

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 **18 August 2022**

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

Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, 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

	Page
1 Apologies for Absence	
2 Minutes	5 - 14
To approve as a correct record the minutes of the Planning Committee meeting held on 14 July 2022.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any	

meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

6 Planning Appeals 15 - 20

7 Public Address to Planning Committee

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

8 22/00210/FUL - High Fields, Lower Dunton Road, Bulphan, Upminster, Essex, RM14 3TD (Deferred) 21 - 56

9 22/00930/FUL – Woodlands Koi Farm, South Avenue, Langdon Hills, Essex, SS16 6JG 57 - 74

10 21/01804/FUL - Beauchamp Place, Malvern Road, Grays, RM17 5TH 75 - 92

11 21/01427/CV - Cedarwood Court And Elmwood Court, Southend Road, Stanford Le Hope, Essex 93 - 106

Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **10 August 2022**

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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 14 July 2022 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson
- Steve Taylor, Campaign to Protect Rural England Representative
- Apologies:** Councillors James Halden
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Ian Harrison, Principal Planner
Jonathan Keen, Principal Planner
Julian Howes, Senior Highways Engineer
Lucy Mannion, Senior Planner
Sarah Williams, Strategic Lead Education Support Services
Jenny Shade, Senior Democratic Services Officer
-

Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's website.

13. Minutes

The minutes of the meeting held on 9 June 2022 were approved as a true and correct record.

Councillor Kelly advised the committee he had receive an e-mail from a Mrs Beecham in relation to Application 22/00210/FUL, commenting within the minutes it stated there were no residential complaints or objections from local residents. Officers stated this would be corrected and removed from the minutes as objections had been received.

14. Item of Urgent Business

There were no items of urgent business.

15. Declaration of Interests

There were no declarations of interest.

16. 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

All Members declared the following correspondence:

- Planning Application 22/00077/FULPSI – an email from a resident in objection to the application
- Planning Application 22/00210/FUL – an email from a resident with regards to the minutes from the last meeting

17. Planning Appeals

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

RESOLVED:

That the report be noted.

18. **22/00077/FULPSI: Harrier Primary School, Land adjacent A13 and Love Lane, Aveley, Essex**

The report was presented by the Senior Planning Officer and in doing so she updated Members advising the application was approved by committee at the June meeting and then referred to the Secretary of State with all matters of principle being agreed.

Members heard a late letter and petition was hand delivered to the Council offices on the day before the last committee meeting. The letter was not received into the Planning Department until after the committee meeting. It was considered correct process that the matters raised, which had not been put to members previously, were brought back to committee as a final decision had not been made as officers were waiting, the Secretary of States decision.

The Committee were finally advised all matters of principle had been agreed by the Committee, and the new matters raised do not promote any factors to change the recommendation which was approval.

Speaker statements were heard from:

- Statement of Objection: Cathy Sisterson, Resident
- Statement of Objection: Councillor Pearce, Ward Member
- Statement of Support: Lee Francis, REAch2 Academy Trust

Councillor Piccolo enquired as to whether it was the Council who put up the notice of applications at sites around the borough. The Senior Planning Officer confirmed it was Planning Officers who did this and in line with procedures photographs were always taken as evidence that the Council fulfilled their duty with site notices.

Councillor Watson commented within the report it stated the trust which is a free school, had its own admission policies. She continued to query how could the Council guarantee then that local children in Aveley and Kennington would

be the first to go into that school? The Strategic Lead Education Support Services advised that generally admission policies were based on looked after children, SEN children and then it was likely be catchment children or those that are of a distance.

During the Debate Councillor Watson stated she hadn't moved her viewpoint since the last time, still thought that the school was in the wrong place for where it should be. She continued by commenting it was on a Green Belt land and at a recent Full Council meeting, a petition had been received from a Ward Councillor regarding the parking down Love Lane.

Councillor Piccolo mentioned he felt it was positive that the committee were looking at supplying school places in the Borough before there were needed, when usually the Council was playing catch up. He continued to say he was pleased to hear that at present the plan was not to fill every year from day one, but actually for part of the school to remain closed and then when the first entry go in, they move up through the years.

Councillor Polley observed that having been at all three meetings and listened to the discussion that she hadn't heard anything which had changed her view from previous meetings and for that reason would not be supporting the application.

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

For: (3) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), and Terry Piccolo

Against: (1) Councillor Lee Watson

Abstained: (0)

19. 21/02004/FUL: Land Adjacent 13 To 29, Kipling Avenue, Tilbury, Essex

The report was presented by the Principal Planning Officer.

The Chair enquired as to why the green space wasn't built on, when the houses were originally built. He continued by saying Members assumed once visiting the site, it was supposed to be a little green space for the residents who lived there. The Principal Planning Officer advised planning permission was given in 1983/ 1984 for the redevelopment of 307 houses and at that time, it was shown as an open area on the approved plans.

Councillor Watson queried as to whether there was a condition that the area should be remain an open space as part of a Section 106 Agreement. Officers confirmed they had looked at the original application and did not have copies of any Section 106 agreement which required it to stay as open space.

Councillor Watson continued to enquire as to what Officers plans to mitigate traffic in the area, given the size of the roads and including the HGVs which were going to require access to the site. The Principal Planning Officer advised Officers had been looking at restricting the construction hours so that HGVs could only access and start at a reasonable time.

Councillor Piccolo commented that the planning permission had been granted 37 years ago and during this time the land had been used by residents. He continued by mentioning in his knowledge, that public use of this piece of land in the 37 years had never been restricted, and the Council had been cutting the grass for this time. He stated he thought it would now be public land and it couldn't be developed.

The Legal Representative advised clarity was to be sought as to the extant use of the land.

The Senior Highways Engineer explained the scenario existed for roads, however, was not aware if it was the same for open spaces.

Councillor Watson mentioned Tilbury was a floodplain in its own right and enquired as to what is the flood risk for that particular area. The Principal Planning Officer advised a response had been received from the Environment Agency and they didn't have any objections to the proposal. A flood risk assessment was carried out and set out mitigation measures, including the levels of the first floor to provide refuge to the potential residents and the Environment Agency were happy with the detailed included in the assessment.

Speaker statements were heard from:

- Statement of Objection: Lauren Chilves, Resident
- Statement of Objection: Councillor Steve Liddiard, Ward Member
- Statement of Support: Gary Taylor, Agent

During discussions, the Principal Planner clarified a Land Registry search was carried out and the land in question was in private ownership still and therefore owned by the developer.

Councillor Polley mentioned the thing that struck her on the site visit was how well maintained the space was. The residents hadn't asked for this to be given up for car parking, and obviously valued the space.

The Chair stated, Members would have to make a decision as to whether they had material reasons for refusal or whether they accept the application whether liked it or not. He continued by saying he didn't like the parking situation and that there was an argument to be had, that whilst it's not public open space, it has been used as open space by the residents.

Councillor Watson remarked she visited the site one evening, it was packed down both sides of that road with parked cars. She continued by saying she

was really worried about the hours of construction, not to mention the noise itself going on there without the size of the HGV's going through small roads.

Councillor Piccolo observed the space was central in this estate. He felt the intention was always that the land was to be green space for the estate, and regardless of what had happened, he thought it was made very clear that it should be maintained as green space for residents.

Councillor Arnold remarked he couldn't think of a reason to support the application. He stated it was a lovely piece of land, which was very well cared for and clearly had good use by residents.

The Chair thanked Members for their comments and sought if anyone wished to recommend the Officers recommendation. No Members recommend the application as per the Officers report, the Chair then sought an alternative recommendation.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be out forward, which met with council policies. He further advised the NPPF made reference to open spaces and recreation and read the relevant sections from paragraph 98 and 99 to the Committee.

Councillor Piccolo suggested a recommendation of refusal as Members had seen evidence to show that the green space was utilised extensively by local residents. Looking back over the years whilst the Council might have maintained the fence and have cut the grass, the local residents had made sure that the open space had been occupied and used for the benefit of the local area.

He continued by stating other reason he thought needed to be looked into, was the fact that the space had never been built on and had always been used by the local residents, who obviously appreciate it.

The Assistant Director of Planning, Transport and Public Protection summed up Members views and confirmed there was enough reasoning for a refusal and sought the opinion of the Legal Representative who agreed. The Assistant Director informed Members that the precise wording of the decision notice would be drafted by Officers and approved by the Chair prior to issue.

Councillor Piccolo proposed a recommendation to refuse the application and was seconded by Councillor Watson.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

20. 22/00210/FUL: High Fields, Lower Dunton Road, Bulphan, Upminster, Essex, RM14 3TD

The report was presented by the Principal Planning Officer.

Councillor Polley sought clarity that the footprint of the application being discussed was the existing house and not the swimming pool or other outbuildings. The Principal Planning Officer confirmed that was correct and that the outbuildings were to remain. He advised the detached garage had been added since 1948.

During the debate the Chair stated it was quite a unique location and even though previous developments had been approved in the area, he felt the site in question was quite enclosed.

Councillor Shinnick mentioned she understood the application was going over the height of what was recommended for the green belt; however, she felt the new property would enhance the area.

Councillor Arnold confirmed he too was in complete agreement regarding comments on the Green Belt and further agreed it needed to be protected. He continued by stating he too thought it would enhance the area.

The Chair thanked Members for their comments and sought if anyone wished to recommend the Officers recommendation. No Member recommended the application as per the Officers report, the Chair then sought an alternative recommendation.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be put forward, which met with council policies. He continued by advising Members the application was considered inappropriate development and was beyond what could be seen as a reasonable enlargement relative to the existing property. It was advised that the proposal conflicts with national and local policies.

The Chair of the Committee stated he felt the Committee had completed due diligence by visiting the site and although big developments had previously been approved for the area, in relation to the property itself, it was a very old, dilapidated property where the current bedroom sizes were not adequate for a present-day use. He continued by highlighting it was the opinion of the committee who had visited the site, that it is not unacceptably impacting on the neighbouring properties, and it would not cause harm to the surrounding area or views. He summarised by saying the design itself was very modern and would be environmentally friendly to which moderate weight could be added.

The Chair proposed a recommendation of provisional approval and was seconded by Councillor Shinnick.

It was agreed that the matter would be returned to the Committee after Officers had sought legal advice in respect of the proposal and the matters that Councillors deemed to represent very special circumstances. These included the visual impact being acceptable, other developments within the area, the condition of the building, the well being of occupiers, the environmentally friendly credentials of the proposal and the size of the plot. Each of these factors were afforded moderate weight.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

The Committee agreed to suspend standing orders at 8.15pm to allow the agenda to be completed.

