an issue at all.

Cllr Little asked if the cricket strip was permanent and the Principal planner advised that it was to be permanent and on the same site as the existing tired strip.

Speaker statement was heard from:

Statement of Support, Steve Munday, Applicant.

During the debate Members welcomed the application and commented it was pleasing to see an applicant working with the local community.

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

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

Against: (0)

Abstained (0)

**96. 21/01427/CV: Cedarwood Court And Elmwood Court, Southend Road, Stanford Le Hope, Essex**

This application was deferred to the next available meeting.

**97. 21/02159/FUL : Land off Fen Lane and Medebridge Road, South Ockendon, Essex**

The report was presented by the Senior Planner.

Councillor Piccolo sought clarification with the wording for condition three within the report. The Senior Planner confirmed the wording of conditions three and five were to be amended had been agreed with the agent.

Councillor Little queried access to the site was via the A13 and not the A128. The Highways Engineer confirmed access to the site was via the A13 and that access via Fen Lane was not permitted. He continued by advising a condition within the application stated Medebridge Road was to be used to gain access to the site.

The Chair of the Committee commented that the solar farm was not for storage off the electricity however instead to feed into the grid, this was confirmed by officers

Speaker statement was heard from:

Statement of Support, Owen Seward, Agent.

During discussions it was enquired as to whether general obligations of the community contribution had been included as part of the application and that officers were happy with these. The Assistant Director for Planning, Transport and Public Protection commented the applicant had agreed to the community contribution, however it was a matter which could be controlled by the planning permission as it does not meet the tests of being necessary to make the proposal acceptable. He continued by stating officers were happy to work with the applicant and the community to honour the funding agreement.

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

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

Against: (0)

Abstained (0)

**The meeting finished at 8.24 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](mailto:Direct.Democracy@thurrock.gov.uk)**

<b>9 June 2022</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Louise Reid, Strategic Lead Development Services	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.	
<b>Accountable Director:</b> 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: 21/01077/CV

Location: Tanga Inglefield Road, Fobbing

Proposal: Application for the variation of condition no. 5 (PD rights) of planning permission ref. 94/00646/FUL (Replacement dwelling house)

#### 3.2 Application No: 21/01186/FUL

Location: Tyelands Farm House, Langdon Hills

- Proposal: Demolition of existing dwelling and other outbuildings along with the removal of hardstanding and garaging to construct a replacement dwelling.
- 3.3 Application No: 21/01396/PNTC**
- Location: Telecommunications Mast, Muckingford Road, Linford
- Proposal: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
- 3.4 Application No: 21/01909/PHA**
- Location: 20 Leighton Gardens, Tilbury
- Proposal: Rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 4 metres and eaves height of 3 metres.
- 3.5 Application No: 21/02152/HHA**
- Location: 21 Astley, Grays
- Proposal: Loft conversion with rear dormer and front velux windows
- 3.6 Application No: 21/01734/FUL**
- Location: 6 Elm Terrace, West Thurrock
- Proposal: Conversion existing bedroom and bathroom side of main building and construction of double storey side extension as a self-contained one-bedroom flat
- 3.7 Application No: 21/01091/FUL**
- Location: Jemaine, 3 Branksome Avenue, Stanford Le Hope
- Proposal: Demolition of the existing dwelling and construction of two detached properties with integral garages and parking provision with an additional vehicle access to Branksome Avenue.
- 3.8 Application No: 21/01987/FUL**
- Location: 58 Brentwood Road, Chadwell St Mary
- Proposal: 1 bedroom annexe to be used in association with the C3(b) Dwellinghouse where care is provided

- 3.9 **Application No: 21/01987/FUL**  
Location: 58 Brentwood Road, Chadwell St Mary  
Proposal: 1 bedroom annexe to be used in association with the C3(b) Dwellinghouse where care is provided
- 3.10 **Application No: 21/01181/FUL**  
Location: Land Adjacent 107 Humber Avenue, South Ockendon  
Proposal: Erection of detached dwelling on land adjacent to No 107 Humber Avenue
- 3.11 **Application No: 21/02093/CLOPUD**  
Location: 68 Purfleet Road, Aveley, South Ockendon  
Proposal: Single storey side extension
- 3.12 **Application No: 21/01611/FUL**  
Location: 50 Giffordside, Chadwell St Mary, Grays  
Proposal: Demolition of existing side extension: single storey extension to existing property and erection of end of terrace part two storey and part single storey dwelling with off street parking and rear amenity space
- 3.13 **Application No: 21/01629/FUL**  
Location: 5 Malpas Road, Chadwell St Mary, Grays  
Proposal: New dwelling to side plot adjacent to 5 Malpas Road including new vehicle access from Malpas Road.
- 3.14 **Application No: 21/00412/HHA**  
Location: Talford, Horndon Road, Horndon On The Hill  
Proposal: Removal of conservatory and build new single storey rear extension
- 3.15 **Application No: 21/02146/HHA**  
Location: 87 Church Lane, Bulphan, Upminster  
Proposal: Single storey rear extension

**3.16 Application No: 21/01469/CV**

Location: Riverview, Kirkham Shaw, Horndon On The Hill

Proposal: Application for the variation of condition no.10 (Permitted Development Rights) of planning permission ref. 93/00697/FUL (One for one dwelling and detached garage)

**3.17 Application No: 21/01418/FUL**

Location: 31 Elmway, Stifford Clays, Grays

Proposal: Erection of 1 three bedroom dwelling including associated refuse and cycle store

**3.18 Application No: 21/01126/FUL**

Location: Linsteads, Orsett Road, Horndon On The Hill

Proposal: Demolition of storage building/yard, stable, mobile home, containers and construction of 2 x chalet bungalows with associated parking and amenity areas (resubmission of 20/00745/FUL)

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 21/01258/HHA**

Location: 25 Brandon Close, Chafford Hundred

Proposal: Loft Conversion with three rear dormers and one front dormer.

Appeal Decision: Appeal Allowed

4.1.1 The Inspector considered that the main issue was the effect on the character and appearance of the dwelling and the local area.

4.1.2 It was noted that the proposed dormers would be visible from Brandon Close and Elizabeth Road, that the front dormer would align with an existing front window, that the rear dormers would be narrower and that they would all be constructed from matching materials.

4.1.3 It was found that the dormers would accord with the Residential Extensions and Alterations Supplementary Planning Document 2017, being recessive proportionate and in balance with the scale and traditional appearance of the existing dwelling. The presence of dormers on some nearby houses



and nearby blocks of flats was also noted and therefore it was considered that dormers are a significant part of the character of the area.

4.1.4 The Inspector reached the view that the front and rear dormers would balance the dwelling, add interest to the roof, enliven the streetscape, reflect the local context and represent the slight enhancement of the character and appearance of the property and the local area. The proposed rooflights were also considered to be acceptable. Therefore, the development was found to be acceptable and in accordance with the policies of the development plan.

4.1.5 The full appeal decision can be found online.

**4.2 Application No: 21/00705/HHA**

Location: 56 Edmund Road Chafford Hundred

Proposal: Loft conversion including two pitched-roof dormers to front elevation and one dormer to rear elevation and extension of single garage to double garage.

Appeal Decision: Appeal Allowed

4.2.1 The Inspector considered that the main issue was the effect on the character and appearance of the dwelling and the local area.

4.2.2 It was noted that the proposed front dormer windows would be traditionally formed and pitched-roofed in design, centring and aligning on the ground and first floor windows. The proposed front dormers would set back from the front edge of the roof.

4.2.3 It was found that the dormers would not accord with the Residential Extensions and Alterations Supplementary Planning Document 2017, but that the additional width of the dormers did not prevent them appearing recessive, proportionate and in balance with the scale and traditional design of the existing dwelling. The prominence of the existing dwelling was noted and it was found that the plain architectural design of the existing dwelling does not make a positive contribution to the street. Therefore, as the dormers would reflect others in the wider area, it would add interest to the dwelling and enliven the streetscape.

4.2.3 It was found that the rear dormer would be viewed in the context of other rear dormers and would be partially visible from the street. As with the front dormers, it was acknowledged that the dormer would not accord with the Residential Extensions and Alterations Supplementary Planning Document 2017 but this did not prevent the dormer appearing recessive and subservient to the existing dwelling, thereby being in keeping with other dormers within the wider area.

4.2.4 The Inspector reached the view that the front and rear dormers would balance the dwelling, add interest to the roof and represent the slight enhancement of the character and appearance of the property and the local area. The proposed garage extension was also considered acceptable. Therefore, the development was found to be acceptable and in accordance with the policies of the development plan.

4.2.5 The full appeal decision can be found online.

**4.3 Application No: 21/00620/HHA**

Location: 21 Falcon Avenue, South Ockendon

Proposal: Loft conversion with rear dormer and single storey side extension as garage.

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector considered that the main issue was the effect on the character and appearance of the dwelling and the local area and the effective and safe use of the highway.

4.3.2 It was identified that the dwelling is located within a recently completed, planned estate and that the positioning of the dwelling at the junction with another access meant the rear roofslope was visible.

4.3.3 The Inspector found that the proposed rear dormer, which would be full width and depth, would not accord with the Residential Extensions and Alterations Supplementary Planning Document 2017. It was found that the dormer would be excessive in scale and have a boxy design that would appear disproportionate and dominating, thereby unbalancing the appearance of the dwelling and its attached neighbour. The prominence of the dormer would result in the excessive scale and box form of the proposed dormer differentiating the appeal property from its neighbours and would result in the appeal property appearing as incongruous when viewed in concert with neighbouring houses and therefore detrimental to the streetscene.

4.3.4 The scale and design of the proposed garage was considered to be in keeping with the appeal property and, by being set back from its main elevation, would not appear as unduly prominent. The Inspector also considered that the extension would visually break up the existing extensive plain flank gable end of the house. The proposal would, therefore, appear as a recessive and complementary addition to the appeal property, which would not unbalance it in relation to its semi-detached pair

4.3.5 The loss of an off street parking space, resulting from the provision of parking spaces that did not meet the Council's Parking Standards, was found to result in increased pressure on the street and surrounding streets

for car parking and would impact on the use of the street by other road users. The appeal was, therefore, refused for this reason and due to the effect on the character and appearance of the property and the local area.

4.3.6 The full appeal decision can be found online.

**4.4 Application No: 21/00810/HHA**

Location: 49 Fyfield Drive, South Ockendon

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

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered that the main issue was the effect on the character and appearance of the dwelling and the local area.

4.4.2 It was identified that the dwelling is located within a recently completed, planned estate where permitted development rights were removed and as such planning permission was required where it might not otherwise be. The Inspector acknowledged that permitted development rights were not applicable but gave the Government's support for people to adapt their homes significant weight anyway.

4.4.3 Despite the above, it was found that the flat roofed rear box dormer would extend across the full width of the dwelling extend the rear elevation upwards by a full floor. Therefore, the development would not accord with the Residential Extensions and Alterations Supplementary Planning Document 2017 and the scale and design of the dormer would cause it to appear as a disproportionate addition that would dominant and unbalance the dwelling. It was noted that this would be visible from the rear, from the street and from a communal garage and parking area. The gables would also be visible from the street.

4.4.4 The prominence and the obtrusive effect of the proposal would result in it differentiating the appeal property from its neighbours and having an incongruous appearance when viewed in concert with neighbouring houses.

4.4.5 Other dormers within the vicinity of the site were given little weight and were not found to be reason to support this dormer. Therefore, whilst the proposed rooflights were considered to be acceptable, the proposal was found to be unacceptable and contrary to the policies of the development plan.

4.4.6 The full appeal decision can be found online.

**4.5 Application No: 21/00966/HHA**

Location: 53 Arun, East Tilbury  
Proposal: Single storey side extension  
Appeal Decision: Appeal Allowed

- 4.5.1 The Inspector considered the considered that the main issue was the effect on the character and appearance of the dwelling and the local area.
- 4.5.2 It was noted that several examples nearby, where dwellings have been extended to the side.
- 4.5.3 The proposed extension would abut the footway which provides access to The dwellings to the rear. However The inspector said that given the small scale of the development and the fact that there are many other examples of similar developments in the surrounding area, it would not be harmful to the character and appearance of the host property or surrounding area. As such, it would comply with Core Strategy1 Policies PMD2 and CSTP22, which require in part that development is of a high standard of design which is in keeping with local character.
- 4.5.4 The Inspector concluded that the proposed development would comply with the development plan taken as a whole. There is no other material considerations which indicate a decision other than in accordance with it. As such, the appeal is allowed, subject to conditions.
- 4.5.5 The full appeal decision can be found online

**4.6 Application No: 21/01314/HHA**

Location: 10 Fobbing Road, Corringham  
Proposal: Part two storey side and rear extension and a part single storey rear extension, removal of existing boundary wall and railings and increase in hardstanding area to provide additional off street parking  
Appeal Decision: Appeal Allowed

- 4.6.1 The main issue in this appeal was the impact of the proposals on parking in the area, the application was refused only on parking grounds.
- 4.6.2 Due to a lack of parking restrictions along Fobbing Road, and other on street parking close to the application site, the Inspector determined that

the harm of on street parking increasing by one vehicle would not be significant.

4.6.3 The appeal was allowed.

4.6.4 The full appeal decision can be found online.

**4.7 Enforcement No: 20/00339/BUNUSE**

Location: Lakshmi Service Station, 36 - 38 Southend Road, Grays

Proposal: Possible hand car wash without the benefit of planning permission and using the access.

Appeal Decision: Appeal Dismissed

4.7.1 Enforcement Notices can be appealed on up to 7 Grounds: a – g.

4.7.2 The Notice was appealed on Ground b) that the breach alleged had not taken place, Ground c) that the matters that had occurred do not constitute a breach of planning control, Ground d) that on the date the Notice was issued it was too late to take action (i.e. the activity was lawful/time barred) and Ground f) that the requirements of the Notice were excessive.

Grounds b) and c)

4.7.3 The Inspector found that the use of the former automatic car wash area as a hand car wash was a material change of use. The automatic car wash which was previously on the site was considered to be ancillary to the petrol/service station use whilst the hand car wash was considered to be a use that customers would visit separate to the petrol station. The Inspector found that the alleged breach had taken place as a matter of fact – ground b) and that a change of use was required and had not been sought – ground c) so the appeal on both grounds failed.

Ground d)

4.7.4 For use to become immune from enforcement action, it would need to have continued uninterrupted for 10 years or more. The Notice was served on 12 April 2021, so the use would need to have taken place since 12 April 2011. The Inspector found that the new use had not started till after July 2014, so the use was less than 10 years, so the appeal on ground d) failed.

Ground f)

4.7.5 The Notice required the use as a hand car wash to cease. The appellant considered that submitting additional documents such as risk assessments could overcome the Council's concerns. The Inspector found this would not ameliorate the harm arising from the use, so the appeal on ground f) failed.

4.7.6 The appeal against the notice was therefore dismissed.

4.7.7 The full appeal decision can be found online.

**4.8 Application No: 21/01204/PNTC**

Location: Highway Land Lancaster Road, Chafford Hundred

Proposal: Proposed 15 metre telecommunications mast (Phase 8 Street Pole with wraparound cabinet at base), three cabinets and associated ancillary works

Appeal Decision: Appeal Allowed

4.8.1 The Inspector considered that the main issue was the effect on the character and appearance of the area.

4.8.2 It was identified that the appeal site comprises highway land adjacent to Lancaster Road with other street furniture in close proximity. Directly opposite the appeal site is a block of residential flats, separated by Lancaster Road and the area is predominantly residential and urban in character. Given the height of the adjacent buildings it was found that the height of the mast would not cause it to appear overly dominant. The verticality of the buildings, the street lights and the nearby trees meant that the street pole would not appear incongruous within the locality and would not be unexpected. It was noted that the mast would be taller and thicker than other street furniture and taller than the surrounding trees but that this was not unacceptable given the above and would not cause the mast to be overly prominent. The equipment cabinets were also found to be acceptable and it was concluded that the proposal would not have an unacceptable impact on the outlook of neighbouring residents.

4.8.3 The Inspector gave weight to the applicant's evidence that there was no where preferable for the mast to be located and discounted each of the concerns raised by nearby residents. Accordingly, the development was found to be acceptable and the appeal was allowed.

4.8.4 The full appeal decision can be found online.

**4.9 Application No: 20/01680/FUL**

Location: Claylands, 186 Branksome Avenue, Stanford Le Hope

Proposal: Change of use from Class C3 (dwellinghouse) to a dual use C3 dwellinghouse and Class E(f) Day nursery.

Appeal Decision: Appeal Dismissed

- 4.9.1 The Inspector considered that the main issues in the appeal was the effect of the development on the character of the site and the surrounding area, the living conditions of the occupiers of neighbouring dwellings, with particular regard to the potential noise and disturbance, and whether the development makes acceptable provision for access manoeuvring and parking of vehicles.
- 4.9.2 The Inspector noted there was a steady flow of traffic on Branksome Avenue, but in general, the area was of a quiet residential estate despite the urban scale of the development, with noise sources which were traffic and the trains running on a nearby railway line.
- 4.9.3 The Inspector concluded that given the quiet nature of the area, a nursery use, even restricted to 10 children, was harmful to the character of the surrounding area. Therefore, the dual use was contrary to Policies CSTP22 and PMD2 of the Core Strategy.
- 4.9.4 The Inspector considered that the dual use has a harmful effect on the living conditions of the occupiers of neighbouring dwellings, with particular regard to the potential for noise and disturbance as a result of the early morning drop offs and regular use of the garden.
- 4.9.5 As a result of a lack of suitable off street parking spaces and suitable access arrangement the Inspector found the proposal would also be harmful on highway grounds, contrary to Policies PMD2 and PMD9 of the Core Strategy.
- 4.9.6 The appeal was therefore dismissed on 3 grounds as summarised above.
- 4.9.7 The full appeal decision can be found online.

#### **4.10 Enforcement No: 21/00115/BUNUSE**

Location: Claylands, 186 Branksome Avenue, Stanford Le Hope

Proposal: Refusal of planning application 20/01680/FUL dual use as a C3/ E(f) day nursery

Appeal Decision: Appeal Dismissed

4.10.1 Enforcement Notices can be appealed on up to 7 Grounds: a – g.

4.10.2 The Enforcement Notice was appealed on 3 Grounds a) That planning permission should be granted, b) that the development had not occurred as a matter of fact and g) that the time for compliance was too short. The full appeal decision can be found online.

Ground a)

4.10.3 As detailed in 4.9.1 - 4.9.7 above, the Inspector found that planning permission should not be granted for the refused planning application, and so the appeal was dismissed on ground a).

Ground b)

4.10.4 The Inspector found that the appellant had not demonstrated that the breach of planning control alleged (i.e. a change of use to a nursery) had not occurred, so the appeal was dismissed on ground b).

Ground g)

4.10.5 The appellant considered the period of 3 months to cease the use was too short. The Inspector considered 3 months to be an acceptable length of time for the use to cease. The appeal therefore also failed on ground g).

4.10.6 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	7	3											10
No Allowed	4	1											5
% Allowed	57.14%	33.33%											50%

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: **Mark Bowen**  
**Interim Deputy Monitoring Officer**

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

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

### 8.3 Diversity and Equality

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

There are no direct diversity implications to this report.

### 8.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder or 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](http://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

<b>9 June 2022</b>		<b>ITEM: 7</b>
<b>Planning Committee</b>		
<b>2021/2022 Planning Performance Report</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection		
<b>Accountable Director:</b> Julie Rogers, Director of Public Realm		

## Executive Summary

In 2021/22 Thurrock continued maintained its position as one of the fastest, most accessible and proactive planning services in the Country. Through developing strong relationships with the development industry, forward thinking and commercial awareness, the Service continues to drive investment and growth in the Borough.

This report provides Members with an overview of the past year in terms of the performance of the Service.

### 1. Recommendation:

#### 1.1 To note the report

### 2. Performance in 2021/22

2.1 In 2021/22, 998 planning applications were determined and 70% of those applications were approved. During the period, the Authority consistently determined applications 'in time' and also maintained its position within the top 1% of Local Planning Authorities in the Country in terms of the timeliness of decisions made (327 Local Planning Authorities in total).

- 2.2 The performance and approach of the Local Planning Authority continues to be one of the primary factors that developers take into account when deciding whether to invest in a particular location. Indeed, significant investment can either be attracted or deterred by these factors. Sustaining a position so high in the national tables places Thurrock in an extremely good position to attract investment from outside of the Borough, whilst also providing homeowners and existing business within the Borough with confidence.
- 2.3 Much of the continued success of the team can be attributed to the proactive and professional culture within the Development Management Team and, in particular, the robust pre-application advice service offered.
- 2.4 Through pre-application discussions, applicants are able to hone and develop their schemes with input from the planning officer, Members and relevant teams, leading to the submission of better quality schemes that are 'right first time'. Through pre-application discussions officers and applicants are also able to negotiate heads of terms for s.106 agreements prior to the submission of the application and are also able to agree conditions at an earlier stage, again providing developers with confidence and stability to make commercial decisions.
- 2.5 The service continues to work closely with local planning agents to develop new initiatives to suit the everchanging needs of the customer. Through Planning Performance Agreements (PPA's) the Planning Service allows applicants to work with officers to set timescales for extensive pre-application dialogue and provision can be made for a wide range of topic specific meetings, workshops and Member briefings.

### **3. The value of planning decisions to Thurrock**

- 3.1 The economic benefit of positive planning decisions stretches well beyond initial building works. New homes and commercial development brings people, spending, council tax, business rates and drives the market to provide further development. Taking all together, the approved planning decisions made in 2021/22 translate to £66 million to Thurrock's economy. This is a product of 130,654 sqm of commercial floor space and 1207 new jobs.

This is very positive as it represents an increase of £39 million from last year (27 million); in real terms, 702 extra jobs were created over last year (505) and 877 new homes have been consented.

- 3.2 In the same period the Planning Service negotiated and secured £2,764,261 through s.106 agreements to provide essential infrastructure to mitigate the impact of new development in the Borough. These capital projects are vital in ensuring that the Borough is not burdened by new development but rather it

can flourish. The s.106 agreements secured a range of packages including education provision, healthcare facilities, new recreation spaces and highway infrastructure.

- 3.3 Despite the wide-reaching impacts of the global pandemic, the number of planning applications received in 2021/22 has increased by 13% over 2020/21 which was 13% up on 2019/20. This is highly encouraging though the increased workloads do place pressure upon the Service, particularly when taking into account the often complex nature of planning proposals in Thurrock.

#### **4. Design Quality and Place Making**

- 4.1 It is vital that new development in the Borough is of the highest design quality and the Planning Service is committed to shape schemes to create quality places in Thurrock and challenge schemes that do not meet the standard.
- 4.2 During 2021/22 the Planning Service continued its relationship with the Design Council with a number of development proposals being taken through the Thurrock Design Review Panel. The Design Review process continues to be valuable to applicants as it exposes their schemes to a panel of industry experts who are able to help shape and refine schemes alongside the planning officers, prior to submission. All Council schemes are presented to the Design Review Panel.

Through pre-application dialogue and involvement with the Design Council, the Planning Service is demonstrably improving the quality of place and enhancing the attractiveness of Thurrock as a place to live and invest.

#### **5. Commercialisation of the Service**

- 5.1 During 2021/22 the Planning Service continued its Managed Service arrangement with Brentwood Borough Council, whereby the Service provides management support to Brentwood's Development Management team. The relationship has continued to be successful, resulting in an improved service at Brentwood (both in terms of quality and performance) and by providing an income stream for Thurrock which protects jobs and services locally.
- 5.2 Crucially, these trading opportunities offer a way by which the Service can positively contribute to the Council's wider financial Strategy.

#### **6. Planning Enforcement**

- 6.1 The planning Enforcement team plays a critical part in the work of the Development Management Service. During 2021/22 the team received 489

cases and closed 574 cases. With existing cases 'on hand' the team is currently working on 163 live cases.

- 6.2 Officers in the Enforcement Team play a critical role in checking allegations of breaches of planning control, assessing the harm arising and determining whether enforcement action is justifiable and whether pursuing action is in the public interest. The Planning Enforcement Officers also work collaboratively with other enforcement functions of the Council to ensure that the Council's collective powers are deployed to best effect.
- 6.3 The team seek to resolve as many cases as possible and serve Notices and take formal action only where a negotiated solution cannot be achieved.

## **7.0 Appeals**

- 7.1 Appeal performance is closely monitored by the Service and a report is presented monthly to Planning Committee over the course of the year with summaries of appeal cases and rolling performance data.
- 7.2 At the April 2022 meeting of the Planning Committee it was reported that 47% of appeals were allowed by the Planning Inspectorate in 2021/22. This is higher than previous years and is something which the Service will carefully monitor. The DM team analyse each appeal decision to spot trends or weaknesses in policies; in the case of the appeal decisions in 2021/22 there is no obvious trend.
- 7.3 There is no national comparative data available however the Essex Planning Officer Association (which Thurrock is part of) has recently written to the Planning Inspectorate raising concerns in relation to consistency of decision making. While this correspondence takes place, it remains vitally important that planning decisions are firmly grounded in Development Plan policy and material considerations are into account as appropriate.

## **8. Conclusion**

- 8.1 2021/22 saw the Planning Service continue to perform to a very high level, recognised by MHCLG performance tables as being amongst the very highest performing authorities in the Country. Through a modern and progressive approach to development management the team has maintained its strong track record and has secured significant investment within the Borough, contributing £66 million toward the Thurrock economy.
- 8.2 Appeal performance in 2021/22 was lower than 2020/21 with 47% of appeals being allowed. There does not appear to be any consistent trend and EPOA

have expressed concerns relating to consistency of decision making to PINs. This is something which will continue to be carefully monitored by the Service.

- 8.3 Despite the global pandemic, applications numbers are circa 26% higher now than two years ago. From an economic perspective, this is very encouraging news though it should be recognised that increased workloads will place additional pressures on the service and this will need to be monitored.

**9. Consultation (including overview and scrutiny, if applicable)**

N/A

9. Impact on corporate policies, priorities, performance and community impact

- 9.1 No direct impacts arising from this report, but more widely the Service makes a significant contribution to the delivery of the Council's growth and regeneration ambitions.

**10. Implications**

**10.1 Financial**

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

In the period £2,764,261 was secured through s.106 agreements to provide essential infrastructure to mitigate the impact of new development in the Borough. These capital projects are vital in ensuring that the Borough is not burdened by new development but rather it can flourish.

**10.2 Legal**

Implications verified by: **Mark Bowen**  
**Interim Head of Legal Services.**

There are no legal implications to this report.

**10.3 Diversity and Equality**

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

There are no direct diversity implications to this report.

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

None.

11. **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 planning documents including application forms, drawings and other supporting documentation can be viewed online:  
[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning).

12. **Appendices to the report**

- None



# Agenda Item 9

Planning Committee 09 June 2022

Application Reference: 22/00077/FULPSI

<b>Reference:</b> 22/00077/FULPSI	<b>Site:</b> Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex
<b>Ward:</b> Aveley and Uplands	<b>Proposal:</b> Construction of a new 2 form entry primary school and nursery (Use Class F1) with outdoor sports areas, access, parking, landscaping and drainage.

<b>Plan Number(s):</b>		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P17	GA Ground Floor Plan	25 May 2022
146818EFAA DLA B1 01 DR A 2001 Rev P13	GA First Floor Plan	25 May 2022
146818EFAA DLA B1 02 DR A 2002 Rev P10	GA Roof Plan	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	Additional 3D Views	25 May 2022
146818EFAA DLA B1 XX DR A 2030 Rev P14	GA Elevation	25 May 2022
146818EFAA DLA B1 XX DR A 2035 Rev P14	GA Section	25 May 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	6 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022

146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

The application is also accompanied by:

- Acoustic Design Strategy
- Agricultural Land Survey
- Arboricultural Impact Assessment
- BREEAM Pre-Assessment
- Car Park Management Plan
- Construction Management Plan (Draft)
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- Landscape Study
- Planning Statement
- Preliminary Ecological Appraisal
- Reptile Survey Report
- Sequential Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan (outline)
- Written Scheme of Investigation for Archaeological Watching Brief

<p><b>Applicant:</b> Eco Modular Buildings (on behalf of the Secretary of State for Education)</p>	<p><b>Validated:</b> 18 January 2022</p> <p><b>Date of expiry:</b> 29 March 2022 (10-week target determination period applies to 'public service infrastructure' applications as of 16 July 2021)</p>
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**Recommendation:** Grant planning permission subject to submission of an application to divert the public footpath 145 under Section 257 of the Town and Country Planning Act 1990 (as amended); referral to the Secretary of State and planning conditions.

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 21 April 2022 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the application. This was because a number of questions were raised by Members; these are addressed within this report.
- 1.2 A copy of the report presented to the April Committee meeting is attached.

## 2.0 CONSULTATION AND REPRESENTATIONS

- 2.1 As verbally updated at the April Committee meeting, seven additional objections received after the April agenda was published. The additional matters raised within these objections related to future plans for housing in the area and design of the building.
- 2.2 There has also been a comment of support received from the Council's Education Department.

## 3.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 3.1 The information below seeks to address the questions that were raised at the April Committee meeting. Questions were raised under the following headings:
- Need for pupil places;
  - Design quality;
  - Site levels;
  - Agricultural Land Classification;
  - Emerging Local Plan policy;
  - Environmental sustainability of the buildings;
  - Travel Plan;
  - Drop-off area;
  - Name of the Academy;
  - Ecology; and

- Use of the Multi-Use Games Area.

Need for pupil places

3.2 The Council’s ‘Pupil Place Plan 2021-2025’ (published in June 2021) forecasts the following projected numbers for school year groups at Aveley and Kenningtons Primary Schools:

School	Reception Year			
	Published Admission Number	Sept. 2023	Sept. 2024	Sept. 2025
<u>Aveley</u>	60	72 (shortfall 12)	48 (no shortfall)	62 (shortfall 2)
<u>Kenningtons</u>	60	94 (shortfall 34)	60 (no shortfall)	72 (shortfall 12)
Total	120	166 (shortfall 46)	No shortfall	134 (shortfall 14)
<b>Whole School Forecast</b>				
<u>Aveley</u>	420	457 (shortfall 37)	445 (shortfall 25)	447 (shortfall 27)
<u>Kenningtons</u>	420	460 (shortfall 40)	461 (shortfall 41)	479 (shortfall 59)
Total	840	917 (shortfall 77)	906 (shortfall 66)	926 (shortfall 86)

The above table forecasts that, although there would be no shortfall in Reception places for the September 2024 intake, there are projected shortfalls in other years and across the whole-school age group. The Pupil Place Plan forecast data is based on birth data and housing developments in the pupil-planning area but there are also a number of other factors that need to be considered including in-year admissions, where children come into Thurrock mid-year (outside the normal admission rounds). Such admissions are difficult to foresee and project.

- 3.3 The Council’s Education department has commented that should the Harrier school not be constructed; the Council would be required to provide (and fund) additional ‘bulge’ classes elsewhere in the pupil planning area. If places at local schools could not be offered due to them being full in current year groups, the Council would also be required to provide and fund transport if the nearest available school with spaces was more than the statutory walking distance.
- 3.4 The proposed Harrier Primary is planned to open initially as a one-form entry school, this would be a reception class of 30 and would increase its pupil admission

number year-on-year until the school fills each year group. Harrier Primary is part of the REAch2 Academy Trust and in addition to the first reception intake the local education authority may potentially require the school to open other year groups to ensure there are sufficient in-year school places in year groups other than reception.

- 3.5 The new Harrier school would be delivered and fully funded by the Department for Education (DfE) under the Free School Programme. If the free school was not funded by the Department for Education, the provision of bulge classes and / or expansion of existing facilities would fall to the Council to fund. Although the funding mechanisms for the delivery of new schools is not strictly speaking a material planning consideration, this factor must be seen in the context of paragraph no. 95 of the NPPF and the 'Planning for School Development' Government statement.

#### Design quality

- 3.6 The applicant has held meetings with the Council's Urban Design Team and the following have been made:
- Front elevation - reduce the amount of maroon cladding to within the red line (2 junior classrooms). Additional brackets used to protrude this small section of cladding beyond the brickwork.
  - Front elevation - cladding lines centralised between brick columns.
  - Rear elevation - introduce grey brickwork between the windows to break up the long horizontal façade.
  - Main entrance - add cladding between the windows to resemble full height glazing.
  - In multiple areas of the proposed building - maroon cladding reduced and replaced by timber.
  - Main entrance - canopy walls splayed to add more interest to the entrance.
- 3.7 Within the context of the modular build type, the above elevation improvements have improved the appearance of the development. The present design is

considered to offer a number of incremental improvements over the first iteration, although the reservations about elements of the layout of the development (as expressed in the April report) remain.

#### Site levels

- 3.8 The matter of importation of materials is subject to condition 5 and 6 which would ensure any imported materials are inert and also limit the number of HGV movements.

#### Agricultural land classification

- 3.9 The DEFRA soil quality mapping system indicates the site is within Agricultural Land Classification (ALC) 1 which is the best and most versatile land (BMV). DEFRA acknowledges that their maps are on a broad scale and specific sites could differ from the indicated ALC on their maps. The applicant has had an agricultural land survey completed by an agronomist. The conclusion is that the land comprises coarse textured soil profiles over gravel. This has significant drought limitations which restrict land quality to ALC subgrade 3b. The soils of the whole of the survey area have limited moisture retention capacity, which is insufficient to supply the water needs of growing crops. This means that summer droughts are likely to lead to low average yields. CSTP21 protects land which is ALC 1, 2 or 3a and therefore the development of the site in terms of the agricultural quality of the land is acceptable.

#### Emerging Local Plan

- 3.10 The new Local Plan for Thurrock is progressing and no decisions have yet been made on locations for housing development, especially in terms of any possible Green Belt release. Due to the stage the Local Plan is at, no weight can be attached to possible future housing development as a justification for the new school. The current proposal needs to be assessed on the present need at this time.

#### BREEAM

- 3.11 The targeted BREEAM accreditation for the proposed school building is 'Very Good', as discussed at the last Planning Committee meeting. This is below the 'Outstanding' standard which is recommended within PMD12. The policy states *These requirements may be relaxed where the developer is able to prove that these requirements will be economically unviable, rendering development of the site undeliverable.*

- 3.12 The Harrier Primary Academy project has been designed in accordance with the Department for Education Output Specification which has been developed to achieve a BREEAM 'Very Good' Standard. Studies by the applicant have indicated it is not technically possible to achieve a BREEAM 'Outstanding' on the proposal. There are influences from both the type and location of the site which restricts the opportunity to attain further BREEAM credits. Examples of this relate to the accessibility of public services, sustainable transportation measures & the overall calculation through the accessible index (AI).
- 3.13 Nonetheless, the scheme achieves a number of credits from a Mechanical and Electrical perspective, these elements reflect elements of environmental sustainability, although they are not picked up as part of BREEAM., Examples of these sustainable benefits are:
- Reduction in CO2 emissions of 60% when compared to PartL2013 minimum requirements (based on SAP10 carbon emission factors).
  - Dynamic simulation modelling has been completed to assess overheating and we have engineered out the need for refrigeration based cooling for the majority of the building, making use of free-cooling.
  - Utilising low water use taps and WC's throughout the building.
  - Water shutoff to sanitary accommodation to avoid water use when unoccupied (for instance if someone left a tap on).
  - Incorporation of major water leak detection.
- 3.14 Whilst assessing the cost viability for increasing the proposed BREEAM 'Very Good' standard, the applicant reviewed a number of projects where the same assessment has been undertaken. As noted above, it is not technically possible to achieve 'Outstanding' on this project and therefore the focus was upon the viability of achieving 'Excellent'. Based on experience across delivering numerous projects to this level, the applicant has calculated that increasing the proposed BREEAM standard for Harrier Primary Academy to 'Excellent' would attract a cost increase of c.£353,000. The applicant considers that this increase in cost would render the scheme unviable and it could not be delivered due to cost constraints with building of schools. Although the projected increase of c£353,000 is useful information, it does not constitute a financial viability appraisal as referred to by Policy PMD12.
- 3.15 The applicant also considers that increasing the BREEAM requirements would introduce issues with the commercial constraints on the project and present a serious programme risk to the intended September 2023 opening date. This is due to the additional design and construction requirements this change would introduce.
- 3.16 The proposed building will achieve 'Very Good' and is projected to exceed the

minimum score for this rating and would provide sustainable measures over and above the minimum rating requirements.

#### Travel Plan

- 3.17 A draft (framework) Travel Plan has been submitted with the application, which the Travel Plan Officer has confirmed is acceptable subject to a condition to ensure a final Travel Plan is submitted and approved before operation of the school (condition 7).

#### Drop off area

- 3.18 There are 15 drop off parking spaces proposed within the site. The recently adopted Parking, Design and Development Standards, February 2022, do not require schools to have drop off/pick up areas. Therefore, the provision of 15 spaces is considered acceptable and exceeds policy requirements. Although Members will need to balance this factor within the Green Belt balance in terms of additional development and the visual harm arising from vehicular activity.

#### Harrier name

- 3.19 According to the applicant, the REAch2 Trust, who would be running the school, have invested in the brand and built the name in line with their vision, ethos and strapline. The name Harrier was chosen and is based on the Marsh Harrier, a bird of prey which has increased in numbers within the local Rainham Marshes area.
- 3.20 In terms of the concern with the name being too close to 'Harris'. There are no Harris schools in Aveley. The local schools are 'Aveley Primary,' 'Kennington's,' and 'Ormiston Park'. In Thurrock, Harris schools are located in Chafford Hundred, Purfleet-on-Thames and South Ockendon.

#### Slow worms

- 3.21 A reptile survey was undertaken to accompany the application. A low number of slow worms were found on three occasions on the northern boundary. It is therefore necessary for a method statement to be produced prior to any site works. This should detail how the reptiles will be protected during site clearance and construction. The Council's Landscape and Ecology Advisor has confirmed they are happy for this to be dealt with by condition (condition 19).

#### Multi Use Games Area (MUGA) – how fits in with local area/noise etc



3.22 The MUGAs are proposed to be situated to the western corner of the site and this is beyond the adjacent houses at Clare Court. The MUGAs would not have any lighting and condition 18 secures none can be added without prior approval. In terms of the hours of use, this would need to be confirmed and agreed before the first use by condition 15. There is also proposed landscaping and a bund around the MUGA site. It is not considered the location of the MUGAs would affect nearby residential properties.

**5.0 CONCLUSION**

The application was deferred from last committee by members as more information was required on a number of matters. There were particular concerns regarding the need, design, agricultural land classification and BREEAM. This report has sought to update and expand on these matters. Taking into account the additional information, the recommendation is one of approval for the reasons stated in 7.0 of the July Committee report.

**6.0 RECOMMENDATION**

6.1 Grant planning permission subject to:

- (i) Submission of an application to divert the public footpath 145 under Section 257 of the Town and Country Planning Act 1990 (as amended);
- (ii) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and(iii) Subject to the application not being called-in by the Secretary of State for determination, grant planning permission subject to the following conditions:

**TIME LIMIT**

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

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

**PLANS LIST**

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

<b>Plan Number(s):</b>
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Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P17	GA Ground Floor Plan	25 May 2022
146818EFAA DLA B1 01 DR A 2001 Rev P13	GA First Floor Plan	25 May 2022
146818EFAA DLA B1 02 DR A 2002 Rev P10	GA Roof Plan	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	Additional 3D Views	25 May 2022
146818EFAA DLA B1 XX DR A 2030 Rev P14	GA Elevation	25 May 2022
146818EFAA DLA B1 XX DR A 2035 Rev P14	GA Section	25 May 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	6 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

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

### **DETAILS OF MATERIALS**

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

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

### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)**

- 4 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
  - (a) Hours and duration of works on site
  - (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site
  - (c) Details of construction access
  - (d) Details of any temporary hard standing
  - (e) Details of any temporary hoarding
  - (f) Water management including waste water and surface water drainage
  - (g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
  - (h) Details of method to control wind-blown dust

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

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

## **HGV BOOKING SYSTEM**

- 5 HGV movements from the site associated with the importation phase shall be limited to a maximum of:
- Weekly limit of 60 two-way movements, Monday to Friday only between 9.30am and 2.30pm (30 in and 30 out);
  - Daily limit of 20 two-way movements, Monday to Friday only between 9.30am and 2.30pm (10 in and 10 out).

A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

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

## **MATERIAL**

- 6 Only non-contaminated, suitable material shall be used for the purposes of infilling and restoration. The material will be that which is within Environment Agency permitting regime and/or the CL:AIRE Code.

Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS**

- 7 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted

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

### **CAR PARK MANAGEMENT**

- 8 Prior to the first use or operation of vehicle parking areas, a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking and details of management community use activities. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

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

### **TRAVEL PLAN**

- 9 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 detailed and specific measures to reduce the number of journeys made by car to the school buildings hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

### **LANDSCAPE MANAGEMENT PLAN**

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

submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved from first opening of the school and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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

### **LANDSCAPE PLANTING PLANS**

- 11 The development hereby permitted shall be constructed and completed in accordance with plan 146818EFAA DLA ZZ 00 DR L 9111 Rev P04 Soft Landscape Scheme prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

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

### **COMMUNITY USE AGREEMENT**

- 12 Prior to first occupation of the development, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the school building, the natural turf playing field, multi-use games areas and supporting ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

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

## **TURFING**

- 13 No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

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

## **MULTI-USE GAMES AREA**

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

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

## **HOURS OF USE – OUTDOOR PLAY FACILITIES**

- 15 Prior to the first use or operation of the development, details of the proposed hours of use of the outdoor play facilities shall be submitted to and agreed in writing with the local planning authority. The play facilities shall thereafter be used in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

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

## **NOISE**

- 16 The mitigation measures within Noise Assessment by Apex Acoustics “ Harrier Primary Academy, Aveley BB 93 Acoustic Design Strategy” Reference 9066.1 Revision B dated 20th May 2021, shall be implemented before the use of the school commences and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

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

## **LIMITATIONS ON NOISE**

- 17 The level of noise emitted from the site shall not exceed LA90 background noise level as measured at the nearest noise sensitive receptor.

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **NO LIGHTING – UNLESS OTHERWISE AGREED**

- 18 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.

Reason: In the interests of amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and



PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **UNFORESEEN CONTAMINATION**

- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

### **ARCHAEOLOGY - TRIAL TRENCHING AND EXCAVATION**

- 20 No development or preliminary groundworks of any kind shall take place until the completion of a two-phase programme of archaeological evaluation identified in the approved Written Scheme of Investigation and confirmed by the Local Authorities archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

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

### **REPTILE TRANSLOCATION**

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

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

### **SURFACE WATER MAINTENANCE PLAN**

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **BREEAM**

- 23 The development hereby permitted shall be built to the "Very Good" Building Research Establishment Environmental Assessment Method (BREEAM) rating. Within three months of the first use or operation of the development a copy of the Post Construction Completion Certificate for the building verifying that the "Very Good" BREEAM rating has been achieved shall be submitted to the local planning authority.

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

## **RENEWABLE ENERGY**

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

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

Informative(s)

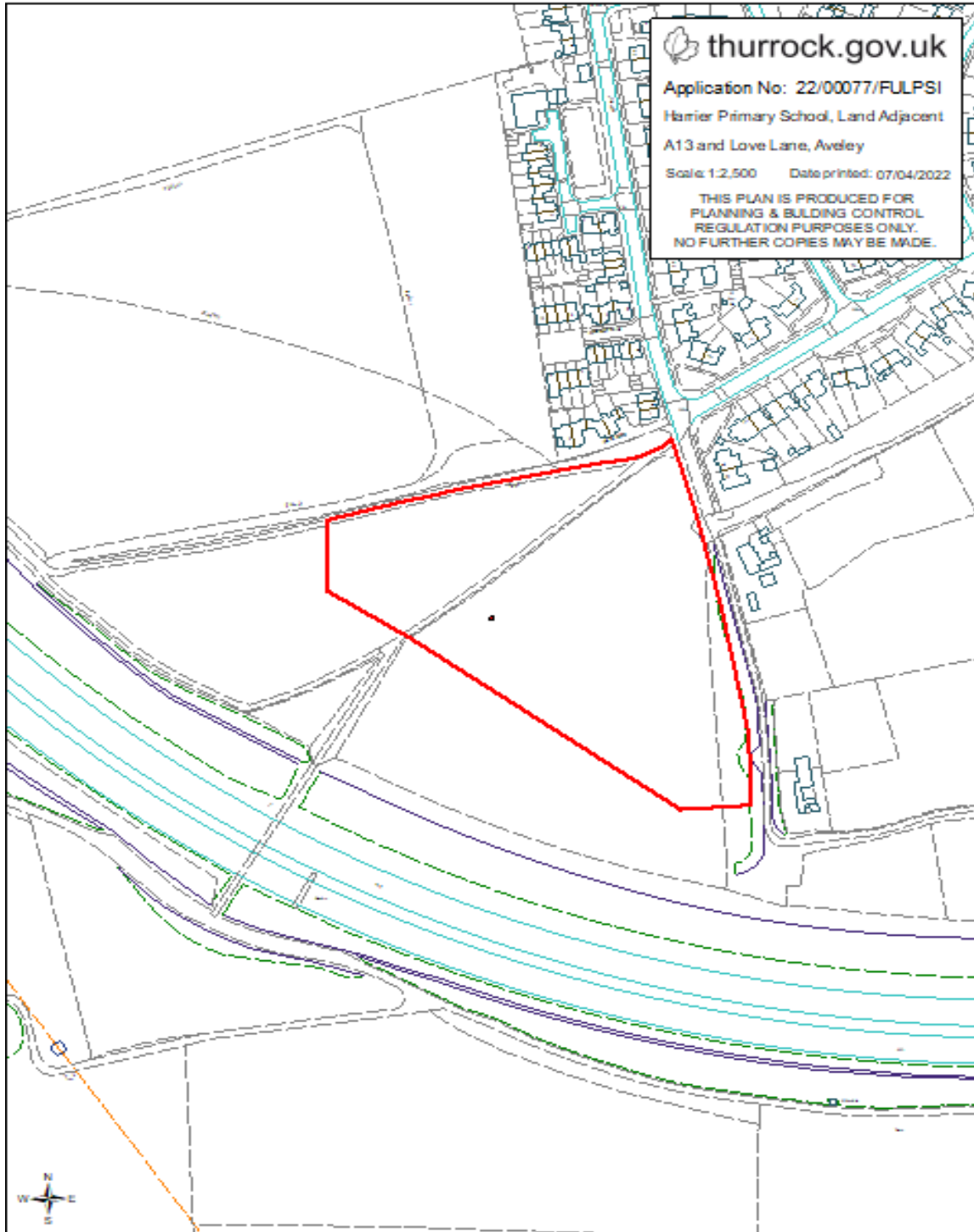
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

### **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](http://www.thurrock.gov.uk/planning)



<b>Reference:</b> 22/00077/FULPSI	<b>Site:</b> Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex
<b>Ward:</b> Aveley and Uplands	<b>Proposal:</b> Construction of a new 2 form entry primary school and nursery (Use Class F1) with outdoor sports areas, access, parking, landscaping and drainage.

<b>Plan Number(s):</b>		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P12	GA Ground Floor Plan	1 April 2022
146818EFAA DLA B1 01 DR A 2001 Rev P6	GA First Floor Plan	18 January 2022
146818EFAA DLA B1 02 DR A 2002 Rev P6	GA Roof Plan	1 April 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	18 January 2022
146818EFAA DLA B1 XX DR A 2030 Rev P10	GA Elevation	1 April 2022
146818EFAA DLA B1 XX DR A 2035 Rev P10	GA Section	1 April 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	6 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022

146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Acoustic Design Strategy</li> <li>- Arboricultural Impact Assessment</li> <li>- BREEAM Pre-Assessment</li> <li>- Car Park Management Plan</li> <li>- Construction Management Plan (Draft)</li> <li>- Design and Access Statement</li> <li>- Flood Risk Assessment and Drainage Strategy</li> <li>- Ground Investigation Report</li> <li>- Landscape Study</li> <li>- Planning Statement</li> <li>- Preliminary Ecological Appraisal</li> <li>- Reptile Survey Report</li> <li>- Sequential Assessment</li> <li>- Statement of Community Involvement</li> <li>- Transport Assessment</li> <li>- Travel Plan (outline)</li> <li>- Written Scheme of Investigation for Archaeological Watching Brief</li> </ul>	
<p><b>Applicant:</b> Eco Modular Buildings (on behalf of the Secretary of State for Education)</p>	<p><b>Validated:</b> 18 January 2022</p> <p><b>Date of expiry:</b> 29 March 2022 (10-week target determination period applies to 'public service infrastructure' applications as of 16 July 2021)</p>
<p><b>Recommendation:</b> Grant planning permission subject to referral to the Secretary of State and planning conditions.</p>	

**1.0 DESCRIPTION OF PROPOSAL**

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

Site area	1.8ha
Floorspace	2,439sqm
Building height	Max. 7.5m
Parking spaces/drop off spaces	32 parking spaces / 3 accessible parking spaces/ 15 drop off/pick up bays/ 85 cycle spaces
Open space/grass areas	1.3ha
Pupil numbers	420 primary school children/ 52 nursery children

1.2 The proposed development comprises the construction of a new school building (Class F1) with outdoor sports areas and associated parking and landscape works at the site. The proposal is to establish a site for Harrier Academy within new purpose-built accommodation to provide a modern teaching environment.

**2.0 SITE DESCRIPTION**

2.1 The site is generally located to the south of Aveley and north of the A13. The site is accessed from Love Lane, which is to the north-east and is a residential street. The closest bus stops in relation to the site are also located on Love Lane. The walking distance from the centre of the site to these bus stops is c.0.2 miles. The nearest rail station is located in Purfleet, approximately 2.2 miles south of the site. There is currently a right of way through the application site which is used for agricultural purposes, either side of the public right of way. Land within the site is classed within Agricultural Land Classification 1 (excellent quality).

2.2 Residential properties are situated to the north and north-east of the site, whilst Tubby’s Farm to the east is utilised for equestrian activities. The land is located within the Green Belt (GB). The site is situated in Flood Zone 1 but is subject to small, isolated pockets of surface water flooding in the northern, central and western portions of the site. The site is not located within the vicinity of a listed building/conservation area nor is it subject to any statutory ecological or nature conservation designation, however the site is within the ‘impact risk zones’ related to the Inner Thames Marshes SSSI.

**3.0 RELEVANT HISTORY**

3.1 There is no relevant planning history at the site. There was a recent request for an Environmental Impact Assessment Screening Opinion submitted with this proposal, it was confirmed an EIA was not required.

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The application has been advertised as a departure from the Development Plan, affecting a public footpath and as a major development. There were four comments of objection received from three different addresses. The matter raised are summarised below:

- Loss of grazing land
- Drainage issues
- Parking/highways issues
- Disruption of a school in the area

4.3 ANGLIAN WATER:

No objections.

4.4 ARCHAEOLOGY:

No objections, subject to a condition for trial trenching and excavation.

4.5 EMERGENCY PLANNING:

No objections.

4.6 ENVIRONMENT AGENCY:

No response received.

4.7 ENVIRONMENTAL HEALTH:

No objections, subject to conditions addressing noise, external lighting, a Construction Environment Management Plan and dealing with unforeseen contamination.



**4.8 ESSEX POLICE:**

No objections, subject to secured by design condition.

**4.9 FLOOD RISK MANAGER:**

No objections, subject to condition regarding maintenance.

**4.10 HIGHWAYS:**

No objection, subject to conditions.

**4.11 LANDSCAPE AND ECOLOGY:**

No objections, subject to reptile mitigation plan.

**4.12 NATURAL ENGLAND:**

No objections.

**4.13 PUBLIC RIGHTS OF WAY:**

No objections, subject to formal diversion order of the public footpath on-site.

**4.14 SPORT ENGLAND:**

No objections, subject to conditions relating to the design and construction of the playing fields, the design specifications of the MUGA and a community use agreement.

**4.15 TRAVEL PLAN:**

No response received.

**4.16 URBAN DESIGN:**

Does not support the proposals on the grounds of insufficient design quality.

**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 date<sup>1</sup>, 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<sup>2</sup>; 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.

<sup>1</sup> 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 ...

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

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

#### National Planning Practice Guidance (PPG)

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 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
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

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

### **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 (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

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

#### THEMATIC POLICIES:

- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP19: Biodiversity
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

#### POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment

#### 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

### Procedure

6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sqm and the scale and nature of the development would have a significant impact on the openness of the GB and therefore the application will need to be referred under paragraph 4 of the Direction (i.e. Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The assessment below covers the following areas:

- I. Principle of the development – including GB considerations
- II. Design, layout and impact upon the surrounding area
- III. Traffic impact, access and car parking
- IV. Impact to amenity
- V. Ecology
- VI. Sports facilities
- VII. Flood risk and drainage
- VIII. Contamination
- IX. Archaeology
- X. Energy and sustainability
- XI. Other matters

### I. PRINCIPLE OF THE DEVELOPMENT – INCLUDING GB CONSIDERATIONS

6.3 Core Strategy policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the heading of "Primary Education") "*new build, refurbishment and expansion of existing mainstream primary schools*". This policy therefore identifies the general need for new build primary schools as items of key infrastructure.

6.4 Core Strategy policy CSTP12 (Education and Learning) sets out a general approach which includes:

- I. the Council's objective and priority to maximise the benefit of investment in buildings, grounds and ICT, to achieve educational transformation;
- II. the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs.

6.5 Under the heading of 'Primary Education' CSTP12 goes on to state that *The Council has outlined a programme of refurbishment, expansion and new schools required to support long-term aims and growth in Regeneration Areas and other Broad Locations in the Plan; it includes:*

- v. Through its Primary Capital Programme (PCP) new build, refurbishment and expansion of up to forty three existing mainstream primary schools. This development will be phased by areas, prioritised according to high levels of deprivation and low levels of educational attainment.*

6.6 Therefore, in general terms Core Strategy policies support the provision of education facilities, including new build schools. Paragraph 95 of the NPPF is also relevant and states that:

*'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

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

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

- there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;

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

Despite this broad policy support for new school development, the application of other relevant national and local planning policies, particularly with regard to GB, is necessary.

- 6.8 The key issues to consider when assessing the principle of development on this site is the impact upon the GB, the need for education provision within the Borough and the loss of agricultural land.
- 6.9 The site at present forms an area of open agricultural land and unused open land between Love Lane and the A13. The site is within the GB where NPPF chapter 13 and Core Strategy policies CSSP4 (Sustainable Green Belt), PMD6 (Development in the Green Belt) apply. But also where Core Strategy policy CSTP21 (Productive Land) is relevant. CSTP21 seeks to preserve the best and most versatile agricultural land (under DEFRA grades 1, 2 and 3) and this policy states the Council will not support development of such land "except in exceptional circumstances". Paragraph no. 174 of the NPPF is also relevant and states that:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils ...*
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land ..."*

- 6.10 According to DEFRA maps, which are at a large scale and therefore not necessarily highly accurate at a 'field by field' level, the site is classified as Grade 1 'Excellent'. Nonetheless, the applicant has stated an opinion that the land is not the actually within best and most versatile (BMV) agricultural land category given its small size and the fact that a public right of way runs through the centre of it. Furthermore, the applicant suggests that there are surface water flooding issues on this site, suggesting that it does not form good, arable land. The applicant's reasons are appreciated, however it would normally be expected that an applicant would undertake a detailed site assessment investigating geology, soil structure etc. to conclude on the precise agricultural land classification. No detailed assessment has been submitted and there is no evidence to conclude that the site is not within Grade 1. The loss of 'excellent' agricultural land is at a prima-facie level contrary to development plan policy and at odds with NPPF paragraph no.174. The Committee will need to judge whether the provision of a new school constitutes the "exceptional circumstances" necessary to justify a departure from policy.
- 6.11 With regard to the Green Belt, Policy CSSP4 (Sustainable Green Belt) identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and Policy PMD6 (Development in the Green Belt) states that the Council will '*maintain, protect and enhance the open character of the Green Belt in Thurrock*'. The proposal is not identified in any of the sections of policy CSSP4 which refer to development opportunities in the GB and would not fall within any of the categories for appropriate development within policy PMD6. These policies along with Chapter 13 of the NPPF aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB.
- 6.12 In assessing the impact upon the GB with regard to the Core Strategy and NPPF policies, consideration needs to be given to the following key questions:
1. Whether the proposals constitute inappropriate development in the GB;
  2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
  3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the GB;
- 6.13 Paragraph 147 of the NPPF makes it clear that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 149 goes on to state that:



*'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.*

6.14 The Planning Statement supplied with the planning application states that the use of land for outdoor recreation or outdoor sports purposes is deemed an exception to inappropriate development in the GB. However, the wording of the paragraph 149(b) stipulates that *'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation....as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it..'*

6.15 The proposed development involves a teaching block and areas of hardstanding to support the outdoor sports facilities and provide car parking and circulation routes. A number outdoor sports facilities would be provided, including two single court Multi-Use Games Area (MUGA) and two natural turf fields. However, these are integral the proposed use as a school. That is, the educational use (a 2no. form entry primary school) generates the need for accompanying sports facilities. A new school building totalling 2,439sqm floorspace clearly does not fall within any of the exceptions above and is inappropriate development. Notwithstanding the NPPF outdoor provisions the

outdoor facilities forming part of the current application, although occupying a large proportion of the site, do not, in themselves, preserve the openness character of the GB by virtue of the hardstanding and fencing proposed around the perimeter of the site and around the MUGAs.

6.16 As the site is an open field, the site is not considered to fall within the NPPF's definition of Previously Developed Land and does not fall within any of the exceptions for the construction of new buildings as set out in Paragraph 149 of the NPPF and within PMD6.

6.17 Therefore the proposals would constitute inappropriate development, which is by definition harmful to openness.

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

6.18 The analysis in the paragraphs above concludes that the proposal constitutes inappropriate development which is, by definition, harmful to the GB (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).

6.19 As noted above paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development and sporting facilities across the site, which is currently open.

6.20 Advice published in NPPG (Jul 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation

6.21 In terms of NPPG guidance, it is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. With regard to the visual impact on the GB assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. In light of the above, given that the site is on an exposed site and visible from nearby public highways and a public right of way, the development of the site as proposed would

clearly harm the visual component of openness. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with a school development and considered this activity would also impact negatively on the openness of the GB. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.22 In terms of whether the planning application would cause harm to the five purposes of the GB, these are considered below;

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

6.23 The NPPF does not provide a definition of the term 'large built-up areas' but the site is located on the south-western edge of the built up area of Aveley. As a matter of judgement it is considered that Aveley constitutes a large built-up area. Therefore, the proposal is considered to be contrary to the GB purpose of checking urban sprawl.

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

6.24 The site is located at the south-western edge of Aveley, so whilst it would extend the boundary of Aveley's built up area this would not lead to any joining with any other town. Therefore, whilst the proposal would increase the built form in the area between towns, it is considered that the proposal would not result in towns merging into one another to any significant degree.

c. to assist in safeguarding the countryside from encroachment;

6.25 The site currently comprises an open site and current views across the site do contribute towards the countryside setting and mark the beginning of relatively open countryside beyond the urban area linking to open land on the south side of the A13. The plans show that a significant built form will be introduced on the site. The introduction of a significant level of built form within this area would result in encroachment into the countryside. As a result the proposal would conflict with this purpose of including land within the GB.

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

- 6.26 As there are no historic town in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the GB.
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.27 The site is located outside the urban area and therefore the granting of permission outside of this area would not encourage urban regeneration. Therefore, the proposal would conflict with this purpose of including land within the GB, albeit the Applicant's sequential test to site selection is considered below.
- 6.28 Based upon the above tests from paragraph 138 of the NPPF the proposal would be contrary to purposes a, c and e. Therefore the proposal would result in harm to some of the purposes of including land in the GB, and harm to the openness of the Green Belt in addition to the definitional harm by reason of its inappropriateness. Reference to "any other harm" (NPPF para. 148), that is non-GB harm, is referred to in the paragraphs below.
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development.
- 6.29 Paragraph 147 makes it clear that 'inappropriate development is, by definition, harmful to the GB and should not be approved except in *'Very Special Circumstances'*. Paragraph 148 of the NPPF then states *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 6.30 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). The demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the GB. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination

of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

6.31 The Planning Statement submitted to accompany the application sets out the applicant’s case for VSC under the following two headings:

- a) Need for school places
- b) Sequential testing for the sites

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

- a) Need for school places

Consideration

6.33 The applicant has stated that The Pupil Place Plan (2021-2025) (‘the PPP’) provides a quantitative assessment of school capacity across the Borough and within the Aveley, Ockendon and Purfleet (AOP) Planning Area within which the school and nursery are located. The PPP projects that across the whole AOP Planning Area, projected admissions do not exceed the Published Admission Number (PAN) between 2021 and 2025 except for in 2023, where there is a shortfall of 8 places.

6.34 Notwithstanding the above, this AOP in particular is made up of three areas which are quite distant from each other in terms of accessibility, separated by main roads A13 and M25. Therefore, it is considered that individual schools within the AOP Planning Area serve their immediate locality. Whilst the PPP endeavours to plan for additional pupil places across the entire AOP Planning Area, this should not preclude adequate assessments of capacity within individual areas and appropriate planning for additional schools to meet forecast capacity issues.

6.35 The table below is taken from the PPP:

School	PAN	Sep-21	Sep-22	Sep-23	Sep-24	Sep-25
Aveley	420	462	460	457	445	447
Kenningtons	420	427	416	460	461	479

This shows the capacity of the two existing primary schools which currently serve the population of Aveley; Aveley Primary School and Kenningtons Primary Academy. PAN stands for Published Admission Number, which is the schools capacity.

6.36 Therefore, both Aveley primary schools were already operating over capacity in September 2021. Subsequent years confirm that this situation only worsens. Therefore, it is considered there is a clear need for additional primary school places has been identified in Aveley, and as such the plans for the proposed development have been developed. There is an urgent need for pupil places within this area and the proposed development has been brought forward as a direct response to this need; it is evident that the Council's Education Department acknowledge the need for additional places in Aveley, as the PPP refers to plans for the school in the introductory paragraphs as being delivered in 2022. Therefore, the factor of need is afforded significant weight in the planning balance.

b) Sequential testing for the sites

Consideration

6.37 The sequential assessment and methodology adopted by the applicant have been deemed sufficiently robust in pre-application discussions. For information, the applicant's assessment is based on the key determinants of location and size of site. The assessment concludes that there are no other available sites of the required size within the built-up area of Aveley and therefore a GB site is the only suitable option. In conjunction with the needs analysis discussed in part (a) above, this factor is also afforded significant weight.

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

<b>Summary of Green Belt and Any Other Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development, harm to openness and conflict with Green Belt – purposes a, c and e	Substantial	a) Need for school places b) Sequential testing for the sites	Significant weight
Loss of Grade 1 (Excellent) agricultural land			

6.39 As ever, in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to inappropriate development, loss of openness and harm to some of the purposes of including land with GBs. Furthermore there is other harm resulting from loss of Grade 1 agricultural land. The two factors

above have been promoted by the applicant as considerations and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'very special circumstances'.

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

## II. DESIGN, LAYOUT AND IMPACT UPON THE SURROUNDING AREA

6.41 Public right of way no.145 currently runs through the centre of the site. To enable the construction of the school this would be diverted around the site. The Council's Public Rights of Way Team has raised no objections to the proposal.

6.42 The school building itself would be situated in the north eastern corner of the site to make efficient use of the site and reduce impact on the GB. The school building would be two-storeys and create 2,439sqm floorspace. The new school would also offer a number of external play areas for the students, with the hard surfaced MUGA courts located just west of the school building. The proposed playing fields would be located to the south of the school building, in the central and eastern portions of the site. There would be a habitat area will also be provided to the south and west of the MUGA courts.

6.43 The school would accommodate classrooms for the youngest Key Stage 1 children on the ground floor with the Key Stage 2 classrooms located upstairs. as well as the ancillary space. The ground floor classrooms allow for direct access to outdoor learning. The reception and nursery outdoor facilities will be enclosed with fencing for safety and easy access for drop-off and pick-up for parents.

6.44 In terms of the external appearance, the ground floor would be clad in a mixture of buff and Staffordshire blue brick. The first floor to the roof would be clad in a mixture of vertical timber cladding. The hall and nursery would have red cladding helping to create contrasting features linking the schools branding to the design.

6.45 The overall design approach is an important factor to consider as the school environment would also be experienced by the wider public, through a community use agreement and would be an important civic space, being located at the north-south and east-west axis of Love Lane and Hall Road. Given the high visibility of the eastern-end of the site, it is unfortunate that the building does not do more to

'announce' its location. It is also unfortunate that the vehicular access with associated gates and utilities sub-station are located in front of the building on the prominent north-eastern corner of the site. It is disappointing that the main pedestrian entrance to the school is located in a less visible location on the northern elevation.

- 6.46 The Council's Urban Design Officer has commented that the building's external appearance should be refined further and it is unfortunate that the proposed 'corporate' colours of the Academy would appear visually jarring within a GB setting. In response to the Urban Design comments, the applicant makes the point that MMC (Modern Methods of Construction) approach is fundamental to the department for Education's programme for the delivery of new and replacement schools to a tight programme and that *'The MMC Framework and other school frameworks are the predominant method of securing new state schools across the country and the design of these schools in accordance with the DfE's Output Specific which has evolved from the DfE's research and experience from previous schools programme'*.
- 6.47 The most recent version of the NPPF (2021) emphasises design quality and the following NPPF paragraph references are of relevance:

para.126

*"The creation of high quality, beautiful and sustainable 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."*

para.130

*"Planning policies and decisions should ensure that developments:  
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*

The applicant refers to design, timeframe and budget constraints associated with the delivery of new school buildings. Although these constraints run contrary to elements of the NPPF in terms of quality of design and 'building beautiful'. It is considered that components of the layout and appearance of the development are disappointing and below the place-making expectations which would normally be required. However, the Committee will need to balance the pressing need for school places and the budget and time constraints operated by the Department for Education. The layout and design of the development can be accepted in this context, but doesn't commend itself to the proposals.

