

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 **8 June 2023**

Council Chamber, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Steve Liddiard, Jacqui Maney, Terry Piccolo, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Mark Hooper, Sara Muldowney, Joycelyn Redsell and James Thandi

Agenda

Open to Public and Press

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1 Apologies for Absence	
2 Minutes	5 - 14
To approve as a correct record the minutes of the Planning Committee meeting held on 16 March and 6 April 2023.	
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	
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6 Planning Appeals 15 - 28

7 Public Address to Planning Committee

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

8 21/01635/FUL – Land south of Marsh Farm, Marsh Lane, Fobbing Essex 29 - 94

9 22/01714/FUL - Whitwell Court, Fairview Chase, Stanford Le Hope, Essex 95 - 114

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11 23/00303/FUL - 32 Rainbow Lane, Stanford Le Hope, SS17 0AS 137 - 148

**12 Planning Appeal for Mill Lane Planning Application
22/01074/FUL - *exempt item to follow***

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: **31 May 2023**

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 16 March 2023 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, James Thandi, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillor Terry Piccolo

In attendance: Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead Development Services
Julian Howes, Senior Highways Engineer
Lucy Mannion, Senior Planner
Caroline Robins, Legal Representative (via Microsoft Teams)
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.

74. Minutes

The minutes of the meeting held on 9 February 2023 were approved as a true and correct record.

75. Item of Urgent Business

There were no items of urgent business.

76. Declaration of Interests

Councillor Arnold declared that he had spoken with residents regarding planning application 21/01635/FUL Land South Of Marsh Farm, Marsh Lane, Fobbing, Essex. He continued by stating his wife was speaking on the application and that he understood the code of conduct and felt he could hear the application with an open mind.

77. 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 any correspondence received.

78. Planning Appeals

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

RESOLVED:

That the report be noted.

79. 22/01596/CV - Land At Far East Of Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex

The report was presented by the Senior Planner.

The Chair enquired as the application had been subject to a call- in as to whether noise nuisance had been considered. The Senior Planner explained the site was at the far eastern end of the industrial park and there was to be no increase in the use of HGVs in the area.

Members heard from the Senior Highways Engineer who advised there would be a temporary period where construction vehicles would need to access the site however the impact on the area would minimal.

Speaker statements were heard from:

- Statement of Support: Ms Lindley-Clapp, Agent/Applicant

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

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, James Thandi, Sue Shinnick and Lee Watson

Against: (0)

Abstained: (0)

80. 21/01635/FUL - Land South Of Marsh Farm, Marsh Lane, Fobbing, Essex

The report was presented by the Senior Planner.

Councillor Watson enquired as to where the collected energy would be sent. The Senior planner explained any energy collected would go back into the National Grid. Councillor Watson raised concerns as to the size of the substation and enquired as to whether a consultation with residents had been undertaken, she also queried as to how safe the batteries were. The Senior

Planner explained that consultation with residents had been undertaken which included letters and site notices as well as adverts placed within the press. She continued by explaining the substation could be as long as 20 metres in length, and as for concerns around battery safety the government were supportive of battery storage connecting to the National Grid and this was covered by legislation.

Councillor Arnold enquired as to why site access was via the A127 and A130 and not from the A13. It was explained by the Senior Highways Engineer, officers were not aware additional access points to the site, however access via the A13 would be close to a level crossing. It was confirmed there was to be no significant increase in traffic within the area.

Councillor Polley supported the concerns raised by Members she too had concerns that the proposed development crossed over Local Authority boundaries, as such Planning Members and Thurrock's Planning Authority had no control once the boundary had been crossed.

It was commented by Members that there was a construction period of 30 weeks to enable the solar panels to be installed. Members queried as to when the site was to be decommissioned as to whether deconstructing the solar panels would be quicker than the proposed 30 weeks.

The committee were advised following questions that a highways condition survey would be included as part of the work access arrangement to ensure there would be no damage to local road networks. It was further confirmed Environmental Health Officers had no concerns with regards to noise from the solar panels.

Councillor Watson enquired as to whether the land being close to landfilled site had been contaminated. The Senior Planner advised there were no clear records of where any possible contamination could be or as to how much, however there was a condition as part of the application if any contaminated land was found then work was to stop immediately.

Speaker statements were heard from:

- Statement of Objection: Councillor Deborah Arnold, Ward Member
- Statement of Objection: Anthony Davis, Resident
- Statement of Support: George Young, Applicant

Mr Taylor the representative for Campaign to Protect Rural England commented he had concerns with regards to the use of the batteries and if over the proposed 40 year life span of the site the batteries or solar panels were required to be replaced every 10 years, this would mean more than 30 weeks of construction and deconstruction taking place on the site.

Councillor Arnold stated he felt the application would have an enormous impact on the village and the residents within the area, he suggested

Members have a site visit to see first-hand the size of the proposed development.

Both Councillor Carter and Councillor Mayes shared the concerns of other Members and both supported proposal of a site visit.

Councillor Polley stated this was a huge application and she too had ecological concerns. She further commented that the residents had spoken so passionately that she too would welcome viewing the site.

Councillor Watson stated that she couldn't support the application and she had concerns as to the battery storage and highways impacts for the application. She continued by congratulating the speakers and supported her colleagues if they wished to have a site visit.

Councillor Arnold proposed that a site visit of the application been undertaken and was seconded by Councillor Carter.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, James Thandi and Sue Shinnick

Against: (1) Councillor Lee Watson

Abstained: (0)

81. 22/01682/TBC - Land at former Library and Public Hall, Purfleet Road, Aveley, Essex

The report was presented by the Senior Planner.

Councillor Watson raised concerns as to the possible contamination of waterpipes, given the close location to a petrol station. The Senior Planner advised that officers had been in contact with Environmental Health Officers and no concerns or objections had been raised.

Following an enquiry from Councillor Thandi it was confirmed that four objections to the application had been received.

Councillor Arnold queried if the proposed development would impose on neighbouring properties. The Senior Planner advised that a daylight study had been undertaken which was acceptable. She continued to explain the development would be flank to flank with the existing properties adjacent to the site.

Members enquired as to whether refuse truck and if required fire engines would be able to manoeuvre on the site. The Senior Highways Engineer advised that no concerns had been raised from a Highways point of view for the application.

Speaker statements were heard from:

- Statement of Support: Mr Robinson, Applicant/Agent

During the debate Councillor Watson commented that although she supported the application, she did have slight concerns as to the social housing and shared ownership aspect of the application.

Councillor Watson proposed the officer recommendation to approve the application and was seconded by Councillor Shinnick.

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, James Thandi, Sue Shinnick and Lee Watson.

Against: (0)

Abstained: (0)

The meeting finished at 8.03 pm

Approved as a true and correct record

CHAIR

DATE

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

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Minutes of the Meeting of the Planning Committee held on 6 April 2023 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, James Thandi, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors Terry Piccolo

In attendance: Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Matthew Gallagher, Major Applications Manager
Genna Henry, Senior Planning Officer (Major Applications)
Julian Howes, Senior Highways Engineer
Caroline Robins, Legal Representative (via Microsoft Teams)
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.

82. Item of Urgent Business

There were no items of urgent business.

83. Declaration of Interests

Councillor Thandi declared an interest in Items 8 and 9, following advice from the Monitoring Officer on the perception of bias.

84. 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 of the Committee declared that all Members had received correspondence from residents with regards to planning application 22/01370/FUL - Land Adjacent Watts Wood Including Mardyke Farm, Ship Lane And Broomhill Arterial Road, Purfleet-on-Thames, Essex and 22/01672/FUL - Thurrock Football Club, Ship Lane, Aveley, RM19 1YN.

85. Planning Appeals

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

RESOLVED:

That the report be noted.

86. 22/01370/FUL - Land Adjacent Watts Wood Including Mardyke Farm, Ship Lane And Broomhill Arterial Road, Purfleet-on-Thames, Essex

The Major Applications Manager presented the report to Members, and in doing so also provided an update to the application, explaining the Environment Agency had removed the flood risk objection to the application, subject to the sequential test for flooding and conditions in relation to mitigation against flood risk. He continued by advising Officers had received a number of late representations from residents which included a petition opposing and a petition supporting the application and a number of representations in objection and support of the application. Reference was also made to the Council's recently published Employment Land Availability Assessment (ELAA) which had been cited by the applicant.

Members sought clarity as to the report referencing employment land demand as part of the application. The Major Applications Manager explained current policy advised that demand for employment land within the area didn't necessarily outweigh established Green Belt policy. He continued to explain the applicant had referred to the Council's ELAA but given the status of this document Officers had given only limited positive weight to this factor.

The Chair of the Committee enquired as to whether the Green Belt considerations promoted as very special circumstances had been taken into account and if so was there still a concern given the site was Green Belt land. It was explained by the Major Applications Manager there were a range of factors and benefits referred to by the applicant which attracted different weight in the balance of considerations. However Officers concluded that there were no significant reasons to clearly outweigh the identified harm to the Green Belt and any other harm.

It was asked whether mitigation for flooding on the site had been taken into consideration given the 'flood plain' status of the site. Officers explained the Environment Agency had initially raised a holding objection with regards to the flood risk designation of the site, he further commented that the Agency had prior to the meeting removed their objection subject to the application of the sequential test and conditions.

The Officers were thanked for the detailed report and it was queried as to whether there would be a harmful impact on traffic as a result of the development. It was further sought if it was safe for the Committee to make a final decision on the application, given comments from technical consultee and that some information was still being awaited. The Major Applications Manager explained that further traffic modelling was submitted prior to the Committee meeting and that consultees would need to review this information and comment. However, as the applicant was keen to bring the case before

Committee the Officers report included a reason for refusal referring to insufficient highways information..

Speaker statements were heard from:

- Statement of Objection: Mrs Maney, Resident
- Statement of Objection: Councillor Pearce, Ward Member
- Statement of Support: Mr Solder, Agent/Applicant

During the debate Members expressed they were keen to carry out a site visit to be able to see the site in person.

The Chair, Councillor Kelly proposed that a site visit of the application been undertaken and was seconded by Councillor Arnold.

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

Councillor Thandi left the meeting at 7.30pm

87. 22/01672/FUL - Thurrock Football Club, Ship Lane, Aveley, RM19 1YN

The report was presented by the Major Applications Manager, who updated Members as to the representations received from residents. Members heard there had been a total of 276 representations received: 56 were in objection to the application and 220 were in support In addition to the representations received, officers had been presented with a petition which had 618 signatures.

The Committee thanked the Major Applications Manager for the report and enquired as to the proposed vehicle turn around and impact HGV's could have in the area given the PDI centre was seeking to have 1204 vehicle spaces. The Senior Highways engineer commented a Transport Assessment had been carried to consider impact in the area including transport implications for the M25. He continued by suggesting that if permission was to be granted a planning condition could require that HGV's used a route via junction 31 of the M25 which would allow vehicles to access towards the rest of Essex and Kent, without using local road networks.

It was enquired as to whether mitigation had been put in place with regards to flooding. The Major Applications Manager advised Members the officers had consulted the Environment Agency as the site was located in an area at a high risk from flooding., However subject to the Sequential Test and relevant planning conditions there were no objections to the application on the ground of flood risk.

Speaker statements were heard from:

- Statement of Objection: Mr Rowles, Resident
- Statement of Support: Mr Jarvis & Mr Sutton, Joint Applicant

During the debate Members expressed they were keen to carry out a site visit and to be able to walk the proposed pitches.

The Chair, Councillor Kelly proposed that a site visit of the application been undertaken and was seconded by the Vice-Chair Councillor Polley.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, Sue Shinnick and Lee Watson

Against: (0)

Abstained: (0)

88. 22/01673/FUL - Belhus Park Golf And Country Park, Belhus Park Lane , Aveley, Thurrock, RM15 4PX

Councillor Mayes proposed that a site visit of the application been undertaken and was seconded by the Chair Councillor Kelly.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Allen Mayes, Sue Shinnick and Lee Watson

Against: (0)

Abstained: (0)

The meeting finished at 8.50 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

8 June 2023		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Louise Reid, Strategic Lead Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Interim Director of Place		

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:** 22/00676/FUL

Location: 14 Raphael Avenue, Tilbury, Essex, RM18 8NA

Proposal: Change of use from Residential Dwellinghouse (C3) use, used as a 6 persons smaller House of Multiple Occupation, to an 8 persons Larger House of Multiple Occupation falling

under a Sui Generis use, including the erection of a single storey rear extension.

3.2 Application No: 22/01074/FUL

Location: Land Adjoining Fobbing Acres And Mill Lane, Fobbing, Essex

Proposal: Change of use of land to a gypsy and traveller caravan site consisting of a 1 no. pitch and associated development

3.3 Application No: 23/00125/HHA

Location: 38 Charlotte Place, West Thurrock, Essex, RM20 3JF

Proposal: (Retrospective) Outbuilding

3.4 Application No: 22/01462/FUL

Location: 58 Brentwood Road, Chadwell St Mary, Essex, RM16 4JP

Proposal: Detached garage to be used in association with the C3(b) Dwellinghouse where care is provided

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/00010/AUNUSE

Location: Land Adjacent, Collingwood Farm, Brentwood Road, Orsett, Essex

Proposal: 50 containers are being rented out without planning permission, sheds, caravans, and scrap vehicles are on the land.

Appeal Decision: Notice Quashed

4.1. The Inspector noted from his site visit the presence of lorries, containers and temporary buildings on site. He considered that it was likely there was some unauthorised activity.

4.2 The requirements of the Notice, the Inspector considered, would not suitably remedy the alleged unauthorised uses and the Inspector considered he could

not safely amend the Notice without causing injustice to the appellants. Accordingly the Notice was quashed, with no further action being taken.

4.3 The full appeal decision can be found online.

4.2 Application No: 21/02061/FUL

Location: Envirotam Ltd, Organ Works, Foxton Road, South Stifford, Grays

Proposal: Change of use from office (Class E) to a place of worship/community hall (Class F.1)

Appeal Decision: Appeal Allowed

4.2.1 The main issue relating to this appeal was the effect of the proposed use upon highway and pedestrian safety.

4.2.2 The Council's Draft Parking Standards at the time required a maximum of 1 parking space per 10 sqm of floor area for places of worship, such as the use proposed. The Inspector noted that the draft standards were maximum standards and that the Appellant's submitted Transport Statement included an assessment of trip generation and parking accumulation for the proposed use. The Appellant's assessment indicated that maximum parking accumulation would occur on Sundays when it was forecast that 8 parking spaces would be required at the peak time between 11:00 and 12:00 hours. The Inspector agreed with the Council that the use would undoubtedly increase travel demands of the existing site and wider Foxton Road area, including the demand for parking. The Inspector also noted that Foxton Road is regulated by double yellow lines, with an area immediately opposite the site of uncontrolled parking for a limited number of vehicles

4.2.3 The Inspector noted from their appeal site visit, that many residential properties in Foxton Road and Chase Way have private off street parking; the Inspector also commented that during the time of their visit, there was moderate parking on street in Gumley Road, a short walking distance from the appeal site, and that controlled parking also takes place along The Chase which has single yellow lines. The Inspector concluded that they were confident that there would be sufficient parking availability on street for the users of the site. The Inspector, therefore, disagreed with the Council and neighbour comments received in respect of parking, and determined that the proposal would not have an unacceptable effect on highway and pedestrian safety, and would not conflict with Policies PMD8 and PM9

4.2.4 The full appeal decision can be found online.

4.3 Application No: 21/01396/PNTC

Location: Telecommunications Mast, Muckingford Road, Linford, Essex

Proposal: Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Appeal Decision: Appeal Allowed

- 4.3.1 The original application sought a 18m high monopole mast which was revised to a height of 15m during the course of the consideration of the application. The Inspector considered the limits of Permitted Development as detailed under Part 16 of The GPDO to be most relevant; in particular, the fact that Part 16 requires the siting and appearance of the proposal to be the sole considerations, along with any representations made. The issue as to whether the development would be inappropriate within the Green Belt was not, in the Inspector's view, a matter for consideration.
- 4.3.2 With respect to its siting and appearance the Inspector concluded that the installation would not be inherently incongruous, as there is already a moderate amount of visual clutter in the street scene. This is particularly the case at the mini roundabout, due to additional lighting columns and road signs associated with the junction. The level of clutter would be increased and would be further exacerbated by the additional height of the mast and the associated cabinets etc at street level. The Inspector concluded there would be harm to the character and appearance of the location due to the prominent siting and appearance of the mast.
- 4.3.3 With respect to alternative locations, the Inspector considered that each of those put forward by the Appellant would be more harmful in terms of siting and appearance than the proposed location. Therefore, the Inspector considered that the Appellant had demonstrated that the appeal site would be the least harmful location available. This, stated the Inspector, weighed strongly in favour of the proposed installation. The Inspector concluded that the harm identified to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed, taking into account the lack of any suitable alternatives.
- 4.3.4 The full appeal decision can be found online.

4.4 Application No: 21/01091/FUL

Location: Jemaine, 3 Branksome Avenue, Stanford Le Hope, Essex, SS17 8AZ

Proposal: Demolition of the existing dwelling and construction of two detached properties with integral garages and parking provision with an additional vehicle access to Branksome Avenue.

Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issues to be:

- 1) The effect of the proposed dwellings on the character and appearance of the surrounding area and:
- 2) Their effect on the Integrity of the Thames Estuary and Marshes Special Protection Area.

(1) The effect of the proposed dwellings on the character and appearance of the surrounding area.

4.4.2 The Inspector noted the proposed houses would be of a traditional, pitched roof design and would use materials of brick and tile. The existing site would be sub-divided, but the resulting plot would be comparable to the general width of those nearby and wider than some.

4.4.3 An appeal was dismissed for the construction of two semi-detached new build properties in 2020. The Inspector observed that the width of the proposed building would be considerable with only small gaps to the side boundaries and that it would be of substantial scale. The criticisms made by the Inspector on the previous proposal had been addressed, the current proposal has been reduced in terms of size of the proposed buildings and their separation.

4.4.4 The Inspector concluded the proposed dwellings would retain the character of Branksome Avenue in the vicinity of the appeal site where spacious gardens are not a particular trait. They would also be consistent with the general design, siting and spacing of development nearby. As such there would be no harm to the character and appearance of the surrounding area. Policy CSTP23 would be complied with and there would be no conflict with Policies PMD2 and CSTP23 which also deal with design.

2. Their effect on the Integrity of the Thames Estuary and Marshes Special Protection Area.

4.4.5 The Inspector concludes the proposal would have a likely significant effect on the Thames Estuary and Marshes Special Protection Area (SPA) as it is within the Essex Coast RAMS zone of influence. In combination with other development in Thurrock and elsewhere, an extra dwelling would be liable to lead to recreational disturbance to the interest features of the SPA. Local planning authorities in Essex have developed a strategy to deliver the necessary mitigation to address such impacts which is to be funded through a tariff.

4.4.6 No planning obligation had been provided to secure this. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of

the SPA. Moreover, in these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

4.4.7 The full appeal decision can be found online.

4.5 Application No: 22/00699/HHA

Location: 6 Woolings Row, Baker Street, Orsett, Grays, Essex, RM16 3AS

Proposal: Two storey rear extension.

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the key issues of the appeal to be whether the proposed extension would be inappropriate development in the Green Belt and the effect on the living conditions of the occupiers of 7 Woolings Close.

4.5.2 The Inspector drew attention to Policy PMD6 of the Thurrock Core Strategy and Policies for the Management of Development 2015 which indicates that *Extensions to buildings must not result in disproportionate additions over and above the size of the original building. Furthermore, for residential extensions this means that they should be no larger than two reasonably sized rooms or any equivalent amount.*

4.5.3 It was stated by the Inspector that the proposal would represent an increase of over 42% and would exceed the figure given for the two reasonably sized rooms allowance. An addition of this size would be approaching half of the floorspace of the original dwelling and, on this basis, would be disproportionate. It was concluded that the proposal would be inappropriate development in the Green Belt.

4.5.4 With regards to the amenities of No. 7 whilst the Inspector found no harm to arise from the development with regards to an overbearing impact or loss of light upon No. 7. However, it was commented that the two first floor bedroom windows would afford views directly down into the rear garden of No 7 and this would result in a serious loss of privacy. It was concluded that the proposal would harm the living conditions of the occupiers of 7 Woolings Close due to the significant overlooking that would occur.

4.5.5 The full appeal decision can be found online.

4.6 Application No: 21/01136/HHA

Location: 15 Bromley, Grays, Essex, RM17 6LE

Proposal: Retrospective single storey side extension to existing annex incorporating a balcony overlooking main road.

Appeal Decision: Appeal Allowed

4.6.1 The main issue was considered to be the appearance of the balustrade and screen in relation to the host property and surrounding area.

