

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 **1 December 2022**

Council Chamber, 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 - 16
To approve as a correct record the minutes of the Planning Committee meeting held on 20 October 2022 and 16 November 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** **17 - 22**
- 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** **22/01241/FUL: The Hollies Rectory Road Orsett Essex RM16 3EH (Deferred)** **23 - 42**
- 9** **22/00921/FUL: 43 Purfleet Road, Aveley, South Ockendon, Essex, RM15 4DR** **43 - 58**
- 10** **22/01074/FUL: Land Adjoining Fobbing Acres And Mill Lane, Fobbing, Essex** **59 - 76**
- 11** **22/01363/FUL: Footbridge And Car Park, Orchard Road, South Ockendon, Essex** **77 - 90**

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: **23 November 2022**

Information for members of the public and councillors

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

Pecuniary

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

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

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

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

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

Non- pecuniary

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



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

Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Planning Committee held on 20 October 2022 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo and Lee Watson
- Apologies:** Councillors Georgette Polley (Vice-Chair), James Thandi and Sue Shinnick
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Beverly Kuchar, Interim Strategic Lead Development Services
Jonathan Keen, Principal Planning Officer Interim Strategic Lead Development Services
Nadia Houghton, Principal Planning Officer
Mathew Ford, Highways Engineer Manager
Kenna-Victoria Healey, 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.

32. Minutes

The minutes of the meeting held on 18 August 2022 were approved as a true and correct record.

33. Item of Urgent Business

There were no items of urgent business.

34. Declaration of Interests

Councillor Arnold declared an interest in item 9, planning application Land Between Gunning Road and Globe Industrial Estate, Towers Road, Grays, Essex and in item 11, planning application 21/01277/FUL - 36 High Street, Stanford Le Hope, SS17 0HQ.

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

There were no declarations of correspondence.

36. Planning Appeals

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

RESOLVED:

That the report be noted.

37. 22/00933/HHA - 1 Orchard View, Robinson Road, Horndon On The Hill, SS17 8PU

The report was presented by the Principal Planning Officer.

Members sought clarity that the reason for refusal was due to the size of the property and not the floor space. Officers explained the application had been recommended for refusal due to the additional use of floor space to enable the first-floor rear extension with dormer to be built. Officers continued by confirming the garage space was also included in the overall development floor space for the proposed extension.

It was sought as to whether any previous development rights existing on the application could expire. Members were advised that any development rights connected with the application would not expire, however once planning permission had been approved there was a time restraint of three years for the development to be completed.

Speaker statements were heard from:

- Statement of Support: Councillor Johnson, Ward Member
- Statement of Support: Mr M Kohl, Applicant

During the debate the Chair mentioned he didn't feel there was a landscape impact on the property and as there has been no neighbour objections, he was minded to approve the application.

Councillor Arnold stated he had visited the property and did not feel this application should be considered as inappropriate development. He continued by stating applications were sometimes complex with regards to Greenbelt policy, however he did not feel this application would impact the visualisation of the area.

Councillor Watson observed she too was mindful to approve the application as she did not feel there was visual impact and instead commented the application could enhance the area.

The Chair of the Committee put forward officers recommendation of refusal, however there was no Member support for this.

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.

The Chair of the Committee firstly acknowledged there could be some harm to the Greenbelt if this application was to be approved, however, noted that each application should be held on its own merit and design.

He continued by remarking he was sympathetic to the enhancement the development could bring to the area including improving the visual aspect of the location. Councillor Kelly stated he did not feel the proposed development would affect the openness of the Greenbelt and felt there was no harm to the character or appearance to the local area. It was observed there had been no neighbour complaints and parking for the development seemed acceptable, the Chair of the Committee stated for the reasons given he would award them substantial weight and with that he put forward a recommendation of approval of the planning application.

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

For: (5) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo and Lee Watson

Against: (0)

Abstained: (0)

38. 22/00706/FUL - Land Between Gunning Road And Globe Industrial Estate, Towers Road, Grays, Essex

The report was presented by the Principal Planning Officer.

Clarity was sought as to whether the applicant had a legal right to gain access to the site given the boundary fence in the area. The Principal Planning Officer confirmed he had seen paperwork which confirmed the applicant had a legal right to use the proposed route as access to the site.

The Highways Manager advised Members access to the site was one way and was also the route residents accessed their homes and garages. He continued by stating it was possible for vehicles to turn around if using part of the alleyway access, however, this would be very tight. It was noted there was vehicle parking bays and double yellow lines marked within the area.

Speaker statements were heard from:

- Statement of Objection: Jodie Hudson, Resident
- Statement of Objection: Councillor Gledhill, Ward Member

During the debate Councillor Arnold commented he felt the application should be refused and agreed with the points raised within the resident speaker statement, he stated he felt there had been a disregard for local residents.

Councillor Watson stated she would not be supporting the application, as taking access to the site on its own merits it could make it difficult for residents accessing their homes and she echoed Councillor Arnold's comments there had been no thought for local residents.

The Chair of the Committee proposed the officer recommendation to refuse the application and was seconded by Councillor Watson.

For: (6) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Elizabeth Rigby and Lee Watson

Against: (0)

Abstained: (0)

39. 22/00921/FUL - 43 Purfleet Road, Aveley, Essex, RM15 4DR

The Chair of the Committee advised Members the application had been withdrawn at the requested of the applicant.

40. 21/01277/FUL - 36 High Street, Stanford Le Hope, SS17 0HQ

The report was presented by the Principal Planning Officer.

Members enquired as to the usage of the commercial unit of the existing property and was advised it was a school uniform shop. Members further sought as to parking spaces for the proposed property and were informed there had been no allocation for parking spaces as part of the application.

The Highways Manager advised the committee following questions on parking that the area was covered by a parking permit area from the hours of 10am to 4pm and there was off street parking located in the Sandpits Car Park however this was privately owned and would incur charges.

It was observed by Members that that existing property was located on a busy junction within Stanford Le Hope and it was enquired if the application was approved as to whether conditions could be applied to planning permission granted. The Principal Planning Officer confirmed officers could include conditions such as limited hours if this was agreed by Members.

Speaker statements were heard from:

- Statement of Support: Statement of Support: James Furzer, Agent/Architect

During the debate Councillor Watson noted she wasn't against HMOs as the application looked good, however she was disappointed that no parking had been included, stating she felt 'car free' developments didn't work well.

Councillor Piccolo observed the impact on local businesses in the area from the application, for example the existing premises was a uniform shop and during school holidays could have customers queued outside along King Street. He continued by stating although there were transport links within the local area these were limited to London or Southend on Sea via train. He closed by saying he felt the application was inappropriate for the area and would cause a big impact on Stanford Le Hope Town Centre.

The Chair of the committee commented he liked the idea of a 'car free' development however, he agreed with Members that the local area had seen lot of development over recent years and he thought the location wasn't quite right.

Councillor Piccolo proposed the officer recommendation to approve the application and was seconded by Councillor Carter.

For: (6) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Elizabeth Rigby and Lee Watson

Against: (0)

Abstained: (0)

41. 22/00884/TBC - Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL

The Principal Planning Officer presented the report.

The Chair proposed the officer recommendation to approve the application and was seconded by Councillor Carter.

For: (6) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Elizabeth Rigby and Lee Watson

Against: (0)

Abstained: (0)

The meeting finished at 7.53 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

Minutes of the Meeting of the Planning Committee held on 16 November 2022 at 7.00 pm

- Present:** Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson (arrived at 7.16pm)
- Apologies:** Councillor Georgette Polley (Vice-Chair) and Steve Taylor, Campaign to Protect Rural England Representative
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead Development Services
Matthew Gallagher, Major Applications Manager
Julian Howes, Senior Highways Engineer
Kenna-Victoria Healey, 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.

42. Item of Urgent Business

There were no items of urgent business.

The Chair of the Committee advised that to allow residents to attend for Planning Application 21/01812/FUL Land Adjacent And To The Rear Of The George And Dragon, East Tilbury Road, Linford, Essex, he was going to rearrange the order of the agenda for this application to be heard second.

43. Declaration of Interests

Councillor Arnold declared an interest in item 7, planning application 21/01812/FUL in that there was a press article regarding another site being developed by the applicant which was accompanied by a photograph. Councillor Arnold commented he was named within the article; however, he was not at the site.

44. 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

The Chair declared the following correspondence on behalf of all Members:

- Planning Application 21/01812/FUL: Land Adjacent And To The Rear Of The George And Dragon, East Tilbury Road, Linford, Essex an email in support of the application from the agent of the applicant.

- Planning Application 22/01241/FUL: The Hollies Rectory Road, Orsett, Essex, RM16 3EH an email in support of the application.

Councillors Arnold and Thandi also declared emails had been received from the applicant for planning application 22/01241/FUL: The Hollies Rectory Road, Orsett, Essex, RM16 3EH.

45. Planning Appeals

The Interim Strategic Lead for Development Services presented the reports to Members.

RESOLVED:

That the report be noted.

46. 22/01241/FUL: The Hollies Rectory Road, Orsett, Essex, RM16 3EH

The report was presented by the Major Applications Manager.

The Chair of the Committee enquired if the application would be considered acceptable, if it wasn't located within the Greenbelt. He further commented if the area wasn't restricted by the conservation area and the fact that it breaches into the green belt, as to whether it could be down to judgement. The Major Applications Manager advised that Members would be need show that the harm to the Greenbelt was clearly outweighed.

Members enquired as to what proportion of the new build would be sitting in Greenbelt and what would be in the Conservation Area. The Major Applications Manager commented with regards to the conservation area, it became a factor for officers to consider if the building or the extended replacement building was visible in the context of existing buildings in the conservation area. The Committee were advised that developments within a conservation area must either preserve or enhance the location and the advice by officers was this application did neither preserve nor enhance partly due to its size.

Councillor Watson observed that planning permission must have previously been granted due to development on the site. The major applications manager advised 2/3 of the house was deemed to be on Greenbelt land with one third being conservation area. Referring to the report he advised Members that previous planning permission had been granted in 1983 and the site land had been designated as a conservation area in 1975.

The committee enquired as to the usage of the footpath and commented that it would possibly be used more so during the summer months and whether officers believed it was a regularly used foot path, it was advised members that the footpath linked to Horndon on the Hill and confirmed it was a recreational footpath. It was confirmed by the major applications manager that the site was visible from the footpath and as it was located on Greenbelt land

there would need to be a very special circumstance for approval given the proposal constituted inappropriate development .

Following a question from Members the Interim Strategic Lead for Development Services advised Members that a recent development within Orsett was located within a residential area and therefore did not follow the same tests as the application in front of Members.

The Chair addressed the committee advising he had received a late submission from the agent in relation to the application and on the basis of there being no active letters of objection he had decided to accept the speaker's statement.

Speaker statements were heard from:

- Statement of Support: Councillor Johnson, Ward Member
- Statement of Support: Mr S Burke, Agent

During the debate it was suggested that Members visit the site to be able to see first-hand the harm which would be caused on the Greenbelt should the application be agreed, to be able to better understand the technicalities.

Councillor Piccolo proposed that a site visit be held and was seconded by Councillor Carter.

For: (7) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

47. 21/01812/FUL: Land Adjacent And To The Rear Of The George And Dragon, East Tilbury Road, Linford, Essex

The report was presented by the Major Applications Manager, during which he updated Members with the following points:

- Officers had received an additional 4 objections from local residents.
- A Stage 1 Road Safety Audit from the applicant
- A list of terms for any potential section106 agreements from the applicant which included:
 - 100% of the of the development will be affordable housing.
 - 25% of the units: 58 homes would be described as “zero bill” [in relation to energy costs].
 - Confirmed the level of education contribution
 - Discussed potential East Tilbury Train Station upgrades

The Chair thanked Officers for the report and sought advice as to whether in terms of the development whether there was any government funding for affordable schemes such as this one. Officers replied advising the affordable housing element was one to be taken up by a registered provider. He continued advising there was a process where Homes England had grant funding, however it would be for the registered provider to explore that route.

Councillor Arnold enquired as to the difference between this site in East Tilbury and the Stanford Le Hope site, as he believed both were deemed Greenbelt land. The Major Applications Manager explained the Stanford Le Hope site the land was deemed as Greenbelt from 1987 however in 2008 the site was allocated for residential uses and further to this in the 2011 Core Strategy was removed from being Greenbelt land.

Councillor Arnold further observed within the report it stated an 18 month build time, he questioned as to whether this could be a condition on the application that the build had to be completed in 18 months. Officers advised should full planning permission be granted; the development would have to be completed within three years of permission being approved.

The Committee agreed to suspend standing orders at 9.15pm to allow the agenda to be completed.

Following questions from Members it was clarified that the “Zero Bill” homes were not to be connected to the gas network, however they would be connected to an electrical supply system. It was explained on the roof the dwellings would have photovoltaics which would generate electricity during hours of daylight. With this there would be a battery storage to hold the energy for when it was required.

Councillor Watson raised concerns with regards to flooding during which she referred to the report which highlighted Anglian Water had mentioned flooding and requested a drainage strategy. She asked what mitigation there was in the area with regards to the area getting flooded. The major applications manager explained the location of the proposed properties on the presentation and in doing so explained that none of the properties were to be located in the medium and high risk flooding area.

It was inquired as to the impact the development would have on the road network including any additional impact on the rail crossing at East Tilbury. The highways officer advised members that a safety audit was undertaken which included the possibility of queues and the impact of the crossing gates at the station however there were no significant concerns raised. He further advised but the development meant with council highway policy.

Speaker statements were heard from:

- Statement of Support: Councillor F Massey, Ward Member
- Statement of Support: Mr M Suggitt, Agent

Starting the debate, the Chair commented that the Committee had never seen an application with 100% affordable housing, which also included Education and Health benefits. He stated that he felt a development offering 230 homes along with the benefits suggested should be approved.