### III. TRAFFIC IMPACT, ACCESS & CAR PARKING



- 6.48 The main entrance to the school would be from Love Lane to the east which will serve as a single access for vehicles serving car parking and drop-off/pick up facilities. Pedestrians and cyclists would enter the site using this access point too. Pedestrian footpaths proposed alongside this new access road leading into the site and a footpath leading from this into the school grounds from the east. Additional areas of pavement will be introduced on Love Lane to facilitate safer crossing points for pupils.
- 6.49 A number of drop-off/pick-up bays are proposed to the north of the school building in front of the main school entrance. The car park to the north of the school will provide 32 standard parking bays, 3 accessible bays at the front of the main entrance, 85 cycle spaces, 80 for pupils and 5 for staff and 2 motorcycle spaces. The recently adopted (2022) parking standards are met, as the requirements for a school are 1 space per 15 pupils and for a nursery 1 space per member of full time staff. The number of cycle spaces provided is acceptable.
- 6.50 The school would inevitably increase traffic at school pick off and drop off times. The Council's Highways Officer has reviewed the information provided and concludes the proposal would be acceptable with conditions covering car park management and a travel plan.
- 6.51 In conclusion under this heading subject to conditions, it is concluded that the residual impact of the development on the road network would be acceptable.

#### IV. IMPACT TO AMENITY

##### Noise

- 6.52 The acoustics report submitted with the application details the design measures necessary for the school to fully comply with Building Bulletin 93 requirements. The acoustic performance parameters for compliance are addressed and provided the materials and options chosen in the detailed design incorporates the stated measures, then BB93 requirements can be met.
- 6.53 In terms of noise created by the school, external plant should be selected and designed such that the cumulative plant noise does not exceed the existing representative daytime LA90 background noise level at the nearest noise sensitive receptor. These are considered to be the nearest residential properties at Clare Court and properties on or near the corner of Love Lane and Hall Lane. This will be required by condition. It can be expected that there will be a degree of noise and disturbance associated with activity at the school, particularly at the beginning and end of the school day. However, playing fields for the new school would be located furthest from neighbouring residential properties.

### Lighting

- 6.54 External lighting should be designed to the guidance as laid out in CIBSE/SLL Code for Lighting, CIBSE LG06 "The Outdoor Environment" and ILE "Guidance notes for the Reduction of Obtrusive Light". No indication of the proposed lighting for the building or the sports facilities has been received. This would be controlled by condition.

### Construction

- 6.55 It is considered a formal Construction Environmental Management Plan (CEMP) should be conditioned to secure hours of construction, control of dust, vibration/noise.

## V. ECOLOGY

- 6.56 A reptile survey was undertaken and submitted with the application. A low number of slow-worms were found on three occasions on the northern boundary. The Council's Landscape and Ecology has advised that it will be necessary for a method statement to be produced prior to any site works detailing how the reptiles will be protected during site clearance and construction; this can be dealt with by condition.
- 6.57 In terms of trees, there is only one low quality tree within the site. This will require removal to allow the development, but its loss would be mitigated by the proposed landscape scheme.
- 6.58 A landscape assessment has been undertaken to illustrate the likely landscape and visual effects of the scheme. This was sufficient to demonstrate that, while the effects would be locally significant, impacts will be confined to limited viewpoints. Existing development within the area means that the effects will be confined to the immediate area.
- 6.59 A detailed landscape scheme has been submitted which shows that new tree and shrub planting will be provided to the front of the proposed school buildings. An area of 'pictorial meadow mix' which is combination of wildflowers and cultivars of ecological value is proposed around the MUGA.
- 6.60 Overall it is considered that the scheme will not have significant adverse ecological or landscape effects, due to the site being very contained. Therefore, there are no objections to the ecological or landscape effects so long as a reptile mitigation plan is provided prior to commencement.

## VI. SPORTS FACILITIES

- 6.61 The school would offer a number of external play areas for the students with the MUGA courts located just west of the school building. The playing fields would be located to the south of the school building, in the central and eastern portions of the site.
- 6.62 Sport England have confirmed they have no objection to the proposal in terms of their remit. However, they want to ensure the quality of the turf pitches enables them to be consistently usable for the school and wider community. They also want to ensure the MUGA is well-designed and a Community Use Agreement is secured. These matters will be guaranteed by condition. Therefore, in terms of sporting facilities the proposed is deemed appropriate and is consistent with CSTP9 of the Core Strategy.

## VII. FLOOD RISK & DRAINAGE

- 6.63 The site is within Flood Zone 1 and is therefore at low risk of flooding. There are no historical records of flooding affecting the site. The internal ground floor level would be a minimum of 150mm above ground (to mitigate against heavy rainfall events).
- 6.64 In respect of drainage, surface water runoff is proposed to be discharged to the existing surface water sewer in Love Lane at a restricted rate with on-site attenuation. The Council's Flood Risk Manager does not object subject to conditions regarding the details of maintenance of the surface water drainage.
- 6.65 Overall, it is considered that in respect of flood risk and drainage that the scheme complies with the NPPF and Policy CSTP25 of the Core Strategy.

## VIII. CONTAMINATION

- 6.66 The Council's Environmental Health Officer (EHO) has reviewed the submitted Ground Investigation Report and is satisfied that the site does not require remediation before construction activities can commence. The EHO suggests that a planning condition is used to deal with any unexpected contamination, which may be encountered during development.

## IX. ARCHAEOLOGY

- 6.67 The proposed development lies in close proximity to the A13, where extensive Pleistocene deposits were recovered during the road's construction (EHER 19471). Environmental samples revealed at least three species of Lion, Giant Deer and Roe Deer, and gravel deposits were identified as stratigraphically equivalent to other nearby deposits that have previously produced mammoth skeletons. Palaeolithic artefacts, fossils and other environmental evidence was likely to be present within

the road corridor, and accordingly are likely to also survive in close proximity. The investigation of the A13's route also exposed a Late Iron Age/Romano British settlement. Excavation of the settlement site uncovered building evidence, enclosure ditches and pottery (EHER 14574). Additionally, to the immediate east of the proposed development a find spot of Anglo-Saxon metalwork is recorded, originally recovered by metal detectorists (EHER 19477).

6.68 A Written Scheme of Investigation (WSI) was submitted. The Archaeological Advisor has confirmed that they have no objections, subject to a condition for trial trenching and excavation.

## X. ENERGY & SUSTAINABILITY

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

6.70 The applicant has confirmed that the scheme will "target BREEAM 'Very Good' as it is economically unviable to achieve anything higher in this case. Although a financial viability appraisal has not been submitted in support of this contention which is the expectation of the development plan policy. It is disappointing that a modern, purpose-built school cannot achieve adopted policy requirements, especially in light of the current climate change emergency. In light of the strong national policy support for new school provision, the budget constraints and the timetable within which the applicant is working it would be difficult to object to the development on this basis. Notwithstanding a planning condition is justified to ensure that the "very good" target is met.

6.71 The applicant's Energy Statement highlights that the DfE maintains standardised specifications and budgets and have sought to balance the competing demands of environmental sustainability and efficient use of the public purse. To achieve this, the DfE specification and funding provide a number of environmental and sustainable features to ensure the proposals are 'beneficial in environmental terms'.

6.72 Notwithstanding this, with reference to policy PMD13, the proposal must secure 20% of their predicted energy from decentralised and renewable or low-carbon sources, unless it can be demonstrated to the Council's satisfaction, by way of a full viability assessment, that this is not feasible or viable. At this stage, a full viability assessment has not been submitted. Therefore, a condition will be added to address this matter and require the provision of on-site renewable energy generation.

## XI OTHER MATTERS

6.73 Site section drawings accompanying the application demonstrate that existing ground levels fall from c.16m at the north of the site to c.14.3m at the south. Ground levels would be re-profiled to create a development platform for the new building at c.16.3m falling to 14.6m at the southern boundary. There would be a general increase in ground levels across the site and 10,599m<sup>3</sup> engineering fill material will need to be imported on-site to achieve the proposed level. HGV movements would be required per day for import/export of any materials 760 overall (25/30 per day), but this is dependent on call off and availability of vehicles and turnaround as well as bulking factor of the material. This would equate to a maximum of 30 days during which materials would be imported to site assuming 25 movements per day. A highways update will be provided to the Committee.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The site is located within the GB and the proposals comprise inappropriate development. Consequently, there would be definitional harm to the GB, as well as harm by way of loss of openness and harm to a number of purposes which the GB serves. Substantial weight should be attached to this harm. There would also be harm resulting from the loss of Grade 1 agricultural land. The applicant has set out factors which they consider to constitute the VSC needs to clearly outweigh the identified harm and justify the inappropriate development. Consideration of these factors is set out above and it is concluded that a case for very special circumstances exists.

7.2 Elements of the layout and appearance of the development are disappointing and below the standards normally expected to achieve the place-making agenda for Thurrock. However, as with recent new school proposals, the applicant is constrained by time, budget and the need to provide additional school places. The proposal also fails to meet the requirements of adopted policy PMD12 which, again, is disappointing. It is concluded that all other matters of detail are acceptable, subject to condition.

## 8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and
- (ii) Subject to the application not being called-in by the Secretary of State for

determination, grant planning permission subject to the following conditions:

### TIME LIMIT

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

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

### PLANS LIST

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

<b>Plan Number(s):</b>		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P12	GA Ground Floor Plan	1 April 2022
146818EFAA DLA B1 01 DR A 2001 Rev P6	GA First Floor Plan	18 January 2022
146818EFAA DLA B1 02 DR A 2002 Rev P6	GA Roof Plan	1 April 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	18 January 2022
146818EFAA DLA B1 XX DR A 2030 Rev P10	GA Elevation	1 April 2022
146818EFAA DLA B1 XX DR A 2035 Rev P10	GA Section	1 April 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	1 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022

146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

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

#### **DETAILS OF MATERIALS**

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

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

#### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)**

- 4 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours and duration of works on site
  - (b) Wheel washing and sheeting of vehicles transporting aggregates on to or

off of the site

(c) Details of construction access

(d) Details of any temporary hard standing

(e) Details of any temporary hoarding

(f) Water management including waste water and surface water drainage

(g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP

(h) Details of method to control wind-blown dust

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

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

### **PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS**

- 5 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

### **CAR PARK MANAGEMENT**

- 6 Prior to the first use or operation of vehicle parking areas, a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking and details of management community use activities. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted



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

### **TRAVEL PLAN**

- 7 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 detailed and specific measures to reduce the number of journeys made by car to the school buildings hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

### **LANDSCAPE MANAGEMENT PLAN**

- 8 Prior to the first opening of the school a landscape management plan, including management responsibilities, maintenance schedules for the upkeep of all landscaped areas, including management of the wildflower grassland, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved from first opening of the school and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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

### **LANDSCAPE PLANTING PLANS**

- 9 The development hereby permitted shall be constructed and completed in accordance with plan 146818EFAA DLA ZZ 00 DR L 9111 Rev P04 Soft Landscape

Scheme prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

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

### **COMMUNITY USE AGREEMENT**

- 10 Prior to first occupation of the development, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the school building, the natural turf playing field, multi-use games areas and supporting ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

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

### **TURFING**

- 11 No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

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

### **MULTI-USE GAMES AREA**

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

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

### **HOURS OF USE – OUTDOOR PLAY FACILITIES**

- 13 Prior to the first use or operation of the development, details of the proposed hours of use of the outdoor play facilities shall be submitted to and agreed in writing with the local planning authority. The play facilities shall thereafter be used in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

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

### **NOISE**

- 14 The mitigation measures within Noise Assessment by Apex Acoustics “ Harrier Primary Academy, Aveley BB 93 Acoustic Design Strategy” Reference 9066.1 Revision B dated 20th May 2021, shall be implemented before the use of the school commences and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

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

### **LIMITATIONS ON NOISE**

- 15 The level of noise emitted from the site shall not exceed LA90 background noise level as measured at the nearest noise sensitive receptor.

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **NO LIGHTING – UNLESS OTHERWISE AGREED**

- 16 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.

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

### **UNFORESEEN CONTAMINATION**

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

## **ARCHAEOLOGY - TRIAL TRENCHING AND EXCAVATION**

- 18 No development or preliminary groundworks of any kind shall take place until the completion of a two-phase programme of archaeological evaluation identified in the approved Written Scheme of Investigation and confirmed by the Local Authorities archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

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

## **REPTILE TRANSLOCATION**

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

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

## **SURFACE WATER MAINTENANCE PLAN**

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **BREEAM**

- 21 The development hereby permitted shall be built to the "Very Good" Building Research Establishment Environmental Assessment Method (BREEAM) rating. Within three months of the first use or operation of the development a copy of the Post Construction Completion Certificate for the building verifying that the "Very Good" BREEAM rating has been achieved shall be submitted to the local planning authority.

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

## **RENEWABLE ENERGY**

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

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

## Informative(s)

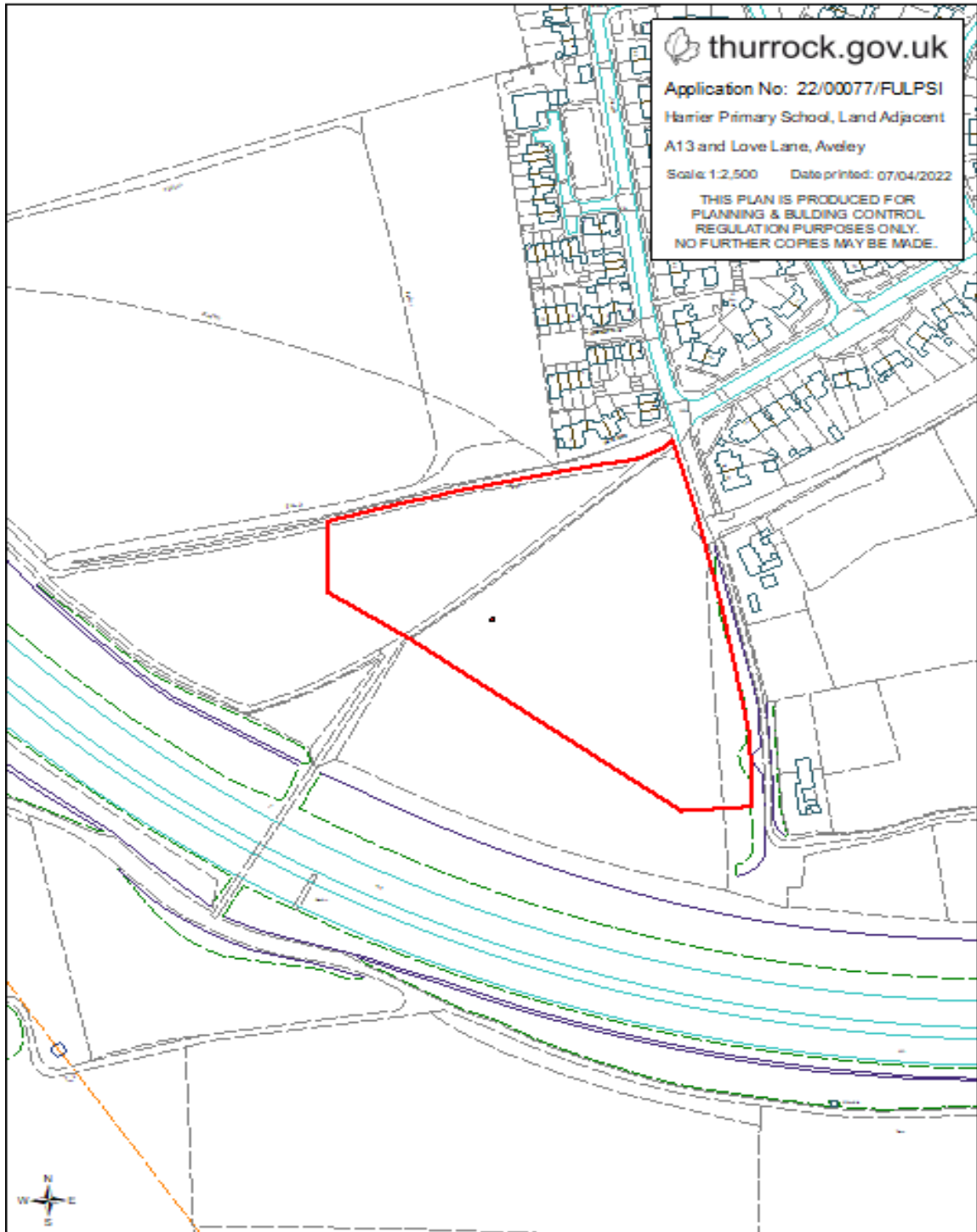
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

### **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](http://www.thurrock.gov.uk/planning)





<b>Reference:</b> 18/01404/OUT	<b>Site:</b> Thames Enterprise Park The Manorway Coryton Essex
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Outline planning permission with all matters (except for access) reserved for the demolition, phased remediation and redevelopment of 167 hectares of former Coryton Oil Refinery to provide up to 345,500 sq. m of commercial development including Manufacturing; Storage, Distribution & Logistics (Use Class B2/B8); Energy & Waste related facilities (Use Class Sui Generis); A Central Hub incorporating a range of active uses (Research & Development, leisure, education, hotel and conferencing facilities) (Use Classes B1(b), D1, D2, C1) and ancillary cafe/leisure/community facilities (Use Classes A3, D2 & Sui Generis), as well as additional land set aside for a Rail Freight Terminal; Up to 20 Hectares of Open Storage (Use Class B8); Energy Centre; Lorry Parking Facilities; structural landscaping; car parking, new road and access facilities; vehicular, pedestrian and cycle crossing over Shellhaven Creek; pedestrian crossing facilities to existing and proposed estate roads; retention of existing jetties; and associated infrastructure works

<b>Plan Number(s):</b>		
Reference	Name	Received
SK158 - Site Boundary Plan Parameter Plan - PP1	Location Plan	27th September 2018
SK159F - Development Plots Parameter Plan - PP2	Proposed Plans	6th April 2022
SK160F - Land Use Parameter Plan – PP3	Proposed Plans	27th January 2022
SK161D - Green Infrastructure Parameter Plan - PP4	Proposed Plans	27th January 2022
SK162E - Building Heights Parameter Plan - PP5	Proposed Plans	27th January 2022
SK163D - Access and Circulation Parameter Plan - PP6	Proposed Plans	27th January 2022
SK164C - Public and Private Access Parameter Plan -	Proposed	27th January

PP7	Plans	2022
83827-A-08-AT01C Swept Path Analysis	Proposed Plans	27th January 2022
183827-A-08D Proposed pedestrian/cycle provision along the Manorway	Proposed Plans	27th January 2022
SK203 - Inner COMAH Zone Plan	Proposed Plans	30th April 2019
SK04 - Inner COMAH Zone Illustrative Masterplan	Proposed Plans	30th April 2019
83827-A-08-AT01C Swept Path Analysis	Proposed Plans	27th January 2022
183827-A-08D Proposed general arrangement of pedestrian/cycle provision along the Manorway	Proposed Plans	27th January 2022
183827-SK-006F - Site Access 2 - via Barkers Boulevard	Proposed Plans	27th January 2022
SK167 – Existing and Proposed Levels	Proposed Plans	6th April 2022

The application is also accompanied by:

- Planning Statement and Addendum
- Design and Access Statement
- Environmental Statement Volume 1 - Main Text and Addendums (February 2021 and January 2022)
  1. Introduction
  2. EIA Methodology
  3. Site and Development Description
  4. Alternatives and Design Evolution
  5. Construction Methodology and Sequencing
  6. Socio-Economics
  7. Landscape and Views
  8. Ecology and Nature Conservation
  9. Water Resources and Flood Risk
  10. Land Contamination
  11. Transport and Access
  12. Noise
  13. Air Quality and Odour
  14. Summary and Residual Effects
- Environmental Statement Volume 2 - Technical Appendices and Addendums (February 2021 and January 2022)

- Environmental Statement Volume 3 - Transport Assessment and Addendums (February 2021 and January 2022)
- Non Technical Summary (NTS) of Environmental Statement and NTS Addendum (January 2022)
- Archaeological Desk Based Assessment
- Built Heritage Statement
- BREEAM Pre Assessment
- Economic Benefits Summary
- Energy Statement
- External Lighting Strategy
- Health Impact Assessment
- Report to inform Habitats Regulation Assessment
- Sustainability Strategy
- Vision Statement

**Applicant:** I-Sec  
c/o Barton Wilmore

**Validated:**  
27 September 2018  
**Date of expiry:**  
30 June 2022 (extension of time agreed)

**Recommendation:** Approve subject to conditions and a s106 legal agreement

This application is to be determined by the Planning Committee in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (a) as the proposal would have significant strategic implications for the Borough.

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

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

<b>Site Area (Gross)</b>	167 ha	
<b>Employment</b>	Up to and estimated 5,500	
<b>Land Uses and Floorspace</b>	<b>Use Class</b>	<b>Maximum Floorspace (m<sup>2</sup>)</b>
	B8 – Storage and Distribution	Up to 200,500
	B8 – Open Storage	Up to 20 hectares
	B2 – Manufacturing	72,000
	Sui Generis – Energy and Waste	60,000

	B1(b) – Research and Development	5,000
	D1/D2 – Education/Community Facilities/Gym/Creche	Up to 2,500
	C1 – Hotel	Up to 5,000
	A3 - Cafes	500
	<b>Total (All Uses)</b>	<b>345,500 plus 20 hectares of open storage</b>
<b>Green Infrastructure</b>	15.5 ha	
<b>Ecological Mitigation</b>	18.5 ha	
<b>Building Heights</b>	A range of heights across the site with some plots up to 13m (AOD) and others up to 48.4m (AOD) for the tallest buildings and up to 103m (AOD) for any chimney stacks	
<b>Access</b>	<p>All road access from The Manorway</p> <p>Two accesses proposed:</p> <ol style="list-style-type: none"> <li>1. First via a new main access into the site; and</li> <li>2. The second via the Barkers Boulevard to the south west of the site.</li> </ol> <p>Opportunity for rail access from the south western side of the site, and for river access via the jetties with the site area.</p>	
<b>Car Parking</b>	A total predicted car parking capacity of 1,437 for the whole development to allocated throughout each Development Plot with details of the layout to be secured through the relevant reserved matters.	
<b>HGV Parking</b>	Three (3) dedicated lorry parks within the site along with HGV parking for each Development Plot. Plots A1 and A2 can be used for lorry park or open storage. All details would be secured through the relevant reserved matters	

1.2 Outline planning permission, with all matters reserved except for access, is sought for the demolition, phased remediation and redevelopment of 167 hectares of land at the former Coryton Oil Refinery.

1.3 The demolition would remove all buildings on site except for the existing chimney stack which would remain and would be modified as a feature for the site. The

phased remediation works, as approved through planning permission reference 17/00194/FUL, has been completed and represents the Phase 1 area showing on the Indicative Phasing Plan.

- 1.4 The proposed regeneration of this site would provide up to 345,500m<sup>2</sup> of commercial development for the uses. The table below identifies the maximum floorspace for the following land uses in the proposed development, in accordance with the Town and Country Planning (Uses Classes) Order 1987 (as amended) which was the Use Classes Order in place at the time of the planning application submission. Since then, there has been a new Use Classes Order which can into effect on 1 September 2020 but due to the transition arrangements applications submitted before the 1 September 2020 can still be considered with the 1987 Use Classes Order, which is the case for this planning application.

Use Class	Maximum Floorspace (m <sup>2</sup> )
B8 – Storage and Distribution	Up to 200,500
B8 – Open Storage	Up to 20 hectares
B2 – Manufacturing	72,000
Sui Generis – Energy and Waste	60,000
B1(b) – Research and Development/Incubator	5,000
D1/D2 – Education/Community Facilities/Gym/Creche	Up to 2,500
C1 – Hotel	Up to 5,000
A3 - Cafes	500
<b>Total (All Uses)</b>	<b>345,500 plus 20 hectares of open storage</b>

- 1.5 Based on the proposed floorspaces the development is predicted to generate the following employment numbers (full and part time roles):

Use Class	Maximum Floorspace [Sqm]	Employment Density range – 1 employee per sqm	Number of Employees (Maximum)
B8 – Storage and Distribution	Up to 200,500	70	2864
B2 – Manufacturing	Up to 72,000	36	2000
B8 – Open Storage	Up to 20 Hectares	0.2 hectares	100
Sui Generis – Energy & Waste	Up to 60,000	205	293
B1 - Research & Development and	Up to 5,000	40-60	125

Light Industrial			
D1/D2 – Education/Community Facilities/Gym/Creche	Up to 2,500	65	50
A3 - Cafés	Up to 500	15-20	33
C1 – Hotel	Up to 5,000 (100-bed)	1 per 3 – 5 Beds	33
<b>Total [All Uses]</b>	<b>345,500</b>		<b>5,498</b>

1.6 The application is supported by an Environment Statement (ES) which demonstrates an Environmental Impact Assessment has been undertaken and is supported by a number of studies appended to the ES, as well as the standalone studies.

1.7 The application is subject to a number of ‘Parameter Plans’ which have all been tested through the Environmental Impact Assessment to understand the limits of the proposed development proposed for this site (the “Rochdale Envelope”). The Parameter Plans, Illustrative Masterplan, Indicative Phasing Plan, the Design and Access Statement and the planning conditions/obligations would all be used to inform the future applications for the approval of reserved matters. A Design Code is also proposed to be secured through a planning condition to inform the future reserved matters. The Parameter Plans collectively inform the Illustrative Masterplan produced to show how the site might be developed.

1.8 The applicant has identified the following Vision for Thames Enterprise Park:

*To create a sustainable ‘next generation’ manufacturing, logistics and energy hub for London and the South East that optimises Thames Enterprise Park’s unique location and inter-modality to bring a historically important site back into economic life providing jobs, investment and economic vibrancy to the region and the UK.*

1.9 With the exception of Parameter Plan 1 (Site Boundary) the following paragraphs provide further information about the Parameter Plans:

Development Plots (Parameter Plan 2)

1.10 This Parameter Plan identifies a total of 18 Development Plots would be created across the site and these are identified as Plots A to T. Each plot would have a net developable area of between 25% and 55%, depending upon the size of the plot, meaning that future buildings on each plot can only occupy the identified net developable area per plot which allows for the remainder of each plot to be used for internal roads, vehicle parking, loading areas, outside staffing facilities and landscaping. The table below provides this information for each plot:

Plot	Gross Area		Percentage Plot Coverage	Net Area	
	Acres	Hectares		Acres	Hectares
A	1.65	0.7	70%	1.2	0.5
B	3.3	1.3			
C	12.9	5.2			
D	14.3	5.8	40%	5.7	2.3
E	27.8	11.3	55%	15.3	6.2
F	8.7	3.5	40%	3.5	1.4
G	6.5	2.6			
H	10.7	4.3	50%	5.4	2.2
J	18.4	7.4	35%	6.4	2.6
K	12.9	5.2	40%	5.2	2.1
L	0.5	0.2			
M	0.9	0.4	35%	0.3	0.1
N	9.8	4	40%	3.9	1.6
P	8.1	3.3	45%	3.6	1.5
Q	27.8	11.3	50%	13.9	5.6
R	76.1	30.8	55%	41.9	16.9
S	44.5	18	70%	31.2	12.6
T	0.26	0.11	25%	0.07	0.03
Total	284.85	115.4			

### Land Use (Parameter Plan 3)

1.11 The Land Use Parameter Plan identifies areas for the future land uses. A total of up to 345,500m<sup>2</sup> of floorspace is proposed. The proposal provides a breakdown of how the site could be developed for future end uses as follows:

- Commercial development including Manufacturing; Storage, Distribution & Logistics (Use Classes B2/B8);
- Energy & Waste related facilities and energy centre (Use Class Sui Generis);
- A Central Hub incorporating a range of active uses including research & development (Use Class B1(b)), leisure and education (Use Classes D1 and D2), hotel and conferencing facilities (Use Class C1)
- Ancillary cafe/leisure/community facilities (Use Classes A3, D2 & Sui Generis),
- Land set aside for a Rail Freight Terminal (Use Class Sui Generis);
- Up to 20 Hectares of Open Storage (Use Class B8);
- Lorry Parking Facilities;
- Structural landscaping;

- Car parking, new road and access facilities; vehicular, pedestrian and cycle crossing over Shellhaven Creek;
- Pedestrian crossing facilities to existing and proposed estate roads;
- Retention of existing jetties (within the red line area); and
- Associated infrastructure works.

1.12 The Land Use Parameter Plan shows the manufacturing/storage and distribution uses would occupy the central, eastern and part of the western areas of the site. Two areas, one to the north and central area, and one to the western boundary, would provide land for energy/power park/waste uses. The Central Hub would provide the research and development use along with incubator office space, education, nursery, training, hotel, conferencing, leisure and café uses. The rail freight terminal would be located at the southern point of the western land parcel to allow connections to the existing rail heads. The main area for open storage would be located at the eastern side of the site, although two further plots are shown as open storage space areas to the western side of the site. Lorry parking facilities are shown in five locations across the site, two to the western and three to the east.

#### Green Infrastructure (Parameter Plan 4)

1.13 The Green Infrastructure Parameter Plan identifies a strategic network of green infrastructure corridors that allows for access through the site with routes alongside the River Thames to the south and Holehaven Creek to the north. The Shellhaven Creek is also shown on this plan. The green infrastructure is to promote safe and sustainable links for pedestrians and cyclists around the site. The green infrastructure would incorporate landscaping to visually improve the site as part of the overall development.

#### Building Heights (Parameter Plan 5)

1.14 The Building Heights Parameter Plan identifies a range of building heights across the site with an allowance of buildings up to 48.4m AOD (Above Ordnance Datum/sea level) in height for the central and eastern parts of the site. The Central Hub would be limited to buildings up to 23.4m AOD. The large area of open storage to the eastern side of the site would allow for open storage up to 18.4m AOD. The lorry park locations would allow for heights up to 13m AOD. The energy producing uses are likely to require chimney stacks and within these areas the stacks are proposed to be up to 103m AOD high. The existing retained chimney stack height is 115m AOD.

1.15 To the south of Shellhaven Creek a buffer is shown to prevent overshadowing of the creek for biodiversity and ecological reasons. This buffer allows for lower



heights of 13.4m AOD at the boundary with the creek increasing up to 48.4m (AOD).

- 1.16 The application proposes surcharging of the land to increase the current ground levels by between 0.8m and 1.7m across the entire site. This would allow for a ground level of 3m across the entire site for Development Plots.
- 1.17 The colour coding on the Building Heights Parameter Plan shows the proposed maximum building heights based AOD measurements as follows:

13m AOD
18.40m AOD
23.40m AOD
33.00m AOD
48.00m AOD
48.40m AOD
Indicative locations of chimney stack up to 103m AOD and no more than 5m wide

Access and Circulation (Parameter Plan 6)

- 1.18 The Access and Circulation Parameter Plan identifies the two accesses into the site.
- 1.19 The main access into the site would be reached from the end of the Manorway and would be subject to an entrance gatehouse (Plot L) for controlling access into the site. This would provide access for all vehicles, pedestrians and cyclists. From the entrance the main route would form a combined car and HGV routes within the site. A 'T' junction shortly after the entrance gateway would provide a left turn for a non-HGV route only route to this part of the site where the proposed road would be layout around the existing chimney stack feature and is likely to be used by cars, buses and LGV's serving the sites.
- 1.20 To the west of the main site access/entrance the Manorway would be upgraded with a dedicated 3m wide shared footway/cycleway which would link to the Manorway roundabout. From the roundabout a proposed dedicated 3m wide shared footway/cycleway along Manorway to Sorrells roundabout is proposed through the planning obligation measures.
- 1.21 The secondary access would provide access to the western part of the site and would be south of Shellhaven Creek. This secondary access would be accessed via the Barkers Boulevard.

- 1.22 Various internal roads within the site would provide access to locations throughout the site including future public transport access arrangements where bus stop locations, bus routes and bus turning areas, along with pedestrian and cycle routes through the site and dedicated HGV routes. These are shown on the parameter plan.
- 1.23 At various points along the site boundary future road access points are shown on the plan, which would allow for potential future links to the Thames Oil Port to the north and towards the London Gateway site to the west.
- 1.24 With the location of the railhead to the part of the site there are opportunities for rail linkages to the south west of the site. This would use the existing rail freight line which serves the London Gateway Port and links to the main line just south of Stanford Le Hope. From the London Gateway Port east the line that splits into two siding areas to two different locations to the west of the site. The northern siding links to the Thames Oil Port to the north of the site but partly passes through the site. The southern siding follows the southern site boundary but does not pass into the site. It is shown on the Land Use Parameter Plan and Illustrative Masterplan that this southern siding area could be used for rail freight purposes for a future user/operator on Plot C.
- 1.25 The plan also shows that the existing retained jetties into the River Thames along the southern side of the site would be retained and could be subject to future use.
- 1.26 The existing bridge over the Shellhaven Creek would be retained and used as the main vehicular route for accessing the western part of the site to the south of Shellhaven Creek. In addition to this a separate dedicated pedestrian and cycle bridge would be constructed over Shellhaven Creek and this bridge would be provided to the east of the existing road bridge, as shown on the Access and Circulation Parameter Plan, and the Illustrative Masterplan. Details of this bridge would be provided as a reserved matters application.

#### Public and Private Areas (Parameter Plan 7)

- 1.27 The Public and Private Areas Parameter Plan identifies the 'public' and 'private' areas for access, vehicular traffic and security arrangements through access controlled areas at the site. This includes the site's main entrance but also two controlled entrance accesses within the site. This would be similar to the existing security arrangements at the site. This plan also shows the designated pedestrian routes within and around edges of the site. The Public Access Zone would involve the Amenity Hub location, part of the Sustainable Industries Park and locations along parts of the site adjacent to the River Thames and Holehaven Creek.

Illustrative Masterplan

1.28 Using the information from the Parameter Plans the Illustrative Masterplan informs how the site might appear in the future and identifies the following:

- Energy Park;
- Central Hub: Amenity/Education/Training/Café/Crèche/Hotel/Conference facilities;
- Manufacturing/Storage and Distribution areas;
- Open Storage areas;
- Coach/Bus Stop and Visitor Parking area;
- Lorry Parks;
- Rail Sidings;
- Ecological Mitigation Zone;
- Feature Chimney to be retained;

1.29 The Illustrative Masterplan also includes a key to show the Plots and the indicative phasing of the development with the floorspace shown as follows:

Phase/ Tranche	Plots	Use	Floorspace m <sup>2</sup>	Building Heights up to (all m AOD)
1	A1/A2	Open Storage or Lorry Park		13m
	B	Lorry Park		13m
	C	Rail Siding	91	33m
	D1	MBT facility – what is that?	9,267	48.4m
	D2	Gasification Facility	8,940	48.4m
	E1	Manufacturing/ Storage and Distribution	75,760	48.4m
	F1		8,514	23.4m
F2	4,693		23.4m	
1b	H	Amenity Hub Area and Manufacturing/ Storage and Distribution location	15,238	23.4m
	M1	Café	900	23.4m
	G1	Lorry Park		13m
	G2	Coach/Bus Stop/Visitor Parking		13m
2	J4	Anaerobic Digestion	5,656	48.4m

		Facility			
	J3	Biomass Facility	3,309	48.4m	
	J5	Water Treatment	1,362	48.4m	
	J1	Energy Park	2,320	48.4m	
	J2		2,496	48.4m	
	L	Gatehouse	343	13m	
	K1	Manufacturing/ Storage and Distribution	7,483	23.4m	
	K2		3,231	23.4m	
	K3		3,231	23.4m	
	K4		3,098	23.4m	
	N1		4,001	23.4m	
	N2		3,026	23.4m	
	N3		2,523	23.4m	
	N4		2,523	23.4m	
	N5		3,600	23.4m	
	P1		6,382	23.4m	
	P2		6,694	23.4m	
3	Q1		Energy Park	4,229	48.4m
	Q2			10,371	48.4m
	Q3			8,450	48.4m
	R1		Manufacturing/ Storage and Distribution	29,982	48.4m
4	Q4	6,769	48.4m		
	Q5	Lorry Park		48.4m	
	R2	Manufacturing/ Storage and Distribution	50,400	48.4m	
	R3	50,400	48.4m		
	T	Café/Amenity	218	13m	
5	S	Open Storage		18.4m	
Overall			345,500		

1.30 The table below shows floorspace per Phase as follows:

Phase	Floorspace m <sup>2</sup> per Phase	Cumulatively
1	107,265	107,265
1b	16,138	123,403
2	61,278	184,681
3	53,032	237,713
4	107,787	345,500
5	0sqm (open storage)	

- 1.31 All of the buildings shown on the Illustrative Masterplan have been designed in the context of the COMAH zones and the Planning Statement advises that the applicant intends to revoke Hazardous Substances consents applying to the site prior to commencing development.

### Character Areas

- 1.32 The Design and Access Statement (DAS) identifies seven distinct character areas, split into three Landscape Character Areas and four Built Form Character Areas. These character areas provide more detail than the Illustrative Masterplan.
- 1.33 The Landscape Character Areas are referred to as The Park Loop, Shellhaven Creek and Spine Road. The four Built Form Character Areas are referred to as the Sustainable Industries Park and Amenity Hub, the Northern Edge for energy and manufacturing/logistics uses, River and Creekside for mixed use energy and manufacturing/logistics, and the Perimeter Thames for flexible open storage.
- 1.34 The three Landscape Character Areas are explained as follows:

#### *Park Loop*

- 1.35 The Park Loop would comprise of a 3.3km route around the central part of the site starting and ending at the Central Hub, extending to the northern site boundary then east along the Holehaven Creek, south through the site and alongside River Thames. Within the loop would be footpaths, cycle routes, landscaping, water features and various features. The loop would also link to the proposed Holehaven Café location (also shown on the Illustrative Masterplan) which would be located as a second amenity facility for the site adjacent to Holehaven Creek.

#### *Shellhaven Creek*

- 1.36 Shellhaven Creek, the existing creek would be retained as a natural landscaped feature that runs through the site and contains ecology and biodiversity. Where necessary enhancements for beneficial ecological and biodiversity would be implemented.

#### *Spine Road*

- 1.37 The Spine Road would form a movement corridor through the site that would benefit from landscaping but also cycle and pedestrian routes to promote such uses off this main road.
- 1.38 The four Built Form Character Areas are explained as follows:

### *Sustainable Industries Park and Amenity Hub*

- 1.39 The Sustainable Industries Park and Amenity Hub would appear as two areas.
- 1.40 The DAS explains that the Sustainable Industries Park land area would be located nearest the main entrance to the site towards the site's western boundary and the applicant identifies this as the gateway entrance to the site. The Illustrative Masterplan shows the retained chimney stack would be the main feature of this location with the street centrally laid out with plots for units on either side of the street, which is identified for car only traffic with HGVs accessing the rear locations of each plot as all plots in this location are shown to have dual frontages. The applicant's intention here is to allow for medium scale units with some larger scale units located to the east of the Sustainable Industries Park, and small units located to the north of the Amenity Hub.
- 1.41 The Amenity Hub would have a range of uses with two buildings envisaged to front onto the River Thames where Shellhaven Creek meets the river. To the north of the two buildings a car park area is envisaged with further lorry parking and commercial vehicle parking to west side of the road which runs through this area, to the west of the Amenity Hub.

### *Northern Edge*

- 1.42 The most northerly part of the site is envisaged to have tall buildings, including stacks, all associated with energy uses which would be adjacent to the Thames Oil Port. Some large-scale energy uses are identified centrally with the Thames Enterprise Park site, north of the Spine Road. The proposed Park Loop would be located around the northern and eastern edge of this location.

### *River and Creekside*

- 1.43 The central and south western part of the site is identified for manufacturing/storage and distribution uses with an area of energy uses to the far western part of this character area. The largest plots would be located in this character area and therefore some of the largest buildings are envisaged in these locations. The western part of this character area would have an access to Barkers Boulevard. The central location of this character area would include part of the Park Loop.

### *Perimeter Thames*

- 1.44 The Perimeter Thames character area would be in two locations, the first would to south western boundary of the site with the existing rail sidings that would allow

access to the proposed rail terminal location and open storage, and the second part would be at the eastern side of the site comprising of an area for open storage uses.

- 1.45 The following sections expand and explain upon the proposed uses for this development, which influence the proposed Illustrative Masterplan and Design and Access Statement.

#### Commercial, Manufacturing and Logistics

- 1.46 The Planning Statement identifies that over half of the floorspace proposed through the re-development of the site would be for uses within Use Classes B2 (General Industrial) and B8 (Storage and Distribution). The Illustrative Masterplan shows how the proposed 272,500m<sup>2</sup> of floorspace could be distributed in a range of unit sizes. These are listed in the table above but from the Illustrative Masterplan these are shown in the south west part of the site, centrally, and to the western area of the site adjacent to the primary access to the site. The floorspace referred too would be secured and controlled through a planning condition.
- 1.47 The Development Plots Parameter Plan identifies the plot densities for these uses and identify that they would occupy plots E, F, J, N, P, Q, R and part of plot H.
- 1.48 The Building Heights Parameter Plan identifies that the maximum building heights would be up to 48.4m for Plots E, Q and R, and maximum building heights would be up to 23.4m for Plots F, H, K and P.
- 1.49 The Design and Access Statement identifies that three of the Built Form Character Areas would include the commercial, manufacturing/logistics uses and these are referred to as the Sustainable Industries Park and Central Hub, the Northern Edge, and the Thames and Shellhaven Creek. These three Built Form Character Areas would occupy about 75% of the site area.

#### Energy Park

- 1.50 The Planning Statement explains that the proposed would support up to 60,000m<sup>2</sup> of energy uses and technologies from Energy from Waste. The Land Use Parameter Plan and Illustrative Masterplan shows the energy uses would be located to the northern and central part of the site, and another area located to south western part of the site. The energy uses as shown on the Illustrative Masterplan include an anaerobic digestion facility (5,656m<sup>2</sup>), a biomass facility (3,309m<sup>2</sup>) and a water treatment facility (1,362m<sup>2</sup>).

- 1.51 The Design and Access Statement identifies that the energy uses would fall within two of the Built Form Character Areas and these are the Northern Edge and the western side of the River and Creekside area. The Design and Access Statement also identifies the opportunity for the use of hydrogen technologies within the site.
- 1.52 The Development Plots Parameter Plan identifies the plot densities for the energy uses and identifies that they would occupy plots D, J and Q.
- 1.53 The Building Heights Parameter Plan identifies that the maximum building heights would be up to 48.4m for all these energy plots and these uses may need stacks the height parameter allows for stacks up 103m but does limit the number of stacks to a maximum of 3 per plot, for plots D and J, 2 stacks for plot Q. Due to the proximity of Plot D to the nearby Shellhaven Creek any built form towards the creek would need to have a zone of reduced height to avoid overshadowing of the proposed landscaping and ecology planting to the creek, which is shown on the Building Heights Parameter Plan.
- 1.54 The proposed Energy Park locations are subject to the Inner COMAH Zone restrictions associated with the Shell Oil Storage tanks, The Calor Facility and the Intergen Power Station. The Energy Park locations have been chosen as they would have very low employment densities that would not affect COMAH land use restrictions (less than 100 employees).
- 1.55 The maximum output of energy from the quantum of proposed energy related development would be no more than 49.9MW so as to avoid qualifying as a Nationally Significant Infrastructure Project.

#### Amenity Hub

- 1.56 The Amenity Hub is identified as Plot H on the Development Plots Parameter Plan and is proposed to be the principle arrival and departure point for visitors to the site and for providing wider employment opportunities associated with the uses across the site. The Planning Statement states that the Amenity Hub would allow lunchtime uses for the surrounding employment uses and would include facilities such as a crèche, a concierge service and leisure facilities.
- 1.57 The Illustrative Masterplan shows that two hub buildings would be located to the south of the plot to maximise views towards the River Thames and across the Shellhaven Creek. The Hub buildings would provide for the following:
- Education facilities (including a crèche);
  - Conference facilities;
  - Training facilities;



- Hotel;
  - Incubator Space/Research and Development; and
  - Amenity Use (café/community/concierge/leisure facilities)
- 1.58 To the north of the Amenity Hub the Illustrative Masterplan shows an area for car parking with three buildings to the north of that, two associated with the hub uses and the third, a larger building is identified for either a manufacturing use (B2) or storage and distribution use (B8) based on the Illustrative Masterplan and the Land Use Parameter Plan. The Illustrative Masterplan shows the Amenity Hub would provide up to 15,238m<sup>2</sup> of floorspace, which also includes Plot H1 and two units identified for Research and Development Class B1(b) uses.
- 1.59 The Design and Access Statement identifies that this location would fall within the Sustainable Industries and Amenity Hub Built Form Character Area.
- 1.60 The Building Heights Parameter Plan would allow for buildings up to 23.4m.
- 1.61 The Green Infrastructure Parameter Plan shows how the Amenity Hub would link to the rest of the site but also larger areas of green space to east of the Amenity Hub adjacent to the river.
- 1.62 As the Indicative Phasing Plan shows the Amenity Hub would be delivered in phase 2 an interim measure is proposed for a Mobility Hub to allow delivery of the Travel Plan requirements. The applicant explains that this is likely to be a modular constructed building which can be agreed through the use of a planning condition.

#### Open Storage

- 1.63 The Land Use Parameter Plan and Illustrative Masterplan identifies two areas for open storage use, one to the western site boundary and one to the eastern part of the site. The open storage use would fall within Class B8 of the Use Classes Order. The Planning Statement explains that the open storage use would exclude commercial vehicle storage and any associated port related storage of containers carried by HGVs.
- 1.64 The Design and Access Statement identifies that this location would fall within the Perimeter Thames Built Form Character Area and is likely to comprise of the following uses/activities:
- Aggregate storage;
  - Mobile lifting equipment;
  - Shunting services (i.e. movement of trailers around the site or short distances by road);
  - Storage of construction material;

- Battery storage;
- Cargo handling;
- Reach stackers / heavy lifters;
- 18t forklift operating;
- Toilet facilities; and
- Disabled access.

- 1.65 The Development Plots Parameter Plan Plots A and S are identified for open storage uses.
- 1.66 Plot A is located adjacent to the secondary access to the site along Barkers Boulevard within an Inner COMAH zone and Development Proximity Zone associated with the Shell facility to the west. The Planning Statement explains that this open storage use would bring beneficial use of this otherwise redundant land. This plot is also identified for a lorry parking use.
- 1.67 Plot S is located to the east of the site and would represent a larger area of open space storage measuring 18 hectares
- 1.68 The Building Heights Parameter Plan would allow for storage up to 13m high for Plot A and 18.4m high for Plot S.

#### Gatehouse

- 1.69 The Illustrative Masterplan shows a gatehouse is proposed at the primary access to the site at the western point in the road which leads from the Manorway roundabout. The gatehouse would cover a floor area of 343m<sup>2</sup> and according to the Building Heights Parameter Plan would have a maximum height of up to 13m.
- 1.70 The Development Plots Parameter Plan show this location as Plot L which occupies two small areas of land either side of the proposed 'T' junction from the Manorway within the site.

#### Demolition

- 1.71 The site has been subject to significant demolition works prior to and during this application which were considered through previous prior notification of demolition applications. The description of development includes demolition to allow for removal of remaining buildings and structures. The majority of the site would be or is in the process of demolition. The only remaining structure from the site's previous use would be the existing landmark 115m high stack, which would be retained and used for site with the potential for advertisement branding and illumination. Along the southern side of the site two jetties within the red lined application would also

be retained and other jetties, outside of the site but accessed from the site would remain.

- 1.72 It should be noted that the Calor Gas site to the south east of the Manorway roundabout junction is located in the site area but this would remain as existing. Shellhaven Creek runs through the site but the creek would not be subject to any development, neither would the small parcel of land to the north west of the Manorway roundabout junction, which also falls within the site area. Road access would be maintained to the eastern part of peninsula where existing oil refinery uses remain outside of the site area.

#### Ground conditions and levels

- 1.73 The site is flat and low lying at an average elevation between 2m AOD and 2.5m AOD and has been subject to land contamination through past uses but the application includes a proposed remediation strategy, which would be through bulk recovery and treatment of soils that would allow for re-use of treated materials within the development and therefore would reduce the quantity of materials sent to landfill.
- 1.74 The application proposes surcharging of the land and increases the current ground levels by between 0.8m and 1.7m across the entire site. This would allow for finished floor levels of 3m across the entire site for Development Plots.

#### Drainage

- 1.75 The proposed surface water drainage strategy is to discharge all surface water runoff from roof's and hard surfaces into local drainage networks associated with each plot of land, alongside of water saving and re-use as stated below. Surface water from each plot would discharge into a site wide surface drainage network incorporating swales and pollution drainage interceptors, this would then outfall into the River Thames.
- 1.76 Foul drainage from the site would be managed via an onsite package treatment works that would discharge treated water into the River Thames via existing or new pumped outfalls.

#### Energy and Water Use

- 1.77 The 'Energy and Water Statement' states that to achieve site wide energy saving uses an 'Energy Champion' would be appointed to promote, encourage and review energy performance of proposals for site wide infrastructure and detailed building plans to ensure development maximise daylight, heating and cooling technologies.

Similarly, site wide water saving technologies would be used to reduce usage, re-use and recycle water and improve water efficiency through designs such as drought resistant planting in landscaping areas, irrigation systems, drinking fountains and wash down facilities that use recycled water.

#### External Lighting

- 1.78 The lighting scheme for the site would be designed at the detailed stage (reserved matters/condition) in accordance with the Institution of Lighting Engineers Guidance notes on reduction of obtrusive light, with specific external lighting for sensitive areas i.e. nearby ecology and nature conservation areas. Nevertheless an 'External Lighting Strategy' accompanies the application and proposes lighting for each of the land uses proposed through this development providing examples of lighting options and illuminance criteria specific for each use taking into account sensitive environments.

#### Health and Safety

- 1.79 The site is subject to a number of COMAH zones from within the site area and to the north and west of the site. To allow for development in some of the 'inner zones' the applicant proposes a condition which restricts uses. The proposal looks to allocate less sensitive development to such areas including open storage, lorry parks and energy related uses. Another condition is proposed to amend/revoke an existing Hazardous Substances Consent to facilitate the development but not until planning permission has been granted.

#### Landscaping and Ecology/Biodiversity

- 1.80 As identified in the Design and Access Statement there would be three Landscape Character Areas which are The Park Loop, Shellhaven Creek and Spine Road. These would provide landscaped areas and opportunities for benefiting ecology and biodiversity.
- 1.81 A Framework Landscape and Biodiversity Management Strategy (Appendix 7.5A) explains the proposed landscaping proposals in more detail. Future ecological mitigation and enhancement through the provision of new green infrastructure corridors around and across the site, and a long term management plan would be secured through the Framework Landscape and Biodiversity Management Strategy. The key aims of the Framework Landscape and Biodiversity Management Strategy are:
- To create a high-quality landscape setting to the development
  - To retain and enhance existing features and biodiversity

- To enhance attractiveness and sense of place of the landscape setting to the Development, and
- To soften and integrate the development within the surrounding landscape.

1.82 The Planning Statement explains that as part of a Design Code to be secured by a planning condition, together with other planning conditions, the key requirements of the Green Infrastructure Parameter Plan will be delivered in a phased manner to ensure appropriate levels of amenity space are available for benefits of employees.

1.83 All other the existing landscape areas around the site would be retained for their natural landscape appearance and ecology/biodiversity provision, with accompanying conditions.

#### Highway Improvements and Mitigation

1.84 The proposal includes identified works to the existing highway at three junctions. The TA, TA Addendum and Appendix S of the TA Addendum identifies that the three junctions are:

- Sorrells Roundabout – an additional lane on the roundabout and part of the westbound carriageway of The Manorway, roundabout lane changes and revised line markings
- A13/A1014 Junction – widening of part of A13 westbound carriageway off slip road from 2 to 3 lanes, changes to the roundabout lanes and markings, changes to the westbound carriageway lane markings of The Manorway leading up to the roundabout junction.
- A13/M25 Junction 30 – widening works to the westbound off slip road from the A13 to the roundabout junction and the widening of part of the roundabout. Both works would have revised lane markings

1.85 Speed Cameras - The TA and TA Addendum identifies that cameras would monitor both the 40mph and 50mph extents of the road along The Manorway (between the Sorrells roundabout and the site).

1.86 Sustainable Distribution Plan (SDP) is proposed to manage HGV (and LGV) traffic associated with the development with the aim of ensuring that HGV and LGV movements associated with the site can be minimised and appropriately managed. The SDP would be reviewed annually as part of the Travel Plan work.

1.87 The proposal would include HGV enforcement, and car and van enforcement measures to address potential traffic impacts upon local communities. The HGV enforcement would include weight restrictions for routes through Corringham and Stanford Le Hope and cameras would be installed in Corringham (Lampitts Hill and

High Road) and west of Stanford Le Hope on the London Road. For car and van enforcement to prevent rat running through Fobbing, Corringham and Stanford Le Hope a number of flexible measures would be used.

- 1.88 The proposal includes two areas of HGV Emergency Access Maintenance Crossover as required by the Council along The Manorway to the east of Sorrells roundabout. This also includes emergency diversion requirements at the The Manorway and Giffords Cross Road traffic junction.

Bus Service Improvements

- 1.89 The TA, TA Addendum and Appendix N of the TA explains that a complimentary service would be provided by TEP to connect to Basildon rail station. The proposal is to operate one bus from first occupation of TEP for first 4 years to Basildon with funding to provide a two bus operation for a further 6 years (10 year commitment). The Basildon bus route would serve Corringham and Stanford Le Hope as initially a one bus 1 hour service to be up scaled to a two bus 30 minute frequency subject to the operator and Travel Plan Committee requirements.

- 1.90 In addition to the Basildon bus route 1 of 3 other routes identified in the table below and would be introduced to cater for a wider employee catchment. Either one of the Routes A, B or C would be implemented from Year 5 as a two bus service operating hourly.

Route	Route	Hours of operation	Time
A	TEP to Upminster Upminster to TEP	5am to 11pm	35-40 minutes
B	Brentwood to TEP TEP to Brentwood	5am to 11pm	30-45 minutes
C	Chelmsford to TEP TEP to Chelmsford	5am to 11pm	26-40 minutes

Active Travel Routes (Corridors)

- 1.91 Two Active Travel Routes are proposed and are designed to encourage travel by sustainable modes and these routes involve various works including improvements to pedestrian footways and the provision and upgrade of cycle ways. All shared and upgraded routes would include a 3m wide shared pedestrian/cycle way. The two routes are detailed below:

Routes	
To and from Basildon	Five Bells to The Manorway via Southend Road,

	Lampitts Hill, Woodbrook Way, Fobbing Road, Church Road and Rockery Hill
To and from Stanford Le Hope	The Manorway to Stanford Town Centre via Hardie Park to Southend Road/ Southend Road to Victoria Road

Sustainable Transport Measures

- 1.92 The proposal would include the following sustainable transport measures:
- 1.93 Pool bike scheme – The proposal is to provide up to 100 e-bikes. It is proposed to introduce 50 bikes at 5 docking stations and then increase this to 100 bikes at 10 docking stations, which include docking stations at the site, in Corringham and Basildon, and at local railway stations (Stanford Le Hope, Pitsea and Basildon).
- 1.94 Car Club - The proposal is to provide free membership of a car club for 3 years to be run by a car club operator. Each employee using the site as a member of the car club would have priority parking spaces on site. This allows for people to drive the same vehicle and allows people to go off site without the need to use their own private vehicle. The proposal would initially provide three (3) car club spaces and vehicles from first occupation with this increasing with demand.
- 1.95 Car Sharing/Pooling – The proposal is to provide car pooling/car sharing, which is where a driver gives lifts to other passengers and this would be promoted by the Community Concierge Service as part of the Travel Plan. Modern technology includes apps that can be used for this service.

Travel Plan

- 1.96 The proposal includes Site Wide Framework Travel Plan (Travel Plan) and the primary aim of the Travel Plan is to provide the opportunity for travel to the site by modes other than the private car and in particular single occupancy car trips. The Travel Plan would therefore encourage sustainable travel by encouraging increased use of buses, public transport, walking and cycling.
- 1.97 The Travel Plan will set targets over a period of time to meet with modal split requirements set out in the Transport Assessment, which seeks to achieve 30% of staff and visitor trips to the site are made by alternatives to private single occupancy car usage.
- 1.98 The Travel Plan identifies the requirements for the management of the Travel Plan to be set up through a Site Wide Travel Plan Co-ordinator, an Occupier Travel Plan Co-ordinator and a Travel Plan Committee (similar to how London Gateway

operates). The Travel Plan Co-ordinators would for site wide and individual occupied sites administrate travel information and planning for staff and users of the site. The Travel Plan will deal with the funding and other arrangements for the Site Wide Travel Co-ordinator, as well as the other Travel Plan Co-ordinators.

- 1.99 One of the main roles for the Travel Plan Co-ordinators will be the on-going promotion and monitoring work associated with the travel incentives. These include the Active Travel Corridors, bus services, car club, car sharing/pooling, wayfinding and bike sharing. Further monitoring work would include provision of questionnaire surveys, a commitment to undertake annual surveys, monitoring reports to and attendance at the Travel Plan Committee. The Travel Plan would be reviewed and updated annually.

#### Parking Strategy

- 1.100 As an outline application the exact parking layout details will need to be determined through the reserved matters for each plot/phase. The Illustrative Masterplan shows areas of parking throughout the proposed development to provide a guide to how all forms parking would be provided.

#### *Car Parking*

- 1.101 The applicant's Travel Plan recognises that a parking strategy is required to inform the future reserved matters and this would allow for disabled spaces, car club spaces, car sharing spaces, electric vehicle charging points and a vehicle management plan. The TA estimates that the proposed level of car parking needs is based on a Car Parking Accumulation Assessment, which identifies that the development would require 1,437 car parking spaces.
- 1.102 The Illustrative Masterplan shows the potential layout of the site with parking areas shown for each Development Plot

#### *Cycle Parking*

- 1.103 For cycle parking the TA explains that a minimum number of 676 cycle parking spaces would need to be provided and require further information to be provided for each Development Plot through the reserved matters including parking for powered two wheelers, electric bikes and electric scooters.

#### *Lorry Parking*

- 1.104 The Land Use Parameter Plan and Illustrative Masterplan shows there would be 3 dedicated lorry parks to serve the future users of the site on Development Plots B,



G and Q from the Development Plots Parameter Plan. In addition to this Plots R and S from the Land Use Parameter Plan show further lorry parking zones. Plot A is identified for lorry parking and/or open storage.

1.105 The proposed 3 lorry parks and shown on the Illustrative Masterplan and would provide lorry parking spaces as follows:

Plot	Lorry Parking Spaces
B	93
G	66
Q	59

1.106 Plots A (also could be used for open storage) and B are located within an area of the site affected by the Development Proximity Zone and Inner COMAH zone associated with the Hazardous Substances consent at the Shell Oil terminal to the west to avoid any permanent occupied structures that would be otherwise restricted by the HSE COMAH Regulations. The lorry park on Plot G from the Development Plots Parameter Plan would be adjacent to the Amenity Hub. The Illustrative Masterplan identifies a possible small amenity building to serve the Plot G lorry park.

1.107 These lorry parks have been designed to also accommodate other users from outside of the site to alleviate any HGV parking issues along the Manorway.

1.108 Each Development Plot associated with the proposed manufacturing/general industrial uses (Class B2) and the storage and distribution uses (Class B8) would provide for on-site lorry parking facilities.

*Coach/Bus/Visitor Parking*

1.109 The Illustrative Masterplan shows the coach, bus and visitor parking would be located in Plot G2 and further parking would be provided in Plot H to the north of the Amenity Hub area.

1.110 All plots would have space to accommodate all vehicle and lorry parking and the Illustrative Masterplan shows how the parking arrangements could be laid out.

*Electric Vehicle Charging Provision*

1.111 The applicant is looking to secure electric vehicle charging points throughout the development through a planning condition.

Servicing and Refuse Strategy

1.112 As an outline application the precise servicing and waste collection arrangements would need to be determined through the reserved matters and therefore a planning condition will require the submission of such information through the reserved matters.

Construction and Phasing

1.113 The 'Indicative Development Phasing Plan' shows that the site would be developed out over six phases over a likely development period of 13 years as follows:

Phase	Floorspace per Phase	Likely Year of Delivery
1	107,265sqm	2022-25
1b	16,138sqm	2026
2	61,278sqm	2026-28
3	53,032sqm	2029-31
4	107,787sqm	2032-35
5	0sqm	2035

Planning Obligations

1.114 The table below provides a list of planning obligations offered by the applicant through this proposed development:

Commitment	Description
Employment, Education and Skills	An Employment, Education and Skills Strategy
Transport Junction Improvements	Off Site Highway Works 1. Sorrells Roundabout improvements 2. A13/A1014 improvements 3. M25 junction 30 improvements
Highway Safety Measures	1. Average Speed Cameras
Active Travel Corridors	1. TEP to Stanford-le-Hope rail station via The Manorway 2. TEP to Basildon (A13 five bells interchange)
Pool e-Bike Scheme	100 Bikes, 10 bicycle docking stations, an e-bike hire scheme

Commitment	Description
Bus Services	Operate first bus route and then operate second bus route from one of 3 routes.
Car clubs	Provision of car club
Carpooling/Car Sharing	Promotion of Carpooling/Car Sharing
Travel Plan	Appointment of a Travel Plan Co-ordinator and creation of a Travel Plan Committee to monitor and promote sustainable transport modes

Environmental Impact Assessment (EIA) Development

- 1.115 The development requires an Environmental Impact Assessment (EIA) and this assessment is detailed with the Environmental Statement (ES) within the application. The ES considers the environmental effects of the proposed development during construction and during the operational phase (when built and occupied) and includes measures either to prevent, reduce or offset any significant adverse effects on the environment. The ES is accompanied by the figures, technical appendices referred to above.
- 1.116 The Council has a statutory duty to consider environmental matters and EIA is an important procedure for ensuring that the likely effects of new development are fully understood and fully taken into account before development proceeds. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and legal agreements in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.
- 1.117 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations.
- 1.118 Prior to the submission of the application, and in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, the applicant applied to the local planning authority for a formal screening opinion (17/00223/SCR) which was determined on 7 March 2017 that an EIA is required.

This was followed by a formal scoping opinion (18/00236/SCO) to confirm the content of information to be provided in the ES, and this was determined on 30 March 2017 with the adoption of the formal scoping opinion.

1.119 Since submission of the application in September 2018, the local planning authority has received further information in regard to highways information in December 2018, a rebuttal to the consultation responses in March 2019 and an ES Addendum with revised and updated parts of the ES and updated statements/parameter plans in May 2019, all subject to further consultation. Since then, further information and another ES Addendum was then submitted and subject to consultation in December 2019. In February 2021 revised information and new ES Addendum's replacing previous Addendums and updating the majority of chapters of the ES were provided and were subject to further consultation. Since then, in late January 2022 revised information including a Transport Addendum and new ES Addendum's replacing previous Addendums and updating some chapters of the ES were provided and were subject to further consultation. This information has advertised in accordance with the requirements of the Regulations.

## **1.1 SITE DESCRIPTION**

1.120 The application site is irregularly shaped and measures 167 hectares of previously developed land formerly occupied by the Coryton Oil Refinery until the refinery closed in 2013. Since its closure the majority of former oil refinery buildings and structures have been demolished and site clearance works are or have taken place, with areas of the site levelled.

1.121 The site is located in the south east corner of the Borough at the end of The Manorway to the east of the settlements of Corringham (4km away) and Stanford Le Hope (8.1km away). To the north and east of the site is the Thames Oil Port. To the west is a gas fired power station, an oil distribution depot and the London Gateway port and logistics park. There are also smaller scale uses to the western site boundary. Beyond the existing built environment to the north is open grassland and marshland. To the south of the site is the River Thames. The nearest residential properties are located in Fobbing (2.3km) and Corringham (2.9km).

1.122 The site is distant from the nearest existing public transport hubs in Corringham and Stanford le Hope. Stanford le Hope provides the nearest railway station and bus station hub but is 8.1km from the site. The closest bus stop to the site is located in Corringham and is 4.75km from the site. Both centres to these settlements provide a range of local services, facilities, amenities and include bus routes, and for Stanford Le Hope, a railway station.

- 1.123 The principle vehicular access to the site is via The Manorway. There are rail sidings in the area, which border the southern site boundary and pass-through part of the northern area of the site. These rail connections are for freight use only and pass through the London Gateway port site before joining with the main line rail network near Linford to the west. The site provides river connections via a number of jetties that project into the tidal areas of the River Thames. A public right of way (PROW) extends from the Manorway roundabout across Fobbing Marshes and connects with several PROWs which connect to Fobbing and Corringham
- 1.124 The site lies within a high-risk flood zone (Flood Zone 3a) but is safeguarded from tidal flooding by the existing sea wall defences. The site is located within close proximity of three Sites of Special Scientific Interest (SSSI) and these are the Holehaven Creek (to the eastern site boundary), Vange and Fobbing Marshes (to the north) and Canvey Wick (to the east). 1.4km from the site is the Thames Estuary and Marshes Special Protection Area (SPA). Also the Manorway Fleet Reed Bed Local Wildlife Site (LWS) falls within part of the site. To the north of the Manorway is Green Belt land and a marshland landscape.