The meeting was adjourned at 8.23pm and reconvened at 8.26pm

21. 22/00616/FUL: 63 Wharf Road, Stanford Le Hope, Essex, SS17 0DZ

The report was presented by the Principal Planning Officer.

Councillor Watson sought clarity on waste collection vehicles, as to how they would access the site given its strange layout. She continued by querying if an ambulance and a fire engine would be able to turn around. The Senior Highways Engineer explained the size 3 turning head was sufficient for several various service vehicles, fire engine or an ambulance to turn around. He commented he suspected with the size of the refuse vehicles they would have to reverse down as they do on smaller developments in the Borough.

Speaker statements were heard from:

- Statement of Objection: Keith Mager, Resident

The Chair advised the Statement of Objection from Councillor Shane Hebb, Ward Member had been circulated to all Members within the speaker statements booklet, however he was unable to attend the meeting.

Councillor Polley enquired as to whether there had been any history of appeals on the application. The principal planning officer advised the application submitted in 1988 was taken to appeal and the appeal was dismissed.

Councillor Watson commented she felt frustrated that application had been turned it down on several occasions for a number of reasons. She continued she personally don't like it overlooking a school or the other gardens and felt

there was an issue when it came to the emergency services being able to access the road.

Councillor Piccolo agreed with the comments raised and stated his major concern was the access on the Wharf Road, as it was substantially busier now with HGV's going up and down the road. He continued by saying nothing had changed from the last time, or the time before that when the Committee rejected the application.

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

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

22. 21/01700/TBC: Inspire, 24 - 28 Orsett Road, Grays, Essex, RM17 5EB

The report was presented by the Principal Planning Officer.

The Chair thanked Officers for the report and commented he felt it was an incredibly positive application and a great scheme for the Borough.

Councillor Polley remarked that Members had seen an application earlier in the evening and spoke about infrastructure, and this application was another example of the needs of the Council's young people being put at the forefront. She further commented the fact that the Committee were able to consider an application which was providing more support services for young people was commendable.

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

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

The meeting finished at 8.54 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

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18 August 2022	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Louise Reid, Strategic Lead for Development Services	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.	
Accountable Director: Julie Rogers, Director of Public Realm	

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report.

2.0 Introduction and Background

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

3.0 Appeals Lodged:

3.1 Application No: 21/01310/FUL

Location: The Coach House, 7 The Green, Orsett, Grays, Essex, RM16 3EX

Proposal: Conversion and extension of existing garage to an annex to the main house allowing for step free and

wheelchair access with two bedrooms and two bathrooms while the neighbours garage access remains unchanged.

3.2 Enforcement No: 20/00015/BUNUSE

Location: 37 Sanderling Close, East Tilbury RM18 8FF

Proposal: Refused planning application 19/01642/FUL Change of use from landscape setting to residential curtilage and erection of 1.8m high fence [Retrospective]

3.3 Application No: 22/00217/HHA

Location: 96 Hamble Lane, South Ockendon, Essex, RM15 5HP

Proposal: Single storey side extension.

3.4 Application No: 21/02157/FUL

Location: 149 Mollands Lane, South Ockendon, RM15 6DL

Proposal: Single storey rear extension and new dwelling to the North of 149 Mollands Lane

3.5 Application No: 21/01756/FUL

Location: 39 Grays End Close

Proposal: Construction of a new dwelling

3.6 Application No: 21/01984/FUL

Location: 18 Feryby Road, Chadwell St Mary, Grays, Essex, RM16 4SS

Proposal: Erection of 1 x 3 storey 2 bedroom dwelling within the land to the north of no. 18 Feryby Road including removal of detached garage, associated boundary treatment, landscaping, cycle store and formation of new vehicle crossover to the rear of the site

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/00453/FUL

Location: South Ockendon Hall Fram, North Road, South Ockendon, Essex, RM15 6SJ

Proposal: Construction of new farm vehicular access and associated farm track from North Road

Appeal Decision: Appeal Dismissed

4.2 The main issues were the effect of the proposed development on trees and biodiversity, the effect of the proposed development on highway safety and whether the proposal would preserve the setting of Gatehouse and Moat of South Ockendon Old Hall and Moat Bridge and Gatehouse at South Ockenden Old Hall (Grade II Listed).

4.3 The Inspector found that the appellant has failed to demonstrate that the proposal would not have a net adverse impact on trees or biodiversity, because the appellant had failed to submit the appropriate reports to evidence and justify the likely impact.

4.4 The Inspector found that the access would be safe, and its use would not harm the free flow of traffic or highway capacity. In addition, there would be clear benefits from providing the proposed access.

4.5 The Inspector found that the proposal would not harmfully alter the historic approach to the listed buildings, as the proposed track would provide an alternative route rather than extinguish the existing long-standing approach from the village. The track would also be a low-lying feature that could be softened by landscaping. Overall, the proposal would preserve the general rural character of the setting of the listed buildings and how they are experienced.

4.6 In conclusion, the Inspector found that the proposed development would not harm highway safety or heritage, but it would result in significant tree, hedge and habitat loss without adequate analysis and justification. The proposal therefore conflicted with the development plan taken as a whole and that there were no other considerations which outweighed this finding.

4.7 The full appeal decision can be found online.

4.8 Application No: 21/01611/FUL

Location: 50 Giffordside, Chadwell St Mary RM16 4JA

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

Appeal Decision: Appeal Dismissed

- 4.9 The main issue was the effect of the development proposed on the character and appearance of the area.
- 4.10 The appeal site comprises a two storey end terraced dwelling with a large flat roofed garage which is wider at the front than the rear due to the tapered side wall. A public footpath adjoins the western site boundary and links Giffordside and Linford Road. The latter is elevated relative to the appeal site and allows views towards the rear of the property. In common with other dwellings on this road, the appeal property is set back with a driveway to the front and a private garden to the rear.
- 4.11 The Inspector found that the proposed dwelling would be built up to the side boundary with the public footpath, which would result in an irregular footprint, featuring a dog leg to the flank wall, with the front elevation of the dwelling being noticeably wider than the rear. Whilst this would maximise the width of the plot, it would result in a contrived and awkward arrangement that would be at odds with the simple rectangular form and architectural rhythm of buildings on Giffordside. Although the proposal would be built on the footprint of the existing garage which has an irregular footprint, the existing structure is less prominent in the street scene due to its modest height.
- 4.12 The Inspector found that the proposal would be highly prominent from the adjacent public footpath and would also be clearly visible from Linford Road to the rear. From these vantage points the form of the proposed dwelling would result in an incongruous addition that would fail to reflect the pattern of development on this road and be harmful to the established street scene.
- 4.13 The Inspector concluded that the proposed development would offer potential benefits in terms of providing a new dwelling in an accessible location. In addition, the scheme would also have economic benefits through employment opportunities created during the construction phase of the development and spending in the local area by occupants. The single storey rear extension would provide enlarged accommodation for the occupiers of No 50. However, the Inspector found that the weight attributable to these matters is limited given the modest scale of the development proposed and would be outweighed by the harm which would

be caused by the appearance of the proposed development and it's adverse effect on the character of the area.

4.14. The full appeal decision can be found online

4.15 Due to a technical issue, summaries on the appeal decisions will be provided to the Planning Committee on 22 September 2022

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	7	3		2									12
No Allowed	4	1		0									5
% Allowed	57.14%	33.33%											42%

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 Smith**
Strategic Lead Community Development and Equalities

There are no direct diversity implications to this report.

8.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children.

None.

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

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

10. Appendices to the report

- None

Reference: 22/00210/FUL	Site: High Fields Lower Dunton Road Bulphan Upminster Essex RM14 3TD
Ward: Orsett	Proposal: 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"> - Planning Statement, dated 27 April 2022 - Volume Calculations, received 27 April 2022 	
Applicant: Mr Mark Breden	Validated: 25 February 2022 Date of expiry: 22 August 2022 (Extension of Time agreed)
Recommendation: Refusal	

1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 9th June 2022 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the application in order for Members of the Planning Committee to undertake a site visit. The site visit duly occurred on 22nd June

2022. A copy of the report presented to the June Committee meeting is attached.

1.2 The report recommended that planning permission be refused 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.

1.3 At the meeting of the Planning Committee held on 14 July 2022 Members considered an Update Report on the above proposal. For completeness this is also attached.

1.4 During the debate Members indicated support for the application on the basis of the following, each of which were afforded moderate weight:

- A) The visual impact of the development being acceptable.
- B) The presence of other recent developments within the vicinity of the site.
- C) The condition of the existing building.
- D) The well-being of occupiers.
- E) The environmental credentials of the proposal
- F) The size of the plot.

1.5 In accordance with Chapter 5, part 3, section 7 of the Council's Constitution, the item was deferred to allow Officers to prepare a report outlining the implications of making a decision contrary to the Planning Officer's recommendation and to consider appropriate conditions that could be imposed.

2.0 ASSESMENT

2.1 The officer recommendation gives two separate reasons for refusal, set out fully in paragraphs 1.2 and 5.1 of this report. To achieve a lawful decision to the contrary, each reason for refusal should be dealt with individually, accompanied by reasons why the recommended grounds for refusal should be rejected. These

reasons are required to be material planning considerations, relevant to the points made and also to be underpinned with cogent evidence. This is important.

- 2.2 Unlike technical matters (such as dimensions), or matters requiring evidence (such as ecological credentials), subjective matters such as design leave room for different opinions (provided clearly stated).
- 2.3 When material, relevant, evidenced reasons have addressed each ground of the officer recommendation, then, as benefits of the proposal they can weighed against the harms to the Green Belt.
- 2.4 As explained in detail elsewhere in the report, the proposal is inappropriate development in the Green Belt, in essence because it is not policy compliant due to its scale thereby causing harm to the Green Belt, and also could be of a better design.
- 2.5 The NPPF states:
- '147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
- 148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from*
- 2.6 To carry out the weighing exercise, the reasons for refusal are individually placed on one side of the scales, as these cumulatively represent the harms to the Green Belt. The benefits of the proposal can then be placed on the other side of the scales, and cumulatively weighed against the harms which paragraph 148 of the NPPF says carry 'substantial weight'.
- 2.7 If, when the benefits are all placed on the scales together, they clearly outweigh the harms (this means more than evenly balanced, so the scales are clearly tipped), then very special circumstances are shown to exist, which will give the green light to an approval decision.
- 2.8 If however, the scales do not clearly tip in favour of benefits, then it is advisable to follow the officer recommendation to refuse because compliance with policy has not been met and departure from policy has not been justified, and to avoid judicial review challenge. Other implications are mentioned elsewhere in the report.
- 2.9 As set out in the original report, the Council is required to consider the following questions in order to determine whether the proposal is acceptable in the Green Belt:

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;

- 2.10 In order to determine whether the proposal constitutes inappropriate development the relevant development plan policies and paragraphs of the NPPF must be considered.
- 2.11 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2015). Policy PMD6 applies and states that permission will only be granted for development in the Green Belt providing it meets the requirements of the NPPF and specific restrictions within PMD6.
- 2.12 The starting point for this assessment is paragraph 147 of the NPPF. This states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.13 There are a number of exceptions to inappropriate development in the Green Belt set out in paragraph 149. In this instance the relevant exception is the following:
- 'd) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*
- 2.14 In this regard, Policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 is consistent with the NPPF. This states that:
- 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.*
- 2.15 Footprint, floorspace and volume calculation were set out within the previous report, which unequivocally demonstrate that the replacement dwelling would be materially larger than the existing building at the site, mindful that the original building appears to have been extended.