Councillor Arnold mentioned he felt the application should be approved as there were enough very special circumstances to do so. He stated the application was well designed with high quality and efficient homes being proposed, he also stated he felt the development could be a benefit for local traders.

Councillor Watson observed that the application stated 100% affordable housing, however 75% would be of market rent value, which in turn might not be affordable for all. She continued by stating she liked the idea of the scheme however she felt the location was wrong and was Greenbelt.

Councillor Piccolo commented he could understand the concerns raised by Ward Members and local residents however the application appeared to be producing quality homes. He continued although there were highway concerns, of possibly 400 cars using the site, these would not all be accessing the site at the same time and he felt controlled entrance and exits to the site could solve this concern.

The Chair commented that through the debates he had counted five Members were in favour of the application and two Members for refusal in line with officers recommendations, and with that he put forward a recommendation of approval of the planning application.

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.

The Chair of the Committee firstly acknowledged there was harm to the Greenbelt, however there was to be the delivery of 100% affordable housing, which was a positive response to the five-year housing supply to which he gave significant weight too. He continued by commenting on the transport upgrades and the low carbon development aspect which had moderate weight, in addition, to the accelerated build time of 18 months.

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

It was agreed that the matter would be returned to the Committee so officers would produce a report which would assess the impact of making a decision contrary to recommendation and set out draft conditions and Heads of Terms for a s106 for Members to be able to make an informed decision.

For: (5) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Terry Piccolo and James Thandi

Against: (2) Councillors Sue Shinnick and Lee Watson

Abstained: (0)

The meeting finished at 10.05 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**

1 December 2022		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead for Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, 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: **22/00420/CLOPUD**

Location: Greenwise Nurseries, Vange Park Road, Vange, BasildonSS16 5LA

Proposal: The use of the land for growing plants and retail sale thereof together with the importation of plants and retail sale of plants. The use of land for storage and display

for sale of garden material and garden equipment predominantly in the open. Use of land for storage and display for sale of storage containers, building materials and other general materials un-related to garden, predominantly in the open. Use of land for general storage of building and other materials predominantly in the open together with associated buildings

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/01662/OUT

Location: Greenwise Nurseries, Vange Park Road, Vange SS16 5LA

Proposal: Outline planning application for demolition of the existing structures and the construction of up to 60 houses (18 to be custom-build and 21 to be affordable homes). To include determination of the matter of access (matters relating to appearance, landscaping, layout and scale reserved)

Appeal Decision: Appeal Dismissed

- 4.1.1 The Inspector considered that the main issues were whether the proposal would be inappropriate development in the Green Belt and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- 4.1.2 The Inspector stated the proposal would not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt. Therefore, the proposal would be inappropriate development which, by definition, would be harmful to the Green Belt. Furthermore, the proposal would represent urban sprawl beyond a built-up area and this would conflict with the fundamental aim of Green Belt policy and, due to its location beyond settlement boundaries, would not assist in any form of urban regeneration. The very special circumstances put forward by the applicant did not clearly outweigh the harm.
- 4.1.3 The Inspector concluded that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development did not exist. Therefore, the proposal is in conflict with the NPPF and policies CSSP4 and PMD6 of the Core Strategy.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/01077/CV

Location: Tanga, Inglefield Road, Fobbing, Essex, SS17 9HW

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

Appeal Decision: Appeal Allowed

4.2.1 The Inspector considered that the main issues were whether the proposal is the effect of the removal of condition 5 (Permitted Development Rights) on the openness of the Green Belt.

4.2 The Inspector stated that the permitted development rights which have been removed would allow extensions to the original property and alterations to the site. It was considered that any such extensions or alterations carried out under permitted development rights are likely to be relatively minor. The Inspector found that there was no substantive evidence to indicate that in exercising permitted development rights, further extensions would result in disproportionate additions over and above the size of the original building, which would subsequently lead to a loss of openness within the Green Belt.

4.2.3 The Inspector concluded that the removal of condition number 5 would not harm the openness of the Green Belt and there is no clear justification for the removal of permitted development rights, as such condition 5 of planning permission 94/00646/FUL was removed.

4.2.4 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	7	3		2	1	7	5	11	1				38
No Allowed	4	1		0	0	5	0	4	1				16
% Allowed	57.1%	33.3%		0.0%	0.0%	41.6%	0.0%	26.6%	50%				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.

During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably. Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due.

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

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Agenda Item 8

Planning Committee 1 December 2022	Application Reference: 22/01241/FUL
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Reference: 22/01241/FUL	Site: The Hollies Rectory Road Orsett Essex RM16 3EH
Ward: Orsett	Proposal: Proposed replacement dwelling and relocation of existing swimming pool

Plan Number(s):		
Reference	Name	Received
2121. 10C	Proposed Site Layout	9th September 2022
2121. 10D	Location Plan	9th September 2022
2121. 17A	Proposed Elevations, Sections and Roof Plan	9th September 2022
2121. 18A	Proposed Elevations and Floor Plans	9th September 2022
2121. 19	Existing Elevations and Floor Plans	9th September 2022
2121. 20	CGI View Plan	9th September 2022
2121. 21	CGI View Plan	9th September 2022
2121. 22	CGI View Plan	9th September 2022
LS6022/1	Topographical Survey	9th September 2022

The application is also accompanied by:	
Simon Burke Design LTD, Design and Access Statement dated April 2022	
Applicant: Mr And Mrs M Watts	Validated: 9 September 2022 Date of expiry: 5 December 2022 (Extension of time agreed with applicant)
Recommendation: Refusal	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 16th November 2022 Members of the Planning Committee voted to defer the application in order for Members to undertake a site visit. The site visit took place on 23 November 2022.
- 1.2 A copy of the report presented to the November Committee meeting is attached.

2.0 UPDATE AND CONCLUSIONS

- 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. Any further updates will be provided verbally at the meeting.
- 2.2 For the same reasons as set out before and as set out in the appended report, the proposal is considered unacceptable.

3.0 RECOMMENDATION

- 3.1 Refuse for the reasons in the original report, appended.

Reference: 22/01241/FUL	Site: The Hollies Rectory Road Orsett Essex RM16 3EH
Ward: Orsett	Proposal: Proposed replacement dwelling and relocation of existing swimming pool

Plan Number(s):		
Reference	Name	Received
2121. 10C	Proposed Site Layout	9th September 2022
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2121. 18A	Proposed Elevations and Floor Plans	9th September 2022
2121. 19	Existing Elevations and Floor Plans	9th September 2022
2121. 20	CGI View Plan	9th September 2022
2121. 21	CGI View Plan	9th September 2022
2121. 22	CGI View Plan	9th September 2022
LS6022/1	Topographical Survey	9th September 2022

The application is also accompanied by:	
Simon Burke Design LTD, Design and Access Statement dated April 2022	
Applicant: Mr And Mrs M Watts	Validated: 9 September 2022 Date of expiry: 21 November 2022 (Extension of time agreed with applicant)
Recommendation: Refusal	

This application has been Called In for determination by the Council's Planning Committee by Cllrs D Arnold, , R Gledhill, B Johnson, J Halden and , B Maney for a wider discussion as to the merits of the proposals.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks to demolish the existing two storey dwelling and replace it with a two-storey contemporary style dwelling that would appear key-shaped in its footprint. The replacement dwelling would have a substantial footprint and would feature an integral garage which would accommodate off street parking for 4 vehicles, along with an annexe for family members to be located at first floor level within one of the proposed wings of the dwelling.
- 1.2 The existing swimming pool is to be relocated as part of the proposal, and two existing outbuildings are to be removed.

2.0 SITE DESCRIPTION

- 2.1 The application site hosts a late twentieth century, traditional two storey dwelling that is of a brick and tile finish. The site is accessed via a gravel access road located between the listed Whitmore Arms Public house to the south of the site and The Larches the immediate north and west. Rozen House is also sited along the northern boundary of the site. Located upon the eastern boundary of the site are open fields. The existing dwelling is set back from Rectory Road and has limited view from the highway.
- 2.2 The application site is located within the Orsett Conservation Area, with the existing dwelling and half of the rear garden area lying within the Conservation Area boundaries. The most easterly half of the rear garden area lies outside the boundaries of the Conservation Area and falls within the Metropolitan Green Belt.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
83/00701/FUL	Two Houses and Garages Including Private Drive Access. Amended Plans Received 1.11.83. Drawing No. 2001-1A. LB/THU/16/83	Approved
83/00701/LB	Two Houses and Garages Including Private Drive Access. Amended Plans Received 1.11.83. Drawing No. 2001-1A. LB/THU/16/83	Consent Granted
85/00714/OUT	3 houses and 3 garages.	Refused
94/00220/FUL	Single storey extension	Approved
95/00001/FUL	Two storey front extension	Approved
95/00173/FUL	Two storey side extension	Approved

95/00593/FUL	Erection of stables on land adj to 'THE HOLLIES'	Refused
97/00387/FUL	Two storey front extension	Approved
03/00721/FUL	Conservatory to flank	Approved
06/01147/LDC	Use of the land edged red on plan 656.102 as residential garden to the property known as The Hollies for more than ten years	Lawful
10/00850/TPO	5 x - Sycamore - Fell	No Objection
11/00457/HHA	Demolition of existing conservatory and erection of replacement single storey extension with balcony above	Approved
15/00556/HHA	Proposed removal of existing conservatory and replacement with a single storey garden room to rear.	Approved
15/01391/TPOCA	T1-T5 Prunus, T6 Sorbus, T11 Birch, T2 Holly, T10 Bay T6-T9 Prunus - Remove all	No Objection
16/01551/TPOCA	Remove T1 [Silver Birch], T2 [Oak], T3 [Red Maple] T4 [Acer Negundo] to ground level and cut back overhanging branches of T5 [Leyandi], T6 [Leyandi] and T7 [Ash]	No Objection
22/00614/FUL	Proposed replacement dwelling and relocation of existing swimming pool	Withdrawn

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, a public site notice erected nearby the site and a press notice. No letters have been received in relation to the proposal.

ARCHAEOLOGICAL ADVISOR:

No objections, subject to specific archaeological conditions including trial trenching and excavation conditions.

ENVIRONMENTAL HEALTH:

No objections subject to a condition in relation to the submission of a CEMP and

hours of construction.

HERITAGE ADVISOR:

The proposals would fail preserve or enhance the character and appearance of the Orsett Conservation Area, contrary to Section 72(1) to the Planning (Listed Buildings and Conservation Areas) Act 1990. There will be less than substantial harm caused to the significance of the heritage asset.

HIGHWAYS:

No objections subject to a condition in relation to the submission of a Construction Environment Management Plan

LANDSCAPE AND ECOLOGY:

No objections, subject to landscape and tree protection conditions.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework

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.

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

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 16. Conserving and Enhancing the Historic Environment

Planning Policy Guidance

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

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

Overarching Sustainable Development Policy:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

Spatial Policies:

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy

Thurrock Local Plan

- 5.5 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

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

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development and impact upon the Green Belt
- II. Design, Layout and Impact upon the Conservation Area
- III. Provision of a Suitable Living Environment
- IV. Impact upon Neighbouring Amenity
- V. Parking, access, traffic and highway impacts
- VI. Other matters

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

- 6.2 The boundary of the residential area (which coincides with the eastern boundary of the Orsett Conservation Area) and the Metropolitan Green Belt is halfway within the site along a north-south axis, with the eastern half of the site falling within land designated as Metropolitan Green Belt. The proposed replacement dwelling would be located east of the existing dwelling and half of the proposed replacement dwelling would fall within the Green Belt. As such, the proposal would fall to be considered as development falling within the Green Belt, as well as within the Orsett Conservation Area.

- 6.3 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

- 6.4 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.
- 6.5 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 Very Special Circumstances (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.
- 6.6 Paragraph 149 (d) is specifically relevant to this proposal: *149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- 6.7 Policy PMD6 (2)(i) of the Core Strategy allows for the replacement of residential dwellings within the Green Belt subject to the replacement dwelling not being materially larger than the original building.
- 6.8 The proposal is intended as a replacement dwelling for residential use and is to be occupied by a single household, which is of the same use as the dwelling as existing. The proposal would thereby comply with the first part of Paragraph 149 (d) of the NPPF.
- 6.9 The key consideration of the proposal is if the replacement dwelling would be materially larger than the one it is to replace. What is meant by material is not defined and therefore has to be considered on a case-by-case basis. In this instance, the assessment needs to be based on a quantitative and qualitative exercise.

- 6.10 The proposal involves the demolition of the existing residential dwelling that sits to the west of the site, outside the Green Belt, and is considered to be of a staggered L-shape build. The existing dwelling benefits from two modest outbuildings located within the rear of the site that are to be removed as part of the proposal. The replacement dwelling is to be erected and located further central and eastwards within the site and would be a building featuring multiple wings and is considered to be sprawling in its nature and layout.
- 6.11 With respect to the quantitative assessment, the existing dwelling has a footprint of 232.80sqm, the replacement dwelling would have a footprint of 444.32sqm, the proposal would have a footprint that measures 211.52sqm larger than that of the existing dwelling. Whilst it is noted that the two existing outbuildings at the site are to be removed, the proposal would still result in an overall increase of footprint of 144.92sqm which equates to 61% of additional footprint. In conjunction with the increase in footprint the proposal would result in an increase in both volume and the massing of the building. As a result the proposed building is substantially larger than the existing dwelling on site as can be clearly seen in the table below.

	Existing Dwelling	Proposed Dwelling	Increases Relative to Original/Existing	% increase to Original/Existing
Footprint	232.80m ²	444.32m ²	+211.52m ²	+61%
Floorspace	312.48m ²	676.04m ²	+363.56m ²	+73.5%
Volume	1,144.78m ³	2,829.22m ³	1684.44m ³	84.77%

- 6.12 Factoring in the qualitative assessment of the replacement, the proposed dwelling would be taller and significantly wider and would have a substantial overall length and width with the dwelling separated into three distinct wings. The proposed key-shaped layout of the dwelling means that it would have an overall maximum width of 30.9m. The central wing would have an overall depth of approximately 20m and the wing providing the garaging and annexe having an overall depth of approximately 19m. The staggered and sprawling layout of the proposal would in qualitative terms result in the replacement building being significantly materially larger than the one it replaces.
- 6.13 The relocation of the swimming pool is also proposed. It is noted that the existing swimming pool already falls within the Green Belt. With limited development above ground, the proposed relocation of the pool is considered to pose a limited impact upon the openness of the Green Belt.