4.6.2 The Inspector found that although the balustrade extended higher than the slope of the roof on the outbuilding when viewed by passers by and nearby residents the appearance of the balustrade would not be unacceptable and in three dimensions it appeared better than on a plan form on paper.

4.6.3 Accordingly the appeal was allowed.

4.6.4 The full appeal decision can be found online.

4.7 Application No: 22/00586/HHA

Location: 82 Gilbert Road, Chafford Hundred, Grays, Thurrock,
RM16 6NJ

Proposal: Retrospective hardstanding to the front of the property.

Appeal Decision: Appeal Allowed

4.7.1 The main issue in this case were considered to be

- 1) The effect of the development of highway safety and
- 2) Visual impact

Highway Safety

4.7.2 The proposal was solely for hardsurfacing to the front of the property rather than for its use for parking. The Inspector noted without a dropped kerb (which was not proposed as part of the application) parking on the frontage would be illegal. Accordingly, on the basis of hardsurfacing only, rather than parking, no highways safety issues were identified.

Visual Amenity

4.7.3 The Inspector did not consider the previously grassed front garden area of the site to be attractive and considered that the hardsurfacing would be acceptable subject to a condition to provide a planning scheme for approval by the LPA.

4.7.4 A condition was also required to prevent the use of the hardsurfacing for vehicle parking, unless a further planning application is made to the LPA.

4.7.5 Subject to the above, the appeal was allowed.

4.7.6 The full appeal decision can be found online

4.8 Application No: 21/01186/FUL

Location: Tyelands Farm House, South Hill, Langdon Hills, Essex
SS16 6JD

Proposal: Demolition of existing dwelling and other outbuildings along with the removal of hardstanding and garaging to construct a replacement dwelling.

Appeal Decision: Appeal Allowed

- 4.8.1 The Inspector considered the key issues of the appeal to be whether the proposed replacement dwelling would be inappropriate development in the Green Belt and the effect of the development on the Thames Estuary and Marshes Special Protection Area and Ramsar site ('the SPA').
- 4.8.2 This appeal had been assessed with reference to the NPPF fundamental aims to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt being their openness. Specifically, the officer assessment made reference to para. 149(d) and (g) of the NPPF along with the relevant Core Strategy Policies.
- 4.8.3 The appeal comprised of the demolition of the existing structures and a replacement dwelling with a reduction of the proposed footprint. Although, due to the positioning of the replacement dwelling in front of the existing dwelling and increases in height/volume, the LPA assessment concluded the development fails to comply with the referenced exemptions to inappropriate development in the Green Belt.
- 4.8.4 In his assessment the Inspector held that the proposed development would be in the same use as the existing dwelling but, conversely, maintained that the total floorspace of both storeys of the proposed development would not exceed that of the existing dwelling. It was further considered that it would not be materially larger than the building it would seek to replace. It was upheld that the appeal application complies with para. 149(d) of the NPPF and, thus, reference to para. 149 (g) was not necessary.
- 4.8.5 The Inspector agreed with the LPAs assessment that a proportionate financial contribution in line with Essex Coast RAMS is not required as the application is for a replacement dwelling with no net increase in residential units.
- 4.8.6 Notwithstanding this, it was held the application constitutes appropriate development in the Green Belt and the appeal was consequently allowed.
- 4.8.7 The full appeal decision can be found online.

4.9 Enforcement No: 21/00494/BUNUSE

Location: Brewers Farm, Brentwood Road, Orsett, Essex

Proposal: Potential unauthorised lorry parking / storage.

Appeal Decision: No further action is taken.

4.9.1 The Inspector noted that the Notice did not specify a date for the start and end of the period of compliance and accordingly the Notice had no effect and was a nullity.

4.9.2 No further action was therefore required on behalf of the Inspectorate.

4.9.2 The full appeal decision can be found online.

4.10 Application No: 21/01067/LBC

Location: St John The Baptist Church, Mucking Wharf Road, Stanford Le Hope Essex

Proposal: Internal and external works to listed building to facilitate: Conversion of the Tower to become a 2 bedroom home on 4 levels; Conversion of the Nave and South Aisle to become a 4 bedroom home on 3 levels and conversion of the Chancel and South Chapel to become a 4 bedroom home on 3 levels.

Appeal Decision: Appeal Dismissed

4.10.1 The main issue was whether the proposed works would preserve the listed building, or any features of special architectural or historic interest which it possesses.

4.10.2 The Inspector found that the proposal would fail to preserve the special interest and significance of the listed building and the significance it presently embodies.

4.10.3 The Inspector found the appellant had provided no robust evidence to show why 3 dwellings was necessary to allow a beneficial conversion of the building, or that the appellant had suitably considered alternative uses.

4.10.4 The proposal was found to fail to preserve the listed building and the appeal was therefore dismissed.

4.10.5 The full appeal decision can be found online.

4.11 Application No: 22/00596/PNTC

Location: Telecommunications Mast, Crammavill Street, Stifford Clays
Grays, Essex

Proposal: Proposed 5G telecoms installation: Phase 8 15m high street pole with wrap-around cabinet and 3 further additional equipment cabinets.

Appeal Decision: Appeal Dismissed

4.11.1 The main issue was the effect of the siting and appearance of the proposal on the character and appearance of the area and if any harm were to occur whether it is outweighed by the need for the installation.

4.11.2 The Inspector found the proposed mast would be significantly taller than the existing street lights, which are the tallest items of street furniture at present. It would furthermore be of heavier proportions and topped with relatively bulky antennas. The installation would also be in a particularly exposed position, on the outer edge of the open space, set apart from any of the taller trees. The existing vegetation would not provide any meaningful screening and the installation would be conspicuous from several directions, by virtue of its corner location. While the proposed installation is designed with urban, roadside locations in mind, and that the area is not subject to heritage or other policy constraints, the mast would nevertheless be a visually intrusive feature. It would be sited in an exposed and open location, where there is extensive passing foot traffic. As a result, it would both dominate this part of the street scape and undermine the visual and functional benefit of the small open space. The visual intrusion would furthermore be experienced by significant numbers of local residents as they move between the residential area, bus stops, parking area and local services.

4.11.3 The proposal was therefore found to be unacceptable and contrary to Policies PMD2 and CSTP22 of the Core Strategy. The Inspector was not convinced that suitable alternative site provision had been explored which would be less harmful to the street scene.

4.11.4 The appeal was therefore dismissed.

4.11.5 The full appeal decision can be found online.

4.12 Application No: 22/00939/PNTC

Location: Land West Of Bus Shelter, Stifford Road, South Ockendon Essex

Proposal: Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.

Decision: Appeal Allowed

- 4.12.1 The main issues were considered to be the effect of the siting and appearance of the proposal on the character and appearance of the area.
- 4.12.2 With respect to its siting and appearance the Inspector concluded the evidence offers only a limited explanation of the extent to which alternative options utilising existing masts, buildings and structures have been considered, and no specific opportunities for alternative installations have been identified in the evidence. Given the generally low-rise form of the surrounding buildings, there were no obvious alternatives to a new base station within the identified search area. Therefore, some degree of visual intrusion is an inevitable consequence of the identified need for additional telecommunications infrastructure, within what is a relatively small search area. Furthermore, the Framework makes clear that decision-makers should support the expansion of electronic communications networks, including 5G, as a matter of principle.
- 4.12.3 With respect to alternative locations, the Inspector considered there would be no significant benefit from an alternative siting further along Stifford Road, since the level of street furniture and trees, and the relationship with surrounding dwellings, is similar over a considerable distance. There are larger trees further to the west, but these are on the edge of a recreation ground and at a traffic light controlled junction, where the degree of public visibility would be greater and less transitory. Alternative sites identified by the appellant are generally less well screened and more directly in the outlook from residential properties. Therefore, they offer no clear advantage in terms of siting and appearance.
- 4.12.4 The Inspector concluded that the proposed siting and appearance would not be harmful to the character and appearance of the area. Accordingly, insofar as they are a material consideration, the proposal would not conflict with Policies CSTP22 and PMD2 of the Core Strategy and with relevant paragraphs of the Framework. These policies, amongst other things require that development proposals are based on an understanding of, and positive response to, their local context and that equipment on new sites should be sympathetically designed.
- 4.12.5 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Total No of Appeals	1	2	0	1	6	1	14	3	5	2	5	4	12
No Allowed	1	1	0	0	2	0	4	2	3	1	2	1	6
% Allowed	100%	50%	0%	0	33.3%	0%	28.6%	66.7%	60%	50%	40%	25%	50%

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

7.0 Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

8.0 Implications

8.1 Financial

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

Government Intervention & Section 114

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

Implications relating to this specific report

This report is an update report and as such there are no specific financial implications.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim Project Lead

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: **Becky Lee**
Team Manager - Community Development and Equalities Adults, Housing and Health Directorate

There are no direct diversity implications to this report.

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

None.

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

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

10. Appendices to the report

- None

Agenda Item 8

Planning Committee: 08 June 2023	Application Reference: 21/01635/FUL
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Reference: 21/01635/FUL	Site: Land south of Marsh Farm Marsh Lane Fobbing Essex
Ward: Corringham and Fobbing	Proposal: Installation of renewable-led energy generation station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements

Plan Number(s):		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
FO4.0 REV.01	Inverter/Transformer Stations	23 September 2021
FO5.0 REV.01	Internal Access Road Detail	23 September 2021
FO6.0 REV.02	Fence and Gate Elevations	23 September 2021
FO7.0 REV.01	Weather Station Detail	23 September 2021
FO8.0 REV.01	Substation Elevations	23 September 2021
FO9.0 REV.01	Control Room Elevations	23 September 2021
FO10.0 REV.01	Auxiliary Transformer	23 September 2021

FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022

The application is also accompanied by:

- R003 Planning Statement including Green Belt Assessment
- R004 Design and Access Statement
- R005 Construction Traffic Management Plan
- R006 Non-Technical Summary of the Environmental Statement
- R007 Environmental Statement Main Text
- R008 Environmental Statement Technical Appendices
- R009 Landscape and Ecological Management Plan
- R010 Flood Risk Assessment and Drainage Strategy
- R011 Noise Impact Assessment
- R012 Glint and Glare Assessment
- R013 Statement of Community Involvement
- R014 Ground Investigation Report
- R015 Agricultural Land Classification
- Post Application Landscape Amendments Briefing Note
- Non-breeding waterbirds: Buffers from features, mitigation land and land management strategy, BSG Ecology
- Technical Note on changes to the biodiversity net gain calculation, BSG Ecology

Applicant:

Rayleigh Green Limited

Validated:

1 October 2021

Date of expiry:

12 June 2023 (Extension of time)

	agreed with applicant)
Recommendation: Grant planning permission	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 16 March 2023 Members considered a report assessing the above proposal. Members of the Planning Committee voted to undertake a site visit to view the site to better understand the proposal. The site visit took place on 5 April 2023.
- 1.2 There were also a number of questions raised by Members, which are addressed within this report.
- 1.3 A copy of the report presented to the March Committee meeting is attached.

2.0 CONSULTATION AND REPRESENTATIONS

- 2.1 Since the previous Committee report was published there have been no additional representations.

3.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 3.1 The information below seeks to address the questions that were raised at the March Committee meeting and at the site visit.

3.2 Construction traffic

The proposed construction vehicle route has been agreed with the Council's highways team. If approved, construction vehicles would enter the site from the A13 via the existing agricultural access on the High Road, which is controlled by the landowner. Temporary road signs would be placed along the route to direct construction traffic to and from the site. In highway terms, there are no technical objections to the proposed arrangement. There are no other realistic routes to the site from the main road network.

3.3 Fire risk

The applicant has agreed to submit a Detailed Battery Safety Management Plan (DBSMP) in consultation with the Fire Service. This is the same approach taken in recent planning appeals endorsed by Planning Inspectors and the Secretary of State and is also in accordance with other planning applications recently approved by Thurrock Council. The Council's Environmental Health team have no objection

to the proposed condition. The condition would require the applicant to detail the safety measures with the battery system and a protocol. The DBSMP would be approved by the Council's Environmental Health team in consultation with the Fire Service.

Officers have been liaising with the Fire Service on the battery storage systems and any verbal update will be given at Committee. Officers are not aware of any UK examples where fire risk has been a material consideration in the determination of planning applications.

A recent government response to a consultation on Draft National Policy Statement – Planning for new energy infrastructure (page 35) stated in response to battery storage:

'We do not consider it appropriate to include guidance on storage safety in the NPS. A robust health and safety regime is already in place with appropriate provisions to ensure that battery storage at all scales can be operated safely in a range of environments.'

3.4 Contaminated land

Parts of two historic landfills (Fobbing Marshes and Vange Marshes) are known to be present across the southern half of the site. It is unknown when the landfills ceased to operate but satellite imagery indicates it was before 1999 and was likely to be well before this time. A ground investigation was undertaken on 16 and 17 March 2021 which included trial pits and laboratory analysis. The investigation concluded that the development is not considered to lead to contamination of water or soils. The Council's Environmental Health team have no objections, subject to a condition requiring a watching brief for contamination (see condition 13). It is considered that this matter could be suitably addressed via planning conditions and is similar to many such sites in the borough with historic landfills.

3.5 Threshold of 49.9MW

The maximum energy output from any solar scheme is based upon the number of arrays provided and the capacity of the inverters. Each inverter would have a boilerplate on the outside stating its capacity and as such it would be straightforward to go to site once operational and calculate the output. On this basis, the Council can be satisfied that the energy output would not exceed the 49.9MW threshold.

As advised at the last meeting, if built above the threshold capacity of 50MW the scheme would constitute a Nationally Significant Infrastructure Project (as defined

in the Planning Act 2008) which would require an application for a Development Consent Order (DCO), rather than a conventional application for planning permission made to the local planning authority under the Town and Country Planning Act 1990.

3.6 Substation location and its link with national grid (the transmission network)

The electricity network operates in a similar way to a transport system. The transmission network (similar to a motorway) distributes large electrical generation to the smaller distribution network (similar to A Roads) so this can supply both homes and businesses (similar to streets). The development would supply electricity to the wider transmission network for onward distribution into the local networks.

3.7 Location of substation

The proposal includes a substation which would be 12m in length, 4m in width and 4m in height. The substation would be located on the western side of the site as this would provide the most efficient electrical connection to the underground cable which would connect to the Rayleigh National Grid Substation. The location of the substation would avoid any noise impacts to the nearest residential properties. Neither the Council's Environmental Health team nor Landscape advisor have raised any objection to the location of the substation.

3.8 Proposed planting mix

The proposed Landscape and Ecology Enhancement Plan has been prepared in line with Thurrock's Landscape Officer's recommendations. Providing more mature planting upfront, as opposed to saplings, is not viable as this would require more HGV movements.

3.9 S.106 / Community benefits

Community benefits do not meet the tests of Community Infrastructure Levy so cannot be agreed under a Section 106 agreement; they are also not a material consideration that can be included in the planning balance. Paragraph no.57 of the NPPF is relevant and states:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.”

Notwithstanding this, the applicant has liaised directly with residents and the community and project ideas have been put forward by members of the public. These include installing solar panels on the church roof and on a new hut for the local Scout group. Should planning permission be approved, the applicant has stated they are committed to supporting local projects outside of the planning process so the wider benefits of the development can be felt by the local community. However, Officers consider that using a planning mechanism to secure any community benefits would not meet the relevant planning tests.

3.10 Photomontages methodology

The photomontages have been produced in accordance with the Landscape Institute's Advice Note 01/11 – 'Photography and photomontage in landscape and visual impact assessment' and has been assessed in line with Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The height of the panels is shown at 3m to reflect a worst-case scenario. This accords with the general principle of the EIA process of assessing the 'worst-case scenario', otherwise known as the 'Rochdale Envelope'.

3.11 Regeneration/lifetime of the panels

The solar panels are manufactured with a minimum warranty of 25 years and a design life of 40 years. Panels are therefore unlikely to be replaced within the time period they would be on site.

3.12 Heritage comments

The development proposed would not have an unacceptable impact on the setting of the designated heritage assets and would not result in harm to their significance. The development would result in less than substantial harm to the Fobbing Conservation Area and this harm should be weighed against the public benefits of the proposed development, in line with local policies and Paragraph 201 of the NPPF. Therefore, it is considered any effect to built heritage assets are outweighed by the public benefits of cleaner energy generation.

3.13 Operational noise

The tracking motors have already been considered in the Noise Impact Assessment. Chapter 5 of the report addresses the operational noise with noise modelling source data and rating penalty assessment. There is a summary of the findings within paragraphs 5.1.1 and 5.2.2 and the conclusion is that the operational noise would be *just perceptible*. This would not give rise to an impact of significance for any receptor type.

3.14 Additional photomontages

At the site visit members requested an additional photomontage from within the site on footpath 14. These are within Appendix 1.

5.0 CONCLUSION

The recommendation remains one of approval for the reasons stated in 7.0 of the March Committee report.

6.0 RECOMMENDATION

6.1 The Committee is recommended to:

Recommendation A:

Determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

Approve the application for the reasons set out in this report subject to:

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

TIME LIMIT

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

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

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
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FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022

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

TEMPORARY PERIOD AND DECOMMISSIONING

- 3 Planning permission is hereby granted for a temporary period of 40 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 40th anniversary of the first commercial export of energy the use shall cease. Prior to the 40th anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

DECOMMISSIONING METHOD STATEMENT

- 4 Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION PERIOD

- 5 Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement of construction. The local planning authority will be notified one week following completion of the solar farm. Should any further construction activities be required notice will be given to the local planning authority one week prior to commencement of construction and notified one week following completion.

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

CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]

6 Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. R005 dated June 2021) and in particular the following elements of that document:

- Number of HGV movements;
- Routing of construction vehicles; and
- Time of HGVs accessing the site

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

7 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
- (f) Wheel washing facilities; and
- (g) Days and hours of construction activities;
- (h) Detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) detailing how the timing/phasing of construction of the solar array will minimise disturbance to SPA birds

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

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

ROAD CONDITION SURVEY

- 8 No construction works shall commence until a Road Condition Survey, the details of which to be previously agreed in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. A further Road Condition Survey shall then be submitted within one month of the completion of construction works. Any degradation of existing road surfaces directly due to the impact of construction of the development will be remediated in accordance with details to the previously agreed in writing by the local planning authority.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

HGV BOOKING SYSTEM

- 9 HGV movements from the site shall be limited to a maximum of 16 two-way movements per day (8 in and 8 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

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

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

- 10 The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number 7428_100 Revision E – dated 01.12.2022) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ECOLOGICAL MANAGEMENT PLAN – WATERBIRD MITIGATION LAND

- 11 An Ecological Management Plan setting out the details of the creation, ongoing management and monitoring of the “waterbird mitigation land” (which reflects the detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) as shown on Drawing No. 7428_100, shall have been approved by the local planning authority in writing prior to the creation of the “waterbird mitigation land” and shall have been subject to prior consultation with Natural England. The mitigation land shall have been created and brought into suitable condition prior to the installation of any part of the solar array shall then be retained, as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCORDANCE WITH ENVIRONMENTAL STATEMENT

- 12 The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONTAMINATED LAND

- 13 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Work on site must stop and an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority before works can recommence.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

ARCHAEOLOGICAL WORK AND MITIGATION

14

- a. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which has previously been submitted by the applicant and approved by the local planning authority
- b. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.
- c. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.

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

ARCHAEOLOGY – POST EXCAVATION ASSESSMENT

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

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

EXTERNAL LIGHTING/SECURITY MEASURES

- 16 No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the local planning authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILED BATTERY SAFETY MANAGEMENT PLAN (DBSMP)

- 17 No implementation any of the battery energy storage systems (BESS) shall commence until a Detailed Battery Safety Management Plan (DBSMP) has been submitted to and approved in writing by the local planning authority. The BESS operation on site shall only take place in accordance with the approved DBSMP.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of amenity of the area in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

GLINT AND GLARE

- 18 Development on site shall only take place in accordance with the Glint and Glare Assessment (ref. R012 dated May 2023) and in particular the following element of that document:

- Chapter 8 – Glint and Glare Management Plan

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

NOISE

- 19 Operation of the site shall only take place in accordance with the parameters Noise Impact Assessment (ref. R011 dated July 2021).