2.16 However, noting the debate that occurred in respect of this application, it is considered relevant to highlight that it appears to Officers that the original dwelling is likely to have measured 90 square metres and was probably single storey. Given the limited evidence provided by the applicant in relation to the size of the original dwelling, it is a professional estimate with regard to the size of the original dwelling.

2.17 At the previous committee meeting the following table was presented which summarised the size of the existing and proposed dwelling. This is shown again below but an additional line has been added to highlight the size of what is presumed to be the original dwelling.

	Assumed Original Dwelling	Existing Dwelling	Proposed Dwelling	Increases Relative to Original/Existing	%age Increase Relative to Original/Existing
Footprint	90m ²	137m ²	214m ²	124 / 77m ²	137% / 56%
Floorspace	90m ²	171m ²	417m ²	327 / 246m ²	363% / 144%
Volume	Unknown	448m ³	967m ³	519m ³	116%

2.18 Officers have previously taken the stance that calculations relative to the existing building at the site are sufficient to demonstrate that the proposed building would be materially larger than the original building at the site. However, at the most recent committee meeting, the presence of a detached garage was mentioned. This appears to have been built since 1947 and, therefore, could also be calculated as an addition above and beyond the size of the original dwelling. Adding this building to the figures set out above would compound the view that the resultant built form at the site would be materially larger than the original dwelling.

2.19 The development is, therefore, inappropriate development in the Green Belt. In all future considerations, it is a requirement of paragraph 148 of the NPPF that the harm arising from this is afforded substantial weight

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

2.20 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.

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.

- 2.21 For the reasons set out above, officers are firmly of the view that the development is inappropriate development in the Green Belt. Moreover, further harm to openness has been identified. The NPPF is clear that the development should not be approved unless Very Special Circumstances exist.
- 2.22 Therefore, it is necessary for the applicant to demonstrate Very Special Circumstances. 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'.
- 2.23 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 should not be accepted.
- 2.24 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.
- 2.25 At the Planning Committee Meeting of 14 July 2022, Members considered the circumstances set out above and afforded them each moderate weight. Each is assessed below.
- A) The visual impact of the development being acceptable.
- 2.26 For reasons that have been set out previously, Officers disagree that the development is visually acceptable. It is considered that the proposal, by virtue of its design, scale, bulk and increased height, would 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 considered to be 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. It therefore follows that Officers would afford this consideration no weight.
- 2.27 It can be accepted that the assessment of the visual impact can be a matter of

judgement and it is not unreasonable for a decision-maker to reach a different view in respect of the acceptability of a proposal in design terms. However, this is not reason to consider that the size of the replacement dwelling is acceptable in terms of complying with the limitations of Green Belt policy and is not a reason to reach a different view in respect of the proposal representing inappropriate development. The harm identified in this respect must continue to be given substantial weight.

- 2.28 Setting the above aside, even if a view is taken that the detailing and appearance of the dwelling is acceptable, this is considered to be a minimum requirement and does not represent a factor that can be a Very Special Circumstance.
- 2.29 The NPPF states that *“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.”* As it is fundamental to what planning should achieve, being of acceptable design should not be viewed as an achievement or a benefit of the proposal, it should be taken as an expectation.
- 2.30 Whilst the view has been stated that the dwelling would represent a visual improvement relative to the existing dwelling, it has not been demonstrated that this could also be achieved by a dwelling that accords with Green Belt policy and there is no reason to conclude that this proposal would be the only method to achieving a net gain in this regard. Moreover, for the same reason as set out above, this is considered to be an expectation rather than a factor that should be afforded weight. Further, it is not considered that any weight should be afforded to the change in the appearance of the site brought about by the recent removal of trees from the site and the siting of a caravan, which have both altered the appearance of the site which, in turn, makes the content of the site more prominent and more harmful respectively.
- 2.31 For these reasons, even if the view is taken that the proposal is visually acceptable or an enhancement, it is not considered that this should be afforded weight, particularly given that this outcome is fundamental to what planning should achieve in all instances.
- B) The presence of other recent developments within the vicinity of the site.
- 2.32 It is a core principle of planning that each case should be considered on its own merits. Other developments have been justified for reasons that were applicable to those developments. The developments discussed at the recent Planning Committee meeting are wholly different to this proposal in terms of their nature and the factors that would have been applicable in their assessment.
- 2.33 No case has been made by the applicant that any comparable factors justify this proposal. This proposal for a replacement dwelling is viewed in an entirely different context to the other developments that have been mentioned and, as such, they do not change the setting or context of this dwelling in such a way that should override Green Belt Policy.

2.34 Even if nearby recent developments were materially similar, the presence of other developments in the locality is not special as it would apply to any site within Lower Dunton Road or the surrounding area more generally. This is, therefore, a readily repeatable matter. As such, the presence of other developments nearby cannot be considered a special factor, even in this context where it is recognised that other, substantial developments have been approved.

2.35 For these reasons, it is not recommended that this factor is afforded any weight as a very special circumstance.

C) The condition of the existing building.

2.36 As set out previously, the condition of the existing building has not been ratified through the submission of a structural survey. Accordingly, it could be argued that it would be inappropriate to afford weight to a matter that has not been established or demonstrated. It is considered relevant to highlight that all reasons must be supported by evidence and, in this regard, it is the case that no evidence has been provided.

2.37 Moreover, as with factor B) above, it is considered that this factor could be applicable to many dwellings within Thurrock and, as such, is a readily replicable factor that is not special.

2.38 Even recognising that the view exists that the dwelling is currently in poor condition, this is not in itself justification to build a replacement dwelling which does not comply with local or national policy in terms of the size as is proposed. A replacement dwelling that accords with national and local Green Belt policies could also enable the replacement of the dwelling.

2.39 For these reasons, it is not recommended that this factor is afforded any weight as a very special circumstance.

D) The well-being of occupiers.

2.40 The benefits to the applicant are clear to establish, with generous living conditions being provided that would include four bedrooms as opposed to two bedrooms. The dwelling would also feature a cinema room, a study, a utility room, and an expansive area hosting a lounge, a sitting area, a kitchen and a dining area.

2.41 However, this does not represent a public benefit and it is respectfully highlighted that purpose of planning is the public interest rather than private gain. It is known that the property was purchased relatively recently in a condition similar to that which it is currently in and, as such, it can reasonably be expected that the occupiers would or should have been aware of the condition of the building when it was purchased and occupied. Green Belt policy allows for the erection of a replacement dwelling and there is no known reason that a policy compliant dwelling could not provide suitable living conditions for future occupiers.

2.42 For these reasons, it is not recommended that this factor is afforded any weight as a very special circumstance.

E) The environmental credentials of the proposal

- 2.43 Similar to C) above, the benefits arising in this regard have not been identified in detail nor quantified and it is therefore respectfully suggested that it could be viewed as inappropriate to afford weight to a factor that has not been quantified.
- 2.44 The applicant contends that the proposal would provide a high specification dwelling and carbon efficiency, meeting today's building control standards. These standards are a requirement and the bare minimum, so is not special. The attendant viewpoint of an improvement to the carbon footprint and efficiency to that of the existing building could readily be applied to and replicated in relation to many buildings throughout the Borough, and therefore is not special. Further, a negative point cannot be used as a positive reason.
- 2.45 Notwithstanding the above, it is considered relevant to highlight that Building Regulations would require a relative upgrade of the dwelling at this site regardless of its size. However, a policy compliant replacement dwelling might also achieve this benefit and there is no known reason to conclude that a larger dwelling would be more efficient to occupy than a smaller dwelling. Indeed, it is illogical to argue that a larger dwelling would be better for the environment than a smaller dwelling that would have a smaller carbon footprint during the build and over its lifetime.
- 2.46 The applicant has provided no details that the dwelling would achieve carbon reduction or energy generation beyond the requirements of Building Regulations. Accordingly, the development is not shown to be special in relation to its energy efficiency or generation and, as such, it should not be afforded weight as a very special circumstance.

F) The size of the plot.

- 2.47 The plot being large is not considered to be relevant to the size of the dwelling that can be built upon it and, as such, whilst it is recognised that the plot is large, this is not reason to enable a larger dwelling and, as such, it should not be afforded weight as a very special circumstance. There is no national or local policy that provides a ratio of plot size to dwelling size and as such there is no basis to support this premise.

Overall Assessment

- 2.48 The principle of a replacement dwelling is a stated exception with the NPPF policy on Green belt. However, the details of this proposal cause it to be inappropriate development.
- 2.49 For the reasons set out above, Officers considered that the other matters that have been raised do not represent the very special circumstances necessary to justify the approval of inappropriate development in the Green Belt.

- 2.50 No evidence has been presented by Members as the evidential basis for their conclusions
- 2.51 Even if weight was to be afforded to any or all of the other matters, the sum of them being afforded moderate weight means that they do not clearly outweigh the substantial weight that is required to be afforded to the harm caused by inappropriate development in the Green Belt and the loss of openness, whether these are considered individually or collectively. In this regard, it is considered important to note that the other considerations must clearly outweigh the potential harm to the Green Belt by way of the inappropriateness of the development in order for the Very Special Circumstances to exist that would justify such development.