- 6.14 As a result of the above it is considered that the proposal would be materially larger than the existing dwelling on the site and unequivocally have a greater impact upon the openness of the Green Belt. Therefore the proposal would not fall within any of the exceptions to inappropriate development in the Green Belt. The proposal would comprise inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.
- 6.15 Consequently, the proposal comprises of inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, 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.

- 6.16 As established above, the proposed replacement dwelling would be significantly larger than the existing or original buildings at the site and would be located further east into the site and closer to the undeveloped part of the overall site and, therefore, cause a reduction of openness. Whilst the height of the proposed dwelling would not exceed that of what is existing the increase of the depth and overall length of the dwelling from 14.3m and 25.28m to 31.81m and 28.38m in footprint would amplify the harm caused in this respect. 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

- 6.17 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.

- 6.18 With regard to the NPPF, paragraph 147 states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 148 goes on to state that, when considering any planning application, local planning authorities *“should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.19 Whilst the planning application has been accompanied by a Planning Statement the applicant has not advanced any factors to provide Very Special Circumstances in relation to the proposal. Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt.
- 6.20 Nether the less, whilst no factors have been submitted, 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	None provided	No weight
Reduction in the openness of the Green Belt	Substantial		
Conflict with a number of the purposes of including land in the Green Belt – purposes (c) and (e)	Substantial		

- 6.21 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 Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

II. DESIGN, LAYOUT AND IMPACT UPON THE CONSERVATION AREA

- 6.22 The application site lies on the east side of Rectory Road. Whilst there is a variety of properties within the locality it is considered that it is a character of these properties that they appear to be of a traditional design due to their use of external finishes and fenestration. It is also noted that the dwellings are predominantly detached and typically of a similar scale, mass and footprint.
- 6.23 The application site lies partially within Orsett Conservation Area, with the existing building lying within the Conservation Area boundary. The building dates from the late twentieth century and has subsequently had further additions, the scale, mass and materials of the existing are considered to be in keeping with the character and appearance. The site also benefits from trees located within the site, all of which are mature specimens. The Landscape and Ecology Advisor has advised that the proposal would not result in any adverse effects upon these trees as long as appropriate measures are followed to prevent disturbance to their roots during construction, these details and protection measures would be secured via a condition if the application were being favourably recommended.
- 6.24 The existing dwelling represents a footprint of 232.80sqm, the replacement dwelling would represent a footprint of 444.32sqm, the proposal would have a footprint that measures 212.62sqm larger than that of the existing dwelling. The proposal has been designed such that it would be sprawling in nature occupying a larger proportion of the site.
- 6.25 It is considered that the proposed dwelling would, by virtue of the irregular shape, use of wings and sprawling layout, be unduly large and significantly exceed what can be considered to be proportionate to the plot it would sit within and when viewed within the wider context of the area. It is considered that the overall scale of the development is further exacerbated in visual terms due to the use of external finishes which are not typically found within the locality, including the Conservation Area. As a result of this, and the building being of wholly different appearance, the proposal would be jarringly at odds with the character and appearance of the other buildings within the locality in the Orsett Conservation Area. The building would show minimal regard to the scale or appearance of the surrounding built form and would not show adequate regard to the character and appearance of the area. Whilst concerns with regards to the scale of the proposal were expressed with the applicant and a reduction in size requested, no revised plans have been submitted

to the Council.

- 6.26 The concerns regarding the design, scale, mass, layout and appearance of the dwelling upon the Conservation Area were first highlighted by the Heritage Advisor during the previous planning application. The Heritage Advisor was consulted in relation to the proposal and considers that the proposal, even though set back behind The Larches and The Whitmore Arms Public House would still be visible from Rectory Road. Public Footpath 103 runs outside the southern boundary of the garden of the application site.
- 6.27 The Heritage Advisor drew attention to the previous withdrawn submission (22/00614/FUL) in which the exact same development was proposed, it was advised that their comments submitted to the Council in relation to that proposal were still relevant to the current proposal. It was considered by the Heritage Advisor that the proposal in its current form is not in keeping with that of the area. Whilst the proposed dwelling would fall deeper into the site, it would still be located on the edge of the Conservation Area and form part of its setting. The scale and massing are a significant increase to the existing and, along with the contemporary design and external finishes, the proposal largely due to the overall design would draw the eye when compared to what is currently existing at the site which is considered by the Heritage Advisor as inappropriate to the area. The buildings visual impact would also be amplified particularly in the winter months from Rectory Road, due to the gap in the road from the public house car park. In addition views of the site can be partially afforded by the public footpath located to the southern boundary of the site, it is also noted that during the winter months that these views would also be amplified.
- 6.28 The applicant had suggested that the proposal could be set back further within the site, however the Heritage Advisor considered that this would not solve the issue entirely. Upon final consideration the Heritage Advisor identified that the proposal would result in harm to the significance of the conservation area, as an area of special interest arising from its village settlement character.
- 6.29 Therefore, the proposal would be unacceptable and contrary to Policies CSTP22, CSTP23, CSTP24, PMD2 and PMD4 of the Core Strategy and Policies for Management of Development 2015. The proposal would also be contrary to the guidance contained within the NPPF and the Council's Design Guidance SPD.

III. PROVISION OF A SUITABLE LIVING ENVIRONMENT

- 6.30 It is considered that sufficient private amenity is to be provided for the proposed dwellinghouse. The proposed dwelling would have a suitable internal living arrangement and provide sufficient light and outlook to habitable rooms. Therefore,

the proposed dwelling would provide a suitable level of amenity for future occupiers.

IV. IMPACT UPON NEIGHBOURING AMNEITY

- 6.31 The application site as existing is sited such that it is accessed via a gravel access road located between The Whitmore Arms Public house to the south of the site and The Larches the north of the site, it is also noted that the Rozen House is sited along the northern boundary of the site. Located upon the eastern boundary of the site are open fields.
- 6.32 The proposed dwelling would be set considerably further east within the site than the existing dwelling, and such that it would now be located 23.7m from the shared boundary with The Larches and would result in no detrimental impact upon this neighbour. The proposal would be sited behind the principal elevation of Rozen House and orientated so that it would not be likely to result in any unacceptable overbearing impact or loss of privacy. The roof lights in the flank of the roof slope providing the proposed annexe would be unlikely to result in any significant loss of privacy to this neighbour.
- 6.33 A balcony is proposed to be located to the first-floor rears of each of the proposed wings of the replacement dwelling. The views afforded from these balconies would be directed towards the rear garden of the application site, as such they would not result in a level of harm that would be to the detriment of neighbouring properties amenities.
- 6.34 Given the close proximity of the application site to residential dwellings, if a favourable recommendation were being made, then a condition would be recommended to restrict the hours of construction in order to protect the amenities of these neighbouring properties. A condition would also be recommended such that a Construction Environmental Management Plan be submitted and agreed with the LPA prior to the commencement of works which shall detail noise control and dust control measures in order to minimise the impact of the development on neighbouring properties.
- 6.35 The proposal would, therefore, subject to appropriate conditions comply with Policy PMD1 with regard to neighbour amenity impacts.

V. PARKING, ACCESS, TRAFFIC AND HIGHWAYS IMPACTS

- 6.36 Policy PMD8 requires all development to provide a sufficient level of parking. The application site as existing benefits from 4 bedrooms and has substantial off-street parking via the existing vehicle access and driveway. This same access would

continue to provide ample off-street parking and the Council's Highways Officer has raised no objections to the proposal subject to a Construction Environmental Management Plan (CEMP) condition. It is considered that both adequate parking and access is to be provided and the proposal would comply with the criteria in Policies PMD2 and PMD8 of the Core Strategy and guidance in the NPPF.

VI. OTHER MATTERS

- 6.37 The Archaeology Advisor has commented that the Historic Environment Record shows that the proposed development lies within an area of known cropmarks identified from aerial photography. These cropmarks, identified to the east of the proposed development, are extensive. They show rectilinear features, sub-rectangular enclosures, ring-ditches, double ditches, pits, and some elements that have been interpreted as part of a henge monument.
- 6.38 These cropmarks are clear indicators of multi-phase settlement activity and are thought to range in date from the Prehistoric to the Roman period (EHER 5191). Specifically, a collection of linear cropmarks forming an enclosure appear to project into the proposed development site. The Archaeology Advisor considers that it is clear that the site has the potential to contain archaeological settlement remains associated with this multi-phase cropmark complex and has consequently recommended that any favourable recommendation includes relevant conditions relating to appropriate trial trench and excavation. Subject to these conditions there would be no objections with respect to archaeological impacts.

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 development in 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 proposal is 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. No matters have been put forward that would outweigh this significant harm.
- 7.3 In addition, the proposal would, by reason of its siting, footprint, layout, height, scale and use of external finishes, appear poorly related to the character and development pattern of the area which is harmful to the character and appearance of the Orsett Conservation Area. The proposal would result in harm to the significance of the Conservation Area, as an area of special interest arising from its village settlement character.

8.0 RECOMMENDATION

8.1 Refuse for the following reasons:

- 1 The proposal would, by reason of its siting, scale, layout, 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. No very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by any 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 by reason of its siting, footprint, layout, scale, height, massing and use of external finishes, would appear poorly related to the character and development pattern of the area which is harmful to the character and appearance of the Orsett Conservation Area. The application is therefore contrary to policies CSTP22, CSTP23, CSTP24 and PMD4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

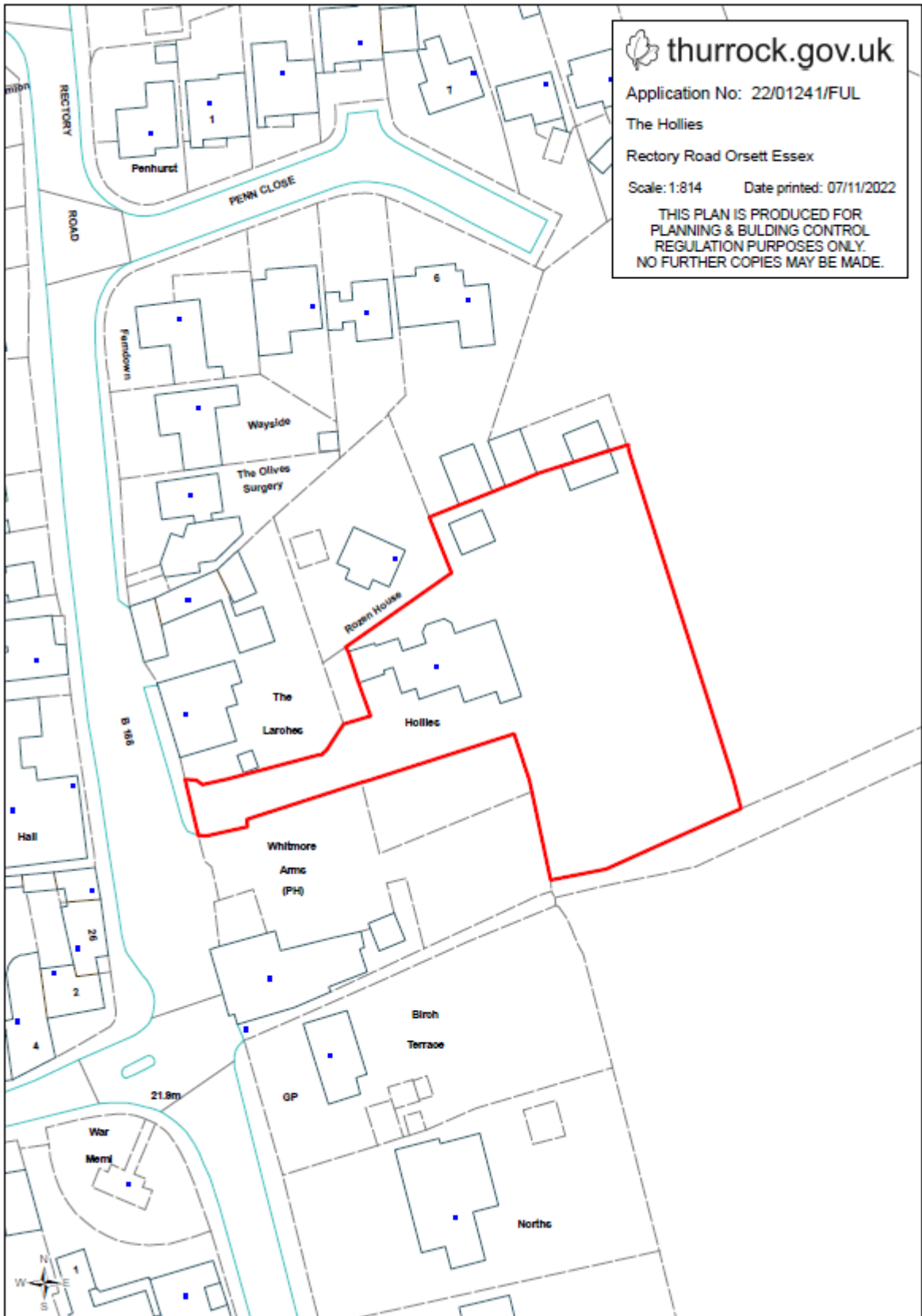
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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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Agenda Item 9

Planning Committee 1 December 2022	Application Reference: 22/00921/FUL
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Reference: 22/00921/FUL	Site: 43 Purfleet Road Aveley South Ockendon Essex RM15 4DR
Ward: Aveley And Uplands	Proposal: Proposed redevelopment to provide five semi-detached and detached houses (2 no. 3x bedroom and 3 no. 4 bedroom) and new vehicle access and pedestrian access to Purfleet Road.