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

Informative(s)

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

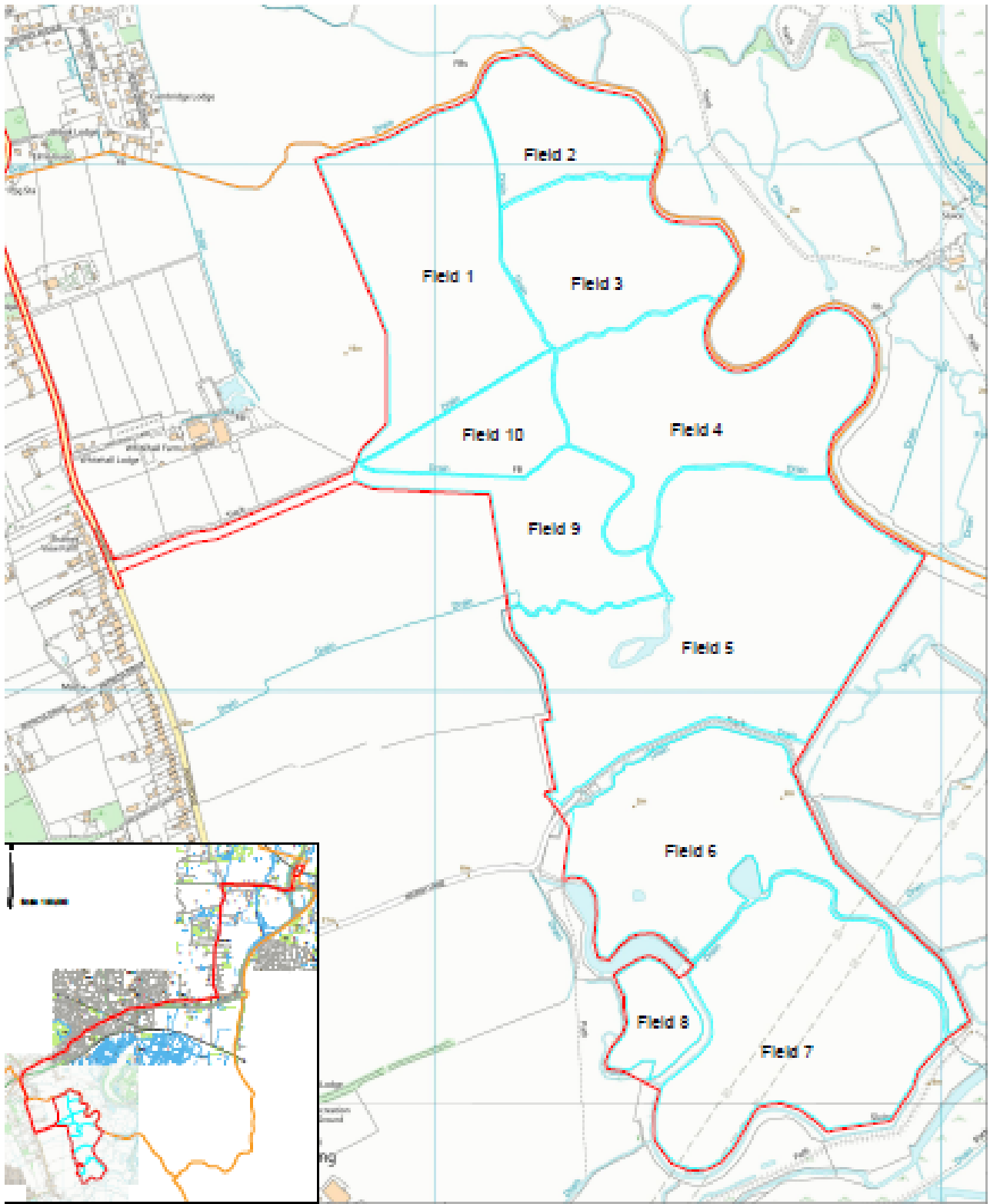
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result,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

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

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



Appendix 1



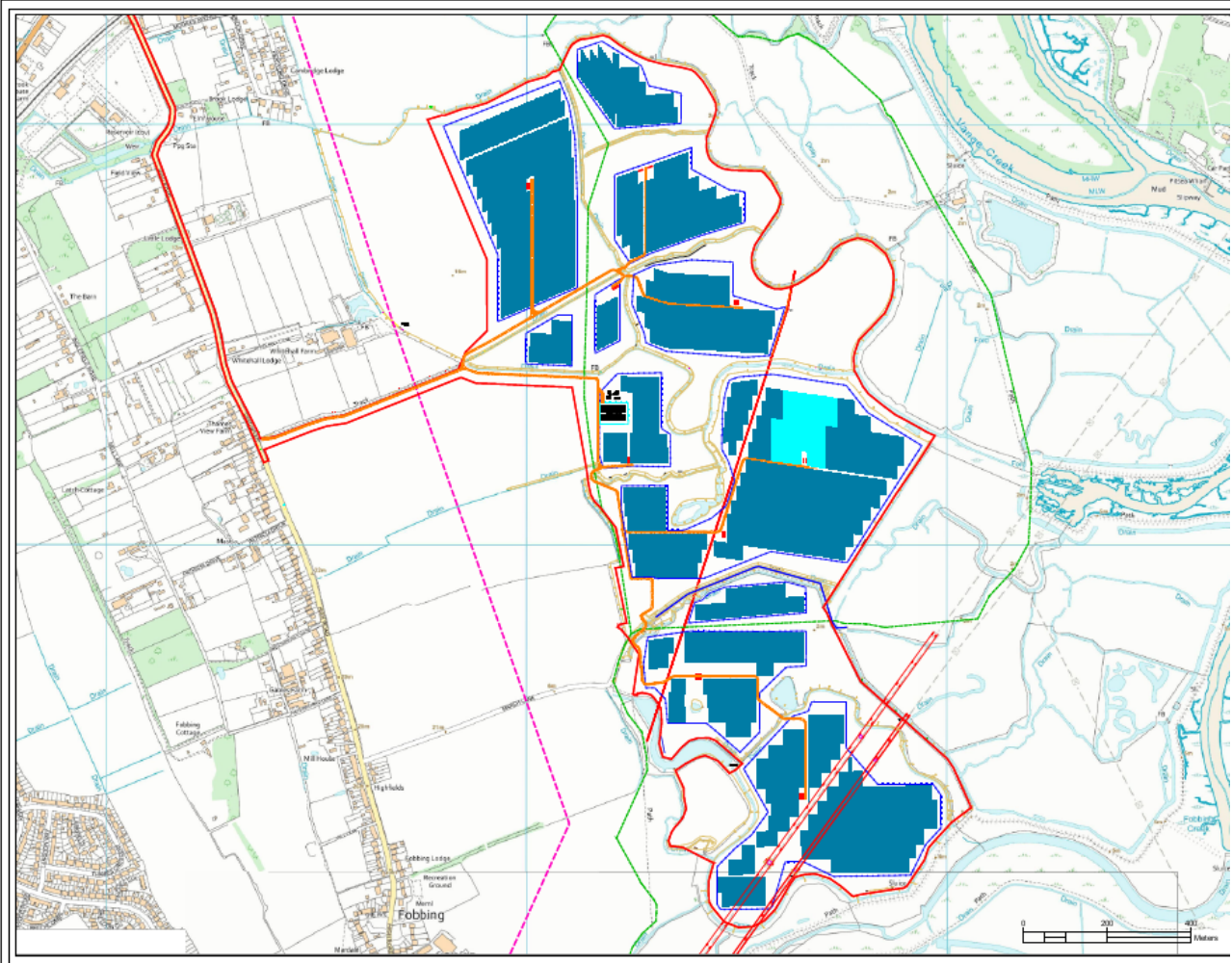
Viewpoint from FP14 at present



Viewpoint from FP14 in 1 year



Viewpoint from FP14 in 15 years



<p>Reference: 21/01635/FUL</p>	<p>Site: Land south of Marsh Farm Marsh Lane Fobbing Essex</p>
<p>Ward: Corringham and Fobbing</p>	<p>Proposal: Installation of renewable-led energy generation station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements</p>

Plan Number(s):		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
FO4.0 REV.01	Inverter/Transformer Stations	23 September 2021
FO5.0 REV.01	Internal Access Road Detail	23 September 2021
FO6.0 REV.02	Fence and Gate Elevations	23 September 2021
FO7.0 REV.01	Weather Station Detail	23 September 2021
FO8.0 REV.01	Substation Elevations	23 September 2021
FO9.0 REV.01	Control Room Elevations	23 September 2021
FO10.0 REV.01	Auxiliary Transformer	23 September 2021

FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan Showing Reduced Fence Area	5 December 2022

The application is also accompanied by:

- R003 Planning Statement including Green Belt Assessment
- R004 Design and Access Statement
- R005 Construction Traffic Management Plan
- R006 Non-Technical Summary of the Environmental Statement
- R007 Environmental Statement Main Text
- R008 Environmental Statement Technical Appendices
- R009 Landscape and Ecological Management Plan
- R010 Flood Risk Assessment and Drainage Strategy
- R011 Noise Impact Assessment
- R012 Glint and Glare Assessment
- R013 Statement of Community Involvement
- R014 Ground Investigation Report
- R015 Agricultural Land Classification
- Post Application Landscape Amendments Briefing Note
- Non-breeding waterbirds: Buffers from features, mitigation land and land management strategy, BSG Ecology
- Technical Note on changes to the biodiversity net gain calculation, BSG Ecology

Applicant:
Rayleigh Green Limited

Validated:
1 October 2021
Date of expiry:

	20 March 2023 (Extension of time agreed with applicant)
Recommendation: Grant planning permission, as per the recommendation set out at paragraph 8.1 of this report	

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

1.0 DESCRIPTION OF PROPOSAL

1.1 The table below gives a summary of the proposal:

Gross site area	134 hectares (fields 1 – 10)
Gross site area of PV panels	65.44 hectares
Power output	49.9MW of clean renewable electricity to the National Grid

1.2 This application seeks planning permission to construct and operate a solar farm and battery storage facility with associated infrastructure. The solar arrays would be located wholly within Thurrock, but this is a cross boundary application with the underground cable providing the grid connection to the Rayleigh National Grid substation. The cable route is mainly with Basildon, although the substation itself is in Rochford. The applicant has submitted a joint application with Basildon.

1.3 The solar panels would be 3m high, ground mounted on tracking frames. It is proposed to use solar arrays with bifacial panels and a tracking system to follow the path of the sun. This means that their height would vary throughout the day, but the maximum height would be 3m. The arrays would be installed on posts driven into the ground. The proposed inverters and battery storage units would be housed in containers 12m long and 2.9m high. The largest element would be a single substation 12m x 4m x 4m. It is proposed to install 2.1m high deer fencing around the perimeter of the site. The fencing would be set back at least 5m either side of all public rights of way.

- 1.4 When operational, the solar farm and battery storage would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. When constructed, the site would be operational for 40 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.
- 1.5 The scheme proposes a maximum electrical output of 49.9MW which is the maximum output which can be considered by a local planning authority via a conventional planning application. Proposals involving an output of 50MW or more are classified as ‘Nationally Significant Infrastructure Projects’ (NSIPs) by the Planning Act 2008 and are considered by the relevant Secretary of State via the Development consent Order (DCO) process.
- 1.6 Due to the scale of the site, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES). The topics which were scoped-in to the ES are landscape and visual impacts, heritage impacts and impacts of biodiversity.

2.0 SITE DESCRIPTION

- 2.1 The site comprises 10 adjoining arable fields mainly within Fobbing Marshes Landscape Character Area (LCA). The ‘Fobbing Marshes’ Landscape Character Area (LCA) occupies low-lying land that slopes down from the Fobbing Ridge towards the Vange Creek (in the east) and A1014 (in the south). The visual horizon to the north is formed by the broad ridge on which Basildon and South Benfleet are situated and to the west by the low Fobbing Ridge. Approximately 1.5km to the south is the port and industrial complex of Coryton Refinery, the DP World London Gateway and then the Thames Estuary. The site is all characterised as Grade 3b (Moderate) within the Agricultural Land Classification (ALC). Parts of public footpaths 14 and 199 run within the site.
- 2.2 Access to the site is via Fobbing High Road. There are a number of public rights of way within the area. The site lies mostly within flood zone 3a (High Risk). The site is within the Metropolitan Green Belt (GB). There are no statutory ecological designations affecting the site. However, the site is within 3km of the Thames Estuary and Marshes Special Protection Area and 300m of Holehaven Creek SSSI.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
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<p>21/01452/FULL (Basildon Council)</p>	<p>Installation of renewable led energy generation station, comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements.</p>	<p>Under consideration</p>
<p>20/00958/SCO</p>	<p>Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed solar farm and battery storage</p>	<p>Advice given</p>
<p>20/00873/SCR</p>	<p>Environmental Impact Assessment (EIA) screening opinion on proposed solar farm and battery storage</p>	<p>EIA Required</p>

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notices which have been displayed within and adjacent to the site. The proposals have been advertised as a major development, as affecting a public footpath, as accompanied by an Environmental Statement, as a departure from the Development Plan, as affecting the setting of a listed building and affecting character of a conservation area.

4.3 There were 43 comments received, with 41 of objection and 2 in support. The matters raised are summarised below:

Objections

- Additional traffic during construction;
- Effect to public rights of way;
- Reflected light/glare affecting traffic;
- Loss of green belt;
- Loss of wildlife;
- Detrimental visual impact;
- Solar panels are not really clean energy;
- Loss agricultural land;
- Harm to character of the countryside;
- Lead to flooding;
- Precedence for future development of the site for housing;

Supporting

- Need for clean energy resources.

4.4 ARCHAEOLOGY:

No objections, subject to conditions regarding a programme of archaeological investigation and post excavation analysis.

4.5 BASILDON COUNCIL:

No response received.

4.6 CASTLE POINT COUNCIL

No response received.

4.7 ENVIRONMENT AGENCY:

No objections. As much of the site lies within flood zone 3a, it is necessary for the application to pass the Sequential and Exception Tests.

4.8 ENVIRONMENTAL HEALTH:

No objections, subject to condition regarding a watching brief for contamination.

4.9 ESSEX COUNTY COUNCIL - TRANSPORTATION & PLANNING

No response received.

4.10 ESSEX FIRE SERVICE

No response received.

4.11 ESSEX WILDLIFE TRUST

No objections.

4.12 FLOOD RISK MANAGER:

No response received.

4.13 HIGHWAYS:

No objections, subject to conditions regarding a Construction Environment Management Plan (CEMP), HGV routing/logging and road condition surveys.

4.14 HISTORIC BUILDINGS:

No objections.

4.15 HISTORIC ENGLAND

No objections.

4.16 LANDSCAPE AND ECOLOGY:

No objections, subject to the mitigation and management measures being secured by condition.

4.17 MEDWAY COUNCIL

No response received.

4.18 NATIONAL GRID:

No objections.

4.19 NATURAL ENGLAND:

No objection, subject to condition for appropriate mitigation.

4.20 PUBLIC RIGHTS OF WAY:

No objections, any changes to footpath would require formal approval (under section 257 of the Town and Country Planning Act 1990)

4.21 ROCHFORD DISTRICT COUNCIL

No response received.

4.22 ROYAL SOCIETY FOR PROTECTION OF BIRDS (RSPB)

Concerns remain, note Natural England's response and agree conditions to secure ecology mitigation necessary.

5.0 POLICY CONTEXT**National Planning Guidance****5.1 National Planning Policy Framework (NPPF)**

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

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

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

- 2. Achieving sustainable development
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

5.2 National Planning Practice Guidance (PPG)

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

- Before submitting an application
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment

- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Hazardous Substances
- Historic environment
- Making an application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

5.3 PPG states that the need for renewable or low carbon energy does not automatically override environmental protections. The first part of the Solar PV Strategy, published in October 2013, states that solar PV should be *“appropriately sited, give weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local community to influence decisions that affect them”*.

5.4 PPG sets out criteria for assessing ground-mounted solar project planning applications. The following extract is taken from the guidance (Paragraph: 013, Reference ID: 5-013-20150327):

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether*
 - (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
 - (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement –*

Solar energy: protecting the local and global environment – made on 25 March 2015.

- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

5.5 UK Solar PV Strategy

Part 1 of the Government's (Department for Energy and Climate Change – DECC (now Department for Business, Energy and Industrial Strategy – BEIS)) UK Solar PV Strategy (2013) set out the four guiding principles for deployment of solar in the UK. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet

the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.

- support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

5.6 Part 2 of the DECC's UK Solar PV Strategy (2014) refers to ambitions for deployment, including large-scale ground-mounted solar PV deployment. The Strategy highlights the planning guidance for renewable energy development provided by PPG.

5.7 There are a number of other Government directions on solar, including:

- Committee on Climate Change (9 December 2020) published its Sixth Carbon Budget which indicated that in order to achieve the UK's legally-binding commitment of net zero carbon by 2050, the UK should target 85GW of installed solar by that date, enough to generate some 10-15% of the nation's electricity.
- The Energy White Paper (December 2020) noted the importance of solar in future energy generation.

National Policy Statements:

5.8 Although National Policy Statements (NPS) apply specifically to NSIPs and applications under the Planning Act 2008 for DCOs, NPS reference (EN-1: Overarching National Policy Statement for Energy - 2011) states that *"In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis"*. The content of EN-1 could therefore be relevant to the current case. Paragraph no. 3.4.5 of EN-1 refers to *"UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"*. Part 5 of EN-1 refers to the generic impact of land use including open space, green infrastructure and GB. With regard to decision taking, paragraph 5.10.17 of EN-1 states:

- 5.9 *“When located in the GB, energy infrastructure projects are likely to comprise ‘inappropriate development’. Inappropriate development is by definition harmful to the GB and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The IPC will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the IPC will attach substantial weight to the harm to the GB when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of GB designation”.*

Local Planning Policy

5.10 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

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

THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change

- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

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
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

5.11 Thurrock Local Plan

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

5.12 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 Procedure:

With reference to procedure, this application has been advertised as being

accompanied by an Environmental Statement and as a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

- 6.2 The development is considered to be development requiring an Environmental Impact Assessment (EIA); therefore, the application has been accompanied by an Environmental Statement (ES). The ES considers the environmental effects of the proposed development during construction and on completion and includes measures either to prevent, reduce or offset any significant adverse effects on the environment.
- 6.3 The Council has a statutory duty to examine the ES submitted with the application and reach a reasoned conclusion on the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development. If planning permission is to be granted, the Council must ensure that all appropriate mitigation and monitoring measures are secured. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and planning obligations in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner. As mentioned above, the environmental topics of landscape and visual impacts, impacts of biodiversity and impacts on cultural heritage have been 'scoped in' to the ES. As required by Regulation, the ES also includes consideration of reasonable alternatives and cumulative impacts with other existing and approved development.
- 6.4 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose planning conditions and secure other mitigation measures through planning obligations in a s106 agreement.

6.5 The assessment below covers the following areas:

- I. Principle of the development and impact on the GB;
- II. Landscape and visual impact;
- III. Ecology;
- IV. Archaeology;
- V. Traffic impact, access and parking;
- VI. Agricultural land classification;
- VII. Effect on neighbouring properties;
- VIII. Flood risk;
- IX. Built Heritage assets;
- X. Contaminated land; and
- XI. EIA matters.

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT ON THE GB

6.6 There is a need for energy production in the UK and this need is supported within national planning policies to secure production, including energy from varied and low carbon sources. Paragraph 152 of the NPPF states:

“The planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure”.

Paragraph 155 states plans should seek

“To help increase the use and supply of renewable and low carbon energy and heat”.

NPPF paragraph no.158 states that

“When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable ...”*

Core Strategy policy CSTP26 states

“As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.

Part. II of CSTP26 requires that

“The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.

However, this encouragement of renewable energy generation set out by both local and national planning policy is still subject to GB policies.

6.7 Under the heading of the impact of the proposals on the GB, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the GB;
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the GB

6.8 The site is identified on the LDF Core Strategy Proposals Map as being within the GB where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *‘maintain the purpose function and open character of the Green Belt in Thurrock’*, and Policy PMD6 states that the Council will *‘maintain, protect and enhance the open character of the Green Belt in Thurrock’*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB to accord with the requirements of the NPPF.

6.9 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs and that the

“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the GB.

6.10 Paragraph 151 states

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

6.11 Given the above, the proposal would comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

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

6.13 As noted above, paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new development in an area which is currently open. Consequently, there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

6.14 In terms of the bullet points above, openness in a spatial sense would be affected by the proposals which comprise a large development on what is presently open GB land. In terms of the visual aspect of openness, due to the nature of the site the

visual effects would be limited as there are few public vantage points whereby the proposal would be viewable in its entirety.

- 6.15 The duration of the proposal is for a temporary period of 40 years operation. The site would then be returned to its present 'open' state. Although 40 years is still a considerable period of time, it is a very different proposal to a permanent building and therefore means the land would eventually be returned to undeveloped GB.
- 6.16 The degree of activity to be generated by the development would differ through the construction and operational phases. There would be some traffic generation during construction, which is likely to take approximately 30 weeks. However, this would not be excessive with 8 HGV movements a day (16 two-way movements). When operational, there would be minimal vehicle movements associated with the site. Therefore, it is not considered that the proposal would impact openness in terms of activity generated, especially when the lifetime of the proposal is taken into account, the impact is considered negligible. Nevertheless, under this heading, it must be concluded that there would be some harm to openness.
- 6.17 Paragraph 138 of the NPPF sets out the five purposes which the GB serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns from merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.18 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.19 The site is located within a rural area outside the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of built form on the site, albeit temporary.
- b. to prevent neighbouring towns from merging into one another*
- 6.20 On a broad geographical scale the site lies in between the village of Fobbing and towns of Basildon and South Benfleet, although the proposal does not directly adjoin any of these towns. As assessed on this broad scale the proposal would

result in some merging of the towns located nearby. However, this harm is tempered by the temporary nature of the proposals.

c. to assist in safeguarding the countryside from encroachment

- 6.21 With regard to the third GB purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. The proposal would lead to a large area being developed with panels which are 3m in height. It is clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness and rural character of the GB. The development would consequently conflict with this purpose.