## 1.2 RELEVANT PLANNING HISTORY

- 1.125 The site has an extensive planning history, and the following table provides the most recent and relevant planning history to this application:

Reference	Description	Decision
14/00895/DMI	Prior notification of proposed demolition (Part 31 of the Town and Country Planning (General Permitted Development) Order 1995).	Approved 21.10.2014
16/00115/DMI	Demolish the remainder of the refinery process units and associated buildings down to grade level. The scope included in this project is the demolition of mainly storage tanks, pipework, buildings and ancillary equipment. Buildings include, Local Operating Houses (LOH), redundant Electrical switch houses, the workshops, stores and general offices.	Approved 26.02.2016
16/01634/SCR Remediation Scheme	Request for EIA Screening Opinion for an Environmental Impact Assessment for the proposed remediation of land at the former Coryton Oil Refinery	No EIA required  09.12.2016
17/00194/FUL Remediation	Full planning application for the demolition of existing structures, stockpiling of inert material, excavation and treatment of contaminated soils,	Approved 15.09.2017  Following

Scheme	creation of a temporary bio-remediation compound, and associated ecological mitigation landscaping.	committee resolution to approve on 20.04.2017
17/00223/SCR Masterplanning of the whole site	Request for Environmental Impact Assessment (EIA) Screening Opinion: For industrial, storage and distribution and energy and waste uses on land.	EIA required 07.03.2017
17/00236/SCO Masterplanning of the whole site	Request for Environmental Impact Assessment (EIA) Scoping Opinion: For industrial, storage and distribution and energy and waste uses on land.	Scoping Opinion adopted 30.03.2017
18/01182/FUL	Temporary (four years) planning permission for change of use for open storage of containers and HGVs, ancillary port cabins and car parking	Approved 21.12.2018
18/01193/NMA Non material amendment to Phase 1 Remediation Scheme	Non material amendments to planning permission 17/00194/FUL - change in location of the treatment compound (substitution of plan 001A with new plan 15048.PL01.B) (Full planning application for the demolition of existing structures, stockpiling of inert material, excavation and treatment of contaminated soils, creation of a temporary bio-remediation compound, and associated ecological mitigation landscaping.)	Approved 04.10.2018
19/01804/FUL	Construction of internal roads and associated utilities including two electricity substations, drainage including a pumping station and landscaping on the southwestern portion of the former Coryton Oil Refinery	Approved 03.08.2020
20/00226/FUL	Processing, stockpiling and storage of imported soils to a maximum volume of 90,000m <sup>3</sup> and up to 5m height above ground level in the southwestern part of the Thames Enterprise Park	Pending Consideration
20/00359/FUL	Use of land for open storage (use class B8), construction of internal roads and associated utilities, vehicle parking, drainage, landscaping and means of enclosure on the southwestern portion of the former Coryton Oil Refinery	Pending Consideration
20/00760/DMI	Proposed demolition of 14 industrial buildings	Approved 20.07.2020

	and structures.	
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### 1.3 CONSULTATION AND REPRESENTATIONS

1.126 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](http://www.thurrock.gov.uk/planning)

#### 1.127 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The proposal has been advertised as a major development, as accompanied by an ES and as a departure to the development plan.

4 objections raising the following concerns:

- Access to the site
- Additional traffic and traffic impact
- High traffic volumes including HGV movements
- Unlikely to see electric HGVs
- Road integrity – damage to the highway
- Demand for a Canvey link
- No capacity on network for rail traffic use
- Employment – number of jobs understated and would be more like 8,000 and associated traffic
- Pollution – air quality, noise and vibration
- Power generation
- Environmental Pollution
- Litter/smells
- Loss of Amenity

DPW London Gateway object for the following reasons:

- Planning policy context – TEP is not referenced in CSSP2 as identified in the application so is not part of the London Gateway key strategic employment hub, and there is a need for a sequential test for proposed uses (leisure and retail) that are main town centre uses.
- Highways - Cost of proposed mitigation to Sorrells roundabout and Manorway interchange - question whether the financial contribution is sufficient.
- Highways - the stage 1 Road Safety Audit response from the designer on the applicant's team is not appropriate and proposed junction improvement

needs to be 'tracked' for movements of HGVs to meet the swept path analysis.

- Restrictions on Open Storage Uses – note the proposed condition that is being considered for vehicle movements to the open storage use but still require a condition to prevent shipping container storage on the proposed open storage land plot. The conditions are necessary in DPW London Gateway's opinion regarding the traffic impact and mitigation measures (including the timing of mitigation) upon the Sorrells roundabout and Manorway interchange.
- Economic Impact - Not enough consideration has been given by the Local Highway Authority to the economic impacts of traffic congestion from the proposed development, especially taking account of the future Thames Freeport. There is a need to consider this impact through the Port National Policy Statement (PNPS) as a material consideration otherwise this would leave the impacts open to challenge.
- Impact upon the Strategic Road Network - Share the concerns of the Port of Tilbury regarding the impact on the strategic highway network as the information within the application does not consider the traffic impacts upon the strategic road network sufficiently with regard to the A13 and A13/M25 junction 30 along with the accuracy of the applicant's traffic modelling.
- Ecology, noise and air quality all require clarification as the ecological assessment is not appropriate or clear, noise for the DMRB short term and long criteria has been incorrectly implemented, the assumed height of stacks appear extremely tall given the site's projected energy generation capacity.
- Drainage, insufficient information to assess the impact of the foul drainage on the water environment.
- All buildings should achieve a BREEAM Outstanding unless demonstrated that is not feasible.
- Suggest a condition securing mezzanine floors contribute towards the total permitted floorspace imposed, similar to the provision applied to the LDO.
- Cumulative impact assessment – The proposal has understated committed development flows associated with London Gateway Port and Logistics Park. No assessment of Thames Oilport and unclear on the extent of how Tilbury 2 has been taken into account,
- Mitigation – is uncertain in terms of its detail, timing of implementation and effect.

DPW London Gateway Travel Plan Committee raise the following points

- To encourage collaboration between operators of the TEP Mobility Strategy and the London Gateway Travel Plan Committee to promote greater take up of sustainable modes of travel.

Port of Tilbury object for the following reasons: -



- Weight of concerns elevated by the designation of the Thames Freeport, which would result in congestion on the strategic road network due to inadequate mitigation of traffic arising from TEP
- Concerns about the impact of the development on journey times between the A1089 and M25 junction 30 – new data does not provide direct comparison to previously shown delays of 7-8 minutes on this journey
- Additional assessments show increased journey times and queues in all three assessment periods following the proposed mitigation at M25J30
- It is clear that there will be an impact which in the context of overall traffic conditions is notable and hence 'severe' in terms of the NPPF.
- No assessment of the A1089/A13 interchange has been undertaken but the applicant states simply that National Highways has not asked for this, but PoTLL consider this to be essential.
- Data is provided on the number of additional vehicles using the A1089/A13 interchange but this does not take account of increases on the A13 mainline which are a key component of any assessment. It does not demonstrate that there is limited impact.
- No breakdown of traffic data to check with the Tilbury 2 DCO.
- The ES does not assess the environmental impact of worsening traffic conditions at M25 jct 30.
- Lack of consideration of the impact of TEP with the Lower Thames Crossing.
- Disappointed the application remains silent on the future use of jetties both during construction and operation. A river freight plan should be produced. River use for the construction would minimise movements of material on the road network.

1 support (Greenergy)

- The proposed development with mixed use hubs will create a vibrant community that will attract quality workforce to the area

1.128 ANGLIAN WATER:

No objection as the proposed method of surface water management does not relate to Anglian Water. On this basis, Anglian Water can confirm this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. It is noted that the foul drainage would be via a private package treatment works in reference to Flood Risk Assessment 5.2.2 and therefore, this is out of our jurisdiction to make comment.

1.129 ASSET MANAGEMENT:

No response.

**1.130 BASILDON BOROUGH COUNCIL:**

No response.

**1.131 BRITISH PIPELINE AGENCY:**

No objections subject to a condition requiring the developer to liaise with the British Pipeline Agency in advance of any construction works that may affect the pipelines.

**1.132 BUGLIFE:**

Objects to this planning application on the following grounds:

- (i) Loss of Open mosaic habitat on previously developed land
- (ii) Impact on Priority invertebrate species and a regionally important invertebrate assemblage in the Thames Estuary Important Invertebrate Area, linked to the adjacent Canvey Wick SSSI and Northwick Farm and Sea Wall LWS
- (iii) Inadequate mitigation proposals

**1.133 CADENT GAS:**

The applicant should be made aware of apparatus within close proximity of the site.

**Affected Apparatus**

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)

**1.134 CASTLE POINT BOROUGH COUNCIL:**

The Council supports the proposals for the redevelopment of the former oil refinery site and welcomes the significant investment it represents in the economy of South Essex. In particular the Council notes and supports the considerable investment in supporting infrastructure providing access to and from the site.

However, it is source of considerable regret that the development appears to rely

exclusively on access being taken solely to and from the west of the site and completely disregards the significant opportunities which would be presented to the development if it were to be connected via a short road bridge to Northwick Road on Canvey Island to the east.

The benefits from such a connection include quick and convenient access to the strategic road network to the east and north via the A130, a significant and growing business community located nearby at west Canvey which would be able to interact with the new business opportunities at this site, and a significant workforce located at Canvey Island to support the development.

1.135 CIVIL AVIATION AUTHORITY:

No response.

1.136 CORRINGHAM AND FOBBING FORUM:

No response.

1.137 DEFRA:

No response.

1.138 ECONOMIC DEVELOPMENT AND EDUCATION (COMBINED):

No objection subject to a Local Employment and Skills Plan for the construction and operational phase to be provided through a s106 agreement to provide training providers and local labour agencies, training opportunities, promotion of apprenticeships, promote employment to Thurrock residents

1.139 EMERGENCY PLANNER:

No objection subject to a condition requiring a Site-Specific Flood Warning and Evacuation Plan (FWEP).

1.140 ENVIRONMENT AGENCY:

No objection subject conditions for flood risk, piling, contamination and remediation to reasons to minimise pollution risk to the water environment. An Environmental Permit is required for foul drainage connections if there is no mains public sewer serving the site.

1.141 ENVIRONMENTAL HEALTH:

No objection with regards to construction, contaminated land, operational noise and air quality but recommend planning conditions requiring:

- a Construction Environmental Management Plan;
- remediation of contaminated land;
- limiting noise to 60dB at the site/plot boundary and noise mitigation scheme for the proposed hotel; and
- Air quality modelling in location of the proposed hotel to identify whether mitigation is required through mechanical ventilation.

1.142 ESSEX AND SUFFOLK WATER :

No objection as there is a water main within the site. The forecast is for a surplus of water supply to demand in the area

1.143 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to a condition requiring a written scheme of investigation has been secured, a mitigation strategy secured, and a post excavation assessment provided.

1.144 ESSEX COUNTY COUNCIL HIGHWAYS:

No response.

1.145 ESSEX COUNTY COUNCIL PLANNING TEAM:

Supports the re-use of this site for appropriate commercial uses in principle, provided that the potential cross-boundary implications of the proposals must be taken into account and, where possible, effectively mitigated against. ECC would welcome the opportunity to engage further with Thurrock Council and the applicant to address the potential cross-boundary implications identified in our response. Planning obligations are sought towards Early Years and Childcare.

1.146 ESSEX FIELD CLUB:

No response.

1.147 ESSEX FIRE AND RESCUE:

No objection as the building works would need to comply with the Building Regulations.

**1.148 ESSEX POLICE ARCHITECTURAL LIAISON OFFICER:**

Advise that Secured By Design (SBD) shall need to be applied as an enabled for security requirements and can support the BREEAM accreditation process. Advise that SBD should be applied to the access to the site, lighting and CCTV, and public realm/open space. Advise that the proposal meets Crime Prevention Through Environmental Design (CPTED) be applied to the design of all individual units within the development.

**1.149 ESSEX WILDLIFE TRUST:**

Object for the following reasons:

- Inadequate survey effort in respect of black-tailed godwits and other overwintering birds
- Insufficient information to conduct an Appropriate Assessment
- Loss of open mosaic habitat and impacts on priority invertebrates
- Lack of mitigation strategies to offset impacts from noise, lighting and pollution
- Lack of commitment to achieve a net gain in biodiversity

**1.150 FLOOD RISK ADVISOR:**

No objection subject to conditions requiring further details of the surface water management systems and future maintenance and management plans for the systems.

**1.151 HEALTH AND WELLBEING GROUP:**

No response.

**1.152 HIGHWAYS:**

No objections subject to conditions and obligations.

Overall, the Applicant's Transport Assessment (TA) and accompanying notes and addendums portrays a positive opinion towards the potential traffic impact from this development proposal and suggests this is achieved by measures to decrease car borne traffic movements by using other modes of transport, including walking, cycling, public transport, car club's etcetera. The potential impact on the highway network is significant and the evidence seems to concentrate on mitigation to promote alternative trips for staff movements, rather than robust assessment and mitigation of key junctions.

It is clear that this development without suitable mitigation will have a significantly adverse impact on the highway to and from the Strategic Road Network (SRN), particularly in regard highway safety. In particular the TA seems to lack detail on the potential impact of large vehicular traffic and freight movements and the resilience of the A1014 link to manage these significant flows. It is clear from the development proposals that the development will impact on the highway and will potentially increase queue lengths at key junctions particularly around Stanford le Hope/Corringham, the A13 and the M25, being contrary to PMD9 Road Network Hierarchy and PMD10 Transport Assessment and Travel Plans.

However, a package of mitigation is proposed by the applicant, and can bring the traffic impact to an acceptable level in line with Council policy and for the development to be considered to not have a severe impact under the Government's National Planning Policy Framework. Nonetheless, this is marginal case in terms of acceptability and relies on a significant gear change of modal split for it to be achieved.

As such if you are minded to approve this application there will be a requirement to implement or contribute mitigation measures to mitigate the harm from this development and these will need to be submitted and secured either by planning condition or Section 106. There will also be a need to consider alternative options for freight transport, such as by river and rail and it is crucial for movements between this site and the London Gateway sites are minimised on the local highways network.

#### 1.153 NATIONAL HIGHWAYS:

No objection as since the holding objection issued by National Highways in September 2021 further modelling work has been undertaken. The proposal would have a material and significant impact at M25 junction 30 without mitigation. A scheme of mitigation primarily to the A13 west bound off slip at M25 junction 30 was agreed and has been subject to a road safety audit. There are already mitigation proposals at M25 junction 30 from two other committed developments; Tilbury 2 DCO and Purfleet Regeneration Project. Therefore, there is a need to ensure coordination of these proposals alongside that of TEP and the other mitigations within the Junction 30 model. National Highways are currently reviewing whether A13/A1014 to the London Gateway Port would be subject to future trunking. In addition, National Highways are developing the Lower Thames Crossing which will include a connection to the A13 to the west of the proposed Thames Enterprise Park.

National Highways recommend conditions regarding the implementation of agreed

mitigation at M25 junction 30, approval of such mitigation through further road safety audits, submission and approval of a construction traffic management plan, signing strategy for the strategic road network, and a Travel Plan.

It is requested that conditions are imposed are not subsumed into an s106 agreement. Mitigation proposals involve work to the public highway that can only be undertaken within the scope of a legal agreement (normally a s278 agreement under the Highways Act) between the applicant and national highways, and as necessary with the local highway authority. Planning permission in itself does not permit these works.

#### 1.154 HEALTH AND SAFETY EXECUTIVE (HSE) – COMAH INSPECTORATE:

Do not advise against the granting of planning permission subject to conditions in regard to the proposed Development Plots as defined in Parameter Plan 2 as the site is in and within Major Hazard sites and Major Pipelines as listed below:

Planning (Hazardous Substances) Consented sites:

- Morzine (UK Branch) Ltd within the eastern part of the site
- Coryton Advanced Fuels Ltd within the centre of the site but outside of the red line
- Calor Gas Ltd within the north west part of the site
- Shell UK Oil Products Ltd to the west of the site

Major Accident Hazard Pipelines;

- Calor Gas Ltd: Coryton Filling Plant – Canvey LPG Pipeline
- InterGen (UK) Ltd: Butts Lane to Coryton Energy Power Station
- Calor Gas Ltd: Shell Haven to Coryton LPG Pipeline

#### 1.155 HEALTH AND SAFETY EXECUTIVE (HSE) – EXPLOSIVES INSPECTORATE:

Do not advise against the granting of planning permission. The London Gateway Port is subject to an explosives licence with an existing coverage area of safeguarding distance (SD3) that would affect a number of plots at the application site. London Gateway have made an application to vary the existing explosives licence to reduce the explosive quantities at Berths 1 and 2, which are nearest to the application site. If approved the varied explosives licence would reduce the coverage area of existing safeguarding distance (SD3) that currently affects the application site. The licence variation would mean that only Plots B (lorry park) and C (rail terminal) as shown on the applicant's plans would fall within a reduced coverage area of safeguarding distance (SD3) therefore lessening the impact upon the application site.

**1.156 KENT AND ESSEX FISHERIES:**

No response.

**1.157 LANDSCAPE AND ECOLOGY ADVISOR:**

No objections but comments as follows:

The Landscape and Visual Impact assessment of effects is appropriate but appropriate landscape planting is needed to reflect that the site is part of the open expansive coastal grazing marsh associated with the estuary location. The Framework Landscape and Biodiversity Management recognises this, and the principles set out in the document are appropriate but a management body will need to be established.

Parameter Plan 4 illustrates the green infrastructure corridors, but this should only be seen as core provision with further measures delivered through the reserved matters for each phase. The Design and Access Statement seeks to create a new destination, but it is essential that access is managed to ensure disturbance of wintering birds using the SSSI does not occur.

Measures to mitigate the visual adverse effects, particularly for Plot S the new open storage use, must be incorporated into the Design Code. There is also the need to secure the landscape principles and green infrastructure elements in the Design Code.

For ecology, wintering birds use the Holehaven Creek and includes internationally significant numbers of block-tailed godwit and national numbers of Avocet. The potential impacts on the SPA and SSSI include direct effects caused from land loss and indirect effects including noise, dust and air pollution, human disturbance and shading but it is considered that there would be no direct effects on the SPA due to its distance from the Development (1.5km at the closest point). The issue of shading raised at pre-app has been addressed as the shade modelling would not result in tall structures having any adverse effects. Based on a thorough assessment of the ecological information that has been provided it is considered that it is possible to conclude that the scheme will not have likely significant effects if the avoidance and mitigation measures that have been set out are followed. It is proposed to produce an Ecological Design Strategy and an Operational Method Statement to ensure that the detailed design considers the mitigation requirements that are required, and this will need to be conditioned.



The applicants HRA report to inform the HRA recognises that there will be increased human activity, noise and lighting associated with the operation of the open storage (Plot S).

Planning conditions are required for:

- A site wide landscape masterplan including details of proposed planting and suitable habitat features and a timescale for delivery;
- A detailed green infrastructure plan identifying SuDS, access and visitor provision and the timescale for delivery including details of access to the creeks to prevent significant effects on wintering birds;
- A revised Landscape and Biodiversity Management Strategy is required to provide details as to how the measures will be delivered;
- An Ecological Design Strategy and an Operational Method Statement; and
- A Construction Environmental Management Plan will be required which incorporates the requirements of the avoiding and mitigating the effects as detailed in the ecological impact assessment and HRA including the proposed 100m and 250m zones

#### 1.158 LISTED BUILDINGS/CONSERVATION OFFICER:

No objection subject to a condition requiring building recording is recommended.

#### 1.159 MARINE MARITIME ORGANISATION:

No response.

#### 1.160 MEDWAY COUNCIL:

No response.

#### 1.161 NATIONAL GRID:

No objections. The site is in close proximity to a High Voltage Transmission Overhead Line.

#### 1.162 NATURAL ENGLAND:

No objection subject to:

- protection against contaminants and spillage into watercourse that could directly impact invertebrate populations and black tailed godwit;
- A mitigation strategy to protect godwits from noise and light disturbance.
- A revised lighting strategy to protect external spillage onto estuarine habitat, including Holehaven Creek SSSI.

- A plan to provide environmental net gain.

The information provided in the application is sufficient to demonstrate through a Habitat Regulations Assessment that no adverse effect to the integrity of European sites, including functionally linked land.

1.163 NETWORK RAIL:

No objection subject to no encroachment onto Network Rail land.

1.164 NHS ENGLAND:

No response.

1.165 PORT OF LONDON AUTHORITY:

No objection in principle, a river freight plan should be provided to allow use of the existing jetties and could be conditioned. Jetties could be used for the open storage use on the eastern part of the site. A site wide design code would be welcomed along with opportunities to access the river including two conditions requiring lifesaving equipment on land within the foreshore and the need for a lighting strategy.

1.166 PUBLIC HEALTH OFFICER:

No objection.

1.167 PUBLIC FOOTPATH OFFICER:

Public Footpath 191 as a Definitive Route and shall need to remain open for use and not be obstructed or diverted in anyway. Within the Active Travel report it is recognised that most issues of access leading to the above Public Footpath from the A1014 Manorway would be enhanced.

1.168 REGENERATION OFFICER:

No response.

1.169 RSPB:

The RSPB currently objects to this application as the impact of the development on the adjacent Holehaven Creek Site of Special Scientific Interest (SSSI)/proposed Special Protection Area (pSPA), Thames Estuary and Marshes SPA1/Ramsar2 site

and the Benfleet and Southend Marshes SPA, have not been adequately assessed.

The information presented in the Ecology and Nature Conservation chapter seriously underplays the ornithological significance of Holehaven Creek for black-tailed godwits, which at times has supported 8% of the world population

1.170 STANFORD FORUM:

No response.

1.171 STRATEGIC TRANSPORT MANAGER:

No objection subject to the delivery of conditions and agreements under section 106 to mitigate the impacts that a development of this magnitude is likely to have on the network performance, the environment and the quality of life of the local communities. Policy PMD10 introduces the Transport Assessments and Travel Plans as tools to encourage safe, healthy and sustainable travel options. By reducing car travel, Travel Plans/ Assessments can improve health and wellbeing, free up car parking space, and make a positive contribution to mitigating adverse impacts on the transport system, the environment and amenity. The Travel Plan and Mobility Strategy submitted compiles the measures to provide the opportunity for travel to the site by modes other than the private car and in particular single occupancy car trips upon which the following conditions are made.

1.172 THURROCK BIODIVERSITY ACTION GROUP:

No response.

1.173 UK POWER NETWORKS:

No response.

1.174 URBAN DESIGN OFFICER:

No objection subject to further information being provided and secured through planning conditions, in particular a detailed Design Code condition and the need for the development to achieve sustainability measures.

## 1.4 POLICY CONTEXT

1.175 National Planning Policy Framework

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

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

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communications infrastructure
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

#### 1.176 Planning Policy Guidance

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

- Air quality
- Climate change
- Conserving and enhancing the historic environment
- Design: process and tools
- Determining a planning application
- Effective Use of Land
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Hazardous Substances
- Historic Environment

- Land affected by contamination
- Land Stability
- Light pollution
- Natural Environment
- Noise
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements
- Use of Planning Conditions
- Viability
- Waste
- Water supply, wastewater and water quality

#### 1.177 Local Planning Policy Thurrock Local Development Framework (2015)

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

##### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

##### SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

##### THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP13 (Emergency Services and Utilities)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)

- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP28 (River Thames)
- CSTP29 (Waste Strategy)
- CSTP33 (Strategic Infrastructure Provision)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD3 (Tall Buildings)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

#### 1.178 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 (IO2) (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.

Section 5 of the IO2 identifies that Thames Enterprise Park could be a sixth Key

Strategic Hub or could become the Thurrock East economic hub to also include London Gateway. The Economic Development Needs Assessment (EDNA) informs the IO2 recognising that the estimated total supply of employment land for the Borough outstrips the projected total employment required and this includes this site in contributing towards that employment land. It is also recognised that land at London Gateway and Thames Enterprise Park provides much of the Borough's potential future employment land supply with this there is a need to deliver major improvements to accessibility to these sites, particularly by public transport and to ensure there is sufficient capacity for additional freight movements by rail.

#### 1.179 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.

#### Borough Local Plan 'saved' policy

1.180 The Borough Local Plan was adopted by the Council in September 1997. By law, although the end date of the Borough Local Plan has passed, its policies were automatically saved.

1.181 The saved policies were originally intended to be replaced by the Local Development Framework, including the Core Strategy Local Plan, the Site Allocations Local Plan and Minerals and Waste Local Plan, once adopted. In February 2012, Council approved a revised schedule of saved policies and annexes. Policies listed in this schedule still form part of the development plan and are a material consideration when deciding planning applications.

1.182 The site is part of the former Coryton Oil Refinery site and is recognised as being subject of 'saved' policy E8 from the BLP which seeks to retain allocated oil refinery sites and allow for their expansion. This 'saved' policy was to be superseded by the Site Specific Allocations DPD; however, on the advice of the Planning Inspectorate in 2014 the Site Specific Allocations DPD is no longer being progressed.

## **1.5 ASSESSMENT**

### Procedure

1.183 The EIA Regulations require local planning authorities to examine the information within the Environmental Statement (ES) to assess the significant effects of the proposed development on the environment (beneficial and adverse), in addition to

the material planning considerations. The EIA Regulations require the likely significant effects of the development to cover the direct effects and any indirect, secondary, cumulative, transboundary, short, medium and long term, permanent and temporary, positive and negative effects of the development. The Environmental Statement considers the baseline conditions (existing conditions), construction and operational phases (when the development is occupied) as part of this assessment. This application has been advertised (inter-alia) as a Major Development being accompanied by an Environmental Statement, and as a Departure from the Development Plan.

### Assessment

1.184 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Socio and Economic Impact
- III. Access, Connectivity, Travel Plan, Parking and Traffic Impact
- IV. Design, Layout and Impact upon the Area
- V. Landscape and Visual Impact
- VI. Green Infrastructure
- VII. Ecology and Nature Conservation
- VIII. Flood Risk, Drainage and Water Resources
- IX. Air Quality and Odour
- X. Noise
- XI. Land Contamination and Ground Conditions
- XII. Health and Safety
- XIII. Energy and Climate Change
- XIV. Effect on Neighbouring Properties
- XV. Heritage and Archaeology
- XVI. Health Impact Assessment
- XVII. Cumulative Impact and Alternative Sites
- XVIII. Phasing and Construction
- XIX. Viability and Planning Obligations
- XX. Sustainability
- XXI. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

1.185 The site was once part of the Petroplus Coryton oil refinery use which ceased oil production in June 2012 and was then rebranded as the Thames Enterprise Park, but the site is not specifically referred to in the Core Strategy policies because the Core Strategy was originally adopted in December 2011 prior to the oil refinery ceasing production. Whilst the site is not allocated as a Key Strategic Economic Hub through policy CSSP2 (Sustainable Employment Growth) it could be considered to fall within the 'other sites in the Borough' for employment growth



under the policy, although the level of employment is significant in excess of what policy CSSP2 envisages for 'other sites in the Borough'. The site is allocated as 'Primary and Secondary Industrial and Commercial Areas' on the LDF Proposals Map where policy CSTP6 (Strategic Employment Provision) applies, which safeguards this land for employment generating uses falling within Use Classes B1 (office, research and development, light industrial), B2 (general industrial), B8 (storage and distribution uses) and sui generis uses. The site is therefore considered as employment land in the policy context.

- 1.186 The site represents one of the most significant employment-led regeneration opportunities in the South East of England and the proposed development would result in the creation of 345,500m<sup>2</sup> of floorspace, which is aimed at attracting firms from the environmental technologies and energy sectors. This site, along with the neighbouring London Gateway, forms part of the Thames Freeport with the potential to bring about significant inward investment, jobs, training, innovation and skills.
- 1.187 In terms of national planning policy, chapter 6 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities of redevelopment. Paragraph 81 of the NPPF requires planning policies to sets out clear economic visions and strategies for promoting economic growth and inward investment and paragraph 82 requires planning policies and decisions to recognise and address specific locational requirements of different sectors, including creative or high technology industries, and for storage and distribution operations.
- 1.188 It is therefore considered that the regeneration of this site is acceptable, in principle, having regard to the policy CSTP6 and the requirements of chapter 6 of the NPPF.
- 1.189 It should be noted that the furthest north-western part of the red line area includes land within the Metropolitan Green Belt but no development is proposed on that piece of land so there is no conflict with Green Belt planning policies.

## II. SOCIO ECONOMIC IMPACT

- 1.190 As referred to above policies CSSP2 and CSTP6 apply and Chapter 6 of the NPPF seeks to build a strong and competitive economy with significant weight being placed on the need to support economic growth and productivity. The South Essex Economic Development Needs Assessment (EDNA) is an evidence base to the emerging Local Plan and recognises the site as employment land.
- 1.191 The proposed development at the Thames Enterprise Park site primarily aims to develop storage/distribution uses and manufacturing uses, which accord with policy

CSTP6, along with energy and waste uses. These uses would occupy 332,500m<sup>2</sup> of the proposed floorspace. The other uses of research and development, education/community facilities/gym/crèche, hotel and cafes would all take up the remaining floorspace with this proposed development. The combination of these uses on one site would allow the site to operate as a ‘superhub’ bringing employment uses together, for example the energy hub providing energy to meet the demands of on site uses such as manufacturing. In addition to this the site’s location has the opportunity to link with neighbouring existing uses, such as the Thames Oil Port, other petrol chemical storage uses, the London Gateway Port and Logistics Park.

1.192 In terms of employment growth and based on the Homes and Communities Agency Employment Density Guide (2015) (HCA EDG) the proposal is envisaged to create around 5,500 new employment opportunities on site once fully operational through skilled to lesser skilled jobs, and roles linked to trades and technical occupations. The employment table below demonstrates the level of employment to be generated per use:

<b>Use Class</b>	<b>Maximum Floorspace [Sqm]</b>	<b>Employment Density range – 1 employee per sqm</b>	<b>Number of Employees (Maximum)</b>
B8 – Storage and Distribution	Up to 200,500	70	2864
B2 – Manufacturing	Up to 72,000	36	2000
B8 – Open Storage	Up to 20 Hectares	0.2 hectares	100
Sui Generis – Energy & Waste	Up to 60,000	205	293
B1 - Research & Development and Light Industrial	Up to 5,000	40-60	125
D1/D2 – Education/Community Facilities/Gym/Creche	Up to 2,500	65	50
A3 - Cafés	Up to 500	15-20	33
C1 – Hotel	Up to 5,000 (100-bed)	1 per 3 – 5 Beds	33
<b>Total [All Uses]</b>	<b>345,500</b>		<b>5,498</b>

1.193 In addition, the proposal is also predicted to create 1,700 indirect jobs. In terms of the wider area, the site when combined with the London Gateway site would create up to 17,500 jobs for long term employment requirements for future population growth and would allow future residents to live and work in the Borough in a sustainable manner.

- 1.194 The applicant's Environmental Statement (ES) and Economic Benefits Summary document advises that the Construction Phase of the development would lead to 127 full time jobs as well as indirect jobs and benefits over an assumed 13-year construction build out programme.
- 1.195 A local employment and skills package would be secured through a planning obligation for both the construction and operation phases of the development. This package would include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally for the benefit of Thurrock residents.
- 1.196 Based on the proposed uses the applicant's Economic Impact Assessment predicts an economic output of £354m per annum (GVA) for the Operational Phase of the development and a £101.9m over the proposed 13 year construction period, which would have a significant positive impact on the South Essex economy.
- 1.197 The proposed development would help create community facilities for all users of the Thames Enterprise Park and this would help to achieve conformity with policy CSTP10, which supports the provision of high quality, accessible multi-functional community facilities as an integral part of all major development in the Borough to serve new and existing communities. In addition, this would achieve the requirements of paragraphs 92 and 93 of the NPPF, which promotes social interaction through mixed use development, strong neighbourhood centres and community cohesion through shared spaces, community facilities and of the local services.
- 1.198 Based on the floorspace table above the proposal would potentially provide up to 2,500m<sup>2</sup> of D2 assembly and leisure uses. Paragraph 90 of the NPPF requires applications for retail and leisure, leisure uses in this instance, to be subject to an impact assessment where 2,500m<sup>2</sup> is to be provided outside of town centres, which is aimed at protecting existing retail and leisure services in existing town centres. The PPG advises that that impact testing should only apply to proposals exceeding 2,500m<sup>2</sup> and in this instance the proposal is up to 2,500m<sup>2</sup>, therefore this would not exceed the threshold to require the application to be subject to impact testing as referred to in paragraph 90 of the NPPF. To ensure the floorspace accords with the up to 2,500m<sup>2</sup> floorspace provision planning conditions would be imposed to ensure this floorspace is not exceeded and to secure the floorspace table is complied with.
- 1.199 In terms of the ES both the Construction Phase and Operational Phase identify that there would be 'moderate beneficial' and 'major beneficial' to the site and cumulatively to the wider area in Environmental Impact Assessment terms.

Conclusion for this section

1.200 In conclusion to this section, having regard to the LDF employment policies CSSP2 and CSTP6, and requirements of chapter 6 of the NPPF the proposed uses, employment generation, and the economic and social benefits would meet with the policy requirements for this area.

### III. ACCESS, CONNECTIVITY, TRAVEL PLAN, PARKING AND TRAFFIC IMPACT

1.201 Since the original submission of the application in September 2018 there have been three (3) versions of the Transport Assessment (TA). The latest TA was submitted in February 2021 and has been subject to ongoing discussions and assessment leading to the submission of a TA addendum in February 2022, which alongside other updated documents forms the applicant's assessment of the highway considerations and is assessed below.

#### Vehicle Access

1.202 Policy PMD9 seeks to minimise the number of new accesses required onto the highway network and to ensure that new access creation makes a positive contribution towards highway safety.

1.203 The applicant's TA identifies that the proposed development would result in the re-use of the existing vehicular road access to the site from The Manorway, which connects to the A13 approximately 6.5km to the west of the site. The Manorway is a part single/part dual carriageway road to the Sorrells roundabout and from the Sorrells roundabout to the A13 junction is a dual carriageway. The Manorway serves neighbouring sites, other sites within the area and is used for frequent HGV movements.

1.204 At the eastern end of The Manorway is the site's entrance. The Access Plans and Illustrative Masterplan indicate that an entrance gatehouse would be constructed to provide security to the site. Details of the gatehouse arrangement and any other security measures would need to be agreed through the reserved matters. This is compliant with regards to Policy PMD9.

1.205 Upon entering the site, a new main road would connect to the proposed internal road network to serve all Development Plots and would be assessed using Policy PMD2 Design and Layout. Through the Sustainable Industries Park another road that would provide a dedicated route that does not allow for HGV movements as HGV movements would follow the main road through the site..

1.206 There is a second vehicular access from the road known as Barkers Boulevard serving the south western part of the site (Phase 1 area) and this passes by the neighbouring Shell oil storage site. The entrance to this second vehicular access is

identified on the Access Plans to include security measures, although, similarly to the main access, the details of such measures will be agreed through the reserved matters.

- 1.207 Both accesses have been subject to road safety audits and these accesses have been deemed to meet the geometric design standards for all traffic.
- 1.208 The Shellhaven Creek runs through the site and separates the western site from the rest of the site but the existing road bridge within the site over the Shellhaven Creek would remain and would be re-used for accessing the western part of the site. Adjacent to this bridge a new pedestrian/cycle bridge would be constructed although details of this bridge would be agreed through the reserved matters.
- 1.209 The Council's Highway Officer raises no objections to the provision of these vehicular access points under Policy PMD2. The proposed vehicle access arrangements and internal road layout are therefore considered acceptable with regard to policies PMD2, PMD9 and paragraph 108 of the NPPF.

#### Pedestrian/Cycle Access

- 1.210 Policy CSTP15 requires assessment of developments in relation to sustainable travel choices with necessary appraisal of accessibility for all members of the community and promotes permeability and legibility. Paragraph 104 of the NPPF promotes opportunities for walking, cycling and public transport, and paragraph 112 (a) of the NPPF requires applications for development to maximise pedestrian and cycle movements and ensure accessibility for all.
- 1.211 The proposed pedestrian and cycle access arrangements would allow for use of the existing shared footway/cycleway which runs along the side of The Manorway and would provide links to Corringham and Stanford Le Hope. Works are required to improve this route as evidenced in the TA. The section of The Manorway from the site entrance to the roundabout junction to the north of the site does not include any dedicated shared cycle route or pedestrian path to the site and therefore shall require highway upgrades to link to the existing cycle/pedestrian at the roundabout junction. The proposed pedestrian and cycle path works are shown on the Access Plans and shall be secured through planning condition requiring its construction and completion before first occupation of the site to allow pedestrians and cyclists to access the site via the Manorway.
- 1.212 Along the Manorway from Rockery Hill to the eastern end of the Manorway at the site access roundabout, the existing path is proposed to be upgraded to include new surfacing and new lighting along with double height kerbs to prevent HGV parking on this path.

- 1.213 Active Travel Routes are explained in detail below, but these include various mitigation measures to improve and encourage cycle access to the site linking to Corringham, Stanford Le Hope and onto Basildon.
- 1.214 The Council's Highway Officers raise no objections to the proposed pedestrian/cycle access arrangements, which would be acceptable with regard to policies CSTP15, and paragraphs 104 and 112 of the NPPF.

Connectivity and Accessibility to transport hubs and local facilities

- 1.215 Policy CSTP15 also seeks to improve accessibility to work through the promotion of passenger services and transport services, prioritise to rights of way/improvements, provide links to the national cycle network route 13 and to ensure new development promotes high levels of accessibility by sustainable transport modes and local services are conveniently located to reduce the need to travel by car. Paragraph 108 of the NPPF requires safe and suitable access for all users and encourages applicants to maximise these travel options.
- 1.216 The site is considered remote as it is distant from the nearest existing public transport hubs within Corringham and Stanford le Hope. Both centres of these settlements provide a range of local services, facilities, amenities and include bus routes, and for Stanford Le Hope, a main line railway station.

*Existing Bus Services*

- 1.217 The closest bus stop to the site is located in Corringham and is 4.75km from the site. The TA identifies that bus services in the area include the local bus services of the 11, 5A, 100, 200 and 374, which all operate through Corringham. The frequency of these services vary and some routes are subsidised by the Council. The 100 service connects to Basildon town centre and Chelmsford via Lakeside and provides the most frequent service running every 15 minutes 7 days a week. The 200 service is a service linking Grays and Basildon. The nearest service to the site is the 374 which stops at Gordon Road near Springhouse Road junction with The Manorway, and links Grays to Basildon via Tilbury, Orsett and Stanford Le Hope. The 374 service is every 90 minutes on weekdays so is not frequent. More local to the site is a shuttle bus service which started operating in June 2018 by the neighbouring landowner at the London Gateway site and provides links to and from Stanford le Hope rail station and areas of Corringham to the nearby London Gateway sites. Again, this is a subsidised route by the third party landowner. This route operates between 05:00 and 19:00 for the employees of London Gateway but doesn't and would not serve this development as part of this application.

### *Existing Rail Services*

1.218 The TA considers the three railway stations of Stanford Le Hope, Basildon and Pitsea are within commutable distance. The Stanford Le Hope rail station at 8.1km from the site is the nearest station and provides a service every 30 minutes (weekdays). The Basildon rail station is located 10.9km (travelling distance) from the site and the Pitsea rail station is located 11.6km (travelling distance) from the site. Both these two stations provide connections to the Basildon branch of the London Fenchurch Street to Shoeburyness line. Basildon rail station provides a more frequent service with trains running every 15 minutes (weekday) and provides a faster route to London stations when compared to the services operated from Stanford le Hope rail station, which follows the Tilbury Loop branch of the railway line.

### Improved Connectivity

1.219 To improve connectivity to the site the TA identifies various proposed mitigation measures to maximise sustainable travel choices as defined in the NPPF. These include bus service improvements, opportunities for rail and river access, Active Travel Corridors (for walking and cycling), a pool e-bike scheme, car club, car sharing/pooling and is detailed within an outline Travel Plan. The Travel Plan would manage many of these measures through a Travel Plan co-ordinator and the creation of a Travel Plan Committee to ensure that ongoing review and adjustment can be made over the life of the development.

### Proposed Bus Services

1.220 The TA and its addendums, including Appendix O of the TA state that a complimentary service would be provided by the applicant to connect the site to Basildon rail station.

1.221 The proposal is to provide subsidy for one bus from first occupation of the site for the first 4 years to Basildon rail station with funding to provide more frequent bus operation over time as sites within the development are brought into operation; with subsidised operation of this service for a further 6 years (overall 10 year commitment) after which it is expected to become a commercial bus service run by a local bus operator. The Basildon bus route would serve Corringham and Stanford Le Hope as a one bus per hour service and would be up scaled to a two bus 30 minute frequency within this period. The service would be reviewed by the proposed Travel Plan Committee who would work alongside bus operators to ensure service is provided at the correct level for the development as it is developed.

1.222 In addition to the Basildon bus route, a second service would be introduced on the basis of 1 of the 3 identified bus routes in the table below. This bus service would be introduced to cater for a wider employee catchment. Either one of the Routes A, B or C would be implemented from Year 5 as a two-bus service operating hourly.

Route	Route	Hours of operation	Time
A	TEP to Upminster Upminster to TEP	5am to 11pm	35-40 minutes
B	Brentwood to TEP TEP to Brentwood	5am to 11pm	30-45 minutes
C	Chelmsford to TEP TEP to Chelmsford	5am to 11pm	26-40 minutes

1.223 To fund the proposed bus services a financial contribution of £4,200,000 would be provided as a planning obligation in an s106 legal agreement to contribute towards meeting the modal split of the TA and the Travel Plan targets are met in the interests of sustainability. The role of the Council would be to receive and then hold the financial contributions for onward payment, whereas the Travel Plan Committee would procure and manage the provision of the bus services.

1.224 In addition to these bus services the proposed development presents an opportunity to link the site to the London Gateway Logistics Park which is subject to its own bus service. The s106 legal agreement shall include a reasonable endeavours clause to explore opportunities for bus (and freight) links to the London Gateway Logistics Park to assist in meeting the travel plan targets and modal shift within the TA. It is envisaged that Travel Plan Committee and Travel Plan Co-Ordinator's (as explained in Travel Plan section below) would procure and organise the bus service.

1.225 The proposed bus routes and the financial contribution have been subject to consultation with the Council's relevant Highway Officers and no objections are raised. The bus provision and improved accessibility to this site would follow the aims of policies CSTP15 and CSTP16 for improved linkages in the Borough and beyond with policy CSTP16 recognising the opportunity for linking to Basildon, as well as paragraph 112 of the NPPF.

#### Rail and River Commercial Access Opportunities

1.226 Policy CSTP17 supports and promotes logistics and port sectors for freight activity and facilitates the shift towards rail freight usage and freight carried out on the River Thames.



- 1.227 Policy CSTP28 seeks to ensure economic and commercial function of the river will continue to be promoted subject to a number of criteria which includes riverside development and uses, to safeguard existing and promote new jetties where appropriate for transport, goods and materials.
- 1.228 Policy PMD11 requires development creating more than 200 daily HGV movements to produce a Sustainable Distribution Plan to include evidence that commercially viable opportunities for freight carried by rail, water, pipeline or conveyor have been maximised.
- 1.229 The site is located in close proximity to the existing rail freight line that serves the London Gateway Port and from this line historic disused rail sidings pass adjacent to the southern site boundary and into the northern part of site. These rail sidings provide the opportunity for future rail freight opportunities. The Land Use Parameter Plan identifies a future rail terminal for Plot C from the Development Plots Parameter Plan. The Illustrative Masterplan identifies potential rail siding uses in the western part of the site for Plot C which is illustratively shown to bring in a new rail siding into the site. For the northern historic rail siding this links to the Thames Oil Port and could provide a link to the proposed energy producing uses identified in the northern part of the site, which is Plot J from the Development Plots Parameter Plan.
- 1.230 The potential to use rail freight could reduce road traffic freight movement, which is encouraged by the Council's Highway Officers with regard to policy, but it is recognised that this would be dependent upon future occupiers and third-party agreement. A series of planning conditions are recommended to safeguard the identified rail terminal plot (Plot C), encourage opportunities for using rail freight, and if rail freight is used, there is a requirement for a future rail freight management plan.
- 1.231 The site has access to existing jetties within the red line area which reach into the River Thames to the south of the site. These jetties could be used for river access opportunities, similarly to the rail freight opportunities. A series of planning conditions are recommended to safeguard and maintain the jetties, encourage opportunities for using river freight use, and if used, the requirement for a future river freight management plan.
- 1.232 For both rail and river freight these conditions referred to above are necessary to ensure the proposed development can meet the requirements of policies CSTP17, CSTP28 and PMD11, and are encouraged by the Council's Highway Officers. The applicant's details indicate that the jetties may require future upgrading or replacement, which would need to be subject to a separate planning application process.

1.233 In addition to the river and rail access opportunities there is also an opportunity to create a new link road between site the London Gateway Logistics Park, as also referred to with regard to bus service provision. One option to achieve this link could be from the south west corner of the site, as shown on the Illustrative Masterplan, which could link to the existing road network of the logistics park and avoiding the need for some HGV/LGVs to use The Manorway, especially for trips between the site the London Gateway Logistics Park. The ongoing work of the future Travel Plan committee will be to consider alternative means of freight movement. It is recognised by the Council's Highway Officer that this measure needs to be explored with regard to freight movement. It is recognised that this would require the agreement of the London Gateway Logistics Park. Therefore, a planning obligation within the s106 legal agreement will require the applicant to use reasonable endeavours to work with the London Gateway Logistics Park to explore and secure an access link between these sites.

Active Travel Corridors (Routes) for Walking and Cycling

1.234 Two Active Travel Corridors are proposed as set out in Appendix X of the TA Addendum. The Active Travel Corridors are designed to encourage travel by sustainable transport modes and these works include improvements to pedestrian footways, the provision of and upgrade to existing and new cycle ways, and new signage for wayfinding. All shared and upgraded routes would include a 3m wide shared pedestrian/cycle way. All routes would comply with the requirement of LTN 1/20. The proposed Active Travel Corridors are detailed below:

Routes		Proposed Works	Cost of the works
To and from Basildon (Thurrock Land asset only)	A13 Five Bells Interchange to One Tree Hill	The proposed changes include a 2m separation between the carriageway and the shared cycle / footpath; a bus stop build out; a toucan crossing on the eastern arm of the One Tree Hill Roundabout and the realignment of the route along Southend Road and provision of a toucan crossing on Southend Road.	£1,023,500
	One Tree Hill to Woodbrook Way	The proposed changes include the shared cycle/footpath and a signalised priority arrangement over the railway bridge along Southend Road. Works include some road narrowing at the Southend Road rail bridge	£1,040,750

	Woodbrook Way to A1014 (The Manorway)	Through this residential area various works are proposed included pedestrian raised tables, planters, bollards, 20 mph road markings, line markings and a part shared cycle/footpath.	£990,150
To and from Stanford Le Hope	Manorway Resurfacing and Lighting	Resurfacing works	£1,012,000
		Lighting works	£756,700
	Hardie Park to Southend Road/ Southend Road to Victoria Road	Insertion of double height kerbs and bollards along section of the cycleway adjacent to the carriageway to prevent damage from occurring. Works to cover a 1.7km section of this route.	£747,500
		The proposed route would link to The Manorway, Southend Road and Victoria Road. It would involve the linking to the proposed residential scheme to the rear of Victoria Road (14/01321/OUT & 18/01660/REM).	£219,305
	Southend Road to Victoria Road – cycle route Hardie Park to Southend Road – cycle route	£175,950	
	Trim Trail Upgrade	Upgrading of footpath proposed through the proposed residential scheme to the rear of Victoria Road (14/01321/OUT & 18/01660/REM).	£313,000
Total Cost (pooled)			£6,278,855

1.235 The route to Basildon avoids Lampitts Hill to ensure the route is accessible to all this was a requirement to accord with the latest Highways requirements through LTN1/20.

1.236 The above Active Travel Corridors have been subject to consultation with the Council’s relevant Highway Officers and the identified costs of the works would be secured through planning obligations in a s106 legal agreement and these costs include the design and management costs. The Active Travel Corridors would lead to improved accessibility to this site to contribute towards meeting the the modal split of the TA and the Travel Plan targets in the interests of sustainability and would follow the aims of policy CSTP15, as well as paragraphs 92 and 112 of the NPPF.

### Pool Bike Scheme

- 1.237 The TA explains that the proposal includes a pool bike scheme to provide 100 e-bikes. These bicycles would be provided to support sustainable travel to/from, within and around the Development.
- 1.238 To enable bikes to be picked up and returned to any self service bicycle station, which would have fixed and non fixed docking points. It is proposed to introduce 50 bikes at 5 multiple docking stations and then increase this to 100 bikes at 10 multiple docking stations throughout the site. The TA explains that e-bike hubs would be provided at various locations throughout the site in the character areas of Sustainable Industries Park, the Amenity Hub and the Holehaven Café locations. Additional bike docking stations would be provided at each of the employment plots. E-bike use and docking stations would also be provided in an off site location at Stanford Le Hope railway station.
- 1.239 The applicant's pooled e-bike proposal includes a requirement that can be secured in the s106 legal agreement with the obligation upon the applicant to provide, fund, manage and maintain the e-bikes and docking station scheme to ensure the modal split of the TA and the Travel Plan targets are met in the interests of sustainability.
- 1.240 The proposed pool bike scheme has been subject to consultation with the Council's relevant Highway Officers and no objections are raised. The proposed pool bike scheme would lead to improved accessibility to this site for sustainable transport means and would therefore follow aims of policy CSTP15, as well as paragraphs 92 and 112 of the NPPF.

### Car Club

- 1.241 The TA, its Addendums and Appendix Q of the TA explains that the applicant proposes to provide free membership of a car club for a minimum of 3 years to be run by a car club operator. Each employee using the site as a member of the car club would have a priority parking spaces on site. This allows for people to drive the same vehicle and allows people to go off site without the need to use their own private vehicle. The proposal would initially provide three (3) car club spaces and vehicles from first occupation with this increasing with demand.
- 1.242 The car club would be secured as a planning obligation upon the applicant to provide and fund the car club within the s106 legal agreement and this would contribute towards meeting the modal split of the TA and the Travel Plan targets in the interests of sustainability.

1.243 The proposed car club has been subject to consultation with the Council's relevant Highway Officers and no objections are raised.

#### Car Sharing/pooling

1.244 The TA, its Addendums and Appendix Q of the TA explain that the applicant proposes to provide car pooling/car sharing, which is where a driver gives lifts to other passengers and this would be promoted by the Community Concierge Service as part of the Travel Plan. Modern technology includes apps that can be used via electronic devices such as phones and tablets for accessing and booking this service.

1.245 The car sharing/pooling provision would be provided by the applicant as a planning obligation to promote, fund and enable car-pooling /car sharing through an s106 legal agreement for the lifetime of the development.

1.246 The proposed car sharing/pooling arrangements and the financial contribution have been subject to consultation with the Council's relevant Highway Officers and no objections are raised. Car sharing/pooling can reduce the need for single occupancy travel and therefore reduce car trips and is a recognised by the NPPF as a sustainable transport mode and would accord with the requirements of policy 110 of the NPPF.

#### Travel Plan

1.247 Policy PMD10 requires Travel Plans to promote sustainable transport alternatives, which would include the proposed travel incentive mitigation measures including the proposed bus services, Active Travel Corridors (for walking and cycling), the pool bike scheme, car club, car sharing/pooling and wayfinding. The policy requires the promotion of sustainable transport alternatives to private vehicle car use and paragraph 113 of the NPPF requires 'all developments that will generate significant amounts of movement should be required to provide a travel plan'.

1.248 Appendix Z of the TA Addendum includes a Site Wide Framework Travel Plan (Travel Plan) and the primary aim of the Travel Plan is to provide the opportunity for travel to the site by modes other than the private car and in particular single occupancy car trips. The Travel Plan would therefore encourage sustainable travel by encouraging increased use of buses, public transport, car sharing, walking and cycling.

1.249 The objectives of the Travel Plan include:

- To provide employees and other site users with information on sustainable travel options to and from site;
- To provide opportunities for increased level of sustainable travel to and from the site;
- To reduce the level of car trips associated with the site and to ensure that necessary journeys by car are covered by car clubs, car sharing or taxi.

1.250 The Travel Plan proposes that a Travel Plan Co-ordinator would be employed for implementing the Travel Plan and would also have responsibility for the delivery of the Sustainable Distribution Plan (SDP).

1.251 The Travel Plan will set targets over a period of time to meet with modal split requirements set out in the TA, which seeks to achieve 30% of staff and visitor trips to the site by alternative sustainable transport modes to private single occupancy car usage.

1.252 The Travel Plan includes an indicative Travel Plan action plan. In summary this identifies the requirements for the management of the Travel Plan to be set up through a Site Wide Travel Plan Co-ordinator, an Occupier Travel Plan Co-ordinator and a Travel Plan Committee (similar to how London Gateway operates). The Travel Plan Co-ordinators would for site wide and individual occupied sites administer travel information and planning for staff and users of the site.

1.253 One of the main roles for the Travel Plan Co-ordinators will be the on-going promotion and monitoring work associated with the travel incentives as listed above and as secured through the s106 agreement. Further monitoring work would include provision of questionnaire surveys, a commitment to undertake annual surveys, monitoring reports to and attendance at the Travel Plan Committee. The Travel Plan Committee membership would include an officer from Thurrock Council, Essex County Council and National Highways, as well as the site's management and individual plot occupiers. The Travel Plan would be reviewed and updated annually.

1.254 It is proposed that the Site Wide Travel Plan Co-ordinator would be located in the proposed Amenity Hub, however, the Amenity Hub would not be constructed or be operational until Phase 1b is completed, as shown on the Indicative Phasing Plan. In the interim period the applicant proposes to operate this service virtually and then through a temporary hub to be located on site for when Phase 1 is beginning occupation.

1.255 The site owner will be responsible for the cost of implementing and administering the Site Wide Framework Travel Plan including the cost of the Site Wide Travel Plan Co-ordinator, with the individual occupiers responsible for the cost of

implementing their Occupier Travel Plan (including their own monitoring). The Occupier Travel Plan Co-ordinator would report to the Site Wide Travel Plan Co-ordinator.

- 1.256 Details of a full Site Wide Travel Plan would be secured through planning obligations in an s106 legal agreement with an obligation on the applicant to provide, fund and implement the Travel Plan to achieve the modal share targets set out in the TA for maximising sustainability. A financial contribution of £1,025 per annum would also be secured in the s106 legal agreement to fund the Council's own monitoring of the Travel Plan.
- 1.257 In the event that Travel Plan targets are not met then remedial measures would be needed and this would include an additional sum in the form of a Travel Plan Target Remedial Fund. The Travel Plan Target Remedial Fund would be a £400,000 financial contribution to be drawn upon if the Travel Plan targets are not met. This £400,000 financial contribution will be secured through planning obligations in an s106 legal agreement. The Travel Plan Committee will administer how and where the Travel Plan Target Remedial Fund can be used. The Council's Highway Officers recognises the importance of the Travel Plan Target Remedial Fund Measures Fund in the event that Travel Plan targets on modal split are not achieved.
- 1.258 The Site Wide Framework Travel Plan and the financial contributions identified above have been subject to consultation with the Council's relevant Highway Officers and no objections are raised. Full details of the Travel Plan and the financial contributions identified for a range of measures as stated above, along with ongoing monitoring work and costs, will be secured through planning obligations to a s106 legal agreement and where necessary planning conditions. This approach for the Travel Plan is considered acceptable having regard to policy PMD10 and paragraph 113 of the NPPF.

Parking

- 1.259 Policy PMD8 requires developments to comply with the Council's Parking Design and Development Standards (February 2022). Paragraph 107 of the NPPF advises on setting parking standards and paragraph 109 of the NPPF refers to lorry parking.
- 1.260 The proposed development would involve a range of land uses and Council's Parking Design and Development Standards (February 2022) identify the following parking requirements for the proposed land uses:

Use	Use Class (new Use	Vehicle Parking
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	Classes references in Brackets)	Requirement
Storage and Distribution, and Open Storage	B8	1 space per 150 sqm
Manufacturing	B2	1 space per 50 sqm
Research and Development	B1(b) (E(g))	1 space per 30 sqm
Education/Community Facilities/Crèche	D1 (E(f))	1 space per full time equivalent staff
Gym/Leisure Facilities	D2 (E(d))	1 space per 10 sqm of public area
Hotel	C1	1 space per bedroom
Café	A3 (E(b))	1 space per 5 sqm/1 lorry space per 2sqm

*Parking Strategy*

1.261 The TA sets out details of the parking strategy and because this is an outline planning application the exact parking layout details will need to be determined through the reserved matters for each plot/phase. The Illustrative Masterplan shows areas of parking throughout the proposed development to provide a visual guide for how all forms parking would be provided.

1.262 The applicant’s proposed parking strategy, in more detail, is identified in the Appendix Z of the TA Addendum, and this explains the following key principles for car parking:

- The level of provision for B2 uses will be higher than the level of provision for B8 uses;
- The ratio of provision (spaces per sq.m) can be higher towards the start of the development, with a reduction over time as the development is built out when sustainable travel measures increases;
- Priority is provided for disabled spaces, car club spaces, car pooling/share spaces, and electric vehicle charging spaces;
- There will be appropriate parking controls within the site to ensure parking only takes place with designated car parks;
- The number of available parking spaces and the management and control of parking spaces will be reviewed as part of the Travel Plan.

1.263 The TA estimates that the proposed level of car parking is based on a Car Parking Accumulation Assessment, which has considered the parking needs based on modal share and identifies that the development would require 1,437 car parking spaces.



1.264 As an outline application the exact parking capacity and layout details will need to be determined through the reserved matters for each Phase or Development Plot and would be secured through planning conditions for all vehicle parking provision and a vehicle parking management plan. A Design Code would also be secured through planning condition and the future Design Code will be required to include best practice measures for vehicle parking which would influence the details for the future reserved matters.

*HGV/Commercial Parking*

1.265 Policy CSTP17 makes reference to the need of facilitating the provision of 24-hour lorry parks in growth hubs such as Tilbury Port, London Gateway and West Thurrock, but also recognises the need for lorry parks in other locations where demand exists, and which are located away from residential areas with good access to the Strategic Road Network. The Thames Enterprise Park site meets this policy criteria by providing a minimum three (3) site locations for lorry parking

1.266 The Land Use Parameter Plan and Illustrative Masterplan shows there would be dedicated lorry parks to serve the future users of the site. These would be located as Development Plots B, G and Q from the Development Plots Parameter Plan. In addition to this Plots R and S from the Land Use Parameter Plan show further lorry parking zones. Plot A is identified for lorry parking and/or open storage.

1.267 The proposed 3 lorry parks and shown on the Illustrative Masterplan and would provide lorry parking spaces as follows:

Plot	Lorry Parking Spaces
B	93
G	66
Q	59

1.268 Plots A (also could be used for open storage) and B are located within an area of the site affected by the Development Proximity Zone and Inner COMAH zone associated with the Hazardous Substances consent at the Shell Oil terminal to the west. As such no HGV cabs could be used for any overnight sleeping accommodation due to the HSE COMAH Regulations and would be controlled through planning condition. The lorry park on Plot G from the Development Plots Parameter Plan would be adjacent to the Amenity Hub. The Illustrative Masterplan identifies a possible small amenity building to serve the Plot G lorry park.

1.269 All these lorry parks have been designed to also accommodate other users from outside of the site to alleviate any HGV parking issues along The Manorway or in the wider area.

1.270 Each Development Plot associated with the proposed manufacturing/general industrial uses (Class B2) and the storage and distribution uses (Class B8) would also provide for on-site lorry parking facilities.

1.271 The lorry parking/HGV and commercial vehicle parking facilities would be secured through a planning condition requiring a minimum of lorry parking/HGV and commercial vehicle parking to be provide at various triggers points as set out below:

- A minimum of 50 spaces at 100,000 sq.m
- A minimum of 66 spaces at 150,000 sq.m
- A minimum of 93 spaces at 200,000 sq.m

1.272 Other planning conditions would require detailed lorry parking/HGV and commercial vehicle to be provided with reserved matters, another condition would place restrictions on HGV movement for the open storage uses and the vehicle parking management plan would also be implemented. The condition for restrictions on HGV movement for the open storage uses would also address concerns raised by London Gateway about vehicle movements and shipping container storage at the open storage part of the site. Given the site’s location there is potential for the future storage of containers on the open storage land allocated, if there was a need for such storage and in planning terms this would also help prevent the loss of any undeveloped green belt sites in or near to this location. It should be noted that one area of the site is currently used for shipping container storage.

*Coach/Bus/Visitor Parking*

1.273 The Illustrative Masterplan shows the coach, bus and visitor parking would be located in Plot G2 and further parking would be provided in Plot H to the north of the Amenity Hub area. All plots would have space to accommodate all vehicle parking and the Illustrative Masterplan shows how the parking arrangements could be laid out. The coach, bus and visitor parking would also be subject to the vehicle parking management plan condition.

*Cycle Parking*

1.274 For cycle parking, the Council’s draft parking standards (2012) require the following:

Use	Use Class	Cycle Parking Requirement
Storage and Distribution, and Open Storage	B8	1 space per 500 sqm for staff plus 1 space per 1000 sqm of visitors

Manufacturing	B2	1 space per 250 sqm for staff plus 1 space per 500 sqm for visitors
Research and Development	B1(b)	1 space per 100 sqm for staff plus 1 space per 200 sqm of visitors
Education/Community Facilities/Creche	D1	1 space per 4 staff plus 1 space per 10 child spaces
Gym/Leisure Facilities	D2	10 space plus 1 space per 10 vehicle spaces
Hotel	C1	1 space per 5 staff plus 1 space per 10 bedrooms
Café	A3	1 space per 100 sqm for staff plus 1 space per 100 sqm for customers

1.275 The TA explains that the Travel Plan includes a walking and cycling modal share of 8% for development and the level of cycle usage and take up would be monitored for additional spaces should demand increase. The TA identifies that a minimum number of 676 cycle parking spaces would be provided. The Design Code condition would require coding for different examples of best practice for cycle parking in the Design Code and planning conditions would require further information to be provided for each Development Plot through the reserved matters including parking for powered two wheelers and bicycles (including electric bikes). The cycle parking would also be subject to the vehicle parking management plan condition.

*Construction Phase*

1.276 The Construction Environmental Management Plan condition can secure all parking requirements via a planning condition for the construction phase of the development, and this is likely to be located in a secure on site compound.

*Conclusion on Parking*

1.277 For all vehicle parking the precise details will be determined through the reserved matters and through a number of planning conditions that require the development to be designed in accordance with the Council’s parking standards (either current standards or any future standards) to ensure compliance with policy PMD8 and paragraphs 107 and 109 of the NPPF. The Council’s Highway Officer raises no objections on this basis and recognises the importance of on site lorry parking for this site but also as an opportunity to alleviate lorry parking pressures in the Borough.

Servicing and Waste Collections

- 1.278 PMD2 requires development proposals to include suitable access to maintenance, waste and emergency vehicles. Paragraph 112 (d) of the NPPF requires development to 'allow for the efficient delivery of goods, and access by service and emergency vehicles'.
- 1.279 As an outline application the precise servicing and waste collection arrangements would need to be determined through the reserved matters and therefore a planning condition will require the submission of such information and the design code condition would require consideration of plot coding waste and recycling functions. The Council's Highway Officer raises no objections to this approach, which would be necessary to meet the future requirements of policy PMD2 and Paragraph 112 (d) of the NPPF.

#### Traffic Generation and Trip Rates

- 1.280 Before assessing the impact upon the highway network, it is necessary to understand the proposed trip rates associated with the proposed development.
- 1.281 The PPG advises that one of the key issues to consider in preparing a Transport Assessment are the 'road trip generation and trip distribution methodologies and/ or assumptions about the development proposal'.

#### *Trip Forecasting and Trip Rates to and from the site*

- 1.282 The TA has assessed the multi modal trip forecast for all traffic generated by the proposed development.

#### *Staff and Visitor Trips*

- 1.283 For staff and visitor trip rates the TA uses a modal split of 70/30, which means that the proposed development envisages 70% of all staff and visitors arriving at the site would do so by car (with an allowance for 5% for visitors to the site) and 30% of staff and visitors would arrive by other transport modes. This modal split is consistent with the approach used for assessing the Local Development Order (LDO) at the nearby London Gateway site in 2013. For all proposed uses the TA has used data from existing similar uses and development sites across the country for comparison purposes.
- 1.284 For future storage and distribution uses (B8 uses) this would form the most dominant land use for the site. The TA identifies that staff are most likely to be arriving and departing the site on a shift basis. This is based comparable uses at other sites and it is identified that shift patterns (TA table 7.8) are likely to occur between the hours of 5am to 7am, 1pm to 3pm and 9pm to 11pm. The morning

shift changeover would result in arrivals and departures in part of the AM peak period (6am to 10am).

- 1.285 For future manufacturing and general industry uses (B2 uses) the TA identifies that the majority of arrivals and departures would be within the peak time periods of 6am to 10am and 4pm to 7pm (TA table 7.9). Further assessment was undertaken for all other uses associated with the site with varying times of activity throughout the day (over a 24 hour period) but the most uses with the most staff movements are those for the B8 and B2 uses which would occupy 80% of the uses/land area of the site.
- 1.286 For all uses the staff multi modal daily trips predicts a total of 8,632 vehicle movements (table 7.22), including 6,042 car driver movements plus other movements using multi modal sources that would be delivered as part of the Travel Plan, which includes the car clubs, car-pooling, active travel measures and public transport.