Plan Number(s):		
Reference	Name	Received
2951-01	Location Plan	30 th June 2022
2951-03B	Proposed Block Plan	31 st October 2022
2951-04B	Proposed Floor Plans Plot 1 and 2	31 st October 2022
2951-05B	Proposed Dwelling Elevations Plots 1 and 2	31 st October 2022
2951-06B	Proposed Floor Plans Plot 3 and 4	31 st October 2022
2951-07B	Proposed Elevations Plots 3 and 4	31 st October 2022
2951-08B	Proposed Floor Plans and Elevations – Plot 5	31 st October 2022
2951-09B	Proposed Street Scene	31 st October 2022
2951 10B	Proposed Sections	31 st October 2022
MTSK/PR/01A	Soft Landscape Plan	31 st October 2022

The application is also accompanied by: <ul style="list-style-type: none"> - Cover Letter including swept path analysis 27.10.22 - Soft Landscaping and Planting Specification 26.10.22 - Agent response to Urban Design comments 15.11.22 	
Applicant: Montague TSK Limited	Validated: 1 July 2022 Date of expiry: 5 December 2022 (Extension of Time agreed with Applicant)
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because the previously recently refused application (ref. 22/003725/FUL) was Called In by

Cllrs Churchman, Gledhill, Collins, Kelly, Duffin and Mayes in order to consider the proposals on the basis of overdevelopment, character impact, immediate parking concerns and the gradient of the site and its impact on pedestrian traffic. This current revised application has been submitted in direct response to that decision by Members.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks to redevelop the site to provide 5, semi-detached and detached two storey dwellings fronting Purfleet Road with new vehicular and pedestrian accesses from Purfleet Road, (the removal of the existing access from Love Lane) and including off street parking, private amenity areas and soft landscaping.
- 1.2 The table below summarises some of the main points of detail contained within the development proposal:

Site Area	0.14 Ha
Number of Dwellings	Include: <ul style="list-style-type: none"> • Four semi- detached houses • One detached house • 3 x 4 beds, and 2 x 3 beds
Building Height	9.2 m
Parking	12 Car Parking spaces, including 2 visitor spaces / Cycle Storage for each dwelling
Density	35.7/Hectare - Medium Density

2.0 SITE DESCRIPTION

- 2.1 The application site is a broadly rectangular piece of land located at the junction of Purfleet Road and Love Lane, Aveley. The site measures 44.5 metres by 33 metres and comprises of a centrally located detached bungalow, and garage outbuilding to the south of the site, in a spacious plot which is served by a single vehicular access from Love Lane and a pedestrian access from Purfleet Road.
- 2.2 There is a ground level difference of approximately 1.4 metres between ground levels on Purfleet Road and the northern half of the site which sits at a higher level. Ground levels within the site level off towards the south and Love Lane.

3.0 RELEVANT PLANNING HISTORY

Application Ref.	Description of Proposal	Decision
22/00375/FUL	Proposed redevelopment to provide 6 semi-detached houses (2 no. 3x	Refused 13.06.22 –

	bedroom and 4 no. 4 bedroom) and new vehicle access and pedestrian access to Purfleet Road.	Appeal -in progress
21/30250/PMIN	Redevelopment of site to provide 6 semi-detached houses	Advice Given
54/00377/REM	Two bungalows	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 and public site notice which has been displayed nearby.

Eighteen (18) written responses have been received, including 2 responses from the same 3 neighbours and 3 responses from the same neighbour, all in objection and raising the following concerns:

- Overdevelopment of the site;
- Revised plans for 5 houses is still too many, 2 or 3 houses would be more appropriate;
- Out of Character;
- Loss of Amenity;
- Loss of Privacy/Overlooking;
- Concerns regarding Access to the site – unsafe;
- Additional traffic;
- Parking concerns and still too few parking spaces proposed;
- Loss of landscaping and wildlife.
- The Applicant has appealed the refusal of the 6 houses

4.3 ENVIRONMENTAL HEALTH:

No objections, subject to conditions including submission of a Construction Environmental Management Plan.

4.4 HIGHWAYS:

Recommend Refusal

4.5 LANDSCAPE AND ECOLOGY ADVISOR:

Unable to support the proposals. The revised proposal has addressed some of the previous landscape concerns, however, still appears overdeveloped with too little landscaping for the scale of the site.

4.6 URBAN DESIGN TEAM:

Unable to support proposal. Recommend refusal.

5.0 POLICY CONTEXT**National Planning Policy Framework (NPPF)**

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of 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
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

Planning Policy Guidance

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

- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Housing needs of different groups
- Housing: optional technical standards
- Making an application
- Planning obligations
- Use of Planning Conditions

Local Planning Policy Thurrock Local Development Framework (2015)

5.3 The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies would apply to any future planning application:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD14: Carbon Neutral Development

Thurrock Local Plan

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

Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Background and revised proposals
- II. Principle of the development
- III. Design and layout and impact upon the area
- IV. Amenity provision and neighbour amenity impact of the development
- V. Traffic impact, access and car parking
- VI. Landscape
- VII. Other matters

I. BACKGROUND AND REVISED PROPOSALS

6.2 At the 11th June 2022 Planning Committee, Members considered and refused a planning application for 6 semi-detached houses (2 no. 3x bedroom and 4 no. 4 bedroom) for the following reasons:

1. *The proposed development, by virtue of the short rear garden depths of the dwellings proposed, would be likely to lead to overlooking and thereby an unacceptable loss of privacy and amenity to the neighbour to the immediate south of the site on Love Lane contrary to policy PMD1 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF 2021.*
2. *The proposals would, by virtue of the limited private amenity space provision, the short rear garden depths and the layout and access arrangements proposed within the site, be indicative of a cramped and contrived form of development and be likely to result in the overdevelopment of the site, detrimental to the character of the area and appearance of the street scene contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF.*
3. *The proposed development would, if permitted, fail to contribute positively to the local environment as it would result in excessive areas of hardstanding, providing limited opportunity for meaningful landscaping, resulting in a car dominated streetscape to the detriment of the development and wider locality in general. The development would fail to positively contribute to the character of the area contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF.*

6.3 The current application is a new submission which seeks to overcome the reasons for refusal and the applicant has:

- Reduced the number of dwellings from 6 semi-detached dwellings to 5 dwellings comprising 4 semi-detached dwellings and 1 detached dwelling;
- Increased the overlooking distance from the proposal to the neighbouring property to the south on Love Lane by increasing the rear garden depths from 10ms to 12ms;
- Increased the level of soft landscaping to the parking area on the frontage of the site.

This report will assess whether the applicant has made sufficient revisions to overcome the previous reason for refusal.

II. PRINCIPLE OF THE DEVELOPMENT

- 6.4 The application site is located within a residential area and in a locality predominantly characterised by residential development. There are no in principle objections to the proposed development of the site for residential use subject to compliance with all development management policies.
- 6.5 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. The application site is within the urban area and comprises a 'brownfield' site.
- 6.6 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and given that the Local Planning Authority is not able to demonstrate that a five year house land supply exists, this indicates that planning permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such, the provision of additional residential units would weigh in favour of the purpose.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.7 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015 accord with the NPPF in requiring development to have high quality design and to be well related to its surroundings.
- 6.8 The site is mostly rectangular in shape and comprises of a detached bungalow located centrally within the site and positioned so that it broadly follows the notional building line of the pairs of semi-detached dwellings running westwards on Purfleet

Road. The site is served by a single width vehicle access via Love Lane which leads to a detached garage outbuilding to the southwestern corner of the site. There is hardsurfacing leading to this garage block and the remainder of the site is laid to lawn and includes some overgrown shrubbery and the previously well-established trees along the boundaries with Love Lane and Purfleet Road have been removed (the trees were not protected). Ground levels are higher by approximately 1.4 metre at the Purfleet Road end of the site and the boundary treatment along this northern boundary comprises of low brick walling atop the raised ground levels. The pedestrian access to the site is via a series of steps from Purfleet Road.

- 6.9 The existing dwelling is a single storey property and the immediate context on Purfleet Road comprises primarily of inter-war period, well-spaced semi-detached two storey dwellings with hipped roofs. The applicant has recently submitted further revised proposals to provide 5 dwellings comprising of 4 semi-detached and 1 detached dwelling. These most recent revised proposals show some improvement in design due to the use of hipped roofs closer matching the more prevalent character style of semi-detached dwellings; the revised plans also show car parking located adjacent to the dwellings. However, the Urban Design Team has commented that the proposals continue to show an expansive area of hardstanding with little contribution to local character. There are also concerns with the layout relating to the siting and proximity of car parking spaces to the dwellings and its impact on access to cycle stores in the rear gardens (pinch points being created between parked cars and bay windows particularly on the three units to the west). The siting of the parking spaces in such close proximity to the front doors of the dwellings would fail to provide a proper transition space between the shared parking space and the dwellings. The Highways Officer raises similar concerns regarding the layout later in this report.
- 6.10 Overall, the revised proposals continue to show a layout that would be somewhat restricted and constrained and the Urban Design team has raised concerns about these concerns and the 'tightness' to the design. The layout would not appear to have been given the space needed to allow for comfortable access and opportunities for good transitions between public / shared and private spaces. Notwithstanding the amenity space provision, these concern are symptomatic of overdevelopment of the site, with the intended capacity restricting the ability to deliver a well-designed environment. The applicant has responded to the Urban Design team comments advising that while further changes could be made to improve the planting and boundary treatment along the boundary lines of the dwellings, such improvements would come at the cost of losing a turning area within the frontage. Furthermore, the applicant also responded that improved transition could be achieved by way of using contrasting hard surfacing materials to provide more legibility, for example. While changes such as those suggested by

the applicant would be possible and may go some way to overcome the concerns regarding the transition from the front of the private dwellings to the start of shared parking spaces, the amendments would not address the concerns regarding the tightness to the design and layout. As a consequence the revised proposal is considered contrary to Policies CSTP22 and PMD2 of the Core Strategy for this reason.

- 6.11 The proposed siting of the dwellings is broadly the same as the previous refusal, the main difference in the scheme emanates from the change in house design and type to a mix of semi-detached and detached properties with hipped roofs. The two pairs of semi-detached dwellings and the detached dwelling would be shorter than the previously proposed pairs, resulting in increased rear garden depths. The parking area has also been moved slightly further into the site and closer to the proposed dwellings. This has enabled a slight increase in the level of soft landscaping provided on the frontage.
- 6.12 The revised proposal continues to introduce a proposed parking arrangement along Purfleet Road, and even with some modest additional soft landscaping that has been introduced, would continue to create a car-dominated frontage directly adjacent to the footpath on Purfleet Road. Other properties on the street have front parking areas, but the cars themselves are by the dwellings, not adjacent to the pavement. The hard landscaped frontage of the site when viewed from Love Lane would be particularly visually prominent given the site previously had significant vegetation along this edge. The slight increase in soft landscaping provision would not be of significant benefit to the appearance of the frontage to reduce the negative impact of that dominant hard landscaped appearance of the site. The Council's Landscape and Ecology Advisor has continued to raise concerns regarding the likelihood of the proposal being able to retain the proposed soft landscaping identified in the scheme given the parking dominated frontage. It is considered that the detailed design of the predominantly hard-landscaped frontage would not be considered to contribute positively to the local environment and the site layout as proposed would result in excessive areas of hardstanding, providing limited opportunity for meaningful landscaping, resulting in a car dominated streetscape to the detriment of the development and wider locality in general. The proposal is considered to be contrary to the policy PMD2 and is recommended for refusal for this reason.
- 6.13 The proposed choice of materials indicated would be likely to be considered appropriate as in keeping with the existing neighbouring dwellings on Purfleet Road. The overall approach to main fenestration, width and proportion of the dwellings would also be considered appropriate.
- 6.14 The overall proposal for 5 dwellings would continue make the site appear

somewhat cramped and overdeveloped; however, it is considered that given the increase in the provision of rear private amenity space for each dwelling a recommendation to refuse the application on the basis of overdevelopment would be unsustainable.

- 6.15 In conclusion to the assessment of the design and layout impact of the proposals, while it is acknowledged that the number of dwellings proposed has been reduced, and the proposals include the introduction of semi-detached pairs as well as the use of hipped roofs, it is considered that there are concerns regarding the layout, namely, the amount of hard landscaping and the close proximity of the parking spaces to the dwellings and the design and appearance of the frontage of this corner plot; the amount of hard frontage, and likelihood of the non-retention of the proposed soft landscaping to the frontage due to the tightly packed car parking spaces. As a consequence the detailed design and layout of the proposals would be considered contrary to Policies CSTP22, CSTP23 and PMD2 and the NPPF for this reason.

IV. AMENITY PROVISION AND NEIGHBOUR AMENITY IMPACT OF DEVELOPMENT

- 6.16 Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that development will not be permitted where it would cause unacceptable effects on:
- i. the amenities of the area;
 - ii. the amenity of neighbouring occupants; or
 - iii. the amenity of future occupiers of the site.
- 6.17 The proposal would provide 3 x 4 bedroom dwellings, and 2 x 3 bedroom dwellings. The proposals would provide a reasonable amount of floorarea in line with the Council's adopted standards, therefore, within its current layout the proposal provides adequate residential environment for the future occupiers.
- 6.18 The proposal would provide between 96 sq.m and 111 sq.m of private amenity space for the dwellings; Council policy would seek 4 bedroom dwellings of the size proposed to provide a minimum of 125 sq.m of private amenity space per dwelling; however, the rear garden depths have also been increased from 10m to 12m and the level of private amenity space provision for each dwelling would not be considered a sustainable reason to refuse the application given the location of the site to the nearby Aveley recreation ground. The level of private amenity space proposed would therefore be considered acceptable in this instance.
- 6.19 The increase in the depth of the rear gardens to 12m is an improvement and would result in an overlooking distance of 18m from the first floor rear windows of the

proposed dwellings to the immediate rear private amenity area for the occupier of 14 Love Lane to the immediate south and to a lesser degree the rear private garden area of 45 Purfleet Road. A first floor flank window serving a study in the most westerly dwelling would overlook the flank of 45 Purfleet Road which has what appears to be a landing window in its flank. Given the separation distance and the orientation of the proposal it is not considered that any unacceptable overlooking or loss of privacy to the neighbours at no. 45 Purfleet Road would occur. The level and degree of overlooking of 14 Love Lane would be considered less harmful as a result of the increase in overall depth of the rear gardens and given the orientation of the rear garden to the immediate private area of no. 14 Love Lane alongside the 18m depth, it is considered that the revised proposals would not warrant a recommendation to refuse on the basis of neighbour amenity impact by way of overlooking.

