

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 **26 October 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 Adam Carter, 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 21 September 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	
5 Declarations of receipt of correspondence and/or any	

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

6 Planning Appeals 15 - 22

7 Public Address to Planning Committee

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8 23/00813/HHA: Greystead, Parkers Farm Road, Orsett 23 - 42

9 23/00913/TBC: Garage site, Lyndhurst Road, Corringham 43 - 64

10 23/00931/FUL: Treetops School, Buxton Road, Grays 65 - 78

11 23/00610/FUL: Land Adjacent The Flagship Centre, London Road, Tilbury 79 - 120

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: **18 October 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 21 September 2023 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England
Representative

Apologies: Councillors Sue Shinnick

In attendance: Tracey Coleman, Chief Planning Officer
Matthew Gallagher, Major Applications Manager
Nadia Houghton, Principal Planning Officer
Jonathan Keen, Principal Planning Officer
Matthew Ford, Highways Manager
Julian Howes, Senior Highways Engineer
Daniel Kozelko, Legal Representative
Kenna-Victoria Healey, Senior Democratic Services Officer

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

29. Minutes

The minutes of the meeting held on 17 August 2023 were approved as a true and correct record.

30. Item of Urgent Business

There were no items of urgent business.

31. Declaration of Interests

The Chair of the Committee advised he was employed by DP World and would be removing himself from the Chamber and the meeting for Item 13, London Gateway Logistics Park Local Development Order (Plot 2050).

Members were also advised that Item 9, 22/01673/FUL: Belhus Park Golf And Country Park, Belhus Park Lane, Aveley, RM15 4PX had been removed from the agenda.

32. 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 the following correspondence on behalf of the committee, and it was agreed this had been received by all Members:

- An email from Mr Sutton, Agent for Item 8: 22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN.
- Emails in favour and objection from residents for Item 8: 22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN.
- An email from the Agent for Item 10: 22/01685/FUL: Sandown Nurseries, Sandown Road, Orsett

The Vice-Chair declared she had received an email from Ms Sisterson objection to Item 8: 22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN.

Councillor Piccolo declared he had received correspondence in relation to Item 10: 22/01685/FUL: Sandown Nurseries, Sandown Road, Orsett.

33. Planning Appeals

The Chair of the Committee introduced the report and sought if Members had any questions, during which the Principal Planning Officer explained the appeals published within the report had been received in the previous month and any recent appeals would be published within the next agenda.

Councillor Maney left the Chamber at 6.08pm

34. 22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN (Deferred)

Major Applications Manager presented the application and during his update advised on late representations and highlighted the following:

- The site was located in the Green Belt
- It was noted that the connected application 22/01673/FUL for a 3G pitch at Belhus Park had been withdrawn by the Agent.
- An updated response received from Sport England (SE) raised no objection to the proposal on the basis of the specific considerations in the response letter. This was subject to conditions and/or a s106 agreement for a financial contribution towards 'offsite playing field mitigation', transfer of freehold of site to Grays FC or alternative sports body and a Community Use Agreement. SE noted that £570,000 "would not be sufficient" to fund a full artificial 3G pitch and floodlighting. (£1.1m would be likely to be required). The contribution could cover other sports infrastructure items for example at Belhus Park – but there has been no feasibility study.
- Contribution proposed by applicant wouldn't deliver a 3G pitch, so scope of proposal would have to be widened if accepted. Thurrock Council Sport and Leisure Manager advises 3G pitch would cost £900,000 - £1million. There is a funding gap and no way to make up that gap to fund a full 3G pitch at this time.

- Additional neighbour letter from resident in objection.
- Email from Cathy Sisterson in relation to lack of HGV movements on Ship Lane.
- A prior approval application for demolition of the Football Club has been submitted (but this is a different application)

During discussions the following points were acknowledged:

- Mitigation of the former football pitches raised no objection from consultation with Sport England, who made it clear that the funding being provided wouldn't deliver a full size 3G floodlit pitch and so the money would have to deliver either a smaller pitch or would have to be used for other sporting facilities.
- The HGV turn point would be located within the PDI site and although expected to be used solely for the PDI site, it would be available for errant HGV drivers to be able to use if, they were heading north from Junction 31 of the M25, which they shouldn't be doing.

During the debate Members commented as follows:

- The Chair of the Committee stated he felt the £570,000 offered as part of the application was sufficient to develop a new pitch and that by approving the application it would encourage business rates and jobs into the Borough.
- Councillor Watson confirmed she was still against the application and agreed with Officers recommendation to refuse. Sport England had clearly stated the funding provided was not enough to complete the proposed 3G development off site and on top of this the application was detrimental to the Green Belt. She considered business rates should not be taken into consideration.
- Councillor Arnold echoed that he too was still against the application and agreed with Officers recommendation to refuse. Could not support it on the level of destruction to the Green Belt with such limited benefits, including very low level of job provision.
- Steve Taylor noted that a reason put forward by the applicant was proximity to the Strategic Road Network (SRN) but the SRN was all over the country and there didn't appear to be any other locations in the UK considered/discounted. Concern also about low level of job provision. Concern also about number of battery vehicles, in time, being stored on site.
- Councillor Polley spoke in favour of granting permission for the application given the lack of sports provision in the Borough and to enable an option to tackle obesity in the Borough. She mentioned she felt the application was at a different place from when it was first presented and welcomed the proposal of jobs into the Borough – there would be support jobs in the Borough as well as the onsite jobs. She continued by commenting even if Members were to refuse the application, it was still possible for the PDI centre to be developed in Aveley. The 2-year timeline since the previous refusal had made a big

difference in terms of background circumstances. A petition of 4000 signatures of support had been received in support, nothing similar in objection had been received.

Councillor Kelly observed that during the debate it was clear the vote in favour of the officer's recommendation of refusal was split. The Members for and against were as follows:

For: (2) Councillors Paul Arnold and Lee Watson

Against: (2) Tom Kelly (Chair) and Georgette Polley (Vice-Chair)

Abstained: (0)

With the Chair having the casting vote, Councillor Kelly proposed that the 6 reasons listed with the report be put forward to support a recommendation for approval of the application, which was seconded by Councillor Polley.

A motion for approval was therefore put forward. The Council's Legal Advisor also provided advice to the Chair regarding the Council's required next steps to the National Planning Casework Unit should the new motion be agreed.

For: (2) Tom Kelly (Chair) and Georgette Polley (Vice-Chair)

Against: (2) Councillors Paul Arnold and Lee Watson

Abstained: (0)

The Chair exercised his casting vote and the application was approved, subject to conditions, s106 Agreement and referral to the Planning Casework Unit (as a departure from policy).

Councillor Maney returned to the Chamber at 6.49pm

35. 22/01673/FUL: Belhus Park Golf And Country Park, Belhus Park Lane, Aveley, RM15 4PX (Deferred)

The Chair advised the application had been removed.

36. 22/01685/FUL: Sandown Nurseries, Sandown Road, Orsett

The report was presented by the Principal Planning Officer, during which he summarised the following the application:

- The site was located within the Green Belt.
- The development proposed was inappropriate development by definition and was therefore harmful to the Green Belt.
- Very Special Circumstances had been put forward and considered, however do not overcome the harm to the Green Belt.

- Any backland development would be deemed unacceptable.
- There was a lack of visitor parking which had not been addressed.
- There was likely to be harm to neighbour amenity because of access arrangements.

Further to questions to Planning and Highways Officers it was acknowledged that the turning head which was located between the houses, appeared to be a standard size however officers had raised concerns in relation to the 90 degree bend, particularly with refuse vehicles and some larger emergency service vehicles. It was possible they could due to the overrun of the vehicle swept path oversail the land part of the first property.

Members heard the road was designated as a shared surface, so it was expected that both vehicles and pedestrians could use in it. There had been the indication that it is able to have two-way traffic flow upon it.

Speaker statements were heard from:

Statement of Support: Mr R Forde, Principal Director at Smart Planning (Agent)

During debate Members raised their concerns commenting:

- The development was not in keeping with the local area and it felt like this application was to be used to fill in the gaps on the previous development.
- The road proposed as part of the application and the 90-degree bend could cause difficulty for refuse and emergency vehicles.
- The proposed location was part of the Green Belt.

Councillor Watson proposed the officer's recommendation of refusal and was seconded by Councillor Liddiard.

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Mark Hooper, Steve Liddiard, Terry Piccolo, Jacqui Maney and Lee Watson.

Against: (0)

Abstained: (0)

37. 22/01284/TBC: Garage Area Rear Of 33 To 53 Vigerons Way, Chadwell St Mary, Essex

The report was presented by the Principal Planning Officer, during which he summarised the following the application:

- The site was Previously Developed Land in a built-up area.
- Was seeking provision of 7 new Council dwellings.

- The design, appearance and layout were all acceptable
- The site was within easy walking distance of open space and local shopping parade.

The following was highlighted from Members questions:

- Rear access from the west of the site was to be protected and to remain in place for neighboring homes to access garages and gardens.
- Highway Officers confirmed they had no concerns relating to parking for application, as parking was being offered for each dwellings.
- The design for the scheme was chosen as it was deemed the dwellings would blend in with other designs within the area.

Speaker statements were heard from:

Statement of Support: Mr S Robinson, Agent/Architect, Agent (via MST)

Through the debate Members stated they were in favour of the development and several of them liked the proposed design of the dwellings and the modern approach to the rear of the development. Officers were asked during construction there would be communication with residents living in the area.

Councillor Polley Vice-Chair of the Committee proposed the officer's recommendation of approval subject to conditions and was seconded by Councillor Watson.

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Mark Hooper, Steve Liddiard, Terry Piccolo, Jacqui Maney and Lee Watson.

Against: (0)

Abstained: (0)

38. 22/01706/TBC: Broxburn Drive, South Ockendon, Essex

The report was presented by the Principal Planning Officer, during which she summarised the following the application:

- Would provide 100% affordable Housing, Education and Healthcare contributions.
- Would introduce contemporary architectural design, and high-quality materials to complement the site.
- Would improve the current layout of the estate providing improvements in communal amenity space, improved natural surveillance, pedestrian access and landscaping.
- Although would impact neighbouring amenity, highways and visual amenity were all considered acceptable.

During questions the following was acknowledged:

- A consultation had been held with residents living close to the development and a construction management plan was in place.
- There was a higher level of noise mitigation, given part of the development's location to Ockendon Train Station.
- Officers had sought advice from the Urban Design team in relation to the application design to ensure that it fitted with existing Council housing and the character of Ockendon.