3.0 OTHER MATTERS

- 3.1 Consideration has been given to potential conditions that could be imposed in the event that permission is granted. For reference, a suggested list of conditions are included at the end of this report. These conditions are set out without prejudice and, it is the opinion of officers that these conditions would not mitigate the effect of the development or make it acceptable in planning terms.
- 3.2 Particular consideration has been given to the imposition of a condition removing permitted development rights to prevent further extensions and alterations without planning permission. Given the scale of the dwelling that is proposed relative to the existing dwelling, it is considered that removing permitted development rights set out within Classes A, B, D and E of Part 1 of Schedule 2 of The GPDO meets the relevant tests for a planning condition. In this regard, if approved, the resultant dwelling should certainly be viewed as the upper limit of what can be acceptable in the Green Belt.

4.0 CONCLUSIONS

- 4.1 This application seeks planning permission for a replacement dwelling in the Green Belt. When considered against the Council's Development Plan, the proposal is found to be unacceptable, constituting 'inappropriate development', which is harmful by definition. The proposal would also cause a loss of openness as a result of it being materially larger than the original dwelling at the site or the dwelling it would replace, although the former is the test that is set out within national and local policy. The proposal is therefore unacceptable when assessed against Policy PMD6 and the NPPF. Substantial weight should be given to any harm to the Green Belt.
- 4.2 Further harm has been identified through the design, form, massing and bulk of the dwelling, particularly at first floor and roof level at the front and rear of the resultant dwelling. It is accepted that this is more of a matter of judgement but, even if the view is taken that this is not a concern, this should have a neutral effect

on the assessment in relation to the acceptability of the development in the Green Belt.

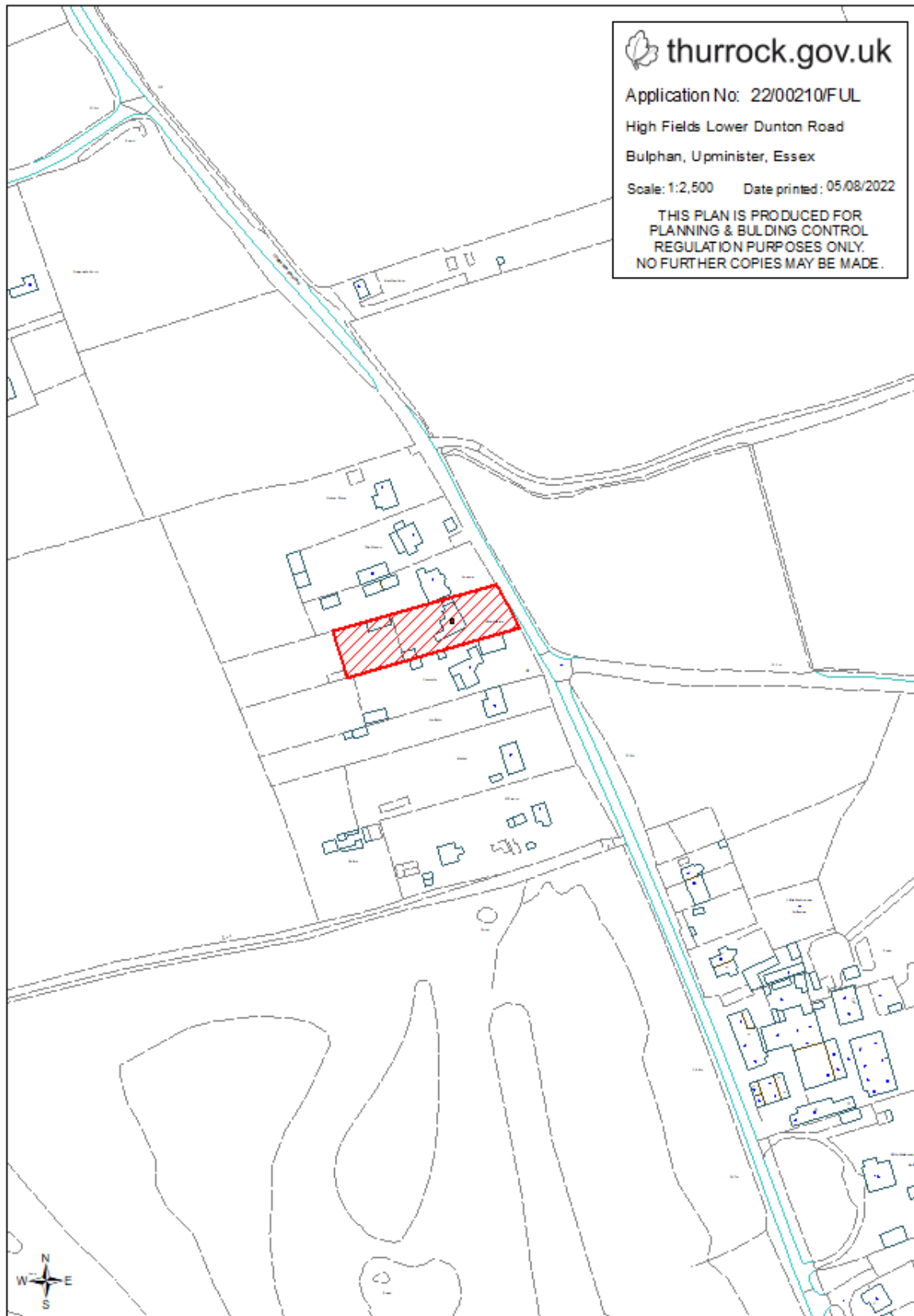
- 4.3 Officers have reconsidered the case put forward but remain of the opinion that it falls some considerable way short of constituting the very special circumstances that are required to allow a departure to be made from national and local planning policy. The matters discussed are not considered either individually or collectively to constitute very special circumstances. In fact, they fall somewhat short of that stringent test. As a result, these cannot clearly outweigh the harm arising. Accordingly, the application fails the relevant Green Belt tests and should be refused.
- 4.4 The reasons for supporting the application, as put forward by the Planning Committee on 14 July 2022, are not considered to provide sufficient grounds to approve the application. In particular, no evidence has been presented concerning the condition of the extant building nor of what environmental benefits Members would be relying on to underpin these reasons, without which these reasons are not substantiated. Therefore, the recommendation remains the same as previously advised.
- 4.5 In terms of the implications of granting planning permission contrary to the development plan and national policy this would potentially set a precedent for development in the Green Belt. Whilst every application is assessed on its own merits, a similar logic and interpretation of policy should be applied to ensure consistency of decision making. By granting planning permission for inappropriate development in the Green Belt contrary to policy on the basis of circumstances that are easily replicated elsewhere, Members would potentially be establishing a precedent for development in the Green Belt.
- 4.6 The application has been advertised as a departure from the development plan as any decision to grant planning permission would be contrary to local and national policy.

5.0 RECOMMENDATION

- 5.1 The application is recommended for refusal 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.



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<p>Reference: 22/00210/FUL</p>	<p>Site: High Fields Lower Dunton Road Bulphan Upminster Essex RM14 3TD</p>
<p>Ward: Orsett</p>	<p>Proposal: Demolition of existing detached chalet style dwelling. Erection of one four bedroom dwelling including associated landscaping, hardstanding, cycle store and refuse/ recycle storage area</p>

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<p>Applicant: Mr Mark Breden</p>	<p>Validated: 25 February 2022 Date of expiry: 17 June 2022 (Extension of Time agreed)</p>
<p>Recommendation: Refusal</p>	

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 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 9th June 2022 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the application in order for Members of the Planning Committee to undertake a site visit. The site visit duly occurred on 22nd June 2022.
- 1.2 A copy of the report presented to the April Committee meeting is attached.

2.0 UPDATE, CONCLUSIONS AND REASON(S) FOR REFUSAL

- 2.1 Other than the site visit taking place, there have been no changes to circumstances since the previous Planning Committee meeting and no further submissions.
- 2.2 For the same reasons as set out before and as will be set out below, the proposal would be contrary to the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the NPPF and the Residential Extensions and Alterations Supplementary Planning Document 2017 and is therefore recommended for refusal

3.0 RECOMMENDATION

- 3.1 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:

this any The Local Planning Authority has acted positively and proactively in determining 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 future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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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

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 24th July 2018, February 2019 and again in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- 2. Achieving sustainable development
- 4. Decision making
- 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 1st July 1948, as existing on that date, and in relation to a building built on or after 1st 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 1st 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:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
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



Reference: 22/00930/FUL	Site: Woodlands Koi Farm South Avenue Langdon Hills Essex SS16 6JG
Ward: Orsett	Proposal: Erection of a single storey detached annexe following demolition of existing outbuilding with associated veranda (resubmission of 22/00312/FUL)

Plan Number(s):		
Reference	Name	Received
OV/JK/JC/01	Proposed Plans	1 July 2022
OV/JK/JC/02	Existing Plans	1 July 2022
(No Nos.)	Location Plan	1 July 2022

The application is also accompanied by: - Planning, Design and Access Statement	
Applicant: Mr J Cross	Validated: 1 July 2022 Date of expiry: 26 August 2022
Recommendation: Refuse	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Johnson, Cllr Gledhill, Cllr Huelin, Cllr Jefferies and Cllr Hebb in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the proposal against Green Belt policy.

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. The lawfulness and extent of the existing outbuildings is discussed further below.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
22/00312/FUL	Erection of a single storey detached annexe following demolition of existing outbuilding with associated veranda (resubmission of 21/01844/FUL)	Withdrawn
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	Refused

	property.	
15/00349/HHA	Erection of a residential extension to form annexe	Refusal and 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

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 have been no comments received.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- ¹ *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...*
- ² *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

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

- 2. Achieving sustainable development
- 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. All applications submitted 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):

Application Reference	Description of Proposal	Decision
22/00312/FUL	Erection of a single storey detached annexe following demolition of existing outbuilding with associated veranda (resubmission of 21/01844/FUL)	Withdrawn
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
16/00686/FUL	Detached granny annexe to rear of the existing property.	Refused
15/00349/HHA	Erection of a residential extension to form annexe	Refusal and Dismissed on appeal
08/00791/FUL	Demolition of existing dwelling and construction of a new two bedroom dwelling.	Approved

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, the following is stated:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

6.8 There is no evidence of the lawfulness of the whole existing garage structure which is intended to be replaced by the proposed building. In comparison to previously submitted ‘existing’ plans which have provided in respect of previous applications, the plans which have been submitted with this application show a smaller existing building. They omit part of the outbuilding that is currently at the site. It is presumed that the plans now provided reflect what the applicant considers to be lawful. However, it is considered that elements of the building that are shown on the plans are unlawful. Additionally, the existing plans are not a true representation of what is on site. In terms of what has been submitted, a comparison table is shown below:

	Footprint (external)	Volume (approximate)	Maximum height (above ground level)
Existing outbuilding (as shown on plans)	60 sqm	170 cubic metres	2.7 m
Existing outbuilding (as considered lawful)	49 sqm	140 cubic metres	2.7m
Proposed outbuilding	70 sqm	198 cubic metres	3.9 m

6.9 The proposed annex is materially larger than the lawful part of the building which is on site. It is also larger than the extent of the building that is considered to be lawful by the applicant or the Local Planning Authority. 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.