#### *Freight and Operational Trips*

- 1.287 For freight and operational trips, the TA has assessed freight and operational trip rates for all proposed uses at the site with traffic forecasts for the busiest times. The TA shows the results through a series of tables (TA tables 7.13 – 7.18) and for all uses at the site the predicted busiest periods for trip rates would be between 9am to 10am and 1pm to 2pm for HGV and LGVs.

#### *Total Development Traffic*

- 1.288 With regard to the total development traffic, analysis of the information in the TA shows for traffic forecasting (table 7.19) all trip rates for the busiest periods would be 7am to 8am, 1pm to 2pm and 4pm to 6pm, which coincides with the AM and PM peak periods along with a busy period at lunchtimes.

#### *Trip Distribution*

- 1.289 In terms of trip distribution the TA forecasts (tables 7.23 – 7.25) the majority of HGV trip distribution would be to and from Greater London, the South East and the East; for operational trips the highest percentage of trips would be from the M25, London but also the Corringham area; and for staff trip distribution it is predicated that most employees would travel to the site from the Corringham area, Basildon, Tilbury/Grays/South Ockendon with some trips from London and the M25 corridor.

#### *Conclusion on Traffic Generation and Trip Rates*

1.290 The Council's Highway Officer recognises that a modal split of 70% car borne trips is the same assessment criteria for London Gateway LDO. This is a huge step from the original 50% modal split proposed by the applicant. However, this 70% assessment is considered aspirational due to the site's isolated location and is based on a significant S106 package put forward by the applicant for enhanced non-car infrastructure to be implemented over the construction period of the site. The applicant is suggesting that these facilities would positively contribute towards the lowering of car borne trips, which would comply with Policy PMD9; but this has no impact on freight movements and is reliant on a change on how commuters and visitors access the site. The implications of the traffic generation and trip rates upon the highway network are assessed below.

#### Highway Network Assessment

1.291 Policy PMD10 requires Transport Assessments to accord with relevant transport guidance and paragraph 113 of the NPPF requires planning applications to be supported by Transport Assessments so that the likely impacts of the proposal can be assessed.

1.292 PMD9 requires development to avoid causing congestion as measured by link and junction capacities. Paragraph 104 of the NPPF requires the impact of development on transport networks to be addressed and paragraph 111 of the NPPF identifies that development should only be prevented or refused on highway grounds if there is a 'severe' impact upon the road network.

1.293 Within and beyond the Thurrock area policy CSTP16 seeks to improve national and regional transport networks to ensure growth does not result in routes being above capacity. The policy seeks to achieve this through improving capacity by improving transport interchanges and supporting additional highway capacity through the use of technology and information.

1.294 In addition to local planning policies the National Policy Statement for Ports (NPSP) recognises the essential role of ports to the UK economy with the need for access routes to be maintained for the associated vehicle traffic to and from ports. In this instance the London Gateway Port is close to the site and the existing highway network and the port uses the roads that the traffic associated with this planning application would be using. Consideration is therefore required as to the impact of the proposed development upon these routes and the junctions along these routes.

1.295 To assess the impact of the proposed development upon the highway network various microsimulation modelling has been used, referred to as the VISSIM model, and for junction assessments a LINSIG model was used. The modelling work has assessed The Manorway and the A13 as the key highway corridors. The three key

junctions assessed through the modelling are the Sorrells roundabout junction, the A1014/A13 roundabout junction and the A13/M25 junction 30 roundabout. The TA has considered a number of assessment scenarios for the modelling work taking account of existing baseline conditions, projected growth, committed development alongside the development of phase 1 of this development and when the development is fully built for operational use. The committed development reference includes a number of developments including the London Gateway Port and Logistics Park (LDO), Amazon at Tilbury, Tilbury 2 and various energy producing developments and residential developments in the Borough but also in Basildon and Castle Point authorities. It is recognised that highway improvements have been made in the area from the permissions at London Gateway through the permission for the Port and the LDO for the Logistics Park, and the more recent A13 widening works between the A13/A1014 junction and the Orsett Cock junction, which are nearing completion.

- 1.296 Using the assessment scenarios the VISSIM model has assessed the overall network performance on the basis of the full development in place over the AM peak period (7am to 10am) and PM peak period (4pm to 7pm) along with the forecast development peak period between 12 noon to 3pm, known as the Inter Peak period.

#### *Journey Times*

- 1.297 For journey times the TA has identified that the VISSIM model has assessed a number of journey points (TA Fig 8.2) along The Manorway and A13 corridor using the same time periods for assessment as stated above.
- 1.298 For eastbound journeys from the M25 junction 30 towards the site the TA explains that there would be a 1 minute increase to journey times along the A13 in the AM and PM peak but there would be a reduction in journey times during the Inter peak period.
- 1.299 For westbound journeys from the site to the A13 the TA Addendum (para 3.46) explains there would be an increase in journey times at the Sorrells roundabout from the A1014 westbound approach by 73 seconds during the Inter peak period, in this instance between 2pm and 3pm. For westbound journeys from the site to the M25 junction 30 there would be an increase of 1 minute 35 seconds in the Inter Peak between 2pm and 3pm, and for the PM peak hour, between 5pm and 6pm, the journey time would increase by 51 seconds (Appendix Q of the TA Addendum). Both these journey time increases are with the proposed mitigation in place. Without the mitigation the journey times would be longer, the mitigation to three roundabout junctions is explained below. The TA advises that a proportion of the increase in journey time is focussed around the Sorrells roundabout.

### *Queue Lengths*

- 1.300 The LINSIG models have modelled queue lengths at the three key junctions assessed.
- 1.301 For the A13/M25 junction 30, there would be fluctuations in queues on each arm of the junction during different peak periods. The maximum increase would be 18 vehicles (100m – 110m) on the A13 east arm in the Inter Peak period (Table 3.1 – Appendix R – M25 Junction 30 Linsig Results). This takes account of the TA Addendum Appendix C (para 45), which recognises that for the M25 there would be a 1.47% per year increase in traffic growth.
- 1.302 For the A13/A1014 junction, there would be fluctuation in queues at the junction of between 1 – 3 vehicles (5m – 20m), but generally an overall reduction in queueing, on the A1014 in the Inter Peak period (A13 / A1014 Interchange – Table 5.1 / 6.1 / 7.1 of the A13 Corridor LINSIG Results document (Page 181 – 185 of Appendix R).
- 1.303 At the Sorrells roundabout junction, the A1014 would experience an increase in queue lengths from the eastbound A1014 (11 more vehicles / 65m) and the westbound A1014/TEP arm (4 more vehicles / 25m), (Sorrells – Table 2.1 / 3.1 / 4.1 of the A13 Corridor LINSIG Results document (Page 175 - 179 of Appendix R).

### *Local Junction Modelling*

- 1.304 For local junction modelling the TA explains that a LINSIG model has been used to assess the impact upon the three key junctions on the basis of the full development in place with its traffic impact and the impact from committed development.
- 1.305 For the Sorrells roundabout junction, the TA Addendum (para 3.38) identifies that this junction will continue to operate within capacity during the AM and PM peak hours but during the Inter peak hours (12pm to 3pm) TA Addendum (para 3.39) identifies that this junction is already operating over capacity and therefore mitigation is required to improve the performance and operation of the junction. The proposed mitigation for this junction is explained in detail below. The TA Addendum (para 3.39) advise that the mitigation would result in a slight improvement, but the junction would continue to operate over its capacity in the Inter peak hour with the presence of the development.
- 1.306 For the A13/A1014 junction, the TA Addendum (paras 3.42-3.43) identifies through the modelling work that this junction operates over capacity during the AM peak, Inter peak and PM peak hours (without development). As a result of this modelling work it is identified that mitigation is required. The proposed mitigation for this



junction is explained in detail below and the implications of the mitigation mean that the junction would operate within capacity in the AM peak but would continue to operate above capacity for the Inter peak and PM peak, but with reduced congestion (queuing and delay) when compared to the position of no development at TEP. The TA Addendum (para 3.43) states the development provides betterment during the Inter peak and PM peak hours – the position in the Inter peak and PM peak periods is between with Development (plus mitigation) than without the Development. During the AM peak hour the junction goes from a position of over capacity without the development to a position of within capacity with the development in place.

- 1.307 For the A13/M25 junction 30, the TA identifies that this junction is already operating above capacity without the influence of the proposed development. The modelling work for the A13/M25 junction 30 also shows the northbound off slip from the M25 already experiences queuing, and the length of the queue would increase during the AM and PM peak periods. This is an existing issue and mitigation has been identified and will be secured through the Purfleet centre planning permission through traffic signals on the northbound link from the M25 junction 31 roundabout. For this application, mitigation has been developed to provide capacity benefits to the A13/M25 junction 30.
- 1.308 Furthermore, taking account of the applicant's proposed mitigation (option 2) the TA identifies that the proposed development would increase queue lengths on the A13 westbound off slip by 49m (8 – 10 vehicles) in the PM peak period (Table 6.7 of the M25 Junction 30 VISSIM Model Results document provided at page 33 of Appendix Q). This queue would be contained in the two dedicated mainline lanes for this junction. In the AM peak and Inter peak queue lengths would reduce by 66m (10 – 12 vehicles) and 193 m (38 – 40 vehicles) respectively.
- 1.309 The proposed mitigation is different to the mitigation already agreed with National Highways from the Purfleet centre planning permission and the Tilbury 2 DCO (Development Consent Order) for this junction. The TA explains that the assessment of this junction is based on the proposed development being completely operational by 2034. The TA also recognises that National Highways are proposing the Lower Thames Crossing that is designed, in part, to alleviate congestion at the M25 junction 30.
- 1.310 National Highways have advised that the modelling undertaken at M25 junction 30 shows that the proposed development would have a material and significant impact upon this junction without mitigation. The proposed scheme of mitigation is identified in the section below.

*Conclusion to this section*

1.311 The VISSIM modelling identifies hotspots at three key junctions, these being the Sorrells roundabout junction, the A1014/A13 roundabout junction and the A13/M25 junction 30 roundabout. The TA recognises improvements are required to these three junctions and the mitigation to these junctions is explained in the section below, which would deliver betterment to the operation of these junctions during the AM and PM peak hours, and during the Inter Peak hours.

#### Highway Improvements and Mitigation

1.312 As part of the designated HGV route to from the site, identified as The Manorway to the A13 and then either east or west on the A13, various highway works are proposed to three junctions which have been subject to forecast modelling of future vehicle movements. All three junction improvements have been subject to stage 1 road safety audit testing. The TA, TA Addendum and Appendix S of the TA Addendum identify the three junctions are:

- The Sorrells Roundabout Junction
- A13/A1014 Roundabout Junction
- A13/M25 Junction 30 Roundabout Junction

#### *Sorrells Roundabout Improvements*

1.313 The proposal includes changes to the current layout of the Sorrells roundabout.

1.314 The changes would create an additional lane on the south eastern section of the main carriageway of the roundabout, adjacent to the port access road. This would increase capacity on the roundabout. This additional lane would form the new dedicated lane for westbound traffic travelling into Stanford Le Hope and would allow for 3 lanes on the roundabout to flow towards to the northbound carriageway to The Manorway towards the A13. One of the lanes on the roundabout retains a right turn for eastbound traffic to The Manorway. The changes would be subject to revised lane markings.

1.315 On the westbound carriageway an additional lane would be provided so the capacity is increased from 2 lanes on the main carriageway to 3, although the 3 lanes would change back to 2 lanes shortly after the Sorrells traffic light junction on the westbound carriageway. The changes to the road layout would widen the existing carriageway to allow for space for the dedicated right hand turn lane for the Sorrells traffic light junction. The existing pedestrian crossing facilities at the Sorrells traffic light junction would remain unchanged, although a new signal controller would be installed. Two reconstructed maintenance grasscrete

hardstandings would be also be installed. The changes would be subject to revised lane markings.

- 1.316 To facilitate the proposed highway improvement would be secured as a planning obligation to be included in an s106 legal agreement for the applicant to implement the scheme through a s278 legal agreement under the Highways Act.

#### *A13/A1014 Junction Improvements*

- 1.317 At the roundabout junction of the A13/A1014 junction changes are proposed.
- 1.318 The first of these changes would be to widen the existing left turn lane of the A13 westbound carriageway off slip road. This would be widened from 2 lanes to 3 lanes with a dedicated left turn lane to allow vehicles to flow onto the eastbound carriageway of The Manorway towards the Sorrells roundabout junction. Revised lane allocations would be provided on The Manorway and at the A13/A1014 roundabout junction.
- 1.319 The second change would be to the westbound carriageway lane markings on The Manorway. The changes would dedicate 2 lanes for the A13 westbound direction and 1 lane for the A13 eastbound direction with local traffic routes onto the A1013 and B1007 remaining the same.
- 1.320 To facilitate the proposed highway improvement would be secured as a planning obligation to be included in an s106 legal agreement for the applicant to implement the scheme through a s278 legal agreement under the Highways Act.

#### *M25 Junction 30 Improvements*

- 1.321 At the roundabout junction of the A13/M25 Junction 30 changes are proposed.
- 1.322 The first change is to the westbound off slip road from the A13 to the roundabout junction. The changes would result in carriageway widening works on the southern side of the slip road. This would allow for adjustment to the existing 4 lanes on the off-slip road and allow for the insertion of a traffic island with traffic light signal either side of the 2 lanes on this off slip road. The existing lighting columns on the southern side of the carriageway would re-sited. Revised lane markings would be painted on the road as a result of this change along with the changes to the traffic light signal timings.
- 1.323 The second change is to widen part of the carriageway on the roundabout on the inside part of the roundabout to increase capacity and revised lane markings would be painted on the road.

1.324 The consultation response from National Highways requires these works to be secured through planning conditions for the junction improvements, for a second road safety audit and for a signage strategy.

*Conclusion to this section*

1.325 For the Sorrells roundabout junction and the A13/A1014 roundabout junction the Council's Highways Officers advise that the amendment to the highway layout is difficult to argue against in policy terms and in terms of traffic volumes, subject to agreement of triggers for the timings of the works through the s106, along with financial contributions for works to these junctions. The Council's Highways Officers consider that this development will have a severely adverse impact on the local road network in terms of traffic impact, road safety and large vehicular traffic use, without suitable mitigation. This is particularly bearing mind that there are concerns that the additional traffic will add to existing issues, such as accidents, red light jumping and speeding. It is therefore necessary to mitigate the highway impacts through the proposed junction works and these would be secured through the s106 agreement and through a s278 agreement under the Highway Acts. The initial drawings for each of these works have been subject to a Road Safety Audit stage 1 and further design work and road safety audits would be necessary before the works commence and would be secured through these legal obligations.

1.326 For the proposed works to A13/M25 Junction 30, National Highways have provisionally agreed the proposed mitigation work and the recommendations of a stage 1 road safety audit that their contractors would undertake. National Highways raises no objections and recommends that planning conditions are imposed which for the proposed works to A13/M25 Junction 30 to be agreed along with a stage 2 road safety audit and a signage strategy.

1.327 The proposed works to these junctions are essential as mitigation measures to address the policy position with regard to policies PMD9, PMD10, CSTP15, CSTP16. In addition, and to meet with the most up to date policy test as set out in paragraph 111 of the NPPF, the proposed junction works are essential to address what would otherwise be a 'severe' impact upon the highway network.

Highway Safety Measures – Average Speed Cameras

1.328 The TA and its relevant Addendum identifies a contribution to implement average speed cameras along The Manorway (between the Sorrells roundabout and the site). The scheme indicatively includes 6 camera locations, which would monitor both the 40mph and 50mph extents of the road. A financial contribution of £561,956 (minimum) will be secured as a planning obligation through an s106 agreement, which would also include ongoing maintenance costs for 10 years. Such measures

would contribute to road safety and road safety as a recognised requirement of policy PMD9. The mechanism for this contribution is based on a bespoke evidence-based approach, factoring in key intervention criteria set by Essex Police, whom would be the managing authority on the final scheme.

### Sustainable Distribution Plan

- 1.329 For freight transport, policy PMD11 requires development creating more than 200 daily HGV movements to produce a Sustainable Distribution Plan to include evidence that commercially viable opportunities for freight carried by rail, water, pipeline or conveyor have been maximised. The policy also requires for B1, B2 and B8 uses in excess of 30,000m<sup>2</sup> planning obligations for Vehicle Booking Systems for each occupier as part of the overall Sustainable Distribution Plan to ensure that site cannot be used by any operator.
- 1.330 The TA, its Addendums and Appendix AA identifies that a Sustainable Distribution Plan (SDP) would manage HGV (and LGV) traffic associated with the development with the aim of ensuring that HGV and LGV movements associated with the site can be minimised and appropriately managed. The SDP would be secured through a planning condition for a Development Plot that would involve a storage and distribution uses (Class B8), open storage uses (Class B8 & Plot S only), manufacturing uses (Class B2) and energy and waste uses (Sui Generis), as these are the uses identified to generate most HGV and LGV vehicle movements. This would ensure that a more robust suite of assessment on each operators needs is addressed, rather than one document for the entire site.
- 1.331 The SDP condition requires a number of measures to reduce HGV and LGV impact on the local and strategic highway network, and to reduce pollution. These include:
- Overnight lorry parking, driver welfare facilities and arrangements for drivers at Development Plots where no overnight staying is permitted
  - Vehicle booking systems designed to manage access during peak periods.
  - For the operators of each Development Plot to become a member of the Council's Freight Quality Partnership.
  - Promotion of less polluting vehicles.
  - Vehicle booking systems designed to manage access during peak periods.
  - An assessment of and measures to include the potential for the Development to utilise the river and rail infrastructure and whether pipeline or conveyor infrastructure can be maximised.
  - Ongoing monitoring provision.

- 1.332 The SDP would be reviewed regularly as part of the Travel Plan committee monitoring through the s106 legal agreement requirements.
- 1.333 With regard to freight movement the Council's Highway Officers consider that the TA does not offer physical measures for alternative methods of freight movement such as rail or water to reduce that impact, only references for potential for land to be set aside. It is likely that road traffic freight would significantly impact on the highway network and to address the issues and meet policy requirements a Sustainable Distribution Plan and a number of conditions are required to mitigate the issues arising and to bring the issues below the 'severe' classification as identified paragraph 111 of the NPPF.
- 1.334 In addition to this, the Council's Highway Officers require the applicant to pursue access links with the neighbouring London Gateway Port and Logistics Park site to reduce freight traffic via the local highway network. The Council's Highway Officers advise that this feature alone has the potential to significantly reduce impact on the local network and as stated above such opportunities would form part of the s106. It is recognised by the Council's Highway Officers that this measure needs to be explored with regard to freight movement and the requirements of policy PMD11. The link would be contingent upon London Gateway Logistics Park agreeing to the creation of a freight and bus link to the Logistics Park. However, without this link, the highways mitigation is considered to be very finely balanced, and if the link could have been provided without third party involvement, it would be considered necessary mitigation. The provision of the link would also help achieve the Travel Plan targets through greater efficiency of bus services. It will be incumbent upon the Council to work with both the applicant and London Gateway Logistics Park to achieve the link if possible.

#### Vehicle Management and Enforcement Measures

- 1.335 The TA, its Addendum and Appendix AB includes strategies to address potential traffic impacts upon local communities and this is in the form of vehicle enforcement for HGV enforcement and car/van enforcement measures.

#### *HGV Enforcement*

- 1.336 To mitigate HGV's using routes other than the designated route to and from the site, which is The Manorway to the A13 and then either east or west on the A13, there are existing weight restrictions on parts of the public highway that prevent HGVs from using routes through Corringham and Stanford Le Hope. The proposals provide a contribution towards amendments to the current HGV movement strategy for Stanford Le Hope and Corringham. This will enable the Council to re-evaluate the HGV movement strategy for the area and make appropriate changes to mitigate

impact of HGV movements on local roads. This will provide changes to the current Traffic Regulation Orders with a number of ANPR camera sites to monitor the area and the proposal would provide up to 16 cameras to be installed. These cameras would be installed around Corringham and Stanford Le Hope.

- 1.337 The exact location and details of the camera mitigation measures would be secured through a Local Traffic Management Strategy for HGV Management and this would be subject to a financial contribution of £736,000 which would form a planning obligation to an s106 legal agreement. Such measures would contribute to road safety as a recognised requirement of policy PMD9 and PMD11.

#### *Car and Van Enforcement*

- 1.338 During the consultation period the Council's Highway Officer raised concerns over rat-running traffic through Corringham and Stanford Le Hope. To mitigate rat running by cars and vans through Fobbing, Corringham and Stanford Le Hope a number of flexible measures, on an evidence based approach.
- 1.339 To finance such mitigation measures a financial contribution of £287,500 would be provided for Fobbing and Corringham, and a financial contribution of £172,500 would be provided for Stanford Le Hope. These two schemes would be known as the Car/Van Management and Enforcement. Such measures would contribute to road safety as a recognised requirement of policy PMD9.

#### HGV Emergency Access Maintenance Crossover

- 1.340 The TA Addendum and Appendix K identifies that the proposal includes two areas of HGV Emergency Access Maintenance Crossover as required by the Council along The Manorway to the east of Sorrells roundabout to safeguard access to the site and prevent diversion routes through residential areas. This also includes emergency contra-flow provision on The Manorway between the Sorrells junctions to Church Hill junction. These works would be secured through a planning condition. Such measures would contribute to road safety as a recognised requirement of policy PMD9.

#### The Environmental Impact (EIA)

##### *Construction Phase Impact*

- 1.341 The Construction Phase is identified in the ES to take place over a 13 year time period and the ES identifies (Chapter 11B table 11.16) that the predicted daily construction traffic movements by 2035, taken as the worst case scenario, are:

Vehicle type	Average Trips per Day (two way)
HGV	24
Cars/vans	132
Total	156

1.342 The ES anticipates that 66% of these vehicles movements would be via the A13 (west) with 33% from the A13 (east). The ES also anticipates that there would be 127 full time equivalent workers over the construction phase.

1.343 When combined the Construction and Operational Phase would result in the following vehicle movements (Chapter 5B Table 5.4):

Vehicle Type	Maximum Trips per Day (two way)
HGV	2,246
Cars/Vans	7,168
Total	9,414

1.344 The ES assesses the worst-case combination of construction and operational traffic and development traffic in terms of traffic volume occurs near full build out of the development which would be after the remediation and decommissioning phase.

1.345 The ES identifies that the Construction Phase mitigation for transport and access would be through a Construction Environmental Management Plan (CEMP) that would minimise and mitigate any effects from all construction traffic. The measures would include making use of off peak periods, appropriate construction traffic routing to be agreed, including for abnormal loads and hazardous loads. The TA identifies that a HGV Routing Plan has been developed for the site which directs HGV's along The Manorway to the A13 and this would be secured through the CEMP planning condition.

1.346 The ES concludes that the Construction Phase would have 'negligible' effects in EIA terms.

*Operational Phase Impact*

1.347 For the operational phase, the ES assesses the effects to be 'negligible' following the implementation of the measures identified in the Travel Plan and all the other highway improvement and mitigation measures as stated above, as this would provide additional highway capacity and increase network resilience.



1.348 The ES assesses the cumulative effects from the construction phase and operation phase of the development would be ‘negligible’.

Summary of highway mitigation measures/planning obligations and conditions

1.349 The tables below provides a summary of each of the proposed mitigation measures and the value/contribution of that measure for inclusion in an s106 legal agreement.

1.350 The first table below identifies ‘contributions’ that will be payments by the applicant to the Council over a phased period of time for the Council to implement these projects, unless these projects are otherwise dealt with through a s278 agreement under the Highways Act. The figures provided are in relation to the reasonable costs for installation of each element including the design and management costs. However, to ensure that the Council can manage the risk of delivery of these projects, the contributions will be pooled into one Highways mitigation contribution. This provides the Council with the flexibility to deliver projects as they are required to the appropriate level of funding.

Type	Project	Total Value of Project
Contributions	TP Monitoring Fee	£1,025 per annum
	Active Travel corridor - Five Bells to One Tree Hill - cycle route	£1,023,500
	Active Travel Corridor - One Tree Hill to Woodbrook Way - cycle route	£1,040,750
	Active Travel Corridor - Woodbrook Way to A1014 Manorway - cycle route	£990,150
	Active Travel Corridor - Southend Road to Victoria Road - cycle route	£219,305
	Active Travel Corridor - Hardie Park to Southend Road - cycle route	£175,950
	Active Travel corridor - Trim Trail upgrade (3rd party developer scheme)	£313,000
	Manorway Re-surface Active Travel	£1,012,000
	Manorway Lighting Active Travel	£756,700
	Measures to control HGV vehicles	£747,500
	Average Speed Cameras (Manorway)	£561,956
	Vehicle Management and Enforcement	£736,000

	Measures for HGV management	
	Vehicle Management and Enforcement Measures for other vehicles through Fobbing and Corringham	£287,500
	Vehicle Management and Enforcement Measures for other routes through Stanford Le Hope	£172,500
	Sorrells Roundabout and Junction Improvements	To be secured through a s278 agreement
	A13 / A1014 (The Manorway Interchange) Roundabout and Junction Improvements	To be secured through a s278 agreement
	Travel Plan Target Remedial Measures Fund (if activated)	£400,000

1.351 The second table (below) identifies ‘obligations’ and these are identified as projects that require the applicant and the Council to be involved but the delivery will be undertaken by either the by the applicant, the Travel Plan Co-ordinator or other organisations and stakeholders. Again, this is itemised to demonstrate reasonable costs for each item but would be pooled into a specific Travel Plan measures contribution.

Type	Project	Total Value of Project
OBLIGATIONS	Bus Route One (Bus Route to Basildon) & Bus Route 2 (TBA)	£4,200,000 to be allocated to the Travel Plan Committee and/or the Travel Plan Co-ordinators to procure and organise the bus service
	Car Sharing/Pooling	Obligation on the applicant
	Car Club	Obligation on the applicant to provide and fund a car club
	Pool e-bikes	Obligation on the applicant to provide, fund, manage and maintain the e-bikes and docking stations scheme
	Travel Plan and Amenity Hub plus Travel Plan monitoring	Obligation on the applicant to provide and

		implement the Travel Plan
	Travel Plan Coordinator	To be appointed and funded
	HGV Emergency Access (Maintenance Crossover scheme)	To be secured through a s278 agreement
	Access link between London Gateway and TEP for sustainable travel & freight movement – a right of access provision	To be secured as an obligation upon the applicant

1.352 From the tables above a significant financial contribution is required to mitigate the impacts of the development and these contributions and obligations would be secured through the s106 legal agreement and through s278 agreements under the Highways Act where required. One further obligation is the Access link scheme between the site and the London Gateway Logistic Park site.

1.353 In addition to the planning obligations stated above there are a number of planning conditions directly related to these highway considerations as well as other conditions that are relevant, for example highway matters within a future Design Code and the Construction Environmental Management Plan. The specific highway conditions include various compliance triggers and the provision of information through future reserved matters application and/or conditions where relevant. These conditions require future details of the movement network (all highway details), parking and parking management, cycle parking, servicing strategy, HGV/LGV routing, lorry parks, restrictions on HGV movements for open storage use, details of the future pedestrian/cycle bridge over Shellhaven Creek, emergency crossovers, a Sustainable Distribution Plan and various conditions seeks to safeguard rail and river usage for potential future freight movements and management.

Conclusion for this section

1.354 The assessment of the access, traffic impacts, connectivity, travel plan, parking and mitigation measures have been subject to significant consultation and discussions throughout the lifetime of this planning application.

1.355 The applicant's TA and TA addendum portrays a positive opinion towards the potential traffic impact from this proposed development and suggests this is achieved by measures to decrease car borne traffic movements by using other modes of transport, including walking, cycling, public transport, car club's etcetera. The Council's Highways Officer considers that the potential impact on the highway

network is significant and without suitable mitigation would have a severely adverse impact on the highway network.

- 1.356 The Council's Highways Officer acknowledges the need for mitigation and the applicant's submission does include a package of proposed mitigation which would bring the traffic impact to a level in line with policy that would not result in a 'severe' impact on the highway network, having regard to the test set out in paragraph 111 of the NPPF. Nonetheless, the Council's Highways Officer considers this is a finely balanced case in terms of acceptability and relies on a significant change of modal split for it to be achieved. The Council's Highways Officer concludes that the requirement to implement or contribute to mitigation measures to mitigate the harm from this development is essential and the minimum requirement has been provided to comply with local and national policies. Similarly, National Highways conclude that there is a need to secure mitigation to M25 junction 30 through planning conditions.
- 1.357 Overall, the access, traffic impacts, connectivity, travel plan, parking and mitigation measures are, on balance, considered acceptable with regard to the relevant policy and the NPPF/PPG tests/considerations. Where identified the mitigation measures can be secured through planning obligations through a s106 legal agreement, planning conditions and through the future reserved matters where identified.

#### IV. DESIGN, LAYOUT AND IMPACT UPON THE AREA

- 1.358 Policies CSTP22 and CSTP23 both seek to create high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings for various criteria. Chapter 12 of the NPPF as a benchmark to new development, through paragraph 126, requires 'the creation of high quality places'.
- 1.359 In addition to policy the Thurrock Design Strategy, which seeks achieve high quality design within the Borough, was adopted in 2017 as a supplementary planning document and endorsed as a material consideration in the determination of planning applications. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:
- understanding the place;
  - working with site features;
  - making connections; and
  - building in sustainability.

#### Design Review

1.360 The proposed development has been subject to a Design Review process which took place in August 2017 and in principle it was recognised that the scheme presents a significant opportunity for regeneration and economic growth, but recommendations were made for improving the quality of design. Since then, the scheme has evolved to reflect the proposed development subject of this application.

### Vision and Plans

1.361 The applicant's vision is described in their Vision Statement as follows:

*To create a sustainable 'next generation' manufacturing, logistics and energy hub for London and the South East that optimises Thames Enterprise Park's unique location and inter-modality to bring a historically important site back into economic life providing jobs, investment and economic vibrancy to the region and the UK.*

1.362 As an outline application consideration has to be given to the Illustrative Masterplan and Design and Access Statement which helps provide details of how the site might look in the future once developed. The Parameter Plans would secure the key information and requirements for the future reserved matters to follow. The documentation identifies that a Design Code would be created and secured through a planning condition to further influence site wide requirements, character areas, and the proposed development plots.

1.363 The Design and Access Statement (DAS) identifies the site would have seven distinct Character Areas, split into three Landscape Character Areas and four Built Form Character Areas. These Character Areas provide more detail than the Illustrative Masterplan.

1.364 The Landscape Character Areas are referred to as The Park Loop, Shellhaven Creek and Spine Road.

1.365 The four Built Form Character Areas are referred to as the Sustainable Industries Park and Amenity Hub, the Northern Edge for energy and manufacturing/logistics uses, River and Creekside for mixed use energy and manufacturing/logistics, and the Perimeter Thames for flexible open storage.

1.366 The following sections consider the layout, scale and massing, design and appearance, and the Design Code details.

### Layout

- 1.367 The Parameter Plans would secure a number of key considerations which include development plots (A to S), land uses, green infrastructure, access and circulation routes, and public and private access arrangements. There are no objections to the proposed layout for each of the Parameter Plans. The combination of overlaying the Parameter Plans helps to create the proposed Illustrative Masterplan, which shows how the proposed development could be developed in the future. The character areas and proposed uses identified would help develop the Illustrative Masterplan further along with detailed design codes.
- 1.368 From these plans it is recognised that the Sustainable Industries Park Character Area would be located adjacent to the main access to the site and this area would allow for a range of storage and distribution uses, general industrial uses, and energy uses. The Illustrative Masterplan shows the proposed layout would be more medium scale developments when compared to some of the potential larger developments across the site. The location of the Sustainable Industries Park Character Area in this location would help provide a human scale form of development and welcoming appearance to the site. The Amenity Hub is proposed to be centrally located within the site which would provide the best location for easy access from all parts of the site with key hub buildings proposed to be located to the southern part of the Hub to benefit from views south across the Shellhaven Creek and beyond towards the River Thames. The River and Creekside Character Area would include manufacturing/storage and distribution uses with an area of energy uses to the western part of the site, along with access to a rail siding for a potential rail terminal location. The Northern Edge Character Area would be associated with tall buildings, including stacks, all associated with energy uses which would be adjacent to the Thames Oil Port. The eastern part of the site would be used for open storage uses.
- 1.369 The proposed layout of the development as defined in the Parameter Plans would be well connected for green infrastructure, access and circulation routes, and public and private access arrangements. Overall, there are no objections to the layout of the development as detailed in the Parameter Plans and as shown in the Illustrative Masterplan with regard to policies CSTP22 and PMD2.

#### Scale and Massing

- 1.370 Specific to building heights policy PMD3 sets out the relevant criteria for assessing tall buildings and with specific reference to the relationship to context and creating a well-designed development.
- 1.371 The proposal includes a Building Height Parameter Plan which demonstrates a range of proposed building heights across the site. The Sustainable Industries Park and the Amenity Hub areas would provide buildings heights up to a maximum of

23.4m high and these buildings would be locations where most people would be present on site and are therefore more appropriate in height for these areas and future uses.

- 1.372 Taller buildings are proposed for the Northern Edge, River and Creekside and the Perimeter Thames Character Areas. The Building Height Parameter Plan would allow for buildings up to 48.4m and the Illustrative Masterplan and 3D illustrations from the Design and Access Statement demonstrate the potential massing of development across the site. It is recognised from the Illustrative Masterplan that within the central and eastern locations of the site (River and Creekside Character Area) substantially sized buildings are proposed but in this flat low lying location such development can be accommodated without adversely impacting upon the landscape and visual appearance of the area, also taking into account similar sized development on the London Gateway Logistics Park and the cranes at the London Gateway Port.
- 1.373 Throughout various locations across the site the tallest structures would be comprise of a number of chimney stacks, up to 103m high and these would be associated with the proposed energy producing uses. It should be noted that the existing chimney stack would be retained, which is 115m high. The Design and Access Statement provides 3D illustrations of how the site could appear in the future showing the proposed chimney stacks which are indicatively shown to be more slimline structures when compared to the existing chimney stack.
- 1.374 Overall, there are no objections to the scale and massing of the development as detailed in the Parameter Plans and as shown in the Illustrative Masterplan with regard to policies CSTP22, PMD2 and PMD3.

#### Design and Appearance

- 1.375 As an outline application there are no details of the exact design and appearance of buildings on this site, however, the Design and Access Statement includes visualisations of all areas of the site and within the Character Areas. It is stated that high quality materials would be used through the development, but such details shall need to be included in a Design Code condition and subject of future approval, to ensure design quality is achieved. There are no objections raised to the design and appearance of the proposed development with regard to policies CSTP22 and PMD2.

#### The Design Code

- 1.376 It has been agreed with the applicant that a Design Code document shall be prepared and secured through a planning condition. The Design Code will influence

the proposed development of the site for the future reserved matters applications to ensure design quality is achieved that is appropriate for this location and the wider environment. The Design Code would adhere to the latest industry standard/national Design Code guidance and secure site wide coding for access/movement, green infrastructure, built form, public space, energy and sustainability, security, lighting and wayfinding. The Design Code would also develop the proposed Character Areas further and consider plot typologies and coding for each typology

#### Impact upon the Area

- 1.377 The site is a flat low-lying levelled site with sensitive receptors to the north and east being the marshland environment and creeks. Immediately to the north and to the west the neighbouring developments are industrial and commercial dockside development which emphasises the industrial feel and appearance associated with this part of the Borough. The Construction Phase of the development would lead to a change in appearance but by the Operational Phase and over time the proposed development would appear as an extension of the industrial appearance in this part of the Borough replacing the former oil refinery. The proposed development would therefore not lead to any adverse impacts upon the character and appearance of the area.
- 1.378 The Council's Urban Design Officer raises no objections subject to further information being provided and secured through a number of planning conditions, in particular a detailed Design Code condition and the need for the development to achieve sustainability measures. The Essex Police Architectural Liaison Officer has advised that the development shall need to accord with the Secured By Design (SBD) Commercial accreditation alongside the BREEAM accreditation route, which can be secured through condition, in particular the Design Code condition but also a bespoke Secured by Design condition.

#### Conclusion for this section

- 1.379 Overall, the layout, scale and massing, design and appearance, and the Design Code approach are acceptable and can be secured through condition and through the future reserved matters to ensure compliance with policies CSTP22, CSTP23, PMD2 and PMD3 along with the Thurrock Design Strategy and Chapter 12 of the NPPF and the guidance contained in the PPG.

#### V. LANDSCAPE AND VISUAL IMPACT

- 1.380 Policies CSTP23, PMD2, PMD3 and guidance contained in the NPPF advises on landscape character and development impacts.



- 1.381 The ES identifies the baseline conditions derived from the Landscape and Visual Impact Assessment (LVIA) which states that the site lies within the Thurrock Council's character area 'C2: Coryton and Marshes', which is noted as being an industrial landscape dominated by vertical features with remnant marsh grassland across a low lying and level landscape. The site currently consists of extensive areas of hardstanding, built form and infrastructure associated with the former oil refinery use, with the Shellhaven Creek passing through the site. The ES considers the site to have low and very low landscape value, and visually the site is seen in the context of taller cranes at the London Gateway Port, neighbouring oil refinery uses from the Thames Oil Port to the north and east and the retained chimney stack within the application site. In terms of the Thurrock Council's character area 'C2: Coryton and Marshes' the ES assessed the proposed development's effect to be 'minor beneficial' and for the neighbouring 'C1: Fobbing Marshes' to the north the effect to be 'negligible', similarly for the landscape character areas to the east and west.
- 1.382 For the Construction Phase, the proposed construction activities would involve the introduction of new temporary elements, including material stockpiles, cranes, plant, fencing/hoardings, lighting and construction site compounds; increased movement of plant and machinery, raising of ground levels and the emergence of new built form. The ES proposes a range of mitigation measures to reduce the effects of the construction activity upon the landscape features and visual impact. The mitigation measures would include control of security lighting to minimise light spillage/spread, limiting movement of materials between stockpiles, minimising tall plant and machinery and controlling work hours. Such measures would be detailed through a Construction Environmental Management Plan. The ES identifies the landscape effect on features and character to be 'not significant', and for views this would be considered a 'minor to moderate' effect in ES assessment terms. The Construction Phase is temporary although with a large development like this those effects would be experienced for a number of years as the site is built out.
- 1.383 For the Operational Phase, the Building Heights Parameter Plan sets out the built form will range between 13m AOD to 48.4m AOD and would include 3 chimney stacks up to 103m AOD, in addition to the retained stack at 115m AOD. The other Parameter Plans would establish access routes within the site, land uses, and development plots. The Green Instructure Parameter Plan would provide for planting and ecological enhancement, recreation and drainage systems as a form of mitigation. Additional mitigation would be secured through planning conditions including a Design Code to consider the massing of built form, responding the site's context through landscaping and biodiversity, creation of public open spaces and innovative façade detailing. The applicant's Framework Landscape and Biodiversity Management Strategy (LBMS) and details of the long-term landscape management

and maintenance approach would also be secured through a planning condition (F2 and F6).

- 1.384 In terms of the landscape impact, the ES identifies that there would be 'negligible' effects during construction and in year 1 of the Operational Phase upon landscape character and by year 15 of the Operational Phase the ES states that there are likely to be 'neutral' to 'moderate beneficial' effects through improvements to the Shellhaven Creek, increased permeability and accessibility, and the establishment of landscaping and built form.
- 1.385 In terms of the visual impact, the site is visible from the eastern floodwalls of Holehaven Creek, from the public rights of way to the north and upon the approach route to the site from the west. The construction activities are assessed in the ES to have a 'moderate adverse' visual effect; however, it should be noted that this site is viewed in the context of some significant existing infrastructure including the cranes at the London Gateway Port and neighbouring oil refinery structures which already has significant visual effects upon the receptors when viewing this area. The site was formerly an oil refinery and there are still existing oil refinery buildings and structures on site that currently have an existing visual effect and that would be removed. It should be noted that some demolition works have already taken place for site clearance. The proposal would change the visual effect through new development and land uses. The visual effects would change as the site evolves through early site development in year 1 of the Operational Phase. By year 15 of the Operational Phase the ES assesses the visual effects to be 'moderate beneficial'. For visual receptors further away from the site the ES recognises that the visual effects are likely to be 'negligible to minor beneficial' in ES assessment terms.
- 1.386 For lighting the site lies within the context of existing lighting sources and the use of additional lighting through the proposed development, which is likely to include temporary construction lighting for the Construction Phase, and then for the Operational Phase various forms of lighting would be installed including new street lighting and lighting emanating from the newly built development. The ES identifies that lighting would not lead to 'significant effects' in ES assessment terms. Planning conditions through the use of a Design Code and a separate lighting strategy can control the use of lighting to prevent light-spillage and to reduce the 'magnitude of effect' experienced.
- 1.387 The ES has assessed the cumulative impact upon the landscape character which is already recognised for its industrial structures and uses. The ES recognises that the cumulative visual effects were identified during construction as cranes and construction vehicles would be visible, however the long-term impact would create

new built form with integrated landscaping that the ES considers would range from 'minor adverse' to 'negligible beneficial' in ES assessment terms.

1.388 The Council's Landscape and Ecology Advisor considers that the LVIA is appropriate but appropriate landscape planting is needed to reflect that the site is part of the open expansive coastal grazing marsh associated with the estuary location. The Framework Landscape and Biodiversity Management Strategy also recognises this and the principles set out in the document are appropriate but a management body would need to be established. Therefore, a revised Landscape and Biodiversity Management Plan is required and can be secured through a planning condition. During the course of the application Plot S has changed from the original proposal for built form to a proposed open storage use. The Council's Landscape and Ecology Advisor considers this part of the site has potential to have more adverse visual effects than a well-designed building, but those effects would not be significant as views would mainly be limited to those in and around the site. A Design Code can incorporate measures to mitigate adverse effects of the proposed development.

#### Conclusion for this section

1.389 In conclusion to this section of the report the proposed development is considered acceptable with regard to policies CSTP23, PMD2, PMD3 and the guidance contained in the NPPF/PPG advises on landscape character and development impacts, and subject to mitigation measures identified being secured through planning conditions.

## VI. GREEN INFRASTRUCTURE AND LANDSCAPING

1.390 Policy CSTP18 seeks to require a net gain in Green Infrastructure and seeks to 'address the connectivity between urban and rural areas in the Borough and ensure that such green assets are multi-functional in use'. The policy also identifies that 'opportunities to increase Green Infrastructure will be pursued in new developments through the incorporation of features such as green roofs, green walls and other habitat/wildlife creation and also innovative technology'. Policy CSTP20 seeks 'to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational spaces is provided and maintained to meet the needs of the local community'. Policy PMD2 seeks provision and enhancement of landscape features required for multiple uses and eco system services including amenity, recreation, and surface water drainage. PMD5 seeks to ensure new development provides for open space, outdoor sports, recreational facilities, allotments and placemaking with specific criteria for all these uses.

- 1.391 Paragraph 92 of the NPPF seeks provision of safe and accessible green infrastructure.
- 1.392 Parameter Plan 4 (Green Infrastructure Plan) identifies that a series of green corridors would be provided throughout the site and in some instances these corridors would be away from roads to create a safer and more pleasant environment for all users. The green corridors would also provide opportunities for access to the southern site boundary at the River Thames and the north eastern part of the site adjacent to Holehaven Creek as well as internal routes to the Shellhaven Creek area. These routes are identified for pedestrian and cycle access opportunities.
- 1.393 The applicant's Design and Access Statement (DAS) elaborates further upon Parameter Plan 4 (Green Infrastructure Plan) and explains the proposed green infrastructure proposals in more detail. The DAS identifies the site would have three Landscape Character Areas known as The Park Loop, Shellhaven Creek and Spine Road. Most relevant to the Parameter Plan 4 (Green Infrastructure Plan) is The Park Loop or Loop, as it's also referred to in the DAS, and this would provide a circular route around the central part of the site linking the Amenity Hub, areas along the River Thames through the site north towards Holehaven Creek and the proposed café location before passing around the top part of the site and heading south back towards the Amenity Hub. Further sub characters are referred to in the DAS as destination points, namely Thames Estuary Park and Holehaven Park that form part of the route as stated above. These areas would provide benefits for staff and users of the site as amenity areas with open space, walking and cycling routes, landscape features, signage and seating areas. The Spine Road Landscape Character Area provides more detail regarding the footpath and cycle route alongside the road which would appear similar to a tree lined avenue. The Shellhaven Creek Landscape Character Area would remain as existing as a saltmarsh creek passing through the site.
- 1.394 Further to the applicant's Design and Access Statement (DAS) and Parameter Plan 4 (Green Infrastructure Plan) the proposed Design Code condition will require further information to be provided to these Landscape Character Areas so the details can be agreed and implemented through the future reserved matters to the application. The Design Code for the site will set site wide green infrastructure coding and plot coding for landscaping as part of a landscape hierarchy. In addition to the Design Code condition other conditions would be imposed to secure a site wide green infrastructure plan and landscaping schemes for each of the reserved matters.
- 1.395 The Council's Landscape and Ecology Advisor considers that Parameter Plan 4 (Green Infrastructure Plan) should only be seen as a core provision for green

infrastructure with further measures required to be delivered through the reserved matters and/or conditions where necessary as identified. The Council's Landscape and Ecology Advisor recognises that the Design and Access Statement includes the Landscape Character Areas but recognises that is more to do with landscape principles and green infrastructure, which alongside the Design Code shall need to be secured through condition, which will further influence of the future development of this site.

- 1.396 In terms of the surroundings beyond the site The Council's Landscape and Ecology Advisor considers it is essential that access is managed to ensure disturbance of wintering birds to the sensitive ecological designations in the area (SPA and SSSI) does not occur, and that appropriate landscape planting is needed to reflect that the site is part of the open expansive coastal grazing marsh associated with the estuary location. It is considered that conditions are required for a site wide green infrastructure masterplan, for details of the proposed planting and suitable habitat features, and a detailed green infrastructure plan for identifying surface water drainage areas, access and visitor provision. These conditions would also require a timescale for delivery. Such matters are all covered in the proposed conditions to this application.

#### Conclusion for this section

- 1.397 In conclusion to this section of the report the proposed development is considered acceptable subject to the conditions regarding the proposed future green infrastructure and landscaping measures being secured having regard to policies CSTP18, CSTP20, PMD2 and PMD5 and the guidance contained in the NPPF/PPG.

## VII. ECOLOGY AND NATURE CONSERVATION

- 1.398 Policy CSTP19 seeks measures to contribute to biodiversity in the Borough through positive biodiversity management. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity. Policy PMD7 also does not permit the 'loss of a locally designed biodiversity site except in exceptional circumstances where it can be demonstrated that there is a no alternative'. Paragraph 175 of the NPPF advises that development should be 'minimising impacts on and providing net gains for biodiversity'.
- 1.399 To the south of the site is the statutory designated Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar site and the Thames Estuary recommended Marine Conservation Zone, where one of the jetties within the site areas is located. Holehaven Creek is located to the north and east of the site and

forms a Site of Special Scientific Interest (SSSI) and a potential SPA (pSPA). Canvey Wick SSSI is located approximately 200m to the north east of the site. The non-statutory designated Manorway Fleet Reedbed Local Wildlife Site (LWS) is located within the site.

#### Habitats Regulations Assessment

1.400 As the site is located close to internationally and nationally designated sites namely the Thames Estuary and Marshes SPA and Ramsar site, and the Holehaven Creek potential SPA. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

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

*Before deciding to give any permission for a plan which:*

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

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

1.402 The applicant has provided a report to inform a Habitat Regulations Assessment (HRA) with regard to the criteria as set out in Regulation 63, which identifies that the development would not impact upon the management of the designations (b), and in terms of assessing the likely significant effects the following potential indirect effects include: collision risk, disturbance of qualifying, bird species (including noise, visual and light disturbance), loss of supporting habitat, (i.e. habitats used by qualifying bird species both within the designations and within, functional habitat associated with the designations), degradation of supporting, habitats from shading, hydrological pollution, air pollution, and dust deposition are considered.

1.403 The screening exercise through the report to inform a Habitat Regulations Assessment demonstrates that, in the absence of mitigation, the likely significant effects from the Construction Phase would include potential visual and noise disturbance to Black-tailed Godwit at Holehaven Creek pSPA and SSSI, and

through dust deposition on supporting habitats during construction (at Holehaven Creek and the tidal Shellhaven Creek), which is likely to have an 'adverse effect' upon their functionality as supporting habitat to the SPA/Ramsar. There are 'no significant effects' identified at the Operational Phase. The report concludes that 'in view of the designations' conservation objectives with the implementation of mitigation set out above, the proposed development would have 'no adverse effect' on the integrity of the designations, either alone or in combination with other plans and projects.

1.404 Natural England has provided a detailed response to the report to inform a Habitat Regulations Assessment. Natural England confirm that they are broadly satisfied with the findings and recommendations of the applicant's assessment.

1.405 In addition to this planning application report and working with the Council's Landscape and Ecology Advisor the Local Planning Authority has produced a Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained below:

- Stage 1 is to identify whether the proposals are directly connected with or necessary to site management for conservation;
- Stage 2 (Screening for Significance of Likely Effects) is necessary to examine if the proposals, in the absence of mitigation are 'likely to have a significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects;
- Stage 3 (Appropriate Assessment) is if 'likely to have significant effects' on a European site were to occur solutions should be established to avoid or have a lesser effect on European sites.

1.406 The HRA has used the ecological surveys provided by the applicant's ecological consultant and consideration to the consultation responses relating to the SPA to carry out the screening exercise in producing the HRA and the conclusions from the HRA are:

*'A Stage 1 analysis demonstrated that the Development is not concerned with the management of these designations and therefore a Stage 2 HRA Screening assessment is required.'*

*A Stage 2 HRA screening exercise was carried out in order to identify likely significance of effects arising out of the construction and operation of the Development. Potential effects as a result of collision risk, disturbance of qualifying bird species (including noise, visual and light disturbance), loss of supporting habitat (i.e. habitats used by qualifying bird species both within the designations*

*and within functional habitat associated with the designations), degradation of supporting habitats from shading, hydrological pollution, air pollution, and dust deposition are considered.*

*The screening exercise demonstrated that during the construction stage no likely significant effects are predicted in relation to Thames Estuary and Marshes SPA/Ramsar itself. However, likely significant effects have been identified during construction from potential visual (human and lighting) and noise disturbance to Black-tailed Godwit at Holehaven Creek SSSI, and through dust deposition on supporting habitats during construction at Holehaven Creek and the tidal Shellhaven Creek. In the absence of mitigation, such effects are likely to adversely affect their functionality as supporting habitat to the SPA/Ramsar.*

*During the operational stage, no likely significant effects are predicted in relation to the SPA/Ramsar itself or at the supporting habitats at the tidal Shellhaven Creek. However, likely significant effects are predicted at Holehaven Creek SSSI in relation to disturbance of Black-tailed Godwit from humans (development plots Q, R S, T and the green space corridor alongside the creek) and lighting, and the degradation of habitats at Holehaven Creek from increases in annual airborne NOx.*

*A Stage 3 Appropriate Assessment has been carried out which sets out a range of avoidance and mitigation measures. The Appropriate Assessment finds that in view of the designations' conservation objectives, and with the implementation of avoidance and mitigation set out above, the Development would have no adverse effect on the integrity of the designations, either alone or in combination with other plans and projects.*

- 1.407 On such basis the information provided in the application is sufficient to demonstrate through a Habitat Regulations Assessment that no adverse effect to the integrity of European sites, including functionally linked land.
- 1.408 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available, the proposed development will not have a likely significant impact on a European site either alone or in combination with other plans or projects. This recommendation, set out as 'Recommendation A' below, should be considered before 'Recommendation B' (the recommendation to grant planning permission).

#### Ecological Assessment

- 1.409 The ES identifies the site has a range of habitats including Open Mosaic Habitat, temporary pools, moderate quality grassland, bare ground, Shellhaven Creek and



reedbeds, immature woodland and scattered trees and the River Thames estuary and mudflats.

- 1.410 The ES explains that surveys of protected species found that the site supports three common reptile species, Water Vole, Harvest Mouse, Smooth Newts and UK Priority invertebrate species (including rare and scarce species to be of county and regional importance). Also present were a range of bird species but the site does not include trees and hedges to support opportunities for breeding and foraging birds. The surveys showed that low numbers of wintering bird species were recorded. The surveys were also linked to the implementation of planning permission 17/00194/FUL, which has now completed the decontamination and remediation of land in the south western part of the site (known as the west site) and involved the translocation of species found within this part of the site.
- 1.411 The proposed development would lead to a change to the appearance of the site and the ES identifies the need for range of mitigation and compensation measures for both the Construction Phase and Operational Phase.
- 1.412 For the Construction Phase, ground disturbance would result in the potential for airborne dust to be deposited on salt marsh habitats in the Holehaven Creek SSSI, accidental spills and leaks containing contaminants entering the Manorway Fleet Reedbed LWS, noise disturbance and visual impacts upon wintering birds. To mitigate a Dust Management Plan would need to be implemented to minimise the creation of dust and the use of pollution control measures, such as oil/water interceptors and temporary silt traps, would be necessary to minimise the risk of polluted surface water run off on site and off site, where it could affect habitats. These mitigation measures shall be secured through a Construction Environmental Management Plan. Through the implementation of these mitigation measures the ES assesses the environmental effect to be 'negligible or 'slight negative' and that there will be no 'significant effects'.
- 1.413 For the Operational Phase, the ES makes reference to the delivery and long term management of the ecological mitigation areas associated with planning permission 17/00194/FUL in the western part of the site which incorporates many of the baseline conditions associated with the entire site. The applicant's 'Ecological Mitigation Strategy Plan' demonstrates the following:
- Further re-assessment for the presence of Great Crested Newts
  - Selective scrub clearance and overseeding with wildflowers
  - Retention and improvement creating Open Mosaic Habitats through swales, butterfly banks, depressions and deadwood piles
  - Creation of sandy banks providing for nesting habitats
  - Creation of butterfly banks and brownfield swales
  - Improvements to enhance the Shellhaven Creek

- 1.414 In terms of cumulative effects during the construction and operational phases the ES concludes that 'non-significant cumulative effects' are expected due to the implementation of mitigation measures committed by the development.
- 1.415 In terms of the wider site, Parameter Plan 4 (Green Infrastructure Plan) shows the green infrastructure areas through site including ecological mitigation zones which reflect the existing Shellhaven Creek but there is potential for further ecological enhancement zones throughout the green infrastructure corridors, in particular areas adjacent to the Amenity Hub and adjacent to the Holehaven Creek. The Illustrative Masterplan and Design and Access Statement shows these areas form the Landscape Character Areas referred to in the Green Infrastructure Section of this report. Furthermore, the ES identifies mitigation measures such as sensitive lighting through a lighting strategy, keeping vehicle movements away from ecological designations, consideration of materials, and the orientation of windows in buildings. For ecological enhancements these include areas of new planting and specific landscaping, nesting boxes for birds and details of the long term management of ecological areas. The full extent of the ecological mitigation and enhancement areas shall need to be agreed through planning conditions and this would also link in with the Landscape Character Areas as referred to above as the main ecological and natural environment features within the site.
- 1.416 Natural England raise no objection providing mitigation measures are in place to protect against contaminants and spillage into watercourse, noise and light disturbance, lighting and a plan to provide environment net gain. The use of planning conditions through a Construction Environmental Management Plan can secure the mitigation measures for the Construction Phase and conditions can secure a lighting strategy and environmental net gain through the Operational Phase.
- 1.417 Consultation responses received from the RSPB, Buglife and Essex Wildlife Trust object to the application for various reasons but these objections pre-date the submission of additional and updated ecology information received in May 2019 and February 2021. There have been no further responses from these consultees since.
- 1.418 The Council's Landscape and Ecology Advisor explains that wintering birds use the Holehaven Creek and this includes internationally significant numbers of block-tailed Godwit and national numbers of Avocet. The potential impacts on the nearby SPA and SSSI include direct effects caused from land loss and indirect effects including noise, dust and air pollution, human disturbance and shading. The change for Plot S from a proposed building to open storage use would also have potential impacts. However, the Council's Landscape and Ecology Advisor

considers that there would be no direct effects on the SPA due to its distance from the Development (1.5km at the closest point) and there are also no objections from Natural England on this matter. The finer details of the proposed development for plots nearest the Holehaven Creek would be subject of reserved matters and planning condition consideration before development commences. The issue of shading has been addressed as the shade modelling would not result in tall structures having any adverse effects and Plot S, the nearest plot to the Holehaven Creek, is now proposed for open storage with a lower maximum height limit shown on the Parameter Plan 5 (Building Heights) Plan and therefore reducing any shading impact.

- 1.419 Based on a thorough assessment of the applicant's ecological information the Council's Landscape and Ecology Advisor considers that the proposal would not have any likely significant effects subject avoidance and mitigation measures being secured through conditions as stated above. In addition Green Infrastructure, Landscaping and Ecology/Biodiversity conditions identify specific planning conditions to show how the measures will be delivered, along with measures for the Construction Phase through the Construction Environmental Management Plan shall need to incorporate the requirements of the avoiding and mitigating the effects as detailed in the ecological impact assessment and Habitat Regulations Assessment, including the proposed 100m and 250m zones. Furthermore, additional conditions are required to produce an Ecological Design Strategy and an Operational Method Statement to ensure that the detailed design considers the mitigation requirements that are required for Development Pots near Holehaven Creek.

#### Conclusion for this section

- 1.420 In conclusion to this section of the report the proposed development is considered acceptable subject to the conditions as stated above and having regard to policies CSTP19 and PMD7 as well as the guidance contained in the NPPF/PPG.

#### VIII. FLOOD RISK, DRAINAGE AND WATER RESOURCES

- 1.421 Policies CSTP27 and PMD15 are relevant along with paragraphs 159 to 169 of the NPPF and the guidance contained within the PPG on flood risk need to be considered.
- 1.422 To inform the ES the applicant's Flood Risk Assessment (FRA) and Flood Risk Assessment Addendum (FRAA) advises that the baseline conditions are that the site is flat and low lying at an elevation level of between 2m AOD and 3.5m AOD across the site. It is also stated that the site is at most risk from tidal flooding. The tidal River Thames flows to the immediate south of the site and Holehaven Creek

and Shellhaven Creek, which run to the northeast and through the Site, respectively flow into the River Thames. The site is afforded flood protection from an extensive and maintained tidal flood defence system. Flooding from surface water run off, reservoirs and groundwater is of low risk. The geology in this location is underlain by between 11 – 17m of alluvium of mainly sand, silt and clay with sandy clay and firm gravelly clay below. Above the geology is between 0.15 – 3.6m of made ground which would include areas of contaminated land.

- 1.423 As the site is located within the highest risk flood zone (flood zone 3a), as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones', the site is subject to a high probability risk of flooding. The proposal would involve a broad range of uses with predominantly B2 (General Industrial), B8 (Storage and Distribution) and sui generis uses (Energy Development) uses as well as uses falling within the following uses classes B1(b) (research and development) A3 (Cafes), C1 (Hotel), D1 and D2 uses (Education/Community Facilities/Gym/Creche). Most of these uses fall within the 'Less Vulnerable' use category of the PPG's 'Table 2 - Flood Risk Vulnerability Classification' (Table 2), however, the energy producing uses (Sui Generis) fall within the 'Essential Infrastructure' definition of Table 2, and the proposed hotel use (C1) and the education/conferencing/creche uses (D1 and D2) fall within the 'More Vulnerable' use category of Table 2. For uses falling with the 'Essential Infrastructure' and 'More Vulnerable' category PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' requires application of the Exception Test. For the 'Less Vulnerable' uses the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table identifies that this form of development is 'appropriate' for this flood zone.

#### Sequential Test

- 1.424 Although the site is allocated in the LDF Proposals Map as 'Primary and Secondary Industrial and Commercial Areas' which is 'employment land' in the policy context, where Use Classes B1, B2 and B8 would be acceptable, the Sequential Test is applicable as not all of the proposed uses would fall within 'employment land' use allocation. The energy producing uses along with the hotel, education/conferencing uses, and the community facilities would not fall within the 'employment land' allocation. However, the hotel, education/conferencing, and community facilities uses would be complementary to the use of the site as a future business park and the PPG allows such situations where development is needed to sustain the existing community. It would not be appropriate to allocate these uses outside of the site in a lower risk flood zone when they form part of the overall future use. Furthermore, the site is previously developed land (brownfield land) and the proposed regeneration of the site for mainly employment-led development and uses is considered sequentially acceptable in this location. Similarly, the proposed

re-use of previously developed land would be acceptable for the proposed energy producing uses which would provide electricity to the site and would also feed into national grid for wider benefit energy and economic benefits. The site is distant from residential areas so would not lead to any impacts upon residents and the existing neighbouring uses are all commercial in this location. For the reasons stated the Sequential Test is considered passed for the proposed development.

### Exception Test

- 1.425 The PPG advises that the Exception Test 'is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available'. For the Exception Test, based on the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' those uses falling with the 'Essential Infrastructure' (energy uses) and the 'More Vulnerable' uses (hotel/education/conferencing/crèche) are applicable. There are two parts to the Exception Test, which require the development to provide 'wider sustainability benefits that outweigh flood risk', and that the development would be 'safe for its lifetime'.
- 1.426 For the first part of the Exception Test, the wider sustainability benefits, the same benefits stated in the Sequential Test would apply as the proposal would result in re-use of a previously developed land for regeneration through employment led development. This would therefore provide employment opportunities for the Borough, as no other allocated or non-allocated employment site within the Borough's urban areas can accommodate the quantum of proposed development. The wider sustainability benefits are therefore linked to the economic role (jobs and improved local economy), the social role (increased businesses and co-location opportunities with existing and proposed development), and the environmental role (re-use of existing brownfield land instead of a greenfield site) when assessed against paragraph 8 of the NPPF. Furthermore, paragraph 36 of the PPG states that 'a site part of a regeneration strategy it is very likely that it will provide the wider sustainability benefits to pass the first part of the Exception Test'. The proposal would therefore meet the first part of the Exception Test.
- 1.427 For the second part of the Exception Test, ensuring development is safe for its lifetime, the FRA advises that resistance and resilience measures would be adopted into the design and construction of the proposed development. These include:
- Ensuring ground floor building levels are above the future tidal flood modelling data taking into account climate change;

- Ensuring building can withstand hydrostatic and hydrodynamic pressure and forces as a result of a potential catastrophic failure of existing flood defences;
- Proposed buildings to be designed with ground supported solid slab floors;
- Raising floor heights for uses within the 'More Vulnerable' classification;
- Non return valves fitted to all drainage systems outlets;
- All services set as high as feasibly possible within the proposed development;
- Easements areas to watercourses; and
- The use of site wide Flood Warning and Evacuation Plan to allow users and occupiers of the site time to leave the site in the case of a predicted flood event.

1.428 In light of the above it is considered that the Exception Test is passed for the proposed development.

1.429 The Environment Agency raise no objection with regard to the Sequential and Exception Tests.

#### Flood Risk Assessment

1.430 The Environment Agency explains that the site is currently protected by flood defences with crest levels from 6.26m AOD to 6.71m AOD so is not at risk of flooding in a 1 in 200 year ay flood event based on future climate change predictions. It should be noted that the application proposes to increase ground levels and paragraph 4.2.1 from the FRAA makes reference to finished floor levels being 6.86m above ordnance datum as the application seeks to raise the ground levels across the site following decontamination and remediation works.

1.431 The Environment Agency raise no objection to the application subject to conditions for a scheme to replace or upgrade or repair the outfalls from Shellhaven Creek and to ensure the measures of the FRA are implemented in terms of flood resistant/resilient measures in the design of buildings to protect and mitigate the proposed development from flooding, including those other measures listed in the above paragraphs. The Council's Emergency Planner raises no objections subject to a site specific Flood Warning and Evacuation Plan (FWEP) being provided for measures to protect people on site and ensure evacuation when a flood event is likely. The requirements of a site specific Flood Warning and Evacuation Plan (FWEP) can be secured through a planning condition

#### Surface Water Drainage

1.432 With regard to surface water, the applicant's FRA explains that the site is currently served by extensive private surface water drainage systems. These drainage systems collect, remove pollution and transfer surface water run off through underground pipework or via a surface water storage area before the water is pumped into the River Thames via outfall, which is licenced by the Environment Agency. The proposed surface water drainage system would discharge all surface water run-off from the roof and hard-surfaced areas into local drainage networks for each plot and these will discharge to a site wide network of swales, attenuation storage areas, and pollution interceptors before being discharged through an outfall to the River Thames. The Council's Flood Risk Advisor raises no objection subject to the surface water drainage scheme being secured through a planning condition.

#### Foul Drainage

1.433 For foul drainage the site is served by a private foul water drainage system and the proposal would involve a new on-site package treatment works which is proposed to discharge treated water into the River Thames. Anglian Water raise no objection as this system would not be connected to the main sewerage system network. The package treatment works would require an Environmental Permit from the Environment Agency, which is outside of the scope of the planning application, for discharging into the River Thames. The Environment Agency do not object but in planning terms details of the package treatment works and its future maintenance and management shall need to be secured through a planning condition, to ensure the surrounding sensitive environmental is not subject to any future pollution impacts. It is considered necessary for planning purposes for the local planning authority to see the details of the foul drainage system and this will therefore need to be secured through a planning condition. For potable water the Environment Agency consider the areas as being subject to water stress but the Essex and Suffolk Water consultation response raises no objection and considers there is a sufficient water supply to meet demands for this area.