- 6.20 In conclusion to this section, it is considered that the proposals would provide an acceptable level of private amenity area for each of the occupiers of the proposed dwellings overcoming the previous application's first reason for refusal. The proposals would also result in no unacceptable overlooking or loss of privacy and thereby amenity to neighbours complying with Policy PMD1.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.21 As has been highlighted in many of the neighbour comments received, a key element of the acceptability of the proposal at this site relates to highway matters. The site is located on a junction where there are also double yellow lining restrictions. The Highways Officer initially indicated that there were severe concerns with the proposed development, particularly with regard to the proposed access which had inadequate width and sight visibility on to Purfleet Road. The revised application indicates the proposed vehicular access on to Purfleet Road would be acceptable and measure 4.8m in width and includes visibility splays and appropriate gradients. As a consequence, the Highway Officer has commented that there are no objections to the proposed access to the site.
- 6.22 As with the previous scheme, adequate refuse storage provision and cycle storage provision has been incorporated into the current proposals. The revised scheme could incorporate consideration for electric vehicle parking spaces too, if being considered favourably. The development site is located in an area that has reasonable accessibility to public transport and local amenities. The minimum parking standards for a development of this size in this location is between 1.5 and 2 spaces for three bedroom properties and an additional space for four bedroom properties. In addition 0.25 spaces per dwelling for visitor parking is required. Thus a minimum of 14 spaces should be provided. The proposal seeks to provide 12 parking spaces, 2 per dwelling plus 2 visitor spaces. The Highway Officer has previously advised that while the number of parking spaces proposed would be 2

short of what would be expected to comply with adopted standards, the provision of 12 spaces would be, on balance, acceptable provided those 12 spaces would be safely accessible and usable.

- 6.23 However, the plans are a cause for concern for the Highway Officer who has highlighted that the parking layout, by virtue of the arrangement and layout of spaces, their close proximity to the dwellings and particularly those spaces to the east of the site, would make practical manoeuvring within the site particularly difficult to achieve. The result of which would be a likelihood that fewer than 12 parking spaces would realistically be achieved on the revised layout on the frontage which would likely lead to an overspill of on-street parking on Purfleet Road and Love Lane to the detriment of both highway and pedestrian safety in the locality. This concern is considered to be so harmful as to warrant recommending refusal on highway grounds and the proposed parking layout would be considered contrary to policies PDM2, PMD8 and PMD9.

VI. LANDSCAPE

- 6.24 It is noted that there were several mature trees on the site. While these were not protected via Tree Preservation Order the landscaping formed a part of the existing landscape and character of the plot. The proposal seeks to provide some soft landscaping particularly to the southern boundary of the site. Hard and soft landscaping is proposed to the northern half, breaking up the predominance of the parking area to the north of the site. The existing retaining wall and boundary walls along Purfleet Road and at the junction of the site would be retained.
- 6.25 The Landscape and Ecology Advisor has commented that the proposals indicate an overdevelopment of the site and noted that there have been minor changes to the layout. As the houses have been moved northwards to increase the size of the rear gardens, this has been reduced the parking area. He continues that some planting has been shown on the roadside boundaries, but this is close to the parking bays and would cause issues as it grows. Accordingly, he considers the proposal would be unacceptable and he could not support the scheme on landscape grounds.

VII. OTHER MATTERS

- 6.26 The Environmental Health Officer has recommended that, should a favourable recommendation be forthcoming, a Construction Environmental Management Plan (CEMP) should be submitted to the Council to approval prior to works commencing. The CEMP should as a minimum deal with the hours of work, control of dust during demolition and construction and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control

on construction and open sites.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The principle of residential development at the site is deemed acceptable. There are however concerns in relation to the layout and design of the frontage, the close proximity of car parking spaces to the front windows and doorways serving the dwellings and the amount of hard landscaping to the front of the site which would be likely to lead to a car-dominated frontage, with limited opportunity for landscaping and an overly cramped appearance.
- 7.2 In addition to the concerns regarding the design and appearance of the layout of the frontage of the site, the proposal generates concerns regarding the layout of the parking spaces and the ability to practically manoeuvre and park within those spaces. The concerns regarding the tight and awkward layout are so significant as to be likely to result in a substandard level of off street parking being available within the site and parking migrating on the nearby highway.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason(s):
1. The proposals would, by virtue of the tight and awkward parking layout, be likely to result in practical difficulties in manoeuvring within the site resulting in an inadequate level of off-street parking provision within the site, and the parking of cars on both Purfleet Road and Love Lane to the detriment of highway and pedestrian safety, contrary to Policies PMD2, PMD8 and PMD9 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF.
 2. The proposed development would, if permitted, fail to contribute positively to the local environment as it would result in excessive areas of hardstanding, providing limited opportunity for meaningful landscaping, also resulting in a cramped and car parking-dominated streetscape overly close to the proposed dwellings to the detriment of the development and wider locality in general. The development would fail to positively contribute to the character of the area contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development (as amended) (2015) and the NPPF.

INFORMATIVE:Positive and Proactive Statement

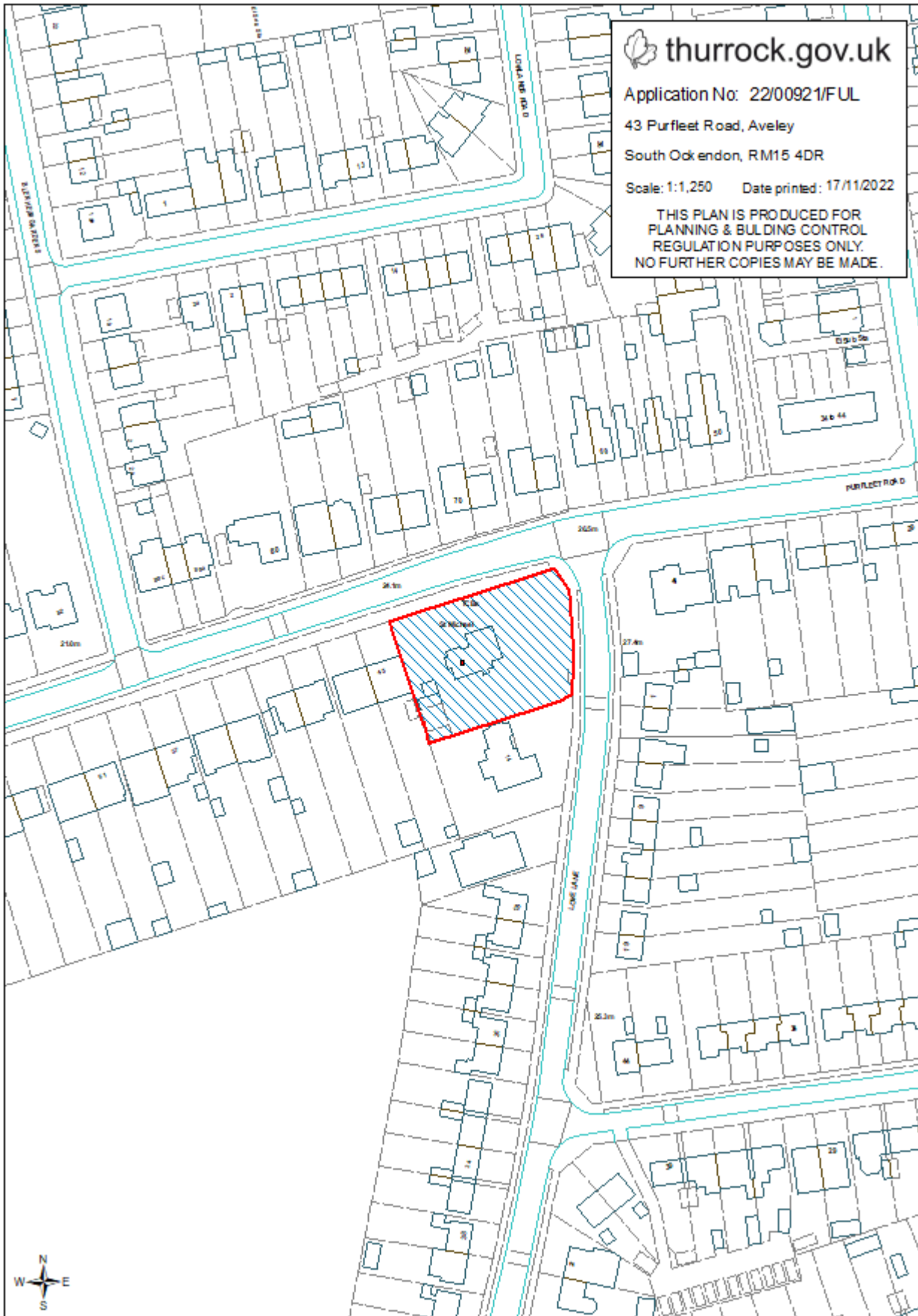
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



Planning Committee 1 December 2022	Application Reference: 22/01074/FUL
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Reference: 22/01074/FUL	Site: Land Adjoining Fobbing Acres And Mill Lane Fobbing Essex
Ward: Corringham And Fobbing	Proposal: Change of use of land to a gypsy and traveller caravan site consisting of a 1 no. pitch and associated development

Plan Number(s):		
Reference	Name	Received
3893-07-1	Proposed Plans	26th July 2022
3893-07-2	Existing Plans	26th July 2022
3893-07-3	Site Layout	26th July 2022
3893-07-4	Location Plan	26th July 2022

The application is also accompanied by: <ul style="list-style-type: none"> - Application form - Supporting personal details - Copy of appeal decision for application ref. 11/00010/FUL, The Paddock, Parkgate Road, Corringham 	
Applicant: Mr W Ray	Validated: 21 September 2022 Date of expiry: 5 th December (Agreed Extension of Time)
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Councillors Arnold, Hebb, Duffin, Snell, and Anderson in order to consider the impact upon the local area and neighbouring residents.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for use of land as a residential gypsy/traveller site, and for associated operational development comprising the stationing of a static caravan and formation of a gravel driveway.

- 1.2 The proposed static caravan would be of a standard scale and design, with a rectangular footprint measuring 14.5m wide x 4.6m deep and a shallow pitched roof. It would feature a brick base and composite walls, and internally it would provide two bedrooms, bathroom, and open-plan living accommodation. The caravan would be sited towards the eastern end of the site, set back from the Mill

Lane boundary, on an existing concrete pad. The existing site access in the north-eastern corner of the plot would be used, and a gravel driveway formed to provide access to the caravan.

- 1.3 An existing stable building situated along the southern site boundary would be retained.

1.1 SITE DESCRIPTION

- 1.2 The application site comprises a rectangular parcel of land on the western side of Mill Lane, situated between Fobbing and Corringham. The plot measures approximately 50m wide x 100m deep and comprises grazing paddock largely enclosed by established, mature boundary planting. A rectangular concrete pad sits towards the eastern end of the site and serves as a base for a touring caravan; both of which are unauthorised development. There is a small area of general open storage along the northern site boundary containing a small touring caravan and other general items.

- 1.3 The area is generally rural in character. Mill Lane is an unmade road with a handful of houses spread unevenly along its length. There are numerous parcels of land along the lane clearly divided by hedgerows/boundary planting; these vary in size but are generally rectangular in shape.

- 1.4 The site lies within the Green Belt; outside of any defined flood risk zone; outside of any nitrate zone; and is classified as agricultural land grade 3 (moderate value). Land opposite the site, on the eastern side of Mill Lane, is classified as a Biodiversity Site of Local Interest. Mill Lane is a designated Public Right of Way (ref. footpath 23).

1.5 RELEVANT PLANNING HISTORY

- 1.4 The following are relevant to the current application:

Application ref	Description of Proposal	Decision
07/01019/OUT	Proposed bungalow and detached garage.	Refused
62/00704/FUL	Stationing of 10 caravans for weekends and holidays.	Refused
60/00660/FUL	Erection of a bungalow.	Refused

1.6 CONSULTATION AND REPRESENTATIONS

- 1.5 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 The application has been advertised by way of individual neighbour notification letters and a site notice. Thirteen (13) letters of objection have been received in response, raising the following summarised comments:

- Highway safety and amenity impacts from additional traffic;
- Out of character with area and impact on Green Belt;
- Erosion of countryside;
- Loss of trees;
- Ecological impact to protected species;
- Impact on residential amenity;
- Inadequate local water pressure to support additional dwellings;
- Inadequate local drainage;
- Impact upon users of the public footpath;
- Inadequate waste services;
- Will lead to pressure for additional caravans;
- Additional pollution.

The potential impact of the development upon local property values has also been raised but is not a material planning consideration.

HIGHWAYS:

4.3 No objection.

WASTE COLLECTION:

4.4 No objection.

PUBLIC RIGHTS OF WAY OFFICER:

4.5 No objection, advice offered in rights of way.

1.7 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of 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:

5. Delivering a sufficient supply of homes
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 for Traveller Sites (PPTS)

- 5.2 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Its main aims are set out in paragraphs 3 and 4:

“The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve this, Government’s aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more*

effective

g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies

h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply

i. to reduce tensions between settled and traveller communities in plan-making and planning decisions

j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure

k. for local planning authorities to have due regard to the protection of local amenity and local environment.”