6.10 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

- 6.11 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.
- 6.12 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. The proposed footprint would be increased by 10sqm from the existing (as shown on the plans), 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.
- 6.13 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.
- 6.14 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.15 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

- 6.16 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

- 6.17 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

- 6.18 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

- 6.19 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 Annexe to the property could not be located on another site.

- 6.20 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

- 6.21 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.
- 6.22 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”*.
- 6.23 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*

- 6.24 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

- 6.25 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. The plans submitted with this application appear to be reflective of that which the applicant considers to be lawful. However, as discussed above, Officers consider the lawful element of the

building to be smaller. 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.

6.26 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.

6.27 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

6.28 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.

6.29 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	a) 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		

6.30 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’.

6.31 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

- 6.32 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

- 6.33 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

- 6.34 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.
- 6.35 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

- 6.36 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

- 6.37 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.

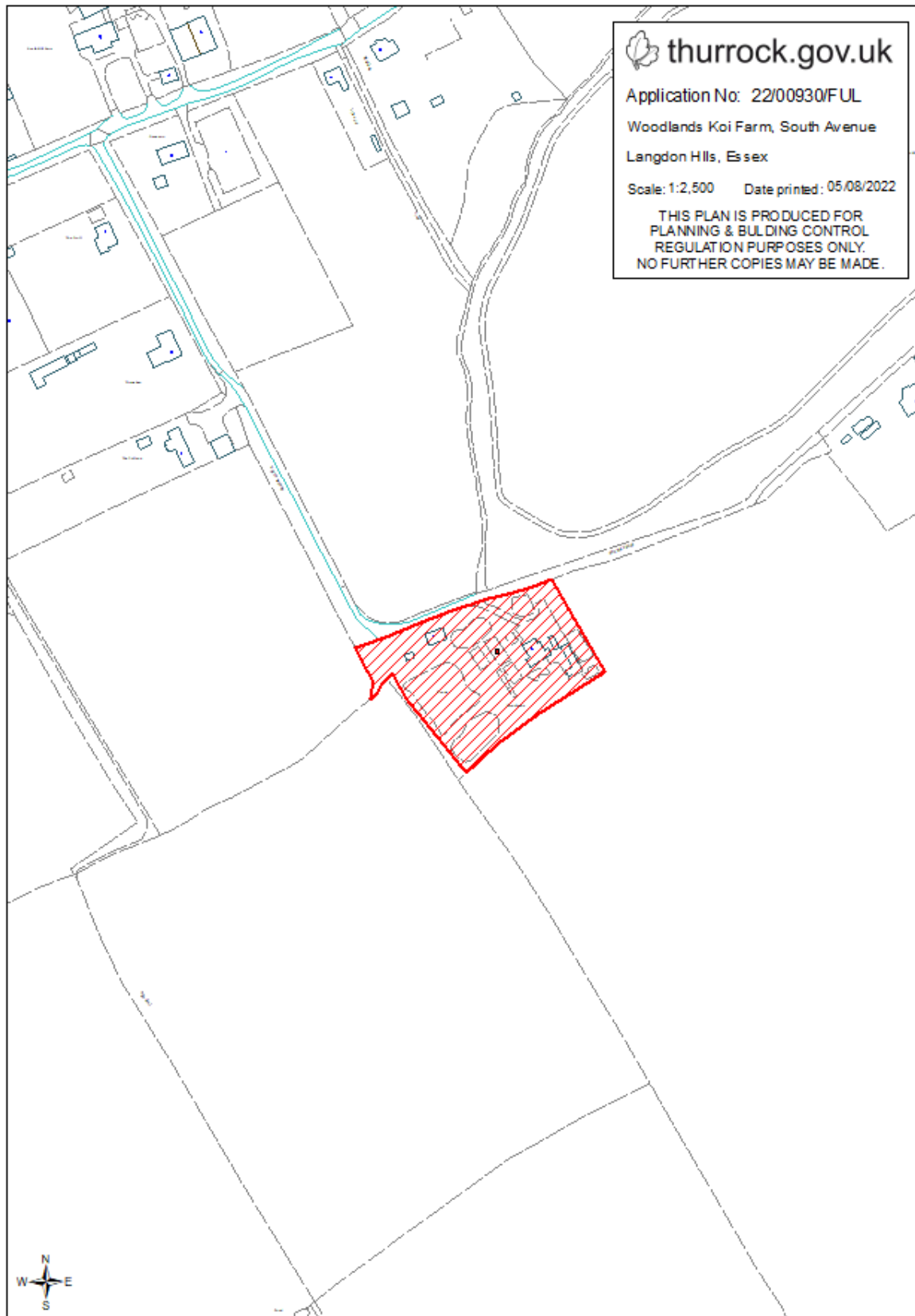
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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Reference: 21/01804/FUL	Site: Beauchamp Place Malvern Road Grays RM17 5TH
Ward: Little Thurrock Rectory	Proposal: Removal of existing stables building and erection of communal dayroom (on different part of the land) and variation to layout of part of the site approved under 19/01635/CONDC [Revised Plans]

Plan Number(s):		
Reference	Name	Received
J003749-DD-01-A	Location Plan	20th October 2021
J003749-DD-02-A	Existing Site Layout	20th October 2021
J003749-DD-03-A	Proposed Site Layout	27th May 2022
J003749-DD-04	Proposed Plans	27th May 2022
J003749-DD-05	Proposed Plans	27th May 2022

The application is also accompanied by: - Covering letter / Supporting Statement	
Applicant: Mr J O'Connor	Validated: 27 October 2021 Date of expiry: 22 August 2022 (Extension of time agreed)
Recommendation: To Approve	

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for a larger communal dayroom on the site which has permanent permission as a gypsy traveller site for named occupiers. The proposed dayroom would measure 14.2m in width by 8.1m in depth by 4.5m in height (eaves 2.9m) with a pitched roof with clipped hips. The proposed floorplan indicates the building would accommodate a central open TV room which would lead to a kitchen/utility room, a rehabilitation room, a bathroom, a study room and a disabled bathroom.
- 1.2 To allow space for the provision of the dayroom the site layout approved under condition discharge application 19/01635/CONDC is required to be amended.

These changes comprise the pitches on the eastern side of the plot being moved closer together, and the pitch that was to the west of the site is now to the north, in the location of the previously demolished stables. This allows the dayroom to be located adjacent to the entrance to the site.

2.0 SITE DESCRIPTION

- 2.1 The site is located on the eastern side of Malvern Road, adjacent to No. 51- 63 Malvern Road and to the south alongside the flank of the No 73 Malvern Road and further south alongside existing open land. To the east of the site runs the A1089. With the exception of the properties on Malvern Road the land around the site is relatively open. The site is designated as being within the Metropolitan Green Belt.
- 2.2 The site is as at a maximum approximately 155 metres in length and 55 metres in width. The site is approximately rectangular in shape. An area in the southern part of the site (not affected by this permission) is covered by a TPO – 2/2013.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
13/00574/FUL	Use of land to provide 5 pitches for Gypsy/Traveller families a total of 5 mobile homes, 5 touring caravans and 5 day rooms	Refused – Allowed on appeal.
15/01403/CONDC	Discharge of condition 5i) (Site Development Scheme) pursuant to planning appeal decisions: APP/M1595/C/13/2208476, 2208477, 2208478, 2208479 & 2208480, and Condition 6i) (Site Development Scheme) pursuant to planning appeal decision APP/M1595/C/13/2208738	Details approved
18/01802/FUL	Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom	Refused – Allowed on appeal
19/01635/CONDC	Application for the approval of details reserved by condition nos. 6 (Site Development Scheme) and 7 (Schedule of Maintenance) of planning permission ref. 18/01802/FUL (Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom).	Details approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Two letters of objection have been received (to the original plans) raising concerns about:

- Access to the site across an unmade accessway
- Bin store
- Intensified use of site

One letter of support has been received from the applicant citing:

- The building will be important to assist with occupiers of the site who have disabilities and provided physiotherapy facilities and improved washing facilities.

At the time of drafting this report no responses have been received in relation to the revised consultation exercise that has been undertaken. Any comments received following publication will be updated at the meeting.

4.3 LANDSCAPE AND ECOLOGY ADVISOR:

No objections.

ENVIRONMENTAL HEALTH:

4.4 No objections – Conditions suggested if permission were to be granted.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes

on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

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:

- Determining a planning application
- Green Belt
- Housing needs of different groups
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP3 (Gypsies and Travellers)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation & Development)
- PMD8 (Parking Standards)

Thurrock Local Plan

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

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

Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock.

6.0 ASSESSMENT

The assessment below covers the following areas:

- I. Principle of Development
- II. Design, Character and Layout
- III. Effect on Neighbouring Properties
- IV. Traffic, Access and Car Parking
- V. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.1 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 Under the heading of Green Belt considerations it is necessary to refer to the following key questions:

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

i. Whether the proposals constitute inappropriate development in Green Belt

- 6.2 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 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that VSC will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.3 With reference to proposed new buildings in the Green Belt, paragraph 149 confirms that a Local Planning Authority should regard their construction as inappropriate, with the following exceptions:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 6.4 The applicant’s Cover Letter originally submitted sets out their reason for the building. It states that:

Whilst the proposal itself comprises the erection of a building within the Green Belt, and would normally be considered inappropriate development within the Green Belt, it does in fact fall within the exceptions set out within Paragraph 149 of the NPPF, specifically part (g) ...

As previously established, the site comprises Previously Developed Land [PDL], and therefore benefits from the ability to be partially or completely redeveloped, provided that there would not be a greater impact on the openness of the Green Belt or where the development would contribute to meeting an identified affordable housing need. It is noted that the latter point can be disregarded given the application proposal being for a dayroom.

As a part of the application proposal, the existing stables have been demolished, and therefore the built form of the existing stables and its impact upon the openness of the Green Belt, and so this would counterbalance the impact of the proposed dayroom. The replacement of the stables with the dayroom as proposed is considered to have no greater impact upon the openness of the Green Belt, and therefore is a material consideration of significant weight in favour of the proposed development.

In addition to the details of the proposal itself, there exists further Very Special Circumstances to justify the development. As established during the previous appeal proceedings, the occupants of the site have significant medical issues which are a material consideration in determining the application. These considerations have been factored into the design of the dayroom...