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

- 6.22 Whilst there is a conservation area in Fobbing, the Council’s Historic Buildings Advisor has stated the proposal would lead to less than substantial harm. The proposals do not conflict with this defined purpose of the GB.

e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 6.23 In general terms, the development could occur in the urban area, but there is a spatial imperative why GB land is required to accommodate the proposals. There are no available sites in the urban area of 134 hectares which have convenient access to a grid connection with the scale of sub-station required to handle 49.9MW. Therefore, the proposed development does not conflict with the fifth purpose of the GB.
- 6.24 In light of the above analysis, it is considered that the proposals would clearly be harmful to GB openness and would be contrary to purposes (b) and (c) of the above listed purposes of including land in the GB. Substantial weight should be afforded to these factors.
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the Very Special Circumstances (VSC) necessary to justify inappropriate development
- 6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’ (VSC), either singly or in combination.

However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker. It is notable that NPPF paragraph no. 151 states that in relation to renewable energy projects located in the GB:

“Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

- 6.26 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”.*
- 6.27 The Planning Statement sets out the applicant's VSC case which is listed and then assessed below:
1. Increasing Renewable Energy Generation
 2. Climate Emergency
 3. Energy Security
 4. Best Available Technology
 5. Good Design
 6. Alternatives
 7. Temporary and Reversible Impacts
 8. Biodiversity Net Gain
 9. Soil Regeneration
 10. Green Infrastructure
 11. Farm Diversification
 12. Transmission Vs Distribution Connection

1. *Increasing Renewable Energy Generation (the Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of approximately 16,100 family homes in Thurrock. The anticipated CO2 displacement is around 23,600 tonnes per annum, which represents an emission saving equivalent of a reduction in c.7,800 cars on the road every year).*

6.28 The applicant considers the creation of renewable energy generation should be afforded significant weight in the planning balance.

6.29 A Committee on Climate Change 'Progress Report' 2020 states that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target. Reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

Consideration

6.30 The generation of renewable energy is promoted throughout local and national planning policies. Paragraph 158 of the NPPF confirms that applicants do not need to demonstrate the need for renewable or low carbon energy. Even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF states that commercial scale projects outside of planned areas, need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

6.31 The proposal is for a large scale solar farm and policy CSTP26 *Renewable or Low-Carbon Energy Generation* states that the Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels. The policy also states that the Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts (which are addressed below). Nevertheless, in principle it is considered that the provision of a large scale solar farm and the benefits of renewable energy generation can be given significant positive weight in the planning balance.

2. *Climate Emergency*

6.32 In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050. Thurrock Council declared a Climate Emergency in October 2019 which requires that the

Council's activities become net-zero carbon by 2030. The Council recognised the need to consider strategies and actions which are currently being developed by the Council and other partner organisations and develop a strategy in line with a target of net-zero carbon by 2030. The applicant considers that this is afforded substantial weight in the planning balance.

Consideration

- 6.33 The proposal would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. This is a significant contribution towards increasing the proportion of renewable and low carbon energy generation to reduce the consumption of fossil fuels and the associated carbon footprint. Whilst it is agreed that Council has declared a climate emergency, this is not a planning 'policy' and amounts to substantially the same matter as covered within (1) above. Therefore, it can be given moderate positive weight to the planning balance.

3. Energy Security

- 6.34 The applicant considers that the proposal supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions. They consider this should be afforded substantial weight in the planning balance.

Consideration

- 6.35 There is an undisputed need for new energy generation sources including renewables. A large resource such as that proposed would aid both energy security and the amount of energy provided by renewable sources within the Borough as required by national and local policies. It is agreed that the contribution to energy security should be afforded substantial weight in the planning balance.

4. Best Available Technology

- 6.36 The applicant states that the proposal comprises the latest best available technology that delivers greater levels of solar efficiency by utilising a solar tracking system, together with bifacial panels which, between them increase continuous electrical productivity by 20-25% when compared to traditional fixed solar arrays. This maximises renewable energy production from the site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil

fuel generation as back up, thereby avoiding the adverse environmental and climate effects. The applicant considers this should be afforded significant weight in the planning balance.

Consideration

- 6.37 Solar technology is always evolving, as with any technology, especially ones which are future climate change focussed. The tracking system would enable the system to enable increased productivity and the efficiency of production. Whilst the applicant considers this should be afforded significant weight, Officers consider that this is an 'operational' factor, rather than a consideration which relates to GB matters. Therefore, no positive weight can be attached to using the best technology.

5. Good Design

- 6.38 The overall design and layout of the site has been thought out to minimise harm and provide significant benefits to the development as a whole. The applicant considers this should be afforded moderate weight in the planning balance.

Consideration

- 6.39 The applicant has designed the proposal to best meet with all planning policies, so to maximise output and avoid any unacceptable impacts to any nearby properties and the wider area. Any such proposal of this scale would obviously have impacts, but these need to be balanced with the benefits of such a scheme. It is agreed this can be granted some limited positive weight, albeit this weight is tempered by the policy requirement of good design applying to all development proposals.

6. Alternatives

- 6.40 The applicant has, in the ES at Chapter 3 (Document Ref: R007), set out the alternatives considered as part of the evolution of the design and location of the proposed development. This includes an explanation of the alternative sites considered. Overall, it concludes that within the defined Study Area, there are no alternative sites which are suitable and available for the proposed development. The applicant considers this should be afforded substantial weight in the planning balance.

Consideration

- 6.41 In terms of a proposal such as the current application, the planning considerations

are complex and far reaching. The applicant has investigated other sites within the locality and concludes there are no alternative sites which could accommodate the proposal. The solar farm requires a large area for the solar panels themselves and the necessary convenient connection to the grid via a sub-station with sufficient capacity to allow the solar farm to function. In this case, the site would connect to the Rayleigh sub-station located west of Rayleigh and c.7.6km from the application site. This sub-station connects to the National Grid. There are obvious locational factors influencing the siting of solar farm development and so the lack of alternative appropriate sites for a resource such as the proposal should be afforded significant weight. The applicant has secured a connection agreement for the National Grid substation at Rayleigh and the search area for the solar farm is centred on this connection point. Within a 10km radius of this connection the applicant has undertaken a site search based upon:

- available land area;
- free from existing development;
- local plan allocation;
- topography;
- radiance (light) levels; and
- ecological and landscape designations.

Based upon these factors, the applicant considers that the application site is the most suitable and available option.

7. Temporary and Reversible Impacts

- 6.42 The solar farm is proposed for a lifetime of 40 operational years. After the 40-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the proposed development would be removed from the site and it would continue in agricultural use. It is therefore considered that the proposal is a temporary development. This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. Construction traffic associated with the solar farm would be limited to the construction period of 40 weeks and will not have a material effect on the safety or operation of the local highway network. The applicant suggests this is afforded substantial weight in the planning balance.

Consideration

6.43 The temporary nature of the proposal, albeit for a substantial period of 40 years, is a matter which weighs in favour of the proposal. The solar farm would not have some of the impacts associated with many traditional permanent built development proposals and would be conditioned to return the area back to open land after 40 years. Officers consider this can be afforded some positive weight.

8. *Biodiversity Net Gain (BNG)*

6.44 The applicant sets out a number of biodiversity benefits within the accompanying Landscape and Ecological Management Plan (LEMP Document Ref: R009). The LEMP sets out how the proposal would lead to significant enhancement of the biodiversity of the site. This is demonstrated by the Net Biodiversity Gain Statement contained within the Ecological Appraisal Report (Document Ref. R012) as updated by December 2022, which concludes that there will be a net gain of +28.18% through the implementation of the proposed development. This applicant suggests this factor should be afforded substantial weight in the planning balance.

Consideration

6.45 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments. Although the NPPF currently advises that planning policies and decisions should provide net gains for biodiversity, the specific requirements or metrics for BNG will not be enacted until November 2023. It is expected that a minimum 10% requirement for BNG will apply. As the applicant is proposing a BNG of c.28% this factor should be afforded substantial weight within the planning balance.

9. *Soil Regeneration*

6.46 The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

The Agricultural Land Classification Report, (ALC report Ref: R014), states the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage

when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM. The applicant considers this is afforded moderate weight in the planning balance.

Consideration

- 6.47 The site is within soil categorisation 3b and therefore within the lower grades of agricultural land which does not require the special consideration given to Best and Most Versatile soils within Grades 1, 2 and 3a. Additionally, the opportunity to leave the land fallow for a number of years could allow the land to regenerate to being an agricultural land resource in the future. However, the opportunity to leave the land fallow does not require a solar farm and Officers consider this factor attracts has no positive weight in the planning balance.

10. Green Infrastructure

- 6.48 The enhanced landscape structure will greatly improve green infrastructure corridors and connectivity across and within the site and therefore the applicant considers this should be afforded considerable weight in the planning balance.

Consideration

- 6.49 Policy CSSP5 seeks to safeguard biodiversity and create ecosystem opportunities and Policy PMD7 requires significant biodiversity habitat to be retained or if this is not possible, any loss is mitigated. The development would lead to BNG and the green infrastructure corridors would be improved. Therefore, this can factor be afforded moderate positive weight. However, this factor overlaps with the BNG benefits set out above.

11. Farm Diversification

- 6.50 Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero. This should be afforded moderate weight in the planning balance.

Consideration

- 6.51 The adopted Core Strategy does not have any specific policies concerning farm

diversification. The NPPF in *Supporting a prosperous rural economy*, paragraph 84 states *Planning policies and decisions should enable:*

b) the development and diversification of agricultural and other land-based rural businesses.

As the applicant has stated, farming is responsible for a significant percentage of carbon production and marginal farming land can be redirected to offset this. Therefore, it is agreed that this can be afforded moderate positive weight in the planning balance.

12. Transmission Vs Distribution Connection

6.52 The advantage of connecting into the National Grid (Transmission) Network rather than the Distribution Network is that once a connection is identified, then a search can begin to identify the most suitable solar development land. This avoids considerable delays in securing both the connection with the Distribution Network Operator (DNO), land and ultimately the delivery of renewable energy to meet the UKs net zero target. The applicant suggests this factor should be afforded moderate weight in the planning balance.

Consideration

6.53 There is a separate application over the borough boundary to connect to the national grid. The solar farm would generate 49.9MW and this means the proposal should be ideally connected to the National Grid (Transmission) Network to ensure the plant connects directly into the Grid, rather than via the Distribution Network. This is important in terms of the efficiency of the proposal that the central system utilised. This factor links to some other of the considerations brought forward by the applicant in terms of why this site has been proposed. It is agreed this can be given moderate positive weight.

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

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development, harm to	Substantial	1. Increasing Renewable Energy Generation	Significant weight

openness and conflict with Green Belt – purpose c.	2. Climate Emergency	Moderate weight
	3. Energy Security	Substantial weight
	4. Best Available Technology	No weight
	5. Good Design	Some weight
	6. Alternatives	Significant weight
	7. Temporary and Reversible Impacts	Some weight
	8. Biodiversity Net Gain	Substantial weight
	9. Soil Regeneration	No weight
	10. Green Infrastructure	Moderate weight
	11. Farm Diversification	Moderate weight
	12. Transmission Vs Distribution Connection	Moderate weight

6.55 As ever, in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as considerations and it is for the Committee to judge:

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

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

II. LANDSCAPE AND VISUAL IMPACT

6.57 Landscape and Visual Impact was scoped into the ES. The majority site lies within the ‘Fobbing Marshes’ Landscape Character Area (LCA). This encompasses the low-lying landscape between the Fobbing ridge, Vange Creek and the A1014. A small section of the Site lies within the ‘Fobbing Ridge Rolling Farmland / Wooded

Ridge' LCA - corresponding to the slightly higher land adjacent to Whitehall Farm in the northwest of the site. The LCA occupies the low ridge of higher ground above the marshland landscape between Fobbing and Stanford-Le-Hope. The Landscape and Visual Impact Assessment (LVIA) methodology is considered appropriate.

Baseline

- 6.58 The principal area of the site occupies the low-lying marshland of the Fobbing Marshes LCA. The topography of the site is flat and low-lying at approximately 2m Above Ordnance Datum (AOD). However, an area of higher land is present in the north-east of the site to the east of Whitehall Farm, rising to approximately 17m AOD. The land has been brought into agricultural use through numerous ditches and irrigation channels that lead to Vange Creek which is protected by flood defences. The area is relatively open although a network of field boundaries, scrubby copses and scrub provide visual screening from within this area.
- 6.59 The Landscape Character Assessment considers the area to be of a high landscape quality. Within the character area are a number of environmental designations, including part of the Essex Coast ESA, that contribute to its value and character. The essentially open and exposed character of Fobbing Marshes and the historic land use pattern within it would be changed by very large scale urban development.
- 6.60 The key characteristics of Fobbing Marshes, which are stated within the Landscape Capacity Study (2005) include:
- Level, low lying and exposed
 - Large scale landscape
 - Extensive areas of grazing marsh enclosed by post and wire fences
 - Absence of settlement and roads
 - Sense of wildness and remoteness
 - Network of winding ditches
 - Wide sweeping views dominated by sky
 - Confusion of vertical structures to the south of the character area

Impact

- 6.61 The character of the application site is that of a low-lying and expansive fenland landscape, therefore the Zone of Theoretical Visibility (ZTV) is large. However, given the relatively low height of the solar arrays and associated structures, the Zone of Visual Influence (ZVI) itself is smaller, this is agreed by the Council's Landscape and Ecology Advisor, as shown in Figure 6.4 (Document R008).
- 6.62 The existing hedges and landscape patterns would aid the accommodation of development such as a solar farm into the landscape, due the low heights of the various elements. Nonetheless, at 134 hectares, this is a large scale development and therefore the landscape sensitivity would be higher. While the effects on landscape character are localised, it is accepted that the scheme would have large scale effects both within the site and to the immediate surroundings. This is a fundamental change from an agricultural landscape to a solar farm and would be a new feature in a predominantly rural landscape.
- 6.63 The Landscape Character Assessment concludes that the effects on the landscape character of Fobbing Marshes would be 'Moderate Adverse'. The Assessment has unfortunately not referred to this area being the largest remaining area of coastal marshland landscape within the Borough, which is an omission. Although the site is principally in arable use, it still retains its open character. Those walking through it or viewing across still experience the long views that are a key part of the character of the area. While there are views over London Gateway to the south and Vange to the north, the Fobbing Marshes still retain an undeveloped character which is limited within Thurrock. The Council's Landscape and Ecology Advisor has stated that therefore that the effects on this local landscape character would be significant.
- 6.64 The assessment of visual effects recognises that there will be large scale adverse effects experienced by those using the public rights of way running through and close to the site. The effects experienced from Fobbing High Road are assessed to be large scale / Medium Adverse in the Medium term until new planting develops.
- 6.65 The Council's draft Landscape Sensitivity Evaluation considered that solar farms over 5ha would have a moderate sensitivity, which would increase with scale. This scheme is significantly larger and therefore it is considered that the sensitivity would be at the highest end of moderate. Nonetheless, it is accepted that the design has sought to consider changes in topography, existing hedges and other features to reduce effects.

Mitigation

- 6.66 There are a number of mitigation measures within the proposal to address landscape and visual impacts. The existing tree and hedgerow field boundaries would be retained within and around the site, with the solar farm development

confined to individual field parcels to ensure it is well integrated into the landscape and provide screening. There would be new planting along the boundaries of the site to filter, screen, help integrate the development into its landscape context. Boundaries along the site's perimeter would be enhanced where necessary, by planting British-native species appropriate to local surrounding flora. Public rights of way have also been retained, with proposed enhancements including the provision of a more appropriate alternative route for the Thames Estuary Path within the Site using the existing farm track. The development would be offset from the eastern boundary to avoid potential impacts to ground nesting birds within the RSPB Vange Marsh Nature Reserve. The Landscape and Ecology Management Plan (LEMP – document R009) details the short and long term management of new and existing habitats. The objective of the LEMP is to help integrate the development into its surrounding landscape, minimise potential negative visual and landscape impacts (in so far as possible) and enhance the existing landscape structure, amenity value and biodiversity.

- 6.67 The Council's Landscape and Ecology Advisor concludes *'There are few sensitive receptors close to the site that would experience the most significant effects. The revisions to the scheme and the additional mitigation measures together with new tree and hedge planting on farm separate to this application. On balance therefore I do not object to the scheme on landscape grounds.'*

Residual Impact

- 6.68 The LCA considers the area to be remote with wide sweeping views dominated by sky. This scheme would not generate noise or traffic (apart from for construction and removal) and will be unlit. It is considered therefore that it would not adversely affect these qualities. Guidance to conserve and enhance character includes preserving and enhancing the network of hedgerows and scrub and wildflower planting. The design and mitigation measures have sought to deliver these enhancements.
- 6.69 The Council's Landscape and Ecology Advisor stated *'The landowner has undertaken additional tree and hedge planting across the farm which will provide further mitigation of the visual effects of the proposal from the High Road as it matures. I consider that the revisions to the layout of the scheme, together with the changes that are being undertaken on the wider farm means that over time the landscape and visual effects will be better mitigated. The Landscape Amendments Briefing Note acknowledges that these layout changes will not result in changes to the conclusions of the LVIA prepared as part of the ES. The scheme will still have Major-Moderate Adverse landscape and visual effects within close proximity of the site, but the effects diminishing quickly with distance. During a recent site visit, it*

was clear that the layout has sought to make use of the surrounding topography and vegetation to lessen the effects.'

- 6.70 The proposal is within an undeveloped part of Thurrock, which is unfortunate. The design and mitigation methods put forward have sought to reduce harm and restore and enhance landscape features. When balancing the landscape and visual effects with the need to produce cleaner energy it is not considered that objection to the scheme on landscape and visual grounds could be substantiated.

III. ECOLOGY

- 6.71 Biodiversity Impact was scoped into the ES. Vange and Fobbing Marshes SSSI is located adjacent to the southern boundary of the site. Vange and Fobbing Marshes lie on the alluvial plain of the lower River Thames. Ecological surveys were undertaken to support the application.

Baseline

- 6.72 The unimproved coastal grassland and associated dykes and creeks support a diversity of maritime grasses and herbs. Many of these species are nationally uncommon or rare, and together form an outstanding assemblage of plants. Significant numbers of redshank (*Tringa tetanus*) breed on the pastures, while short-eared owls (*Asio flammeus*) frequently hunt along the sea walls during the winter. Holehaven Creek SSSI is located 300 m east of the Application Site (less the cable connection corridor). The intertidal mudflats and saltmarsh habitats of Holehaven Creek support a nationally important number of black-tailed godwit (*Limosa limosa islandica*). This species also regularly occurs in numbers of international importance. In addition to this, there are a number of features that are important within the context of the Thames Estuary. For example, the site regularly supports an assemblage of over 8,000 waterfowl during the winter, with curlew (*Numenius arquata*) and dunlin (*Calidris alpina*) occasionally occurring in nationally important numbers. Furthermore, Holehaven Creek supports two of the three basic saltmarsh communities characteristic of south-east and east England.

Mitigation

- 6.73 A Technical Note has been prepared by the project ecologists, following meetings and advice from Natural England, which looks specifically at minimising effects on non-breeding waterbirds. Natural England highlighted lapwing, widgeon and teal for particular attention. A key issue was to ensure that there was a sufficiently large buffer between upstanding features on-site and the main mitigation area. Natural England calculated that an area of at least 3.8 hectares was required to provide separation. Surveys established that the buffer should be at least 50m for the three

species. The scheme layout was amended to enable the eastern half of Field 4 to be kept free of panels. The waterbird mitigation land totals 5.5 hectares and adjoins land managed by the RSPB for waterbirds. There are no public rights of way through the area. The mitigation land will be enhanced by the creation of shallow water areas which are of value for widgeon and teal in particular. Construction would be timed to ensure that no works would be undertaken within 100m of the area during November to February inclusive when non-breeding birds are likely to be present. Summary management requirements have been provided.