Speaker statements were heard from:

Statement of Support: Ms F Harte, Agent (via MST)

During the debate stage Members had differences of opinion as to the design of the proposals, however, all were in agreement to support the application which offered affordable housing to Thurrock residents and complimented officers for their work with consulting with residents as part of the application.

Councillor Polley Vice-Chair of the Committee proposed the officer's recommendation of approval subject to conditions and was seconded by Councillor Watson.

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Mark Hooper, Steve Liddiard, Terry Piccolo, Jacqui Maney and Lee Watson.

Against: (0)

Abstained: (0)

Councillor Kelly left the meeting at 8.25pm

39. London Gateway Logistics Park Local Development Order (Plot 2050)

Major Applications Manager presented the report as published within the agenda.

At 8.36pm the Committee agreed to suspend standing orders to allow the agenda to be completed.

During conversations and following questions from Members it was acknowledged:

- LDO 1.5 was to bridge the gap between LDO1 ending and LDO2 commencing. It was also limited to floorspace.
- In terms of a timeline it, was still early stages and matters such as an EIA screening need to take place, as part of the process.
- Members were advised the local planning authority had received Counsel Advice due to the complexity.

The Legal Representative addressed Members advising them, officers were aware that from LDO 1 the order would be time limited, as this was limited to ten years. He continued by stating it was possible to impose other limits to achieve limitation on how these orders existed, how they interact with past and future orders, which was something that had to be done in relation to the interaction with LDO 1.

Members heard how the Council also had the power to revoke these at any time and explained that 61A, (6) of the Town & Council Planning Act 1990, provided a local planning authority to revoke a local development order any time and the Secretary of State also had power to do that. Meaning there were controls that as a Council Members could make sure that LDO 1.5 couldn't be controlled.

During the debate it was commented that Members had concerns for the local road network being overloaded and could foresee highway issues for residents as well as those commuting to London Gateway. It was further considered that the infrastructure that surrounded this area needed support and it was important for London Gateway to take responsibility on how they manage what goes into London Gateway into consideration.

Overall, the Committee thanked Officers for being proactive and for trying to offer solutions to these challenges.

RESOLVED:

To note this report and delegate authority to the Head of Service - Development Services and Major Applications Manager to progress preparation of LDO1.5 in respect of up to 85,000 sq.m. of commercial floorspace, including the stages of Environmental Impact Assessment (EIA) screening and also including delegated authority to undertake statutory consultation and publicity as soon as draft LDO1.5 and supporting documentation is complete.

The meeting finished at 9.01 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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26 October 2023	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Louise Reid, Head of Service for Development Services	
Accountable Assistant Director: Tracey Coleman, Interim Chief Planning Officer	
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:** 21/01635/FUL

Location: Land South Of Marsh Farm, Marsh Lane, Fobbing, Essex.

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.

3.2 Application No: 21/00606/FUL

Location: 37 Bridge Road, Grays, Essex, RM17 6BU.

Proposal: Self-contained dwelling unit at the rear of the existing HMO building.

3.3 Application No: 22/01570/FUL

Location: Golden Chicken & Pizza, 10 Civic Square, Tilbury, Essex, RM18 8AD.

Proposal: Retention of siting of four shipping containers linked together on hard standing for storage and refrigeration. Proposed is the painting of the exterior of the containers and the installation of a pitched roof.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/02062/OUT

Location: Malvina Close, Lower Dunton Road, Horndon On The Hill, Essex.

Proposal: Outline planning application for the provision of up to 5 custom-build dwellings with all matters reserved (resubmission of 20/01514/OUT).

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered that the main issues were whether the proposal would be inappropriate development in the Green Belt, the effect of the proposal on the openness and purposes of the Green Belt, whether the proposed development would provide a suitable location for housing and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

4.1.2 The Inspector stated the proposal does not meet the exceptions within the NPPF paragraphs 149e or 149g. Nor does it meet any of the other exceptions in the same paragraph. The Inspector therefore concluded that it would comprise inappropriate development in the Green Belt also stating the proposal would cause harm to the openness of the Green Belt and be contrary to the purposes of the Green Belt. It would also conflict with relevant requirements of policy PMD2, which amongst other things requires that development promotes connections between places that people want

to use. There were no other considerations to amount to very special circumstances required to justify the proposal.

4.1.3 The Inspector concluded that there would be conflict with the development plan. Therefore, the appeal was dismissed.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/01761/FUL

Location: Supply 2 Location Ltd, Southend Road, Corringham, Stanford Le Hope, Essex.

Proposal: Retention of marquee for temporary period of 2 years for storage in association with host business.

Appeal Decision: Appeal Dismissed

4.2.1 The main issues were whether the development was inappropriate development in the Green Belt; the effect of the development on the character and appearance of the area; and, whether any harm by reason of inappropriateness, and any other harm, was clearly outweighed by other considerations to as to amount to Very Special Circumstances to justify the development.

4.2.2 The Inspector agreed with the Council's assessment regarding the development having a greater impact upon the openness of the Green Belt, both visually and spatially, and would conflict with the purposes of including land within the Green Belt. As such, the Inspector considered the development did not benefit from the exceptions set out under paragraph 149 of the NPPF, and was therefore inappropriate development.

4.2.3 With respect to the impact on character and appearance, while the Inspector noted that there was some surrounding vegetation which provided screening from several vantage points, overall, the size and appearance of the building is out of keeping with the surrounding area and incongruous. The Inspector concluded the building was harmful to the character and appearance of the locality, contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Paragraph 130 of the NPPF

4.2.4 The full appeal decision can be found online.

4.3 Application No: 21/01746/CV

Location: Supply 2 Location Ltd, Southend Road, Corringham, Stanford Le Hope, Essex, SS17 9EY.

Proposal: Application for the variation of condition no.4 (Hours) of planning permission ref. 17/00747/FUL (Retention of change of use of land to B8 (open air storage) and sui

generis (where the site will be used for a 'drive through' hand car wash).

Appeal Decision: Appeal Dismissed

- 4.3.1 The main issues were considered to be the effect of the variation of the conditions on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.
- 4.3.2 The appeal proposal would also vehicles, including HGVs, to access the site for longer periods on each day of the week. This would include up to 11pm on weekdays, and up to 6pm on Saturdays, as well as for up to 7 hours on Sundays. The Inspector observed the steady flow of traffic in the vicinity, and that the noise from this traffic flow on the dual carriageway and at the roundabout was audible, in addition to the noise generated by neighbouring commercial uses.
- 4.3.3 However, this noise, the Inspector commented, would likely reduce later in the evenings and at times at weekends, meaning that the proposal would be likely to introduce HGV noise and vehicle movements during these later periods, including engine noises, doors closing and reversing sounds, which may result in noise pollution and disturbance. The Inspector noted the anecdotal representations from interested parties and planning enforcement records relating to operations and vehicle movements outside of the controlled times, that have led to complaints. The Inspector also considered the Appellant's suggestion of a reduced time period that could be acceptable of no later than 10pm on weekdays. However, the Inspector considered that this would not overcome or demonstrate that the proposals would be acceptable with respect to the main concern regarding noise and disturbance. The Inspector concluded that the proposals would harm the living conditions of the occupiers of neighbouring properties, particularly regarding noise and disturbance, contrary to Policies CSTP6 and PMD1 of the adopted Core Strategy.
- 4.3.4 The full appeal decision can be found online.

4.4 Application No: 22/01431/HHA

Location: 36 Sabina Road, Chadwell St Mary, Essex, RM16 4PJ.

Proposal: New wall (retrospective) to enlarge enclosed area of rear garden and replacement of garage to outbuilding (retrospective) erection of front porch (retrospective) and proposed change of materials to rendered finish.

Appeal Decision: Appeal Allowed

- 4.4.1 The main issues were the effect of the appeal development on the character and appearance of the dwelling, the street scene and the wider area.

4.4.2 The Inspector's observation was that with bare breezeblocks on display, the porch and outbuilding do not make a positive contribution to the street scene, but finished in materials to draw the two together, their visual impact would be acceptable. The Inspector stated they were mindful that the majority of buildings in the area are of brick finish, but on the wider estate there were some examples of dwellings which have been rendered, and porches of a wide range of materials. The submitted plans indicate that the elevation of the dwelling facing Sabina Road would also be rendered, and provided there is consistency between the dwelling/porch and outbuilding, the Inspector considered that the use of render would be acceptable. The use of 'ivory' colour may be noticeable in the street scene but was also considered fairly neutral.

4.4.3 The Inspector concluded that the appeal development is acceptable in its impact on the character and appearance of the dwelling, the street scene and the wider area. It accords with Policy CSTP22 of the Thurrock Core Strategy and Policies for Management of Development (as amended) 2015, which amongst other criteria seeks to promote high quality design founded on a thorough understanding of, and positive response to, the local context; with Policy PMD2 of that document, in that it optimizes the potential of the site and would contribute positively to the character of the area; and with guidance in the RAE. It is sympathetic to local character and the surrounding built environment, and by increasing the enclosed garden has created a place with a high standard of amenity for existing and future users, as sought by paragraph 130 of the National Planning Policy Framework 2023.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 21/00760/HHA

Location: Atwal Villa, Brentwood Road, Bulphan, RM14 3ST.

Proposal: (Retrospective) First floor side extension and alterations to main roof. Addition of brick slips to front elevation and render to swimming pool.

Appeal Decision: Appeal Dismissed

4.5.1 The main issues were considered by the Inspector to be:

- whether the extension is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
- the effect on the openness of the Green Belt, and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

- 4.5.2 The Inspector agreed with officers that the proposal was well in excess of the “2 reasonable sized room” allowance for extensions set out in Policy PMD6 of the Core Strategy and that the proposal would be “disproportionate additions” contrary to guidance in the NPPF. The proposals would therefore constitute inappropriate development.
- 4.5.3 Given the size and visibility of the extensions from public vantage points the Inspector considered the bulk of the extension would be apparent and therefore there would be harm to openness at a localised level in both spatial and visual terms.
- 4.5.4 The Inspector found no reason to suggest that very special circumstances existed to allow a departure from policy to be made. Accordingly, the appeal was dismissed.
- 4.5.5 The full appeal decision can be found online.

4.6 Application No: 23/00179/HHA

Location: 321 Southend Road, Stanford Le Hope, Essex, SS17 8HL.

Proposal: Hardstanding and vehicle access.