5.3 In terms of plan making the PPTS advice is, at para 13, that:

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) promote peaceful and integrated co-existence between the site and the local community

b) promote, in collaboration with commissioners of health services, access to appropriate health services

c) ensure that children can attend school on a regular basis

d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment

e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development

f) avoid placing undue pressure on local infrastructure and services

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans

h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”

5.4 With regard to sites within the Green Belt paragraphs 16 and 17 state:

16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making

process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

5.5 In relation to the determination of planning applications the PPTS states, at paragraphs 23 to 27 that:

“23. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections”*

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. [The Council notes that the word “very” was added to this paragraph in the 2015 re-issue of PPTS.]

26. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is

on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).”

Written Ministerial Statement December 2015

- 5.6 The Minister of State for Housing and Planning, in December 2015, made it clear that intentional unauthorised development should, for applications made since August 2015, amount to a material planning consideration.

Five Year Gypsy & Traveller Supply Position

- 5.7 The Council has undertaken a number of assessments and studies which are being used to develop the new Local Plan, including Gypsy and Traveller Accommodation Assessment (GTAA) and Green Belt Assessments. The housing needs for Gypsies, Travellers and Travelling Showpeople have been robustly assessed through the GTAA in accordance with national policy.
- 5.8 In terms of meeting need, since the 2016 baseline assessment of the current GTAA (of 2018), two pitches have been approved and developed at land adjacent to Astons Villa, Brentwood Road, Bulphan and five pitches at Beauchamp Place, Malvern Road, Grays. Taking into account these seven consented pitches, this leaves a need for site(s) to provide for eight pitches for the period 2021-26, comprising one pitch for households that meet the planning definition plus up to seven pitches (25% of unknown households) for the five-year period including 2021.
- 5.9 Thurrock Council does not currently have an identified supply of sites to meet an ongoing five-year supply of Gypsy and Traveller sites or the overall requirement identified in the GTAA to 2033.
- 5.10 The Council has commissioned a review of the Thurrock GTAA to inform the preparation of the emerging New Borough Local Plan that assesses need up to 2040. An additional study to assess sites suitable to meet GTAA is also being prepared. The assessment of sites will consider a mixture of potential sources of supply including regulating possible suitable unauthorised sites, the potential to expand existing sites, as well as the assessment of potential new sites in acceptable locations. Both studies are due to be completed in early 2023 and will provide a solid position for the Council to determine applications for Gypsy and Traveller sites going forward.

National Planning Policy Guidance

- 5.11 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. The NPPG contains a range of subject areas, with each area containing

several subtopics. Those of particular relevance to the determination of this planning application include:

- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Housing needs of different groups
- Making an application
- Use of Planning Conditions

Local Planning Policy Thurrock Local Development Framework (2015)

- 5.12 The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies are relevant to the consideration of this application:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)
- CSTP3 (Gypsies and Travellers)
- CSTP15 (Transport in Greater Thurrock)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising pollution and impacts on amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking standards)
- PMD9 (Road network hierarchy)

5.13 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.

1.8 ASSESSMENT

1.6 The principal material considerations for this application are:

- I. Gypsy/Traveller status of the applicants
- II. Principle of development and impact on Green Belt
- III. GTAA need and supply
- IV. Existing living conditions and Human Rights of the applicants
- V. Best interest of the children
- VI. Temporary planning permission
- VII. Residential amenity
- VIII. Visual amenity
- IX. Ecology
- X. Highways and parking
- XI. Other
- XII. Planning balance

I. GYPSY/TRAVELLER STATUS OF THE APPLICANTS

1.7 In support of the proposals the applicant has submitted a statement setting out that he, his father, and grandfather (all of the same name) are travellers. He also sets out that his wife is from another traveller family. The Council's Traveller Welfare officer is familiar with the applicant's wife and has confirmed that she comes from a local family who are long-term residents on an authority site within Thurrock. Officers have also confirmed business records for the applicant which indicate that he has established connections to the local area (business is currently registered in Basildon, and previously in Wickford).

1.8 The applicant has also set out that their two children attend local primary and nursery schools.

1.9 Officers are therefore satisfied that the applicant and his family are Travellers in accordance with the PPTS definition.

II. PRINCIPLE OF DEVELOPMENT AND IMPACT ON GREEN BELT

1.10 The application site is an unallocated parcel of grazing land within the Green Belt. As indicated in the policy section above the PPTS makes it clear that the formation of new residential caravan sites within the Green Belt is inappropriate and harmful development and should not be approved other than in very special circumstances. PPTS para. 16 clarifies that personal circumstances other than the best interests of children are not "very special circumstances" that would give weight to such

development, and the onus is on the applicant to demonstrate that circumstances exist to overcome the intrinsic harm caused to the Green Belt by the intrusion of new development.

- 1.11 The NPPF does not provide guidance as to what can be considered “very special circumstances” either singly or in combination. Some interpretation the matter has been provided by the Courts and this includes that 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. However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. The circumstances of the applicant are explored below but – to summarise – officers do not consider they amount to very special circumstances that override the duty to protect the Green Belt.
- 1.12 NPPF para. 137 sets out that the “*fundamental*” aim of Green Belt policy is to prevent urban sprawl by keeping land “*permanently*” open, while para. 148 sets out a series of limited exceptional forms of development which may be acceptable in some circumstances – the current application does not fall into any of the cited exceptions and consequently comprises inappropriate development with reference to the NPPF.
- 1.13 The essential characteristics of the Green Belt are its openness and permanence. It has been established that openness has both a spatial and visual aspect, the former being taken to mean the absence of built form. The NPPG acknowledges this approach and further guides that “*duration and remediability*” and “*the degree of activity likely to be generated*” are also relevant considerations when assessing openness.
- 1.14 The site is a large parcel of land immediately adjacent to a Public Right of Way (PRoW), from which it is and would be visible. The application proposes that the site will be occupied by a single static caravan and driveway, but it is reasonable to assume there will also be associated elements of residential use such as parked vehicles, garden equipment, play equipment, etc. While there is an existing concrete pad on the site (and touring caravan, for which there is currently no permission) this is a low-key structure and does not cause serious intrusion or visual harm.
- 1.15 Change of use to introduce a static caravan, driveway, and associated trappings of residential use would intrude upon and seriously diminish the permanent openness of the site and the Green Belt at this location. It would introduce built form and associated development in a manner contrary to the generally unspoiled nature of the area and harmful to visual amenity. Views from the adjacent PRoW would also be affected and enable wider public views of the site against the otherwise green and open Green Belt character in a manner harmful thereto.
- 1.16 No justification has been advanced to demonstrate that the applicant would be subject to any “very special circumstances” that override the harm that would be caused, other than the needs of his children which are considered in detail below. The proposal therefore represents inappropriate development in the Green Belt and is therefore contrary to Policies PMD6 and CSSP4 of the Core Strategy and the

NPPF 2021 and PPTS 2015. The assessment of the Green Belt case continues through the remainder of this report.

III. GTAA NEED AND SUPPLY

- 1.17 While it is acknowledged that the Council does not currently have an identified supply of sites to meet a rolling five-year supply or the overall requirement identified in the GTAA to 2033 this is not in itself a reason to allow ad hoc development within the Green Belt and does not constitute “very special circumstances” in a manner to override the principal duty to protect the Green Belt.
- 1.18 As set out above, the Council is taking steps to address its pitch requirements through the exploration of sites in appropriate locations. The associated studies will be available in early 2023 and will provide a strong position from which to direct applicants to more suitable locations in policy-compliant locations.

IV. EXISTING LIVING CONDITIONS AND HUMAN RIGHTS OF THE APPLICANT

- 1.19 The applicant advises that the family is current living locally with his wife’s relatives, but this situation is not a permanent solution to their requirements. This is understood, but no evidence has been submitted to suggest that the applicants currently live in overcrowded or unsuitable accommodation. Furthermore, no evidence – other than location close to local schools – has been put forward to justify why a site in this location is required, and why the applicant can’t investigate a site elsewhere.
- 1.20 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.
- 1.21 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. However, Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community.
- 1.22 The site is not an allocated site for Gypsy/Travellers and is an open, undeveloped parcel of land. The area is not considered sustainable, with poor links to public transport and local shops, services, and amenities.
- 1.23 No evidence has been submitted to suggest that the refusal of planning permission here would compromise the health and wellbeing of the applicants or that the refusal of permission on this site would preclude access to serve health or educational need of the proposed, or associated occupiers.

- 1.24 Limited weight is therefore attached to the personal circumstances of the applicant, and they do not amount to “very special circumstances” for the purposes of outweighing Green Belt policy.

V. BEST INTERESTS OF THE CHILDREN

- 1.25 No circumstances are put forward by the applicant other than the need for them to find a permanent pitch (they are currently living with family), and that the children have settled well into the local schools. Officers therefore consider there are no very special circumstances weighing in favour of an approval here, but the best interests of the children remain to be taken into consideration.
- 1.26 In the judgement for *Stevens v SSCLG & Guildford Borough Council* [2013] (which refused planning permission for a residential caravan within the Green Belt in Surrey) Justice Hickinbottom set out principles which should be followed in cases likely to affect the interests of children:
- a. Article 8 rights will be a material consideration.
 - b. Where Article 8 rights affect children they must be viewed in the context of article 3 of the UN Convention on the Rights of the Child (UNCRC).
 - c. This requires the decision maker to identify the best interests of the child. In a planning context these are likely to be consistent with those of their parent/carer, who should be assumed to have properly represented the child’s best interests.
 - d. Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue, but nor does this mean the matter can be concluded by a simple balancing act against other material planning considerations; there are competing interests and considerations that must be taken into account.
 - e. However, no other consideration is more important, and the best interest of the child must be at the forefront of the decision-maker’s mind as they examine material considerations. Any adverse impact to the best interest of the child must be considered in terms of proportionality.
- 1.27 Therefore, to firstly identify the best interest of the children (as at c. above), there is the benefit of a stable home together with all that that brings including educational opportunities. The applicant has set out that his children attend local schools and are settling in well.
- 1.28 The *Stevens* judgement was appealed to a higher court, specifically in regards Justice Hickinbottom’s approach to the best interests of the children. The application to appeal was refused by the Administrative Court, with much relevant commentary within that judgement (*Stevens v Secretary of State for Communities and Local Government & Another: Admn 10* [2013] - <https://www.casemine.com/judgement/uk/5a8ff7c460d03e7f57eb1eed>).
- 1.29 Para. 59 of the judgement states that “Article 3 clearly does not make the best interests of any child determinative, such that no decision can be taken other than one in conformity with those interests (ZH (Tanzania))...nor does it mean that the best interests of any child are “paramount” or “the primary consideration””.

However, para. 63 sets out that the best interests can be said to have “substantial weight” but evaluation thereof may alter once other considerations and factors are assessed and *“there is no reason why any such change cannot be properly reflected in the designation [the decision maker] is required to start with.”*

- 1.30 It is therefore evident that the rights of the applicant’s children, while a significant material consideration which carries significant weight, do not de facto override the material considerations set out above. While officers have considerable sympathy for the applicant’s intentions to continue their children’s schooling locally there is no suggestion that this will not be the case if the application is refused. The applicants do not currently reside at the site and therefore, while perhaps inconvenient for them, refusal would not alter the current circumstances and would therefore have limited impact on the interests of the children in the view of officers.
- 1.31 Officers therefore do not consider that the best interests of the children are very special circumstances that outweigh the policy requirement to protect the Green Belt in this instance.

VI. TEMPORARY PLANNING PERMISSION

- 1.32 Officers have considered the potential for a temporary planning permission which would allow the applicants to find an alternative site. However, they are not currently occupying the site and there has been no suggestion that a refusal would see the family having to stop up on the roadside (they are currently living with relatives elsewhere, which is appreciated may be inconvenient) and a temporary permission would therefore not alter the current circumstances.

VII. RESIDENTIAL AMENITY

- 1.33 The site has sufficient space to cater for the residential needs of the applicant and his family in terms of living space (within a static caravan) and outdoor space for amenity, parking, and turning. No objections are raised in this regard.
- 1.34 While there are some nearby dwellings there would be a minimum of 34m between the application site boundaries and the closest neighbouring properties. The development is therefore unlikely to give rise to any issues of overlooking, overshadowing, or noise and disturbance sufficient to justify refusal on amenity grounds. Officers have no objection in this regard.

VIII. VISUAL AMENITY

- 1.35 As set out above the site is a parcel of grazing land within the Green Belt. Views of the site from the PRoW running along Mill Lane are of a generally open site with no significant built form.
- 1.36 A concrete pad has been installed towards the front of the site at some stage since 2018 (according to the Council’s aerial photos). This is a prominent and intrusive development in itself and due to its light colour, stands out as a harmfully incongruous element within the otherwise green and open site and wider area.

- 1.37 A touring caravan has been stationed on the concrete pad. This is a prominent feature in views from the PRow on Mill Lane and is harmful to the otherwise open and green character of the Green Belt in this location. It is helpful, however, in that it offers a guide by which to judge the proposed operational development: a static caravan would be significantly larger than the existing touring caravan and would therefore be more prominent, more intrusive, and more harmful to visual amenity and rural character and appearance than the existing circumstances. Residential use of the site would also see an accumulation of residential paraphernalia such as parked vehicles, garden equipment, play equipment, etc. This would also be prominent in public views and contrary to the undeveloped nature of the parcels along Mill Lane, and also the character and appearance of the Green Belt.
- 1.38 There is some established hedgerow planting along the front boundary. This helps to soften views of the site but would not entirely screen the development from view. Additional landscaping and planting would offer potential to further screen views of the site, but this would need to be dense evergreen planting to avoid visual harm in winter and such planting would, in itself, be incongruous amidst the generally deciduous hedgerow running along the lane which affords glimpses through to the sites beyond. In any instance the development is intrinsically harmful to the open and unspoiled quality of the Green Belt, and soft landscaping/planting should not be relied upon to reduce that harm.
- 1.39 Officers therefore consider that the proposals would be harmful to the character, appearance, and visual amenity of the Green Belt, countryside, and the immediate local area.