Residual Impact

- 6.74 Following re-consultation both Natural England and Essex Wildlife Trust have removed their in-principle objections, subject to the mitigation and management measures being secured through condition. The RSPB has questioned if further survey work are required to better understand the usage of the site by non-breeding waders; however they have not objected to the revised scheme, noting Natural England's position. Having reviewed the additional information, the revisions to the layout and the proposed mitigation, the Council's Ecology Advisor does not object to the proposal on ecology grounds subject to the mitigation and management measures being secured by condition. Given the sensitivity of the site, they recommend that a Construction Environmental Management Plan be prepared to detail the working practices, including timings of operations in sensitive locations. This can be controlled by condition.
- 6.75 A Habitat Regulations Assessment (HRA) was required, as there are European designated sites that are located within the 5 km study area comprising:
- Thames Estuary and Marshes SPA (located 3 km south of the site)
 - Thames Estuary and Marshes Ramsar site (located 3 km south of the site)

To enable a competent authority (in this case the local planning authority) to undertake its Habitat Regulations Assessment (HRA) the developer of the project being assessed is required under Regulation 63(2) to provide such information necessary for undertaking the HRA. The report to inform the HRA (BSG 2022) fulfilled that requirement and has been used as the basis for the HRA. The Council's Landscape and Ecology Advisor considered that the proposal needed to be subject to an HRA. The Council's Landscape and Ecology Advisor has concluded *'that the Proposed Development, alone and in-combination with other projects, will not affect the achievement of the conservation objectives for the European Sites and there is no adverse effect on the integrity of the European Sites and their interest features.'*

IV. ARCHAEOLOGY

- 6.76 Cultural Heritage Impact was scoped into the ES. The Historic Environment Record (HER) shows that the proposed development lies within an area of known archaeological deposits. Within the development site a cropmark has been recorded (HER 48546) of an Iron Age/Roman redhill (a salt-making site). A recent geophysical survey carried out in advance of, and attached to, this planning application has confirmed this interpretation and additionally identified another redhill, and the remains of further features associated with salt production, within the proposed development area. Salt was a valuable and rare resource in antiquity and its production an important industry, and it is likely other archaeological remains relating to this industry survive on the development site. The geophysical survey also identified deep sediment sequences that may be of significant geoarchaeological importance. These layers may contain silty deposits or peat layers, which can be of considerable value for understanding environmental change. Additionally, as the geophysical report submitted with the application notes, *“the wetland environment and deep deposition can also lead to the exceptional preservation of archaeological material”*.
- 6.77 The sunken road of Marsh Lane is within the boundaries of the development site (HER 18783). Sunken roads are medieval/post-medieval routeways that have developed over centuries of use (hence their sunken nature), and the possibility exists for settlement or agricultural remains of a medieval or post-medieval date to survive adjacent to or in proximity to this road. Evidence of ridge and furrow agriculture (a uniquely medieval technique) also exists within the development site (HER 18782). The south of the development site lies within the extent of the Fobbing and Vange Marshes (HER 48407), and the HER records these in detail. They had been reclaimed by the time of the Chapman and Andre map of 1777, and parts are likely to be 17th century in origin. Sea walls visible on the 1st edition OS map still survive in the area, and a recent excavation of one produced medieval pottery. Further earthworks are visible to the east of the site, including more possible late Iron Age or Roman redhills, two ditched earthwork mounds probably representing livestock enclosures, and a raised trackway linking Vange Wick Farm to the village of Vange. To the south-west of the development site are cropmarks of a possible henge monument, further suggesting prehistoric activity in the vicinity (HER 7227). More recent heritage assets include cropmarks and earthworks of WWII anti-glider ditches that have also been identified both within the development site and also immediately to the east (HERs 14752, 14762). Directly to the south of the development is a World War II bombing decoy, which has been designated a Scheduled Monument (NHLE no 1020489, HER 10328).
- 6.78 It is clear from the above evidence that significant archaeological remains may survive on the development site, ranging in date from prehistoric to early 20th -

century. Notwithstanding the above, the Council's Archaeological Advisor has confirmed they do not object subject to the inclusion of a condition for an archaeological programme of trial trenching followed by discussion on preservation or open Area excavation of any deposits identified.

V. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.79 The highways issues relating to this development proposal are predominantly for the construction and the decommissioning phases of the development. The construction vehicle access point is from High Road, Fobbing. The construction vehicles would access and leave the site via an existing agricultural access to the south of Whitehall Lane, opposite the property 'Silver Springs'. The access track will be widened to the south to ensure that vehicles do not conflict with an existing telegraph pole and existing trees, which are located to the north of the access.
- 6.80 The applicant has confirmed there would be an average of 8 HGVs per day (16 two-way movements) during the construction phase of approximately 30 weeks. There would be a *worse case scenario* total of 1,095 HGV movements (2,190 two way movements) for the solar element and 144 HGV movements (288 two way movements) for the battery storage. The operational period would require a small number of vehicular movements; it is likely there would be two LGV movements a month. The designated route requires all construction vehicles to access the Site via the A13 junction with the A176 and High Road. From this junction, construction vehicles would continue south along High Road for approximately 1.2 kilometres to the site access. When departing the site, construction vehicles would route north via High Road to access the A13/A176 junction.
- 6.81 The timings of the HGV movements would, where possible, be coordinated to avoid construction vehicle movements during the traditional AM peak hour (08:00-09:00) and PM peak hour (17:00-18:00). Due to the Site construction working hours (08:00-18:00), construction worker travel will occur outside of the peak hours.
- 6.82 It is concluded that, subject to planning conditions, construction traffic associated with the proposal would not have a material effect on the safety or operation of the local highway network.

VI. AGRICULTURAL LAND CLASSIFICATION

- 6.83 The Planning Practice Guidance (PPG) identifies a number of factors which should be taken into account by local planning authorities when determining applications for large-scale PV solar farms, including encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. The PPG highlights that

best quality agricultural land (Grades 1, 2 and 3a) should be preserved with preference being given to areas of lower quality land (Grades 3b, 4 and 5).

- 6.84 Based on the submitted site-specific Agricultural Land Classification report, all the land within the proposal is classified as grade 3b. The findings of the detailed report show that the land is capable of being developed as a solar farm as its temporary loss will not adversely affect agricultural productivity in the area. The DCLG publication 'planning practice guidance for renewable and low carbon energy' (July 2013), recognises that solar farms are temporary structures. At the end of the 40 year period of the panels being in place, the land would be restored to its existing agricultural use and this will be controlled by a condition. In these circumstances, there are no planning objections to the temporary loss of lower quality agricultural land.

VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.85 The site is rural in nature and there is over 300m between the site boundary and the nearest residential properties. The Council's Environmental Health Officer has confirmed that in terms of noise they do not consider the proposal would lead to any unacceptable noise to any sensitive receptors.
- 6.86 The glint and glare from the solar panels is of little consequence. They are made up of silicon-based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. The manufacturers of the panels use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the solar panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

VIII. FLOOD RISK

- 6.87 Most of the site lies within Flood Zone 3a, the high risk zone. The Environment Agency have confirmed a solar farm is considered to be an 'essential infrastructure' land use as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests, which is the responsibility of the Council. The Environment Agency do not object to the proposal on flood risk zones, subject to the application of these tests.

Sequential Test

- 6.88 The proposal has to be in its proposed location due to the available capacity in the national grid in the area, owing to its proximity to the electricity distribution station to the north east of the site. Additionally, there are no known available sites of 134 hectares which are located wholly within an area of lower flood risk. Therefore, it is considered that the Sequential Test is passed.

Exception Test

- 6.89 The Flood Risk Vulnerability Classification requires that the Exception Test is also applied. The NPPF states that:

“For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*

- 6.90 The solar panels would be elevated on framework at least 0.8m above ground level, and, therefore, would not impede any surface water flowpaths or displace any ponding of surface water. The Flood Risk Assessment demonstrates that the development would not result in any increase in flood risk off-site or it increase flood risk on-site. The benefits of producing renewable energy as well as the wider sustainability benefits set out above (BNG etc.) are considered to outweigh the flood risk. Therefore, the proposal is considered to pass the exception test.
- 6.91 In terms of surface water drainage, the EA’s risk of flooding from surface water mapping shows the majority of the site has a very low risk of flooding from surface water.

IX. BUILT HERITAGE ASSETS

- 6.92 The Council’s Historic Buildings Advisor has advised that the

‘A review of the Zone of Theoretical Visibility (ZTV) and the views provided in the Landscape and Visual Assessment (LVIA) demonstrates that whilst there is the potential for a visual impact to a number of the assessed heritage assets, this would not result in harm to the significance of a number of the heritage assets. However, it is considered there would be low levels of harm to Fobbing Conservation Area as well as the non-designated heritage assets.’

- 6.93 The development proposed would not have an unacceptable impact on the setting of the designated heritage assets and would not result in harm to their significance.

The development would result in less than substantial harm to the Conservation Area and this harm should be weighed against the public benefits of the proposed development, in line with local policies and Paragraph 201 of the NPPF. Therefore, it is considered any effect to built heritage assets are outweighed by the public benefits of cleaner energy generation, BNG etc.

X. CONTAMINATED LAND

- 6.94 Part of the application site is on a former landfill. The Council's Environmental Health Officer has advised that a watching brief for unexpected contamination should be maintained throughout the groundworks. Should contamination be encountered work should stop and a method for its assessment and mitigation will need to be submitted to the local planning authority before groundworks can resume.

XI. EIA MATTERS

- 6.93 In coming to its view on the proposed development the local planning authority has taken into account the content of the ES submitted with the application, further information to the ES, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.
- 6.94 The ES considers the impact of the development in terms of landscape and visual matters, biodiversity and cultural heritage. Subject to appropriate mitigation which can be secured by planning conditions, the ES concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. Having taken into account representations received from others, Officers consider that the proposed development is acceptable, subject to referral to the Secretary of State and compliance with a number of planning conditions to be imposed upon any consent granted.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposals would comprise inappropriate development in the GB. Furthermore, the proposed development would lead to a loss of openness and would be harmful to purposes (b) and (c) of including land within the GB. Substantial weight should be attached to this harm in the balance of considerations.
- 7.2 The applicant has cited a number of factors which are promoted as benefits which outweigh the harm to the GB. It is considered that significant weight should be attached to the benefits of providing renewable energy, including the reduction in

carbon emissions. The temporary nature of the development attracts some weight and weight can also be attached to the economic, social and environmental benefits of the proposals. On balance, it is concluded on this point that the benefits of the proposals clearly outweigh the substantial harm to the GB described above such that very special circumstances exist, and therefore a departure from normal GB policies is justified.

- 7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets, flood risk or the surrounding highways network. The proposals also have the potential to provide benefits to ecology in the form of habitat creation and the proposals would ensure the eventual continued agricultural use of the land. Finally, the proposals would result in some adverse impacts on landscape and visual receptors. However, revisions to the layout of the scheme have reduced the magnitude of the impact and, subject to mitigation, the residual impacts on these receptors would be within acceptable limits.

8.0 RECOMMENDATION

- 8.1 The Committee is recommended to:

Recommendation A:

Determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

Approve the application for the reasons set out in this report subject to:

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

TIME LIMIT

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

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

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
FO4.0 REV.01	Inverter/Transformer Stations	23 September 2021
FO5.0 REV.01	Internal Access Road Detail	23 September 2021
FO6.0 REV.02	Fence and Gate Elevations	23 September 2021
FO7.0 REV.01	Weather Station Detail	23 September 2021
FO8.0 REV.01	Substation Elevations	23 September 2021
FO9.0 REV.01	Control Room Elevations	23 September 2021
FO10.0 REV.01	Auxiliary Transformer	23 September 2021
FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan Showing Reduced Fence Area	5 December 2022

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

TEMPORARY PERIOD AND DECOMMISSIONING

3. Planning permission is hereby granted for a temporary period of 40 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 40th anniversary of the first commercial export of energy the use shall cease. Prior to the 40th anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

DECOMMISSIONING METHOD STATEMENT

4. Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION PERIOD

5. The construction period shall be no more than 30 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.

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

CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]

6. Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. R005 dated June 2021) and in particular the following elements of that document:
- Routing of construction vehicles; and
 - Time of HGVs accessing the site

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

7. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
 - (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
 - (c) Details of any temporary hardstandings;
 - (d) Details of temporary hoarding;
 - (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
 - (f) Wheel washing facilities; and
 - (g) Days and hours of construction activities;
 - (h) Detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) detailing how the timing/phasing of construction of the solar array will minimise disturbance to SPA birds

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

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

HGV BOOKING SYSTEM

8. HGV movements from the site shall be limited to a maximum of 16 two-way movements per day (8 in and 8 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

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

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

9. The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number 7428_100 Revision E – dated 01.12.2022) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ECOLOGICAL MANAGEMENT PLAN – WATERBIRD MIGRATION LAND

10. An Ecological Management Plan setting out the details of the creation, ongoing management and monitoring of the “waterbird mitigation land” (which reflects the detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) as shown on Drawing No. 7428_100, shall have been

approved by the local planning authority in writing prior to the creation of the “waterbird mitigation land” and shall have been subject to prior consultation with Natural England. The mitigation land shall have been created and brought into suitable condition prior to the installation of any part of the solar array shall then be retained, as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCORDANCE WITH ENVIRONMENTAL STATEMENT

11. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONTAMINATED LAND

13. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Work on site must stop and an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority before works can recommence. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

ARCHAEOLOGICAL WORK AND MITIGATION

13.

- a. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which has previously been submitted by the applicant and approved by the local planning authority
- b. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.
- c. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.

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

ARCHAEOLOGY – POST EXCAVATION ASSESSMENT

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

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

EXTERNAL LIGHTING/SECURITY MEASURES

15. No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the local planning authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that

the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILED BATTERY SAFETY MANAGEMENT PLAN (DBSMP)

16. No implementation any of the battery energy storage systems (BESS) shall commence until a Detailed Battery Safety Management Plan (DBSMP) has been submitted to and approved in writing by the local planning authority. The BESS operation on site shall only take place in accordance with the approved DBSMP.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of amenity of the area in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

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

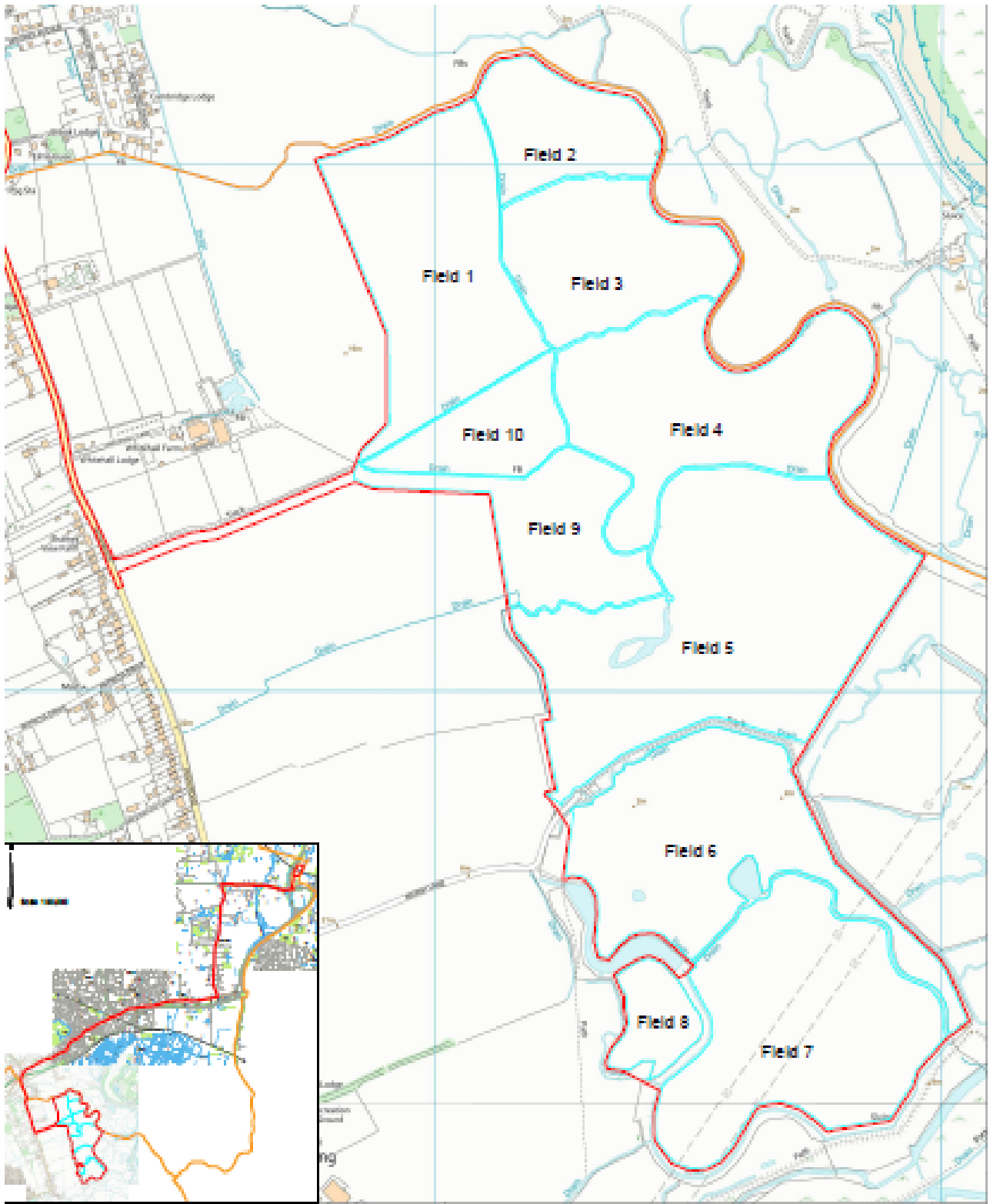
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result,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

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

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



Agenda Item 9

Planning Committee 08 June 2023	Application Reference: 22/01714/FUL
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Reference: 22/01714/FUL	Site: Whitwell Court Fairview Chase Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: New development of Six self-contained one-bedroom flats, alterations to parking layout and Improvement to hard landscape.

Plan Number(s):		
Reference	Name	Received
1 of 5	Proposed	22nd December 2022
2 of 5	Proposed	22nd December 2022
3 of 5	Proposed	22nd December 2022
4 of 5	Block Plan	22nd December 2022
5 of 5	Site Plan	22nd December 2022
01080637	Location Plan	19th January 2023
Vehicle Tracking	Vehicle Tracking	14th February 2023

The application is also accompanied by:

- Application Form
- Written response to Highways comments, received via email, dated 10 February 2023

Applicant: Mr Danny Royal / Whitwell Court Management Company	Validated: 24 January 2023 Date of expiry: 12 June 2023 (Extension of Time agreed)
Recommendation: Approval	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs. S Hebb, A Anderson, J Halden, D Arnold and S Ralph (in accordance with the Constitution, Chapter 5, Part 3 (b), 2.1 (d) (ii) to assess the loss of amenity for neighbours and possible overdevelopment.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The proposed development was originally submitted as a pre-application enquiry where advice was sought under pre-application ref: 16/30142/PMIN. A response was provided in August 2016.

1.2 A subsequent Full planning application was submitted in May 2017 (Ref: 17/00618/FUL). This was refused for the following reason:

Policy PMD2 of the Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Core Strategy requires all development to provide a sufficient level of parking.

PMD9 of the Core Strategy ensures that proposals for development affecting the highway will be considered in relation to the road network hierarchy and the function of each level of that hierarchy. The aim is to enhance the street scene and to mitigate adverse impacts on the transport system.

The proposed building would be built on land which is presently occupied by open parking and parking in a carport building. The area shown to be used for parking is part of the public highway and the spaces as shown on the plans cannot therefore be provided by the proposals.

At this time, the Council cannot be satisfied that adequate parking space exists. With no ability to provide parking in line with adopted standards the proposal would lead to overspill parking and would have a significant impact on the highway safety and efficiency, contrary to Core Strategy Policies PMD2, PMD8 and PMD9

1.3 Following the above refusal a further Full planning application was submitted in September 2017 (Ref: 17/01303/FUL). This application was approved subject to conditions and the decision was issued on 20 December 2017.

1.4 A subsequent s96A (Non-Material Amendment) was submitted in December 2018 (Ref: 18/01756/NMA) and approved in January 2019 for alterations to the fenestration of the development which would imply there was an intention to implement the scheme. However, the previously approved development did not commence and the consent has now expired given the permission was originally granted in excess of three years ago.

1.5 The scheme submitted under this current application consists of the same design, layout and siting as that previously approved under ref: 17/01303/FUL with the same internal layout and external elevations to provide 6 additional one bedroom flats increasing the Whitwell Court development. This application is therefore effectively seeking a renewed permission for a development previously approved by the Council.