Appeal Decision: Appeal Allowed

- 4.6.1 The Inspector considered whether the introduction of a new vehicle access at the site would have adverse impacts upon vehicular and pedestrian safety on the highway.
- 4.6.2 The appeal site is located on Southend Road, where the new narrow vehicle access would front on to the junction where Mackley Drive meets Southend Road.
- 4.6.3 The Inspector drew attention to a number of vehicle accesses within Southend Road, and also notes that the highway within the street has a 30 mph speed limit and signs of average speed checks. Additionally, the section of Southend Road has a straight alignment. These features therefore, all add to a situation in which vehicle speed should be reasonable, with good visibility for drivers, both on the road and when entering or exiting at road junctions or from private properties.
- 4.6.4 Information provided to the inspector detailed that the existing garage related to the appeal site is not used to accommodate a car; but instead is used to store some of the appellant’s disability equipment such as power chair, mobility scooters, etc, therefore, an additional off street parking space is desired.
- 4.6.5 The inspector concluded that the highway and pedestrian safety concerns are not so serious as to justify refusal. Whilst these highway safety matters are the main issue in this case, the inspector also consider that the benefits to the appellant, in terms of coping with her disability, and not having to rely on kerbside parking in Fourth Avenue, are factors that weigh in favour of the grant of planning permission.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Total No of Appeals	1	2	0	1	6	6						
No Allowed	1	1	0	0	2	2						
% Allowed	100	50	0	0	33.3	33.3						

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

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 - Legal

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 26 October 2023

Application Reference: 23/00813/HHA

Reference: 23/00813/HHA	Site: Greystead Parkers Farm Road Orsett Essex RM16 3HX
Ward: Orsett	Proposal: Garage extension

Plan Number(s):		
Reference	Name	Received
8837_101_A	Location Plan	3 rd July 2023
8837_102 rev A	Proposed Block Plan	3 rd July 2023
8837_103_rev B	Existing and Proposed Elevations	3 rd July 2023
8837_104 rev B	Proposed Elevations	3 rd July 2023
8837_105 rev C	Proposed Site Layout Plan	3 rd July 2023

The application is also accompanied by:

- Application form
- Design and Access Statement, 7 December 2020
- Counsel advice – John Dagg, 1st May 2022
- Counsel advice – John Dagg, 9th November 2020
- Cover Letter dated 3rd July 2023
- Planning Statement
- Appendix A – Greystead decision notice 19/00367/HHA
- Appendix B – Greystead appeal decision 19/00367/HHA 10.12.19
- Appendix C – Scrapbook records 1-5
- Appendix D – Letter from Karen Frost
- Appendix E – Photo schedule
- Appendix F – Mr and Mrs Peters appeal decision ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4
- Appendix G – Greystead appeal decision T/APP/Y1565/A/96/265832/P5 16.10.96

<ul style="list-style-type: none"> – Appendix H – Planning History – Appendix I – The Lodge 18/01760/HHA 25.03.19 – Appendix J – Fen Cottage 15/00008/HHA 30.10.15 – Appendix K -Letter of Complaint 19 August 2019 – Appendix L – Public Rights of Way Map 	
Applicant: Mr R Hunn	Validated: 5 July 2023 Date of expiry: 31 October 2023 (Extension of Time Agreed)
Recommendation: Refusal	

The application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs B Johnson, G Snell, A Carter, B Maney and L Spillman (in accordance with the Constitution, Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal upon the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for a single storey side extension to a detached pool house building at the site. The proposal involves the erection of a garage extension linked to the existing pool house and conservatory building and would provide an additional garage, measuring 6m x 10.1m, and 60 sqm in size, at the detached property. The applicant has detailed within the application that the garage extension is required in order to provide additional garaging to securely store his vehicles and spares associated with his long-term hobby of motor racing.

2.0 SITE DESCRIPTION

2.1 The application site is occupied by a detached dwellinghouse, a large pool house with a conservatory, and a detached garage. The site is located within the Metropolitan Green Belt. The dwellinghouse is set within a large curtilage bordered by one neighbouring detached dwelling to the north and by extensive agricultural land to the east, south and west. The site does not benefit from Permitted Development rights for the construction of extensions under Class A and outbuildings under Class E of The Town and Country Planning (General Permitted Development) order 2015 (as amended).

3.0 RELEVANT HISTORY

Application reference	Description of Proposal	Decision
58/00152/FUL	Construction of private garage with flat over	Approved
59/00466/FUL	Erection of Garage with Flat over - Part of grounds of Greystead	Approved
67/00566/OUT	Lounge and Kitchen Extension - Adj Greystead	Approved
69/00767/FUL	Porch addition (Details)	Approved
85/00547/FUL	Double Garage.	Approved
94/00591/FUL	Demolition of existing dwelling and erection of new dwelling	Refused
95/00023/LDC	Proposed new covered swimming pool and plant room	Lawful
95/00417/FUL	Replacement building	Approved Appeal against Condition 8 (PD restrictions under Classes A, B, C, D and E) was Allowed - and PINS varied Condition 8 to restrict PD rights under Classes A and E, without additional permission
96/00907/LDC	Use of agricultural land as domestic garden on land adj Greystead [to the South]	Unlawful
16/01507/CLOPUD	Single storey garage using the existing access.	Unlawful
17/01111/HHA	Garage extension	Refused
19/00367/HHA	Garage extension	Refused, Appeal Dismissed 10.12.19
20/01711/HHA	Garage extension	Withdrawn 30.06.23

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. No written comments have been received.

4.3 HIGHWAYS:

No objections

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 5th September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application
- Green Belt

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

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)

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.

5.5 Thurrock Design Strategy

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

development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

5.6 Thurrock Residential Alterations and Extensions Design Guide (RAE)

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

6.0 ASSESSMENT

Background

- 6.1 This proposal has been submitted following several repeated attempts to obtain planning permission for a garage extension at the site in recent years. As can be seen from the planning history, the proposed garage extension has been refused, and upheld at appeal, as recently as December 2019. The refusals have been based on the proposal by reason of its excessive size contravening Green Belt policy grounds as inappropriate development, harmful to the character and openness of the Green Belt, and with the absence of any Very Special Circumstances to justify development contrary to policy PMD6.
- 6.2 In the most recent planning appeal, following the refusal of planning application ref. 19/00367/HHA, the Planning Inspector concluded that the proposed garage extension (which proposed a slightly larger footprint than that proposed under this current application, at 78 sqm) was inappropriate development in the Green Belt. The Inspector also commented that, *‘The proposed extension would be positioned between the pool building and the northern boundary. It would be set back further than the existing garage and I accept that there would be limited visibility of it. However, a lack of visibility does not in itself mean there would be no loss of openness. The proposal would reduce the open gap to the boundary and would amount to encroachment of the countryside, contrary to the purposes of the Green Belt as set out in the Framework. Although in isolation the loss of openness would be limited, nonetheless, there would be harm, albeit relatively minor, arising from this, in addition to that arising from the inappropriate nature of the development.’*
- 6.3 The Inspector concluded that this previous proposal, in addition to being inappropriate development, did not have a case demonstrating Very Special Circumstances that clearly outweighed the harm caused, conflicting with Policy PMD6 and the NPPF and dismissed the appeal.

6.4 Since this previously dismissed appeal, the Applicant has submitted two applications including further information most notably two notes following Counsel advice, in an attempt to overcome the previous in-principle objection. Application ref. 20/01711/HHA was withdrawn by the Applicant following advice from the Officer that the application was likely to be recommended unfavourably as being contrary to Policy PMD6 as inappropriate and disproportionate development. This current application being considered by Members is an identical proposal.

6.5 The assessment below covers the following areas:

- I. Principle of the Development in the Green Belt
- II. Design, Layout and Character Impact
- III. Impact on Neighbouring Amenity
- IV. Access and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.6 The application site is located in a rural part of the Borough in Parkers Farm Road in Orsett where there are few surrounding detached residential dwellings.

6.7 Policy PMD6 of the Core Strategy states that planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF, other policies in this Core Strategy, and the following:

1. Extensions

- i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.*
- ii. The extension of the curtilage of a residential property which involves an incursion into the Green Belt will only be permitted where it can be demonstrated that very special circumstances apply.*

Green Belt Assessment

6.8 The site is located within the Metropolitan Green Belt where strict controls apply in relation all new development. Core Strategy Policy PMD6 applies in this area. National and local policies, including this policy, seek extensions to residential dwellings to be proportionate and that would consequently not exceed that represented by two reasonably sized rooms for the dwelling.

- 6.9 As can be seen in the planning history, the original property has already been extended several times and has well-exceeded what would be considered acceptable extensions and additions to the property. The level of extensions and additional development also explains why the Permitted Development rights in relation to extensions to the property and outbuildings, under Classes A and E of The Town and Country Planning (General Permitted Development Order) 2015 (as amended), were restricted in 1995. It is therefore reasonable to conclude that any additional development at the property, such as that proposed, would be considered inappropriate development, as has been found at the appeal in 2019.
- 6.10 The current proposal, adding a further 60 sqm footprint to the site, would be considered a disproportionate extension. The proposal would result in the existing pool house, conservatory and garage additions being extended further and having a resulting footprint approximately one and half times the footprint of the main dwellinghouse, increasing the footprint of the buildings within the curtilage. This would be contrary to Policy PMD6 and the guidance within the NPPF and would be inappropriate development within the Metropolitan Green Belt. Significant weight is given to the harm arising from the inappropriateness and there appear to be no very special circumstances to outweigh the in-principle harm, and harm to openness, caused.
- 6.11 In response to the Council's view that the proposal would be inappropriate and disproportionate development, the Agent has submitted the following additional information which has been assessed with respect to its relevance to the application and are summarised below.

Counsel Opinions dated 9th November 2020 and 1st May 2022

- 6.12 In the opinion provided dated 9th November 2020, the Counsel note states that the national policy and the development plan allow for some carefully described exceptions to the general restriction on 'construction of new buildings' in the Green Belt. The opinion provided considers the relevant exception here provides for an extension to the 'original building'. That is defined in the Glossary (Annex 2) to the NPPF as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.' Paragraph 145 c) of the NPPF states that, 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; ...'. The advice highlights that the reference is to 'a building', and not to any particular type of building. Policy PMD6 in relation to Extensions states the following:

' i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'

- 6.13 The Counsel opinion submitted states that previously the planning applications (at Greystead) were assessed in regard to the proportion of the development in comparison to the host dwellinghouse, however, the Counsel opinion considers that it should be in comparison to the host building, which in this case would be the pool house building.
- 6.14 The Counsel's view then goes on to explain that, on the basis that the footprint comparison of proposed addition is made with respect to the pool house building, that the garage extension would then amount to proportionate development to that building.
- 6.15 The application includes the submitted 1st May 2022 Counsel opinion, which reiterates much of this same advice, and is supportive of the proposal. In Counsel's initial advice, John Dagg refers to local planning policy PMD6 and states "*If the intention had been to impose a stricter limit than 'proportionate' on extension of dwellinghouse outbuildings it would be expected that it would be clearly stated. I cited the Supreme Court's 2012 approach to the interpretation of policy in my original Advice*". In the May 2022 opinion, Counsel has advised that, in the alternative, there is a strong Very Special Circumstances case to be argued where the level of potential Green Belt harm is very low and that there is no other planning harm. Counsel highlights, in his paragraph 6, the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023. He also refers to points made in the submitted Planning Statement by reference to the Inspector's comments and reasoning in relation to the 1996 appeal decision at Greystead, the purpose of his limiting condition on Permitted Development rights to "control future development rather than its prevention". The concluding sentence within the Counsel summary states, "that balance should be assessed against the background that ordinarily this proposal would be permitted development and that p.d. rights should only be restricted if there is clear justification".