IX. ECOLOGY

- 1.40 The site is closely cropped grassland and is therefore likely to have little ecological potential. Development is away from the more densely planted boundaries and would therefore have limited impact upon any protected species that may make use of those areas (foraging/commuting bats, and badgers living on site, for example). Land on the opposite side of Mill Lane is designated as a Biodiversity Site of Local Interest. The application site is clearly removed and separated from that designation by Mill Lane, however, and the proposed works would not affect the ecological potential of that land.
- 1.41 However, it is noted that local objections refer to the presence of protected species within the site, particularly badgers and bats. The presence or otherwise of protected species must be properly investigated and the impact of development thereon properly considered. The applicant has not provided any information to explore potential ecological harm and the likely impact is therefore unknown at this stage.
- 1.42 If the scheme were acceptable in principle, additional information could be sought to address these issues and conditions could be used to secure ecological enhancements and appropriately mitigate any potential harms to protected species. Because the scheme is unacceptable in principle, however, it would be unreasonable to put the applicant to such expense at this stage and officers have

therefore recommended an additional reason for refusal relating to potential ecological impact and lack of information.

- 1.43 Officers therefore cannot be satisfied that the proposal would not harm protected species and an objection is therefore raised on these grounds.

X. HIGHWAYS AND PARKING

- 1.44 Access to the site is via an unmade road which narrows as it approaches the site entrance to single track. Traffic movements would be minimal and there is space within the site to accommodate parking and turning (which could be conditioned to restrict large vehicles). The development is therefore unlikely to give rise to any unacceptable harm to highway safety and amenity in that regard.
- 1.45 However, it is noted that access to the site could be difficult due to the condition of the unmade road, particularly during the winter months. The Council's Waste Collection team has raised this as a particular issue that leads to interruptions to local waste collection services. However, this is not a reason for refusal in itself, rather it is an issue that the Council will need to consider in the longer term to ensure existing properties are properly serviced.

XI. OTHER MATTERS

Essex RAMS

- 1.46 The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the necessary mitigation to address mitigation impacts to be funded through a tariff applicable to all new additional dwellings (including traveller plots). The current tariff is £137.71 per additional residential unit. This scheme would result in a net increase of 1 unit; therefore it would be necessary for the LPA to apply a tariff of £137.71 in order to fund works to mitigate the in-combination effects of recreational disturbance on SPA if permission were to be granted.

Other appeal decisions

- 1.47 A copy of an appeal decision for The Paddock, Parkgate Road, Corringham has been provided by the applicant (PINS ref. 2216241, Thurrock ref. 11/00010/FUL). The Inspector allowed the appeal and granted planning permission for change of use of land and siting of caravans for residential use by a Traveller family. Officers have reviewed that appeal decision, but the site circumstances are substantially different from the current application site such that it is not considered to lend weight to an approval here. The Paddock is a site set to the rear of existing buildings and adjacent to the A13; in that regard it is largely enclosed, and

landscape harm is greatly minimised compared to the open field, unequivocally rural site subject to the current application. The Inspector's reasoning in allowing the appeal is understood but does not give weight to the current application.

XII. PLANNING BALANCE

- 1.48 The application site is within the Green Belt and the proposal constitutes inappropriate development for the purposes of the NPPF and the PPTS. Other harm has been identified to the purposes and openness the Green Belt, and the character and appearance of the area.
- 1.49 No very special circumstances have been submitted/outlined by the applicant that override the statutory duty to protect the Green Belt. The applicant's personal circumstances and rights under Article 8 of Human Rights Act – and those of his children under Article 3 of the UN Convention on the Rights of the Child – have been taken into account but are not considered to have sufficient weight as very special circumstances to overrule the public interest in protecting the Green Belt.
- 1.50 On balance, therefore, officers do not consider the circumstances or needs of the applicant and his family to outweigh the statutory duty to protect the Green Belt from inappropriate development.

1.9 CONCLUSION AND RECOMMENDATION

- 1.51 This application seeks full planning permission for change of use of the site from agricultural to residential, and for the stationing of a static caravan for residential use by a Traveller family. While the circumstances of the applicant's family – in particular his children – are noted and understood the development would be harmful to the character, appearance, and amenity value of the Green Belt and no special circumstances have been provided that would override those harms to the benefit of the wider public interest.
- 1.52 The proposals are therefore unacceptable, and the application is recommended for refusal as per the reasons set out below.

1.10 RECOMMENDATION

- 1.53 Refuse for the following reasons:

- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework 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 Thurrock Local Development Framework 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 character, appearance, and wider public amenity value of the Green Belt in a manner contrary to the advice of the NPPF. It is considered that 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 proposals are therefore contrary to policies CSSP4, CSTP3 and PMD6 of the Core Strategy 2015, the Planning Policy for Traveller Sites 2015 and chapter 12 of the National Planning Policy Framework 2021.

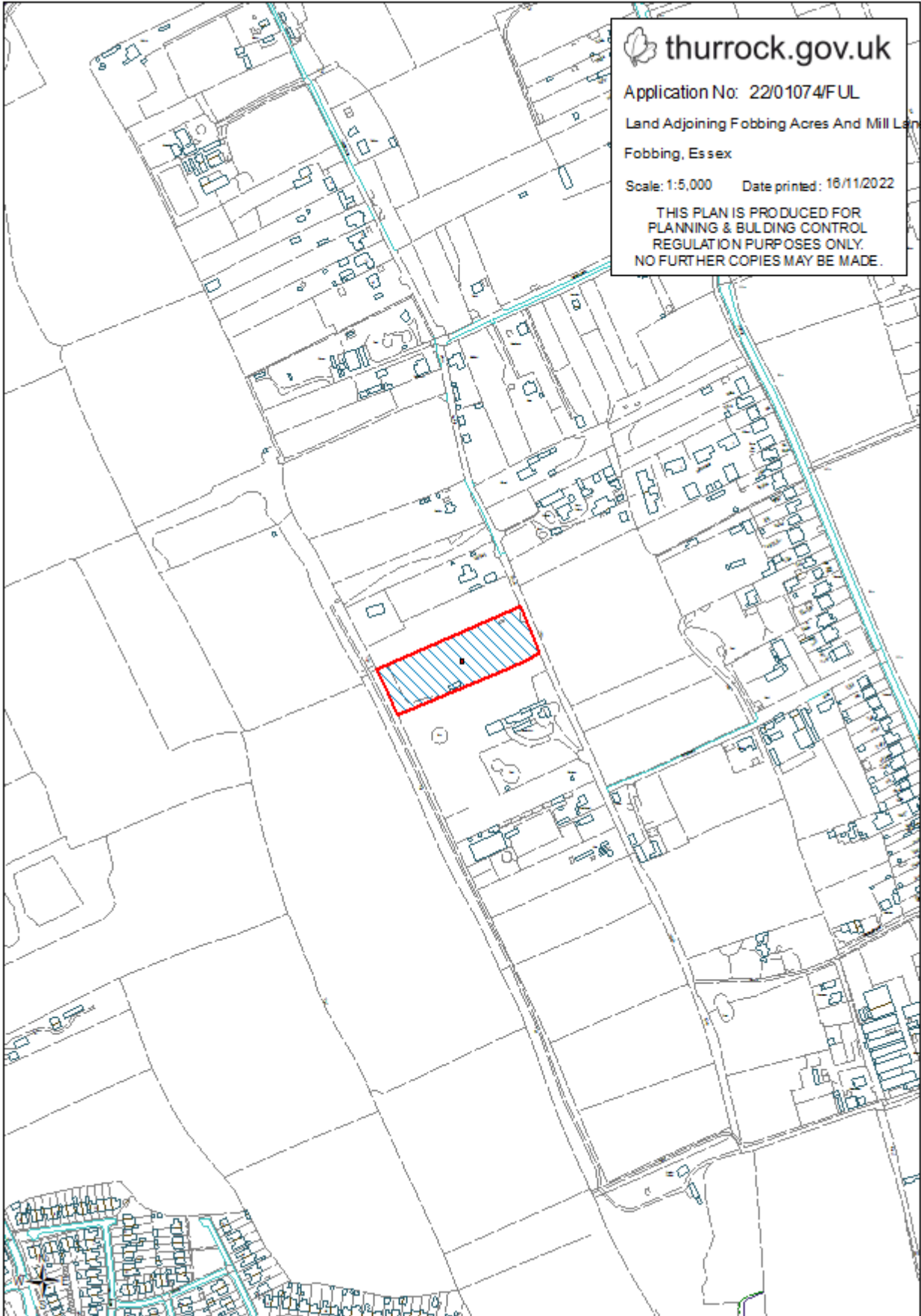
2. The proposed development, namely the mobile home, hardsurfacing and other trappings of residential development including vehicle parking would all seriously affect the rural character of the area and would poorly integrate into the area contrary to policies CSTPP22, CSTP22 and PMD2 of the Core Strategy 2015, the Planning Policy for Traveller Sites 2015 and chapter 13 of the National Planning Policy Framework 2021.
3. The application fails to demonstrate that there would be no unacceptable impact upon protected species arising from change of use to residential and associated operational development. The proposal is therefore contrary to policies CSTP19 and PMD7 of the Core Strategy 2105 and paragraph 174 of the National Planning Policy Framework 2021.

Positive and Proactive Statement

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

Documents:

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



Agenda Item 11

Planning Committee 1 December 2022	Application Reference: 22/01363/FUL
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Reference: 22/01363/FUL	Site: Footbridge And Car Park Orchard Road South Ockendon Essex
Ward: Ockendon	Proposal: Erection of replacement footbridge and amendments to car park on Tamarisk Road.

Plan Number(s):		
Reference	Name	Received
007341-PCL-HGN-0001	Proposed Plans	4th October 2022
007341-PCL-HGN-0002	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0001-P02	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0002 REV P02	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0003-P01	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0004 REV P01	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0005 REV P02	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0006 REV P01	Proposed Plans	4th October 2022
007341-PCL-SBR-P08-DR-CB-0007 - P02	Proposed Plans	4th October 2022
(No Nos.)	Location Plan	4th October 2022

The application is also accompanied by: <ul style="list-style-type: none"> - Application form - Design, access, and planning statement - Preliminary ecological appraisal - Tree appraisal and method statement - Daylight and sunlight report - Asbestos survey - Options report 	
Applicant: Thurrock Council	Validated: 4 October 2022 Date of expiry: 5 December 2022 (Agreed extension of time)
Recommendation: Approve	

This application is presented to the Planning Committee because the Council is the applicant in accordance with Part 3 (b), 2.1 (b) of the Council's Constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the removal of an existing pedestrian footbridge and the erection of a new pedestrian footbridge and ramped access across the railway line between Orchard Road and Ardmore Road, South Ockendon. The existing bridge is in a poor condition and requires refurbishment. At present the bridge does not comply with modern accessibility standards and a replacement bridge would allow for current accessibility standards to be met and provide a long terms solution for this key crossing point.
- 1.2 The proposed bridge would sit in the same position as existing and provide stepped access direct from the existing footpaths positioned either side of the tracks. It is also proposed to include access ramps to enable level access as an upgrade to the existing situation (and to ensure compliance with modern access regulations). The ramps, due to their shallow gradient, would need to be longer than the stepped access and would extend approximately 54m north - and southwards with a single return at the end. The ramps would have a 1:20 gradient.
- 1.3 The bridge would stand a maximum of approximately 8.5m tall to the top of the safety fencing along the main walkway, with 2m wide footways and ramps. It would be constructed of weathered steel and fibre-reinforced plastic to minimise maintenance and ensure longevity.
- 1.4 Two existing trees would need to be removed and three trees will require some pruning to make room for the proposed ramps; tree protection measures will be implemented to protect remaining trees within the development area.
- 1.5 Twelve (12) parking spaces in the existing car park off Tamarisk Road would be lost as a result of the development, reducing provision from 28 to 16 bays. The bays within the car park on Ardmore Road would be unaffected as the ramps would rise above the car park and provide clearance below.
- 1.6 The existing Network Rail security fencing along the railway boundary will be retained.

2.0 SITE DESCRIPTION

- 2.1 The application site lies within the urban area of South Ockendon, stretching between Ardmore Road and Orchard Road. Orchard Road is a residential street featuring post-war housing of a variety of styles and designs. Ardmore Road is predominantly residential, featuring contemporary housing positioned around a public open space and playground, but there is a small light industrial estate immediately south of the application site.
- 2.2 The land immediately adjacent to the existing bridge is generally soft landscaped, with mature trees and planting adjacent to the railway line boundary and pedestrian footpaths leading to the bridge.
- 2.3 The site is not within the Green Belt, not at risk of flooding, and not subject to any ecological or heritage designations.

- 2.4 The bridge forms part of public footpath 157, which links Ardmore Road with South Road through an area of open space.
- 2.5 The submitted Design & Access Statement explains that the existing bridge is in a poor state of repair and, while repair has been considered as an option, the extent of repairs and alterations required make it more viable to replace the structure entirely.

3.0 RELEVANT PLANNING HISTORY

- 3.1 None relevant.

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, a public site notice which has been displayed nearby, and an advert in the press.

No comments have been received in response.

4.3 PUBLIC RIGHTS OF WAY:

No objections but note that a diversion order will be required to re-route the public footpath for the duration of construction.

4.4 HIGHWAYS:

No objection: while the loss of parking spaces is noted, the benefits of improving pedestrian access outweigh this impact.

4.5 CADENT GAS:

No objection but advise that the developer needs to ensure any easements and ownership rights are not affected by the development.