#### ES Assessment

1.434 In terms of the environmental impact the applicant's ES recognises that Construction Phase could lead to overland flows being impacted by the presence of land contaminants but the implementation of mitigation measures in a Construction Environmental Management Plan, including a watching brief for unexpected contamination and the use of appropriate drainage systems for pollution control, can reduce the ES assessed unmitigated 'adverse' effect to a 'negligible' effect. Prior to the Construction Phase the ES Addendum identifies the need for remedial works to the Shellhaven Dam Sluice to ensure its long term operation. For the Operational Phase the proposed mitigation measures stated above along with the surface and foul drainage systems with pollution control would, based on the ES

assessment, result in 'negligible' effects along with 'negligible' cumulative effects. It should also be noted that the raising of the ground level through aggregates placed over compacted remediated material would also have a 'negligible' effect, especially for the proposed open storage use.

#### Conclusion to this section

1.435 The proposal would not increase flood risk or impact upon water resources and subject to mitigation measures being secured through planning conditions, there are no objections raised from the Environment Agency, Flood Risk Advisor, Emergency Planner, Essex and Suffolk Water or Anglian Water and the proposal is therefore considered acceptable with regard to policies CSTP27 and PMD15 and with regard to paragraphs 159 to 169 of the NPPF and the guidance contained within the PPG.

#### IX. AIR QUALITY AND ODOUR

1.436 Policy PMD1 seeks safeguard amenity from air pollution and paragraph 186 of the NPPF requires 'planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants' along with guidance within the PPG.

1.437 In terms of baseline conditions, the site is not within or adjacent to an Air Quality Management Area (AQMA) but the applicant's ES identifies that particular nearby locations are sensitive to changes in air quality including residential properties and ecological sites such as the Holehaven Creek SSSI/pSPA and the Vange and Fobbing Marsh SSSI.

1.438 For the Construction Phase the construction works is likely to result in dust emissions from demolition, earthworks, construction and vehicle movements. The applicant's ES considers that mitigation measures through the implementation of environmental management control measures can prevent and control dust as well as avoiding the burning of waste materials. Such measures can be controlled through the Construction Environmental Management Plan (CEMP) condition and the ES states that these control measures would ensure the impact would have 'negligible odour effects'.

1.439 For the Operational Phase the applicant's ES identifies that future energy generating uses, open storage uses and road traffic would be the main sources of future airborne pollution. The ES air quality chapter (13B) explains that dispersion modelling has been carried out to assess the impact upon local air quality from all of these uses with pollution concentrations to be predicated to be below the objective limits at sensitive human receptors. The applicant's ES identifies



mitigation is required with regards to airborne Nitrogen Oxide concentrations within the Holehaven Creek SSSI and Canvey Wick SSSI. Such measures would be secured through a planning condition for airborne pollution controls particularly for the energy uses/development and open storage. The ES (Chapter 13B) identifies mitigation measures for energy uses to need to include Nitrogen Oxide reduction technology to each stack on Plot Q due to its location close to the Holehaven Creek SSSI and Canvey Wick SSSI and this can be secured through a planning condition. To mitigate airborne pollution from vehicles the implementation of a Travel Plan to encourage sustainable modes of transport would help to reduce transport emissions including car sharing/car club, encouragement of cycling and use of bus services, which would be secured through a planning obligation. With mitigation measures in place the ES considers the effects would not be significant.

- 1.440 For cumulative affects the ES identifies that the proposal alongside existing and committed development would have 'negligible effects'.

#### Conclusion to this section

- 1.441 The Council's Environmental Health Officer raises no objections subject to a condition requiring the air quality modelling in location of the proposed hotel to identify whether mitigation is required through mechanical ventilation, along with conditions for airborne pollution controls and Nitrogen Oxide reduction technology to each stack on Plot Q. Based on this information and the implementation of mitigation secured by condition or obligation (Travel Plan) the proposal is considered acceptable with regard to policy PMD1, the criteria set out in paragraph 186 of the NPPF and guidance within the PPG.

#### X. NOISE

- 1.442 Policy PMD1 seeks safeguard amenity from noise and vibration pollution and paragraph 184 of the NPPF advises that 'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...and in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'. The PPG also offers guidance on noise with links to the Noise Policy Statement for England (NSPE), World Health Organisation (WHO) Guidelines and various British Standards.
- 1.443 The applicant's ES identifies the baseline conditions involve background noise sources from the neighbouring land uses including Coryton Power Station, Thames Oil Port, Shell Haven sites and the London Gateway Port and Logistics Park as well

as traffic noise for vehicle movements to and from these locations. These sites cover a large land area where noise can dissipate. The applicant's ES includes a noise survey taken at the field to the north of the site and from a farm located adjacent to the Manorway and the results of these surveys demonstrate average sound level between 35 to 53 dB. These surveys do not take account of the site's former oil refinery use which would have involved noise from the site and from vehicular traffic to and from the site.

- 1.444 Beyond these sites there are large areas of marshland and farmland which form a low noise environment. The nearest residential sensitive receptors are approximately 1.7km to the east of the site on Canvey Island and 2.6km in Fobbing to the north west of the site.
- 1.445 The Construction Phase of the development would give rise to increased sound levels from construction on site and vehicle movements to and from the site. The ES identifies that these would lead to 'moderate adverse effects' for nearby occupiers for short durations. The ES does not identify the requirement of any mitigation measures for the Construction Phase as the neighbouring uses would not be adversely affected and the nearest sensitive receptors, residential properties on Canvey Island and Fobbing, are considered too distant from the site so their amenity would not be adversely affected. The proposed development is planned to be phased so different parts of the site would be developed at different times.
- 1.446 For the Operational Phase, the development of the site in phased stages means that future occupiers of earlier phases could be subject to noise whilst latter phases are in construction. Each future plot and their land use, given range of uses that could operate from this site, could give rise to on plot noise and noise from vehicle movements within and outside of the site. However, the proposed uses would be commercial and for this outline application the applicant's ES considers the Operational Phase would result in 'negligible effects' upon the site and the surroundings. As both the Construction Phase and Operational Phase will be commencing at the same time the neighbouring uses would not be adversely affected and the nearest sensitive receptors, residential properties on Canvey Island and Fobbing, are considered too distant from the site so their amenity would not be adversely affected.
- 1.447 In terms of cumulative effects for both the Construction and Operational Phase the ES identifies that there would be 'negligible' cumulative effects.

#### Conclusion to this section

- 1.448 The Council's Environmental Health Officer raises no objection on noise grounds to the proposed development but recommends two conditions limiting noise to 60dB

at the site/plot boundary and requiring a scheme of noise mitigation for the hotel development to ensure all habitable rooms meet British Standard noise guidelines. Subject to this condition the proposal is considered acceptable with regard to policy PMD1, the criteria set out in paragraph 184 of the NPPF and guidance within the PPG.

## XI. LAND CONTAMINATION AND GROUND CONDITIONS

- 1.449 Policy PMD1 seeks to minimise pollution and impacts upon amenity and the natural environment with a requirement for suitable mitigation measures to be imposed through planning condition or obligation. Similarly paragraphs 183 to 188 of the NPPF seek to minimise the adverse impact impacts of pollution on health, living conditions and the natural environment.
- 1.450 The applicant's ES identifies that the baseline conditions show the site has been subject to land contamination through a range of containments with the majority of these 'retained within the uppermost made ground and shallow perched ground water' areas. The contaminants include bitumen deposits, pesticides and prefluorinated alkylated substances associated with the historical industrial uses of the site. The applicant's ES also states that a 'very low to moderate risk of hazardous land gas' has also been identified.
- 1.451 Future users of the site (human health) along with the natural and built environment are highly sensitive receptors to contamination during the construction and operational phases of future development/uses of the site. To mitigate the risk the applicant's ES includes a 'Land Contamination and Management Framework' (LCMF) and this includes the proposed remediation strategy, which would be through bulk recovery and treatment of soils and would allow for re-use of treated materials within the development and therefore would reduce the quantity of materials sent to landfill. The details of the LCMF will be subject to a planning condition. The remediation works would also be subject to an Environment Permit which is regulated and enforced by the Environment Agency.
- 1.452 In addition to the above, the applicant's ES explains that further mitigation measures will be implemented during the Construction Phase including a Construction Environmental Management Plan (CEMP), Material Management Plan and a Piling Risk Assessment, which would all be included in one Construction Environmental Management Plan (CEMP) condition. During the Operational Phase the ES identifies that mitigation measures will be required to protect drinking water and ground gas. The applicant's ES advises that the identified 'adverse effects' from contaminated land would be reduced through the mitigation measures to 'negligible effects' resulting in 'major beneficial effects' to the site. There are no

significant cumulative effects from the site's contaminated land on upon other sites in the area.

- 1.453 It should be noted that the western part of the site has been subject to decontamination and remediation work approved through planning permission reference 17/00194/FUL. It is the applicant's intention to bring that part of the site forward for future development as the western part of the site falls within the Phase 1 on the Phasing Plan.

#### Conclusion to this section

- 1.454 The Environment Agency raise no objection subject to conditions for land contamination, remediation and verification, along with conditions preventing infiltration of surface water drainage into groundwater and the prevention of piling or other foundation designs using penetrative methods (unless consent is agreed). The Council's Environmental Health Officer raises no objection subject to conditions securing a Construction Environmental Management Plan (CEMP) and a contamination and remediation assessment for each individual plot. On this basis, and subject to the mitigation measures being secured through planning conditions there are no objections raised with regard to policy PMD1 and paragraphs 183 to 188 of the NPPF.

## XII. HEALTH AND SAFETY

- 1.455 Policy PMD1 seeks to minimise pollution and impacts upon health safety with a requirement for suitable mitigation measures to be imposed through planning condition or obligation. Similarly, paragraph 97 of the NPPF takes account of major hazards and mitigating the consequence of major accidents and paragraph 175 of the NPPF advises on preventing unacceptable risk to development.

#### COMAH sites (Control of Major Accident Hazard)

- 1.456 The site is subject to a number of Health and Safety Executive (HSE) consultation zones arising from extant Planning (Hazardous Substances) Consents (HSCs) issued by the Council acting as the Hazardous Substances Authority (HSA) and these consultation zones are for COMAH sites (Control of Major Accident Hazard) in the following locations:
- Shell Oil Storage Depot to the west of the site;
  - Coryton Advanced Fuels site within the centre of the site but outside of the red line area;
  - Calor Gas within the north west part of the site; and
  - Morzine within the north and eastern part of the site (also covering the Thames Oil Port site), although the oil storage structures and associated infrastructure

within the site have been cleared from this part of the site but the zones remain within the site until such time as the relevant HSCs have been revoked by the HAS under the under the Planning (Hazardous Substances Act) 1990.

- 1.457 There are also HSE consultation zones for 'Major Accident Hazard Pipelines' (COMAH) through the site including the Calor Gas: Coryton Filling Plant – Canvey LPG Pipeline, the Intergen: Butts Lane to Corryton Energy Power Station and the Calor Gas: Shell Haven to Coryton LPG Pipeline.
- 1.458 HSE COMAH Inspectorate is a statutory consultee on certain proposed developments, essentially those that would result in an increase in population, within the consultation distance of a major hazard site or major accident hazard pipeline (COMAH zone).
- 1.459 The applicant has included a plan to show the HSE 'inner' COMAH zones in relation to the application site and another plan to show the Illustrative Masterplan with the HSE 'inner' COMAH zones overlaid.
- 1.460 The consultation response from the Health and Safety Executive (HSE) does not advise against the granting of planning permission subject to four specific planning conditions relating to the Development Plots as shown on Parameter Plan 2.
- 1.461 The first condition would apply to Plots A and B which are identified for open storage and/or HGV/commercial vehicle parking uses (B8/Sui Generis) on the Land Use Parameter Plan and are located to the western side of the site. These two plots (A&B) fall within the HSE DPZ (Development Proximity Zone) COMAH zone for the Shell Oil Storage Depot to the west of the site. The condition would prevent occupation including any persons sleeping in vehicle cabs and amenity blocks in accordance with the HSE methodology.
- 1.462 The second condition would apply to Plot G centrally within the site identified for a HGV/commercial and coach parking uses (B8/Sui Generis) and this plot falls within the HSE 'inner' COMAH zone of the Coryton Advanced Fuels site. The condition would prevent occupation including any persons sleeping in vehicle cabs.
- 1.463 The third condition would apply to Plots C, D, E, J, K, L, N and their location and proposed land uses are explained below:
- 1.464 Plots C, D and E are within the HSE 'inner', 'middle' and 'outer' COMAH zones of the Shell Oil Storage Depot to the west. In terms of the proposed land uses for these plots Plot C is identified for rail sidings/aggregates and rail terminal uses (B8/Sui Generis), Plot D is identified for waste/energy uses (B2/B8/Sui Generis) and Plot E is identified for manufacturing/storage and distribution uses (B2/B8).

- 1.465 Plot J is within the HSE consultation distances of the Calor Gas COMAH zone to the west and the Thames Oil Port (Morzine) COMAH zone to the north and is identified for waste/energy uses (B2/B8/Sui Generis).
- 1.466 Plot K lies partly within the HSE consultation distance of Calor Gas COMAH zone to the west, Thames Oil Port (Morzine) COMAH zone to the north, and the Intergen: Butts Lane to Corryton Energy Power Station HSE pipeline COMAH zone. Plot K is identified for manufacturing/storage and distribution uses (B2/B8).
- 1.467 Plot L is within the HSE 'inner' COMAH zone of the Calor Gas site to the west, the HSE 'outer' COMAH zone of the Coryton Advanced Fuels site to the south east and the Intergen: Butts Lane to Corryton Energy Power Station HSE pipeline COMAH zone. Plot L is identified for the gatehouse to the development (Sui Generis use).
- 1.468 Plot N lies within the HSE consultation distance for the Calor Gas COMAH zone to the west and the Coryton Advanced Fuels COMAH zone to the south, and within the HSE 'middle' and 'outer' zones of the Intergen: Butts Lane to Corryton Energy Power Station HSE pipeline COMAH zone. Plot N is identified for manufacturing/storage and distribution uses/energy uses (B2/B8/Sui Generis).
- 1.469 The third condition seeks to limit development for Plots C, D, E, J, K, L and N to 'sensitivity 1' (a workplace for less than 100 persons and less than 3 occupied storeys for people at work and parking uses) or 'sensitivity 2' (for more than 100 persons or 2 or more occupied storeys for use by the general public) developments for use by the general public) as long as less than 10% of its building footprint lies within an HSE inner COMAH zone.
- 1.470 The fourth condition would apply to Plots Q, R, S and T. Plots Q, R and S lie partly within the HSE 'inner', 'middle' and 'outer' COMAH zone of the Morzine major hazard site. Plot T lies within the HSE 'inner' COMAH zone of the Morzine major hazard site. Plots Q and R are identified for manufacturing/storage and distribution uses (B2/B8), Plot S is identified for open storage uses (B8) and Plot T is identified as the second amenity hub and could include any of the following uses restaurant/café/leisure/education uses (A3/D1/D2). As the Morzine area falls within the application site it has been established with the applicant that they as the holder of the Hazardous Substances Consent (16/01256/HSC) can request the Council acting as the Hazardous Substances Authority to revoke the Hazardous Substances Consent for Morzine hazard site. To expedite the development within this area a 'Grampian' condition can be applied which would prevent occupation of Plots Q, R, S and T until the existing Hazardous Substances Consent (16/01256/HSC) has been amended or revoked therefore ensuring public safety is taken into account in the development process.

1.471 With regard to the high-pressure pipelines, in addition to the HSE COMAH Inspectorate's comments, the British Pipeline Agency consultation response identifies on a plan a series of high-pressure pipelines that carry refined petroleum. The pipelines are located mainly to the north west and northern boundary of the application site but the pipelines would have an easement that would appear to pass through the site at the location of Plot J and would be in close proximity to Plots A, K, L and Q. The British Pipeline Agency raises no objection subject to a condition requiring the developer to liaise with the British Pipeline Agency in advance of any construction works that may affect the pipelines. A planning condition is therefore to be imposed in the interests of health and safety having regard to policy PMD1.

#### Explosives Licence at London Gateway Port

1.472 The neighbouring London Gateway Port is subject to an HSE explosives licence and as a result there is an Explosives Safeguarding Area which overlaps and covers the south-western part of the site where a number of plots would be affected (Plots A to F). Through the consultation process the HSE originally advised as follows:

*“Given the extent and nature of the development, the Health and Safety Executive (HSE) would expect to review the licence for the licensed berths at London Gateway Port. As shown in the available plans the development has the potential to significantly affect the quantity of explosives that can be handled at the licensed berths at the London Gateway Port. The planning authority may also wish to note that this review may result in the facilities explosives capacity being significantly reduced, possibly putting its commercial viability in jeopardy”.*

1.473 As the licensing authority for the explosives handling facility, the HSE later confirmed to the Council that if the development went ahead, the licence would be reviewed due to the following safety concerns:

- i. That parameter build heights for Plots A, B, C, D, E and F are over 12m high and considered by the HSE a 'vulnerable buildings' and as such unsuitable in those locations
- ii. The level of population within those plots

1.474 The holder of the explosives licence would be adversely affected if the relevant parts of the development were constructed (the development being the agent of change) in accordance with the Building Heights Parameter Plan. Paragraph 187 of the NPPF became relevant to consider, which advises that 'existing businesses and facilities should not have unreasonable restrictions placed on them as a result of

development permitted after they were established'. This requires suitable mitigation to mitigate the impact of the development on the licence. For technical reasons, it has not been possible to identify suitable mitigation. However, the licence holder (neighbouring London Gateway Port) has agreed to amend their licence, so that the impact of the development on the licence is reduced.

- 1.475 The Council has been informed that an application to the HSE to amend the licence was submitted on 2<sup>nd</sup> March 2022. The application proposes to decrease the quantities of explosives in the nearest berths at the dockside Berths 1 and 2, which is located nearest to the application site. The proposed reduction of the quantities of explosives would result in a change to the existing Explosives Safeguarding Area to the extent that the Explosives Safeguarding Area would no longer overlap or cover the south-western part of the site, apart from Plots B and C. Plot B is identified as a proposed lorry park and Plot C is identified as a future rail terminal on the Land Use Parameter Plan. It is envisaged that both these plots are unlikely to include 'vulnerable buildings' and are likely to involve low population numbers. Nevertheless, the parameter plans would permit vulnerable buildings to be constructed within a radius of 1112m of the Berths (i.e. the distance within which HSE would expect to consider the design of 'vulnerable buildings' under the provisions of the existing licence), and consultation with the HSE through the reserved matters proposals would determine whether or not particular aspects of any proposals should be adjusted to provide suitable mitigation.
- 1.476 The HSE has advised that the application to amend the explosives licence is likely to be determined in the near future and following discussions with the HSE it is understood that the variation to the licence is likely to be acceptable.
- 1.477 In the interim, the applicant and the licence holder have entered into an 'agreed position statement' in connection with the necessary change to the licence. The 'agreed position statement' is a private agreement, not enforceable by the Council. However, in further correspondence from the applicant, if the application to vary the Licence has not been determined at the time when the Council is in a position to grant planning permission, a series of obligations in the proposed Section 106 Agreement have been produced. The planning obligations would require a safety management scheme to be approved by the Council (in consultation with the HSE and London Gateway Port) and the safety management scheme would need to be considered in the preparation of any reserved matters application that comes forward on any of the relevant Plots. This would ensure that the development of these Plots would not have an unacceptable impact on the Licence and that development on these plots would adhere to the requirements of the HSE.



- 1.478 If the varied Licence applied for is granted, there will remain a low level of impact, and planning obligations are then proposed to restrict development on Plots B and C but also to ensure that the design, features and/or characteristics of any vulnerable building proposed on any Plot between a distance of 556m and 742m from Berth 1, 625m and 833m from Berth 2 and 834m to 1112m from Berth 3 is within safety specifications and/or tolerances acceptable to the HSE i.e. is not considered to be particularly vulnerable. It is expected that the buildings proposed within the relevant area are unlikely to be problematic, due to their location and due to the uses proposed. However, the judgement as to whether design, population or other aspect of a particular proposed building could be problematic lies with the HSE, and not the Council, making it necessary to ensure HSE consultation and where applicable secure suitable mitigation for potentially vulnerable buildings within the above distances, as required by the s106 legal agreement. The HSE's comments would be taken into account when considering the relevant reserved matters application(s). The Council has been worked closely with the HSE and the contents of this report and the heads of terms to the planning obligation accurately reflect the HSE advice.
- 1.479 In light of the mitigation measures to be secured by the planning obligations, it is considered the matter of the HSE Explosives Licence and its impact upon the proposed development is adequately dealt with having regard to the safety consideration of policy PMD1 and also the mitigation requirements of paragraph 187 of the NPPF. However, to meet these policy objectives, comments from the HSE consultation necessary mitigation will be required to inform the relevant reserved matters applications, which must meet the HSE's safety requirements.

#### Conclusion to this section

- 1.480 Having regard to the advice of the HSE and policy PMD1, along with the guidance contained in the NPPF/PPG, the health and safety considerations for COMAH sites, high-pressure pipelines and the Explosives Licence at the London Gateway can be mitigated through planning conditions and planning obligations, where identified, to allow for the proposed development to be considered acceptable.

### XIII. ENERGY AND CLIMATE CHANGE

- 1.481 A number of policies within the LDF seek to improve energy efficiency and combat climate change. Policy CSTP25 seeks to address climate change and reduce CO2 emissions and policies CSTP26 and PMD13 both seek to encourage low carbon energy sources. Specifically, policy PMD13 sets a requirement for 20% of energy to come from decentralised, renewable or low carbon sources for development of more than 1,000m<sup>2</sup> by 2020. Policy PMD12 sets a BREEAM 'outstanding'

requirement by 2019. These policies are compliant with the aims of paragraphs 156 and 157 of the NPPF and guidance within the PPG.

- 1.482 Notwithstanding the specific energy generating development and uses subject of this application all other uses within the proposed development would need to adopt energy efficiency and climate measures to accord with the requirements of the policies listed above. To achieve this the applicant's submission advises that a range of energy technologies and energy conservation measures would be incorporated within the development for all uses. These include site wide performance measures to maximise daylight, heating and cooling, lighting; and building level performance, which would include measures such as adaptive design, energy efficient, low carbon heating supplies and low to zero carbon technologies. In terms of water performance, site wide performance would include drought resistant planting, use of natural cooling water features, drinking water foundations, vehicle wash-down facilities design to use recycled or non-potable grade water; and for building level performance water efficient appliances within building, design metering systems for monitoring of ongoing water use, and water systems with detection systems for leaks in infrastructure.
- 1.483 It is stated in the applicant's Planning Statement that the proposed measures would allow for the proposed development to achieve the 20% of its energy use from renewable sources, which would achieve the requirements of policy PMD13. A planning condition will be imposed to ensure the development accords with the planning policy and for details of energy measures to be provided at the reserved matters stage.
- 1.484 Reference is made in the applicant's Design and Access Statement to the site's opportunities for developing and using hydrogen technology to help decarbonise heat, transport and fuel for energy generation. Hydrogen can be created through electrolysis so can potentially use electricity generation from the site to achieve this.
- 1.485 In terms of BREEAM, the applicant's BREEAM Pre-assessment document advises the proposal would achieve a BREEAM 'Excellent' rating, which is below the requirements of policy PMD12, which requires a BREEAM 'Outstanding' rating by 2019. If BREEAM 'Outstanding' cannot be achieved, then policy PMD12 allows for an application to demonstrate through evidence that the development would be economically unviable and undeliverable. The applicant's BREEAM review report is concerned that some credits for achieving the 'Outstanding' rating may not be achieved, however, as this is an outline planning application full detailed building specifications are not known at this stage. After further considerations with regard to the current policy requirements the applicant has agreed to a planning condition to require all development to meet the BREEAM 'Outstanding' rating, which would

accord with policy PMD12, unless it is proven to be economically unviable and undeliverable to do so, which policy PMD12 also allows for.

#### Conclusion for this section

- 1.486 Having regard to policies CSTP25, CSTP26, PMD12, PMD13 and the guidance contained in the NPPF/PPG the proposed energy and climate change measures listed would generally contribute to the requirements of these planning policies, although further information would need to be approved through the reserved matters and through planning conditions as the development progresses.

#### XIV. EFFECT ON NEIGHBOURING PROPERTIES

- 1.487 Policy PMD1 seeks to minimise impacts upon amenity from new development. The site is surrounded by commercial properties and no objections have been received from the immediate neighbouring properties of the Greenergy site, Thames Oil Port site or the Shell Haven site. The future reserved matters will determine the actual proposed built form of the proposed development but from the information provided in this application the proposal is not envisaged to lead to an adverse impact upon these neighbouring uses/sites.
- 1.488 An objection has been raised by the nearby London Gateway site and from the more distant Port of Tilbury site which collectively raise concerns over the impact upon socioeconomics, traffic and transport, noise, air quality, flood risk and ecology. These material considerations have been assessed in detail in this report and for the reasons stated the proposed development would not lead to any adverse impacts upon the commercial uses of these sites.
- 1.489 The nearest residential property is approximately 1.9km to the east of the site on Canvey Island and 2.5km in Fobbing to the north west of the site. Given the distance between these dwellings and their location away from the main transport routes to the site (The Manorway) the proposed development would not adversely impact upon the residential amenities of the occupiers of these dwellings in regard to policy PMD1.
- 1.490 In Corringham and Stanford Le Hope the road known as The Manorway runs between these two settlement areas and from the highway assessment it is recognised that more traffic would be using The Manorway which would give rise to more activity, noise and disturbance but this road is an existing public highway with noise fencing along the road and is currently used by traffic from a number of locations including the London Gateway Port and Logistics Park. The increased level of traffic and associated noise and disturbance would not give rise to adverse

impacts upon residential amenity in regard to policy PMD1. This confirmed by the Council's Environmental Health Officer who raises no objections on this basis.

#### Conclusion for this section

- 1.491 Having regard to policy PMD1 and the advice of the Council's Environmental Health Officer it is concluded that the proposed development would not give rise to any significant adverse impacts upon residential amenity and nearby commercial uses/activities.

### XV. BUILT HERITAGE AND ARCHAEOLOGY

- 1.492 Policy PMD4 seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. The former Oil Refinery has been recognised as a non-heritage designated asset and in accordance with paragraph 203 of the NPPF 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application'.
- 1.493 The applicant's Built Heritage Statement advises that there are no designated heritage assets within the site but recognises the site is a non-designated built heritage asset but assesses the impact upon as negligible. Outside of the site the nearest designated heritage asset is a Scheduled Monument (World War 2 Decoy site on Fobbing Marshes) located 1.5km north west of the site. Other more distant heritage assets include 3 listed buildings located in 1-2km of the site and the Fobbing Conservation Area located 2.2km north west of the site. The applicant's Built Heritage Statement states the proposal would lead to 'perceptible visual change to its setting but this will not impact on its significance' having regard to the Scheduled Monument (World War 2 Decoy site on Fobbing Marshes). For the Fobbing Conservation Area, the applicant's Built Heritage Statement states the 'proposed development will amount to a perceptible visual change to its setting but this will not impact upon its significance'.
- 1.494 The Council's Listed Building/Conservation Advisor raises no objections on heritage grounds but has recommended a condition requiring building recording for the remaining buildings on site, which is considered necessary for the purposes of record keeping and to comply with paragraph 199 of the NPPF. It is considered that the proposal would not conflict with policy PMD4 or the guidance contained within chapter 16 of the NPPF.
- 1.495 For archaeology, the applicant's Archaeological Desk Based Assessment advises that the construction of the former oil refinery use would have destroyed or disturbed any archaeological potential, however, it is recognised that there is

potential for archaeological features and palaeo environmental remains around the Shellhaven Creek and potentially beneath the modern ground that exists across the site. It should be noted that there is no development proposed within the area of the Shellhaven Creek (which forms part of the Green Infrastructure) so the areas of archaeological investigation would be either side of the creek where development is proposed. The western part of the site has already been subject to decontamination and remediation work through planning permission reference 17/00194/FUL. The applicant’s Archaeological Desk Based Assessment provides an archaeological management plan to manage potential development impacts through the future reserved matters for the site. The Essex County Council Archaeological Officer raises no objection on archaeology grounds subject to a condition requiring a written scheme of investigation, a mitigation strategy and a post excavation assessment. This can be secured through a planning condition. For these reasons it is considered that the proposal would not conflict with policy PMD4 or the guidance contained within chapter 16 of the NPPF.

Conclusion for this section

- 1.496 Having regard to policy PMD4, the guidance of the NPPF/PPG and the consultation responses from the Council’s Listed Building/Conservation Advisor and the Essex County Council Archaeological Officer there are no objections raised to the impact of the proposed development upon built heritage and archaeology, although planning conditions are necessary with regard to building recording and archaeology investigation.

XVI. HEALTH IMPACT ASSESSMENT

- 1.497 The applicant’s Health Impact Assessment has undertaken a Health Urban Planning Checklist (HUDU) to screen the likely health impacts of the proposed development considering health living, active travel, healthy environments and vibrant neighbourhoods. The HUDU has been used to focus the assessment of effects against 10 key health themes as stated below, along with potential mitigation and enhancement measures:

Health Theme	Recommended Mitigation or Enhancement Action
Access to healthcare services and other social infrastructure.	No mitigation or enhancement measures considered necessary as no residential development proposed.
Access to open space and nature	No mitigation or enhancement measures considered necessary as no residential development proposed.
Air quality, noise and	No mitigation or enhancement measures considered

neighbourhood amenity	necessary.
Accessibility and active travel	Promote travel plans to identify safe walking routes, cycling opportunities for staff and reducing car based trips through car clubs, car sharing etc.
Crime reduction and community safety	Incorporate recommendations of Essex Police into future reserved matters applications.
Access to healthy food.	<ul style="list-style-type: none"> <li>• Consider committing some of the proposed commercial floorspace for social enterprises.</li> <li>• When selecting tenants for commercial/ community floorspace, consider proposed use and potential adverse effects on health.</li> </ul>
Access to work and training	<ul style="list-style-type: none"> <li>• Commit to sourcing construction work force from the local area where possible.</li> <li>• Consider whether any apprenticeship positions could be provided.</li> </ul>
Social cohesion and lifetime neighbourhoods.	No mitigation or enhancement measures considered necessary.
Minimising the use of resources	A Site Waste Management Plan (SWMP) will be prepared with future detailed applications.
Climate change	No mitigation or enhancement measures considered

1.498 The Council’s Public Health Officer raises no objection.

XVII. CUMULATIVE IMPACT AND ALTERNATIVE SITES

1.499 In accordance with the EIA Regulations the ES is required to take account of the cumulative effects of other existing and / or approved schemes in the area. The ES has considered the cumulative effects in each of the environmental topic assessments to taking into consideration the cumulative effects of the following proposed or consented developments:

- Thames Oil Port;
- Solar Farm to north of the site;
- London Gateway Logistics Park;
- London Gateway Port;
- Intergen Gateway Energy Centre;

- Underground gas pipeline to Intergen Gateway Energy Centre (11/50286/TTGFUL);
- High Voltage electrical connection linking to Intergen Gateway Energy Centre (12/01085/FUL);
- Oikos Storage (Canvey Island);
- Proposed residential development at Land to the North East of Corringham (15/00205/FUL);
- Proposed residential development at Land adjacent to Railway Line, The Manorway and West of Victoria Road, Stanford (14/01321/FUL);
- Tilbury Port 2;
- Amazon site Tilbury;
- Stanhope Industrial Estate;
- Thames Industrial Estate East Tilbury;
- Residential and Hospice site Little Malgraves Farm, Lower Dunton Road;
- Residential development at Nethermayne, Basildon;
- Any significant development within the neighbouring Castle Point District Council administration

1.500 There are no objections raised to the list of sites where there would be a cumulative impact nor to the list of alternative sites. The applicant’s ES has taken account of cumulative impact through each chapter of the ES with the conclusions that the cumulative impact of the development with those listed above would not lead to any significant adverse impacts, and where necessary mitigation is identified which can be used secured through the use of planning conditions and obligations where necessary.

**XVIII. PHASING AND CONSTRUCTION**

1.501 The ‘Indicative Development Phasing Plan’ shows that the site would be developed over six phases through an anticipated development period of 13 years as follows:

Phase	Floorspace per Phase	Likely Year of Delivery
1	107,265sqm	2022-25
1b	16,138sqm	2026
2	61,278sqm	2026-28
3	53,032sqm	2029-31
4	107,787sqm	2032-35
5	0sqm	2035

1.502 There are no objections raised to the proposed phasing of the development.

1.503 The construction phase of the development would be undertaken through a construction programme. It is stated in the ES that the site would be expected to be fully operational by approximately 2035. The ES identifies the construction phase would include the following stages:

- Remediation works;
- Access road construction and enabling works;
- Site preparation (including excavation and site levelling);
- Foundation works and piling;
- Infrastructure works;
- Drainage works;
- Construction of substructure;
- Construction of superstructure; and
- Landscaping.

1.504 The ES identifies the predicted construction traffic movements, and this is assessed in the highway section of the report.

1.505 Paragraph 5.15 of the applicant's ES Chapter 5A identifies material would be brought onto the site for surcharging the ground level to provide a development platform for the construction of buildings and internal roads. This would result in 300,000m<sup>3</sup> of material with a maximum of 90,000m<sup>3</sup> brought onto the site within any one year. This would be controlled through a series of planning conditions for levels, swale levels, limitations on the importation of materials annually and the CEMP.

1.506 A Construction Environmental Management Plan can agree to the hours of work for the construction phase, although the ES identifies that the following construction hours are likely to be sought:

- Monday to Friday, 8am to 8pm;
- Saturday, 8am to 1pm; and
- Sunday and Bank Holidays, no noisy activities on-site.

1.507 In regard to the above, and to cover all construction matters, a number of conditions are required for the Construction Phase including a Construction Environmental Management Plan (CEMP), a requirement for sustainable design and construction, a waste management plan, building recording condition and pipeline easement condition. The CEMP would require details of the construction works programme, hours of use, piling arrangements (if piling is permitted) construction management of traffic and access arrangements, wheel washing, road condition surveys, compound details, temporary hardstandings and hoardings, methods of



controlling noise and vibration, methods of controlling air quality mitigation, waste and surface water management, methods to prevent contamination, lighting and biodiversity protection measures. The proposed conditions are necessary to minimise any adverse impacts arising from the construction of the development upon amenity, highway impact and nearby biodiversity and ecological designations in accordance with policies PMD1, PMD7 and PMD9.

## XIX. VIABILITY AND PLANNING OBLIGATIONS

- 1.508 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 1.509 Certain Core Strategy policies identify requirements for planning obligations, and this depends upon the type of development proposed and consultation responses from the application process.
- 1.510 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up-to-date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 1.511 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
- a) necessary to make the development acceptable in planning terms;*
  - b) directly related to the development; and*
  - c) fairly and reasonably related in scale and kind to the development*
- 1.512 Through the consultation process to this application and following negotiations with the applicant the proposal would require a number of contributions and obligations to mitigate the impact of the proposed development. The table below sets out in summary form the proposed requirements of the planning obligations which would be secured through a s106 agreement. The table includes the commitment, description of the obligation and whether payments to the Council or obligations are on the applicant for each item. The agreed planning obligations have been

assessed and comply with the requirements of policy PMD16 and paragraph 56 of the NPPF as they are necessary, directly related to the development and fair and reasonable related in scale and kind to the development.

1.513 The proposed planning obligations are as follows:

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated								
<b>Education, Employment and Skills Strategy</b>										
Education, Employment and Skills Strategy	An Education, Employment and Skills Strategy for the Construction and Operational Phases of the development. This will include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally.	£300,000 to be provided in instalments								
<b>Highways and Travel (a section 278 agreement can replace any (or all) of the obligations involving works to the highway)</b>										
Bus Service Provision	<p>1. To operate 1 bus between TEP and Basildon rail station and this would serve Corringham and Stanford Le Hope.</p> <p>2. From Year 5 operate another bus services from one of the following route options:</p> <table border="1" data-bbox="507 1361 1027 1666"> <thead> <tr> <th data-bbox="507 1361 635 1406">Route</th> <th data-bbox="635 1361 1027 1406">Route</th> </tr> </thead> <tbody> <tr> <td data-bbox="507 1406 635 1496">A</td> <td data-bbox="635 1406 1027 1496">TEP to Upminster Upminster to TEP</td> </tr> <tr> <td data-bbox="507 1496 635 1585">B</td> <td data-bbox="635 1496 1027 1585">Brentwood to TEP TEP to Brentwood</td> </tr> <tr> <td data-bbox="507 1585 635 1666">C</td> <td data-bbox="635 1585 1027 1666">Chelmsford to TEP TEP to Chelmsford</td> </tr> </tbody> </table>	Route	Route	A	TEP to Upminster Upminster to TEP	B	Brentwood to TEP TEP to Brentwood	C	Chelmsford to TEP TEP to Chelmsford	No less than £4,200,000 to be provided in instalments per annum to be allocated to the Travel Plan Committee and/or the Travel Plan Co-ordinators to procure and organise the bus service.
Route	Route									
A	TEP to Upminster Upminster to TEP									
B	Brentwood to TEP TEP to Brentwood									
C	Chelmsford to TEP TEP to Chelmsford									
Access link for bus and freight between the TEP site and the London Gateway Logistics Park	To use reasonable endeavours to secure a link and access route, which is necessary to aid reducing traffic impacts at the Sorrells and Giffords Cross junction to the benefit of the development and to assist in meeting the travel plan targets.	Obligation on the applicant								

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	For the applicant to submit to and obtain approval from the Council of a scheme for the provision of a freight and bus link to the neighbouring London Gateway Logistics Park.	
Active Travel Corridors for walking and cycle routes	1) A1014 The Manorway via Lampitts Hill to A13 five bells interchange for access to Basildon	£3,054,400
	2) TEP to Stanford-le-Hope rail station including resurfacing of the footway/cycleway and lighting of A1014 The Manorway, along with measures to control HGV vehicles	£3,224,455
Pool e-Bike Scheme	To provide no less than 100 e-bikes and associated bicycle docking stations in locations within the site including bike hire provision, plus the installation of docking station facilities of which a minimum of 30 of the e-bikes allocated for use at the Stanford Le Hope rail station to be facilitated by the Council for installation. To ensure the Travel Plan targets are met	Obligation on the applicant to provide, fund, manage and maintain the e-bikes and docking stations scheme
Car club	Provision of a car club to provide a minimum of 3 cars located on site with associated infrastructure to ensure the Travel Plan targets are met	Obligation on the applicant to provide and fund a car club
Car-pooling/Car Sharing	Promotion and enabling of Car-Pooling/Car Sharing system for the lifetime of the development to ensure the Travel Plan targets are	Obligation on the applicant to promote, fund and enable car-pooling /car sharing

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	met	
Travel Plan & Amenity Hub	<p>Travel Plan with the appointment of a Travel Plan Co-ordinator to be initially virtual then to be present within a temporary amenity hub unit and then, when complete, to be located in the permanent Amenity Hub location</p> <p>The creation of a Travel Plan Committee to be set up and to include representation from the Council, other highway bodies, owners and site management (including Travel Plan Co-ordinator(s)) to meet on a regular basis to oversee the implementation of the Travel Plan, with authority to activate and secure payments from the Remedial Measures Fund to meet Travel Plan targets.</p> <p>Monitoring of vehicle movements and the promotion of travel incentives including Active Travel Corridors, bus services, car club, car sharing/pooling and bike sharing. Travel Plan to monitor the Sustainable Distribution Plan.</p>	<p>Obligation on the applicant to provide, fund and implement the Travel Plan to achieve the modal share targets set out in the TA for maximising sustainability</p>
	Travel Plan Target Remedial Fund to ensure Travel Plan targets are met or to provide mitigation and managed by the Travel Plan Committee	A minimum of £400,000 to be paid if the Travel Plan targets are not met at 70% of occupation of the site
	Council Travel Plan Monitoring Fee until the last plot is fully occupied plus 5 years post occupation	£1,025 per year
Highway Improvements	1. Sorrells Roundabout improvements as indicatively	This highway improvement will be

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
and Mitigation	shown on drawing W183827/A/105 Rev A and this scheme is to be agreed with the Council in relation to detailed design, safety auditing and approval	secured through a s278 agreement
	2. A13/A1014 Roundabout improvements as indicatively shown on drawing W183827/A/101 Rev C and this scheme is to be agreed with the Council in relation to detailed design, safety auditing and approval	This highway improvement will be secured through a s278 agreement
Highway Safety Measures	Average Speed Cameras along the A1014 The Manorway (between the Sorrells roundabout and the site) including ongoing monitoring and maintenance costs.	A minimum of £561,956 to be paid if the monitoring assessment identifies the 85 <sup>th</sup> percentile of traffic speed is 10% above the speed limit from commencement
Vehicle Management and Enforcement Measures	1. HGV Management and Enforcement	£1,196,000 in total, comprising of indicative amounts of £736,000, £287,500 and £172,500 for items 1, 2 and 3.
	2. Car/Van Management and Enforcement (Fobbing and Corringham)	
	3. Car/Van Management and Enforcement (other routes through Stanford Le Hope)	
<b>Safety Management (Explosive Licence)</b>		
Safety Management Scheme	A safety management scheme to be approved by the Council (in consultation with the HSE and London Gateway) in regard to the future development of the relevant	Obligation on the applicant

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	Plots.	
<b>Council's Monitoring Fee</b> (not a planning obligation)		
Monitoring Fee	A financial contribution to cover the cost of the Council's monitoring work and discharging of planning obligations	£10,000

1.514 The proposed planning obligations meet the relevant tests as set out in paragraph 56 of the NPPF and are necessary to mitigate the impact of the proposed development.

**XX. SUSTAINABILITY**

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

1.516 For the economic and social objective, the proposal would provide up to 5,500 jobs at this site and involve substantial investment which would be economically beneficial to the local and national economy based on the amount of employment land and floorspace to be provided. The proposed development would be developed over a 13-15 year period so would also lead to construction opportunities. For both the Construction and Operational Phases the proposal would lead to indirect as well as direct employment opportunities from this use.

1.517 For the environmental objective the proposed development gives rise to significant built development based on the parameters plan, especially highlighted by the land use and building height parameter plans. A design code condition in addition to other design related to conditions would require a high quality development to be achieved through future reserved matters. The site is located in a high risk flood zone and located close to areas of ecology designation therefore there are a number of conditions required regarding flood risk/drainage, ecology/green infrastructure and landscape impact to mitigate the impact of the development upon the natural environment. Other conditions are all necessary for transportation, air quality, noise, contamination and for health safety reasons, all in the interests of the protecting and mitigation impact upon the environment.

1.518 On the basis of the above the proposed development would satisfy the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF

## XXI. OTHER MATTERS

1.519 A number of planning conditions would be used for this development including limitations to ensure the floorspace accords with the floorspace table in this report along with limiting floorspace for town centre uses (café, leisure uses, hotel) and the requirement for office uses to be ancillary to main uses approved, to avoid increased traffic movements.

1.520 Since the planning application was submitted the Thames Enterprise Park joined the bid to be part of the Thames Freeport as the Thames Enterprise Park represents one of the largest regeneration projects in the area. The site has since been identified to be part of the Thames Freeport. The Thames Freeport has been open for business since the Government announced on 3 March 2022 that it would be London and South East's Freeport. The Thames Freeport is to generate significant growth in terms of investment, development land and job creation.

## 1.6 CONCLUSIONS AND REASONS FOR APPROVAL

1.521 The proposed development represents one of the most significant employment-led regeneration development projects in the South East of England and would lead to the creation of 345,500m<sup>2</sup> of floorspace and up to 5,500 jobs at the site, along with jobs during the construction period. This site forms part of the Thames Freeport with the potential to bring about significant inward investment, jobs, training, innovation and skills to the Borough. The proposal would therefore accord with the Council's employment growth and employment land use policies.

1.522 As an outline planning application, a series of Parameter Plans secures the key information and requirements for the reserved matters to follow for the future vision of development potential for the site to be achieved. Through the Illustrative Masterplan and Design and Access Statement this shows details of how the site might appear in the future once developed. A Design Code would be created and secured through a planning condition to establish and influence site wide requirements, character areas, and the proposed development plots. From the information provided the layout, scale and massing, design and appearance information are acceptable for this outline planning application. Details can be secured through conditions and through the future reserved matters to ensure compliance with design, landscape and green infrastructure policies.

- 1.523 For the highway considerations the applicant's Transport Assessment (TA) proposes various measures to improve connectivity to the site and to maximise sustainable travel choices. The TA has also assessed the proposed traffic generation and impact upon the highway network arising from the development including proposed junction improvements and other vehicle management and safety measures. The overall highway considerations are finely balanced but are considered acceptable with regard to the relevant policies subject to the identified mitigation measures being implemented and this will be secured through planning obligations, planning conditions and through the future reserved matters where identified.
- 1.524 For the natural environment considerations of this application, the site is located close to areas of ecology designation and a Habitat Regulations Assessment has been undertaken which demonstrates there would be no adverse effect upon nearby ecological designations along with an assessment of existing ecology and biodiversity. The site is located in a high risk flood zone but the application is considered to pass the Sequential and Exception Tests, as required through the NPPF and the applicant's Flood Risk Assessment demonstrates the development would be safe from flooding through flood resistant/resilient measures being incorporated into the development. Surface water and foul drainage details will be secured through planning condition, as well as rainwater harvesting. The proposal is therefore considered acceptable with regard to ecology and flood risk policies.
- 1.525 The site is subject to a number of health and safety constraints including COMAH sites (Control of Major Accident Hazard), high pressure pipelines and an explosives licence at the neighbouring London Gateway Port. Upon the advice from the HSE and British Pipeline Agency planning conditions and obligations are necessary and would be imposed in the interests of health and safety, and to accord with relevant planning policies.
- 1.526 With regard to air quality and odour, noise, land contamination and ground conditions there are no objections subject to planning conditions having regard to relevant environmental protection policies. The proposed development would not give rise to any significant adverse impacts upon residential amenity and the nearby commercial uses/activities. The proposed energy and climate change measures would contribute to the requirements of relevant planning policies, although further information would need to be approved through the reserved matters and through planning conditions. For heritage and archaeology planning conditions are necessary and there are no objections to the applicant's Health Impact Assessment.
- 1.527 In accordance with the EIA Regulations the ES has taken account of the cumulative effects of other existing and / or approved schemes in the area and no objections



are raised. The 'Indicative Development Phasing Plan' shows that the site would be developed over six phases through an anticipated development period of 13-15 year build out.

- 1.528 The recommendation provides full details of the proposed planning conditions and planning obligations that would be secured through a section 106 legal agreement including financial contributions and section 278 highways agreements to the Council to mitigate the effect on the highway infrastructure and highway management alongside the promotion of a multiple sustainable transport mode opportunities, an education, employment and skills strategy, and a safety management scheme.
- 1.529 The recommendation for approval of planning permission is subject to completion of a section 106 agreement and subject to the planning conditions, this is 'Recommendation B' as before consideration of the planning permission is made a decision is needed to determine that the development would not have a likely significant effect on a European site either alone or in combination with other plans or projects, which is 'Recommendation A'.

## 1.7 RECOMMENDATION

- 1.530 The Committee is recommended to:

### Recommendation A:

- 1.531 Determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

### Recommendation B:

- 1.532 Approve the application for the reasons given in this report and delegate authority to the Assistant Director – Planning, Transport and Public Protection to finalise the s106 legal agreement and to grant planning permission subject to the following:
- a. The agreement of a legal agreement under section 106 of the Town and Country Planning Act 1990 which will secure the planning obligations as set out below:

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated								
<b>Education, Employment and Skills Strategy</b>										
Education, Employment and Skills Strategy	An Education, Employment and Skills Strategy for the Construction and Operational Phases of the development. This will include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally.	£300,000 to be provided in instalments								
<b>Highways and Travel (a section 278 agreement can replace any (or all) of the obligations involving works to the highway)</b>										
Bus Service Provision	<p>1. To operate 1 bus between TEP and Basildon rail station and this would serve Corringham and Stanford Le Hope.</p> <p>2. From Year 5 operate another bus services from one of the following route options:</p> <table border="1" data-bbox="552 1115 1075 1415"> <thead> <tr> <th>Route</th> <th>Route</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>TEP to Upminster Upminster to TEP</td> </tr> <tr> <td>B</td> <td>Brentwood to TEP TEP to Brentwood</td> </tr> <tr> <td>C</td> <td>Chelmsford to TEP TEP to Chelmsford</td> </tr> </tbody> </table>	Route	Route	A	TEP to Upminster Upminster to TEP	B	Brentwood to TEP TEP to Brentwood	C	Chelmsford to TEP TEP to Chelmsford	No less than £4,200,000 to be provided in instalments per annum to be allocated to the Travel Plan Committee and/or the Travel Plan Co-ordinators to procure and organise the bus service.
Route	Route									
A	TEP to Upminster Upminster to TEP									
B	Brentwood to TEP TEP to Brentwood									
C	Chelmsford to TEP TEP to Chelmsford									
Access link for bus and freight between the TEP site and the London Gateway Logistics Park	<p>To use reasonable endeavours to secure a link and access route, which is necessary to aid reducing traffic impacts at the Sorrells and Giffords Cross junction to the benefit of the development and to assist in meeting the travel plan targets.</p> <p>For the applicant to submit to and obtain approval from the Council of a scheme for the provision of a freight and bus link to the neighbouring London Gateway Logistics Park.</p>	Obligation on the applicant								

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
Active Travel Corridors for walking and cycle routes	1) A1014 The Manorway via Lampitts Hill to A13 five bells interchange for access to Basildon	£3,054,400
	2) TEP to Stanford-le-Hope rail station including resurfacing of the footway/cycleway and lighting of A1014 The Manorway, along with measures to control HGV vehicles	£3,224,455
Pool e-Bike Scheme	To provide no less than 100 e-bikes and associated bicycle docking stations in locations within the site including bike hire provision, plus the installation of docking station facilities of which a minimum of 30 of the e-bikes allocated for use at the Stanford Le Hope rail station to be facilitated by the Council for installation. To ensure the Travel Plan targets are met	Obligation on the applicant to provide, fund, manage and maintain the e-bikes and docking stations scheme
Car club	Provision of a car club to provide a minimum of 3 cars located on site with associated infrastructure to ensure the Travel Plan targets are met	Obligation on the applicant to provide and fund a car club
Car-pooling/Car Sharing	Promotion and enabling of Car-Pooling/Car Sharing system for the lifetime of the development to ensure the Travel Plan targets are met	Obligation on the applicant to promote, fund and enable car-pooling /car sharing
Travel Plan & Amenity Hub	Travel Plan with the appointment of a Travel Plan Co-ordinator to be initially virtual then to be present within a temporary amenity hub unit and then, when complete, to be located in the permanent Amenity Hub location  The creation of a Travel Plan Committee	Obligation on the applicant to provide, fund and implement the Travel Plan to achieve the modal share targets set out in the TA for

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	<p>to be set up and to include representation from the Council, other highway bodies, owners and site management (including Travel Plan Co-ordinator(s)) to meet on a regular basis to oversee the implementation of the Travel Plan, with authority to activate and secure payments from the Remedial Measures Fund to meet Travel Plan targets.</p> <p>Monitoring of vehicle movements and the promotion of travel incentives including Active Travel Corridors, bus services, car club, car sharing/pooling and bike sharing. Travel Plan to monitor the Sustainable Distribution Plan.</p>	<p>maximising sustainability</p>
	<p>Travel Plan Target Remedial Fund to ensure Travel Plan targets are met or to provide mitigation and managed by the Travel Plan Committee</p>	<p>A minimum of £400,000 to be paid if the Travel Plan targets are not met at 70% of occupation of the site</p>
	<p>Council Travel Plan Monitoring Fee until the last plot is fully occupied plus 5 years post occupation</p>	<p>£1,025 per year</p>
<p>Highway Improvements and Mitigation</p>	<ol style="list-style-type: none"> <li data-bbox="549 1532 1152 1816">1. Sorrells Roundabout improvements as indicatively shown on drawing W183827/A/105 Rev A and this scheme is to be agreed with the Council in relation to detailed design, safety auditing and approval</li> <li data-bbox="549 1823 1152 1975">2. A13/A1014 Roundabout improvements as indicatively shown on drawing W183827/A/101 Rev C and this scheme is to be agreed with</li> </ol>	<p>This highway improvement will be secured through a s278 agreement</p> <p>This highway improvement will be secured through a s278</p>

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	the Council in relation to detailed design, safety auditing and approval	agreement
Highway Safety Measures	Average Speed Cameras along the A1014 The Manorway (between the Sorrells roundabout and the site) including ongoing monitoring and maintenance costs.	A minimum of £561,956 to be paid if the monitoring assessment identifies the 85 <sup>th</sup> percentile of traffic speed is 10% above the speed limit from commencement
Vehicle Management and Enforcement Measures	1. HGV Management and Enforcement	£1,196,000 in total, comprising of indicative amounts of £736,000, £287,500 and £172,500 for items 1, 2 and 3.
	2. Car/Van Management and Enforcement (Fobbing and Corringham)	
	3. Car/Van Management and Enforcement (other routes through Stanford Le Hope)	
<b>Safety Management (Explosive Licence)</b>		
Safety Management Scheme	A safety management scheme to be approved by the Council (in consultation with the HSE and London Gateway) in regard to the future development of the relevant Plots.	Obligation on the applicant
<b>Council's Monitoring Fee (not a planning obligation)</b>		
Monitoring Fee	A financial contribution to cover the cost of the Council's monitoring work and discharging of planning obligations	£10,000

b. And the conditions as set out at below:

Definitions

Within the following conditions the definitions listed below apply:

<p>Building</p>	<p>Means a structure that has a roof and walls and stands more or less permanently in one place, into which people normally go and precludes development which would be secured pursuant to permitted development.</p>
<p>Commencement</p>	<p>Means the carrying out on the Site of a material operation as defined in Section 56 (4) of the Town and Country Planning Act 1990 and "Commence" and "Commenced" shall be construed accordingly</p>
<p>Condition</p>	<p>Means a condition or conditions imposed on this permission</p>
<p>Design Code</p>	<p>Means the design code which is to be provided pursuant to Condition B4 with the objective of establishing a design framework for Site wide landscaping, Building design &amp; infrastructure against which future reserved matters applications will be assessed.</p>
<p>Development</p>	<p>Means the development authorised by this planning permission, which is the following:</p> <p>Outline planning permission with all matters (except for access) reserved for the demolition, phased remediation and redevelopment of 167 hectares of former Coryton Oil Refinery to provide up to 345,500 sq. m of commercial development including Manufacturing Storage, Distribution &amp; Logistics (Use Class B2/B8) Energy &amp; Waste related facilities (Use Class Sui Generis) A Central Hub incorporating a range of active uses (Research &amp; Development, leisure, education, hotel and conferencing facilities) (Use Classes B1(b), D1, D2, C1) and ancillary retail/leisure/community facilities (Use Classes A3, D2 &amp; Sui Generis), as well as additional land set aside for a Rail Freight Terminal Up to 20 Hectares of Open Storage (Use Class B8) Energy Centre Lorry Parking Facilities structural landscaping car parking, new road and access facilities vehicular, pedestrian and cycle crossing over Shellhaven Creek pedestrian crossing facilities to existing and proposed estate roads retention of existing jetties and associated infrastructure works</p>

Development Plot(s)	Means the development plot(s) as identified on Development Plots Parameter Plan (Drawing no. SK159 Rev F) by the local planning authority
Environmental Statement	Means the Environmental Statement (September 2018), the ES Addendum (May 2019), the ES Addendum (December 2019), the ES Addendum (February 2021) all submitted in support of the application including the mitigation measures identified.
Floorspace	Means new Floorspace pursuant to the Development measured as gross floor area in sq.m
Illustrative Masterplan	Means the Illustrative Masterplan (drawing no. _SK125 Rev H) local planning authority
Key Infrastructure Works (Outside of Development Plots)	<p>Key Infrastructure Works, as identified on Development Plots Parameter Plan (Drawing no.SK159 Rev F) means any and all of the following:</p> <ul style="list-style-type: none"> <li>(a) the laying of routing on the Site for utility services including drainage, water, electricity, gas and telecommunications beyond the boundary of a Development Plot and</li> <li>(b) the construction of any roads, footpaths and/or landscaping and drainage that form part of the Development but are located beyond the boundary of a Development Plot.</li> </ul> <p>and shall specifically not include any Buildings for occupation or use of the Floorspace defined within the description of development.</p>
Occupation/Occupied	Means beneficial occupation for any purpose permitted by the Planning Permission
Phase	Means a phase as shown on the Phasing Plan (Drawing no. SK165)
Phasing Plan	Means the initial indicative phasing plan (Drawing no.SK165) by the local planning authority (later to be supplemented by a Site-wide phasing plan pursuant to condition B5)
Parameter Plans	Means the Parameter Plans listed in condition B2
Reserved Matters	Means the layout, scale, appearance, landscaping and the means of access to and within the site
Site	Means the land edged red on the approved Site Location Plan (Drawing no._SK158 Rev C)
Sq.m	Means built Floorspace quantified in square metres (gross external area unless otherwise specified)

Use Class	Means as the Use Class as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 which shall be interpreted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended on the date of this permission unless otherwise specified
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**Time Limits/Reserved Matters**

**A1 Submission of Outstanding Reserved Matters**

No Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced until details of:

- (a) The layout of that Phase or Development Plot(s) or Key Infrastructure Works
- (b) The scale of Buildings within that Phase or Development Plot(s) or Key Infrastructure Works
- (c) The appearance of Buildings or place within that Phase or Development Plot(s) or Key Infrastructure Works
- (d) The means of access to and within that Phase or Development Plot(s) or Key Infrastructure Works, and
- (e) The landscaping of that Phase or Development Plot(s) or Key Infrastructure Works.



referred to as the 'Reserved Matters', have been submitted to, and approved in writing by, the local planning authority.

Each subsequent application for the approval of Reserved Matters shall contain the information required through the Conditions (as applicable) and shall demonstrate how it accords with the general principles of the approved Design Code. The Development shall be carried out in accordance with the approved details.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the reserved matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced with this outline permission.

#### **A2 Time limit for the Submission of Reserved Matters**

Application for the approval of the first Reserved Matters shall be made to the local planning authority before the expiration of three (3) years from the date of this permission. Application for the final set of Reserved Matters shall be made before the expiration of fifteen (15) years from the date of this permission.

**Reason:** To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **A3 Time limit for the commencement of Outline Planning Permission**

The Development shall be Commenced within two years from the date of the approval of the first Reserved Matters.

**Reason:** To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **A4 Date of Commencement of the Development**

Within 2 weeks following Commencement of the Development the local planning authority shall be informed in writing of the Commencement date of the Development.

**Reason:** To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

**Approved Plans/Extent of Permission**

**B1 Plans List for development determined by this Outline Planning Permission**

The Development shall be carried out in accordance with the following approved plans:

<b>Plan Number(s):</b>			
Reference	Name	Received	
SK158 - Site Boundary Plan Parameter Plan - PP1	Location Plan	27th	September 2018
SK159F - Development Plots Parameter Plan - PP2	Proposed Plans	6th April 2022	
SK160F - Land Use Parameter Plan – PP3	Proposed Plans	27th	January 2022
SK161D - Green Infrastructure Parameter Plan - PP4	Proposed Plans	27th	January 2022
SK162E - Building Heights Parameter Plan - PP5	Proposed Plans	27th	January 2022
SK163D - Access and Circulation Parameter Plan - PP6	Proposed Plans	27th	January 2022
SK164C - Public and Private Access Parameter Plan - PP7	Proposed Plans	27th	January 2022
83827-A-08-AT01C Swept Path Analysis	Proposed Plans	27th	January 2022
183827-A-08D Proposed pedestrian/cycle provision along the Manorway	Proposed Plans	27th	January 2022
183827-SK-006F - Site Access 2 - via Barkers Boulevard	Proposed Plans	27th	January 2022
SK167 – Existing and Proposed Levels	Proposed Plans	6th April 2022	

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

**B2 Plans List to inform the Reserved Matters**

Subject to compliance with the requirements of the Conditions, the submission of Reserved Matters for any Phase or Development Plot(s) or Key Infrastructure Works shall adhere to and demonstrate conformity with the following Parameter

Plans accompanying the application:

<b>Plan Number(s):</b>			
Reference	Name	Received	
SK158 - Site Boundary Plan Parameter Plan - PP1	Location Plan	27th	September 2018
SK159F - Development Plots Parameter Plan - PP2	Proposed Plans	6th April 2022	
SK160F - Land Use Parameter Plan – PP3	Proposed Plans	27th	January 2022
SK161D - Green Infrastructure Parameter Plan – PP4	Proposed Plans	27th	January 2022
SK162E - Building Heights Parameter Plan - PP5	Proposed Plans	27th	January 2022
SK163D - Access and Circulation Parameter Plan - PP 6	Proposed Plans	27th	January 2022
SK164C - Public and Private Access Parameter Plan - PP7	Proposed Plans	27th	January 2022
SK167 – Existing and Proposed Levels	Proposed Plans	6th April 2022	

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

**B3 Illustrative Masterplan to inform the Reserved Matters**

Subject to compliance with the requirements of the Conditions, the submission of Reserved Matters for any Phase or Development Plot(s) or Key Infrastructure Works shall have regard to the Illustrative Masterplan (Drawing no. SK125H).

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

**B4 Design Code Submission for Approval**

Prior to the first Reserved Matters application a Design Code document for the Site shall be submitted to and approved in writing by the local planning authority. The Design Code shall be produced using the latest industry standard/national Design Code guidance. The Design Code, where relevant, shall reference the Design and

Access Statement, the approved Parameter Plans, Highway Access drawings, the Illustrative Masterplan, and shall in any case address and codify the following:

#### Introductory matters

- The vision for the development
- The site and its context
- The planning context
- The purpose and status of the document
- How the Design Code is to be used

#### Site-wide Coding

- Access and Movement Coding
  - Street Hierarchy
  - Inclusive streets
  - On-Plot Car Parking Sizes & Ratios
  - Cycle Parking
  - Proposed Location & Form of Junctions and crossings
  - Specification of Cycle and Pedestrian Routes
  - Infrastructure for Buses and other sustainable transport measures
  - Services and Utilities
- Green Infrastructure Coding
  - Network of Open spaces
  - Open Space and public realm design
  - Flood Risk, Drainage and integrated SUDS Coding
  - Biodiversity Provision (including Net Gain)
  - Planting/Landscaping to Roads/Streets
- Built Form
  - Illustrative Types and Forms for Each Use
  - Building Line
  - Height, Plot layout and built-design principles
  - Architectural Features & Site Wide Materials
  - Accessibility
- Public Space
  - Identity and Character of Primary, Secondary, and Tertiary spaces
  - Approaches to Public, Private and Semi-public
  - Surface finishes and street furniture
  - Secured by Design
  - Multi-Functional
  - Accessibility
- Energy and Sustainability Coding e.g. rainwater recycling, fabric first principles, orientation principles, and passive design principles.
  - Energy hierarchy

- Measures to Minimise Energy Consumption Measures To maximise Energy Efficiency
- Embodied energy
- Measures for Renewable Energy Sustainable Construction
- Minimising Water usage
- Security Coding
- Street Lighting, Amenity Spaces & On-Plot Lighting Coding
- Wayfinding and Signage

#### Character Areas

- Landscape Character Areas
  - The Park Loop
  - Shellhaven Creek
  - Spine Road
- Built Form Character Areas
  - Central Commercial Area (Plots K, L, N)
  - Amenity Hub (Plot H)
  - Northern Edge Energy (Plot J)
  - River and Creekside Industry
  - Perimeter Thames

#### Plot Typologies

- Plot Typology overview
- Plot Typologies - Warehouse/Industrial Buildings
- Plot Typologies – Energy
- Plot Typologies – Research and Development
- Plot Typologies – Amenity Hub
- Plot Typologies - Ancillary Buildings

#### Plot Coding for each Typology

- Plot Coding overview
- Plot Layout Principles
- Placement of Entrances
- Elevational Articulation and Composition, including measures to reduce visual impact
- Massing, Form, Scale and Height, including measures to reduce visual impact
- Roofscape including measures to reduce visual impact
- Plant and ancillary Buildings
- Passive and Renewable Energy Coding (e.g. solar shading, thermal mass, blue roofs)
- Building and Public Realm Materials Palette
- Use of Colour

- Surfacing Finishes and Street Furniture
- Signage, including Building signage, and Wayfinding
- Landscaping
- Ecology and Biodiversity
- Integration of SUDS
- Security and Boundary Treatment
- Lighting Design
- Sustainability measures including rainwater recycling, passive and renewable energy coding (e.g. solar shading, thermal mass, blue roofs)
- Waste, Recycling and Utilities
- Staff Amenity

The approved Design Code for the Site shall be implemented through the Reserved Matters.

Each application for approval of Reserved Matters pursuant to Condition A1 shall comply with the approved Design Code and shall where relevant shall have reference the Design and Access Statement, the approved Parameter Plans, Highway Access Plans and the Illustrative Masterplan. Each application for approval of Reserved Matters shall include a Design Code Compliance Statement demonstrating compliance with the Design Code.

Following approval of the Reserved Matters for that Phase or Development Plot or Key Infrastructure Works construction of the development approved shall be in accordance with the approved plans for that Phase or Development Plot and the Design Code.

**Reason:** In order to ensure the design quality of the proposals over the lifetime of the development and to ensure high quality design in accordance with part 12 of the NPPF and policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Coding and Policies for the Management of Development (2015).