Consideration:

- 6.16 The two Counsel notes of advice have been fully considered by officers, including Legal officers, and the Council's Legal team advise as follows:

Council's Legal Opinion

- 6.17 The Council's Legal team advise that on a strict interpretation of that paragraph, the applicant's Counsel is likely correct in saying that the 'original building' that is being extended is the pool house building and not the dwellinghouse. Accordingly, the proposed new extension should 'not result in a disproportionate addition over and above the size of the original building' – being the pool house building.

- 6.18 However, the Council's Legal team advise that in regard to Policy PMD6 section 1, sub section i), there are two sentences in this part of the policy. Each of these provides a test and the Council's Legal team advises the following:

First sentence:

'The extension of a building must not result in disproportionate additions over and above the size of the original building.'

This is applicable to any building in the Green Belt (as for para 149 c NPPF). This test should be applied in each case where NPPF exception c) might apply.

Second sentence:

'In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'

This applies only to 'residential extensions'. Whilst residential extensions are not defined, there is no express limitation to dwellinghouses. Extensions within the residential curtilage are considered as residential extensions and this part of the test needs to be considered.

- 6.19 It is the Legal team's view that the purpose of this sentence is to provide a cap to limit the size of extensions within a residential curtilage, which goes to the heart of the matter. Whilst in relation to residential extensions, the existence of this second limb to PMD6 1(i) should be acknowledged; it could be sufficient to apply the first test and find the proposal to be disproportionate and recommend refusal. In such instance, there would be no need to go onto apply this test.
- 6.20 However, if the proposal appears proportionate, in the case of residential extensions, officers should then go on to apply the test in the second sentence, to ensure that whilst the extension proposed is considered proportionate to the 'original building' it is not larger than 'two reasonable sized rooms or equivalent'.
- 6.21 This means that although a building could in principle be proportionate, the application might still be refused, because it fails the test in the second sentence of PMD6 1(i).
- 6.22 The pool house building with the conservatory is already arguably a large outbuilding, and the proposal would increase this footprint further still to the point where the existing pool house, conservatory and garage additions would have a resulting footprint approximately one and half times the size of the main dwellinghouse, increasing the footprint of the buildings within the curtilage. So,

while a legal argument *may* be made in regard to the proposed extension to 'a building' being proportionate, consideration would still need to be given to this second sentence and the fact that the proposal exceeds to the two reasonable room allowance considered acceptable at the site.

- 6.23 On the basis that the Council's Legal team concurs with the Counsel's consideration of what is the 'original building' then this would have implications for the assessment of similar Green Belt applications in the future in so far as the calculations of the two reasonable room allowance. The consideration of proportionality would still fall to be considered on the merits of each case given that every site is different.
- 6.24 In addition, the matter of the Permitted Development rights restrictive condition has already been challenged at appeal. When the specific wording of that condition was appealed, the Inspector commented that they believed, 'the main issue in this case is whether, in the light of prevailing policies, the condition is reasonable and necessary as a means of safeguarding the openness of the Green Belt.' The Inspector concluded that, 'the volume of building erected as 'permitted development' could amount to a material enlargement of the [then] new dwelling in comparison with the dwelling it replaced. As the construction of new buildings in the Green Belt is, with certain limited exceptions, inappropriate development, it is my view that such enlargements would undermine the efficacy of policies which permit the replacement of dwellings as an exception to the presumption against inappropriate development in the Green Belt.'
- 6.25 The Inspector goes on to state that, 'As the existing swimming pool illustrates, the 'permitted development' rights available, particularly under Classes A and E could have substantial impact on the space about the buildings and on the overall openness of the surroundings. In my opinion, the purpose of the condition is to control future development rather than its prevention. Such caution would be justified by the sensitivity of the location in the Green Belt.' The Inspector ultimately determined the appeal as allowed but revised the permitted development right restrictive condition to continue to restrict development deemed permitted under Classes A and E. The matter of the restriction of permitted development rights has also been challenged at the most recent dismissed planning appeal in 2019. It is notable that the Inspector in this appeal stated the proposed garage extension, (which sought a larger footprint of 78 sqm, as opposed to the 60 sqm sought under the current scheme) would be both inappropriate development and disproportionate, which is considered material to the overall assessment of the current proposal given the similarity in the proposals and the recent time in which the decision was made and the similarities between the proposals.

6.26 The Council has been referred to the following planning appeal decision: Mr and Mrs Peters appeal decision for a garage in Edenbridge, Sevenoaks (ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4). This case relates to an allowed appeal for a garage of a slightly smaller size to that proposed at Greystead, measuring 9.5m by 5.5m. In that case, the Planning Inspectorate considered the garage to not be an extension to the dwelling and to also be inappropriate development. However, the Inspector noted that the proposed garage would have replaced a building with a similar footprint that had recently been removed and considered that this amounted to Very Special Circumstances as the garage would have been possible under permitted development if it not for the site's location within the curtilage of a listed building. The proposed garage would also have no impact on openness.

Consideration:

- 6.27 This case was considered entirely on its own specific merits that the Inspector cites in their appeal decision. The Inspector concluded it was inappropriate development but considered the specific circumstances put forward by the applicant of that application as to amount to Very Special Circumstances to allow the development. As such, this case was determined on its own merits and has no material bearing on the assessment of the specific circumstances or impact on openness of this current proposal.
- 6.28 Following the full assessment of the additional information submitted by the Agent the Council continues to remain of the view that the proposal would represent disproportionate development in regard to the overall curtilage of the residential site and thereby inappropriate development in the Green Belt, contrary to Policy PMD6 and the NPPF.

Very Special Circumstances

- 6.29 As detailed above, the proposed development represents inappropriate development within the Metropolitan Green Belt. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and that it should not be approved except in very special circumstances.
- 6.30 The NPPF also states "When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt". Paragraph 148 states that Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.31 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise as ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.
- 6.32 With regards to the NPPF, paragraph 143 states *that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 144 goes on to state that, when considering any planning application, local 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*”.
- 6.33 The second Counsel opinion submitted with the application, dated 1st May 2022, refers to potential reasons which the applicant could consider to constitute as Very Special Circumstances. As part of the overall and full assessment of the proposal, these are summarised and assessed below:
- 6.34 a) *the level of harm to openness is low.*

In the May 2022 opinion, Counsel has advised that, there is a strong Very Special Circumstances case to be argued where the level of potential Green Belt harm is very low and that there is no other planning harm.

Consideration

- 6.35 Whilst it is acknowledged the due to the siting of the proposed garage extension it may not have a significantly harmful impact with regard to openness, it should be noted that in dismissing the appeal against the 2019 application the Planning Inspector states at paragraph 10: “*Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development, whether or not prominent from a public viewpoint. The proposal would increase the footprint, scale and mass of the built form on the site. As a result, the openness of the Green belt would be reduced to some degree.*’ Accordingly, the applicant’s assessment of lack of harm is challenged, as the Inspector acknowledged there would be some reduction in openness as a result of the very similar development. Furthermore, Paragraph 148 of the NPPF specifically states that *any* harm should be given substantial weight. This means that the NPPF prevents harm of level

being given less than substantial weight. Consequently, it is not considered that this argument could be given any weight attached as a Very Special Circumstance.

6.36 *b) the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023 and referenced at appeal.*

Planning consent 95/00417/FUL was granted for a replacement building and included a restrictive condition under condition 8. The applicant submitted an appeal against Condition 8, regarding the Permitted Development right restrictions under Classes A, B, C, D and E, and the appeal was allowed. In allowing the appeal, the Planning Inspector varied the wording of Condition 8 to restrict Permitted Development rights under Classes A and E, without additional permission. Paragraph 54 of the NPPF states that, 'Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.' The Counsel opinion from 1st May 2022 comments that given the policy presumption against limiting Permitted Development rights in Paragraph 54, this should be considered in the balance as a Very Special Circumstance for the proposal.

Consideration

- 6.37 The Applicant's case indicates a presumption against the imposition of such condition is a material planning consideration (or that the condition is not a material consideration because of that presumption). Firstly, this submission does not amount to a positive benefit so cannot be given positive weight in support of the application. Secondly, the planning condition exists against the site. This means the planning condition is a material consideration, and is a matter of fact, weighing against approval. Should the applicant wish to seek the removal of this restrictive condition they are free to submit a planning application seeking this. It is relevant to advise, however, that the matter of the Permitted Development rights restrictive condition imposed at the site under consent 95/00417/FUL has already been challenged at appeal, as detailed earlier in this report. When the specific wording of that condition was appealed, the Inspector commented that they believed, 'the main issue in this case is whether, in the light of prevailing policies, the condition is reasonable and necessary as a means of safeguarding the openness of the Green Belt.' The Inspector concluded that, 'the volume of building erected as 'permitted development' could amount to a material enlargement of the [then] new dwelling in comparison with the dwelling it replaced. As the construction of new buildings in the Green Belt is, with certain limited exceptions, inappropriate development, it is my view that such enlargements would undermine the efficacy of policies which permit the replacement of dwellings as an exception to the presumption against inappropriate development in the Green Belt.'