2.0 SITE DESCRIPTION

- 2.1 The application site is currently occupied by a detached open car port parking area with hardstanding and a L-shaped building comprising of 10, one-bedroom flats built across two storeys. The site is located on the southern side of Fairview Chase on a cul-de-sac turning and is set within a residential area. The residential properties located to the eastern side of Fairview Chase are two stories. On the north-western side of Fairview Chase lies the new development of Fairview Court, consisting of 6 no. two bedroom and 5 no. one bedroom apartments, which is nearing completion. Grove House Wood lies to the immediate southwest, south and southeast of the application site.
- 2.2 A small section of high risk flood zone 3 is located in the furthest most south eastern corner of the application site. 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.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
16/30142/PMIN	Construction of 6x one bedroom flats in line with existing flat with car spaces and garden	Advice Given
17/00618/FUL	6x one bedroom flats	Refused
17/01303/FUL	Development of six self-contained one bedroom flats, alterations to parking layout and improvements to hard landscape (resubmission of 17/00618/FUL - 6x one bedroom flats)	Approved
18/01756/NMA	Non material amendment to change the fenestration approved within planning permission 17/01303/FUL - Development of six self-contained one bedroom flats, alterations to parking layout and improvements to hard landscape (resubmission of 17/00618/FUL - 6x one bedroom flats)	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

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

comments of objection have been received from two neighbours stating the following:

- Noise of lorries and deliveries associated with flats (at Fairview Court) that are not finished yet;
- Possible excessive noise;
- Quality of life impacted by constant building works;
- Out of character;
- Fairview Chase is the only access to the St Margaret's estate where 300 houses already cause extra traffic and this would cause more delays for residents;
- This area is unsuitable for a development of this size;
- Overlooking;
- Existing garage block being blocked off causes existing parking on road parking problem;
- Additional buildings replacing the garage block will make parking worse

4.3 EMERGENCY PLANNING:

No objection.

4.4 ENVIRONMENTAL HEALTH:

No objection, subject to condition restricting construction hours and method statement relating to control of dust and wheel washing.

4.5 HIGHWAYS:

Further information required

4.6 LANDSCAPE AND ECOLOGY:

No objections, subject to receipt of a RAMS payment and landscaping condition

4.7 WASTE STRATEGY:

No comments received.

4.8 ENVIRONMENT AGENCY:

No comments received.

4.9 ECC SPECIALIST ARCHAEOLOGICAL ADVISOR:

No recommendations made.

4.10 CADENT GAS:

No objection and recommended informative.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

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

5.2 Planning Practice Guidance

In March 2014, the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Housing needs of different groups
- Housing: optional technical standards
- Making an application
- Flood risk and coastal change
- Housing supply and delivery
- Use of planning conditions

Local Planning Policy

5.3 Thurrock Local Development Framework

The Council adopted the “Core Strategy and Policies for the Management of

Development Plan Document” in (as amended) 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)

THEMATIC POLICIES:

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)
- PMD15 (Flood Risk Assessment)

Thurrock Local Plan

- 5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On

23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

- 5.5 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.
- 5.6 Thurrock Borough Local Plan 1997 – Annex 1 – Criteria relating to the control of development in residential areas

6.0 ASSESSMENT

The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout and Impact upon the Area
- III. Provision of a Suitable Residential Environment
- IV. Effect on Neighbouring Properties
- V. Traffic Impact, Access and Car Parking
- VI. Flood Risk
- VII. Ecology
- VIII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The application site lies within a residential area and there are no specific land use constraints in terms of the Core Strategy Proposals Map. Therefore, there are no in principle land use objections to the proposal subject to compliance with relevant Development Management Policies.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.2 The open car port to the rear of the site is a single storey building with a hipped roof and would be demolished as part of the proposal. The proposed building would be

two storeys in height and feature a gabled roof and be of a design which would suitably reflect the layout and appearance of the existing 'L' shaped building. The existing building on the site at Whitwell Court hosts 10 no. one bedroom flats. There are no detailed design, mass, scale, height, layout and appearance concerns with the proposal.

- 6.3 Whilst the proposal would result in additional built form to an area of land which is currently undeveloped, the wider locality provides a range of residential dwellings and, therefore, there are no concerns in terms of any potential detrimental impacts upon an already built up residential area. In addition, the proposed development would be set back from the footpath running parallel with the eastern boundary by a greater degree of separation compared with the existing adjacent building at Whitwell Court. This would limit the overbearing impact upon the locality and the proposal would not be out of character given the existing development pattern at Whitwell Court and the immediate context.
- 6.4 In addition, during the officer site visit it was noted that the open car port building and associated hardstanding area to the rear of the application site is currently fenced off preventing public access due to, what appears to be, some episodes of fly tipping. Given the current appearance of the site, it is considered that the proposed development would result in an overall positive improvement upon the immediate street scene and wider area and would comply with policies CSTP22, CSTP23 and PMD1 of the Core Strategy.

III. PROVISION OF A SUITABLE RESIDENTIAL ENVIRONMENT

- 6.5 Each flat would feature a similar and consistent internal layout, albeit with some offering a mirrored arrangement, whereby a separate kitchen and lounge would be provided, bathroom and one bedroom to the rear of the building. It is considered there would be an adequate number of openings for each room where a suitable level of light would be received.
- 6.6 It is noted that the ground and first floor flats positioned at the south end of the building would have a slightly increased gross internal floor area measuring approximately 55sq. metres and 49sq. metres. The remaining four flats would have gross internal floor areas covering circa. 47sq. metres. Built in storage would also be provided throughout all flats. Gross internal floor areas and built in storage across the proposed development would be acceptable given this would be in excess of the minimum floor areas stated in the nationally described space standards for one bedroom, single storey, two person occupancy dwellings.
- 6.7 Whilst the private amenity space provided would serve as a communal area, Council standards would expect an amenity area of 400sq.m to be required in this instance. The same standards state that for one bedroom schemes this provision

can act as part of a landscaped setting. The application site as a whole, except from parking areas and land occupied by buildings, is considered to provide circa. 380 to 400sq.m which would be considered acceptable in this instance.

- 6.8 Given the above, the proposal would provide suitable residential environments for all future occupiers in terms of internal areas, outdoor amenity space and levels of light received into each habitable room complying with policy PMD1.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.9 Openings sited within the rear of the proposal would look towards an open area of amenity space and would not result in direct overlooking upon existing flats present within the wider development. Ground and first floor flats positioned at the south end of the building would have openings within the flank which would have an outlook towards open areas of land where no overlooking would be experienced.
- 6.10 Whilst openings within the principal elevation of the proposal would face towards existing residential properties on Fairview Chase adjacent to the site, views would be towards the flank of no. 15 Fairview Chase and the rear gardens of the associated terrace. Due to the separation distance and variation in ground levels along Fairview Chase, whereby the application site is set at a ground lower level, views from these openings would not have an elevated outlook. Therefore, the resulting views would not be considered adverse or detrimental to neighbouring amenity where a loss of privacy or undue overlooking would be experienced. For this reason, the proposal would accord with policy PMD1 and guidance in the RAE.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.11 Ten (10) no. open car parking spaces are currently provided throughout the site for the existing 10 flats. As part of the proposal, two single parking spaces would be provided to the front of the site along Fairview Chase served by new vehicle crossovers. In addition, the existing off-street parking provision to the east of the site would be extended to the north and south whereby existing soft landscaping at the north east corner of the site would be reduced. A total of 10 spaces would be provided in this location utilising the existing crossover. A further 4 spaces would be provided to the south of the site, also using an existing crossover. In total, 16 off-street parking spaces would be provided for the entire site, which would equate to one parking space per unit.
- 6.12 The level of parking provision could be considered as being at the lower end of the acceptable minimum requirements as set out in the Council's adopted Parking Standards with regards to providing visitor parking. The adopted Parking Standards would expect the application site to provide between 15 and 22.5 off street parking

spaces in total serving the entire Whitwell Court development. A total of 16 parking spaces would be provided. However, the proposed scheme is identical to the approved 2017 scheme which only recently lapsed and which also sought to provide 16 parking spaces. Although the Council adopted its Parking Standards in 2022, the parking standards applied in the previously approved scheme were largely the same as those used in assessing the current application, and sought a provision of 15 to 18.75 spaces.

- 6.13 Given the above, it is therefore considered that the proposal would be in accordance with the adopted parking standards, and where there cannot be an objection to the level of parking provision. In addition, the two new vehicle crossovers proposed would not require additional planning permission and an Informative has been included referencing the requirement for highways consent from the Highways Authority.
- 6.14 The proposals indicate that a secure cycle store, motorcycle bay and designated refuse bin enclosure would be provided, in line with policy requirements and will be secured via appropriate planning condition. It has also been confirmed by the applicant that two electric charging bays would be incorporated within the proposed parking layout, with the option of extending this to one further bay should the need arise, which is above policy requirements. This could also be secured via condition.
- 6.15 Given there are no material changes proposed on site in relation to parking and access arrangements in comparison to the previously approved scheme, it is considered the proposals would be acceptable with regards the parking and highways impacts subject to appropriate conditions.

VI. FLOOD RISK

- 6.16 Council mapping tools and the Environment Agency's online flood mapping tool for planning indicate that across the entirety of the site, only the very south eastern corner is located in flood zone 3, with the remaining area located in flood zone 1. Given the positioning of the proposed development on site falls within flood zone 1, the Council's Emergency Planning Officer has no comments or objections to make in relation to this application. The application is considered to comply with policy CSTP27 in relation to flood risk.

VII. ECOLOGY

- 6.17 NPPF para. 174 requires all development to "*minimise impacts on and provide net gains for biodiversity,*" and para. 180 sets out that "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative*

site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

- 6.18 The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in-combination effects of recreational disturbance on SPA. A tariff to fund the mitigation, which is payable for all additional new units is currently set at £156.76 per unit. Therefore, it is necessary for the Council to apply a tariff of £940.56 as the proposed scheme would result in the net increase of 6 units. This would ordinarily be secured via appropriate legal agreement, however, in this instance the applicant has already provided the mitigation. The proposals are considered acceptable with regard to ecology impacts.

VIII. OTHER MATTERS

- 6.19 One comment of objection has been received from a neighbour close to the application site, raising concerns regarding the potential increase in vehicles accessing the site during construction, impacts on the quality of life of nearby neighbours and the problems already experienced as a result of the flat development at Fairview Court, opposite the site. These comments are acknowledged, and it is noted that the Council's Environmental Health Officer has been consulted but raises no objections to the proposals subject to appropriate planning conditions in relation to the submission of a Construction Environment Management Plan, and the restriction on construction hours given the residential character of the area. Subject to these conditions it is considered that the construction of the proposals would be suitably controlled and not result in any unacceptable detriment to neighbours in the locality.
- 6.20 Objections regarding existing on street parking and the impact such a development would have on the area have been considered, and as detailed in paragraph 6.13, the proposed parking arrangements would be policy compliant whereby a refusal on parking grounds could not be justified.
- 6.21 The Council's Landscape and Ecology Advisor has provided comment on this scheme. It has been noted that the proposal would result in the removal of an existing parking area and a reduction to the level of private amenity space available to existing residents. However, the parking area is currently in a poor condition, meaning this would be improved upon and the degree of amenity space retained would remain to fall within Council requirements. It is noted that specific soft and

hard landscaping details including boundary treatments have not been provided, and it has been recommended that a landscaping condition be included whereby details of new planting, materials and boundary treatment be submitted for approval, to ensure an appropriate level of landscaping is retained at the site.

- 6.22 The Landscape and Ecology Advisor also commented that as exterior lighting would not be included within the elevation facing towards the adjacent Grovehouse Wood Nature Reserve it is unlikely the proposal would result in any adverse impacts upon this area.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposal would be suitably sited within a residential area where no in principle objections would be raised. The design, scale, mass, layout and appearance of the development would be acceptable. On balance, the level of parking provision and access arrangements would be acceptable. The proposal would not result in any detrimental or unacceptable impacts upon the amenity of nearby neighbouring occupiers.
- 7.2 In addition, the proposal is identical to a previously approved scheme (application ref: 17/01303/FUL). Although the previously granted permission has now expired, the Local Plan used in assessing the previous application remains current, and has therefore been used to assess the current application. The grant of consent under 17/01303/FUL established the principle of the development and represents a material consideration that has been given significant weight in the assessment leading to the recommendation below.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

TIME LIMIT

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

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

PLANS

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

Plan Number(s):		
Reference	Name	Received
1 of 5	Proposed	22nd December 2022
2 of 5	Proposed	22nd December 2022
3 of 5	Proposed	22nd December 2022
4 of 5	Block Plan	22nd December 2022
5 of 5	Site Plan	22nd December 2022
(No Nos.)	Location Plan	19th January 2023
(No Nos.)	Vehicle Tracking	14th February 2023

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

MATCHING MATERIALS

- 3 Notwithstanding the information on the approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the external finishes of the existing buildings.

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

SITE LEVELS

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

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

SOFT AND HARD LANDSCAPING SCHEME

- 5 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species,

stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

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 first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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 [and PMD6] of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BOUNDARY TREATMENTS

- 6 Prior to the occupation of an of the flats hereby approved, details shall be submitted relating to the proposed boundary treatments for the site. Such details, as approved in writing, shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

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

ACCESS DETAILS

- 7 Prior to occupation of the development details of the layout, dimensions and construction specification of the proposed accesses to the highway shall be submitted to and approved in writing by the Local Planning Authority. The proposed accesses shall be implemented before first occupation of the development hereby permitted.

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

SITE SPLAYS

- 8 Prior to occupation of the development hereby permitted sight splays measuring 1.5 metres x 1.5 metres measured from the back of the footway shall be laid out each side of the proposed accesses. The sight splays shall thereafter be permanently maintained free of any obstruction [exceeding 600mm high when measured from the level of the adjoining highway carriageway].

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

PARKING PROVISION

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

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

ELECTRIC VEHICLE CHARGING POINTS

- 10 The development shall not be occupied until two electric vehicle charging points have been implemented in accordance with the approved details shown in figure 3 of the drawing showing vehicle tracking, received on 10 February 2023, at parking bays 12 and 13 (with a passive provision at bay 11) and retained in full working order permanently thereafter.

Reason: To reduce reliance on the use of fossil fuelled private cars, in the interests of sustainability in accordance with Policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

CYCLE PARKING

- 11 The secure cycle parking and powered two wheelers facilities as shown on the approved plan(s) to this permission shall be provided prior to the first occupation of

the dwellings and retained for such purposes thereafter.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

REFUSE AND RECYCLING STORES

- 12 The refuse and recycling storage areas as shown on the approved plan(s) to this permission shall be provided prior to the first occupation of the flats and retained for such purposes thereafter.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF CONSTRUCTION

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

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

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

- 14 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development

- (b) Hours and duration of any piling operations,
- (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (d) Details of construction any access or temporary access, and details of temporary parking requirements;
- (e) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (f) Details of any temporary hardstandings;
- (g) Details of temporary hoarding;
- (h) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (j) Measures to reduce dust with air quality mitigation and monitoring,
- (k) Measures for water management including waste water and surface water discharge;
- (l) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (m) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (n) A Site Waste Management Plan,
- (o) Details of security lighting layout and design; and
- (p) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

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

Informatives:

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

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

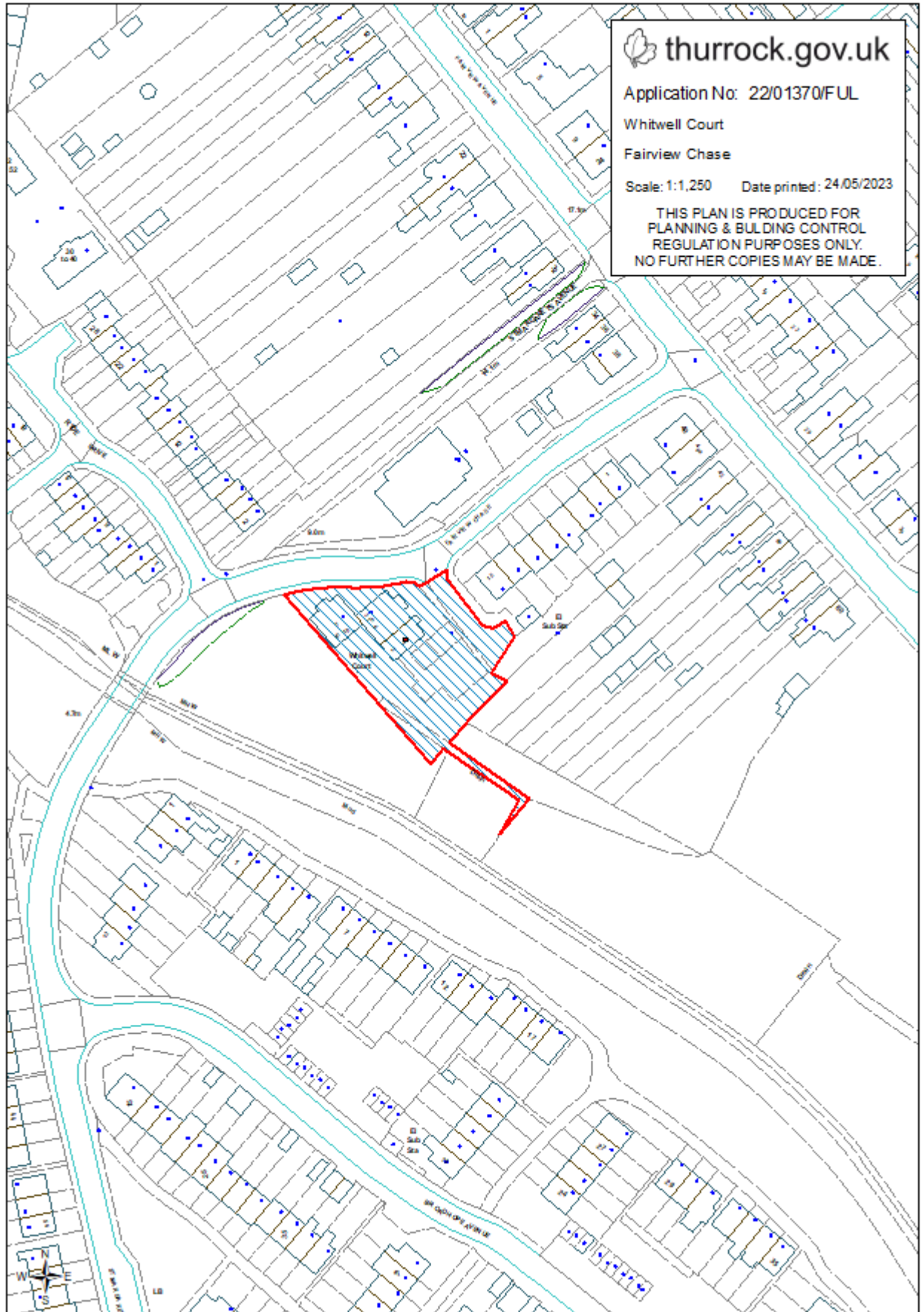
- 2 Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking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

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

Documents:

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

www.thurrock.gov.uk/planning



Agenda Item 10

Planning Committee 8 June 2023

Application Reference: 22/01685/FUL

Reference: 22/01685/FUL	Site: Sandown Nurseries, Sandown Road, Orsett
Ward: Orsett	Proposal: Residential development comprised of 7 No. 2-bedroom bungalows with associated access, amenity and parking.

Plan Number(s):		
Reference	Name	Received
Existing Site Plan	21.7541/E101	16.12.2022
Location Map	21.7541/M001	16.12.2022
Location Plan	21.7541/M002	16.12.2022
Aerial Plan	21.7541/M003	16.12.2022
Proposed Floor and Roof Plans	21.7541/P202 Rev A	16.12.2022
Proposed Elevations	21.7541/P203 Rev A	16.12.2022
Proposed Site Plan	21.7541/P201 Rev D	16.12.2022
Tree Constraints and Protection Plan	DCV/SR/01 Rev A	16.12.2022
Proposed Site Plan	21.7541/P201 Rev E	19.04.2023
Dopped Kerb Provision	23024-001 Rev A	19.04.2023
Visibility Splays with Updated Road Layout	23024-002 Rev A	19.04.2023
Swept Path Analysis Private Car	23024-TK01 Rev A	19.04.2023
Swept Path Analysis Refuse Vehicle	23024-TK02 Rev A	19.04.2023
Layout Plan	2814/LP-01	19.04.2023

The application is also accompanied by:

- Cover Letter
- Planning Support Statement with Appendices (PSS1-PSS9)
- Arboricultural Report and Impact Assessment, prepared by Moore Partners Ltd, dated 12.08.2021 updated 07.02.2022
- Flood Risk Assessment, prepared by Waterco, dated 10.02.2022

Applicant:
Dosanjh Capital Ventures LTD

Validated:
16.12.2022
Date of expiry:
12.06.2023
(EOT agreed)

Recommendation: Refuse

This application is scheduled for determination by the Council's Planning Committee as the application was called in by Cllr B Maney, Cllr D Arnold, Cllr B Johnson, Cllr J

Duffin and Cllr G Snell in accordance with Part 3 (b) 2.1 (d) (i) of the Council's Constitution to consider the proposal against Green Belt policy.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the erection of 7 no. 2-bedroom bungalows with associated access, amenity areas and parking.
- 1.2 The proposed dwellings would be set in a linear formation, to the rear of a stretch of ribbon development fronting Sandown Road. The access to the dwellings would be taken from an existing vehicular access point located in the northeast corner of the site with an access track set adjacent to the rear gardens of the existing properties and to the front of the proposed dwellings. Parking provision would be provided to the front of each dwelling with private amenity spaces provided to the rear.
- 1.3 The bungalows would be uniform in terms of layout, scale and appearance and would measure a maximum of 8m wide, 11.9m in length and 4.92m in height. In terms of appearance, they are a typical example of a two-bedroom bungalow, with a hipped roof form.