The applicant's cover letter also notes:

*The principle of providing a dayroom for the occupants of this site has been established as acceptable through determination of the previous appeal scheme which included a **smaller size dayroom** [emphasis added] **and** was allowed.*

- 6.5 In respect of the above, it should be noted that permission for the use of the site as a permanent gypsy and traveller site was granted in 2019, at appeal. Prior to this, at appeal in 2015 permission was granted for a temporary use, after which time, the use of the land for a traveller site was supposed to cease and the land be returned to open Green Belt. The 'existing stable' was allowed to remain on site by the 2015

appeal decision (the 2015 condition discharge application showed details of the stable) and also by the 2018 consent granted at appeal. The revisions of the plans, show the provision of a single day room on the site – the new day room -rather than the new day room and the day room previously approved in the 2018 appeal.

6.6 Although the stable has been demolished by the current occupiers (the owner considers this to have taken place in winter 2021, although Council aerial photos put this as before 31st May 2021) the NPPF defined PDL as “*Land which is **or was occupied by a permanent structure...***” The table below sets out the figures in relation to the size of the stables and day room buildings:

	Area (m ²)	Volume (m ³)	Width (max – m)	Depth (max - m)	Height (max - m)
Stable	72	289	17.9	5 (L shape)	4 (flat roof)
Previously consented day room	47	130	9.2	4.6	2.2 (pitch) 2.9 (eaves)
New Day room	116	348	8.1	14.2	4.5 (pitch) 2.9 (eaves)
Difference	-3m ²	-71m ³	-	-	-
Percentage difference	2.5% decrease	17% decrease	-	-	-

6.7 Accordingly, as a result of the revisions to the application, the mass and volume of built development across the site would decrease from what could exist on the site as a result of the appeal decision. There is also some argument that, whilst the proposed day room is larger, individually than either the stable building or the previously approved day room, the proposal would represent a single building, whereas two buildings could be provided across the site; and two resulting buildings spread or located across the site would arguably have a greater impact upon the openness of the Green Belt that this single building in the location indicated in the revised plans.

6.8 Subject to conditions to ensure that only the dayroom built as part of this consent is built, the development would be considered to be in accordance with part (g) of Paragraph 149.

6.9 In light of the above, the proposal accords with the NPPF and Policy PMD6 and CSSP4 of the Core Strategy.

Other Matters

- 6.10 The planning agent has put forward that the Planning Policy for Traveller Sites (PPTS), para 26 states that LPAs should attach weight to 'promoting opportunities for healthy lifestyles for children on traveller sites. The proposal would allow space for rehabilitation for occupiers of the site; health needs were part of the VSC case for allowing the owners to occupy the site at appeal. The plans also show a study room which is important for the children on the site to be able to continue and support their studies.
- 6.11 In terms of human rights; the applicant's individual rights under the European Convention on Human Rights (ECHR) must be balanced against the wider public interest including the protection of the Green Belt from inappropriate development. Local and national planning policies which aim to regulate development and protect the Green Belt apply with equal forces to the whole population. As the development complies with Policy PMD6 and the NPPF there is no conflict in this regard.
- 6.12 Article 8, affords a person the right to respect for their private and family life, their home and their correspondence. Article 8 also imposes a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. This is no conflict in this regard.
- 6.13 The Supreme Court has unanimously held that the best interest of the child has to be considered and given paramount weight as part of the assessment of proportionality under Article 8. The Council is clearly sympathetic to the needs of the occupier and this permission would not interfere with these rights.

Green Belt Conclusions

- 6.14 Under the heading considerations, given the revisions to the scheme during the course of the application it is concluded that the proposals now comprise appropriate development. Consequently, the development would be acceptable in principle and as discussed in the report, there is some value in consolidating the built form on the site.

II. DESIGN, CHARACTER AND LAYOUT

- 6.15 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to

the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.16 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.17 The relocation of the plots within the site is not considered to be unacceptable, as it would move some of the plots further north within the site and bring them closer together.
- 6.18 The design of the proposed day room is straightforward and the design, per se is acceptable. Whilst it is relatively large, given the analysis in the Green Belt section earlier in the report, it is not considered it would be possible to object to the proposals on floor area grounds. The plans also show the open area to the south of the site is to be retained and there would be no further southern incursion. A condition is suggested to ensure the landscaping shown on the plans is carried out in the planting season following the commencement of development.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.19 The proposed dayroom is to be used by the existing occupiers of the site, rather than to allow further occupation of the site. Accordingly, in absolute terms, it should not lead to an intensified use of the wider site.
- 6.20 The dayroom would be located where presently a mobile home is located. As the dayroom would be a more permanent structure, there may be some benefit to nearby neighbours as it would have a more solid appearance than the mobile home and would allow less transmission of sound. It is not therefore considered that this would be harmful. The reorganisation of the other plots would see one mobile home 'replace' the stables at the northern end of the site, it is considered there is suitable distance from the closest property (no 53) for this to not result in a material impact on those occupiers.
- 6.21 The changes to the layout of the east of the site are not considered to materially impact on the nearby neighbours and the application would comply with Policy PMD1 with regards neighbour amenity impacts.

IV. TRAFFIC, ACCESS AND CAR PARKING

- 6.22 The proposal would not result in any changes to the access arrangement to the site and ample space would exist off the public highway for vehicle parking. No

objection is raised on these grounds and the application would comply with Policies PDM2 and PMD8 with regard to highway matters.

V. OTHER MATTERS

- 6.23 The comments from residents about the access are noted, however this matter has been considered in the past, and the Planning Inspector did not raise any objection to the access point. The ownership of the access to the site and matters connected to that would be a civil matter between neighbours.
- 6.24 The site has permission to be occupied by five named families and, when permission was first granted only the applicant and his close family were in occupation, it is likely that a lower level of activity would have been in evidence at that time.

7.0 CONCLUSION

- 7.1 The proposed larger dayroom would 'replace' a consented smaller day room and a stable building that has previously occupied the site (which the NPPF allows for under the definition of Previously Developed Land). The proposed dayroom would be smaller than those two buildings combined and would have some benefit to the Green Belt in consolidating the build form across the site. Accordingly, no objection is raised on Green Belt grounds.
- 7.2 Whilst the building would be relatively large it is considered it would be difficult to sustain an objection in design terms, due to the consolidation in built form and limited additional impact to the openness of the Green Belt in this part of the site.
- 7.3 Other matters of detail are considered to be acceptable. No objection is therefore raised to the proposals.

8.0 RECOMMENDATION

Approve subject to the following condition(s):

TIME LIMITS

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

Reason: In order to comply with Section 51 of the Planning and Compulsory Act 2004.

PLANS

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

Plan Number(s):		
Reference	Name	Received
J003749-DD-01-A	Location Plan	20th October 2021
J003749-DD-02-A	Existing Site Layout	20th October 2021
J003749-DD-03-A	Proposed Site Layout	27th May 2022
J003749-DD-04	Proposed Plans	27th May 2022
J003749-DD-05	Proposed Plans	27th May 2022

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

NO DEVELOPMENT OF EXISTING DAY ROOM

- 3 There shall be no development of the day room whatsoever of the day room shown on plan J003749-DD-02 A (dated October 2021).

Reason: To avoid the undesirable creation of a second dayroom on the site in the interest of the character and visual amenities of the area and the character and openness of the Green Belt in accordance with Policies PMD2 and PMD6 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

DETAILS OF MATERIALS TO BE SUBMITTED

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

HOURS OF CONSTRUCTION

- 5 No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours
 Saturdays 0800 – 1300 hours

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. 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 LDF Core Strategy and Policies for the Management of Development [2015].

SOFT LANDSCAPING SCHEME AND FENCING

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

The 1.2m high fencing shall be carried out concurrently with this soft landscaping.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area and to ensure that the proposed development in the Green Belt does not have a detrimental effect on the environment in accordance with policies, PMD2, PMD6, and CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PERSONAL PERMISSION

- 7 When the premises cease to be occupied by Mr John O'Connor and/or Mrs Bridie O'Connor and Mr Thomas Penfold and/or Mrs Pollyann Penfold and Ms Kathleen Connors and/or Jerry Connors and Mr Patrick Doherty and/or Mrs Mary Doherty and Mr Jim Rooney and/or Mrs Eileen Rooney, and their resident dependants, the use hereby permitted shall cease and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to its condition before the development took place.

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

OCCUPATION OF SITE

- 8 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

NUMBER OF PITCHES

- 9 There shall be no more than 5 pitches on the site, and no more than 5 single unit static caravans and 5 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan sites Act 1968, as amended, stationed on the site at any one time.

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

NO VEHICLES OVER 3.5 TONNES

- 10 No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site and there shall be a maximum of one commercial vehicle per pitch.

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

NO COMMERCIAL ACTIVITY

- 11 No commercial activities shall take place on the land, including the storage of materials.

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans or those approved under other conditions on this decision above shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