- 6.38 The Inspector goes on to state that, ‘As the existing swimming pool illustrates, the ‘permitted development’ rights available, particularly under Classes A and E could have substantial impact on the space about the buildings and on the overall openness of the surroundings. In my opinion, the purpose of the condition is to control future development rather than its prevention. Such caution would be justified by the sensitivity of the location in the Green Belt.’
- 6.39 The Inspector ultimately determined the appeal as allowed but revised the permitted development right restrictive condition to continue to restrict development deemed permitted under Classes A and E. The matter of the restriction of permitted development rights has also not been challenged at the most recent dismissed planning appeal in 2019. It is notable that the Inspector in this appeal stated the proposed garage extension would be both inappropriate development and disproportionate, which is considered material to the overall assessment of the current proposal given the similarity in the proposals and the recent time in which the decision was made. As a consequence, it is considered that the justification for the restriction of Classes A and E has been fully considered, including at appeal, and would not be considered to conflict with the objectives of paragraph 54. No weight is therefore given to this purported Very Special Circumstance.
- 6.40 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	<i>a) the level of harm to openness is low</i>	No weight
		<i>b) the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023 and referenced at appeal</i>	No weight

- 6.41 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. The harm should be clearly outweighed by other material planning considerations which have been demonstrated to be benefits. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of

openness and harm to Green Belt purpose. The NPPF specifies this must be given substantial weight. For the reasons given above, neither of the two factors promoted by the applicant as considerations amounting to 'Very Special Circumstances' have been demonstrated to be benefits necessary to justify inappropriate development. However, it is for the Committee to judge:

- i. whether and how the factors are demonstrated to be genuinely 'Very Special' or whether the accumulation of generic factors combine at this location to comprise 'Very Special Circumstances' and if so
- ii. weight to be attributed to those factors

6.42 It is considered that the applicant has not advanced any factors which would cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2023.

II. DESIGN, LAYOUT AND CHARACTER IMPACT

6.43 The overall design of the proposal is considered sympathetic and relates suitably to the character of the existing dwelling. The ridge line of the proposed garage roof would be set at the same height as the existing pool house building, with exception to the smaller linked extension which would be set at a lower ridge height, and the overall extension roof would be hipped to match. The materials proposed would reflect those of the pool house building.

6.44 Given the position and orientation of the garage extension to the pool house building within the application site, the proposal would be visible from the driveway serving the site. However, given the majority of the driveway is set beyond the entrance gates close to the adjacent highway of Parkers Farm Road, the visual impact from the public realm would be limited in this instance.

6.45 Notwithstanding the in-principle objection, it is considered the proposal would be acceptable in relation to policies CSTP22, CSTP23 and PMD2.

III. IMPACT ON NEIGHBOURING AMENITY

6.46 Due to the level of separation between neighbouring properties, and the existing established Leylandii planting along the northern boundary of the site, the proposal

would not result in any adverse or additional impacts upon neighbour amenity and would be in accordance with policy PMD1 and the RAE.

IV. ACCESS AND CAR PARKING

6.47 Given the existing garage parking would remain, and the fact the proposal seeks to provide additional garaging at the site, the proposal would not result in any highway or parking impacts. A relatively modest additional area of hardstanding to the immediate west of the proposed extension would be extended and created in front of the garage extension to ensure suitable vehicle access could be achieved. The proposal would be in accordance with policy PMD8.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

7.1 The application site is located within the Metropolitan Green Belt where limitations apply in relation to additional development, as set out in policy PMD6. The current proposal, adding a further 60 sqm footprint to the site, would be considered a disproportionate extension. Existing development present within the application site already exceeds the two reasonably sized room allowance, and therefore, the proposal would further increase this excess.

7.2 Whilst the applicant has put forward additional information, including Counsel opinion, and two separate factors they consider should be taken into account in deciding whether Very Special Circumstances exist, these have all been considered and assessed. This information and these factors would not cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of the inappropriateness and other harm identified by way of disproportionate development in the Green Belt.

8.0 RECOMMENDATION

8.1 Refuse planning permission for the following reason:

1 The proposed garage extension would be in excess of the amount that would be considered proportionate to the existing curtilage of the dwelling in this case, and in excess of the two reasonable sized room allowance specified by Policy PMD6 of the Core Strategy. The development would therefore result in inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. It is not considered that the matters put forward as very special circumstances clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Core Strategy and Policies for the Management

of Development (as amended 2015) and the National Planning Policy Framework 2023.

Informative:

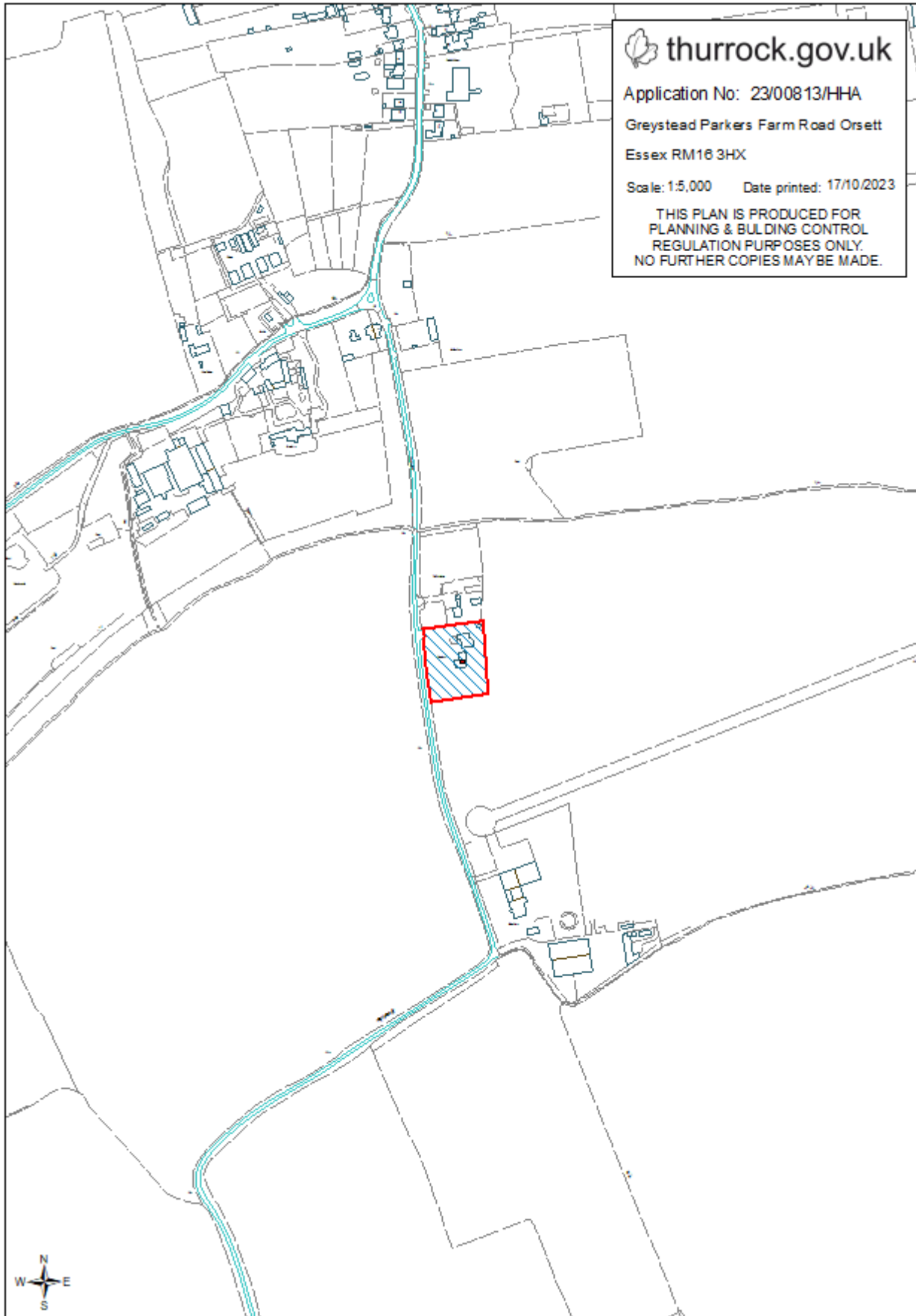
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. However the issues are so fundamental to the proposals that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for refusal, approval has not been possible.

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**

Application No: 23/00813/HHA
Greystead Parkers Farm Road Orsett
Essex RM16 3HX

Scale: 1:5,000 Date printed: 17/10/2023

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Agenda Item 9

Planning Committee 26 October 2023	Application Reference: 23/00913/FUL
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Reference: 23/00913/FUL	Site: Garage Site Lyndhurst Road Corringham Essex
Ward: Stanford East and Corringham	Proposal: Redevelopment of garage blocks to provide 6 two-storey houses with associated amenity space, landscaping, and parking.

Plan Number(s):		
Reference	Name	Received
22101-00-001	Location plan	21 st July 2023
22101-00-002	Existing site plan	21 st July 2023
22101-00-003 rev A	Proposed site plan	5 th October 2023
22101-10-001	GA plans level 0	21 st July 2023
22101-10-002	GA plans level 1	21 st July 2023
22101-10-003	GA plans level 2	21 st July 2023
22101-20-001	GA elevations sheet 1	21 st July 2023
22101-20-002	GA elevations sheet 2	21 st July 2023
22101-20-101	GA sections sheet 1	21 st July 2023
22101-30-001	Unit type 1 – 3B5P house	21 st July 2023
22101-30-002	Unit type 2 – 2B4P house	21 st July 2023
22101-51-001	Indicative façade detail sheet 1	21 st July 2023
22101-51-002	Indicative façade detail sheet 2	21 st July 2023
22101-92-001	Accommodation schedule	21 st July 2023

The application is also accompanied by: <ul style="list-style-type: none"> - Application form - Drawing issue register - Design and Access statement - Daylight and sunlight report - Air quality assessment - Arboricultural method statement - Archaeological desk-based assessment - Fire compliance technical note - Noise assessment - Drainage strategy - Ecology report - Energy statement - Utilities statement 	
Applicant: Thurrock Council	Validated: 21 July 2023

	Date of expiry: 31 October 2023 (Extension of Time as Agreed)
Recommendation: Approval, subject to conditions	

This application is scheduled for determination by the Council's Planning Committee because it is a Council application for development of Council-owned land, and the proposed dwellings would be part of the Council's stock of affordable rental units.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for demolition of 67 existing block garages, clearance of the site, and erection of a development of 6 two-storey houses with associated parking, landscaping, and amenity space at the Lyndhurst Road garage site, Corringham. All units would be affordable rent as part of the Council's housing stock.
- 1.2 It is proposed to demolish the existing single storey garage blocks and erect a terrace of 4 three-bed houses fronting on to Lyndhurst Road with 2 semi-detached two-bed houses, vehicle parking, and an area of open space set to the rear.
- 1.3 The proposed houses would be of a simple contemporary design with brick elevations (including glazed brick detail within porch areas), pitched standing seam metal roofs with solar PV panels, vertically proportioned aluminium windows, and a projecting brick and stone firebreak detail between each unit.
- 1.4 The proposed three-bed units would measure 6m wide x 10m deep x a maximum of 8.7m tall to the top of the firebreak detail (8.5m to ridge, 5.5m to eaves). At ground floor they would have a lounge, kitchen/diner, shower room, and utility room/storage, with two double beds, a single bed, and a bathroom at first floor. The proposed two-bed units would measure 6m wide x 8.7m deep x a maximum of 8.7m tall to the top of the firebreak detail (8.5m to ridge, 5.5m to eaves). At ground floor they would have open plan kitchen/diner/lounge, shower, and storage, with two double beds and a bathroom at first floor.
- 1.5 Each unit would have a private rear garden of minimum 12m depth enclosed by a brick wall, and a small front patio area enclosed by metal railings and a low brick wall. Rear access to existing neighbouring gardens is retained other than for 2 Mackley Drive (which has access from the front.)
- 1.6 A total of 12 parking spaces would be provided; 5 parallel bays along the southern border and 7 bays within the rear area to the front of the semi-detached units.