4.6 NETWORK RAIL:

No objection but remind the applicant that works and equipment must not encroach upon Network Rail property and recommend the informative set out below.

4.7 ENVIRONMENTAL HEALTH:

No objection subject to a standard CEMP condition to control noise, dust, hours of work, etc. during construction.

4.8 LANDSCAPE & ECOLOGY OFFICER

No objections.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of 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.

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

- 2. Achieving sustainable development
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

5.3 Paragraph 106 advises that "*planning policies should ...d) provide for attractive and well-designed walking and cycling networks with supporting facilities.*" Para. 110 then states that "*it should be ensured that a) appropriate opportunities to promote*

sustainable transport modes can be – or have been – taken up” and “b) safe and suitable access to the site can be achieved for all users.”

5.4 Para. 111 advises that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

5.5 Para. 112 then sets out that *“within this context, applications for development should:*

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport.”

Planning Policy Guidance

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

- Design: process and tools
- Determining a planning application
- Effective use of land
- Use of Planning Conditions

Local Planning Policy Thurrock Local Development Framework (2015)

5.7 The statutory development plan for Thurrock is the ‘Core Strategy and Policies for Management of Development (as amended)’ which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies would apply to any future planning application:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

THEMATIC POLICIES

- CSTP14: Transport in the Thurrock Urban Area

- CSTP20: Open space
- CSTP22: Thurrock Design

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards

CSTP14 sets out that *“the Council will work with partners to deliver at least a 10% reduction in car traffic from forecast 2026 levels”* through the delivery of walking and cycling routes, and provision of sustainable transport options.

Thurrock Local Plan

- 5.8 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

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

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design, layout, and visual amenity
- III. Residential amenity
- IV. Highways, access, and parking
- V. Other matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The application proposes the replacement of an existing dilapidated public footbridge, which provides a valuable pedestrian link within the urban area of South Ockendon. It therefore amounts to essential public infrastructure works that would support the Council’s sustainable development objectives in terms of encouraging sustainable transport choices and ensuring proper access for all members of society.

6.3 The proposed development is therefore considered to be acceptable in principle.

II. DESIGN, LAYOUT, AND VISUAL AMENITY

6.4 The design of the bridge is largely dictated by the operational and functional requirements in terms of providing a level access (in accordance with DDA requirements) and a long-lasting structure that would require little maintenance.

6.5 It therefore features long ramps extending north and southwards to provide ramped access at a suitable gradient to allow wheelchairs, prams, etc. to use them unimpeded. It is also proposed to be constructed of weathered steel and reinforced plastic, which would provide sufficient strength and weather resistance to allow the bridge to function for many years with minimal maintenance.

6.6 The bridge would be of a similar scale, design, and appearance to other such structures within Thurrock and across the wider county. Therefore, while of a functional design it would not be an incongruous development and would not be unacceptably harmful to the character and appearance of the local area. Rather it would appear as a piece of necessary public infrastructure set against the context of the adjacent railway lines and pedestrian footpaths. The existing surrounding tree planting (the majority of which is to be retained, as above) would also help to soften and screen the development in longer-range views; the more recent planting within the Ardmore Road play area/open space would further soften views as it matures.

6.7 The proposed layout would see the bridge sitting across the eastern end of the Ardmore Road open space. While the ramps would be raised on supporting columns it would reduce the amount of amenity space available for use by the public by approximately 200sqm (out of a total of roughly 3130 sqm). This is unfortunate but must be balanced against the wider public benefits of securing pedestrian access across the railway line in this location; the next available pedestrian crossings are at West Road approximately 700m (a 10-minute walk) to the north, or Ashdon Close and Foxglove Road approximately 760m (a 15 minute walk) to the south – these are the routes that pedestrians would be directed to during the course of construction.

6.8 The 200sqm is also considered to be a relatively small loss of open space, amounting to approximately 6% of the total area of open space. It is considered that the remaining space would still provide a good standard of public amenity and recreation space.

6.9 It is noted that a mature Oak tree will need to be removed to make space for the northern ramp. This is regrettable but necessary and unavoidable. The loss of this tree would impact negatively upon the character and appearance of the area, but the area is otherwise well planted and there are many other mature and semi-mature trees within the area that will maintain a good degree of screening and continue to contribute very positively to the street scene. The loss of a single tree is therefore considered acceptable in this instance. A condition to provide replacement planting is attached to this recommendation.

III. RESIDENTIAL AMENITY

- 6.10 The bridge (as with the existing one) would be an elevated structure which gives rise to potential amenity impacts for neighbouring residents, particularly in regards overlooking and overshadowing. It must be noted, however, that the residents of 2 to 6 Orchard Road already experience some degree of overlooking and overshadowing as a result of the existing structure (which is to be demolished).
- 6.11 The proposed bridge would sit in the same position as the existing and would have solid parapet walls to prevent direct overlooking of neighbouring properties. Officers have no concerns in regards this aspect.
- 6.12 The proposed ramps would project north and southwards alongside the train tracks. Due to the shallow slope required for DDA compliance these ramps need to be longer than existing and therefore will project to the side and rear of more than just the three properties currently affected. While separation distances are such that there is not likely to be an unacceptable degree of harm arising from overshadowing or loss of outlook, the height of the proposed ramps would give rise to potential for overlooking and loss of privacy for neighbouring dwellings.
- 6.13 Officers have discussed this with the project designers and it is considered that solid parapet walls should be installed on the inner walls (closest to the tracks) of the upper sections of the ramps. This would approximately match the existing structure and will prevent direct views into neighbouring rear gardens but retain an open aspect to the street, which is important to minimise potential for anti-social behaviour (which could occur more readily if the ramps were completely enclosed with solid parapets. The parapets would be 1.8m tall to match the other railings being used on the project; a condition below secures construction details prior to commencement so that officers can ensure the parapets are sufficiently tall and of an acceptable design.
- 6.14 Subject to this detail and condition it is considered that the development would not unacceptably harm the residential amenity of neighbouring properties.

IV. HIGHWAYS, ACCESS, AND PARKING

- 6.15 It is noted that the Highways team do not object to the application; they are satisfied that while the development would result in a reduction in parking spaces, the benefits of providing safe, secure pedestrian access which caters for all users outweighs any impacts arising from the loss of parking.
- 6.16 Planning officers agree with this conclusion and do not consider that a refusal on grounds relating to parking provision would be reasonable or justified in this instance, given the wider sustainability improvements the scheme would bring.

VII. OTHER MATTERS

- 6.17 Officers have considered the use of a condition to restrict hours of construction, but this is a difficult matter to conclude on as it may depend upon operational requirements of the railway network. It is therefore suggested that this be dealt with

as part of a wider construction management condition (condition 5, below) which can be considered in detail by officers and agreed prior to commencement on site to ensure a balance between operational needs and local residential amenity.

7.0 CONCLUSIONS

7.1 This is a Council application seeking planning permission for demolition of an existing pedestrian footbridge and erection of a new footbridge with DDA-complaint ramps, to provide access across the train lines between Orchard Road and Ardmore Road. While the proposed structure would be larger than existing, it would not give rise to any unacceptable amenity impacts for neighbouring residents and would be of an acceptable scale and design. The works would ensure access for all residents and contribute significantly to the Council’s sustainable transport objectives.

7.2 Taking the above into account the application is recommended for approval.

8.0 RECOMMENDATION

8.1 Approve subject to the following conditions:

Time Limit

1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plan Numbers

2 No development shall take place other than in accordance with the following drawings (unless otherwise specified by conditions below):

Plan Number(s):		
Reference	Name	Received
	Location plan	04.10.22
007341-PCL-HGN-0001 rev. 0	Proposed parking changes	04.10.22
007341-PCL-HGN-0002 rev. 0	Proposed pedestrian connectivity improvements	04.10.22
007341-PCL-SBR-P08-DR-CB-0001 rev. P02	Land take area	04.10.22
007341-PCL-SBR-P08-DR-CB-0002 rev. P02	General Arrangement Bridge Elevations	04.10.22
007341-PCL-SBR-P08-DR-CB-0003 rev. P01	General Arrangement Main Span	04.10.22

007341-PCL-SBR-P08-DR-CB-0004	General Arrangement East Ramps	04.10.22
007341-PCL-SBR-P08-DR-CB-0005 rev. P02	General Arrangement West Ramps	04.10.22
007341-PCL-SBR-P08-DR-CB-0006 rev. P01	General Arrangement Details	04.10.22

Reason: For the avoidance of doubt.

Parapet Details

- 3 Prior to commencement of development above ground level, details of parapet walls to be erected along the inward edges of the ramps hereby permitted shall be submitted to the Local Planning Authority for approval. Thereafter, development shall be carried out strictly in accordance with the approved details.

Reason: To prevent overlooking of neighbouring residential properties.

Materials

- 4 No development above ground level shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

Construction and Environment Management Plan (CEMP)

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the hours of construction work
 - ii. the parking of vehicles of site operatives and visitors.
 - iii. loading and unloading of plant and materials.
 - iv. storage of plant and materials used in constructing the development.
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - vi. wheel washing facilities.
 - vii. measures to control the emission of dust and dirt during construction.
 - viii. Measures to control noise on site during construction (with regard to BS5228 *Code of practice for noise and vibration control on construction and open sites*).
 - ix. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the area and highway safety and convenience.

Work in accordance with Tree Protection Measures

- 6 No development shall take place other than in accordance with the tree protection measures set out at sections 2 and 3 of the submitted *A.G. Mitchell Countryside Tree appraisal and method statement (18.09.2022)*. All tree protection measures shall be installed prior to commencement of any development and shall be retained for the duration of development. Upon completion of the development hereby permitted any trees that are dying, being severely damaged, or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

Soft and Landscaping Scheme – (Replacement Trees)

- 7 No development above ground level shall take place until full details of the provision and subsequent retention of soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities. (including a replacement for the Oak tree that is to be removed)
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
 - 3) Details of the aftercare and maintenance programme

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

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

INFORMATIVE:

- 1 Network Rail strongly recommends the developer contacts the Asset Protection Team AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

Positive and Proactive Statement

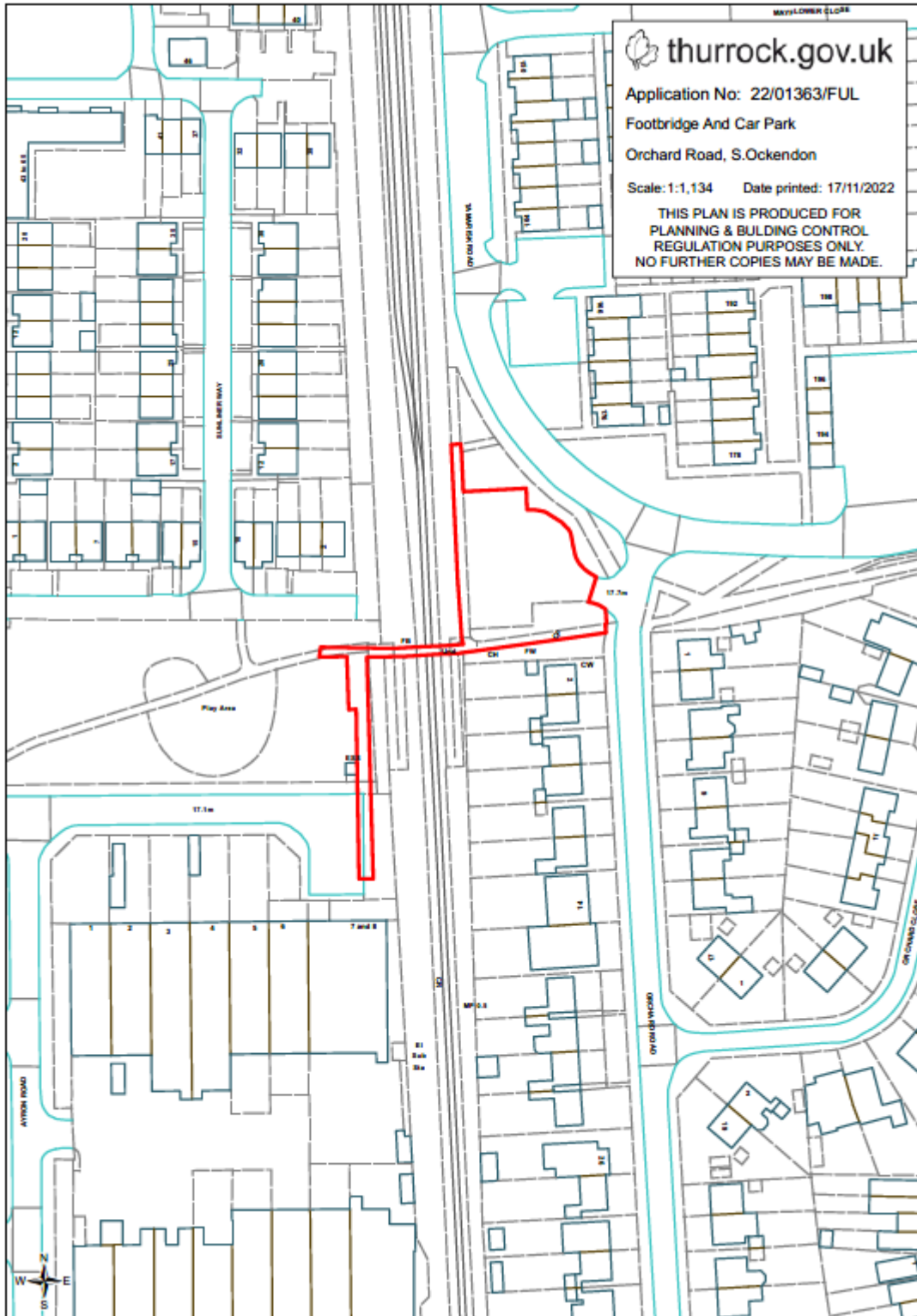
- 2 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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