END OF OCCUPATION

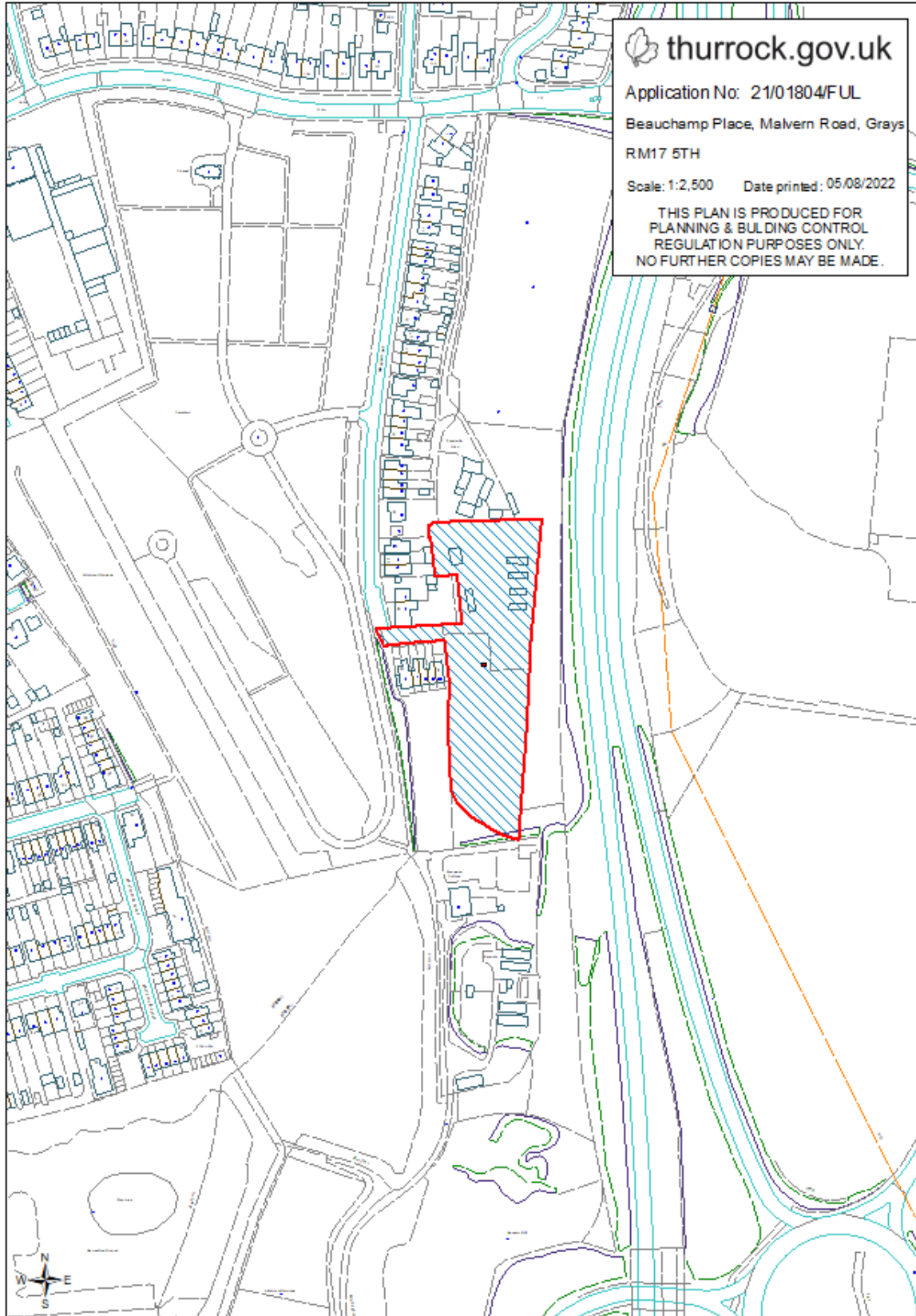
- 13 If at any time the occupiers specified in condition 7 of this permission cease to occupy the site, it shall be restored in accordance with the details of the "Site Restoration Scheme", pursuant to part (g) of Condition 3 of Appeal Decision APP/M1595/W/19/3225961, submitted to the LPA and approved under reference 19/01635/CONDC and in accordance with the timescales specified in that submission.

Reason: To ensure the development continues to comply with matters that were put forward in allowing appeal APP/M1595/W/19/3225961, given the location of the site in the Green Belt and the very special circumstances considered at that time.

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**
Application No: 21/01804/FUL
Beauchamp Place, Malvern Road, Grays
RM17 5TH
Scale: 1:2,500 Date printed: 05/08/2022
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Reference: 21/01427/CV	Site: Cedarwood Court And Elmwood Court Southend Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Application for the variation of conditions no. 2 (Approved Plans), 11 (Refuse Storage) and 12 (Landscaping) of planning permission ref. 16/01332/FUL (Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV))

Plan Number(s):		
Reference	Name	Received
1951_02	Location Plan	25 August 2021
1951_01 Revision B	Proposed Site Plan	20 May 2022
1951_10 Revision A	Block A Plans and Elevations	20 May 2022
1951_11 Revision A	Block B Plans and Elevations	20 May 2022
1951_11 Revision A	Proposed Elevations	30 June 2022

The application is also accompanied by:	
- Application Form	
Applicant: Churchgate Stanford Limited	Validated: 20 September 2021 Date of expiry: 22 August 2022 (Extension of Time Agreed)
Recommendation: Approve subject to S106 agreement.	

This application is scheduled for determination by the Council's Planning Committee because it has been Called-In by Councillors Anderson, Collins, Duffin, Hebb and Huelin (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution) because of local interest.

1.0 DESCRIPTION OF PROPOSAL

1.1 Planning permission was granted at the site for the erection of two buildings containing 17 flats under the terms of application 11/00020/FUL. That

planning permission was subsequently varied by planning permissions 15/00012/CV and 16/01332/FUL.

1.2 The planning permission granted under the terms of application 16/01332/FUL was implemented. As far as is relevant to this application, condition 2 specified the plans that were approved and conditions 11 and 12 of that permission, and the reasons for those conditions, read as follows:

11. *Notwithstanding the details submitted on the approved plans and prior to first occupation of the development, details shall be submitted to and agreed in writing showing the provision for the storage of bins within the site for the presentation of refuse on refuse collection days to be located in a convenient position within the site for refuse collections. The details shall be implemented in strict accordance with the agreed details and maintained in the approved form without modification.*

Reason: In the interests of highway safety in accordance with Policy PMD2 of the Core Strategy and guidance within the NPPF.

12. *All specifications of hard and soft landscaping including the lighting and paving shall be strictly in accordance with details approved under reference 13/00648/CONDC.*

Reason: In the interests of the character and appearance of the area in accordance with policies PMD1, PMD2 of the Core Strategy and guidance within the NPPF.

1.3 With respect to condition 11, plans were submitted and approved under the terms of application 19/00066/CONDC which included the following:

- The provision of a cycle store measuring 2.38 metres by 4.15 metres at the northeast corner of the site, behind the rearmost building.
- The provision of an 'L' Shaped bike and bin store that would measure a maximum of 7.85 metres by 4.7 metres along its longest elevations with space for six 1100 litre bins. This would be positioned at the southwest boundary of the site, between the two approved buildings.

1.4 With respect to condition 12, the details approved under the terms of earlier application 13/00648/CONDC included the following:

- The planting of 4 trees adjacent to the northwest boundary of the site.

- Shrub planting within beds immediately adjacent to the northwest elevation of the rearmost building at the site.
- Planting within beds around and within the parking areas that are central within the site, consisting of several shrubs and 5 trees.
- Shrub planting to the front of the building with one tree and the southeast corner of the site.

1.5 Initially, it was identified that the approved landscaping has not been implemented in accordance with the approved plan. Instead, there are the following soft landscaping features at the site:

- One planting bed at the front and rear of the front building at the site (Cedarwood House) and one to the rear with low level planting and no trees.
- Low level planting beds within the parking area, forward of Elmwood Court.
- A grassed area to the rear of Elmwood Court with no planting.

1.6 The applicant therefore submitted the application to try to regularise the provision of the planting that is set out above instead of that which was approved. This was identified by officers to be unacceptable, and the applicant has therefore amended the landscaping proposal to the following:

- One planting bed at the front and rear of the front building at the site (Cedarwood House) and one to the rear with low level planting and two trees.
- Low level planting beds, including two trees, adjacent the parking area, forward of Elmwood Court.
- A grassed area to the rear of Elmwood Court with four trees.

1.7 Subsequently, it has been identified that the following variations exist between the previously approved plans and the development that has occurred at the site:

- The rear cycle store is located adjacent to the southwest boundary rather than the north east boundary.
- The rear cycle store and now measures 2 metres by 3.6 metres and 2.25 metres tall.
- Reflective of the above, the hardstanding to both sides of the rearmost building at the site has been altered to enable access to be provided at both side of the buildings.
- A cycle store to the rear of Cedarwood Court has been omitted.

- The bin store and bike store at the southwest boundary (between buildings) now measures 5 metres by 4 metres.
- The front elevation of Elmwood Court features a different appearance with alternative cladding to the front elevation and alterations to the number and layout of windows.
- At top floor, the front elevation of Cedarwood Court features a different opening to what was approved, and, on the rear elevation, the alignment of the northernmost openings does not match the alignment that was approved.

1.1 SITE DESCRIPTION

1.2 The site is located within Stanford Le Hope and contains two buildings as set out above. The buildings contain a total of 17 flats and are 3 and 4 storeys tall. The site is accessed from Southend Road with hardstanding to the front and side of Cedarwood House which leads to a parking area between the respective buildings. The soft landscaping present at the site is described above.

1.3 The site is surrounded by residential properties consisting of two storey dwellings and three and four storey buildings containing flats.

1.4 RELEVANT PLANNING HISTORY

1.5 The following table provides the planning history:

Reference	Description	Decision
11/00020/FUL	Demolition of existing structures and erection of two no. residential buildings, consisting of 7 x one-bedroom flats and 10 x two-bedroom flats and the provision of access and the laying of car parking and amenity.	Approved
13/00648/CONDC	Discharge of Conditions of application 11/00020/FUL. Condition 2 (materials) Condition 3 (final ground level of the site and finish floor level of the buildings) Condition 4 (landscaping) Condition 7 (wheel cleansing) Condition 8 (temporary hard standing)	Conditions Discharged.
15/00012/CV	Variation of condition for (11/00020/FUL) Condition 2 - window material to be	Approved

	white upvc - from grey aluminium Condition 3 - Finish floor level of block B	
16/01332/FUL	Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV)	Approved
19/00066/CONDC	Application for the approval of details reserved by condition nos. 11 (Bin Storage) of planning permission ref. 16/01332/FUL (Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV))	Approved

- 3.2 Enforcement case 17/00288/BUNWKS was raised on the grounds of an allegation that the building was being built closer to neighbouring properties than approved: that case was closed. Enforcement case 18/00318/BUNWKS related to the lack of progress in relation to the provision of fencing and a boundary dispute.

1.6 CONSULTATION AND REPRESENTATIONS

- 1.7 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

1.8 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and the positing of a site notice. No representations have been received.

1.9 HIGHWAYS:

No objection.

1.10 LANDSCAPE AND ECOLOGY ADVISOR

The initial proposals with no tree planting was found unacceptable and not supported. However, it has subsequently been confirmed that, provided the eight trees now proposed are provided, it is not a concern if the other two

previously approved trees are not provided, particularly given the level of works that would be required to provide them.

1.11 POLICY CONTEXT

1.12 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. 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:

- 9. Promoting sustainable communities;
- 12. Achieving well-designed places;

1.13 National Planning Practice Guidance

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

- Design
- Determining a planning application
- Making an application
- Natural environment
- Use of planning conditions

1.14 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).

Thematic Policies:

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

Policies for the Management of Development

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

1.15 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.

1.16 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.