Vehicle access would be taken from the existing access points in the SW and SE corners of the site, and the interior of the site would comprise a shared surface.

- 1.7 An area of open space would be formed within the centre of the site, to the rear of the existing and proposed units fronting onto Lyndhurst Road. Existing trees that are in good condition (see para. 2.1) would be retained and new tree planting introduced on the southern and eastern site boundaries. Pedestrian access to the rear of existing properties would be retained via new pathways through the site.

- 1.8 The Design & Access Statement (D&A) comments (in extract):

A rational plan composed of well-resolved repeated dwelling types underpins the efficiency of the scheme - maximising the use of space, simplifying structural, servicing and detailing solutions.

The brick facade is broken up with well-proportioned repeated window types. Deep window reveals, together with expressed precast cill, entrance canopies and party walls are intended to give an order to the facade, informed by practical construction considerations.

A limited number of carefully selected materials are used in well considered details to ensure that the building ages well and requires minimal maintenance.

Two complementary brick tones are proposed, picking up on the cream bricks of key buildings in the adjacent area. The light buff brick is suggested as the main brickwork. An accent glazed brickwork is used on entrances for its aesthetic properties and general high resistance and durability with low maintenance required.

The two mature Oak specimens located on site have a high amenity value and will be retained. The second northwest-most oak tree will require crown pruning works. The field maple specimens in the middle of the site will also be retained. All these trees are important in creating a green vista when viewed from Lyndhurst Road. Two 'Category C' specimens will be retained close to the northern boundary to provide visual amenity in the new back garden of the two-bedroom houses.

Eight trees in total will be removed. Five trees are 'Category U' which would need to be removed in any instance and three are low-quality 'Category C' with limited life expectancy.

- 1.9 The table below summarises some of the main points of detail contained within the

development proposal:

Site Area	2074sqm / 0.2ha
Number of Dwellings	6 (4 x 3-bed and 2 x 2-bed)
Ridge Height	8.5m
Parking Spaces	12
Density	30dph

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a parking court with blocks of single-storey garages. The site is divided into two, with a larger area to the south occupied by more modern garages and a smaller area to the north occupied by older units, the majority of which have now been demolished. Land levels rise slightly (approx. 1m) up to the northern section with a row of mature trees (2 category A (high quality), 3 category B, and the remainder categories C or U) and wire fence along the dividing boundary.
- 2.2 The site is surrounded by existing residential dwellings fronting onto Lyndhurst Road, Southend Road, and Mackley Drive. The wider area is residential in character, with mixed styles, designs, and scales of housing neighbouring the site, including two storey houses, chalet bungalows, and three-storey flats. The layout of roads and dwellings within the wider area is irregular, with units positioned at varying angles to the roads.
- 2.3 The site is within the Essex coast RAMS zone of influence but otherwise free from designations.

3.0 RELEVANT PLANNING HISTORY

Application Ref.	Description of Proposal	Decision
22/30164/PMIN	Development of a council owned site of 67 garages in Stanford-le-Hope into 8 new build homes. Proposed mix of homes for development - 6 x 2 bedroom Units & 2 x 4 bedroom units with associated amenity space, cycle parking, refuse and service space. Car parking spaces to be provided for new units. Retention of existing trees on site.	Advice given
94/00483/FUL	Garage extension	Approved
70/00537/FUL	Residential Development of 20.4 acres at Corringham, Springhouse Road.	Approved

60/00794/OUT	Open space and residential development on 34.64 acres fronting Southend Road, Corringham.	Approved
49/00250/FUL	Residential Development	Approved

The following Planning Enforcement history is also relevant:

Enforcement Reference	Complaint	Outcome
22/00394/AUNWKS	Demolition of garages without planning permission.	No further action – demolished due to poor condition, health and safety, and ASB concerns.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Six (6) letters of objection have been received from 5 addresses, raising the following summarised points:

- Noise and disturbance.
- Highway safety and amenity.
- Local parking pressures.
- Security of existing rear gardens.
- Loss of privacy and overlooking.
- Impact on property values.
- Impact on local services.
- Loss of existing trees.
- Loss of existing garages.
- Loss of existing rear access to gardens (officer comment: access is shown for neighbouring gardens, as set out at paragraph 1.5 above).
- Neighbour comments not available for public view (officer comment: this was corrected as soon as officers were notified of the matter).

Also noted are comments in regards the section 114 notice under which the Council is currently operating, but that is not a material planning consideration.

4.1 ANGLIAN WATER:

The development falls below their consultation response threshold, but they advise that the developer should check for any water infrastructure beneath the site before commencing development.

4.2 ESSEX COUNTY COUNCIL SPECIALIST ARCHAEOLOGICAL ADVICE:

No objections.

4.3 ESSEX POLICE:

Confirm they have discussed the scheme with the architects with a view to achieving Secured By Design accreditation. They recommend that appropriate lighting and fencing is provided to ensure site security and highlight the need to ensure EV charging points are secure.

4.4 HIGHWAYS:

Comment that the site lies within a medium accessibility area, close to Corringham town centre. They raise concern that the proposed parking layout could displace existing residents as the occupants of the new frontage units may seek to park in front of their properties but note that parking provision within the development meets current requirements. Highways officers also suggest that waiting restrictions should be installed within the site to keep the turning areas clear of obstruction and recommend a number of standard conditions as set out below.

4.5 HOUSING:

The application falls below the threshold for affordable housing provision.

4.6 LANDSCAPE AND ECOLOGY ADVISOR:

Raises no objections, and comments on the following:

An ecological assessment has been undertaken which confirms that the site has low ecological value and the buildings and trees are unsuitable for roosting bats.

Two of the oaks have been assessed as Category A – High Value specimens and the other oaks were Category B – Moderate Value. The

arboricultural assessment confirms that these good quality trees can be retained although some minor crown lifting works will be required. Ground protection measures will also be required. An Arboricultural Method Statement been provided with the Impact Assessment. It provides enough detail to ensure that no adverse effects would occur to the retained trees.

The trees on the northeast boundary are not of high amenity value. These will require removal as part of the scheme. New replacement planting can be provided as part of the proposed landscaping.

An indicative landscape scheme has been provided within the DAS. The principles are broadly appropriate for the site. If the scheme is permitted, I would require a landscape condition to control the details of the final scheme.

They have also carried out a Habitat Regulations Assessment which concludes that there would be no adverse impact upon protected sites subject to payment of the RAMS mitigation strategy contribution of £156.76 per dwelling.

4.7 PUBLIC FOOTPATHS:

New road signage will be required to serve the development.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The updated NPPF was published in September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

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

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

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

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

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
- Promoting healthy and safe communities
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
15. Conserving and enhancing the natural environment

5.3 NPPF para. 130 sets out that "*planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Planning Policy Guidance

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

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

Local Planning Policy Thurrock Local Development Framework (2015)

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP19: Biodiversity
- CSTP20: Open space
- 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
- PMD5: Open spaces, outdoor sports and recreational facilities
- PMD7: Biodiversity, geological conservation and development
- PMD8: Parking Standards
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD14: Carbon Neutral Development

- 5.6 Policy CSTP1 sets the Council's housing delivery targets (although it is acknowledged the Council currently has a housing land supply shortfall of approximately 3.5 years, which is discussed further in the principle section below) and directs new residential development to previously developed land within the urban area, outlying settlements, and other existing built-up areas in an effort to protect the Green Belt.
- 5.7 CSTP22 requires all development to be of a high quality of design and to improve

the quality of the environment within the borough. Paragraph iii) in particular *“requires developers to demonstrate that their proposals are designed to respect the distinct positive characteristics of areas within Thurrock, whether urban or rural, and create a sense of place within their schemes.”* Para. viii) then states that *“the Council will require that developments address the particular sensitivities and capacity of the places within which they occur, including how adverse impacts are mitigated.”*

- 5.8 In the introduction to policy CSTP23, (2015) paragraph 5.139 sets out that *“the character of a place or area is derived from the recognisable and consistent patterns of natural, historic and built elements within it, which make it different or distinct from another place or area. Thurrock recognises that protecting and promoting the best elements of the Borough’s character and strengthening its sense of place provides benefits for community cohesion, the quality of life, and economic growth.”* The policy wording then sets out that the Council *“will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.”*
- 5.9 Policy PMD2 states that *“the Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts.”*

Thurrock Local Plan

- 5.10 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

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

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

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

I. Principle of development

6.2 The application site comprises previously developed land within a sustainable urban area, where local and national planning policies aim to direct new residential development in preference to the release of greenfield sites elsewhere. The proposal would also make a small but meaningful contribution to the Council's five-year housing land supply and to the Council's stock of affordable rental accommodation, both of which contribute towards sustainable development objectives.

6.3 The principle of development is therefore acceptable, subject to the amenity considerations set out in the following paragraphs.

II. Design, layout, and visual amenity

6.4 The existing garages are not considered to be of any design or architectural merit, and they contribute little to the character and appearance of the area. It is noted that a number of garages were demolished last year due to being in poor condition and potentially unsafe. It is also noted that there were concerns about anti-social behaviour on the site.

6.5 Officers consider that the proposed development represents a good layout that achieves optimum use of the site while being able to meet all required standards in terms of private amenity space, parking provision, and separation distances, and with a generous area of landscaped open space within the centre of the site.

6.6 The houses fronting on to Lyndhurst Road would continue the existing building line along the road and present an attractive frontage within the street scene. They would be of a similar scale to existing neighbouring houses, with simple contemporary elevations and appropriate materials, and would therefore sit comfortably within the context of the street scene and contribute positively to the character and appearance of the area. The units within the rear space would be of a similarly acceptable and attractive design, but would be set within a different,

backland context. They would be set away from existing surrounding properties such that would not be visually dominant in views from rear windows and would not have an unacceptable visual impact.