1.1 SITE DESCRIPTION

- 1.2 The application site is located on the western side of Sandown Road, to the rear of a stretch of ribbon development, constructed along the frontage of the former Sandown Nurseries site. The site comprises 0.33 hectares of land, free from development, which is laid to grass. The site is bounded by close boarded fencing and an established row of trees.
- 1.3 The area surrounding the site is semi-rural in nature, the site is boarded by open countryside to the west, and residential properties to the north, east and south. The residential development along Sandown Road is mainly characterised by development fronting the highway, with two small cul-de-sac developments (one at the entrance of the road and at the end of the road).

1.4 RELEVANT PLANNING HISTORY

- 1.5 The following table provides the planning history of the former Sandown Nurseries site:

Reference	Description	Decision
08/01155/OUT	Erection of seven dwellings.	Approved

13/01154/OUT	Erection of 7 dwellings (Outline application with all matters reserved)	Approved
14/00290/CV	Removal of condition 12 (Junction Works) to approved application 13/01154/OUT (Erection of 7 dwellings (Outline application with all matters reserved))	Approved
14/01380/REM	Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings	Approved
15/01350/REM	Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings.	Refused
16/00833/CV	Variation of condition 12 [Number of plans] from approved application 14/01380/REM	Approved
19/00434/CV	Retrospective variation of condition 12 (approved plans) referred to in the original planning consent 14/01380/REM (Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings) to change of ground level to west boundary and changes to the street elevations of the dwellings.	Pending consideration

1.6 CONSULTATION AND REPRESENTATIONS

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

1.8 PUBLICITY:

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

Thirteen (13) objections have been received which raise the following summarised concerns:

- Out of character with the area;
- Overdevelopment of Sandown Road;
- Cramped, overlooked, backyard development;

- Additional traffic and pollution;
- Additional pressure on sewerage and drainage;
- Land has purposely been left unmaintained and scattered with materials; this should be cleared and left for natural habitats;
- Potential damage to road from construction vehicles;
- Concerns regarding construction traffic;
- Environmental pollution including noise and dust;
- 7 dwellings will add more traffic than the road can cope with;
- The gardens are smaller than the rest of the gardens along Sandown Road;
- Loss of amenity for existing residents;
- Light pollution to rear rooms of existing properties to the front of the site;
- Suggestions that the land is not fulfilling Green Belt purpose is disputed;
- Green space is important;
- The justification for the access to local amenities is flawed and the walking distance is not based on that of an older person;
- The potential bungalows have been targeted at the older generation, but the site is not safely accessible for the elderly. There are no streetlights and no pavement down the road making this hazardous;
- Highway safety concerns;
- The unadopted road has recently been upgraded and there are concerns regarding the impact of the construction traffic on the road;
- The land was required to be landscaped and returned to Green Belt as part of the approval of the existing dwellings on the former nursery site;
- The failure of the developer to do this is now being treated as a reason to allow the proposed development;
- Flood risk concerns;
- Worsen the lack of services and infrastructure;
- Will create a precedent for backland development.

Concerns were raised that the entire street had not been individually notified. However, the application was advertised in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.9 HIGHWAYS:

Objection / further information required: *There remains concern with regards to the intensification of Sandown Road with the addition of further vehicles using the junction of Sandown Road/ A1013. Please can the applicant assess the impact of the development at the junction of Sandown Road/ A1013. The A1013 is a categorised route that is heavily used'.*

1.10 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

1.11 FLOOD RISK MANAGER:

No objection subject to a pre-commencement condition.

1.12 LANDSCAPE AND ECOLOGY ADVISOR:

No landscape or ecology objection subject to necessary RAMS mitigation and a landscape condition.

1.13 POLICY CONTEXT

National Planning Policy Framework (NPPF)

1.14 The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

1.15 National Planning Practice Guidance

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

- Air quality
- Climate change
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Flood risk and coastal change
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing supply and delivery
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Use of planning conditions

1.16 Local Planning Policy Thurrock Local Development Framework (2015)

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

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
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD15: Flood Risk Assessment

1.17 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.

1.18 Thurrock Design Strategy

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

1.19 ASSESSMENT

1.20 The material considerations for this application are as follows:

- I. Principle of the development and impact upon the Green Belt
- II. Access, Parking and Highway Safety
- III. Design and Layout and Impact upon the Area
- IV. Ecology and Landscaping
- V. Flood Risk and Drainage
- VI. Amenity and Impact on Neighbouring Properties
- VII. Other Matters

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

1.21 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations.

1.22 The application seeks permission for 7 dwellings on a site which lies within designated Green Belt, it is therefore necessary to consider the following:

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.
- 1.23 Policies CSSP4 and PMD6 are applicable which seek to prevent inappropriate development and a loss of openness in the Green Belt other than where very special circumstances apply. Similarly, paragraph 137 of the NPPF states that the Government attaches great importance to the Green Belt and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 147 states that inappropriate development is, *“by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 maintains that *“Very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations”*.
1. Whether the proposals constitute inappropriate development in the Green Belt
- 1.24 At paragraph 149 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is the proposal would comprise inappropriate development with reference to the NPPF and Core Strategy Policy.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 1.25 Having established that the proposal constitutes inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 1.26 The proposal would introduce seven bungalows with associated development, which would clearly have a significantly greater impact on the openness of the Green Belt, than the existing undeveloped nature of the site. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6. Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

1.27 In response to each of these five purposes:

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

6.9 The site is located within a semi-rural area outside the main village of Orsett. For the purposes policy, the site is considered to be outside of a large built-up area. Whilst the proposed development would represent the significant urbanisation of a site within the Green Belt, given the location of the site, somewhat removed from the larger built-up areas, it's not considered that the proposal would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

6.10 Similarly, to the above, given the location of the site in relation to the neighbouring towns, it is not considered that the development would conflict with this Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

6.11 The proposal would involve built development on a currently an open and undeveloped site. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

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

6.12 The application site does not fall within an area considered to have a special character. Therefore, the proposal would not conflict with this defined purpose of the Green Belt.

e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

6.13 There are no factors presented in this case as to why the development, could not occur in the urban area. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.

6.14 Given the latter, it is considered that the proposals would be harmful to openness of the Green Belt and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

6.15 The NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-maker.

6.16 The following very special circumstances have been set out within the submitted Planning Statement:

1. Lack of a 5-year housing land supply
2. Small sites benefit
3. The pre-existing built development that occupied the entire site
4. The site's logical inclusion within an existing cluster of residential development
5. The provision of 2 bed bungalows suitable for older residents

1. Lack of a 5-year housing supply

6.17 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm to constitute the very special circumstances justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2021) does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, it is

considered that the very significant benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.

- 6.18 The current proposal would provide 7 dwellings which would provide a limited contribution and benefit towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

2. *Small sites benefit*

- 6.19 The applicant refers to paragraph 69 of the NPPF. It should be noted that paragraph 69 relates to 'Plan Making' rather than 'Decision Making'. Whilst it is accepted that the provision of small sites is a key component to the delivery of housing and the economic benefits that flows from allowing for SME builders to deliver housing as well as the volume house builders, this is not something that this site alone, when compared to many others across the Borough, provides. It is considered that the weight in favour of the development from this argument is minimal and it is not considered that this argument falls within very special circumstances and therefore, does not justify inappropriate development in the Green Belt.

3. *The pre-existing built development that occupied the entire site*

- 6.20 The Applicant has put forward a position that the provision of pre-existing built form would result in very special circumstances. It is considered that this approach is flawed for a number of reasons. Firstly, there is no built form present on site and there is no 'fallback position' for development to be brought forward. Therefore, this is not considered to be very special circumstances. Furthermore, the application site historically sits within a larger parcel of land that had been used for a nursery. To the front of this site planning permission has been granted for housing. However, it must be noted that part of the reasoning for allowing the construction of this development was the removal of the structures on the application site.
- 6.21 The Minutes from the Planning Committee on 17 September 2009 state: "*the Chair advised the Committee that he felt that there were special circumstances, in that a large proportion of this dilapidated site would be retained as green open space [the area subject to the current application]. Councillor Lawrence informed the Committee that he felt the points made by the Chair ought to be commended. It was felt that on this occasion, if the application was to be approved, a lot of land would be returned to green belt and a number of dilapidated buildings would be removed...*"

6.22 The benefits of the loss of the buildings was a material consideration in favour of the previous application and therefore, it is not considered that this matter put forward weighs in favour of the current application.

4. *The site's logical inclusion within an existing cluster of residential development*

6.23 As discussed in further detail within this report it is considered that the proposed development does not represent the urban grain of the area and the provision of development on the site, irrespective of the site being located within Green Belt, would detract from the character and appearance of the area. Furthermore, the site is considered to be in a location with low accessibility credentials. It is not considered that the site forms a sustainable or logical expansion to the existing area.

5. *The provision of 2 bed bungalows suitable for older residents*

6.24 It is acknowledged that Government Guidance, in relation to older person housing, encourages people to remain in their homes, with support, rather than moving to care homes or similar accommodation. Notwithstanding this, there is no evidence that there is a specific need for this type of housing in this area and therefore, no substantive evidence that the dwellings would meet local community needs.

6.25 The location is not easily accessible or near to local facilities which are considered as an integral factor for older people's housing and therefore, this would weigh against the development.

6.26 Members are advised that there is nothing within the application that would indicate that these properties are anything other than traditional market housing. Specialist older person's accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents – the proposal does not make any such provisions. It should also be noted that the site is considered too small to feasibly accommodate such measures and therefore a condition or S,106 regarding these matters would not pass the appropriate 'test'.

6.27 The contribution the development would make towards housing supply should be given very significant weight (as described above). The applicant's suggestion that additional weight should be given to the proposal because the properties *could* be suitable for older residents is not accepted and this factor should not be given any additional weight.

Summary of Green Belt assessment

6.28 When undertaking a balancing exercise on Green Belt issues, a judgement must be made between the harm of the development and whether the harm is

clearly outweighed by the cumulative benefits and/or very special circumstances. It must be noted that case law has accepted that a number of special circumstances can together be considered to be very special circumstances, and this must be a consideration in the determination of the application. A summary of the weight which has been attributed to 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	Housing Need	Very significant weight
Reduction in the openness of the Green Belt		Small sites benefit	Limited weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Pre-existing built development that occupied the entire site	No weight
		Inclusion within an existing cluster of residential development	No weight
		2 bed bungalows could be suitable for older residents	None

6.29 The proposed development would result in harm to the Green Belt with reference to both inappropriate development and loss of openness. As discussed above several factors have been promoted by the applicant as ‘Very Special Circumstances’, the matter for judgement is:

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

6.30 The various aspects put forward are discussed in detail above and do not 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. Furthermore, as discussed above the weight in favour of the development from each one of the arguments put forward is very limited. Collectively, the weight of these benefits is still considered to be minimal and therefore, it cannot be considered that they collectively form ‘Very Special

Circumstances'. There are no planning conditions which could be used to make the proposal acceptable in this respect, in planning terms. Therefore, it is considered that the proposal is contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

II. ACCESS, PARKING AND HIGHWAY SAFETY

- 6.31 Sandown Road is a narrow unadopted highway accessed off Stanford Road (A1013). The development would provide seven 2-bed bungalows each served by two car parking spaces.
- 6.32 The proposed development would be accessed via the existing access point to the north-east of the site, the access track would run north-west along the side boundary of neighbouring property 'Dosanjh House' curving to the south running the length of the application site and along the rear boundary of the existing dwellings fronting Sandown Road, to provide access to the parking area to the front of each dwelling.
- 6.33 The Council's Highway Officers originally requested further information in relation to the pedestrian/cycle access to the site, the intensification of the use of the private access and roadway, the shortfall of the required parking provision, swept path analysis, visibility splays and vehicular crossover detail. A suite of documents were submitted during the course of the application, which satisfied a number of the concerns initially raised. However, concerns remain regarding the pedestrian and cycle access to the site, the intensification of the use of the private access and roadway and the shortfall in the required parking provision.
- 6.34 One of the key concerns raised by the Highway Authority related to on site car parking provision. This is based on an understanding that the site is in a 'Low Accessibility' area as set out within the adopted Parking Design and Development Standards document. As part of the original submission and then in response to this the applicant has argued that the site is within an area with 'medium accessibility' credentials as the development is within 300m of a well-served bus stop. However, this stance appears to solely relate to the access to the site rather than the site as a whole. The dwellings towards the southern end of the site fall outside of the 300m walking distance. Therefore, the development as a whole does not fall within an 'medium accessibility' area and therefore, two car parking spaces per dwelling would be required and four visitor car parking would be required, only two visitor spaces have been indicated on the site plan. Therefore, there is a shortfall of two car parking spaces, which could potentially lead to an impact on the free flow of traffic along the narrow highway, Sandown Road, contrary to Policy PMD8.
- 6.35 Sandown Road is an unmade narrow roadway with no footpath or streetlighting. The poor connectivity of the site is likely to discourage people from visiting the site by sustainable methods particularly at night, winter and

inclement weather. Therefore, the distance to the bus stop becomes a relatively moot point as both visitors and future occupiers would be unlikely to use public transport due to the poor accessibility of the site and therefore, the development would encourage the use of private vehicles. Furthermore, the vehicular access would be the only pedestrian and cycle route into the site, the potential for conflict between the competing users of the access is likely to further encourage the use of private vehicles exacerbating the harm. It should also be noted that due to the nature of Sandown Road on-street parking is likely to have a demonstrable impact on the free flow of traffic through the creation of additional conflict on the highway.

6.36 The Highway Authority have raised concern with regards to the intensification of Sandown Road. The A1013 is a categorised route that is heavily used and the proposed development would result in an increase in the number of vehicles accessing and egressing the A1013 from Sandown Road. An increase in vehicular movements to and from this junction has the potential to impact on the free flow of traffic and to increase conflict with vehicles slowing down to enter Sandown Road or moving comparably slowly when entering the A1013. The applicant has provided no information in relation to the impact of the development on the ability on the A1013 to facilitate the free flow of traffic. Therefore, it has not been demonstrated that the proposed development would not have a detrimental impact on the free flow of traffic and highway safety contrary to Policy PMD9.

6.3 Therefore, given the above it is considered that insufficient information has been provided in order to assess the impact of the proposal on the wider highway network taking into account the unjustified shortfall of visitor parking spaces and the lack of information in relation to the intensified use. The use of conditions to overcome the concerns has been considered however, in this instance it is not considered that they would mitigate the potential harm.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.38 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.

6.39 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with the NPPF and Policy PMD1, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials and ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

- 6.40 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 6.41 The siting of the proposed dwellings, behind the properties to the east, is considered to be wholly out of keeping with the prevailing character and appearance of Sandown Road, which is made up of dwellings which front the highway, with the exception of two small cul-de-sacs. The proposed row of dwellings would be sited directly the rear of a row of existing dwellings, parallel to the garden space of the dwellings to the east, which is in stark contrast to the more spacious grain found in the wider area. The pattern of development fails to maintain or enhance the prevailing character and appearance of the area.
- 6.42 This concern about design and character is exacerbated by the proposed car parking provision, which would dominate the front of the properties, along with the hardstanding provided for access and turning.
- 6.43 Whilst there is no specific objection to the design approach for the bungalows it is considered that the use of the same design for every dwelling results in a bland and repetitive enclave of residential development. The acceptability of the design approach, for one bungalow, does not overcome the harm highlighted above. The use of the same property design further erodes the limited architectural merit of the entire scheme as this does not represent the character of the area which is made up of properties of different styles and designs. Therefore, it is considered that the proposal conflicts with Policies CSTP22 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the guidance contained within the National Planning Policy Framework 2021.

IV. LANDSCAPE AND ECOLOGY

- 6.44 Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF both requires that developments secure a net gain in terms of biodiversity and ensure that suitable regard is has to the presence of protected species and habitats. Therefore, no concerns or conditions are recommended in this respect.
- 6.45 The Council's Landscape and Ecology Advisor has confirmed that the site is considered to have limited ecological value and that no trees would be directly impacted by the proposal. Therefore, subject to imposition of a landscaping condition, if the application were to be approved, no concerns in relation to ecology or landscape are raised.

- 6.46 In terms of an off-site impact, the application site is located within a Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. Natural England advise that Local Authorities must undertake a Habitat Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 6.47 A HRA has been undertaken which concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites without mitigation and that, therefore, a financial contribution at a tariff of £156.76 is necessary per dwelling (total £1,097).
- 6.48 The necessary financial mitigation has not been paid or secured via a S106 agreement; in the absence of securing the contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

V. FLOOD RISK AND DRAINAGE

- 6.49 The Application has been supported by a Flood Risk Assessment (FRA). The site is located within flood zone 1 which has a low risk of flooding however, it is at higher risk of surface water flooding. The assessment concludes that the increased surface water runoff could be mitigated by a suitable drainage scheme. The FRA provides five recommendations, all of which would be considered necessary and secured by an appropriately worded condition/s, should the application be approved.
- 6.50 The Council's Flood Risk manager has reviewed the submitted FRA and raise no objection subject to a pre-commencement condition to secure a surface water drainage scheme and strategy, to ensure the proposed development, for its lifetime, is safe from flooding and does not cause flooding elsewhere. The imposition of this condition is considered necessary, should the application be approved.

VI. AMENITY AND IMPACT ON NEIGHBOURING PROPERTIES

- 6.51 As set out above, the proposed development is located directly to the rear of a row of seven, two-storey dwellings fronting Sandown Road.
- 6.52 The front elevations of the proposed bungalows would be located at a minimum distance of 25m from the rear elevations of the existing dwellings and around 14m from the rear boundary and amenity space associated with the existing dwellings. The proposed bungalows are single storey in nature, thereby lacking first floor windows, this combined with the separation distance is considered to mitigate any demonstrable harm to the existing properties, in

terms of overlooking, overshadowing or an overbearing impact. The existing first floor windows serving the existing dwellings would have a view of the front of the proposed dwellings. However, the distance would mitigate any harmful overlooking into the windows of habitable rooms within the frontage of the proposed dwellings.

- 6.53 As described above, the access track would run north-west along the boundary of neighbouring property 'Dosanjh House' and along the rear boundary of all seven of the existing dwellings. Limited information in respect of the impact of the proximity of the access track to 'Dosanjh House' and to the rear gardens of all seven adjoining neighbours has been submitted. Concerns are raised in respect to the potential noise and disturbance arising from the traffic generated by 7 residential units which could have a significant impact on the amenity and ability of the existing residents to enjoy their relatively small rear gardens.
- 6.54 There is a reasonable expectation that residents are able to enjoy their properties without undue impacts in relation to pollution, including noise. Often noise can be hidden by ambient background noise however, this is unlikely to happen in either places where the ambient background noise is low, such as this semi-rural area, or at specific times such as evenings and weekends when the ambient background noise will be lower.
- 6.55 The proposed development, given the number of units and proximity to the neighbouring properties and private rear gardens, has the potential to create a demonstrable level of noise and disturbance due to the close relationship between the access way and the existing dwellings. This is considered to be exacerbated by the relatively remote location of the site, where occupiers are likely to be heavily reliant on private motor vehicles. No detail has been provided as to the background noise to allow meaningful consideration of this matter. The Council is therefore, unable to make an informed decision regarding the impact of the development on the amenity of the adjoining residents and the potential for noise and disturbance to have an unacceptable impact on the reasonable amenity levels of the existing residents. Therefore, it is considered that insufficient information has been submitted in order to assess the harm from the development or the potential to impose a condition to mitigate any detrimental impacts that may arise from the proposal, contrary to policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

VIII. OTHER MATTERS

- 6.56 The submitted planning statement refers to approved developments within the area that the Applicant believes are comparable to the proposal. It is an accepted point of planning law that planning applications should be determined on their own merits and as highlighted above, there is considered to be significant harm arising from the proposed development. The weight

attributed to the planning history of the area is not considered to justify or outweigh the harm highlighted above.