## **B5 Site Wide Phasing Plan**

Notwithstanding the Phasing Plan (Drawing no. SK165) submitted with the application, prior to the first Reserved Matters application, a Site-wide phasing plan ("the Site Wide Phasing Plan") that sets out the proposed order or sequence of the Development, shall be submitted to and approved in writing by the local planning authority. The submission of the Reserved Matters shall accord with the approved Site Wide Phasing Plan

**Reason:** To ensure that individual Reserved Matters and phases/sub phases follow the parameters assessed, considered and established at outline stage and do not

prejudice the ability to deliver the Development in a manner which is coherent and compliant with policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **B6 Environmental Statement Compliance**

The Development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and the Conditions of this planning permission.

**Reason:** To ensure that the Development is carried out in accordance with the principles of mitigation set out in the Environmental Statement in order to minimise the environmental effects of the Development and ensure compliance with a range of development plan policies set out on this decision notice.

## **Uses and Floor space**

### **C1 Floorspace Compliance**

Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), the Development shall not exceed 345,500 sq. m (Gross Floor Area) (excluding 20 hectares Open Storage as identified on the Parameter Plans) and the maximum Floorspace (including any mezzanine floors) within each of the Use Classes specified in the table below.

<b>Use Class (New Use Classes Order in brackets)</b>	<b>Maximum Floorspace in Sq.m</b>
B8 Storage and Distribution	200,500 sq. m
B8 Open Storage	20 hectares
B2 Manufacturing	72,000 sq. m
Sui Generis (Energy & Waste)	60,000 sq. m
B1(b) Research and Development/Incubator (E(g))	5,000 sq. m
D1 Education / Community Facilities/Creche D2 Gym /Leisure Facilities (E(f))	2,500 sq. m
C1 Hotel	5,000 sq. m (100 beds)
A3 Café (E(b))	500 sq. m
<b>Total (All Uses)</b>	<b>345,500</b>

Within 21 days of receipt of a request in writing from the local planning authority, but no more than once a year, a written schedule of units, their current use and floor area shall be provided to the local planning authority with a written schedule of

units, their current use and floor area.

**Reason:** To ensure that the Development is carried out in accordance with the approved plans, the Environmental Statement and the other submitted details assessed in relation to the development and to facilitate monitoring of compliance with the condition, and in regard to the employment land allocation through policies CSSP2 and CSTP6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **C2 Ancillary Offices**

Any space proposed for offices shall only be used for purposes in conjunction with and ancillary to the primary use of a Building within a Phase or Development Plot and shall not be occupied as separate office uses. The office content will be ancillary to the main operation of the Building and shall not exceed 15% of the overall Building Floorspace (Gross Floor Area).

**Reason:** To ensure that the Development is carried out in accordance with the approved plans, the Environmental Statement and the other submitted details assessed in relation to the Development and to facilitate monitoring of compliance with the condition, and in regard to the employment land allocation through policies CSSP2 and CSTP6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **C3 Town Centre Use Floorspace Limitation**

The total combined quantum of leisure use (D2) permitted across the Development shall not exceed 2,500 Sq. m of Floorspace permitted pursuant to this planning permission and shall be used for purposes as defined within Use Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended). Any retail (Use Class A1) Floorspace shall be ancillary to the principal use of the relevant Building and shall not be occupied separately/independently as a retail planning unit.

**Reason:** To ensure that any leisure uses including any ancillary retail uses, as approved by this development, do not impact upon existing town centres in the Borough and to safeguard the employment land allocation through policies CSSP2 and CSTP6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **C4 Energy Production Limitation**



The maximum production of electricity output from an energy production facility on the Site shall not exceed 49.9MW.

**Reason:** To accord with the principles of the Environmental Statement and to ensure Electricity production from the Energy Uses from this permission does not exceed more than 49.9MW as that would be classed as a National Significant Infrastructure Project (NSIP) which requires a separate Development Consent Order under The Planning Act 2008.

## **C5 Removal of permitted development rights for commercial uses**

Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension subject of this permission shall be carried out without planning permission having been obtained from the local planning authority.

**Reason:** Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highways network, in accordance with PMD9 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **Highways and Movement**

### **D1 Movement Network**

Any application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' and (d) 'Means of Access' shall include the following details in respect of that Phase or Development Plot(s) or Key Infrastructure Works:

- (a) Movement network including layout of internal roads, junctions, service roads and servicing areas, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways, crossings, any one-way operation, loading and unloading areas, construction details and road geometry. The details to be submitted shall include plans and sections indicating design, layout, levels and materials. It shall also detail how that Phase or Development Plot, or Key Infrastructure Works fits into a comprehensive movement network for the totality of the Site and links off site
- (b) External lighting (to roads, lorry and car parking areas, footways / cycleways) shall include details of the spread and intensity of light together with the size,

scale and design of any light fittings and supports and a timescale for its installation

- (c) Street furniture
- (d) Surface finishes
- (e) Signage
- (f) Security measures to prevent any unauthorised access
- (g) Entrance gates and/or barriers
- (h) Drainage (including to roads, lorry and car parking areas, footways / cycleways)
- (i) Timescale for the provision of this infrastructure, and
- (j) Demonstrate compliance with the Design Code and the Environmental Statement.

No Phase or Development Plot(s) shall be Occupied or Key Infrastructure Works used until the approved details in respect of that Phase or Development Plot(s) or Key Infrastructure Works have been carried out in accordance with the timescales for the provision of this infrastructure.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of highway safety, amenity and sustainability to accord with policies PMD2, PMD9, PMD10 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **D2 Parking Provision**

Any application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' and (d) 'Means of Access' shall include land reserved for the parking of private cars, commercial vehicles, disabled parking, electric vehicle charging points, motorcycles and bicycles for that Phase or Development Plot(s) or Key Infrastructure Works in accordance with the Council's adopted parking policy and the Thurrock Parking Design and Development Standards (February 2022) or any subsequent amended Thurrock Council parking standards document.

No Building within any Phase or Development Plot(s) or Key Infrastructure Works shall be Occupied until the parking areas for that Phase or Development Plot(s) or Key Infrastructure Works have been constructed, surfaced, laid out and made available for such purposes in accordance with the approved details and shall be maintained and retained for parking purposes for the relevant Development Plot(s) at all times thereafter for the lifetime of the Development

**Reason:** In the interests of highway safety, efficiency and amenity to ensure that adequate car parking provision is available in accordance with policies PMD2, PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **D3 Vehicle Parking Management Plan**

Prior to the Occupation of any Building within each Phase or Development Plot(s) or Key Infrastructure Works a vehicle parking management plan in respect of that Phase or Development Plot(s) or Key Infrastructure Works shall be submitted to and approved in writing by the local planning authority. Each vehicle parking management plan must demonstrate compliance with the Council's adopted parking policy and the Thurrock Parking Design and Development Standards (February 2022) or any subsequent amended Thurrock Council parking standards document, and provide details of spaces allocated for:

- a. Vehicle parking
- b. Car club
- b. Disabled Space Parking
- c. Active electric vehicle charging points (to be a minimum of 20% of spaces)
- d. Details of passive provision or electric vehicle charging infrastructure to all identified electric vehicle parking spaces

No Building within a Phase or Development Plot(s) or Key Infrastructure Works shall be Occupied until the approved details have been implemented in full. The ongoing approved details shall be implemented, and the facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the Development.

**Reason:** In the interests of highway safety and efficiency, and to ensure that adequate vehicle parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **D4 Cycle Parking/Powered two wheeler Parking**

Any application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' and (d) 'Means of Access' shall provide full details of the number, size, type and location of spaces, together with the design, dimensions and materials of secure and weather protected cycle parking/powered two wheeler parking facilities to serve that Phase or Development Plot(s) or Key Infrastructure Works in accordance with the Council's adopted parking policy and Thurrock Parking Design and

Development Standards (February 2022) or any subsequent amended Thurrock Council parking standards document.

The details shall include the location and specification of cycle parking/powered two wheeler parking facilities sufficient to accommodate no less than 15% of the total number of employees that are intended to occupy that Phase or Development Plot(s) or Key Infrastructure Works.

No Building within any Phase or Development Plot(s) or Key Infrastructure Works shall be Occupied until the parking facilities for cycle parking/powered two-wheeler parking in respect of that Building have been installed as approved. Thereafter, the approved cycle parking/powered two-wheeler parking facilities shall be implemented and retained for the sole use of cycle parking/powered two wheelers parking for the users and visitors of the Phase or Development Plot. The facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the Development.

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

## **D5 Servicing Strategy**

Prior to Occupation of any Building within a Phase or Development Plot or Key Infrastructure Works, a Servicing Strategy for that Phase or Development Plot(s) to include all signage and road markings the layout of the relevant service area, shall be submitted to and agreed in writing by the local planning authority. Each strategy shall detail how the completed units within that Phase or Development Plot(s) or Key Infrastructure Works will be serviced, including the route, the method of servicing including unloading and loading areas, and associated signage for delivery vehicles and methods to prevent unauthorised vehicle access to pedestrianised spaces or cycle areas. No Phase or Development Plot or Key Infrastructure Works shall be Occupied until the Servicing Strategy has been implemented in accordance with the details as approved servicing strategy for that Phase or Development Plot Key Infrastructure Works.

**Reason:** To ensure satisfactory service arrangements that reduces the risk of conflict between pedestrians, cycles and service vehicles and minimise the impact upon the public realm in accordance with Policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**D6 HGV/LGV Routing Strategy**

The Development hereby approved shall take its means of access to and egress from the Strategic Road Network for all HGV and LGV movements via the A1014 The Manorway only and no other means within the Stanford Le Hope and Corringham local road network. With the exception of LGV movements that are required to access Stanford Le Hope and Corringham for the purposes of making a delivery to a property accessed from the local road network.

**Reason:** In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network, in accordance with PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**D7 Lorry Parks**

HGV and commercial vehicle parking shall be provided in the three defined locations as identified on Land Use Parameter Plan (Drawing no. SK160 Rev F) with the following spaces to be provided at prior to Occupation of the following Floorspace triggers:

- A minimum of 50 spaces at 100,000Sqm
- A minimum of 66 spaces at 150,000Sqm
- A minimum of 93 spaces at 200,000Sqm

The HGV and commercial vehicle parking shall only be used for such purposes in accordance with the approved Land Use Parameter Plan (Drawing no. SK160 Rev F). No HGV parking is permitted outside the allocated parking areas.

**Reason:** To ensure adequate HGV and commercial vehicle parking provision is delivered to meet demand and to ensure all HGV and commercial vehicle parking outside of Development Plots is accommodated within the site and not outside of the site on the public highway or near any sensitive receptors, in accordance with Policies PMD1, PMD9, PMD10 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**D8 HGV Movements for Open Storage Use**

No more than 550 two-way Heavy Goods Vehicle (HGV) movements (vehicles over 3.5 tonne) off site per day taken as an average across a 7 day working week (from each Monday) shall be permitted as a total amount for all open storage operation approved as part of the Development and comprised within Development Plot(s) A, B and S locations as identified on the Land Use Parameter Plan (Drawing no.

SK160F)

Applications for approval of Reserved Matters for Open Storage on Development Plot(s) A, B and S pursuant to Condition 1 (parts (a) 'Layout' (d) 'Means of Access' shall include details of the Heavy Goods Vehicle (HGV) movements per Development Plot and measures concerning compliance with the total permitted open storage HGV movements.

Records of HGV movements per Development Plots A, B and S shall be logged and shall include the to and from details, the dates and times of entry and departure and CCTV footage shall be kept and shall be made available for inspection at reasonable times at the written request of the local planning authority.

**Reason:** To enable the Council to monitor the site use and the impact on the local highway network in accordance with Policies PMD9, PMD10 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **D9 Details of Pedestrian/Cycle Bridge over Shellhaven Creek**

The first application for Reserved Matters on any Development Plot or Key Infrastructure Works within Phase 1, as shown on the Phasing Plan, shall be accompanied by details of the proposed pedestrian/cycle bridge over Shellhaven Creek, which will include details of:

- The layout, design, elevations & sections of the bridge at a recognised scale and in accordance with the LTN1/20 guidance
- Details of the materials to be used for construction of the bridge including its external finish/appearance
- An ecological assessment of the likely impact of the works to the bridge upon ecology/biodiversity including any mitigation measures necessary to allow for the construction and maintenance of the bridge
- An assessment of the impact of the bridge upon flood risk & drainage including any mitigation measures and
- An assessment of the how the bridge would link in with the Site's drainage coding.

The bridge shall be constructed in accordance with the details as approved and shall be retained and maintained thereafter for pedestrian and cycle usage for the lifetime of the Development.

**Reason:** To ensure pedestrian and cycle movements can access both land areas either side of the bridge in the interests of safety and sustainability in accordance

with policy PMD2 of the adopted Thurrock LDF Core Coding and Policies for the Management of Development (2015).

#### **D10 Safeguarding and Maintenance of Jetties**

The existing riverside jetties within the Site shall be safeguarded and maintained at all times for riverside uses and related riverside uses associated with the Development.

**Reason:** In the interests of promoting riverside uses and reducing vehicle movements onto the public highway in the interests of multi modal accessibility and sustainability in accordance with policies CSTP17, CSTP28, PMD2 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **D11 Jetties Report - Future Use**

No later than one year after Commencement of the Development, a report demonstrating the steps that have been taken to utilise the riverside jetties that have been safeguarded within the Site for river related activities and the viability of such river related uses, together with details as to what could bring the jetties into use to serve the development, shall be submitted to and approved in writing by the local planning authority. An updated report shall be submitted every two years thereafter until first occupation of the last Development Plot.

**Reason:** In the interests of promoting riverside uses and reducing vehicle movements onto the public highway in the interests of multi modal accessibility and sustainability in accordance with policies CSTP17, CSTP28, PMD2 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **D12 River Freight Management Plan**

For each Reserved Matters Application where a Phase or Development Plot(s) intends to utilise a jetty or multiple jetties for access or operational purposes, a River Freight Management Plan in respect of that Phase or Development Plot shall be submitted to and approved by the local planning authority. The River Freight Management Plan shall include a programme for implementation and set out how the jetties and river shall be used for river traffic with the associated Development Plot or Phase. Each River Freight Management Plan shall be implemented as approved.

**Reason:** In the interests of promoting riverside uses and reducing vehicle movements onto the public highway in the interests of multi modal accessibility and sustainability in accordance with policies CSTP17, CSTP28, PMD2 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **D13 Safeguarding of Rail Infrastructure**

Notwithstanding the land use allocation as shown on the Land Use Parameter Plan (Drawing no SK160 Rev F), the land area designated as a rail terminal at Plot C on the Development Plots Parameter Plan (Drawing no. SK159 Rev F) shall be safeguarded as a rail terminal for the lifetime of the development from the date of this permission.

**Reason:** In the interests of promoting rail uses and reducing vehicle movements onto the public highway in the interests of multi modal accessibility and sustainability in accordance with policies CSTP17, PMD2 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **D14 Rail Report - Future Use**

No later than one year after Commencement of the Development, a report demonstrating the steps that have been taken to consider rail-related uses within Plot C on the Land Use Parameter Plan (Drawing no. SK160 Rev F) and the viability of such uses, together with details as to what could bring the jetties into use to serve the development, shall be submitted to and approved in writing by the local planning authority. An updated report shall be submitted every two years thereafter until first occupation of the last Development Plot

**Reason:** In the interests of promoting rail uses and reducing vehicle movements onto the public highway in the interests of multi modal accessibility and sustainability in accordance with policies CSTP17, PMD2 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **D15 Rail Freight Management Plan**

For each Reserved Matters Application where a Phase or Development Plot(s) intends to use the rail for access or operational purposes a Rail Freight Management Plan in respect of that Phase or Development Plot shall be submitted to and approved by the local planning authority. The Rail Freight Management Plan shall include a programme for implementation and set out how rail will be used for



that Phase or Development Plot(s). Each Rail Freight Management Plan shall be carried out as approved.

**Reason:** In the interests of promoting use of the rail infrastructure that serves the site and to reduce vehicle movements onto the public highway in the interests of multi modal accessibility and sustainability in accordance with policies CSTP17, PMD2 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **D16 Sustainable Distribution Plan**

For any Reserved Matters for a Development Plot that would involve Floorspace for a storage and distribution use (Class B8), open storage use (Class B8 and Plot S only), manufacturing use (Class B2) and energy and waste uses (Sui Generis) a Sustainable Distribution Plan detailing how HGV and LGV traffic associated with the Development will be managed and serviced shall be submitted to and approved by the Local Planning Authority. The Sustainable Distribution Plan shall include measures to reduce HGV and LGV impact on the local and strategic highway network, and to reduce pollution. These shall include (but not limited to):

- Overnight lorry parking, driver welfare facilities and arrangements for drivers at Development Plots where no overnight staying is permitted (Plots A, B and G)
- Vehicle booking systems designed to manage access during peak periods
- For the operators of each Development Plot to become a member of the Council's Freight Quality Partnership
- Promotion of less polluting vehicles
- Vehicle booking systems designed to manage access during peak periods.
- An assessment of and measures to include the potential for the Development to utilise the river and rail infrastructure and whether pipeline or conveyor infrastructure can be maximised
- Ongoing monitoring provision

The Sustainable Distribution Plan shall incorporate the HGV routing strategy condition D6, HGV lorry parks condition D7 and HGV movements for open storage uses condition D8.

The Sustainable Distribution Plan as approved through the Reserved Matters shall be implemented prior to the Occupation of any Development Plot to which it corresponds to and shall thereafter continue to be regularly monitored by the Travel Plan Co-ordinators, and the Sustainable Distribution Plan shall be maintained and retained at all times thereafter for the lifetime of the Development.

Upon written request from the local planning authority details of the monitoring

records shall be made available and sent to the local planning authority in writing within 14 days of the date of the written request from the local planning authority.

**Reason:** In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network and the interests of reducing pollution to air quality, in accordance with policies PMD1, PMD9 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **D17 Emergency Crossover**

Prior to the Commencement of the Development details of the maintenance crossover facility between the Port Access Roundabout (Sorrells Roundabout) and Giffords Cross Road junction with the A1014 The Manorway shall be submitted to and approved by the local planning authority. Prior to first Occupation of the Development the maintenance crossover facility shall be constructed as approved and made available and shall be maintained and retained as approved at all times thereafter.

**Reason:** In the interests of highway efficiency and resilience on the highway network in accordance with Policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **D18 Pedestrian and Cycle Access to The Manorway**

No Development shall Commence until construction details of, the pedestrian and cycle improvement scheme as shown in plan ref. 183827-A-08 Rev D have been submitted to and approved in writing by the local planning authority. Prior to the Occupation of the Development the approved scheme shall be constructed to the Council's standards for adoptable highway specifications and implemented, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

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

#### **D19 Road Safety Audit 2 for M25 Junction 30 Works**

The development hereby permitted shall not be Occupied until a Road Safety Audit Stage 2 has been completed for the detailed design of the M25 Junction 30 Works agreed scheme referred to in condition D20 having regard to the completed Road

Safety Audit Stage 1 for the preliminary design of the M25 Junction 30 Works agreed scheme. The Road Safety Audit must be undertaken in accordance with DMRB GG119.

**Reason:** In the interest of maintaining a well-functioning strategic road network that enables growth by providing for safe and reliable journeys in accordance with paragraph 8 of Department for Transport Circular 02/2013, policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015), and the guidance contained in the NPPF and PPG

## **D20 M25 Junction 30 Works**

No more than (107,265 Sq.m) of Floorspace shall be Occupied until the scheme of highway mitigation measures for the Strategic Road Network has been submitted to and approved in writing by the local planning authority in consultation with National Highways. Details to mitigate the impacts of the development on Junction 30 of the M25, as shown in principle on drawing 183827\_GA\_107\_P03, shall comprise of the following:

- a) separate signalling on the roundabout junction of the west bound off slip from the A13 for the left turn leading to the A282 Dartford Crossing to provide additional green time for left turning vehicles
- b) widening of the west bound off slip from the A13 to accommodate a subsidiary deflection island to house traffic signal equipment
- c) change of route destination markings for traffic on the east circulatory carriageway allowing M25(N) to A13(W) in lane 3 to assist drivers in accessing lane 1 of the southern circulating carriageway and to maximise capacity for traffic travelling A13 (E) to M25(N)

The scheme of highway mitigation measures for the Strategic Road Network shall be constructed and completed in accordance with the details approved pursuant to the approved Road Safety Audit Stage 2 (condition D12).

**Reason:** In the interest of maintaining a well-functioning strategic road network that enables growth by providing for safe and reliable journeys in accordance with paragraph 8 of Department for Transport Circular 02/2013, policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015), and the guidance contained in the NPPF and PPG

## **D21 Signage Strategy**

Prior to modifying or relocating the existing road network signage or installing new road network signage on, in or adjacent to, the Strategic Road Network and major

road network, a Signage Strategy shall be submitted to and approved in writing by the local planning authority.

**Reason:** In the interest of maintaining a well-functioning strategic road network that enables growth by providing for safe and reliable journeys in accordance with paragraph 8 of Department for Transport Circular 02/2013 (Or any subsequent update), policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015), and the guidance contained in the NPPF and PPG.

## **Materials and Boundary Details**

### **E1 Details of Materials for Reserved Matters**

Application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' (b) 'Scale', (c) 'Appearance' and (e) 'Landscaping' shall include where applicable the following details:

- (a) All surface and elevation materials
- (b) Roof and ridge materials
- (c) Boundary treatment
- (d) Signage
- (e) Any security measures

The Development shall be carried out in accordance with the approved details.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters and in the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **E2 Details of Materials/Samples to be submitted**

No Building within a Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced above ground level until written details or samples of all materials to be used in the construction of the external surfaces of that Building have been submitted to and approved in writing by the local planning authority. Each Phase and Development Plot(s) or Key Infrastructure Works shall be carried out using the materials and details as approved.

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

### **E3 Secured By Design**

Application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' (b) 'Scale', (c) 'Appearance' and (e) 'Landscaping' shall include details of measures setting out how the principles and practices of the Secured By Design scheme are to be incorporated within that Phase or Development Plot(s) or Key Infrastructure Works. Each Phase and Development Plot(s) or Key Infrastructure Works shall be carried out in accordance with the approved measures.

**Reason:** In the interest of creating safer and sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **E4 Details of Boundary Screening**

Applications for approval of Reserved Matters for any Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 parts (a) 'Layout' (b) 'Scale' and (c) 'Appearance' shall include details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers for that Phase or Development Plot(s) or Key Infrastructure Works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the Occupation of that Phase or Development Plot(s) or Key Infrastructure Works and shall be retained and maintained as such thereafter.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **E5 Ground Levels – Site Wide**

A minimum ground level of 3m AOD shall be achieved across the site for all Phases or Development Plots(s) or Key Infrastructure Works to accord with the Existing and Proposed Levels Plan (ref SK167 Rev B).

**Reason:** In the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **E6 Ground and Floor Levels for Reserved Matters**

Application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' (b) 'Scale', (c) 'Appearance' and (e) 'Landscaping' shall include details of the finished site levels, finished floor levels and the finished external surface levels. Each Phase or Development Plot(s) or Key Infrastructure Works shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **Green Infrastructure, Landscaping and Ecology/Biodiversity**

### **F1 Site Wide Green Infrastructure Plan**

Prior to submission of any Reserved Matters application(s) a Site Wide Green Infrastructure Plan shall be submitted to and approved in writing by the local planning authority. The Site Wide Green Infrastructure Plan shall expand upon the green infrastructure and character areas information provided within Design and Access Statement (dated February 2021) and the Framework Landscape and Biodiversity Management Strategy (Appendix 7.5A of the ES dated February 2021). The approved Site Wide Green Infrastructure Plan shall inform the Reserved Matters for each Phase or Development Plot(s) or Key Infrastructure Works.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the of policies CSTP18 and PMD2 the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **F2 Site-Wide Management Plan for the Green Infrastructure, Landscape and Habitat Management**

Prior to submission of any Reserved Matters application(s) for each Phase or Development Plot(s) or Key Infrastructure Works a Site Wide Management Plan for the green infrastructure, landscape and habitat management shall be submitted to and approved in writing by the local planning authority. The content of the Site

Wide Management Plan for the Green Infrastructure, Landscape and Habitat Management shall expand upon the Framework Landscape and Biodiversity Management Strategy (Appendix 7.5A of the ES dated February 2021) and shall include the following:

- a) Detailed description (including location and extent) and evaluation of features and habitats to be managed (and/or preserved and/or enhanced) and method statement for protection and management before and during construction of the development and thereafter
- b) Ecological trends and constraints on site that might influence management
- c) Assessment of the area's landscape character and how this informs planting choice and ongoing management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- h) Ongoing monitoring and remedial measures
- i) Details of the body(ies) or organisation(s) responsible for management of the green infrastructure, landscape and habitats
- j) The mechanism for detailing any changes to the approved management organisation
- k) Details of the legal and long-term funding mechanism(s) for the approved body(ies) or organisation(s)
- l) Contingencies and/or remedial action and
- m) A timetable for the implementation of the Site Wide Management Plan for the Green Infrastructure Landscape and Habitat Management.

The approved Site Wide Management Plan for the Green Infrastructure Landscape and Habitat Management shall inform the Reserved Matters and shall be implemented in accordance with the approved timetable and shall be maintained and managed thereafter as approved for the lifetime of the Development.

**Reason:** In the interests of ecology and biodiversity at the site in accordance with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

### **F3 Reserved Matters for Green Infrastructure and Landscaping**

The Reserved Matters application(s) for each Phase or Development Plot(s) or Key Infrastructure Works shall include a scheme providing details of the landscaping, biodiversity measures green infrastructure and access required to serve that Phase or Development Plot(s) or Key Infrastructure Works, and which accord with the

approved Site Wide Green Infrastructure Plan pursuant to Condition F1, the approved Site-Wide Green Infrastructure Landscape and Habitat Management Plan pursuant to Condition F2, the approved Design and Access Statement (dated February 2021) and the Framework Landscape and Biodiversity Management Strategy (dated February 2021). These details shall include:

- (a) Details of all trees, hedgerows and other landscape features to be removed, retained, restored, enhanced or reinforced
- (b) Landscaping details including the location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed seeded and/or paved, and for a programme of planting, transplanting and maintenance
- (c) Written specifications (including ground preparation and remediation where required, cultivation and other operations associated with plant and grass establishment)
- (d) Pit design for tree planting within streets or areas of hard landscaping
- (e) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works
- (f) Surface Water drainage features
- (g) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, lighting and refuse bins
- (h) Details of path and other hard landscape materials
- (i) Whether such land (or particular parts) shall be accessible by the public and visitors having regard for constraints. The land shall be identified accordingly
- (j) How the proposed landscaping scheme safeguards existing and promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement and the Landscape and Biodiversity Management Strategy (dated February 2021).
- (k) How future access can be facilitated close to Holehaven Creek SSSI and managed to avoid adverse effects on the overwintering bird populations and
- (l) Programme of implementation.

The Reserved Matters Green Infrastructure and Landscaping scheme for each Phase or Development Plot(s) or Key Infrastructure Works and associated works shall be implemented as approved and in accordance with the approved programme of implementation and shall continue to be managed and maintained at all times thereafter for the lifetime of the.

Any newly planted plant, tree, shrub or hedgerow dying, uprooted, significantly damaged or diseased or existing tree, shrub or hedgerow to be retained, dying, significantly damaged or seriously diseased, within a period of 5 years from completion of the approved landscape scheme for the relevant Phase, Development Plot or Key Infrastructure Works as the case may be shall be



replaced within the next planting season with others of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation. Management and maintenance of the open space and landscaped shall be in strict accordance with the approved details.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the of policies CSTP18 and PMD2 the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **F4 Ecological and Habitat Enhancements**

The Reserved Matters application(s) for each Phase or Development Plot(s) or Key Infrastructure Works shall include details of biodiversity and ecology mitigation and enhancements measures for that Phase or Development Plot(s) or Key Infrastructure Works have been submitted to and approved in writing by the local planning authority for that Phase or Development Plot(s) or Key Infrastructure Works. The submitted details shall have regard to the Ecological Design Strategy and Operational Method Statement referred to in Chapter 8B of the Environmental Statement and shall include management details specific to the mitigation and enhancement.

The biodiversity and ecology mitigation and enhancement measures for each Phase or Development Plot(s) or Key Infrastructure Works shall be carried out prior to the Occupation of that Phase or Development Plot(s) or Key Infrastructure Works and shall be managed as approved and in accordance with the approved Green Infrastructure Landscape and Habitat Management Plan pursuant to Condition F2 and/or F6 the Landscape and Habitat Management Plan pursuant to Condition F6 and in respect of that Phase or Development Plot(s) or Key Infrastructure Works.

**Reason:** In the interests of improving ecology and biodiversity at the site in accordance with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

#### **F5 Developments Plots or Key Infrastructure Work zones near Holehaven Creek Ecological Mitigation - Ecological Design Strategy and Operational Management Statement**

The Reserved Matters application(s) for Plots Q, R, S, T and the relevant Key Infrastructure Work zones nearest to Holehaven Creek as shown on the Development Plots Parameter Plan 2 (Drawing no. SK159 Rev F) and the greenspace corridor alongside Holehaven Creek as shown on the Green

Infrastructure Parameter Plan (Drawing no. SK161D) shall include ecological mitigation measures in the form of an Ecological Design Strategy and Operational Method Statement, as an identified requirement of Chapter 8B of the Environmental Statement. The ecological mitigation measures for Development Plots Q, R, S, T and the relevant Key Infrastructure Work zones as shown on the Development Plots Parameter Plan 2 (Drawing no. SK159 Rev F) and the greenspace corridor alongside Holehaven Creek as shown on the Green Infrastructure Parameter Plan (Drawing no. SK161D) shall be carried out prior to the Occupation of each of the relevant Plots Q, R, S, T and the relevant Key Infrastructure Work zones respectively in accordance with the approved Ecological Design Strategy and Operational Management Statement in respect of that Development Plot or Key Infrastructure Work zones with the identified ecological mitigation measures to be maintained and retained at all times.

**Reason:** In the interests of improving ecology and biodiversity at the site in accordance with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

#### **F6 Phase or Development Plot or Key Infrastructure Works - Landscape and Habitat Management Plan**

Prior to the Occupation of any Phase or Development Plot(s) or Key Infrastructure Works, a Landscape and Habitat Management Plan for that Phase or Development Plot(s) or Key Infrastructure Works shall be submitted to and approved in writing by the local planning authority. This shall include details of the body(ies) or organisation(s) responsible for management of the green infrastructure, landscaping and habitat and the mechanism for detailing any changes to the approved management organisation(s) details of the legal and long-term funding mechanism(s) for the approved body(ies) or organisation and contingencies and/or remedial action so that the Phase or Development Plot(s) or Key Infrastructure Works Landscape and Habitat Management Plan delivers the fully functioning biodiversity requirement, and shall be implemented prior to Occupation of the relevant Phase or Development Plot(s) or Key Infrastructure Works.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the of policies CSTP18 and PMD2 the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **Flooding and Drainage**

**G1 Outfalls from Shellhaven Creek**

With the exception of the installation of site infrastructure (roads, swales, drainage, utilities, hard and soft landscaping) and remediation works approved under planning permission 17/00194/FUL to serve Development Plots A, B, C, D, E and F as shown on the Development Plot Parameter Plan (Drawing no. SK159 Rev F) , no Development shall be Commenced until a scheme to replace or upgrade or repair the outfalls from Shellhaven Creek has been submitted to and approved in writing by the local planning authority. The scheme shall include a programme for its implementation. The scheme shall be fully implemented as approved and in accordance with the developments programme for its implementation and shall be retained and maintained at all times thereafter for the lifetime of the Development

**Reason:** To reduce the risk of flooding and to ensure that adequate flood protection measures are installed for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**G2 Flood Risk Mitigation Measures**

The Development shall be carried out in accordance with the resistance and resilience measures set out in the Flood Risk Assessment (reference: Hydrock Consultants Limited 06404-HYD-XX-XX-RP-D-5001, dated 1 February 2021) including the following mitigation measures:

- (a) All 'more vulnerable' uses (hotel use (C1) and the education/conferencing/crèche uses (D1 and D2)) shall have access to the first floor, or above, which shall be at a minimum level of 6.86m AOD. All sleeping accommodation for the hotel use shall be provided above the level of 6.86m AOD, on the first floor or above
- (b) Critical infrastructure shall be designed to remain operational in a flood by either elevating it, or protecting it through flood resistant measures, to a minimum level of 6.86m AOD
- (c) A minimum easement of 16 metres shall be provided from the landward toe of any flood defence structures (measured from the base of the embankment)
- (d) All Buildings within Development Plot(s) C, E and F as shown on Development Plot(s) Parameter Plan 2 (Drawing no. SK159 Rev F) shall be designed to withstand the hydrostatic and hydrodynamic pressures of flood water following a breach in the defences and
- (e) Identification of who is responsible for the maintenance and management of the flood mitigation measures.

No Phase or Development Plot(s) or Key Infrastructure Works shall be Occupied

until the approved mitigation measures for that Phase or Development Plot(s) or Key Infrastructure Works have been carried out as approved. The approved mitigation measures shall be retained and maintained throughout the lifetime of the Development.

**Reason:** To reduce the risk of flooding and to ensure that adequate flood protection measures are installed for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **G3 Flood Warning and Evacuation Plan (SWFWEP) – Site Wide**

Prior to the first application for Reserved Matters for built development approval, a Site wide flood warning and evacuation plan (SWFWEP) shall be submitted to and agreed in writing by the local planning authority. The measures within the approved SWFWEP shall be made available for inspection by all users of the Site and shall be displayed in visible locations at all times and operational thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015)

### **G4 Flood Warning and Evacuation Plan (FWEP) for individual Development Plot(s)**

Prior to the Occupation of any Development Plot(s), a flood warning and evacuation plan for that Development Plot, which shall accord with the principles set out in the approved SWFWEP (condition G3), shall be submitted to and approved in writing by the local planning authority. No Development Plot shall be Occupied until the measures within the approved flood warning and evacuation plan for that Development Plot have been put in place. Each approved flood warning and evacuation plan shall be made available for inspection by all users of the Development Plot(s) and shall be displayed in a visible location and operational at all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the Development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015)

### **G5 Details of Life-saving Equipment**

Prior to the Occupation of any of the following Development Plots C, F, H, Q, R, S, T that are located adjacent to the River Thames and the Holehaven Creek, details of life saving equipment, including the location of the equipment shown on scale drawn plan, and details of who is responsible for the management and maintenance of the equipment shall be submitted to and approved by the local planning authority. The approved lifesaving equipment shall be installed before Occupation of any of the following Development Plots C, F, H, Q, R, S, T and subsequently shall be maintained and retained at all times.

**Reason:** In the interests of safety of users of the site in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **G6 Site Wide Surface Water Drainage Strategy**

Prior to the first Reserved Matters application, a Site Wide Surface Water Drainage Strategy to serve the Development shall be submitted to and agreed in writing by the local planning authority. The strategy shall include an assessment of the hydrological and geological context of the Site, having regard to the potential for contamination or pollution. The Site Wide Surface Water Drainage Strategy shall demonstrate compliance with the non-statutory technical standards for sustainable drainage systems (NSTS), the ECC's Sustainable Drainage Systems Design Guide (April 2016), the CIRIA SuDS Manual (C753), BS8582 code of practice for surface water management for development site, and shall include the following details:

- a) Where any area is proposed to drain to a non-tidally dominated watercourse or sewer detailed design, limiting discharge rates shall be implemented as close to or as reasonably practicable to the greenfield run off rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events, or to an absolute minimum of 50% betterment on existing run off rates with reasoning for this approach
- b) Where any area is proposed to drain to a tidal zone, evidence that SuDS and drainage measures have been sized to accommodate storm run-off during times when the outfall is tide locked. The storage provision should be calculated by modelling a 1 in 100 year rainfall event with climate change included, coinciding with a 1 in 20 year inclusive of climate change tidal event
- c) Sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the Site floods in a 1 in 30 year event, and 1 in 100 year event in any part of a Building, utility plant susceptible to water within the Development
- d) Sufficient storage to ensure no off-site flooding as a result of the Development during all storm events up to and including the 1 in 100 year event with climate

change event together with details of pre and post 100 year, 6 hour runoff volume

- e) Final modelling and calculations for all areas of the drainage system
- f) The appropriate level of treatment for all runoff leaving the Site, in line with the CIRIA SuDS Manual C753
- g) Detailed engineering drawings of each component of the drainage scheme final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features
- h) Pollution interceptors and/or measures to prevent pollution entering into water courses or further contaminating the ground
- i) A programme for implementation and
- j) Details of future maintenance and management.

The Site Wide Surface Water Drainage Strategy shall be implemented as approved and in accordance with the programme for implementation. The Site Wide Surface Water Drainage Strategy shall then be retained and maintained at all times thereafter.

**Reason:** To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment, to protect ecology in the ecology designations and to minimise flood risk in accordance with policies PMD1, PMD7 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and the Habitats Regulation Assessment.

## **G7 Swale Levels**

Any swale or drainage basin required pursuant to the Site Wide Surface Water Drainage Strategy, and or required pursuant to details of the surface water drainage to serve a Phase or Development Plot(s) or Key Infrastructure Works, shall achieve a minimum base level of 1.5m AOD.

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

## **G8 Phase or Development Plot or Key Infrastructure Works Surface Water Drainage Strategy**

No Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced until details of the surface water drainage to serve that Phase or Development Plot(s) or Key Infrastructure Works and its connection to the Site Wide Surface Water Drainage System has been submitted to and approved in writing by the local

planning authority. The details shall comply with the Site Wide Surface Water Drainage Strategy approved by the local planning authority pursuant to condition G6. The approved details shall be carried out prior to the Occupation of that Phase or Development Plot or Key Infrastructure Works and resultant surface water system and connection to the site wide surface water drainage system shall then be retained and maintained at all times thereafter for the lifetime of the Development.

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

### **G9 Surface Water Infiltration**

No drainage systems for the infiltration of surface water shall permit drainage into the ground instead all surface water drainage shall be discharged in accordance with the Site Wide Surface Water Drainage Strategy as approved in condition G6.

**Reason:** To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to ensure no infiltration into contaminated land which has the potential to impact upon groundwater quality, in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **G10 Site Wide Foul Drainage Strategy**

Prior to the first Reserved Matters application a Site Wide Foul Drainage Strategy to serve the Development shall be submitted to and agreed in writing by the local planning authority. The strategy shall include:

- a) Detailed scale drawn plans to show the layout of the foul drainage system
- b) Details of the new treatment works to be provided on-site
- c) The foul drainage connection and/or discharge point or method of foul treated drainage disposal and method of disposal of waste and pollution collected from treatment works
- d) A programme for the implementation of the system and
- e) Details of future maintenance and management of the proposed foul drainage system.

The approved Site Wide Foul Water Drainage Strategy shall be implemented in accordance with the approved programme of implementation and shall then be retained and maintained at all times thereafter for the lifetime of the development.

**Reason:** To ensure the incorporation of an appropriate foul drainage scheme and to avoid pollution of the water environment, to protect ecology in the ecology designations and to minimise flood risk in accordance with policies PMD1, PMD7 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and Habitat Regulations Assessment.

### **G11 Phase or Development Plot or Key Infrastructure Works Foul Drainage System**

No Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced until details of the foul water drainage system to serve that Phase or Development Plot and its connection to the Site Wide Foul Drainage System has been submitted to and approved in writing by the local planning authority. The details shall comply with the Site Wide Foul Water Drainage Strategy approved by the local planning authority pursuant to condition G10. The approved details shall be carried out prior to the Occupation of that Phase or Development Plot(s) or Key Infrastructure Works. The approved details shall then be retained and maintained at all times thereafter.

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

## **Air Quality**

### **H1 Air Quality Modelling for Hotel**

The first application for Reserved Matters approval for any proposed hotel shall include up to date air quality modelling information as part of an air quality assessment. If the results of the air quality assessment demonstrate exceedance of national air quality objectives or limit values, which are relevant at the time of submission of the assessment at the hotel location then the air quality assessment shall identify mitigation measures to ensure such objectives or values are achieved within internal spaces where exposure is relevant. The approved mitigation measures shall be carried out prior to the Occupation of the hotel and the approved mitigation measures shall be retained and maintained at all times thereafter.

**Reason:** To ensure all users of the hotel are not subject to air pollution in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).



## **H2 Airborne Pollution**

Each application for Reserved Matters for an energy use or an open storage use shall include details of measures to mitigate airborne pollution and odour having regard to the mitigation measures set out in Chapter 13B of the ES. The details shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures for airborne pollution and odour shall be implemented prior to occupation of an energy use or open storage use and shall be maintained and retained at all times thereafter.

Reason: In the interests of human health, amenity and having regard to the site's location adjacent to national and European ecological designations in accordance with polices PMD1 and PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

## **H3 Location of Stacks for Plot Q**

Notwithstanding the details stated on the Building Heights Parameter Plan (Drawing no. SK162E) for Plot Q as identified on the Development Plots Parameter Plan (Drawing no. SK159 Rev F) any stacks proposed shall be located a minimum of 300m distance from the site's northeast site boundary as required through the mitigation identified in Chapter 8B and 14B of the ES.

Reason: To mitigate the impact of airborne pollution and to safeguard ecology and biodiversity having regard to the site's location adjacent to national and European ecological designations and the in accordance with polices CSTP19 and PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

## **Noise**

### **I1 Noise Mitigation for Hotel**

The first application for Reserved Matters approval for any proposed hotel shall include a noise impact assessment that assesses the noise levels for all hotel bedrooms and shall demonstrate that the internal noise levels shall meet British Standard BS8233:2014. If the predicted internal noise levels exceed the British Standard BS8233:2014 then the noise impact assessment shall identify mitigation measures that demonstrate compliance with the British Standards BS8233:2014. The mitigation measures as approved shall be carried out prior to the Occupation of the hotel and the approved mitigation measures shall be retained and maintained at all times thereafter.

**Reason:** To ensure all users of the hotel are not subject to noise pollution in

accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **I2 Site Phase or Development Plot(s) Boundary Noise Requirements**

All plant and machinery shall be designed and/or installed so that the noise rating level at the Phase or Development Plot boundary does not exceed 60dB LAeq, 1 hour determined in accordance with BS4142:2014.

**Reason:** To ensure all users of the site and neighbouring sites are not subject to noise pollution in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **Land Contamination**

### **J1 Land Contamination Strategy**

With the exception of the land decontamination and remediation works within Phase 1 approved through planning permission reference 17/00194/FUL, no Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced until a land contamination strategy to deal with the risks associated with contamination within that Phase or Development Plot or Key Infrastructure Works has been submitted to and approved, in writing, by the local planning authority. Each land contamination strategy shall accord with the approach set out in the Land Contamination Management Framework (Appendix 10.5 of the ES dated 22 December 2016) and the Groundwater Monitoring and Assessment Strategy (Appendix 10.12 of the ES dated 22 August 2017), including the mitigation identified in Chapter 10A of the ES to protect ground gas release and protection of drinking water. The land contamination strategy shall include:

1. A Preliminary Risk Assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual site model indicating potential sources, pathways and receptors
  - potentially unacceptable risks arising from contamination requiring further investigations/assessment.
  
2. A Ground Investigation Scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  
3. The Ground Investigation results and associated risk assessment including appropriate interpretation and an updated conceptual site model (2).

4. A remediation and verification strategy including an options appraisal reflecting (3) which shall provide details of the data that shall be collected in order to demonstrate that the works set out in the remediation and verification strategy are complete and identify requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (if any).

No construction works for a Phase or Development Plot(s) or Key Infrastructure Works shall Commence until the relevant area has been fully remediated in accordance with the approved remediation and verification strategy in respect of that Phase or Development Plot(s) or Key Infrastructure Works has been carried out.

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

## **J2 Verification Report**

With the exception of the land decontamination and remediation works within Phase 1, approved through planning permission reference 17/00194/FUL, no Phase or Development Plot(s) or Key Infrastructure Works shall be Occupied until a verification report demonstrating completion of the works set out in the approved remediation and verification strategy (in condition J1) for that Phase or Development Plot has been submitted to and approved, in writing, by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved remediation and verification strategy to demonstrate that the site remediation criteria for that Phase or Development Plot have been met.

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

### **J3 Monitoring**

With the exception of the land decontamination and remediation works within Phase 1 approved through planning permission reference 17/00194/FUL, no Occupation of a Phase or Development Plot(s) or Key Infrastructure Works shall take place until, if applicable, a long term monitoring and maintenance plan in respect of contamination including a timetable of implementation (to include groundwater monitoring and submission of associated reports) in respect of that Phase or Development Plot or Key Infrastructure Works has been submitted to and approved by the local planning authority. The plan shall accord with the approach set out in the Land Contamination Management Framework (Appendix 10.5 of the ES dated 22 December 2016) and the Groundwater Monitoring and Assessment Strategy (Appendix 10.12 of the ES dated 22 August 2017).

All necessary contingency measures for each Phase or Development Plot(s) or Key Infrastructure Works shall be carried out in accordance with the details approved pursuant to the long term monitoring and maintenance plan.

On completion of the monitoring specified in each approved long term monitoring and maintenance plan a final report demonstrating that all long-term remediation works for the relevant Phase or Development Plot(s) or Key Infrastructure Works have been carried out and confirming that remedial targets have been achieved, shall be submitted to and approved by the local planning authority.

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

### **J4 Unforeseen Contamination**

With the exception of the land decontamination and remediation works within Phase 1, approved through planning permission reference 17/00194/FUL, if, during construction of any Phase or Development Plot(s) or Key Infrastructure Works, contamination of significant extent, location or magnitude beyond that previously identified is found to be present for that Phase or Development Plot(s) or Key Infrastructure Works then no further development shall be carried out on that Phase or Development Plot(s) or Key Infrastructure Works until a revised remediation and verification strategy has been submitted to and approved in writing by the local planning authority. The revised strategy shall detail how this unsuspected contamination shall be dealt with. Such agreed measures shall be completed prior

to the Occupation of the respective Phase or Development Plot.

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

## **Health and Safety**

### **K1 HSE restrictions for Plots A and B**

Each Reserved Matters application submitted for Development Plots A and B, as shown on -the Land Use Parameter Plan (Drawing SK160 Rev F), that lie within the DPZ (Development Proximity Zone) COMAH zone of the Shell Oil Products Ltd, shall demonstrate that the proposed development of that Development Plot shall include measures to prevent persons from sleeping in cabs if these plots are used for lorry parking and shall meet the definition of 'not normally occupied' as described in accordance with the Health and Safety Executive's guidance on 'Land Use Planning Advice around Large Scale Petrol Storage Sites', including any amended guidance that is in force at the time of the Reserved Matters submission.

**Reason:** In the interests of the health and safety of all users of these plot(s) in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **K2 HSE restrictions for Plot G**

Each Reserved Matters application submitted for Development Plot G, as shown on the Development Plots Parameter Plan (Drawing 26060 SK159 Rev F) and as identified for HGV, commercial vehicle and coach parking on the Land Use Parameter Plan (Drawing SK160 Rev F), shall include a strategy to be submitted and approved in writing by the local planning authority to demonstrate the measures to prevent persons from sleeping in cabs where located within an HSE inner COMAH zone of the Coryton Advanced Fuels site.

**Reason:** In the interests of the health and safety of all users of these plot(s) in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **K3 HSE restrictions for Plots C, D, E, J, K, L, N**

Each Reserved Matters application submitted for Development Plots C, D, E, J, K, L, N, as shown on the Development Plots Parameter Plan (Drawing 26060 SK159 Rev F), which is located within an HSE inner COMAH zone, shall demonstrate that the proposed development and land use of that Development Plot accords with the Health and Safety Executive's guidance 'Land Use Planning Guidance' (or equivalent guidance enforce at the time of the Reserved Matters submission) 'Sensitivity level 1' or 'Sensitivity level 2' as long as less than 10% of its Building footprint (to include loading bays) lies within an HSE 'inner' zone of the COMAH zones which affect these stated plots.

**Reason:** In the interests of the health and safety of all users of these plot(s) in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **K4 HSE restrictions for Plots Q, R, S and T**

Each Reserved Matters application submitted for Development Plots Q, R, S and T, as shown on the Development Plots Parameter Plan (Drawing 26060 SK159 Rev F), shall include a statement demonstrating that the Planning (Hazardous Substances) Consent reference 16/01256/HSC has been amended, surrendered or revoked such that Health and Safety Executive would not advise against the granting of planning permission for Buildings/uses associated with that Development Plot based on Health and Safety Executive guidance 'Land Use Planning Guidance' (or equivalent guidance enforce at the time of the Reserved Matters submission).

**Reason:** In the interests of the health and safety of all users of these identified plot(s), and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Energy and Climate Change**

#### **L1 BREEAM**

All Buildings hereby permitted shall achieve a minimum of an 'Outstanding' rating under the Building Research Establishment Environmental Assessment Method (BREEAM), unless it can be demonstrated to the local planning authority that it would be economically unviable or not feasible to do so.

A copy of the post construction completion certificate for each Building in each Phase or Development Plot verifying the BREEAM rating of 'Outstanding' has been achieved, (unless it has been demonstrated that it would be economically unviable or not feasible to do so for that particular Building in which case the BREEAM rating

shall be stated, in respect of that Building) shall be submitted to the local planning authority within six months of Occupation of that Building.

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

## **L2 Renewable Energy**

Application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' (b) 'Scale', (c) 'Appearance' shall include details of measures to demonstrate that the development within that Phase or Development Plot(s) or Key Infrastructure Works will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies, unless it can be demonstrated to the local planning authority that it would be economically unviable or not feasible. The approved measures shall be carried out and operational prior to the Occupation of any Building for that Phase or Development Plot(s) or Key Infrastructure Works and shall be maintained and retained at all times thereafter.

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

## **L3 Rainwater Harvesting**

Application(s) for approval of Reserved Matters for a Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 Parts (a) 'Layout' (b) 'Scale', (c) 'Appearance' shall include a scheme for the provision and implementation of rainwater harvesting and water resource efficiency in respect of that Phase or Development Plot(s) or Key Infrastructure Works. Each approved scheme shall be carried out prior to the Occupation of the Buildings for that Phase or Development Plot(s) or Key Infrastructure Works and shall thereafter be maintained and retained at all times.

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

## **Archaeology**

**M1 Archaeological Evaluation and Excavation**

- 1) With the exception of the area shown in Phase 1 on the Phasing Plan (Drawing SK165) no Development shall Commence within a particular Phase or Development Plot(s) or Key Infrastructure Works, until a programme of archaeological assessment has been secured for areas on which construction nworks (so excluding areas of Green Infrastructure) are to be carried out within that Phase or Development Plot or Key Infrastructure Works in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority. The programme of archaeological assessment shall be undertaken in accordance with the details as approved.
- 2) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to and approved by the local planning authority following the completion of programme of archaeological evaluation.
- 3) No Development can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority. No fieldwork shall take place within the Green Infrastructure.
- 4) Within six months of the completion of the fieldwork a post excavation assessment shall be submitted to and approved by the local planning authority. This will include a programme and timetable for completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

**Others****N1 Refuse and Recycling Storage for Reserved Matters**

Applications for approval of Reserved Matters for any Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 parts (a) 'Layout' (c) 'Appearance' and (d) 'Means of Access' shall include full details of the number, size, location, design and materials of bin and recycling stores to serve that Phase or Development Plot, together with details of the means of access to bin and recycling stores for refuse operatives, including collection points if necessary. The bin and recycling stores as approved shall be provided prior to the Occupation of



any of the Buildings within that Phase or Development Plot(s) or Key Infrastructure Works and the bin and recycling stores shall be retained and maintained as approved at all times thereafter.

**Reason:** In the interests of amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **N2 Outside Storage Screening**

No Development Plot identified for open storage and the rail terminal (Plots A, B, C & S) as shown on the Development Plots Parameter Plan (Drawing no. SK159 Rev F) and the Land Use Parameter Plan (Drawing no. SK160 Rev F) shall be Commenced until details of external screening to the areas of open storage in that Development Plot have been submitted to and approved in writing by the local planning authority. None of the Development Plots identified for open storage and the rail terminal (Plots A, B, C & S) as shown on approved Plans the Development Plots Parameter Plan (Drawing no. SK159 Rev F) and the Land Use Parameter Plan (Drawing no. SK160 Rev F) shall be Occupied until the approved screening has been installed. The approved screening shall thereafter be retained and maintained as approved.

Aside from Development Plot(s) identified for open storage and the rail terminal on the Land Use Parameter Plan (Drawing no. SK160 Rev F), no goods, materials, plant, machinery, skips, containers or packaging shall be permanently stored or kept outside of a Building on any other Development Plot unless a scheme for screening such storage within that Development Plot has been carried out in accordance with details submitted to and approved in writing by the local planning authority. All such areas of storage and related screening shall be retained and maintained as approved thereafter.

**Reason:** In the interests of amenity and to ensure that the development remains integrated with its surroundings of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **N3 Ventilation and Extraction**

Applications for approval of Reserved Matters for any Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 parts (a) 'Layout' (b) 'Scale' and (c) 'Appearance' shall include details of the ventilation and extraction equipment for that Phase or Development Plot(s) or Key Infrastructure Works. The approved ventilation and extraction equipment shall be installed prior to the

Occupation of that Phase or Development Plot (s) and shall be retained and maintained as such at all times thereafter.

**Reason:** In the interests of the amenity and ecology to mitigate the impact of development in accordance with by policies PMD1 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **N4 External Lighting for Development Plot(s) and Key Infrastructure Works**

No Phase or Development Plot(s) or Key Infrastructure Works shall Commence until details of the means of external lighting to serve the Development within that Development Plot (including any security lighting) has been provided to and approved by the local planning authority. The details shall be in accordance with the Institution of Lighting Engineers Guidance notes on reduction of obtrusive light, with specific external lighting for sensitive areas i.e. nearby ecology and nature conservation areas and shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance for that and shall accord with the General Principles of the Design Code. No Development within a Development Plot(s) or Key Infrastructure Works shall be Occupied until the lighting for that has been installed in accordance with the approved details. All lighting shall be retained and maintained thereafter as approved.

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

#### **N5 Storage of Oils, Fuels or Chemicals and Bunding**

All facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls with covers. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

**Reason:** In order to avoid the pollution of ground water and rivers/watercourses in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **N6 CCTV**

Prior to the Occupation of any Building a scheme for CCTV in respect of that Building shall be submitted to and approved in writing by the local planning authority. All CCTV shall be installed and be operational in accordance with the relevant approved scheme prior to the Occupation of the Building and shall be retained and maintained at all times thereafter.

**Reason:** In the interests of amenity, security and crime prevention in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **N7 Provision of Superfast Broadband**

Prior to the Occupation of any Phase or Development Plot(s) a strategy to facilitate superfast broadband (broadband with speeds of at least 30Mbps as defined by Ofcom) for future occupants of that Phase or Development Plot shall be submitted to and approved in writing by the local planning authority. The strategy shall, accounting for feasibility and viability, seek to ensure that upon occupation of that Phase or Development Plot(s), either a landline or ducting is in place to facilitate the provision of a broadband service to that Phase or Development Plot(s) from a site-wide network, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of users of that Phase or Development Plot(s) will no longer necessitate below ground infrastructure. Each Phase or Development Plot shall be carried out in accordance with the approved strategy for that Phase or Development Plot and the services (and ducting where applicable) retained and maintained at all times thereafter.

**Reason:** In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 114 of the NPPF.

## **Construction Phase**

### **O1 Construction Environmental Management Plan (CEMP)**

No demolition or construction works within for a Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced until a Construction Environmental Management Plan (CEMP) for that Phase, Development Plot(s) or Key

Infrastructure Works has been submitted to and approved in writing by the local planning authority for that Phase, Development Plot(s) or Key Infrastructure Works. Each CEMP shall contain or address the following matters:

- (a) Demolition and construction work programme
- (b) Details of the method of demolition and plans and photographs to show all the existing structures above ground level, including existing oil storage tanks, pipelines and associated infrastructure to be demolished
- (c) Hours of use for the demolition and construction of that Phase or Development Plot(s)
- (d) Piling or any other foundation designs using penetrative methods shall not be permitted unless it is demonstrated that there is no resultant unacceptable risk to groundwater. In the event that any piling operations are permitted details of the hours and duration of any piling operations details of the piling operations and measures to minimise pollution to ground water
- (e) Demolition and construction traffic access and management plan detailing vehicle haul routing in connection with construction, remediation and engineering operations including those identified routes for the movement of hazardous loads
- (f) Identification of a strategy to minimise the level of employee travel by car to and from the Site during construction
- (g) Identification of a strategy to promote and maximise the use of river and rail during the construction phase of the Development
- (h) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (i) Details of construction of any access or temporary access, temporary service roads and details of temporary parking requirements
- (j) Road condition surveys before demolition and after construction (for that Phase, Development Plot(s) or Key Infrastructure Works) is completed with assurances that any degradation of existing surfaces will be remediated as part of that Phase or Development Plot(s) or Key Infrastructure Works. Extents of road condition surveys to be agreed as part of this CEMP
- (k) Institutional arrangements for environmental monitoring, environmental authorities and participation of stakeholders,
- (l) Location and size of on-site compounds (including the design layout of any proposed temporary storage, laydown areas and artificial lighting systems)
- (m) Details of any temporary buildings for the demolition and construction processes
- (n) Details of any temporary hardstandings
- (o) Details of any temporary fencing and hoardings
- (p) The importation and/or stockpiling of material on the Site for the purpose of constructing the Development
- (q) Details of the ground works to meet proposed ground levels including earthworks and regrading and landscape clearing

- (r) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (s) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (t) Measures to reduce dust with air quality mitigation and monitoring
- (u) Measures for water management including waste water and surface water discharge
- (v) The diversion, decommissioning and/or laying of services and utilities
- (w) A method statement for the prevention of contamination of soil, groundwater, rivers/watercourses and air pollution, including the storage of fuel and chemicals (with the exception of Phase 1) and to prevent pollution affecting sensitive receptors
- (x) Details of security and other external lighting layout and design in accordance with the Institution of Lighting Engineers Guidance notes on reduction of obtrusive light, with specific external lighting for sensitive areas i.e. nearby ecology and nature conservation areas
- (y) A method statement to demonstrate protection measures for biodiversity and ecology, particularly those sensitive areas adjacent to Holehaven Creek and Shellhaven Creek in accordance with the Habitat Regulations Assessment and
- (z) Contact details for site managers including emergency details and information about community liaison including a method for handling and monitoring complaints.

Any development within a Phase, Development Plot(s) or Key Infrastructure Works shall only be carried out in accordance with the approved CEMP for that Phase, Development Plot or Key Infrastructure Works.

**Reason:** In order to minimise any adverse impacts arising from the construction of the development upon amenity, highway impact on the Local Highway Network and the Strategic Road Network and nearby biodiversity and ecological designations in accordance with policies PMD1, PMD7 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **O2 Limitation on the Importation of Material**

There shall be no more than a maximum of 300,000 cubic metres of material imported to the Site with a maximum import of 90,000 cubic metres of material in any one given year, all for the creation of a development platform and as part of any decontamination or remediation work. Records of the material quantities brought onto the site shall be kept and shall be made available in writing upon the written request of the local planning authority.

**Reason:** To ensure the material quantities accord with the details within the

application and in the interests of visual amenity of the area and to ensure the proposed vehicle movements associated within the development, as detailed in the Transport Assessment, do not exceed the numbers stated in the interests of traffic management in the area and highway safety, having regard to policies PMD1, PMD2, PMD9, PMD10 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **O3 Sustainable Design and Construction**

Any application for Reserved Matters for any Phase or Development Plot must be accompanied by a specific Sustainability Strategy, for approval that accords with the principles of the Sustainability Strategy (TEP: Greengage February 2021). The Sustainability Statement shall set out measures that cover:

- a) A plan to show the area to be covered by it
- b) Detail when that Phase or Development Plot is proposed to Commence and be completed
- c) An assessment of Building orientation and means of passive heating/cooling
- d) Provide an assessment of the possible, and preferred renewable energy technologies proposed
- e) Indicate how the proposed Building design(s) in that Phase or Development Plot maximise opportunities to include design and technology energy efficiency measures
- f) Detail the sustainable design measures incorporated into that Phase or Development Plot, including but not limited to, Building orientation, passive solar gain and sustainable landscape design, water conservation and efficiency measures
- g) Detail how that Phase or Development Plot(s) will contribute to the Development as a whole securing at least 20% of its energy from decentralised and renewable or low carbon sources
- h) Provide details of how natural cooling and ventilation can be achieved in Building design and
- i) Detail how sustainable construction methods will be utilised.

Each Phase or Development Plot shall be carried out in accordance with the approved Sustainability Strategy for that Phase or Development Plot.

**Reason:** To ensure that development takes place in an environmentally sensitive way in accordance with policies PMD1, PMD2, PMD12 and PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **O4 Waste Management Plan (WMP)**

No Phase or Development Plot(s) or Key Infrastructure Works shall be Commenced until a Waste Management Plan (WMP) has been submitted to and approved in writing by the local planning authority for that Phase or Development Plot(s) or Key Infrastructure Works. Each WMP shall include details of:

- (a) The anticipated nature and volumes of construction waste
- (b) Measures to minimise waste and maximise re-use
- (c) Measures to mitigate the risk of polluting ground water, water courses or sensitive receptors
- (d) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside that Phase or Development Plot
- (e) Any other steps to ensure the minimisation of waste during construction
- (f) The location and timing of provision of facilities pursuant to criteria (b), (c) and (d) above.

The implementation, management and monitoring of construction waste for each Phase or Development Plot(s) or Key Infrastructure Works shall be undertaken in accordance with the approved Waste Management Plan (WMP) for that Phase or Development Plot(s) or Key Infrastructure Works.

**Reason:** In order to minimise any adverse impacts arising from the construction of the development upon amenity, highway impact and nearby biodiversity and ecological designations in accordance with policies PMD1, PMD7 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **O5 Building Recording Condition**

With the exception of the land within Phase 1 which has already been cleared and remediated in that part of the site (approved under ref. 17/00194/FUL), no demolition or construction works shall Commence until a building recording assessment including detailed written and photographic evidence of all Buildings and structures on site identified for demolition has been submitted to and approved in writing by the local planning authority. The demolition of Buildings and structures shall only Commence following approval of the building recording assessment by local planning authority.

**Reason:** To ensure that the industrial history and character is recorded in accordance paragraph 203 of the NPPF and policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## O6 British Pipeline (BPA) Condition

No Development shall Commence within the easement of British Pipeline Agency's pipelines as shown on the plan 'BPA Reference Number: 2021-1578' until the following details have been submitted to and approved in writing by the local planning authority:

- A confirmed or proposed programmed start date for the works
- A detailed description of the proposed works
- A plan of the work area,
- Drawings and a method statement for the written approval of BPA.

Development approved within the easement of British Pipeline Agency's pipelines as shown on the plan 'BPA Reference Number: 2021-1578' shall only Commence in accordance with the details as approved.