1.17 **ASSESSMENT**

1.18 The material considerations for this application are as follows:

- I. Principle of the development.
- II. Design and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Other Matters

- I. PRINCIPLE OF THE DEVELOPMENT

- 1.19 The principle of the overall development at the site has been found acceptable previously and the development has occurred. This application relates solely to the variation of conditions to address areas where the development was not undertaken in accordance with the approved plans. These variations are described above.
- 1.20 Section 73A of the Town and Country Planning Act 1990 allows for applications to be made to regularise development that has occurred without complying with a condition. If the variation of the condition is found acceptable, this would represent a new planning permission.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 1.21 Condition 12, which is set out earlier in the report, was imposed on the basis that the hard and soft landscaping should be as approved in the interests of the character and appearance of the area.
- 1.22 The surrounding area is mostly residential in character with properties of varying scale and design fronting onto the busy route of Southend Road. The buildings of the area are set back from the road by varying amounts and their frontages are largely dominated by hardstanding albeit there are some areas of soft landscaping, most notably around Partridge Court at the opposite side of Southend Road and within a planting bed on public land opposite the application site. This character is largely repeated within Victoria Road to the rear of the site, and it is noted that the adjacent tandem flat block of Victoria Court is separated from the building in front of it by an expansive area of hardstanding. That building also features no trees around it.
- 1.23 In this context, whilst the reduction of soft landscaping at the frontage of the site results in the hardstanding being more prominent to the front of the site, it is not considered that the reduction of the area of soft landscaping and the provision of low-level planting only would be unduly out-of-keeping with the character and appearance of the site and the surrounding area. The provision of 8 trees: 2 less than previously approved, is a little unfortunate, but it is not considered that the presence of fewer trees at the site would cause the development to appear out of character within the locality.
- 1.24 The variations to the positioning and alignment of windows of both buildings and the cladding of the rearmost building have a minimal effect on the character and appearance of the buildings and the locality. These variations have not previously been noticed and have only come to light as a result of other, more noticeable, variations. The marginal variations are considered to be acceptable in all respects and do not result in the development causing

any harm. Likewise, the amended positioning and design of the bin and bicycle stores is considered to be visually acceptable.

- 1.25 For these reasons set out above, it is considered that the alterations relative to the approved development are acceptable. The development, therefore, accords with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the abovementioned Design Strategy SPD and the NPPF.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 1.26 Although condition 12 that is the subject of this application was not imposed in the interests of protecting the living conditions of nearby residents, it is noted that the trees at the rear of the site would have provided some buffer between properties that could have reduced inter-visibility to some degree. As set out above, the properties to the rear of the site include the flat block of Victoria Court and the semi-detached dwellings at 1 and 2 Gentry Close.
- 1.27 The trees that were approved were relatively low in height and, as such, any mitigation offered by those trees would have been minimal. The gap between buildings would remain as previously approved and, as such, it is not considered that the reduction in the number of trees on this boundary would be reason to find the effect on living conditions arising from the development unacceptable.
- 1.28 Furthermore, as the imposed condition did not specifically require the trees to be planted or retained, it is not considered that they could have been relied upon to offer any long-term mitigation to the residents of nearby buildings.
- 1.29 For these reasons, it is not considered that the variation of the condition and the approval of an alternative landscaping scheme would be harmful to the living conditions of nearby residents to an extent that could be found unacceptable.
- 1.30 The alterations to the fenestration of the building do not cause any additional harmful effects on neighbouring properties. The re-positioning of the cycle store is considered to be beneficial in terms of being further from the closest neighbouring properties. Moreover, the amendments to the bin store have no additional effects on the living conditions of neighbouring properties.
- 1.31 The development therefore would remain in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF in that respect.

IV. OTHER MATTERS

- 1.32 The variation of the hard and soft landscaping at the site has not altered the access to the site and has not materially altered the parking layout. As such, the variation of the condition would not detract from highway safety. It is noted that cycle parking is reduced by 3 spaces relative to the previously approved plans. However, anecdotally it appears the cycle spaces are not well used and, in this instance, it is considered that the provision that exists is adequate to meet the needs of the occupiers of the flats at the site.
- 1.33 As set out above, if approved, it would be necessary to impose a new schedule of conditions on any decision. A condition is now required to ensure that the soft landscaping shown on the submitted plans is provided. Moreover, the previous condition 11 should be amended to reflect different bin stores have been provided. However, given that the development has been undertaken, it is considered that most other previous conditions are now unnecessary. The exceptions to this are conditions 8 and 10 which relate to the glazing of windows and the erection of further fencing.
- 1.34 As the previous permission was granted subject to a Section 106 agreement securing healthcare and education contributions, although the money has been collected and spent, a deed of variation to the previous Section 106 agreement is needed to reflect that a new permission would be granted if this application is approved.

1.35 CONCLUSIONS AND REASONS FOR APPROVAL

- 1.36 For the reasons set out above, it is not considered that undertaking the development in accordance with an alternative landscaping scheme to that which was previously found acceptable would cause the overall development to detract from the character and appearance of the area or the living conditions of the occupiers of neighbouring properties.

1.37 RECOMMENDATION

- 1.38 APPROVE planning permission, subject to:

1) The completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990, or a deed of variation to a pre-existing obligation, to secure the following heads of terms:

Health Contribution - £7000 towards health care facilities

Education Contribution - £25,000 for the expansion of St Cleres School

1.39 And the following planning conditions:

Soft Landscaping

- 1 All soft landscape works shown on plan 1951_01 Revision B shall have been completed prior to the end of the first available planting season (October to March inclusive) following this planning permission being granted. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable soft landscaping is provided at the site in accordance with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Obscured Glazing

- 2 The windows located in the north and south facing flank elevation of "Block A" hereby permitted shall be permanently fixed shut glazed with obscure glass. Furthermore, the windows located in the north and south facing flank elevation of "Block B" hereby permitted shall be permanently fixed shut below a height of 1.7 metres above finished floor level and glazed with obscure glass. These windows shall be maintained and retained in that form without modification.

Reason: To safeguard the privacy of the adjoining resident(s).

Further Fencing Provision

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 and Section 55 of the Town and Country Planning Act 1990 (or any order amending or revoking such an order), there shall be no erection of fencing walls or other means of enclosure, other than those which have been previously approved. Furthermore, there shall be no formation of hardstanding or surfacing works without the additional planning permission first being obtained.

Reason: In the interests of the character and amenity of the development in accordance with policies CSTP22 and PMD2 of the Core Strategy.

Refuse Storage

- 4 The details approved in relation refuse storage provision shall be retained at all times without modification.

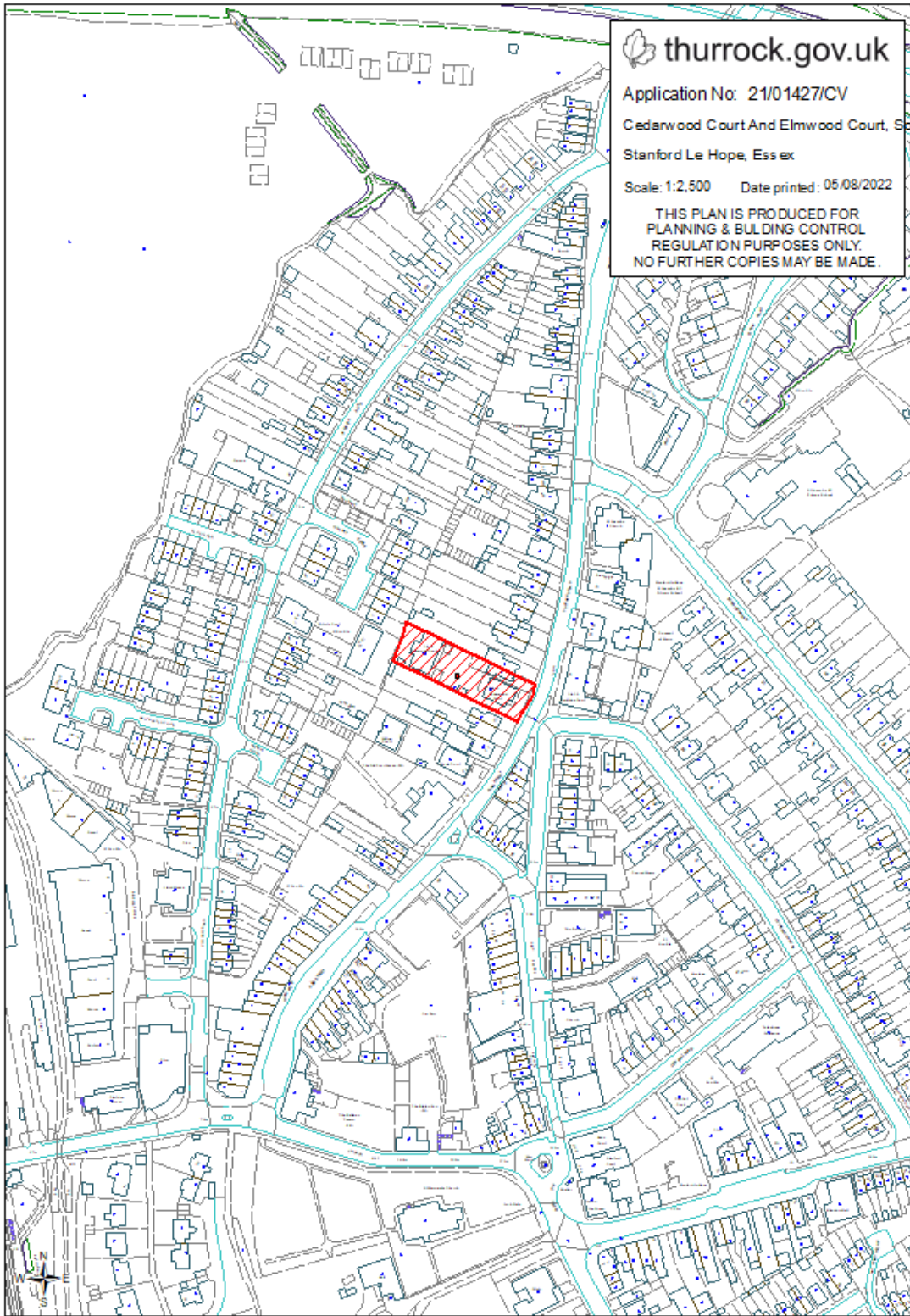
Reason: In the interests of highway safety in accordance with Policy PMD2 of the Core Strategy and guidance within the NPPF.

Positive and Proactive Statement

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

Documents:

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



 thurrock.gov.uk

Application No: 21/01427/CV
Cedarwood Court And Elmwood Court, Southend R
Stanford Le Hope, Essex

Scale: 1:2,500 Date printed: 05/08/2022

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