1.28 CONCLUSIONS

- 1.29 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition and would result in further harm by introducing built form onto a site free from development. The area on which the dwellings are proposed was specifically meant to be returned to open land as part of the original 2008 and other previous permissions as part of a very special circumstances case. The provision of seven dwellings and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also conflict Green Belt purposes (c) and (e). The factors promoted by the applicant would not clearly outweigh the identified harm to the Green Belt.
- 1.30 Further, the proposed backland development is considered to have a detrimental visual impact on the character and appearance of the site and surrounding area. Concerns are raised in relation to the potential highway safety and free flow of traffic and the impact of the access, access track and parking provision on the amenity of the adjoining neighbouring properties. Lastly the necessary financial mitigation has not been secured in respect of the RAMS as discussed above. The proposed development is considered to be contrary to Policies CSTP22, PMD1, PMD2, PMD7 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

1.31 RECOMMENDATION

1.32 **REFUSE** for the following reasons:

1. The proposed development would represent inappropriate development in the Green Belt and have an unacceptable effect on the openness of the Green Belt and the purposes of including land within the Green Belt. No material considerations have been advanced of sufficient weight to represent the very special circumstances necessary to justify inappropriate development in the Green Belt. The development is, therefore, unacceptable and contrary to Policies CSSP4 and PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.
2. The proposed development would form backland development, which would not respect the existing urban grain of Sandown Road. The layout, uniform appearance and form of the proposal would be out of keeping with the prevailing character and appearance of the area and would represent an urban intrusion into the countryside. development that would have a detrimental impact on the character and appearance of the site and the

surrounding area. The proposal is therefore considered to conflict with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.

3. Insufficient information has been provided in order to assess the impact of the potential traffic movements arising from the proposed development on the wider highway network contrary to Policy PMD8 and PDM9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
4. The proposed development provides insufficient visitor parking provision as set out by the adopted Parking Design and Development Standards, it has not been demonstrated undue harm through the provision of on street car parking would not occur, potentially impacting the free flow of traffic through the creation of additional conflict on the highway contrary to Policy PMD8 and PDM9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
5. Insufficient information has been submitted to determine if the proposed development would result in a demonstrable level of noise pollution to the detriment of the amenity of adjoining residents. Furthermore, the lack of information has resulted in the Council being unable to ensure that detrimental impacts in relation to noise, disturbance and pollution could be adequately mitigated through the imposition of conditions. Given the potential significant adverse impacts to the amenity of the neighbouring residents the development fails to comply with Policies PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.
6. In the absence of payment, of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development of the dwellings would have an adverse impact on the European designated nature conservation sites, contrary to Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

Positive and Proactive Statement

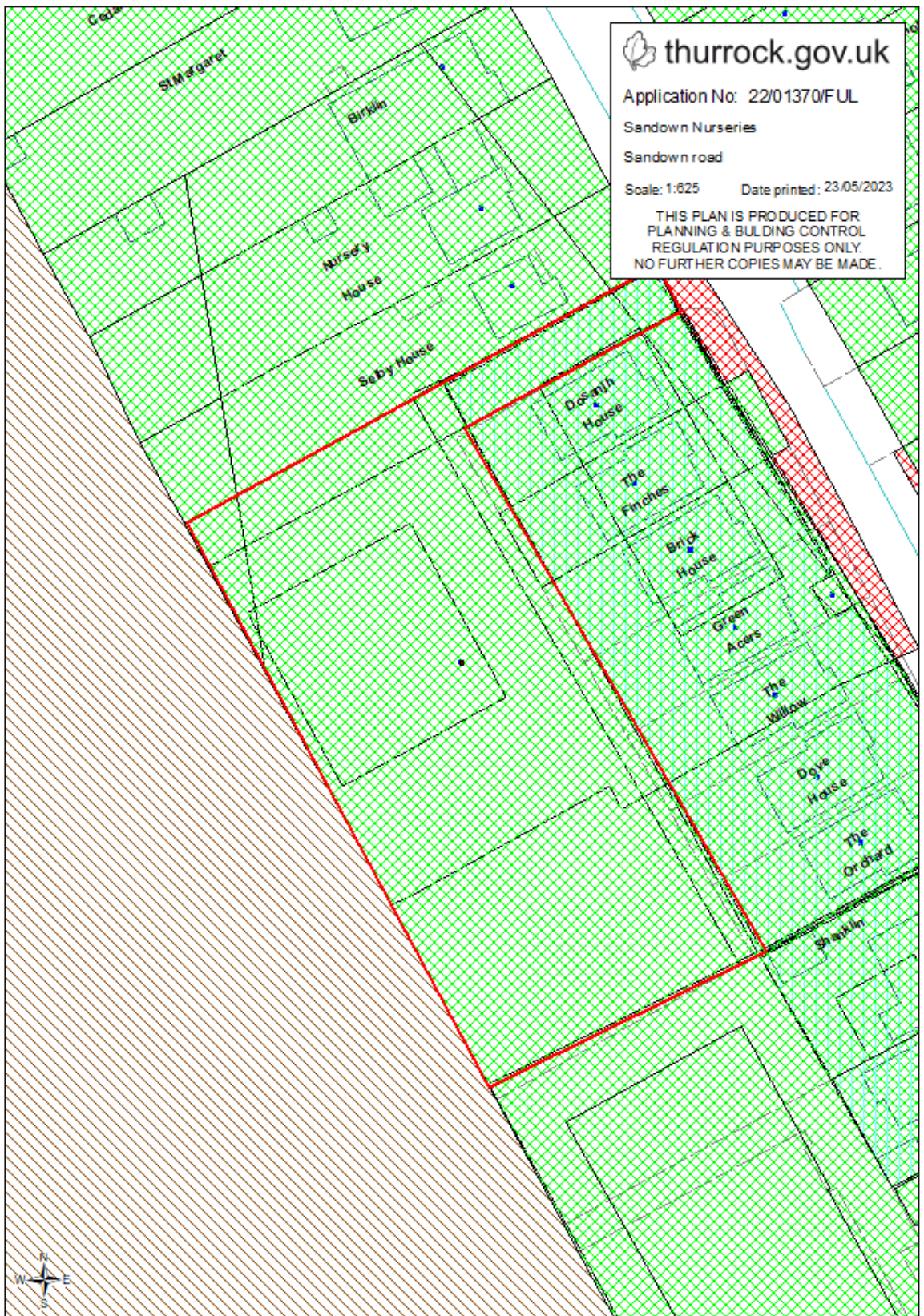
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm

which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

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

<http://regs.thurrock.gov.uk/online-applications>



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Reference: 23/00303/FUL	Site: 32 Rainbow Lane, Stanford Le Hope, SS17 0AS
Ward: Stanford Le Hope West	Proposal: Proposed new dwelling to south of the existing property No. 32, including associated parking and amenity space.

Plan Number(s):		
Reference	Name	Received
00736465-F22E14	Location Plan	15.03.2023
21/23/A	Proposed New Dwelling	15.03.2023
21/23/B	Proposed New Dwelling	15.03.2023

The application is also accompanied by:

- Application form

Applicant:

Mrs Hawkins

Validated:

15.03.2023

Date of expiry:

8.06.2023

Agreed extension of time

Recommendation: Refuse

This application is scheduled for determination by the Council's Planning Committee as the application was called in by Cllr S Hebb, Cllr A Anderson, Cllr D Arnold, Cllr S Ralph and Cllr J Halden in accordance with Part 3 (b) 2.1 (d) (i) of the Council's constitution to consider the proposals impact on the amenity of the existing residents and the density of the area.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the sub-division of an existing residential plot (number 32) and the erection of a two storey 3-bed dwellinghouse, with an associated access point and amenity area.
- 1.2 The dwelling would be sited to the south-west of the host property, on a section of the garden land which is orientated to the side of the host dwelling. The proposed dwelling would be sited fronting the junction of Rainbow Lane and Billet Lane. Vehicular access would be taken from Billet Lane with the

access point to the site proposed in the southwest corner of the site. In terms of appearance, it is a simplistic design with a hipped roof form.

2.0 SITE DESCRIPTION

2.1 The application site which amounts to around 320sqm, is situated in a corner plot, opposite the junction of Rainbow Lane and Billet Lane and currently forms part of the garden area for 32 Rainbow Lane. The site is bounded by low level hedging.

2.2 The surrounding area is residential in nature and is characterised by a relatively uniform row of semi-detached two-storey, dwellings, coming together at the corner location of the application site. Opposite the site to the southwest is Billet Park which occupies a football club and opposite the site to the northeast is open countryside.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history of the site:

Reference	Description	Decision
86/00002/FUL	Dining room extension	Approved

4.0 CONSULTATION AND REPRESENTATIONS

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

PUBLICITY:

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

Three (3) objections have been received which raise the following summarised concerns:

- Access, traffic and highway safety concerns.
- Road visibility concerns.
- Design of dwelling out of character with the area.
- Overdevelopment.

- Impact on neighbouring amenity - noise and disturbance, overlooking, loss of privacy, overshadowing.

4.3 HIGHWAYS:

Recommend refusal on the basis of information submitted at this time.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

National Planning Practice Guidance

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

- Climate change
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Healthy and safe communities

- Housing supply and delivery
- Natural environment
- Noise
- Use of planning conditions

Local Planning Policy Thurrock Local Development Framework (2015)

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

Spatial Policies:

- CSSP1: Sustainable Housing and Locations

Thematic Policies:

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

Policies for the Management of Development:

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

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

The material considerations for this application are as follows:

- I. Principle of the development
- II. Access, Parking and Highway Safety
- III. Design and Layout and Impact upon the Area
- IV. Amenity and Impact on Neighbouring Properties
- V. Ecology
- VI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations.
- 6.2 The site is located within an established residential area within Stanford-Le-Hope, where no policies of constraint apply. The site is currently being used as amenity space for an existing residential dwelling. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed below.

II. ACCESS, PARKING AND HIGHWAY SAFETY

- 6.3 The access to the new dwelling would be located in close proximity to the junction of Rainbow Lane and Billet Lane on a sharp turn in the highway. While the site is found within a residential area, it is recognised that the site is close to playing fields which generate additional traffic movements in this location; it is important therefore that any parking provision for the new dwelling is made within the site itself.
- 6.4 The submitted plans indicate the provision of two car parking spaces that would be sited adjacent to the boundary of the site. The site does not however provide sufficient space for the proposed vehicles to access and egress the site in forward gear. Furthermore, the spaces are in relative proximity to the

exiting junction and camber in the road. Concerns have been raised by the Council's Highway Officer in relation to the level of detail supplied in respect of the proposed access parking and resultant impact on highway safety. At this time an objection is raised to the proposal on a lack of information regarding highway safety. The proposal is therefore contrary to Policy PMD9 of the of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

- 6.5 The parking provision for the existing dwelling, No. 32, would be retained; no concerns are raised in this respect.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.6 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high-quality built environment for all types of development.
- 6.7 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with the NPPF and Policy PDM1, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials and ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 6.8 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 6.9 The immediate setting, in which the proposed development would be located is characterised by a relatively uniform row of semi-detached two-storey dwellings, coming together at the application site. The wider area is made up of uniform two storey semi-detached dwellings that are architecturally traditional, and brick built. Whilst the design of the dwellings are of limited architectural merit the relatively consistent design adds to the character and appearance of the area. The application site provides amenity space for no. 32 and due to its open nature and soft, landscaped appearance it is considered to contribute positively to the streetscene.
- 6.10 The proposed development would be a detached dwelling of a significantly different design to the existing character of the area. Whilst a number of the properties have been extended and altered the dwellings retain a generally consistent design approach. The proposed development is of a relatively

rudimentary design of limited architectural merit that contains a number of unresolved design elements including inconsistent fenestration scheme, excessive areas of blank elevation and contrived roof design.

- 6.11 Whilst the layout has, to some extent, attempted to respect the existing building lines due to the orientation of the dwelling it is considered that this has had limited success. The fact the property is detached, layout, plot shape and positioning within the plot along with the design approach is in stark contrast with the properties located within the uniform row of semi-detached dwellings and the properties within the wider area. The harm of the proposed dwelling is exaggerated by the prominent position and the erosion of the openness of the corner plot.
- 6.12 It should be noted that the applicant has indicated that private amenity space can be provided to the side of the dwelling. However, the provision of boundary treatment in this location would not respect the existing character of the area. As highlighted above the area has retained some strong similarities and one of these is the position of boundary treatment providing open spaces to the front of the properties. Therefore, the provision of boundary treatment in a dominant location easily visible from the public realm would further exacerbate the harm highlighted above.
- 6.13 The proposed dwelling and associated development is considered to result in a contrived development which offers little connectivity with its surroundings and would result in demonstrable harm to the application site and character and appearance of the area, contrary to Policies CSTP22, PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

IV. AMENITY AND IMPACT ON NEIGHBOURING PROPERTIES

- 6.14 The application site is boarded by two neighbouring properties: No. 32, the host property, is located to the northeast of the site, 66 Billet Lane to the southwest.
- 6.15 The layout and design of the dwelling appears to have been led, in part, in an attempt to mitigate any harmful, overlooking, overshadowing or overbearing impacts. In terms of overlooking, given the orientation of the building and location of the windows, the only window that could potentially demonstrably impact 66 Billet Lane and 32 Rainbow Lane, is located on the first-floor rear elevation of the proposed dwelling and could be conditioned to be obscure glazed as it serves a bathroom. There would be windows located on both side elevations. However, given the orientation of the proposed dwelling, the windows would have views out towards the front/side of 66 Billet Lane and 32 Rainbow Lane, which would not be considered to result in a demonstrable level of harm.

- 6.16 In terms of overshadowing and an overbearing impact, the dwelling has been orientated so that it is at an angle with both immediately adjacent neighbouring properties, which is considered to prevent any significant impacts in terms of overshadowing the main habitable windows of the neighbouring properties or forming an overbearing or oppressive impact, that would be so detrimental to the amenity of the neighbouring properties as to result in demonstrable harm.
- 6.17 Neighbours have raised concerns regarding noise and disturbance. Whilst it is accepted that the provision of an additional dwelling will result in some increase in noise and disturbance the area is residential in nature. It is not considered that the comings and going from a reasonable use of the proposed dwelling will result in demonstrable harm in terms of noise and disturbance. The planning system has limited control over the decorum of individuals and any undue level of noise due to unreasonable behaviour would typically be dealt with by Environmental Health legislation.
- 6.18 The area indicated for private amenity space for No. 32 is shown to be at around 55m². This is considered to be a small space that would not provide a usable space that would meet the outdoor needs of a family dwelling. The proposed dwelling will be constructed on garden area of this dwelling, however this space is not private but is clearly well maintained and adds to the living conditions of the existing residents of No. 32. On balance it is not considered that this can form a standalone refusal, based solely on private amenity space, but further indicates that the development is overdevelopment of the site. This matter is discussed further below.

V. ECOLOGY

- 6.19 The application site is located within a Zone of Influence. for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. Natural England advise that Local Authorities must undertake a Habitat Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 6.20 The financial contribution (mitigation) is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of RAMS it is currently set at £156.76 per dwelling. No payment has been made or legal agreement submitted to ensure payment in the future.

- 6.21 In the absence of the payment legal agree to cover a future payment the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

VI. OTHER MATTERS

- 6.22 As discussed above the proposed development is of limited architectural merit, which partly is led by an attempt to mitigate overlooking from the proposed dwelling. The design detailing, including fenestration layout, and the siting of the dwelling in the plot has resulted in a contrived development which would appear as an alien feature in the streetscene. Furthermore, the proposed usable private amenity space for both dwellings is below the level to be policy complaint. Whilst the shortfall (which is relatively small for the proposed dwelling) has not formed a reason for refusal on its own, it indicates that an excessive level of development is being sort as part of the application. When considering this alongside the concerns regarding highway safety it is considered that the proposed development, in its current form, would result in overdevelopment of the site contrary to Policies CSTP22, PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed dwelling is considered to result in demonstrable harm to the character and appearance of the site and surrounding area and overdevelopment of the site, an objection is raised in terms of potential impact highway safety and the necessary financial mitigation has not been secured in respect of the RAMS as discussed above. The proposed development is considered to be contrary to Policies CSTP22 PMD1, PMD2 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

8.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed dwelling, by reason of its layout, orientation, appearance and form would be out of keeping with the surrounding properties, its prominent positioning and layout on a contrived plot which would cause the loss of an area that contributes positively to the streetscene, would result in an incongruous form of development that would have a detrimental impact on the character and appearance of the site and the surrounding area. The proposal is therefore considered to conflict with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.

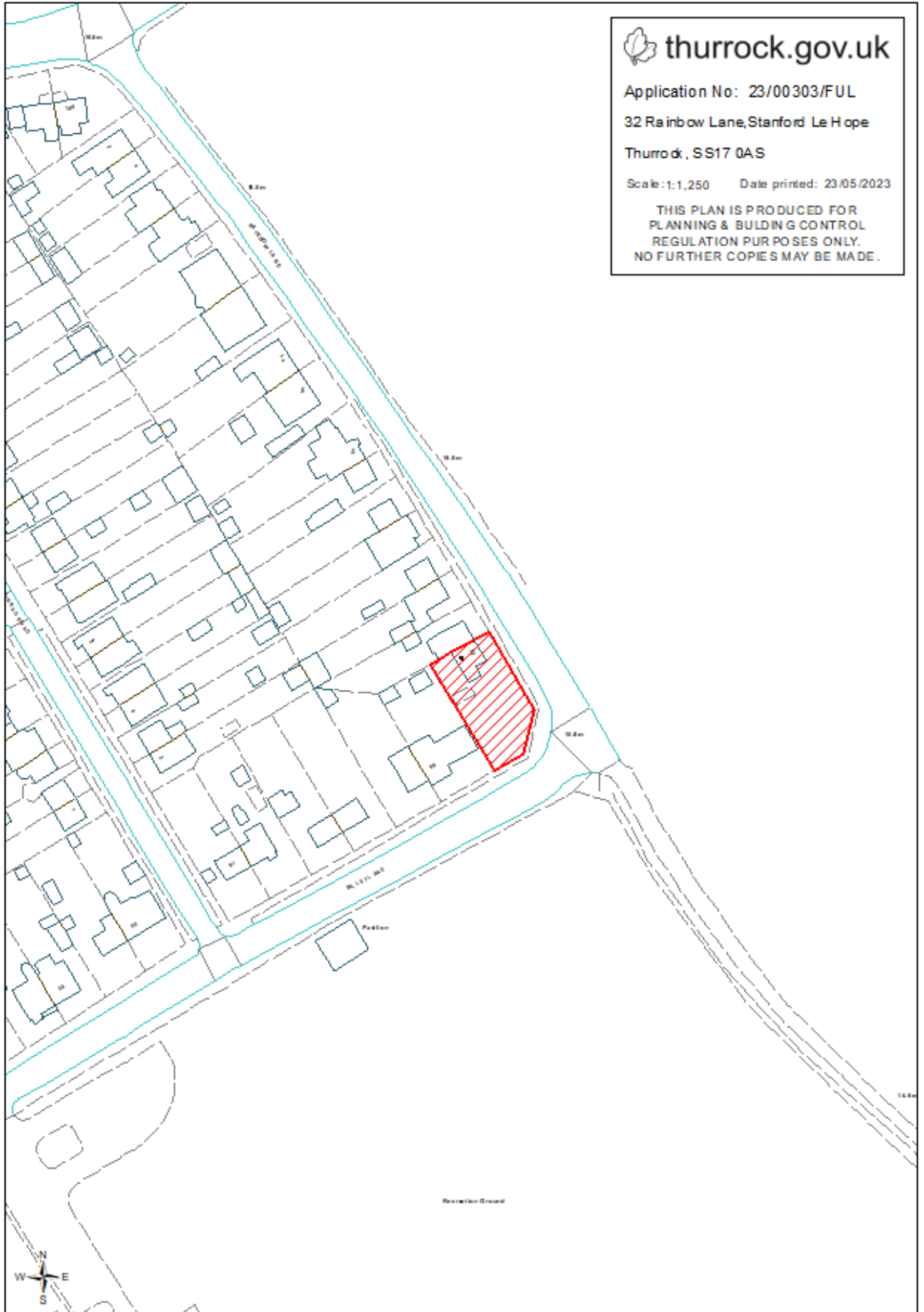
2. Due to its contrived design, limited private amenity space and concerns in relation to the layout and highway safety the proposed development is considered to result in overdevelopment of the site. The proposal is therefore considered to conflict with Policies CSTP22, PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
3. Insufficient information has been provided in order to assess the impact of the proposed development, on the free flow of traffic and highway safety contrary to Policy PDM9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
4. In the absence of a payment, or a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development of two dwellings would have an adverse impact on the European designated nature conservation sites, contrary to Policy CSTP19 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and 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 with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

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



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32 Rainbow Lane, Stanford Le Hope
Thurrock, SS17 0AS
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