**Reason:** In the interests of the health and safety of all users Development Plots within the easement of the British Pipeline Agency's pipelines. In accordance with the health and safety requirements of policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

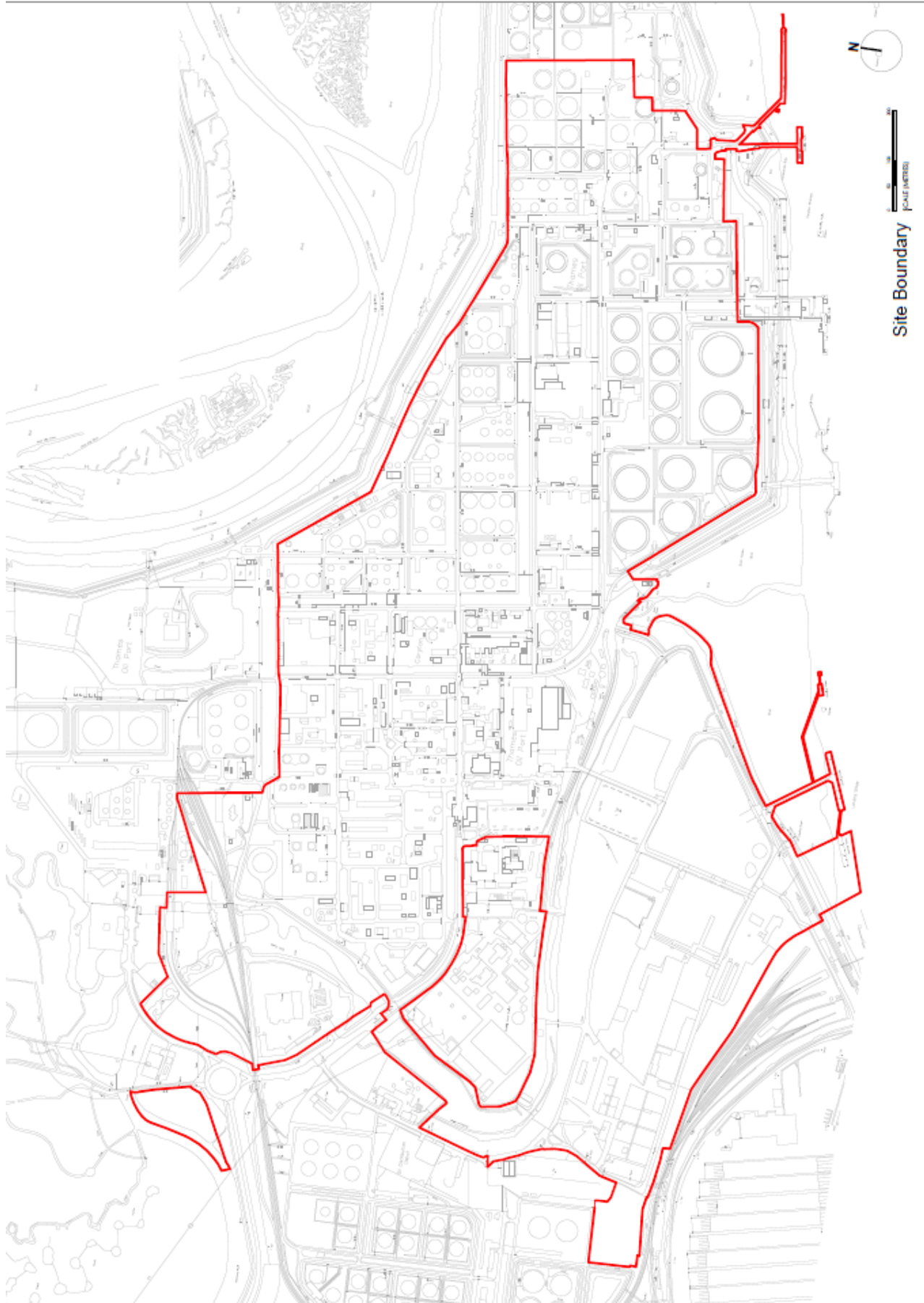
### Positive and Proactive Statement

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

### **Documents:**

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





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<b>Reference:</b> 22/00210/FUL	<b>Site:</b> High Fields Lower Dunton Road Bulphan Upminster Essex RM14 3TD
<b>Ward:</b> Orsett	<b>Proposal:</b> Demolition of existing detached chalet style dwelling. Erection of one four bedroom dwelling including associated landscaping, hardstanding, cycle store and refuse/ recycle storage area

Plan Number(s):		
Reference	Name	Received
HLLDR-06	Existing and Proposed Roof Plans	7th March 2022
LDR-1	Location Plan	25th February 2022
HLLDR-04	Proposed Elevations	25th February 2022
HLLDR-01	Existing Floor Plans and Elevations	17th February 2022
HLLDR-02	Proposed Floor Plans	25th February 2022
HLLDR-03	Proposed Floor Plans	25th February 2022
HLLDR-05	Proposed Site Layout	25th February 2022

The application is also accompanied by: <ul style="list-style-type: none"> <li>– Planning Statement, dated 27 April 2022</li> <li>– Volume Calculations, received 27 April 2022</li> </ul>	
<b>Applicant:</b> Mr Mark Breden	<b>Validated:</b> 25 February 2022  <b>Date of expiry:</b> 17 June 2022 (Extension of Time agreed)
<b>Recommendation:</b> Refusal	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs. B Johnson, S Hebb, A Mayes, B Maney and J

Duffin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the Green Belt.

## **1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The application seeks permission for the erection of a single replacement dwelling within the site known as High Fields, Lower Dunton Road. The existing chalet style dwelling would be removed, therefore there would be no increase in the number of residential dwellings within the site. An existing swimming pool and detached garage at the site would remain.
- 1.2 The proposed dwelling would measure 14.5 metres wide, have a maximum depth of 18.4 metres and measure 6.3 metres tall at its highest. The dwelling would feature two dormers to the front facing roof with a two storey gable projection that would measure 3.8 metres wide, 4.8 metres tall to the eaves and 6.2 metres tall overall. At the rear, the dwelling would feature a dormer and a 9 metre wide, 5.7 metre deep two storey projection with a crown roof that would have an eaves height of 5.2 metres and maximum height of 6 metres. Small single storey projections are proposed at the side of the dwelling.
- 1.3 The proposed dwelling would feature 4 bedrooms at first floor with one bathroom, one en-suite and two dressing rooms. At ground floor the dwelling would feature a large hallway, a utility room, a cinema room, a study, a large open plan area with defined kitchen, dining, sitting and lounge areas and associated toilets, changing rooms and storage areas.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is located to the west side of Lower Dunton Road between the junction of Doesgate Lane and Old Church Hill. The site hosts a detached, two bedroom dwelling that features accommodation over two floors. The site also features an attached garage and a further detached garage. An open swimming pool is present to the rear of the dwelling. A mobile home is currently sited to the front of the site, close to the adjacent highway, and is understood to be used for purposes that are ancillary to the occupation of the dwelling.
- 2.2 In addition to the dwelling and the land around that dwelling that appears to be part of the curtilage of the dwelling, the application site includes further land to the rear that appears to have formed part of the wider plot of land for a substantial period of time. It is not clear that this falls within the curtilage of the dwelling. An outbuilding and stable block are present on this land and, whilst it is not clear whether these buildings are located on land that falls within the curtilage of the dwelling, it appears that the buildings and land have been used in conjunction with the dwelling.
- 2.3 The immediate street scene consists of eight detached single storey dwellings that are visible from the main highway. Despite there being soft landscaping present in front of those dwellings which softens their visual impact to a small degree, the changing ground levels result in the dwellings being set higher than the highway of Lower Dunton Road and, as a result, they are visible from the public domain. Each of the eight dwellings are set within different sized plots and are of individual design

and appearance. However, the single storey or chalet style form of each of these properties enables the buildings to have a relatively low height and this is a consistent characteristic of the immediate street scene.

- 2.4 The application site is located within an area designated as Metropolitan Green Belt where strict Green Belt policies apply in terms of additional development. The site sits within a semi-rural locality area and the group of properties is surrounded mainly by agricultural land.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
71/00267/FUL	House	Refused
78/00444/FUL	Store Building	Approved
21/30145/PSD	Demolition of existing property and construction of detached property with annex and gym associated to the property	Advice Given

Relevant Enforcement History:

Application Reference	Description	Decision
21/00214/AUNWKS	Development of a bungalow and a mobile home sited on the land without the benefit of planning permission	No breach established – case closed

**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](http://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. Two comments have been received, one objection and one in support of the development raising the following:

4.3 Letter of objection:

- Additional development in the Green Belt;

- Loss of privacy, impact on light and additional noise from construction and traffic. Requests that any construction is controlled to mitigate any impacts;
- Cited the refusal of several other proposals within the immediate locality and the urbanisation of the wider locality through other recent developments which have caused disturbance and pollution during construction;
- No original planning permission received for the main dwelling;
- Additional traffic;
- The removal of trees at the site and the impact on biodiversity and on an existing hedge at a neighbouring property;
- Tarmac has already been removed from the site and further developments will be proposed;
- Potential effect on surface water drainage from the development and any increases in hardstanding;
- Reduction in school places;
- The site is being used as a yard for business vehicles;
- Other developments in the locality have exceeded what was granted planning permission and should not be a basis for supporting this proposal;
- Insufficient evidence provided of the building being unstable or in disrepair;
- Green Belt Special Circumstances do not apply and the development is inappropriate and harmful to the Green Belt.

#### 4.4 Letter of support:

- Owners have invested time and money on improvements;
- Overgrown conifers have been removed to the benefit of other tree species, shrubs and wildlife;
- Dilapidated fencing has been replaced;
- Proposal would have a positive impact on the Green Belt, with little or no impact.

#### 4.5 ENVIRONMENTAL HEALTH:

No objections subject to condition

#### 4.6 HIGHWAYS:

No objections.

#### 4.7 HIGHWAYS INFRASTRUCTURE:

No comment.

#### 4.8 LANDSCAPE AND ECOLOGY:

No objections, subject to condition

### 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 24<sup>th</sup> 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
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

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

- Before submitting an application
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Green Belt
- Making an application
- Rural housing
- 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:

#### SPATIAL POLICIES

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

#### THEMATIC POLICIES

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

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

## 5.6 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 development within the Green Belt
- II. Design and Layout and Impact upon the Area
- III. Residential Amenity
- IV. Effect on Neighbouring Properties
- V. Traffic Impact, Access and Parking
- VI. Other Matters

### I. PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT

#### Inappropriate Development

6.2 The site is set within the Metropolitan Green Belt where strict controls apply in relation to new development. In this regard, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this, however, is where the development would involve the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

6.3 Policy CSSP4 of the Core Strategy aims to help sustain the open character of the Green Belt and Policy PMD6 of the Core Strategy states that planning permission will only be granted for new development in the Green Belt provided it meets, as appropriate, the requirements of the NPPF and other policies in the DPD. As far as it is relevant to this application, that policy also states that the following development can be found to be acceptable in the Green Belt:

#### 2. Replacement Buildings

- i. *Replacement dwellings in the Green Belt will only be permitted provided that the replacement dwelling is not materially larger than the original building.*
- ii. *The replacement of other buildings shall only be for the same use, and the replacement building shall not be materially larger than the one it replaces.*

## 8. Definitions and Limitations

*In considering whether a proposal complies with the above:*

- i. Account will only be taken on lawful existing buildings,*
- ii. For the purposes of paragraph 1 and 2 'original building' means in relation to a building existing on 1<sup>st</sup> July 1948, as existing on that date, and in relation to a building built on or after 1<sup>st</sup> July 1948, as so built. Any building which is itself a replacement building will not be considered to be an original building for the purposes of this policy and the acceptability or otherwise of any proposals for further extension or replacement will be judged by reference to the 'original building' which preceded it. If the exact size of this previous building is unknown the redevelopment of a replacement dwelling will be limited to a like for like replacement.*

- 6.4 In order to ascertain whether the proposed dwelling would be materially larger than the original dwelling, it is relevant to establish what is deemed as the 'original building'. Once this has been clarified, calculations on the original footprint and volume of the original dwelling can be used to establish whether the replacement dwelling proposed under this application would be materially larger.
- 6.5 In this regard, whilst the applicant has provided details of the existing and proposed dwelling, no attempt has been made to identify what was original at the site. Having reviewed records available to the Council it is noted that planning permission for a house to be erected on the site was refused in May 1971 (Ref: 71/00267/FUL). However, historic maps indicate that a dwelling was present on the site known as High Fields in 1957. It appears that the dwelling was of a much smaller footprint than the dwelling that is currently present at the site, appearing to have had a footprint of approximately 90 square metres. The abovementioned records indicate that the dwelling was in the same position at that time as it is now and, based on that evidence alone, it appears that additional development has taken place at the site over a period of time which has impacted the overall scale and footprint of what would be considered as the 'original building'. One such development appears to be a store building constructed as a result of permission granted in June 1978 (Ref; 78/00444/FUL).
- 6.6 As set out above, the 'original building' is established as that constructed as of, or after 1<sup>st</sup> July 1948, as so built. Therefore, in this instance, the 'original building' can be taken to be the single small building located within the site. It appears that the dwelling now is materially larger than the dwelling that was original and, as such, any further enlargement of the built form at the site would be contrary to the abovementioned policies.
- 6.7 Notwithstanding the above, even if the position most favourable to the applicant was taken and the existing dwelling was used as a starting point for consideration, the proposed dwelling would be materially larger than the existing dwelling. The existing dwelling has a footprint of 103 square metres and a floorspace of 137 square metres, with each figure increasing by 34 square metres if the attached garage is included. The proposed dwelling would have a footprint of 214 square metres and an overall floorspace of 417 square metres. The dwelling would, therefore, be significantly larger than the existing dwelling. Given the above, it is

not considered necessary to verify the applicant's calculations in respect of the volume of the respective buildings. However, it is noted that they indicate that the existing building has a volume of 448 cubic metres and the proposed building would have a volume of 967.7 cubic metres. The building is, therefore, doubling in size in all respects in comparison to the existing building, yet alone the original building.

- 6.8 For these reasons, it is clear that the proposed replacement building would be materially larger than the original or the existing building.
- 6.9 No other exceptions to the restraint on development in the Green Belt are applicable. The proposal would, consequently, represent inappropriate development in the Green Belt.

#### Openness and Purposes of the Green Belt

- 6.10 As established above, the proposed building would be significantly larger than the existing or original buildings at the site and would, therefore, cause a reduction of openness. The increase of the height of the building from 4.7 metres to 6.3 metres would amplify the harm caused in this respect and it is also relevant that the building would be 0.5 metres wider than the existing dwelling and attached garage combined. The harm to openness caused by the proposal should be found unacceptable and afforded substantial weight.
- 6.11 Paragraph 138 of the NPPF states that the Green Belt serves five purposes. The proposal would not be contrary to any of those purposes. However, this does not alter the assessment that the proposal represents inappropriate development and has an unacceptable effect on openness.

#### Very Special Circumstances

- 6.12 As detailed above, the proposed development represents inappropriate development within the Metropolitan Green Belt. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and that it should not be approved except in very special circumstances. The NPPF also states "*When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt*". Paragraph 148 states that 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.
- 6.13 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise as 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.

6.14 In considering whether 'very special circumstances' exist, factors put forward by the 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. 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 a very special circumstance will be a matter of planning judgement for the decision-taker.

6.15 The Planning Statement submitted outlines two main considerations which the applicant considers constitute very special circumstances. However, there are also some other points made which it is considered appropriate to assess in the context of whether they represent the very special circumstances necessary to justify inappropriate development. These are summarised and assessed below:

*a) 90% of the property is substandard*

6.16 The applicant has stated that the existing dwelling is in need of urgent upgrading. It is stated that, alike the housing stock of much of Thurrock and the country in general, the existing walls, floors and ceilings lack insulation and windows are a mix of single and secondary glazed units. It is considered that the existing building has been neglected and is in a fragile and poor state. It is also stated that the existing dwelling is not energy efficient.

Consideration

6.17 No structural survey or independent assessment of the quality of the building has been provided and no assessment has been provided of the extent of the benefits that would be achieved from replacing the existing dwelling. Accordingly, the benefit is anecdotal and not demonstrated in a manner that could justify this consideration being afforded more than minimal weight.

6.18 Whilst the applicant states that the existing building is not efficient in terms of carbon footprint, no case has been made that the proposal would exceed the requirements of building regulations. Therefore, although there would be some improvement, this is not a unique or special consideration as the dwelling is not shown to be achieving a high specification in this regard.

6.19 The applicant's case is undermined by their admission that the condition of some housing is a problem throughout Thurrock and the wider area. Accordingly, if this is the case, then the argument would be readily repeatable and, as such would not be special or unique to this site.

6.20 Moreover, even if this were considered to be reason to justify the replacement of the dwelling, it is not justification for the erection of a dwelling that is so much larger that it represents inappropriate development in the Green Belt. There is no reason given why a comparable upgrade could not be achieved with a development that is not inappropriate, i.e. the replacement building would not be materially larger.

6.21 Therefore, this consideration is afforded no weight towards the identification of very

special circumstances

*b) Poor living accommodation*

- 6.22 The applicant sets out that the internal configuration of the property is not ideal with the second bedroom being in the roof space accessed via a staircase that would not accord with current building standards and represents a fire risk. The applicant deems that the timber framed lobby area to the ground floor is also not compliant with current regulations. The applicant details that the two bedroomed property falls below the floor space required to meet the needs of becoming a family residence.

Consideration

- 6.23 It is not considered that the existing layout or form of the dwelling is justification for a replacement dwelling of such size to be built. Alike the consideration of a) above, it has not been demonstrated that only an inappropriate development in the Green Belt could achieve these suggested benefits and there is no reason to consider that these circumstances are unique or special. The recent purchase of the dwelling by the applicant who would have known its condition when purchasing the property also undermines this argument.
- 6.24 Therefore, this consideration is afforded no weight towards very special circumstances.

*c) Improved family accommodation for a vibrant family that has other family members close by.*

- 6.25 The applicant has set out that the existing dwelling fails to provide suitable family living accommodation and also set out that they have a close family and wish to reside at the property for the indefinite future.

Consideration

- 6.26 It is likely to be the case that the desire to improve the living accommodation within a dwelling is the driving force behind the vast majority of applications for the extension or replacement of dwellings and, as such, this is not a factor that is afforded weight. The proximity of other family members has not been elaborated on but, in any case, it is considered that this is not reason to conclude that a replacement dwelling of such size should be supported. This would not be a public benefit of the proposal and as such it is not considered that this should carry any weight towards outweighing the harm caused to the Green Belt.

*d) The dwelling is respectful to the plot and designed to minimise harm to the Green Belt and the applicant is willing to overcome objections.*

- 6.27 The applicant states that the proposed scheme would be respectful to the plot by utilising 95% of the existing footprint and existing orientation. It is also stated that the applicant is keen to work with the Council to address any issues that are raised.

Consideration

6.28 The proposed dwelling being positioned in the same position as the existing dwelling is not a unique or special consideration and is not a benefit of the proposal that should be afforded weight as a special circumstance. The previously mentioned planning policies and assessment set out that the proposal is not acceptable in terms of its impact on the Green Belt and as such it is not considered that the development achieves what is claimed by the applicant. Furthermore, development being visually acceptable is a fundamental requirement of all development and, notwithstanding the assessment of the visual effect of the development that is set out below, even if the development were acceptable in this respect, that is a minimum requirement and not a very special circumstance. Similarly, the NPPF makes it clear that the respective parties should always cooperate and, as such, this is not a special consideration.

Overall Assessment

6.29 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	a) 90% of the property is substandard	None
Harm to Openness	Substantial	b) Poor living accommodation	None
		c) Improved family accommodation for a vibrant family that has other family members close by.	None
		d) The dwelling is respectful to the plot and designed to minimise harm to the Green Belt and the applicant is willing to overcome objections.	None

6.30 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purpose. In assessing the factors promoted by the applicant as considerations amounting to ‘very special circumstances’ necessary to justify inappropriate development, it is for the Committee to judge:

- i. the weight to be attributed to these factors;

- ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'very special circumstances'.

6.31 It is considered that the applicant has not advanced any factors which would, individually or cumulatively, amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

## II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.32 As set out above, the proposed dwelling would be located within a group of 8 dwellings that are each of unique form, scale, layout and appearance. However, there are some regular features to the dwellings that are considered to be an important and consistent characteristic, these include the single storey or chalet style of the dwellings, their set back from the road and the presence of outbuildings and extensions that are subservient in scale to the original dwellings. This proposal would result in a replacement dwelling of considerably greater scale and would include several design features that would cause the dwelling to have an incongruous appearance in the locality as will be discussed below.
- 6.33 To the front elevation, the provision of dormers within the roofscape is considered to be acceptable and, when considered alone, would enable the dwelling to retain the chalet style that is a feature. However, it is from the front where the increase of the height of the building would be most noticeable and would exaggerate the visual impact of the dwelling. This would also be exaggerated by a large gable projection to the front that would have a much higher eaves height and give the impression of the dwelling being, in part, a full two storey dwelling. This increase of scale and bulk at the front elevation would be at odds with the prevailing character of the area. Whilst it is acknowledged that a nearby recent development at Balgownie Farm presents properties with two storey protruding front gabled end features, this site is a sufficient distance away from the application site to not affect the setting of this dwelling and the group of properties that the dwelling would sit within. Moreover, as that is part of a cohesive development of distinct design, those features within that development do not have the same discordant affect as this proposal.
- 6.34 To the side and rear, the dwelling would be of much greater bulk and whilst this would be of less prominence from the public domain, it is considered to be the case that the massing of the dwelling when viewed from the side and rear would be at odds with the pattern of development in the locality. The most striking feature would be the two storey rear projection with a crown roof that would have its eaves set well above the eaves of the remainder of the dwelling. The crown roof would be poorly proportioned to the remainder of the dwelling and cause the rear projection to have a bulky and ungainly appearance. Whilst public views of this would be

fleeting, from where it would be visible, particularly within neighbouring properties, this would cause material harm to the character and appearance of the dwelling and the locality.

- 6.35 In terms of window detailing and materials, the proposal is not considered to be unacceptable and it is noted that replacement planting could be provided at the site that would help to soften the impact of the development. However, even allowing for these considerations, they would not prevent proposal being detrimental to the character and appearance of the site and the locality.
- 6.36 Therefore, given the above, the proposal would be considered harmful to the character and appearance of the street scene and would appear as an incongruous dwelling that would be harmful to visual amenity of the area contrary to policies PMD1, PMD2, CSTP22, CSTP23 and the NPPF.

### III. RESIDENTIAL AMENITY

- 6.37 The proposal would provide a suitable residential environment for future occupiers given the gross internal floor area would be in excess of the minimum requirements as set out in the nationally described space standards, all habitable rooms would be served by openings providing an adequate level of light, and that built in internal storage areas would be adequate. No objection is raised under this heading.

### IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.38 The property to the north of the site, Laguna, sits within close proximity of the shared boundary and benefits from an opening along the south flank which faces towards the application site. However, the window closest to the boundary are obscure glazed and appear to serve a non-habitable room, indicating that this should be given less projection than if they were serving primary accommodation.
- 6.39 The part of the proposed dwelling that is closest to the neighbouring dwelling at Laguna would be single storey and have little effect on light, outlook and privacy, however, it is acknowledged that the proposal would extend closer to the boundary than existing. Whilst the built form at this point would be larger than currently experienced, the proposal would not extend substantially beyond the front and rear building lines of this neighbour and a reasonable space between dwellings would be retained. Therefore, whilst some overshadowing would be experienced within the plot of that neighbouring dwelling, the proposal would not result in significant loss of light or loss of privacy whereby a refusal on these grounds would be justifiable.
- 6.40 The proposal would not result in unacceptable harm upon the amenity of the neighbouring occupier to the south of the site at Lynfield given the separation from the shared boundary.
- 6.41 Whilst the footprint of the proposal would be increased, the rearward projection would be in line with the existing, and whilst this would contain a two storey element, the outlook would not afford increased levels of overlooking upon either



adjacent neighbouring sites.

#### V. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.42 The proposed site layout indicates that four parking spaces would be provided to the front of the site accessed via the existing crossover. The Council's Highways Officer has been consulted and raised no objections given the parking provision would be in excess of the minimum requirements for a property with four bedrooms. In addition, the Council's Highways Infrastructure Officer has been consulted and has no comment to make given the existing crossover would remain in use and no other is proposed at the site.

#### VI. OTHER MATTERS

- 6.43 The Council's Environmental Health Officer has been consulted and raised no objections to the proposal, subject to conditions restricting demolition and construction hours on site, and stating that no bonfires shall take place on the site during demolition or construction. These conditions would be reasonable given the residential properties adjacent to the site, and could be included, should permission be granted.
- 6.44 The Council's Landscape and Ecology Advisor has been consulted in relation to the proposal, and notes that existing trees and shrubs within the frontage of the site have been removed. None were protected and as such no objection has been raised to their removal. The planning statement refers to landscaping at the site, but no specific details have been provided. Should permission be granted, the agreement of a landscaping scheme can be addressed through planning conditions.
- 6.45 The site is located within the Essex Coast RAMS Zone of Influence. However, as the proposal would be in lieu of the existing dwelling there would be no net gain in the number of properties at the site, and the mitigation tariff would not be applicable.
- 6.46 The neighbour objection received highlights several concerns which have partly been addressed in the above assessment. However, for clarity, the concerns not addressed above are set out below:
- 6.47 Planning history for the adjacent properties has been reviewed and noted. However, each application is to be considered on its own planning merits and it is not considered that those other decisions should be determinative in this case. Likewise, whilst other developments close to the site are noted, those decisions are not considered to be directly relevant to this application. Moreover, whilst there are no records of any planning permission being granted for the original dwelling at the site, it is clear that a dwelling has existed for sufficient time for it to be the established use of land.
- 6.48 Whilst the effect of the construction process can be mitigated through conditions, it is inevitable that development will cause some temporary upheaval or disturbance

but this would not be a reasonable reason to refuse planning permission. The effect on school place provision would also not be a reasonable reason for the refusal of this application, the effect on surface water drainage would not be at a level that would justify the refusal of the application and, as a second vehicular access at the site has not been proposed this is not a proposal that should be considered under the terms of this application.

- 6.49 The content of the letter of support is also noted but it is not considered that the benefits that have been suggested would outweigh the harm that has been set out above.

## **7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL**

- 7.1 The proposals represent inappropriate development in the Green Belt, and would lead to a loss of openness that would harm the Green Belt. Substantial weight should be attached to this harm, in the balance of considerations. It is concluded that, the benefits of the development do not clearly outweigh harm. As a consequence, the application is recommended for refusal.
- 7.2 The design, appearance and scale of the proposal would have an unacceptable impact upon the visual appearance of the immediate locality, in terms of its increased bulk and poorly related design. This would be contrary to policy and considered unacceptable.

## **8.0 RECOMMENDATION**

- 8.1 Refuse planning permission for the following reasons:

- 1 The proposal would, by reason of its scale, mass, height and footprint, represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. Very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.
- 2 The proposal would, by virtue of its design, scale, bulk and increased height, result in an unsympathetic dwelling which poorly integrates with the character and appearance of the immediate street scene resulting in an incongruous and discordant development. The development is therefore contrary to Policies CSTP22, CSTP23, PMD1 and PMD2 of the adopted the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

**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](http://www.thurrock.gov.uk/planning)



<b>Reference:</b> 22/00181/HHA	<b>Site:</b> 22 Bridge Road Grays Thurrock RM17 6RY
<b>Ward:</b> Grays Riverside	<b>Proposal:</b> Single storey side extension

Plan Number(s):		
Reference	Name	Received
22-02	Existing Floor Plans	11th March 2022
22-03	Existing Elevations	11th March 2022
22-04	Proposed Floor Plans	25 <sup>th</sup> May 2022
22-05 R1	Proposed Elevations	25 <sup>th</sup> May 2022
22-01	Location Plan and Existing and Proposed Site Layout	11th March 2022

The application is also accompanied by: <ul style="list-style-type: none"> <li>• Environment Agency Householder Flood Form</li> </ul>	
<b>Applicant:</b> Mr Guv Sehmbi	<b>Validated:</b> 21 March 2022  <b>Date of expiry:</b> 1 July 2022 (Extension of time agreed)
<b>Recommendation:</b> Refusal	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs. J Potheary, M Kerin, J Kent, C Kent and L Worrall (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on neighbouring properties.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks approval for an irregularly-shaped single storey side extension which would extend forward of the front of the dwelling. The proposal would connect with the detached garage associated with the site effectively creating a large infill extension.

- 1.2 The proposal would be of a flat roof construction with one large roof lantern and be constructed from matching materials. The extension would provide a further reception room for the dwelling.

**2.0 SITE DESCRIPTION**

- 2.1 The application site hosts a detached two storey 4 bedroom dwelling with a detached single garage with dual pitched roof set perpendicular to the host dwelling. The site is located in a small mews to the east side of Bridge Road serving four properties directly accessible via Bridge Road, and in close proximity of the railway bridge between the junctions of Sejant House and Argent Street.
- 2.2 The site is set within a densely built up residential area where the eastern boundary of the application site abuts with the boundary of an end of terrace property at no. 31 Falcon Avenue.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
86/00666/OUT	161 Houses and 185 Flats on 2,3,4, storeys with parking amenity and open space areas.	Approved
86/00666A/FUL	161 Houses and 185 flats	Approved
21/30157/PHMT	Single storey side extension	Advice Given
21/01849/HHA	Single storey side extension	Withdrawn

- 3.1 Applications 86/00666/OUT and 86/00666A/FUL imposed Permitted Development restrictions including a condition restricting the garage shall be used for the parking of vehicles in relation to the residential use only.

**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](http://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. At the time of drafting the report the consultation period had not yet expired, however, no comments have been received.

## 5.0 POLICY CONTEXT

### National Planning Guidance

#### National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 27th March 2012, revised on 20th 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:

- 4. Decision-making
- 12. Achieving well-designed places

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

- Design
- Determining a planning application

## Local Planning Policy

### Thurrock Local Development Framework (2015)

- 5.3 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:

#### THEMATIC POLICIES

- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

#### POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD15: Flood Risk Assessment

### 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 Residential Alterations and Extensions Design Guide (RAE)

- 5.5 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. Site Background
- III. Design and Layout
- IV. Neighbour Amenity Impact
- V. Flood Risk
- VI. Parking

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The application site is set within a residential area. There are no land use or in principle objections to the proposal subject to compliance with relevant development management policies.

#### II. SITE BACKGROUND

- 6.3 By way of background, the proposal is of the same form and coverage as detailed within a recent pre-application enquiry (ref. 21/30157/PHMT) where written advice was provided and followed-up with a meeting with the applicant. Whilst elevations of the intended scheme were not provided at this point, feedback given discouraged the formal submission of a planning application based upon concerns relating to design, scale and disproportionality of the extension and the likelihood of any such application receiving an unfavourable recommendation for these reasons.
- 6.4 A subsequent planning application submitted in October 2021 (ref. 21/01849/HHA) was formally withdrawn by the applicant in January 2022 as the applicant's planning agent had been advised that the scheme would not be recommended favourably given the same design concerns. The current planning application remains of the same design, scale and coverage as the previously withdrawn application.

#### III. DESIGN AND LAYOUT

- 6.5 The proposal seeks to provide an additional reception room to the front and side of the dwelling and the extension would effectively extend the side of the dwelling and wraparound the garage filling the remainder of the eastern half of the site. Whilst it is acknowledged the plot may be of a less common shape it would remain imperative that proposals demonstrate good design which is sympathetic to the host dwelling and the overall site in terms of detailed design, scale, coverage and appearance and should comply with Council policy and the RAE design guide.

- 6.6 The proposal would not entail the conversion of the existing garage which would remain as parking for the dwelling.
- 6.7 The proposal is considered to be of a poor design given the scale and coverage of the development appears to have been designed to fit the shape of the plot, rather than be of a sympathetic proposal respectful of the original architectural design and features of the host dwelling and the character of the wider area. As a consequence, the proposed extension is considered to be of a poor design.
- 6.8 Whilst the flat roof would align with the eaves height of the adjacent garage, this would present higher than the existing boundary fence and gate currently visible at the front of the site. The proposal would be visible from Bridge Road as well as from the adjacent Falcon Avenue whereby the longest part of the extension would be most noticeable.
- 6.9 Views from the public realm in Falcon Avenue would likely result in a greater impact upon the character and appearance of the street scene given the full 11.7 metre depth of the proposal would be visible along the boundary of the site. The visibility would be exacerbated by the protrusion of the proposed roof lantern which would span 3.9 metres across the flat roof of the extension. As a consequence, the overall size of the roof would appear as overbearing and dominant in relation to the main dwelling resulting in an incongruous addition harmful to the visual amenity of the area and character and appearance of the street scene.
- 6.10 In addition to the bulk and extensive span of the flat roof when viewed from Falcon Avenue, the proposal would have a maximum width of 8.6 metres at the widest point, which would be considered disproportionate in relation to the width of the existing dwelling which is 8.9 metres wide. Moreover, given the proposal would project forward of the main front wall of the dwelling, this further adds to the visually bulky and excessive dominance of the addition.
- 6.11 The proposal would, by virtue of the poor detailed design and irregular shape and scale of the extension, be likely to result in a development which would be detrimental to the character and appearance of the main dwelling, immediate street scene and character and appearance of the area contrary to Policies CSTP22, CSTP23, PMD2 and the RAE and is recommended for refusal for this reason.

#### IV. NEIGHBOUR AMENITY IMPACT

- 6.12 Neighbouring properties on Bridge Road would not be adversely affected by the proposal. The neighbouring property at 31 Falcon Avenue would be most affected by virtue of the extent of the development along much of the length of the boundary

between the two properties. However, given the height of the development and the orientation of this neighbouring property, it is considered that the proposal would not result in such a significant loss of light or amenity to this neighbour to justify refusing the application for this reason. The proposal would, therefore, comply with Policy PMD1 with regard to amenity impact.

## V. FLOOD RISK

- 6.13 The site is located within high risk flood zone 2, and an area benefitting from flood defences. An Environment Agency householder flood form has been submitted with the application which states that the floor levels of the proposal would be set no lower than the existing levels within the dwelling, and that floodproofing measures will be incorporated where appropriate. As such, there would be no objections in relation to flood risk and the application would comply with Policy CSTP27.

## VI. PARKING

- 6.14 The proposal would continue to provide adequate off street parking provision in line with the Council's adopted parking Standards and Policy PDM8.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 There are no in principle objections to the proposal. The proposal would not result in harmful neighbour amenity or highway impacts. However, the proposal would, by virtue of the poor detailed design and irregular shape and scale of the extension, be likely to result in a development which would be detrimental to the character and appearance of the main dwelling, immediate street scene and character of the area contrary to Policies CSTP22, CSTP23, PMD2 and the RAE and is recommended for refusal for this reason.

## 8.0 RECOMMENDATION

- 8.1 Refuse, for the following reason:

1. The proposal would, by virtue of the poor detailed design and irregular shape and scale of the extension, be likely to result in a development which would be detrimental to the character and appearance of the main dwelling, immediate street scene and character of the area contrary to Policies CSTP22, CSTP23 and PMD2 of the adopted the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the Residential Alterations and Extensions SPD 2017 and the National Planning Policy Framework 2021.

**Informative:**

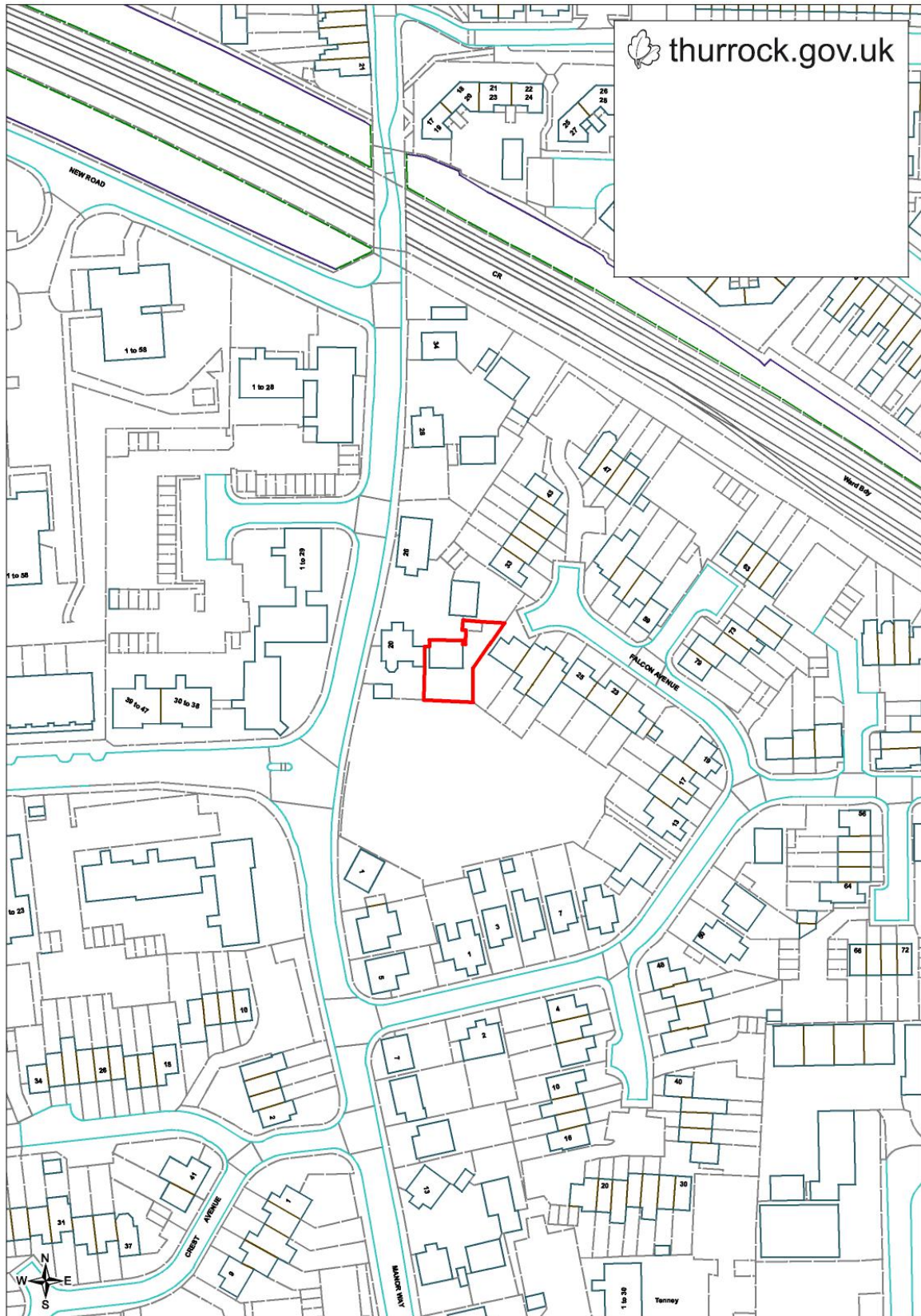
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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:

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<b>Reference:</b> 22/00375/FUL	<b>Site:</b> 43 Purfleet Road Aveley South Ockendon Essex RM15 4DR
<b>Ward:</b> Aveley And Uplands	<b>Proposal:</b> Redevelopment to provide 6 semi-detached houses (2 no. 3x bedroom and 4 no. 4 bedroom) and new vehicle access and pedestrian access to Purfleet Road.

Plan Number(s):		
Reference	Name	Received
CT-PFR-001	Proposed Site Layout	18th May 2022
2951-02B to scale of 1:250	Proposed Site Layout	18th May 2022
CT-PFR-002	Other	18th May 2022
2951-04	Elevations	22nd March 2022
2951-03	Floor Layout	22nd March 2022
2951-06	Elevations	22nd March 2022
2951-05	Floor Layout	22nd March 2022
2951-07	Other	22nd March 2022
2951-14	Existing Site Layout	31st March 2022
2951-02B	Proposed Site Layout	18th May 2022
2951-12	Existing Plans	31st March 2022
2951-15	Roof Plans	31st March 2022

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Cover letter</li> <li>- Planning Statement</li> <li>- Letter supporting revisions to access and highway matters</li> <li>- Transport Statement</li> <li>- 3D Visual</li> </ul>	
<b>Applicant:</b> Montague TSK Limited	<b>Validated:</b> 1 April 2022  <b>Date of expiry:</b>

	13 June 2022 (Extension of time agreed)
<b>Recommendation:</b> To Refuse	

This application is scheduled for determination by the Council’s Planning Committee because the application has been Called In by Cllrs Churchman, Gledhill, Collins, Kelly, Duffin and Mayes in order to consider the proposals on the basis of overdevelopment, character impact, immediate parking concerns and the gradient of the site and its impact on pedestrian traffic.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks to redevelop the site to provide 6, semi-detached two storey dwellings fronting Purfleet Road with new vehicular and pedestrian accesses from Purfleet Road, (the removal of the existing access from Love Lane) and including off street parking, private amenity areas and soft landscaping.
- 1.2 The table below summarises some of the main points of detail contained within the development proposal:

Site Area	0.14 Ha
Number of Dwellings	Include: <ul style="list-style-type: none"> <li>• Six Semi-detached houses</li> <li>• 4 x 4 beds, and 2 x 3 beds</li> </ul>
Building Height	9 m
Parking	14 Car Parking spaces, including 2 visitor spaces / Cycle Storage for each dwelling
Density	42.6/Hectare - Medium Density

## 2.0 SITE DESCRIPTION

- 2.1 The application site is a broadly rectangular piece of land located at the junction of Purfleet Road and Love Lane, Aveley. The site measures 44.5 metres by 33 metres and comprises of a centrally located detached bungalow, and garage outbuilding to the south of the site, in a spacious plot which is served by a single vehicular access from Love Lane and a pedestrian access from Purfleet Road.
- 2.2 There is a ground level difference of approximately 1.4 metres between ground levels on Purfleet Road and the northern half of the site which sits at a higher level. Ground levels within the site level off towards the south and Love Lane.

## 3.0 RELEVANT PLANNING HISTORY



Application Ref.	Description of Proposal	Decision
21/30250/PMIN	Redevelopment of site to provide 6 semi-detached houses	Advice Given
54/00377/REM	Two bungalows	Approved

The following Planning Enforcement history is also relevant:

Enforcement Reference	Complaint	Outcome
21/00091/AUNWKS	Large trees are being removed	Complaint received 4.3.21 and investigated. Council Tree Officer informed the RSPB due to nesting season. Trees were not protected by TPO and there was no breach of planning control. Case closed

#### 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](http://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.

At the time of drafting the report the neighbour consultation period had not yet expired and 14 written responses had been received, including 6 responses from two neighbours, all in objection and raising the following concerns:

- Overdevelopment of the site;
- 6 houses is too many, 2 houses would be more appropriate;
- Out of Character;
- Loss of Amenity;
- Loss of Privacy/Overlooking;
- Concerns regarding Access to the site – unsafe;
- Additional traffic;
- Parking concerns;
- Loss of landscaping and wildlife.

#### 4.3 ENVIRONMENTAL HEALTH:

Recommend submission of a Construction Environmental Management Plan.

#### 4.4 HIGHWAYS:

No objections, subject to conditions

#### 4.5 LANDSCAPE AND ECOLOGY ADVISOR:

No landscape objections, however, raised concern regarding potential overdevelopment of the site, the likelihood of the loss of the soft landscaping to the frontage and the quality of the retaining wall.

### 5.0 POLICY CONTEXT

#### National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th 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 date<sup>1</sup>, 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<sup>2</sup>; 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.

<sup>1</sup> 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 ...

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

flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

### Planning Policy Guidance

5.2 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 matters
- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Housing needs of different groups
- Housing: optional technical standards
- Making an application
- Planning obligations
- Use of Planning Conditions

### Local Planning Policy Thurrock Local Development Framework (2015)

5.3 The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be

used residential purposes. The following adopted Core Strategy policies would apply to any future planning application:

#### 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 THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD14: Carbon Neutral Development

#### 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 and layout and impact upon the area
- III. Amenity provision and neighbour amenity impact of the development
- IV. Traffic impact, access and car parking
- V. Landscape
- VI. Other matters

### **I. PRINCIPLE OF THE DEVELOPMENT**

6.2 The application site is located within a residential area and in a locality predominantly characterised by residential development. There are no in principle objections to the proposed development of the site for residential use subject to compliance with all development management policies.

6.3 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. The application site is within the urban area and comprises a 'brownfield' site.

6.4 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and given that the Local Planning Authority is not able to demonstrate that a five year house land supply exists, this indicates that planning permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such, the provision of additional residential units would weigh in favour of the purpose.

### **II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA**

6.5 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.

- 6.6 The site is mostly rectangular in shape and comprises of a detached bungalow located centrally within the site and positioned so that it broadly follows the notional building line of the pairs of semi-detached dwellings running westwards on Purfleet Road. The site is served by a single width vehicle access via Love Lane which leads to a detached garage outbuilding to the southwestern corner of the site. There is hardsurfacing leading to this garage block and the remainder of the site is laid to lawn and includes some overgrown shrubbery and the previously well-established trees along the boundaries with Love Lane and Purfleet Road have been removed (the trees were not protected). Ground levels are higher by approximately 1.4 metre at the Purfleet Road end of the site and the boundary treatment along this northern boundary comprises of low brick walling atop the raised ground levels. The pedestrian access to the site is via a series of steps from Purfleet Road.
- 6.7 Despite the existing dwelling being a single storey property, the proposed siting of pairs of two storey semi-detached dwellings would be unlikely to appear out of character with the locality; the immediate context on Purfleet Road comprises of inter-war period, well-spaced semi-detached two storey dwellings with hipped roofs. The proposed development of the site for two storey semi-detached dwellings would not, therefore, be unacceptable with respect to character impact. The proposed siting of the dwellings, slightly set-back from the closest pair of semis, but broadly following the notional building line of dwellings, in Purfleet Road would be acceptable.
- 6.8 The proposal seeks to site three pairs of hipped roof dwellings. The use of hipped roofs to the properties would be considered appropriate as would the design approach in seeking to reflect the character of the street scene in Purfleet Road. The dwellings would be constructed at the same ground level as the neighbouring dwelling on Purfleet Road, however, due to a bedroom space included within the roof space of each of the dwellings, the properties would have an overall roof ridge height approximately 0.5 metres higher than the ridge height of the closest two storey neighbouring dwelling. The properties from the west on Purfleet Road to the east up to Love Lane appear to gradually step up given the increase in ground levels. The modest increase in the overall height of the proposals would not be likely to appear out of character with the surrounding pattern of development with respect to the height and detailed design of development.
- 6.9 The proposal seeks to introduce a proposed parking arrangement along Purfleet Road, which would create a car-dominated frontage directly adjacent to the footpath on Purfleet Road. Other properties on the street have front parking areas,

but the cars themselves are by the houses, not adjacent to the pavement. The hard landscaped frontage of the site when viewed from Love Lane would be particularly visually prominent given the site previously had significant vegetation along this edge. The Council's Landscape and Ecology Advisor has also highlighted concerns regarding the likelihood of the proposal being able to retain the proposed soft landscaping identified in the scheme given the parking dominated frontage. It is considered that the detailed design of the predominantly hard-landscaped frontage would not be considered to contribute positively to the local environment and the site layout as proposed would result in excessive areas of hardstanding, providing limited opportunity for meaningful landscaping, resulting in a car dominated streetscape to the detriment of the development and wider locality in general. The proposal is considered to be contrary to the policy PMD2 and is recommended for refusal for this reason.

- 6.10 The proposed choice of materials indicated would be likely to be considered appropriate as in keeping with the existing neighbouring dwellings on Purfleet Road. The overall approach to main fenestration, width and proportion of the dwellings would also be considered appropriate.
- 6.11 The overall proposal for 6 dwellings would make the site appear somewhat cramped and overdeveloped. This would be borne out by concerns that the rear gardens serving the dwellings would be relatively short, at 10 metres, and would not provide a compliant level of private garden area to serve each dwelling in accordance with policy. The rear gardens would be particularly short in comparison to the character of the locality.
- 6.12 These concerns are further exacerbated given that each dwelling would also directly overlook to neighbouring bungalow to the immediate south on Love Lane with a direct overlooking distance of 10m which falls far short of the minimum 20m distance required by Council policy. It is noted that only 3 of the proposed dwellings would overlook the rear and private side of the neighbour property with the remaining overlooking the front garden. While some landscaping by way of new hedge planting, is proposed, that would not ameliorate the harmful overlooking that could arise.
- 6.13 In conclusion to the assessment of the design and layout impact of the proposals, it is considered that while the general design approach would be acceptable there are concerns regarding the layout, namely, the number of dwellings proposed; concerns relating to the level of parking provision; the amount of hard landscaping and the design and appearance of the frontage of this corner plot; the amount of hard frontage, access and manoeuvring concerns within the site and likelihood of the non-retention of the proposed soft landscaping to the frontage due to the tightly packed car parking spaces; the insufficient rear garden depths, and private amenity

space provision in combination also indicate that the proposal would appear cramped and overdeveloped on this visually prominent corner plot. As a consequence the design, layout and amenity impact of the proposals would be considered contrary to Policies CSTP22, CSTP23 and PMD2 and the NPPF for this reason.

### III. AMENITY PROVISION AND NEIGHBOUR AMENITY IMPACT OF DEVELOPMENT

- 6.14 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.
- 6.15 The proposal would provide 4 x 4 bedroom dwellings, and 2 x 3 bedroom dwellings which include a study on the first floor. All 6 dwellings show a bedroom within the roofspace with light provided by a single rooflight to the front roofslope. The proposals would provide a reasonable amount of floorarea in line with the Council's adopted standards, therefore, within its current layout the proposal provides adequate residential environment for the future occupiers.
- 6.16 The proposal would provide an inadequate level of private amenity space for each dwelling. The gardens would provide between 76 sq.m and 90 sq.m of private amenity space for the dwellings, whereas Council policy would seek 4 bedroom dwellings of the size proposed to provide a minimum of 125 sq.m of private amenity space. In addition each garden would have a depth of no greater than 10m, whereas Council Policy would seek a minimum depth of 12m. While the rear garden depths would be uncharacteristically short, the level of private amenity space provision for each dwelling may not be a sustainable reason to refuse the application given the location of the site to the nearby Aveley recreation ground. The level of private amenity space proposed would therefore be considered acceptable in this instance.
- 6.17 The short rear garden depths would be likely to lead to direct and unacceptable overlooking of the occupier of 14 Love Lane to the immediate south and to a lesser degree the rear private garden area of 45 Purfleet Road. The overlooking of 14 Love Lane would be considered significant and likely to result in an unacceptable loss of privacy and thereby amenity to this neighbour.
- 6.18 In conclusion to this section, it is considered that the proposals would provide an acceptable level of private amenity area for each of the occupiers of the proposed



dwellings. The proposals would, by virtue of the short rear garden depths, be likely to result in significant overlooking and an unacceptable loss of private and amenity for the occupiers of 14 Love Lane contrary to Policy PMD1. The application is also recommended for refusal for this reason.

#### IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.19 As has been highlighted in many of the neighbour comments received, a key element of the acceptability of the proposal at this site relates to highway matters. The site is located on a junction where there are also double yellow lining restrictions. The Highways Officer initially indicated that there were severe concerns with the proposed development, particularly with regard to the proposed access which had inadequate width and sight visibility on to Purfleet Road. The applicant has since submitted revised plans in response to these concerns and the vehicular access on to Purfleet Road would now measure 4.8m in width and now includes visibility splays and revised gradients. As a consequence, the Highway Officer has commented that there are no objections to the proposed access to the site.
- 6.20 The Highway Officer has highlighted that the parking layout would make manoeuvring within the site somewhat awkward but that this would not be considered to be so harmful as to warrant recommending refusal on highway grounds alone in this instance.
- 6.21 Adequate refuse storage provision, cycle storage provision and consideration for electric vehicle parking spaces has been incorporated into the scheme. The development site is located in an area that has reasonable accessibility to public transport and local amenities. The minimum parking standards for a development of this size in this location is between 1.5 and 2 spaces for three bedroom properties and an additional space for four bedroom properties. In addition 0.25 spaces per dwelling for visitor parking is required. Thus a minimum of 16 spaces should be provided. The proposal seeks to provide 14 parking spaces, 2 per dwelling plus 2 visitor spaces. The Highway Officer has advised that while the number of parking spaces proposed would be 2 short of what would be expected to comply with adopted standards, the provision of 14 spaces would be, on balance, acceptable and a reason to refuse the application on the level of parking provision alone would be unlikely to be sustained at appeal. As a consequence, if the application were being recommended favourably the highway and parking arrangements for the proposal would be considered acceptable subject to conditions and would comply with Policies PMD2, PMD8 and PMD9 of the Core Strategy.

## V. LANDSCAPE

- 6.22 It is noted that there were several mature trees on the site. While these were not protected via Tree Preservation Order the landscaping formed a part of the existing landscape and character of the plot. The proposal seeks to provide some soft landscaping particularly to the southern boundary of the site. Hard and soft landscaping is proposed to the northern half, breaking up the predominance of the parking area to the north of the site. The existing retaining wall and boundary walls along Purfleet Road and at the junction of the site would be retained.
- 6.23 The Landscape and Ecology Advisor has commented that the proposals appear to indicate an overdevelopment of the site and noted that the proposed soft landscaping may not remain at the frontage of the site given how closely positioned the parking spaces are. The Advisor has also commented on the poor quality of the existing retaining wall that is proposed to be retained. Nonetheless, the Advisor concluded that if the application were being recommended favourably, the application could be acceptable in terms of its landscape effects subject to appropriate planning condition relating to a hard and soft landscaping scheme, and would comply with Policies PMD2 and PMD7.

## VI. OTHER MATTERS

- 6.24 The Environmental Health Officer has recommended that, should a favourable recommendation be forthcoming, a Construction Environmental Management Plan (CEMP) should be submitted to the Council to approval prior to works commencing. The CEMP should as a minimum deal with the hours of work, control of dust during demolition and construction and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The principle of residential development at the site is deemed acceptable and there are no concerns in relation to the design of the properties proposed. There are however concerns in relation to the amount of hard landscaping to the front of the site which would be likely to lead to a car-dominated frontage, with limited opportunity for landscaping. The proposals would also be considered to result in a cramped and overdeveloped site and would also result in significant overlooking of the neighbouring property to the south of the site caused in part by the short rear garden depths.

## 8.0 RECOMMENDATION

### 8.1.1 Refuse planning permission for the following reason(s):

1. The proposed development, by virtue of the short rear garden depths of the dwellings proposed, would be likely to lead to overlooking and thereby an unacceptable loss of privacy and amenity to the neighbour to the immediate south of the site on Love Lane contrary to policy PMD1 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF 2021.
2. The proposals would, by virtue of the limited private amenity space provision, the short rear garden depths and the layout and access arrangements proposed within the site, be indicative of a cramped and contrived form of development and be likely to result in the overdevelopment of the site, detrimental to the character of the area and appearance of the street scene contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF.
3. The proposed development would, if permitted, fail to contribute positively to the local environment as it would result in excessive areas of hardstanding, providing limited opportunity for meaningful landscaping, resulting in a car dominated streetscape to the detriment of the development and wider locality in general. The development would fail to positively contribute to the character of the area contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF.

### **INFORMATIVE:**

#### Positive and Proactive Statement

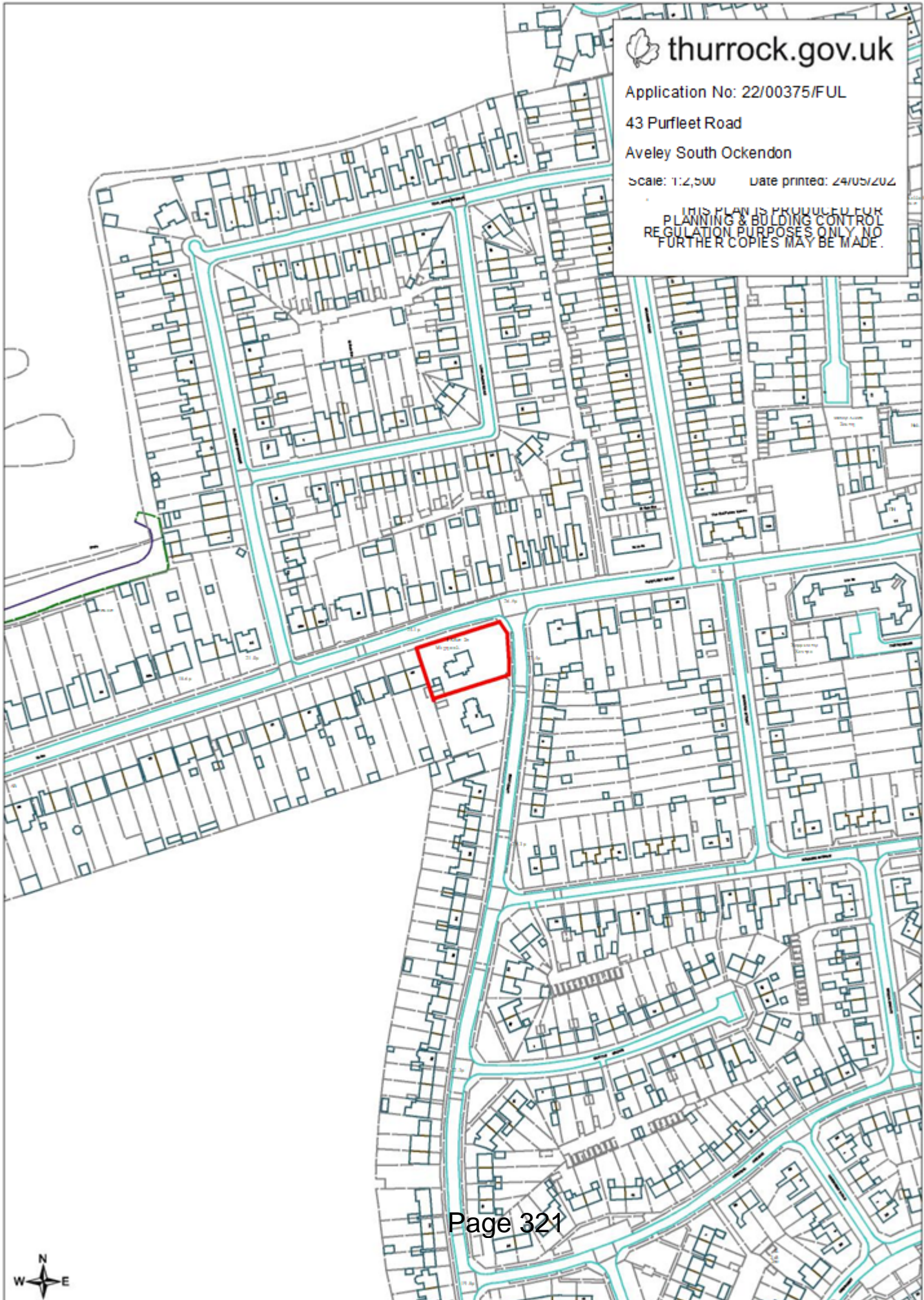
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



 **thurrock.gov.uk**

Application No: 22/00375/FUL

43 Purfleet Road

Aveley South Ockendon

Scale: 1:2,500

Date printed: 24/05/2022

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<b>Reference:</b> 22/00312/FUL	<b>Site:</b> Woodlands Koi Farm South Avenue Langdon Hills Essex SS16 6JG
<b>Ward:</b> Orsett	<b>Proposal:</b> Erection of a single storey detached annexe following demolition of existing outbuilding with associated veranda (resubmission of 21/01844/FUL)

<b>Plan Number(s):</b>		
Reference	Name	Received
OV/JK/JC/01	Proposed Plans	10 March 2022
OV/JK/JC/02	Existing Plans	10 March 2022
(No Nos.)	Location Plan	10 March 2022

The application is also accompanied by: - Planning, Design and Access Statement	
<b>Applicant:</b> Mr J Cross	<b>Validated:</b> 10 March 2022  <b>Date of expiry:</b> 13 June 2022 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Fletcher, Cllr Gledhill, Cllr Watson, Cllr Shinnick and Cllr Muldowney in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the proposal against Green Belt policy and the existing structure on the site.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission to erect a self-contained annexe in the south eastern corner of the site where there is currently a garage/storage building. The building would be 3.9m to the ridge when measured from the existing ground

level, although it would be built into the ground by 800mm. The building style would be of a traditional design with a hipped roof and timber finish. The proposed building would have a rectangular footprint of approximately 70sqm and the veranda would have a footprint of 8 square metres. The purpose of the building, as described by the applicant, is to provide accommodation for family members. The building would feature one en-suite bedroom, a lounge and a kitchen/dining area.

**2.0 SITE DESCRIPTION**

2.1 The site is broadly rectangular in shape and is 0.67 of a hectare in area. The site is accessed from South Avenue which is a narrow access track leading to Old Hill Avenue, which in-turn leads to South Hill (B1007). The site is located in the Green Belt in an elevated position close to Langdon Hills. The Langdon Ridge Site of Special Scientific Interest (SSSI) which is designated for its nationally important grasslands, meadows, woodlands and invertebrate assemblage is located immediately north and north-east of the site. The site is operated as a koi farm with a number of fish ponds, a residential dwelling, outbuildings and a mobile home.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
21/01844/FUL	Erection of a single storey detached annexe following demolition of existing outbuilding (resubmission of 21/00156/FUL)	Withdrawn
21/00156/FUL	Erection of a single storey detached annexe following demolition of existing outbuilding	Refused
20/01688/FUL	Demolition of existing outbuilding and construction of a single storey detached annexe	Withdrawn
20/00141/FUL	Demolition of existing outbuilding and construction of a single storey detached annexe	Withdrawn
19/00317/FUL	Construction of a storage building incorporating ancillary workshop	Approved
18/00681/FUL	Single storey agricultural storage and ancillary workshop for Koi farm (resubmission of 17/00795/FUL Construct a single storey workshop and storage building)	Refused
17/00970/HHA	Demolish existing outbuildings and construct a single storey pitched roof games room	Refused
17/00795/FUL	Construct a single storey workshop and storage building	Refused
16/00686/FUL	Detached granny annexe to rear of the existing property.	Refused
15/00349/HHA	Erection of a residential extension to form	Refusal and



	annexe	Dismissed on appeal
08/00791/FUL	Demolition of existing dwelling and construction of a new two bedroom dwelling.	Approved
05/00119/FUL	Temporary siting of mobile home.	Approved
83/00467/FUL	Lay out ponds for the use of breeding and the sale of Koi Carp fish	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](http://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. The application has been advertised as a departure from the Development Plan. There were two comments received, one in objection and one in support. The objection raised covered the following:

- Many similar applications refused at the site;
- Untidy site/unfinished buildings;
- Family have bungalow nearby already;
- Loss of openess;
- Inappropriate development in Green Belt;
- Garage/storage building not lawful.

The comment of support did not consider that the proposal would negatively affect the Green Belt or the site.

#### 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 date<sup>1</sup>, 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<sup>2</sup>; 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.

<sup>1</sup> *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 ...*

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

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

#### National Planning Practice Guidance (PPG)

- 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 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
- Effective use of land
- Enforcement and post-permission matters
- Environmental Impact Assessment
- Fees for planning applications
- Flexible options for planning permissions
- Flood Risk and Coastal Change
- Green Belt
- Natural Environment
- Rural Housing
- 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 (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:

- CSSP4: Sustainable Green Belt

#### THEMATIC POLICIES:

- CSTP23: Thurrock Character and Distinctiveness

#### POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD16: Developer Contributions

### 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**

### Background

The applicant has submitted multiple applications over the past seven years for annexe accommodation. These applications have either been refused or withdrawn by the applicant prior to determination. The last application that was determined was refused by the Council's Planning Committee in April 2021 (reference 21/00156/FUL).

- 6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact of the Green Belt
- II. Access, traffic and highways impacts
- III. Design and Layout
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Other matters

- I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

- 6.2 Under this heading, it is necessary to refer to the following key questions:
1. Whether the proposals constitute inappropriate development in the Green Belt;
  2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
  3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the Green Belt
- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the 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.”*
- 6.5 Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 6.6 Paragraph 148 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the Green Belt and that very special circumstances (VSC) would not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.7 With reference to proposed new buildings in the Green Belt, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate. The NPPF sets out a limited number of exceptions, similar to policy PMD6, but in regards to the replacement of buildings this exception will only apply where the building(s) to be replaced are lawful
- 6.8 There is no evidence of the lawfulness of the existing garage structure and, as permitted development rights at the site were removed in 2008, any changes to the outbuilding within the last 10 years would need planning permission and no such

planning permission has been granted. Aerial photography confirms that the outbuilding was not completed until around 4 years ago and it is therefore short of the ten year enforcement timescale. Therefore in policy terms the proposal would not fall into any policy 'exception' from the Core Strategy of the NPPF and would therefore be considered as inappropriate development in the Green Belt.

- 6.9 The proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 149 of the NPPF. Indeed, from the Planning History section above, Members will note that the site has been subject to the maximum amount of development that would be acceptable in compliance with national and local Green Belt policy. The proposal clearly comprises inappropriate development in the Green Belt which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 148), substantial weight should be given to this harm.

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

- 6.10 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.
- 6.11 As noted above, paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. As the building is not lawful the 'replacement' of that building cannot be put forward as being an acceptable form of development in the Green Belt. In addition, whilst the proposed footprint would be reduced by 10sqm from the existing, the height of the proposal would be 3.9m and this is when excavated into the ground by nearly 1m. The present structure has a maximum height of 3.1m above ground level, although most of the structure is less than this. Consequently, the proposal would affect the open nature of the Green Belt. Therefore, as well as the in-principle objection on the grounds of inappropriateness, the amount and scale of development proposed would reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be afforded substantial weight in the consideration of this application.
- 6.12 Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;

- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.13 In response to each of these five purposes:

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

6.14 The site is located within a rural area outside the main large built-up areas of Corringham to the south-east and Laindon / Basildon to the north. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. The proposals would not, therefore, result in the sprawling of an existing large built up area and there would be only very limited harm to this purpose of the Green Belt.

*b. to prevent neighbouring towns from merging into one another*

6.15 As noted above, the site is located in a relatively isolated position between Corringham and Laindon / Basildon. Although the proposal would result in new build development in-between these towns, the harm to this purpose of the Green Belt would be limited. The development would not conflict to any significant degree with this Green Belt purpose.

*c. to assist in safeguarding the countryside from encroachment*

6.16 With regard to the third Green Belt purpose, the proposal would involve built development on a part of the site which has a structure on presently, but the lawfulness of this has not been evidenced. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. Therefore, the development proposed would encroach upon the countryside in this location contrary to this Green Belt purpose.

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

6.17 The proposals do not conflict with this defined purpose of the Green Belt.

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

- 6.18 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. However, an Annex to the property could not be located on another site.
- 6.19 In light of the above analysis, it is considered that the proposals would be contrary to purposes (c) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to this factor alongside the definitional harm resulting from inappropriate development and harm to openness.
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
- 6.20 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.21 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 6.22 The applicant's Planning Design and Access Statement sets out the applicant's case for very special circumstances which are summarised and assessed below:



*a) The removal of an incongruous outbuilding on the site*

- 6.23 The applicant has argued that the removal of the present structure, which is in their words *unsuitable*, on the site should constitute a factor which would contribute towards very special circumstances.

Consideration

- 6.24 The present structure has been built without planning permission and evidence available to the Council indicates that, at least in part, the structure has not been present at the site long enough to have become lawful. At this time, the structure is the subject of a live enforcement case (reference 21/00412/CWKS). Whilst part of the structure appears to have been at the site for some time, as the structure is not wholly lawful, its presence at the site is considered to carry no weight. As the building is not lawful, its removal may be secured through other measures and, as such, it would not be necessary to grant planning permission to achieve the removal of the structure.

Accordingly, the removal of the structure does not represent a planning gain arising from this proposal and should carry no weight towards very special circumstances. Similarly, whilst there are other structures and buildings on the site, their lawfulness has not been proven. Additionally, a mobile home is on the site which has permission to be retained until the main house is occupied; this house has remained unfinished for a number of years and the unsightly mobile home remains at the site. The presence of those other structures and features is also not considered to represent a matter that could contribute towards the identification of very special circumstances.

*b) The welfare of the applicant's parents and the need for them to be cared for without putting a burden on currently overstretched NHS resources.*

- 6.25 The applicant states that the need for the building is to be able to look after his ageing parents who have health issues. This would mean they would not put a burden on the NHS.

Consideration

- 6.26 It is noted that there are details contained within the application in relation to the desire for the applicant to accommodate aging parents in need of additional care and supervision. This is set out within letters from the applicant, the intended occupier and their health providers. However, as detailed in the doctors letter the applicant's parents appear to reside within the immediate vicinity at a property on

Old Hill Avenue, which is located approximately 450 metres (via the highway) from the application site boundary. Although there is sympathy with the applicant’s desire to accommodate his parents, it is clear that the applicant’s parents currently live nearby. The application notes the inappropriate entrance to their current dwelling and that this would cost £30,000 to adapt. No comparable information as to the cost of the proposal has been provided, although it is thought this would at least be similar. Therefore, this matter is not considered to amount to any more than very limited weight towards very special circumstances that would outweigh the harm arising from the development.

6.27 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	a) The removal of an incongruous outbuilding on the site	No weight
Reduction in the openness of the Green Belt	Substantial	b) Welfare of parents	Very limited weight
Conflict with a number of the purposes of including land in the Green Belt – purposes (c) and (e)	Substantial		

6.28 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly (emphasis added) outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purpose (c). Two factors have been promoted by the applicant as considerations amounting to the ‘very special circumstances’ necessary to justify inappropriate development and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise ‘very special circumstances’.

- 6.29 It is considered that the applicant has not advanced any factors which would cumulatively amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

## II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

- 6.30 The site is large and there is ample room for parking of vehicles. Access to the site is taken from a private road and there would be no detrimental impact on access or parking issues. Therefore, the proposal complies with Core Strategy policy PMD8.

## III. DESIGN AND LAYOUT

- 6.31 The overall design and appearance of the building is considered to be acceptable given the rural nature of the site. The proposed building would be of a traditional design finished in timber boarding with a natural slate roof and therefore it is considered to be appropriate for the location. Therefore, the proposal complies with Core Strategy policy PMD2 in relation to design.

## IV. LANDSCAPE AND ECOLOGY

- 6.32 The application site is adjacent to a SSSI designated for its woodland interest and the relevant Impact Risk Zones have been triggered. The Council is then required to review a number of matters as to whether the proposed development would affect the ancient woodland. It is considered that the proposal is not located within an area, nor is of sufficient scale, to affect the SSSI.
- 6.33 The proposed site for the building does not contain any habitat features of ecological value such as invertebrates or ancient woodland. There is no objection to the proposed development on landscape or ecology grounds. Accordingly, no objection is raised on landscape and ecology grounds.

## V. AMENITY AND NEIGHBOURS

- 6.34 The building would be suitably distant from other premises, other than the parent property at the site, not to impact on the outlook or amenities of any nearby

occupiers. However, there are other residential properties within the area and, if approved, it is considered acceptable to limit hours of construction on site by condition. Therefore, the proposal complies with Core Strategy policy PMD1.

## VI. OTHER MATTERS

- 6.35 The applicant has highlighted the personal circumstances of the intended future occupiers of the proposed annexe. However, if approved, the building is likely to be in place indefinitely and for a longer period than the personal circumstances of the applicant's family are applicable. Consequently, for the reasons set out above, it is not considered that the harm to the Green Belt is outweighed by those personal circumstances. Furthermore, having had due regard to the Public Sector Equality Duty and the need to eliminate unlawful discrimination, harassment and victimisation and advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it, it is not considered that the personal circumstances should represent other considerations that outweigh the harm that has been identified and the conflict with the development plan and the NPPF.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are any factors or benefits which clearly outweigh harm such that the VSC necessary for a departure from normal policy to be justified exist.
- 7.2 The proposals are 'inappropriate development' in the Green Belt, would lead to the loss of openness and would cause harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. It is concluded that the benefits of the development do not clearly outweigh harm and consequently the application is recommended for refusal. The site is considered to have reached the limit of development that is appropriate for it, by virtue of the planning history and recent planning approval for a storage building for the business at the site.

## 8.0 RECOMMENDATION

- 8.1 Refuse for the following reason:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption

against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purpose (c) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4, and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework.

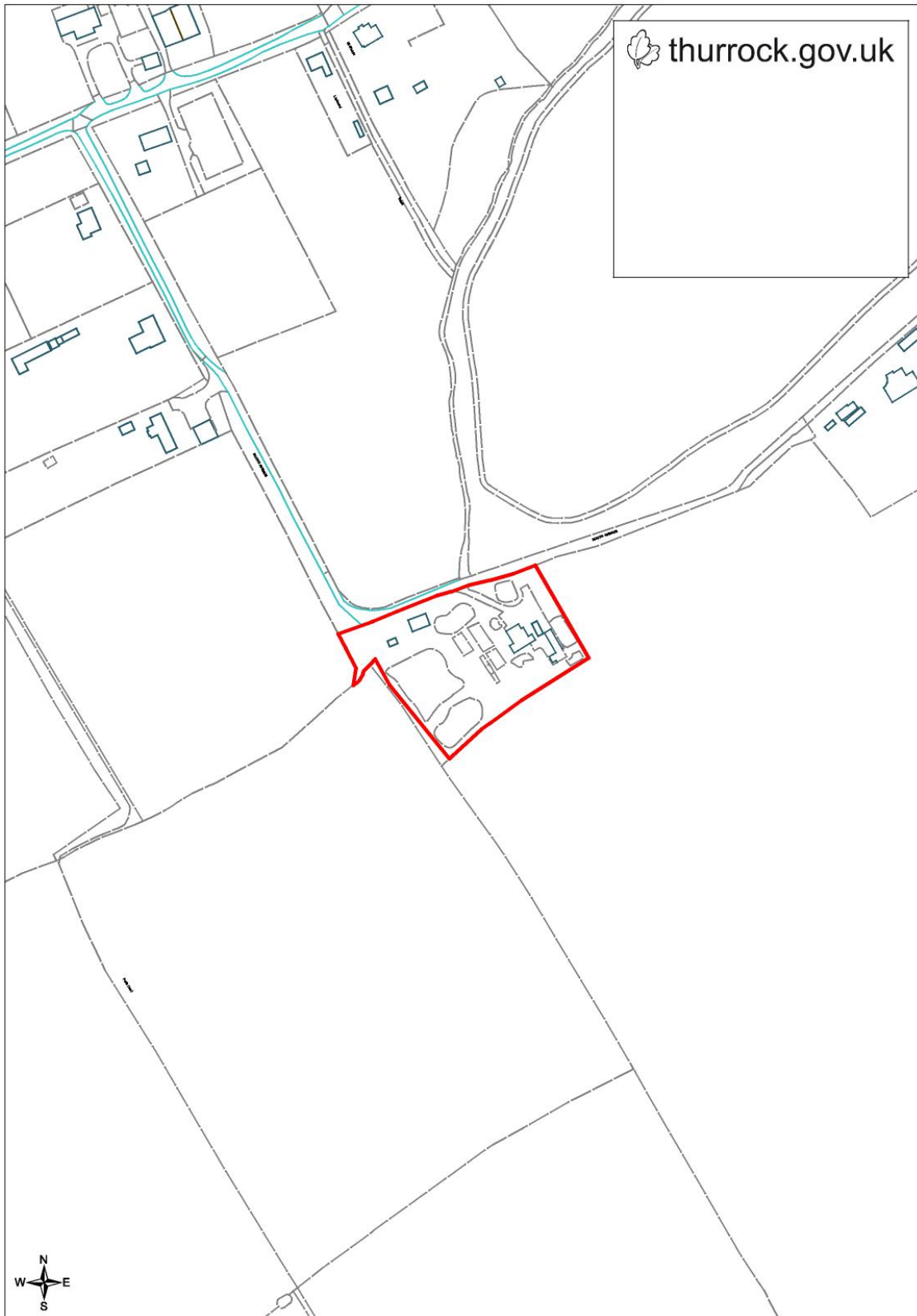
**Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:**

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 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](http://www.thurrock.gov.uk/planning)



# Agenda Item 15

Planning Committee 09 June 2022	Application Reference: 20/00430/FUL
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<b>Reference:</b> 21/01883/FUL	<b>Site:</b> Coach Park Pilgrims Lane North Stifford Grays Essex RM16 5UZ
<b>Ward:</b> Chafford And North Stifford	<b>Proposal:</b> Retrospective Planning Application for a Temporary Programme Management Office Facility and Contractors Compound with Related Staff Welfare Facilities for a period of five years

<b>Plan Number(s):</b>		
Reference	Name	Received
N/A	Location Plan	03/11/2021
200721.DWG Rev C	Layout Drawing + Drainage	06/12/2021
31012022.DWG Rev B	Layout Drawing	09/03/2022
SJS-BB-LTC-J30- Combined_Services .DWG Rev A	Combined Services Layout	07/03/2022
SJS-BB-LTC- J30M4MODLS2511 21.DWG Rev A	Long Section Layout Drawing	06/12/2021
SJS-BB-LTC- J30M4MODLS1204 21.DWG Rev A	M4 Modular Building Long Sections Sheet 1 of 2	06/12/2021
SJS-BB-LTC- J30M4MODLS1204 21.DWG Rev A	M4 Modular Building Long Sections Sheet 2 of 2	06/12/2021
SJS-BB-LTC- J30M4MODLS1204 21.DWG Rev A	M4 Modular Building Long Section Layout	06/12/2021
SJS-BB-LTC- J30M4MODLS2511 21.DWG Rev A	Welfare & LTC Office Long Section/Elevations	06/12/2021

SJS-BB-LTC- J30M4MODLS2511 21.DWG Rev A	MIR, Customer Care & BB Stores Long Section/Elevations	06/12/2021
18-20332-02ELEV	Proposed Elevation Detail – 18 Bay Modular Welfare Building	06/12/2021
N/A	Security Unit Specification	06/12/2021
DHA/14112/04	Gate Elevation	26/04/2022

The application is also accompanied by:

- Existing Drainage Layout (Received 06/12/2021)
- Design and Access Statement (November 2021)
- Envirobuka Deluxe Fuel Storage Details
- Flood Risk and Sustainable Drainage Assessment (April 2020)
- Health Impact Assessment
- Lighting Specification
- Pilgrims Lane Travel Plan Ver 1.1 (February 2022)
- Traffic Management Plan (March 2022)
- Planning Statement
- Response to Thurrock Council Highway Comments
- Response to Thames Crossing Action Group's First Comments
- Response to Thames Crossing Action Group's Second Comments
- Response to National Highways Holding Recommendation
- Green Belt Location Justification Document, May 2022

**Applicant:**

National Highways / Lower Thames Crossing

**Validated:**

2 December 2021

**Extension of Time Agreed:**

13 June 2022

**Recommendation:** Grant planning permission, as per the recommendation and subject to the referral set out at paragraph 8.1 of this report.



This application is scheduled for determination by the Council's Planning Committee because the proposal constitutes a departure from the Development Plan in accordance with Section 2.1(a) of Part 3b of the Council's Constitution.

## **1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks approval for a temporary change of use of the land from coach/car park use (Sui Generis use, i.e. a use that falls outside the specified use classes that are defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a different Sui Generis use comprising of an office facility, contractors compound and associated staff welfare facilities. The facilities at the site have evolved since the use commenced but have been and would continue to be used for purposes associated with the pre-construction phases of the proposed Lower Thames Crossing including site surveying and monitoring of the Lower Thames Crossing Route, community engagement and providing an office base for staff involved in preparing for a Development Consent Order application. Permission is sought for a temporary period of 5 years which would commence from the date of the planning permission. The applicant has advised that the intention is for compounds associated with the Lower Thames Crossing to be in place by late 2025 or early 2026 but the five year period is being sought in case of delays and is considered to be the worst case scenario in terms of their delivery timetable.
- 1.2 The site has been divided into two parts with the northern part of the site being used by National Highways and the southern part being used by a sub-contractor of National Highways as a base and storage facility associated with the pre-construction works that are set out above.
- 1.3 At the northern part of the site, temporary structures that have been erected at the northern part of the site include:
- A Modular Office Building building that has overall dimensions of 69.4 metres by 52.5 metres with a maximum height of 2.6 metres;
  - A welfare building that measures 12 metres by 54 metres;
  - A management incident room building that measures 12 metres by 15 metres;
  - A community engagement building that measures 12 metres by 12 metres;
  - A pair of security buildings adjacent to the entrance to the northern part of the site.

The buildings are at site but need to be the subject of internal modification in order to be used and, as such, the northern part of the site is not currently operational.

- 1.4 The southern and western parts of the site are in use as a contractor's compound with vehicles and various items stored including barriers, PPE, HGV trailers and other such items that are associated with monitoring and surveying of the proposed Lower Thames Crossing Route. Other materials kept at the site include replacement materials for land drains that are surveyed and materials required for back-filling after survey work has occurred including shingle. The southern part of the site also features a 72 square metre store building, containerised storage, a 396 square metre office building and store buildings including a bunded fuel store.
- 1.5 Gates have previously been installed at the entrance to the site without planning permission. The applicant's submissions seek to retain these gates with them being kept open at all times that the site is operational. There would be new barriers provided within the site, set 36.5 metres from the site entrance, which would enable entry into the site to be controlled. Fencing is also provided within the site adjacent to the entrance to provide enclosure and restrict access to parts of the site.
- 1.6 The applicant has identified that 220 employees would utilise the site on an intermittent basis, but the average number of staff on site at any one time would be 80, with 60 typically using the northern part of the site and 20 using the southern part of the site at any one time. The applicant has identified that the southern part of the site would be open to staff between 06:30 and 19:00 and the northern part of the site would be open to staff between 07:00 and 19:00. The site would mostly be used on weekdays, although occasional access to the southern part of the site on Saturdays might be required. The number of vehicle movements per day has been estimated to be 501.

## **2.0 SITE DESCRIPTION**

- 2.1 The site lies on the northern side of the A1306 and to the south of the A13. It is bounded by Pilgrims Lane to the east beyond which is a caravan site. To the south of the A1306 lies a Sainsbury Superstore as well as other commercial premises. To the west is a sports ground. The closest dwellinghouses to the site are those of Grifon Road, approximately 100 metres to the south east of the application site.
- 2.2 The site is covered in hardstanding and accommodates one pre-existing building that has been present at the site for a substantial period of time and the abovementioned temporary structures.
- 2.3 Whilst some of the hardstanding appears to have been covered with soil and grass for the majority of a period of approximately 15 years between 2004 and 2019, that

material has been previously been cleared to reveal and reinstate the use of the hardstanding that is understood to have remained in place throughout. There are security fences at the boundaries of the site and a belt of trees and hedges adjacent to the majority of those fences.

- 2.4 The site lies within the Green Belt as designated in the Core Strategy Policies Map.
- 2.5 Gates at the frontage of the site that faces Pilgrims Lane are the subject of a separate application (19/01858/FUL).

**3.0 RELEVANT HISTORY**

3.1 The following table provides the relevant planning history:

Application Ref.	Description of Proposal	Decision
20/00430/FUL	Retrospective application for the temporary change of use of the existing coach /car park to a contractors compound (day and night) for five years for works associated with the proposed Lower Thames Crossing and associated highway and infrastructure works on the Essex side of the crossing.	Pending Decision
19/01858/FUL	Installation of security gates	Pending decision
11/50283/TTGFUL	Change of use from coach park to caravan and leisure vehicle storage park for a 3 year period	Approved
08/00349/TTGFUL	Temporary change of use for 3 years for a Sunday morning market with opening hours of 09.00 to 13.00 hours only.	Refused
04/01447/TBC	Temporary use for 5 years as a lorry park, including conversion of an existing building to provide toilets, washing/shower facilities on ground floor and offices above.	Approved
00/01052/FUL	Provision of an enclosed all weather ball court surface with floodlights plus additional car parking to take account of additional usage. Landscaping on two sides to provide partial obscurement.	Withdrawn
91/00792/FUL	Use of car/coach park as Sunday Market	Withdrawn
90/00664/FUL	3 No. Pitched Roof Bus Shelters.	Approved
90/00208/FUL	Coach car park & football pitches pavilion and management building	Approved

89/00190/FUL	Playing Field Pavilion. Management Building. Overflow Car Park and Coach Park for the Lakeside Shopping Centre.	Approved
79/01270/FUL	Relocation of old refuse in adjoining land, burial and restoration to arable land (approx 30,000m <sup>3</sup> ) (Additional plans received 25.10.79).	Approved
67/00349/FUL	Limited Industrial Rubbish Tipping	Refused
64/00850/FUL	Petrol Service Station	Refused
49/00109/FUL	Overhead Lines	Approved

3.2 Application 20/00430/FUL was presented to the Council's Planning Committee in June 2021 and the decision was made to defer the determination of that application to enable the applicant to submit additional information. That application remains undetermined but the evidence submitted and changes to the content of the site and the manner in which it has been used meant that the previous application was of reduced relevance. Accordingly, the application that is the subject of this report has been submitted.

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

##### PUBLICITY:

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

4 letters of representations have been received including two letters of objection from the Thames Crossing Action Group which raise objections on the following grounds:

- Inadequate site access, increase in traffic, detrimental impact on local roads, mud and debris would be deposited on roads, inadequate and misleading traffic modelling and harm to highway and pedestrian safety. The applicant initially objected to their own application in some of these respects;
- Providing a foul water connection would disrupt traffic;
- The application being submitted retrospectively is unacceptable and disrespectful;
- The content of the application could be found inconsistent, unacceptable, inaccurate, inadequate or excessive;
- Although it is a retrospective application, not all of the works have been completed;
- Removal of trees and effect on wildlife;

- Lighting of the site could be unacceptable and cause harm to wildlife;
- The number of people employed at the site is unclear, employees should work from home and employees should be made to walk to the nearest rail station rather than be shuttled using electric vehicles;
- Emissions associated with the overall Lower Thames Crossing development undermine the applicant's emission reduction or limitation claims;
- The Lower Thames Crossing proposal is unacceptable;
- The hours of use of the site should be clarified;
- Fuel should not be stored at the site and is a safety concern;
- Publicity of the application should not have occurred over the festive period and all documents should have been accessible;
- Other sites are available;
- The site is within the Green Belt.

One of the representations cited above has been submitted as a series of questions rather than comments, but the nature of the questions indicates that they should be taken as objections to the proposal and have been considered as such.

#### 4.2 CONSULTATION RESPONSES:

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

#### 4.3 ENVIRONMENT AGENCY:

No Response.

#### 4.4 THURROCK COUNCIL ENVIRONMENTAL HEALTH:

No objection.

#### 4.5 THURROCK COUNCIL HIGHWAYS:

No objection subject to a condition to require the Traffic Management Plan to be implemented.

#### 4.6 THURROCK COUNCIL TRAVEL PLANNING TEAM

The revised Travel Plan is acceptable.

#### 4.7 NATIONAL HIGHWAYS:

Having requested the submission of additional information and clarification, no objection is raised. The Travel Plan is considered to be acceptable.

#### 4.8 THURROCK COUNCIL LANDSCAPE AND ECOLOGY ADVISOR:

The development does not have any significant landscape or visual effects. The buildings have been placed on an area of hardstanding and not caused the loss of any existing trees. The site has no habitat features and is of negligible ecological value. It is noted that Natural England have identified that the site is within an Impact Risk Zone of West Thurrock Lagoon and Marshes and that the risk relates to surface water drainage but, as there would not be a significant change to surface water discharge, there would not be an adverse impact on the designated site. Therefore, no objection is raised.

#### 4.9 NATURAL ENGLAND:

It has been highlighted that the site is within the Impact Risk Zone of West Thurrock Lagoon and Marshes and, as such, the Council is required to consider the impact of foul water drainage on the designated site.

#### 4.10 THURROCK COUNCIL FLOOD RISK MANAGER:

It has been requested that conditions are imposed to ensure that the existing surface water drainage facilities are adequately operational and provide effective surface water drainage.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 27th March 2012 with the most recent revision taking place on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, 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<sup>2</sup>; 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.*

<sup>1</sup> *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.*

<sup>2</sup> *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.*

Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving Sustainable Development;
- 4. Decision-making;
- 9. Promoting sustainable communities;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land;
- 15. Conserving and enhancing the natural environment;

## 5.2 National Planning Practice Guidance (NPPG)

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

several sub-topics. Those of particular relevance to the determination of this planning application include:

- Air quality
- Before submitting an application
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Fees for planning applications
- Flood risk and coastal change
- Green Belt
- Land affected by contamination
- Light pollution
- Making an application
- Natural environment
- Noise
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP19: Biodiversity
- CSTP22: Thurrock Design



- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

#### Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD15: Flood Risk Assessment

#### 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 and impact on the Green Belt.
- II. Traffic Impact, Access and Car Parking
- III. Design and Layout
- IV. Impact on Nearby Residents
- V. Flood Risk, Drainage and Ecology
- VI. Other Matters

## I. PRINCIPLE OF THE DEVELOPMENT

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

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

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

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

6.4 Paragraph 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."

6.5 The Town and Country Planning Act 1990 states that "building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. This is a wide definition and has been interpreted as such in many appeal decisions. It is noted that case law identifies that size, permanence and fixture to the ground can all be considerations in establishing whether a structure is a building. By virtue of their size and the degree of permanence brought about by them being present at the site for 5 years, it is considered that the modular units meet the test of being a building in these respects. Moreover, whilst the applicant has highlighted that the modular units are not fixed to the ground and are held in place by gravity alone, it is considered that this is sufficient for the units to be considered as a building as case law indicates that the size, weight and inability to move the structures without specialist

equipment can all be factored into the assessment. Consequently, it is considered that the modular units should be considered as buildings.

- 6.6 Paragraph 149 of the NPPF sets out that the construction of new buildings in the countryside should be regarded as being inappropriate unless the development falls within some specified exceptions. These are not considered to align with the development that has occurred and, therefore, the development is considered to constitute inappropriate development in the Green Belt.
- 6.7 The applicant makes the case that the development is not inappropriate in the Green Belt on the grounds that the development accords with exception (g) of Paragraph 149 of the NPPF. This allows for partial or complete redevelopment of Previously Developed Land which would not have a greater impact on the openness of the Green Belt.
- 6.8 The site is Previously Developed Land but contained very few buildings. Therefore, proceeding on the basis that the modular offices are buildings, it is clear that there would be a substantial increase of built form at the site and, in comparison to the pre-existing situation, there would be a greater impact on openness. Therefore, on the basis of the situation immediately before the development occurred, it is considered that the above exception is not applicable.
- 6.9 The applicant makes the case that the site could host cars and coaches under the terms of its existing lawful use and that these would have a comparable or greater effect on openness in terms of the spread, bulk and height of items at the site. In support of this position a court case has been cited where it was concluded that openness can be affected by items at a site as well as buildings. The applicant has also highlighted the importance of having regard to a fallback position and sited a case, and several other examples, where it was found that there only had to be a possibility of the fallback being used for an alternative potential development to be afforded weight.
- 6.10 The applicant's case is that, if used at full capacity, the former use could have led to 219 coaches with a cubic volume of 24,000 cubic metres being parked at the site and that this is less than the volume of the buildings at the site. A calculation of the volume of cars at the site has not been made, but this would be in addition to the volume of the coaches. The applicant has also made the case that coaches and cars could be kept at the site throughout the night and, as such, have a permanent effect. It is also suggested that the provision of overnight lighting could heighten the visual impact on the openness of the Green Belt.
- 6.11 However, whilst the fallback position of the existing lawful use is relevant and demonstrates that the openness of the site could be reduced from its condition prior

to the development that occurred without needing further permission, it is not considered that the parking of vehicles at the site would have a comparable effect on openness to the development that has occurred. By definition, the presence of vehicles at the site would be variable and would appear as many individual items with an entirely different spatial character. Consequently, such a use of the site would have a materially different and lesser impact on spatial and visual openness than the development that is the subject of this application

- 6.12 For similar reason, even if the view is taken that the modular units are not buildings due to there being no intention for them to be permanent, the siting of those structures is integral to the use and the effect on openness would prevent the exception set out at paragraph 150(e) of the NPPF being applicable as, whilst this allows for the change of use of land, this is dependent on the development preserving the openness of the Green Belt and, for the reasons set out above, it is considered that the development has a greater effect on openness than the fallback position which can only be given limited weight in this respect.
- 6.13 Officers have previously taken the view that the effect of the uses on the southern part of the site would be comparable to the existing lawful use of the site but this application relates to a development that includes the provision of buildings or structures that have an effect on openness that is akin to buildings and, as such, the basis of the assessment is wholly different. For these reasons, it is considered that the development is inappropriate 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.

- 6.14 Overall, the development includes the provision of 5,092 square metres of new buildings at the site. Although they are the equivalent of single storey and are proposed on a temporary basis, the spread, scale and bulk of the buildings has brought about a loss of openness at the site. The tree belt at three boundaries of the site does not wholly prevent views of the temporary buildings that have been put in place and, as a result of the scale of the buildings, it is considered that there is a moderate effect on openness. This is particularly appreciable in views from the south west and from in front of the entrance to the site.
- 6.15 As set out above, the planning history of the site indicates that the site has formerly been used for the parking of vehicles of various sizes and, although aerial photographs indicate that an area of grassed land was introduced between 2003 and 2005, the majority of the site has previously been developed and laid to hardstanding. Although the site appears to have been used at a limited intensity, the site can be used lawfully for the parking of cars and coaches and, as such, vehicles and associated facilities could spread across the site.

- 6.16 In this regard, the use of the southern part of the site as a constructor's compound has a comparable effect on the spatial openness of the Green Belt whereby temporary and movable items of limited bulk have a comparable effect on openness as would arise from the parking of vehicles. In this regard it is noted that the topography of the site and the presence of landscaping at the boundaries of the site reduces the prominence of this part of the site from within the public domain and ensures that the effect on openness is limited.
- 6.17 However, as set out above, it is considered that the effect of the modular buildings which, as a result of their combined scale and bulk, is that they have a greater effect on openness than would result from the fallback scenario where coaches and cars are parked at the site at the maximum possible intensity. Whilst the alternative use of the site and the limited views and localised visual impact of the structures might mitigate this harm to the extent that it is no more than moderate, it is considered that there would still be harm caused that should be afforded substantial weight.
- 6.18 In terms of whether or not the development conflicts with the purposes of the Green Belt, an assessment is set out below in relation to each of the five purposes of the Green Belt:

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

Although the site is located at the edge of the urban area, it has previously been used and is contained to the north by the A13. Accordingly, it is considered that any sprawl is limited and not unrestricted.

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

The land sits between settlements but the use of this land for the stated purposes would not cause those settlements to merge.

*c) to assist in safeguarding the countryside from encroachment;*

As it has been used to host a large parking area at the edge of the urban area, the site is not viewed as part of the open countryside and, therefore, the use of the site for the stated purpose does not cause more than a minimal sense of encroachment into the countryside. As will be set out below, the visual effect of the development would be limited and contained and, as such, it is not considered that the development conflicts with this purpose, but only to a limited degree.

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

The site is not within the setting of a historic town and would not affect the special character of one.

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

The site represents the use of land that would otherwise be redundant when considered in relation to its lawful use. There are no other known sites within the urban area that would be comparable and available and, as such, the development does not undermine this purpose.

6.19 For these reasons, it is considered that there would be limited harm caused to the openness of the Green Belt and only a small degree of conflict with the purposes of the Green Belt.

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

6.20 The applicant's initial submissions set out various factors that were considered to weigh in favour of the proposal. The applicant's subsequent Green Belt Location Justification document set out various factors that are advanced in this regard. These have been combined as follows:

- A) Fallback position has greater adverse impact on traffic and local amenity.
- B) Benefits arising from the scheme
- C) Low importance of the site to the Green Belt and the limited contribution to openness.
- D) No preferable alternative site not within the Green Belt and the undertaking of a site selection process.
- E) Temporary modular units and temporary scheme.
- F) Use of previously development land
- G) Former uses of the site.
- H) Limited Visual Impact
- I) Immediate potential use.
- J) Scheme required to facilitate major infrastructure scheme.

*A) Fallback position has greater adverse impact on traffic and local amenity.*

- 6.21 The site has previously been used for the parking of coaches and cars and the potential for this use to be re-introduced is a fallback position that should be afforded weight. The submissions of the applicant relating to traffic that are discussed further below indicate that the use that is the subject of this application would generate less traffic than the previous use of the site. In turn, it has been suggested that the proposal would have less harmful impacts on air quality. The applicant also stated that the effect on the amenity of the locality would be less, particularly through including measures such as solar lighting and time-controlled lighting.
- 6.22 Although the above assessment concludes that the use that is the subject of this application would have a greater impact on openness than the alternative use, the harm to openness arising from this additional impact would be no more than moderate and there would be a reduced effect on local amenity from the development in comparison to the alternative use, particularly as there would be less vehicle movements. Accordingly, it is considered to give substantial weight to the factor that the site could be put to an alternative use and that the temporary use would cause less vehicle movements and less harm to the general amenity of the area.

*B) Benefits arising from the scheme*

- 6.23 In summary, the applicant states that an economic benefit would arise from employment being generated at the site, with some roles actively seeking local employees, and from the Lower Thames Crossing. In this regard, the creation of jobs is appropriate to afford weight, but the locality of the workforce cannot be secured and it is not reasonable to afford weight to any potential benefits of the Lower Thames Crossing as that scheme does not have a Development Consent Order. The applicant also states that community benefits would arise from the use of previously developed land and the provision of facilities within the development to aid inclusivity and encourage diversity. These factors are noted but are not given weight as a benefit to the local community as they would only be of use to the applicant and their employees. These factors are therefore only afforded minimal weight.

*C) Low importance of the site to the Green Belt and the limited contribution to openness.*

- 6.24 The applicant has highlighted the Thurrock Strategic Green Belt Assessment (January 2019) undertaken on behalf of the Council identifies that the site is part of

a stretch of the Green Belt that is of lower value relative to the purposes of the Green Belt in many respects than parcels of land within Thurrock. As set out above, the site sits at the edge of the urban area and is somewhat viewed as part of the periphery of the urban area. However, this aspect has been factored into the assessment of the harm caused to the openness of the Green Belt and the conflict with the purposes of the Green Belt and, as such, to afford this factor weight would represent double-counting. This is therefore afforded no further weight.

*D) No preferable alternative site not within the Green Belt and the undertaking of a Site Selection process.*

- 6.25 Although these factors have been separated by the applicant, it is considered that they largely relate to the same matter. The applicant has set out that 40 alternative sites were considered and that none outside of the Green Belt were considered suitable. In this regard it is stated that the site was selected following the use of a scoring system that had regard to factors such as the site, car parking, proximity of public transport, welfare, space for training and space for medical support. The other 40 sites have not been clarified and the scoring has not been provided. The applicant has, however, also provided evidence of 5 other sites that were promoted to them as potential sites, however these were all discounted for reasons, mostly relating to features of the site, proximity to the Lower Thames Crossing route, them being unavailable in a timely manner or them being greenfield.
- 6.26 There are no other known sites within the urban areas of Thurrock that would be able to accommodate the facilities that are provided at the site, whilst also being previously developed land, being well located relative to the route of the Lower Thames Crossing and being available for this use without causing other harm. This factor can, therefore, be afforded substantial weight.

*E) Temporary modular units and temporary scheme.*

- 6.27 Permission is sought for a temporary period and a condition could be imposed to ensure that this is the case and that the site is returned to its former condition or some appropriately agreed alternative at the end of that period. The harm that is set out above would, therefore, only occur for a limited period and can be reversed. The time period of the harm is considered to be an important consideration and can be afforded substantial weight.
- 6.28 As the development is temporary it follows that temporary structures are used in order for the development to be reversible. Providing less flexible forms of accommodation would be illogical and, as such, this factor alone should be afforded minimal additional weight but does not diminish the substantial weight that



is afforded to this factor overall.

*F) Use of previously development land*

- 6.29 The NPPF encourages the use of previously developed land and, as such, it is considered that some benefit arises from the proposal in this respect. It is considered preferable that this vacant site consisting of previously developed land is used for the development rather than a greenfield site. This benefit of the proposal can, therefore, be afforded moderate weight.

*G) Former uses of the site.*

- 6.30 The former use of the site has been promoted as reason to find the impact on the openness of the Green Belt acceptable. This has been factored into the assessment of the harm that has been undertaken above and affording this factor weight would represent double-counting. This is therefore afforded no additional weight. The applicant has also identified that other temporary uses have been approved at the site previously. However, those developments appear to be incomparable and could no longer occur at the site and, as such, they are afforded no weight.

*H) Limited Visual Impact*

- 6.31 The visual impact of the development is considered separately below and it is expected that any development would be found acceptable in this respect. This is not, therefore, a very special circumstance. Moreover, in terms of the effect on visual openness, this has been factored into the assessment that has been undertaken above. Therefore this factor should be afforded no additional weight as a very special circumstance.

*I) Immediate potential use.*

- 6.32 The readiness of the site for use is noted, but is not considered to be a factor that should be afforded more than minimal weight.

*J) Scheme required to facilitate major infrastructure scheme.*

- 6.33 The Lower Thames Crossing Development Consent Order application was withdrawn and although it is noted that it is intended to submit a new application, this is yet to occur. It cannot be certain that the scheme would proceed and, as

such, the weight afforded to this factor has to be tempered accordingly. However, it is appropriate to apply moderate weight to this factor on the basis that there is a clear intention to proceed with an application and this site plays an integral role in enabling that application to be prepared, consulted upon and assessed.

- 6.34 The case is made by the applicant that the wider economic benefits of the Lower Thames Crossing should be afforded weight. However, they would not be delivered directly by this proposal and, whilst the works occurring from the site are likely to be required to inform an application, for the reasons set out above, this does not in itself ensure that any future economic benefits would arise.
- 6.35 The applicant has also stated that the absence of policies within the Core Strategy relating to the Lower Thames Crossing should be reason for the development plan to be found to be considered out of date. However, as set out above, the unapproved proposals would not be reason to find the development plan out of date and the Green Belt policies are considered to be consistent with the NPPF which, in turn, sets out that Green Belt is a protected area and is not reason for paragraph 11d) to apply.
- 6.36 Accordingly, whilst it is noted that the NPPF supports infrastructure provision and the growth of the economy, this proposal would not facilitate a major infrastructure scheme to an extent that this benefit that should be afforded more than moderate weight.

<b>Summary of GB harm and other considerations promoted as clearly outweighing harm such that VSC exist</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors promoted by the applicant</b>	<b>Weight</b>
Inappropriate development in the GB	Substantial	Fallback position has greater adverse impact on traffic and local amenity.	Substantial weight
Moderate reduction of the openness of the GB	Substantial	Benefits arising from the scheme	Minimal weight
Limited Conflict with purpose C) of including land in the Green Belt.	Substantial	Low importance of the site to the Green Belt and the limited	No weight

		contribution to openness.	
		No preferable alternative site not within the Green Belt and the undertaking of a Site Selection process.	Substantial Weight
		Temporary modular units and temporary scheme.	Substantial weight.
		Use of previously development land	Moderate weight
		Former uses of the site.	No Weight
		Limited Visual Impact	No weight.
		Immediate potential use.	Minimal weight.
		Scheme required to facilitate major infrastructure scheme.	Moderate weight.

6.37 Whilst the applicant has separated these into individual factors, in this case it is considered that several of these factors are applicable in combination rather than separately. The applicant has identified a need to provide the facilities that are provided at the site in connection with the pre-development phases of the proposed Lower Thames Crossing. The requirements of the applicant, incorporating their own facilities and those of a sub-contractor, are considered to be unique and unusual and also make it impractical for other sites within the urban areas of Thurrock to be used.

6.38 The site was available and constitutes Previously Developed Land and, as such, it is considered that this is a reasonable place for the development to occur. The temporary nature of the development is also a relevant factor as the harm that has been identified would be for a limited period and reversable. In this regard, it is

considered that the short-term harm is better to be directed towards previously developed land than sites of higher value to the Green Belt or of greater overall amenity value. Moreover, although development has some visual impact and is not wholly screened, the positioning of the site, the topography of the area and the nature of the development does ensure that the effect on the Green Belt and the value of the site to the Green Belt is lesser than many other parts of the Green Belt.

- 6.39 Overall, the provision of buildings is inappropriate development and causes harm to openness and the purposes of the Green Belt and this harm should be afforded substantial weight. However, the harm would be caused on a temporary basis and, even affording substantial weight to that harm, it is considered that the temporary and reversible nature of the development and the benefits arising from the use of this previously developed site that would otherwise be vacant ahead of other less desirable sites, are considered to clearly outweigh the limited harm caused to the Green Belt.

## II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.40 The applicant has provided an assessment of the traffic generated by the use of the site when operating at full capacity, entirely as a contractors compound. These operations have subsequently reduced and the contractors compound use is now only to occur on the southern part of the site. It is anticipated that the number of movements associated with the contractors compound operations would be reduced in comparison to the survey that was undertaken, reflecting that the majority of the survey and monitoring work that used the site as a base has occurred. There are a limited number of HGV movements expected to occur at the site within this overall estimate and, to address those movements, the applicant's Traffic Management Plan sets out that HGVs will be directed towards the A1016 and not routes through South Ockendon and North Stifford.
- 6.41 In relation to the northern part of the site, whilst it is anticipated that 200 employees would utilise the site, it is expected that no more than 60 people would ever be present at the site at one time. Therefore, the applicant's submissions indicate that there would be no more than 400 vehicle movements at the site per day. A Travel Plan has also been submitted which has been found acceptable.
- 6.42 The Local Highway Authority and National Highways have assessed the applicant's submissions and neither object to the proposal.
- 6.43 Both consultees identify that the applicant compares the forecast trip movements to those that might occur if the site is used in a manner that reflects the existing lawful use of the site. As set out above, although it is noted that the former use has not occurred for a significant period of time, it is considered appropriate to give weight

to this fallback position and, in comparison to the potential alternative use of the site there would be a reduction of vehicle movements. As the NPPF states that applications should not be refused on the grounds of the impact on the road network unless the impact would be severe, it is considered that this development should not be refused planning permission for that reason.

- 6.44 In terms of the access to the site, gates have been and are the subject of application 19/01858/FUL which has not been determined. Those gates remain in place and the applicant has indicated that they wish for those gates to remain. In this regard, given the terms of this application, those gates would only be lawful for the time that any permission is in effect. However, the applicant identifies that those gates would be kept fully open at all times that the site is operational. A condition could be imposed to this effect and ensure that the gates do not prohibit access to the site in such a way that would pose a threat to highway safety.
- 6.45 For these reasons, the effect on the highway network is considered to be acceptable. The development, therefore, accords with policies CSTP14, CSTP16, PMD9 and PMD10 of the Core Strategy and paragraph 109 of the NPPF which 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.

### III. DESIGN AND LAYOUT

- 6.46 The buildings and enclosures at the site have a functional and utilitarian appearance that shows little regard to the character and appearance of the wider area. Similarly, the use of the site for the storage of items, materials and other such equipment and plant is not beneficial to the character or appearance of the area. However, given the nature of the use and that the development is temporary, it is considered that it would be unrealistic to require the buildings to be of an alternative appearance.
- 6.47 Whilst visible from the public domain around the site, there is substantial screening which partially mitigates the visual impact of the development. Moreover, a substantial part of the site is at a lower ground level to the public domain and this also adds to the screening. Therefore, whilst views of the site and its contents is not entirely prevented, the visual effect of the development is softened and the overall effect on the character and appearance of the area, for a temporary period, is considered to be acceptable. The Council's Landscape and Ecology Advisor has reached a similar view in respect of the landscaping impact of the development. The development, therefore, accords with policies CSTP22, CSTP23 and PMD2 of the Core Strategy and paragraphs 124 and 127 of the NPPF.

#### IV. EFFECT ON RESIDENTIAL AMENITY

- 6.48 The site is a substantial distance from the nearest residential properties and the Council's Environmental Health Officer has raised no objection to the proposal. It is not considered that the traffic generated by the use of the site would be unusual in comparison to the traffic that already utilises the roads around site. The proposal would have no other effects on the living conditions of nearby residents that would justify the refusal of the application.

#### V. FLOOD RISK, DRAINAGE AND ECOLOGY

- 6.49 Given the extensive area of hardstanding that has existed at the site for a substantial period, it is not considered that the change of use of the site has increased the risk of flooding at the site or within the wider area. Furthermore, as the use is of a temporary nature, it is considered that it would be unreasonable to require substantial surface water drainage improvements to be introduced to the site. However, following advice provided by the Council's Flood Risk Manager, it is considered appropriate to require the existing infrastructure to be maintained and restored in order to be effective.
- 6.50 Natural England and the Council's Landscape and Ecology Advisor have both identified that the site is within the Impact Risk Zone of the West Thurrock Lagoon and Marshes. The submissions of both consultees identifies that the risk arising from development within this area relates to foul water and sewage. In this regard, the applicant identifies that they are exploring the use of the existing foul water network and achieving a connection. Alternatively, septic tanks would be used and cleared periodically without there being any discharge. A condition can be imposed to address this matter and, accordingly, Officers are satisfied that the development would not cause any discharge that would need to be the subject of a Habitats Regulations Assessment. The Council's Landscape and Ecology Advisor has identified that the site contains no habitats and no trees of value that need to be protected and has therefore raised no objection to the proposal.

#### VI. OTHER MATTERS

- 6.51 As set out above, representations have been received which raise objections on various grounds that have not been addressed above.
- 6.52 In terms of lighting, it is considered that the insufficient details have been included within the application, but a condition can be imposed to required additional details to be submitted and agreed.

- 6.53 Section 73A of the Town and Country Planning Act 1990 allows for retrospective applications to be submitted. Accordingly, the application being retrospective cannot be a reason to find the development unacceptable in planning terms and the application should be considered on its own merits in the same way as if the application had been submitted prior to any development occurring.
- 6.54 The safety of storing fuel at the site would be addressed under other legislation and is not a matter that could reasonably be a reason to refuse this application.
- 6.55 Whilst some parties raise concerns that the site could be used for a longer period or as part of the facilities required in association with the construction of the Lower Thames Crossing, the Local Planning Authority is required to determine the application on the basis of the terms that the application has been submitted. A further temporary permission may not necessarily be granted and the outcome of this application could not be taken as an indicator of any form of opinion in respect of the future disposal of the site. Moreover, this application is to be determined on its planning merits and is not intended to be any comment on the assessment of any proposals related to a Lower Thames Crossing.

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

- 7.1 It is considered that the application would represent inappropriate development and cause some harm to the openness of the Green Belt and the purposes of including land within the Green Belt. However, the harm arising would be limited and temporary and, even affording substantial weight to that harm, it is considered that the other considerations that are applicable to the development at this site clearly outweigh that harm. The development is considered to be acceptable in terms of the effect on highway safety, traffic, access and living conditions of nearby residents. Moreover, the visual effect of the development is considered to be tolerable on a temporary basis and the proposal is considered to be acceptable in all other respects for the five year period that it would be operational. Consequently, it is considered that the use can be found acceptable on a temporary basis.

## **8.0 RECOMMENDATION**

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

## TEMPORARY PLANNING PERMISSION

1. The use hereby permitted shall be discontinued, all buildings, structures, enclosures, materials and plant removed from the site and the land restored to its condition immediately prior to its first use as a contractors compound on or before 9 June 2027, in accordance with a scheme of work which shall have been submitted to and approved in writing by the local planning authority on or before 9 June 2026, unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.

**Reason:** To reflect the terms of the permission, ensure that the effects of the development on the Green Belt, local and strategic highway network and general amenity of the area are temporary in nature and to ensure that the site is restored to its former condition.

## TRAVEL PLAN

2. The Travel Plan (Dated February 2022) submitted with the application hereby approved shall be implemented within two weeks of the permission hereby granted. All monitoring set out within the Travel Plan shall occur within the specified time frames and a log of alterations to the Travel Plan shall be kept for inspection by the Local Planning Authority.

**Reason:** To encourage the use of sustainable modes of transport and reduce the effect of the development on local and strategic highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, CSTP16, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

## HGV TRAFFIC

3. All HGV vehicle movements to and from the site shall travel in accordance with the Traffic Management Plan (March 2022) submitted with the application hereby approved at all times.

**Reason:** To minimise the effect of traffic associated with the development on the local highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.



## LIGHTING

4. Any external lighting shall be removed from the site within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 2 months of the date of this decision a scheme detailing the positioning, timing of use, duration of use and specification of all external lighting (including security lighting) and a timetable for its provision shall have been submitted for the written approval of the local planning authority.
  - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To minimise the effect of the development on the amenity of the area in accordance with Policies CSTP22, PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

## HOURS OF OPERATION

5. No persons shall be present at the site, other than for security purposes and in times of emergency, outside the hours of 06:30 to 19:00 hours on Mondays to Saturdays (inclusive) and not at any time on Sundays and Public Holidays.

**Reason:** To reflect the terms of the application, to limit the vehicle movements to and from the site, In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policies PMD1, PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## GATES

6. Any gates adjacent to the entrance to the site from Pilgrims Lane shall be kept fully open at all times during the Hours of Operation specified at Condition 5 above.

**Reason:** To minimise the risk of vehicles waiting to enter the site during the hours

of operation, in the interests of highway safety and in accordance with Policies CSTP14, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

## **FOUL WATER MANAGEMENT**

7. The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 28 days of the date of this decision a scheme detailing the provision of foul water disposal facilities and a timetable for its provision shall have been submitted for the written approval of the local planning authority. Details to demonstrate that the surface water drainage facilities at the site are fully operational and clear from obstruction shall also be submitted.
  - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To ensure that adequate foul water disposal arrangements are in place, to protect the local environment and due to the location of the site within an Impact Risk Zone of West Thurrock Lagoon and Marshes, in accordance with Policies CSTP19 CSTP27, PMD7 and PMD 15 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

## **SURFACE WATER MANAGEMENT**

8. The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 28 days of the date of this decision a scheme of remedial and repair works to the existing surface water drainage facilities at the site and a timetable for the undertaking of those works shall have been submitted for the written approval of the local planning authority.

- ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To mitigate the effect of the development on surface water drainage in accordance with Policies CSTP27 and PMD 15 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

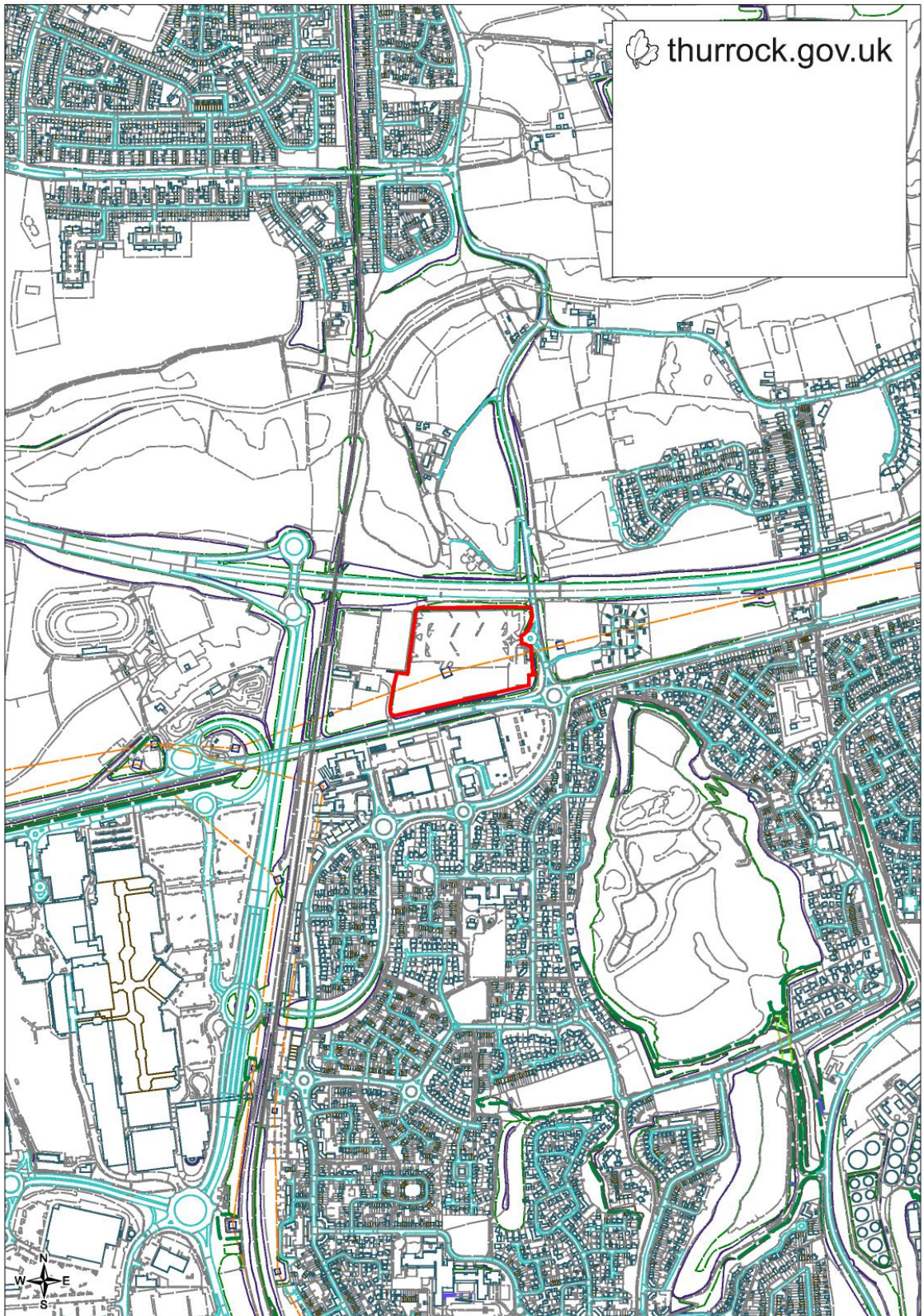
### **Positive and Proactive Statement**

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

### **Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



<b>Reference:</b> 21/02004/FUL	<b>Site:</b> Land Adjacent 13 To 29 Kipling Avenue Tilbury Essex
<b>Ward:</b> Tilbury St Chads	<b>Proposal:</b> Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking area.

Plan Number(s):		
Reference	Name	Received
2609-1	Existing Plans	22nd November 2021
2609-2A	Proposed Site Layout	22nd November 2021
2609-3	Proposed Plans	22nd November 2021
2609-4	Proposed Plans	22nd November 2021
2609-5A	Proposed Plans	22nd November 2021
2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 2021

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Construction Management Plan</li> <li>- Design and Access Statement</li> <li>- Flood Risk Assessment</li> </ul>	
<b>Applicant:</b> C/O Ken Judge & Associates Ltd	<b>Validated:</b> 22 November 2021  <b>Date of expiry:</b> 17 June 2022 (Agreed extension of time)
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the application has been Called in by Cllrs K Raper, Mayes, Liddiard, Johnson, Watson and Worrall in order to consider the proposals on the basis of the properties not keeping with local area, the space being well used for children play area so would be a loss or amenity and that it will put strain on local narrow roads who already have issues with parking.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the erection of two pairs of terraced dwellings. The dwellings would be two-storey, running north to south on the site, backing towards one another towards the western and eastern sides of the site. The dwellings would be of a traditional design and would be constructed from brick with other finishing materials being render and timber cladding.
- 1.2 Each dwelling would have a private rear garden with outbuilding, bin store and separate rear access.
- 1.3 Fourteen (14) parking spaces would be provided to the southern boundary of the site and two (2) spaces would be provided to the north-eastern corner.
- 1.4 Planting and landscaping would take place between the frontages of each row of dwellings and the established dwellings to the east and west.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is a green area located between two rows of terraced properties which sit perpendicular to Kipling Avenue.
- 2.2 The site is presently enclosed by a knee-high metal rail to the southern side adjacent to the pavement with Kipling Avenue, footpaths on the eastern and western side which serve the terraced dwellings and knee-high fence to the northern side which serves an accessway.
- 2.3 The site is flat and located in one of the more densely developed parts of Tilbury that was given planning consent in the 1980s.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description	Decision
83/00712/FUL	Proposed erection of 307 residential dwellings and 9 private garages including 3 new cul-de-sacs and landscaping scheme.	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](http://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. Seventeen (17) letters have been received objecting to the proposals on the following basis:

- Loss of open area;
- Children play on this area;
- Impact on parking;
- Site would be overdeveloped;
- Loss of outlook;
- Overlooking and loss of privacy.

A petition of 25 signatures objecting to the development has also been received.

#### 4.3 ENVIRONMENT AGENCY

No objection.

#### 4.4 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

#### 4.5 FLOOD RISK MANAGER:

No comments received.

#### 4.6 HIGHWAYS:

No objections were raised.

#### 4.7 LANDSCAPE AND ECOLOGY ADVISOR

No objection, subject to conditions and RAMS payment.

### 5.0 POLICY CONTEXT

#### **National Planning Policy Framework (NPPF) 2021)**

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th 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 date<sup>1</sup>, 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<sup>2</sup>; 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.

<sup>1</sup> 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 ...

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

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 13 Meeting the challenge of climate change, flooding and coastal change

## 5.2 Planning Policy Guidance

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

- Design: process and tools
- Determining a planning application



- Flood Risk and Coastal Change
- Natural Environment
- Use of Planning Conditions

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

The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies would apply to any future planning application:

#### Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

#### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP27 (Management and Reduction of Flood Risk)

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD8 (Parking Standards)
- PMD15 (Flood Risk Assessment)

### 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 principal considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout and Impact upon the Area
- III. Landscaping and Ecology
- IV. Traffic Impact, Access and Car Parking
- V. Flood Risk and Drainage

### I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 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.
- 6.2 The application site is located within a residential area and in a locality predominantly characterised by residential development
- 6.3 The site, whilst open and grassed, has no formal designation on the Core Strategy Proposals Map as "Open Space". The site is within the residential area of Tilbury. Therefore, whilst, as noted in the neighbour letters received, residents and their children may have enjoyed the land being available for recreational purposes, the land is privately owned and there is no protection offered to the via policies in the Core Strategy.
- 6.4 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and, given that the Local Planning Authority is not able to demonstrate that a five-year house land supply exists, this indicate that planning permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such, the provision of additional residential units would weigh in favour of the scheme, and it is considered the principle would be acceptable.

## II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.5 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.
- 6.6 The proposed layout appears to have been influenced by the existing layout in the immediate area, in respect of the formation of two terraces of properties. The new dwellings would have their 'public sides' facing towards existing dwellings and would be back with one another. This layout is considered and appropriate and acceptable.
- 6.7 Due to the constraints of the site, it has been necessary to accommodate 14 of the 16 car parking spaces adjacent to one another to the southern side of the site. Whilst this is perhaps not the most attractive form of parking in urban design terms, it is considered an objection to this element would nonetheless be difficult to substantiate.
- 6.8 The proposed design and form of the individual dwellings, (2 storey properties with a mix of brick, tile, render and boarding as finishing materials) is considered to be acceptable given the surrounding residential context.
- 6.9 Accordingly, the layout and design of the proposal is considered to comply with Policies PMD2 and CSTP22 of the Core Strategy and the relevant guidance in the NPPF.

## III. LANDSCAPING AND ECOLOGY

- 6.10 The site is currently used informally by residents as an amenity green, however as set out above, the land has no formal designation, features no play equipment and is within private ownership.
- 6.11 The Landscape and Ecology Officer indicates he has no objection on landscape grounds to its loss given the lack of facilities and landscaping. The site plan and elevations submitted show indicative planting associated with the areas between the new and existing houses and beside the car park spaces. The Landscape Officer indicates that the detail of the hard and soft landscaping including boundary treatments can be dealt with by condition.
- 6.12 The only tree on the site is a small Field Maple. The Officer notes that although the tree is in reasonable health there is some damage to the bark and it does not have particularly good form. Although it is proposed to retain the tree given its condition there would be no objection to its removal and replacement with a better-quality

specimen – a landscaping condition on any approval could require its replacement with better tree.

- 6.13 The site contains no features that would support protected species and is considered to have negligible ecological value.
- 6.14 The site is within the Essex Coast Recreational Avoidance Mitigation Strategy (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.
- 6.15 A tariff to fund the mitigation, which is payable for all additional new units is currently set at £127.30 per unit. Therefore, it is necessary for the LPA to apply a tariff of £1018.40 as the proposed scheme would result in the net increase of 8 units.
- 6.16 Subject to conditions and the payment of the RAMS contribution, the proposals would be acceptable in landscape and ecology terms.

#### IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.17 The Council's Highways Officer has raised no objection to the parking arrangements proposed.
- 6.18 The applicant's planning agent indicates that there is access for the freeholder of the land across the accessway which would be used for the north eastern spaces and that bins would be presented on the central footpath on the collection day. Details of the bin storage areas could be secured by condition.
- 6.19 Whilst the comments from residents are noted, in the absence of any objection from the Council's Highway Officer, and the matters discussed above, it is considered that the proposals would be satisfactory in relation to highways, access and parking matters, complying with Policies PMD2, PMD8 and PMD9, subject to conditions.

#### V. FLOOD RISK AND DRAINAGE

- 6.20 The site lies within Flood Zones 2 and 3. The proposal is for residential development, which is considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific Flood Risk Assessment (FRA) which would need to be agreed with the Environment Agency.

- 6.21 It is also considered to be appropriate to require a Flood Warning and Evacuation Plan set as a condition prior to the occupation of the site.
- 6.22 The Environment Agency was consulted and does not have any objection to the planning proposal, providing the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) C2632-R1-Rev-A November 2021 and the finished first floor levels are set no lower than 3.40m AOD. The finished floor levels are proposed at 3.47m AOD.
- 6.23 On the basis of the response from the EA, the Flood Risk Assessment is considered to be acceptable. Although the site does not constitute Previously Developed Land, in the NPPF the NPPF directs the best use of existing urban land, of which this site is a part. The provision of 8 new dwellings in this location is better than using land in the Green Belt and sequentially preferable. It is therefore considered that the proposal would pass the sequential and exception tests. Subject to conditions the proposal is considered to comply with Policies PMD15 and CSTP27 of the Core Strategy.

## VI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.24 The proposed western dwellings would be 13m from the front (two storey) from the established dwellings to the west and the proposed eastern dwelling would be 12.3m from the front (two storey) from the established dwellings to the east.
- 6.25 It is appreciated that the development would represent a significant change in outlook to existing residents however the relationship between the proposed dwellings and the established dwellings is common in terms of an urban environment such as this and the proposals front onto 'public' sides of the established dwellings. Given the separation distance it is not considered the proposed dwellings would be dominating or overbearing to the existing residents or that they would result in a harmful level of overlooking especially as they are to the front of the existing properties.
- 6.26 There is no 'right to a view' in planning law and it would not therefore be possible to object to a change in outlook that would be experienced by residents. The impact of property values is not a material planning consideration that can be taken into account in the determination.

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is considered to be acceptable in principle and matters of detail and subject to conditions and payment of the RAMS tariff the proposal would be acceptable and in accordance with Policies in the Core Strategy and guidance in the NPPF.

## 8.0 RECOMMENDATION

8.1 Approve, subject to the following:

### 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
2609-1	Existing Plans	22nd November 2021
2609-2A	Proposed Site Layout	22nd November 2021
2609-3	Proposed Plans	22nd November 2021
2609-4	Proposed Plans	22nd November 2021
2609-5A	Proposed Plans	22nd November 2021
2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 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 Core Strategy and Policies for the Management of Development [2015].

### Details of Materials/Samples to be submitted

3. No development shall commence [above ground level] until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

Development [2015]

### **Hours of Construction**

4. Unless in association with an emergency or the prior written approval of the local planning authority has been obtained, the hours of construction works (including any demolition) are limited to between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday with none on Sundays and public holidays.

No bonfires should be permitted during construction activities.

If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock Core Strategy

### **Removal of PD Rights**

5. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, and E of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no extensions, works to the roof, roof alterations, or outbuildings shall be carried out or take place at either the existing or proposed dwelling on the site without planning permission having been obtained from the local planning authority.

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

### **Soft and Hard Landscaping Scheme – Detailed**

6. 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:

#### Soft Landscape Works

- 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
- 4) A replacement tree for the existing Field Maple.

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

- 5) Details of walls/fences with details, 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].

#### **In accordance with Flood Risk Assessment & Flood Resilience Measures**

7. The measures contained within the Flood Risk Assessment, C2632-R1-REV-A November 2021 which forms part of this planning permission, shall be fully implemented and in place prior to the first occupation of the new dwellings and shall be retained and maintained as such thereafter.

The mitigation measures, including Finished Floor Levels, shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To ensure that adequate flood protection measures are installed for the safety of the building and for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **Flood Warning and Evacuation Plan [FWEP] – details to be provided**

8. Prior to occupation of any dwelling a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to the local planning authority for approval. The approved measures within the FWEP shall be implemented as approved and maintained thereafter, the FWEP shall be made available for inspection by all users



of the site and shall be displayed in a visible location all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **Parking Provision – as shown on the approved plans**

9. The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

#### **Refuse and Recycling Storage - Full**

10. Prior to the first occupation of the dwellings, plans detailing the number, size, location, design and materials of bin and recycling stores and bin set down points for the day of collection to serve the development together with details of the means of access to bin and recycling stores shall be submitted to and agreed in writing with the local planning authority. The approved bin and recycling stores shall be provided prior to the first occupation of any of the dwelling[s] and permanently retained in the form agreed.

**Reason:** In the interests of residential amenity 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].

#### **Construction Environmental Management Plan [CEMP]**

11. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
  - (a) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (b) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;

- (c) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (d) Measures to reduce dust with air quality mitigation and monitoring,

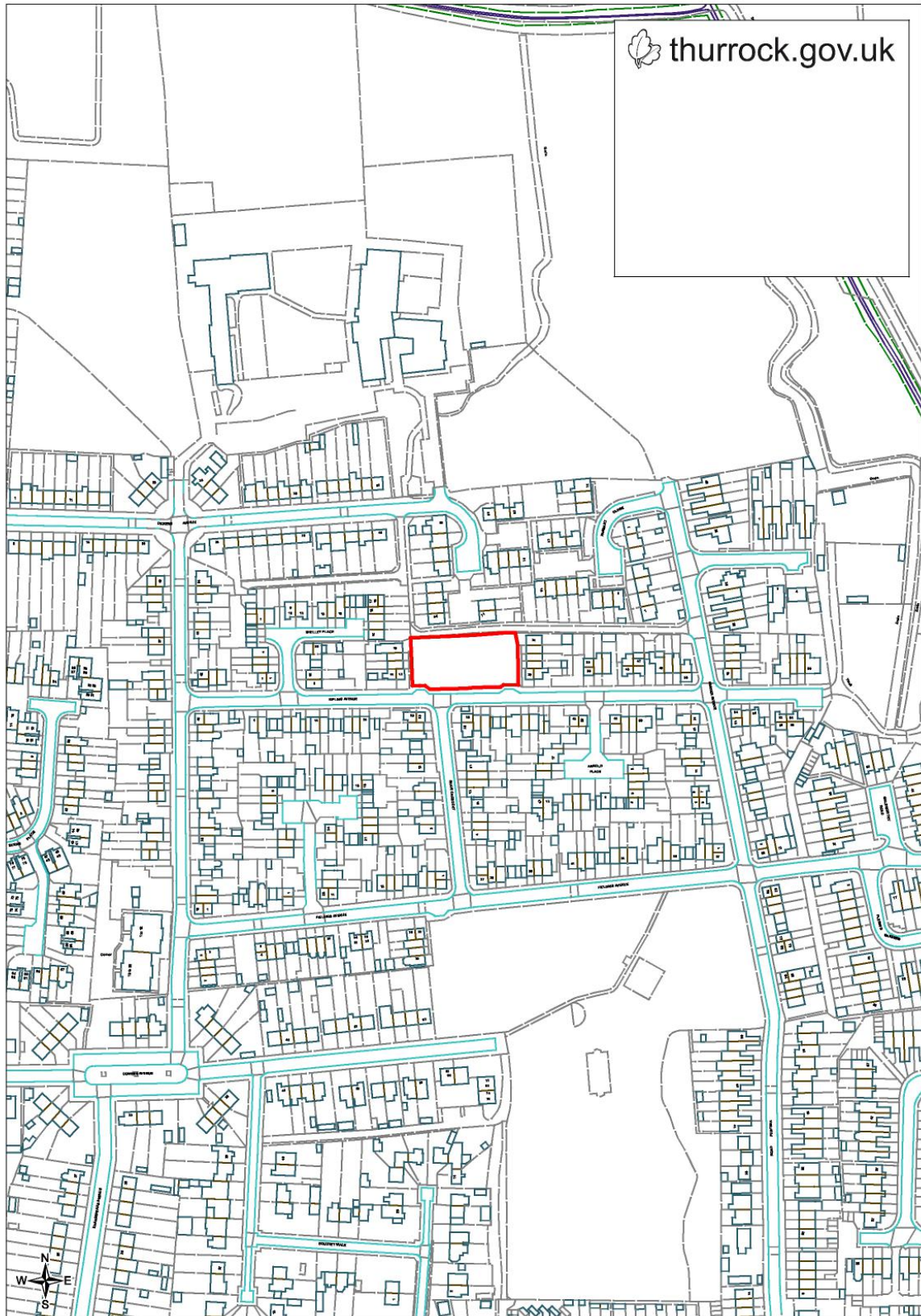
Works on site shall only take place in accordance with the approved CEMP.

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

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



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