- 6.7 It is acknowledged that the frontage houses would screen public views through the site to the trees in the centre, but the loss of such views is not considered to be unacceptably harmful when balanced against the need to provide housing within sustainable locations, and the visual benefit of redeveloping an otherwise unattractive site. It is also noted that the trees are in generally poor condition and that an area of usable public open space with replacement planting would be created, which is a further positive element of the proposals.
- 6.8 Local objections are noted in regards security and potential access to existing rear gardens arising from the development. However, such access is currently available from within the garage courts and the proposed dwellings would provide a degree of passive overlooking and security that would serve to discourage such anti-social behaviour more-so than an empty parking area. Objections in regard loss of service access to rear gardens (for bins, bicycle, etc.) is also noted, but the drawings show that access would be retained for all existing properties.
- 6.9 Overall it is considered that the proposals would contribute positively to the character and appearance of the area, and that a refusal on the grounds of layout or visual amenity could not be justified or sustained.

III. Residential amenity

- 6.10 The proposed dwellings would provide an acceptable standard of amenity for future occupants; internal floorspaces would be in excess of the minimum national standards and gardens would be of an appropriate size, enclosed, and not unacceptably overlooked.
- 6.11 Due to the siting and orientation of the proposed units and the separation distances from existing neighbouring dwellings, the proposed units would be unlikely to give rise to any unacceptable issues of overlooking, loss of privacy, overshadowing, overbearing aspect, or other loss of amenity for existing neighbouring residents. It would be reasonable, however, to remove permitted development rights for the insertion of additional windows on the two semi-detached units to minimise potential for additional overlooking in future; a condition in this respect is set out below.
- 6.12 Officers consider that there are no grounds for refusal in regards residential amenity.

IV. Highways and parking

- 6.13 The Council's Highways team requested a minor amendment to the plan to ensure appropriate HGV tracking and turning can be provided within the site interior; a revised drawing has been received in this regard, removing the pedestrian footpath around the outside edge of the open space to provide a larger road surface. Pedestrian access through the site is maintained by a footpath around the other side of the open space.
- 6.14 As set out above: the Highways team do not object to the amended proposals but note potential for the frontage parking to displace existing residents if/when future occupants park to the front of their properties. However this is not a material planning consideration and could not be used to justify refusal; what members need to be aware of is that the scheme provides sufficient parking spaces (including electric vehicle bays) in accordance with the adopted Thurrock Parking Standards 2022.
- 6.15 The Highways team have suggested standard conditions to be attached to any grant of planning permission, and these are set out below. Subject to these conditions there is no objection to the development on the grounds of highway safety and amenity.

V. Landscape and biodiversity

- 6.16 The Council's Landscape and Ecology advisor raises no objection to the proposals, commenting (as above) that the site has low ecological value and that many of the existing trees are in poor condition. In that regard there is no objection in principle to redevelopment of the site on ecological grounds.
- 6.17 Several of the existing, better quality, trees are to be retained and additional appropriate, native planting throughout the site can be secured through the soft landscaping conditions below. This will enhance the biodiversity potential of the site in accordance with current government guidance and would also help to soften the visual impact of the scheme once established.
- 6.18 The site lies within the Essex Coast RAMS zone of influence and the proposals constitute 'relevant development' with potential to affect the Thames Estuary and marshes Special Protection Area. All new residential development within the RAMS zone is required to make a financial contribution of £156.76 per unit towards management and mitigation of potential disturbance to wildlife arising from recreational use of protected areas (dog walking on the coast, for example). Such a contribution must be received prior to consent being granted; the applicant has agreed to pay the mitigation (totalling £940.56). A Habitat Regulations Assessment

has been carried out, confirming that there would be no adverse impacts on designated areas (SSSI, SPA, Ramsar) subject to receipt of this mitigation contribution prior to the determination of this application and the issuing of the decision notice.

- 6.19 Conditions are set out below in respect of soft landscaping and tree protection measures (to be put in place prior to construction); subject to these requirements the proposals are considered acceptable and no objections are raised in regards ecology and biodiversity.

VI. Other matters

- 6.20 The dwellings are put forward as affordable housing to be used as affordable rental units operated / managed by the Council. Because the scheme is for 6 units there is no requirement, or indeed potential to secure the units as affordable in perpetuity through a s.106 legal agreement or similar approach, as such mechanisms can only be employed on developments of 11 or more units. Members may take some comfort from the fact that the dwellings would be Council-owned, however, and their future occupation and sale/retention can be reviewed by the appropriate teams and Cabinet Members, if necessary.

7.0 CONCLUSIONS

- 7.1 The proposed development would see the replacement of existing under-used and poor-quality garages with affordable housing maintained and managed by the Council and would thereby contribute to sustainable development objectives. The proposed development is considered to be acceptable in terms of scale, design, layout, and impact upon local amenity, ecology, and highway safety. Local objections are noted but do not amount to justifiable reasons for refusal in this instance.
- 7.2 Taking the above into account it is recommended that Members resolve to approve the application subject to receipt of a financial contribution of £940.56 towards management and mitigation of the Essex Coast RAMS.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

Standard Time

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

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

Approved drawings

2. No development shall take place other than in accordance with the following plans, drawings, and documents:

Plan Number(s):		
Reference	Name	Received
22101-00-001	Location plan	21 st July 2023
22101-00-002	Existing site plan	21 st July 2023
22101-00-003 rev A	Proposed site plan	5 th October 2023
22101-10-001	GA plans level 0	21 st July 2023
22101-10-002	GA plans level 1	21 st July 2023
22101-10-003	GA plans level 2	21 st July 2023
22101-20-001	GA elevations sheet 1	21 st July 2023
22101-20-002	GA elevations sheet 2	21 st July 2023
22101-20-101	GA sections sheet 1	21 st July 2023
22101-30-001	Unit type 1 – 3B5P house	21 st July 2023
22101-30-002	Unit type 2 – 2B4P house	21 st July 2023
22101-51-001	Indicative façade detail sheet 1	21 st July 2023
22101-51-002	Indicative façade detail sheet 2	21 st July 2023
22101-92-001	Accommodation schedule	21 st July 2023
	Arboricultural Method Statement	21 st July 2023

Reason: For the avoidance of doubt.

Construction management plan

3. No development shall take place, including any works of demolition, until a Construction Method Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. details of construction access.
 - ii. the parking of vehicles of site operatives and visitors.
 - iii. loading and unloading of plant and materials.
 - iv. storage of plant and materials used in constructing the development.

- v. Details of temporary hardstanding
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- vii. wheel washing facilities and sheeting of vehicles transporting aggregates.
- viii. measures to control the emission of dust and dirt during construction.
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Tree protection

4. i) No development shall take place until the tree protection measures outlined in the submitted Arboricultural Statement have been implemented on site. Such measures shall be retained for the duration of construction activity.
- ii) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998 Recommendations for Tree Work.
- iii) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: In the interest of protecting trees to be retained.

Hours of work

5. No construction work in connection with the development shall take place on any Sunday or Bank 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 with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

External materials

6. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

Contamination

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Landscaping

8.
 - i) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
 - ii) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.
 - iii) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased

within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

Highway access details

9. No development beyond the construction of foundations shall take place until details showing the layout, dimensions, and construction specification of the proposed access to the highway have been submitted to and approved in writing by the Local Planning Authority. On approval the details shall be implemented as agreed.

Reason: In the interest of highway safety and amenity.

Parking provision and retention

10. No development beyond the construction of foundations shall take place until details of the means of surfacing, laying out, and drainage of the parking areas shown on drawing 003 rev. A have been submitted to and approved in writing by the Local Planning Authority. The parking areas shall thereafter be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety and convenience.

Waiting restrictions

11. No development beyond the construction of foundations shall take place until details of a scheme of waiting restrictions to be installed within the site have been submitted to and approved in writing by the Local Planning Authority. On approval the scheme shall be implemented as agreed (subject to all necessary consents being obtained from relevant landowners and the highway authority).

Reason: In the interest of highway safety and convenience.

No additional windows or openings

12. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south-western and north-eastern flank walls of the two semi-detached dwellings hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

No gates, walls, or fences

13. Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure (other than those shown on the approved plans and drawings at condition 2 above) shall be erected or provided in advance of any wall or any dwelling fronting on a highway.

Reason: In the interests of visual amenity.

INFORMATIVE:

Positive and Proactive Statement

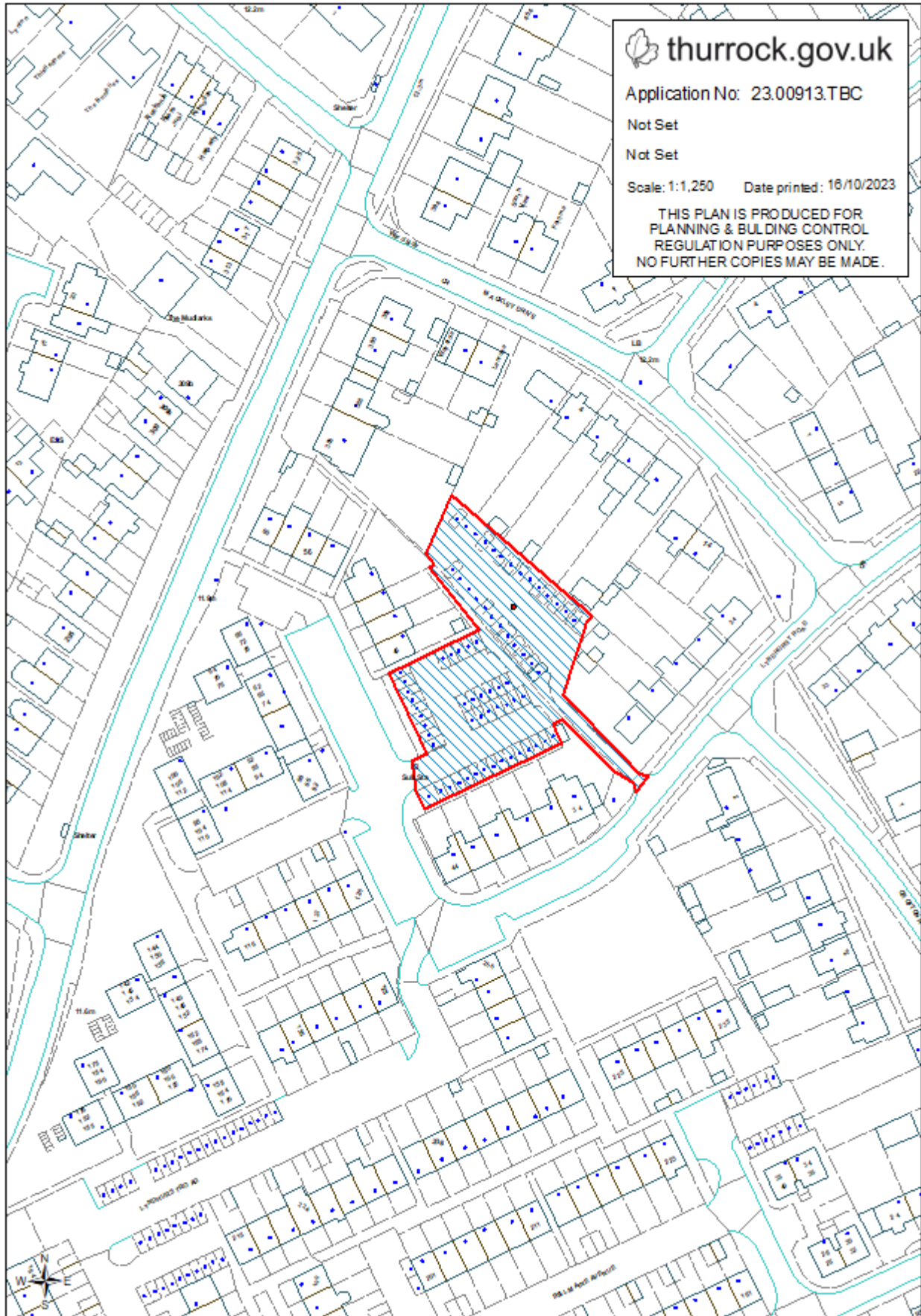
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:


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

Documents:

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

www.thurrock.gov.uk/planning



 **thurrock.gov.uk**

Application No: 23.00913.TBC

Not Set

Not Set

Scale: 1:1,250 Date printed: 16/10/2023

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Reference: 23/00931/FUL	Site: Treetops School Buxton Road Grays Essex RM16 2WU
Ward: Little Thurrock Blackshots	Proposal: Change of use from Education (F1(a)) use to dual use Education and Local Community (F1(a) and F2) use and conversion of existing 6 bay minibus garage at Treetops School to allow for the provision of a fitness and rehabilitation facility for use by pupils and local community.

Plan Number(s):		
Reference	Name	Received
Treetops Learning Community Location Plan	Location Plan	6 th October 2023
1870 05 (--)-L07 rev P1	Existing and Proposed Elevations	26 th July 2023
1870 05 (--)-L02 Rev P1	Proposed Floor Plan	28 th July 2023
1870 05 (--)-L07	Minibus Garage Sections	28 th July 2023

The application is also accompanied by:

- Application form
- Treetops School revised Travel Plans, 18th September 2023
- Site description, Operations and Travel Plans, 4th September 2023

Applicant: Treetops School	Validated: 18 August 2023 Date of expiry: 31 October 2023 (Extension of Time agreed)
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Recommendation: Approve, subject to conditions

This application is scheduled for determination by the Council's Planning Committee because the previous application relating to the erection of a new 140 pupil SEN (special educational needs) Free School with associated parking and landscaping (ref. 19/00725/FUL) at the site was considered and determined by Members in October 2019.

This current application relates to a proposed change of use of a minibus garage for use by the wider Treetops Learning Community Trust, and following that earlier approval.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The proposal involves the change of use of the existing 6 bay minibus garage at the Treetops School to allow for the use of the building for both education and local community (F1(a) and F2) uses to provide a fitness and rehabilitation facility at the site for use by the wider Treetops Learning Community Trust. Between the 3 schools there are 458 students who are SEND. The use of the space would allow the Trust to incorporate specific individualised intervention programmes along with whole class PE lessons, on a daily basis. No operational development is proposed to the garage.
- 1.2 The fitness area would also allow for an after school and evening programmes to be established throughout the year to support the local and wider SEND community. The Trust has contact charities such as Thurrock Lifestyle Solutions and other independent living organisations who may wish to use the facility to meet the needs of their customers in a safe and controlled environment.
- 1.3 The proposed operational hours relating to the use of the facility would be as follows:

Monday to Friday: 06:00 – 20:00 Hours

Saturday: 08:00 – 14:00 Hours

Sundays and Bank Holidays: 08:00 – 14:00 Hours

Hours of operation would work around current school timings, avoiding peak hours of pick up and drop off times, to not increase any traffic generated at these times. During the evenings and at weekends the majority of the 232 parking spaces at the site would not be in use by the schools and so would be available. There would be no parking on Buxton Road.

2.0 SITE DESCRIPTION

- 2.1 The site of the former Torrells County Secondary School extended to an area of 10.8 Ha and included playing fields to both the south and north-west of the campus buildings. However, the current application site is c. 250 sq.m in area and is situated on the northwestern part of the Treetops School site. The existing Treetops School is located to the northern half of the overall campus buildings, and the more recently built Treetops Free School is located to the southern half of the overall site and accessed via Buxton Road. Immediately south and southeast of the application site lies a car parking area. Playing fields are located further to the south;

residential development along Buxton Road and Carlton Road is located to west; the A1089 is to the immediate east and undeveloped land lies to the immediate north with Stanford Road beyond.

- 2.2 The new access road from Stanford Road is currently under construction providing access direct from Stanford Road to the school campus.
- 2.3 The site is located within the Metropolitan Green Belt. The site is in a low flood risk zone.

3.0 RELEVANT PLANNING HISTORY

The overall site has an extensive planning history associated with its recent use for educational purposes. The campus site comprises the Beacon Hill Academy (post 16 campus) which provides facilities for pupils with severe and complex learning difficulties, Treetops School which provides 290 places for pupils between the ages of 3 and 19 who experience moderate learning difficulties, and the recently built Treetops Free School which provides 140 places for SEN pupils. The most recent planning history is set out in the table below:

Application Reference	Description	Decision
06/00170/TTGFUL	Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works, all taking permanent access from Buxton Road (construction access from Stanford Road).	Approved
07/00148/TTGFUL	Amendments to planning permission 06/00170/TTGFUL (Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works).	Approved
10/00976/TBC	New school kitchen and dining room plus pupil changing facilities.	Approved
11/00099/FUL	Erection of single storey building comprising canteen and shop	Withdrawn
11/00359/FUL	Erection of single storey building comprising canteen and shop	Approved

12/00279/FUL	New 4000msq car park, with soft and hard landscaping and lighting.	Approved
14/00971/FUL	Replacement teaching building	Approved
19/01095/FUL	Temporary permission is sought for the siting of a double demountable classroom unit to the rear of the school site for a duration of 1 year in order to allow the school to accommodate pupils with special educational needs within the borough of Thurrock while the planning application (ref. 19/00725/FUL) for the construction of the Treetops Free School is considered.	Approved
19/00725/FUL	Erection of a new 140 pupil SEN school with associated parking and landscaping	Approved
20/01065/FUL	Construction of a new sports hall and 2 no. additional classrooms	Approved
22/01196/FUL	Erection of 2.4m high fencing along western and southern boundary of the site and erection of 3m high fencing around the multi use games court	Approved

4.0

CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Six written comments have been received at the time of drafting this report, three objecting to the proposals on the following grounds:

- Traffic generation
- Pollution
- Facility should not be used until new access road is completed

There letters of support, making the following comments:

- Schools at the site make a significant difference to disabled pupils and this would benefit local community
- Facility would be of benefit to all pupils at the school

4.3 HIGHWAYS:

No objection subject to conditions.

4.4 SCHOOL TRAVEL PLAN CO-ORDINATOR:

No objections, subject to conditions ensuring both Treetops School and Treetops Free School update their travel plans to ensure they reach Bronze Accreditation by December 2023.

4.5 ENVIRONMENTAL HEALTH OFFICER:

No objections

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 5th September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land

5.2 National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application
- Transport evidence bases in plan making and decision-taking
- Travel plans, transport assessments and statement in decision-taking
- Use of planning conditions

5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th of February 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)

THEMATIC POLICIES

- CSTP9 (Well-being: Leisure and Sports)
- CSTP12 (Education and Learning)
- CSTP22 (Thurrock Design)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout and Impact upon the Area
- III. Amenity Impact
- IV. Access, Traffic Impact and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT

6.2 As noted at paragraph 2.3 above, the site is located within the Metropolitan Green Belt. It is therefore necessary to consider the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;

- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

6.3 i. Whether the proposals constitute inappropriate development in the Green Belt

Chapter 13 (Protecting Green Belt land) of the NPPF sets out national planning policies for the Green Belt. Paragraph 133 within Chapter 13 states that the “*Government attaches great importance to Green Belts*” and that the “*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*” Paragraph 147 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 149 sets out a limited number of exceptions to this, comprising:

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

- 6.4 The exceptions to inappropriate development set out at (a) to (f) above do not apply to the proposals. With regard to exception (g), the proposed change of use relates to an existing garage building and involves no operational development. The

definition of 'previously developed land' (PDL) set out at Annex 2 of the NPPF defines PDL as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 6.5 In this case, the proposal involves no additional built form or operational development to an existing garage building to allow for the change of use to a dual use for education and local community uses. It is, therefore, considered that the exception (g) would apply in this instance and consequently the proposals comprise appropriate development with reference to paragraph 149 of the NPPF. The proposal would have no greater impact upon the openness of the Green Belt in this location and there would be no conflict with Policy PMD6.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.6 The proposed change of use of the minibus garage to a fitness and rehabilitation space for use by both the Trust's schools and local community, involves no operational development and there are consequently not objections to the proposal. The proposals would comply with policies CSTP22 and PMD2.

III. AMENITY IMPACT

- 6.7 The building is remotely situated away from residential properties on Buxton Road, Carlton Road and Masefield Road to the west of the larger Treetops school site. Subject to conditions controlling the hours of operation of the facility, the proposals would result in no detrimental impact to neighbour amenities and would fully comply with Policy PMD1.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.8 The proposed operation use of the fitness and rehabilitation facility, and its potential impact on traffic generation and highway movements, would be the key consideration with regards to this application. This same concern has been raised by both the Highways Officer and School Travel Plan Co-Ordinator in their

consultation responses. The Highways Officer sought clarification as to the parking of the existing minibuses if the garage is not to be used, as well as parking for the facility and its overall operation. The School Travel Plan Co-Ordinator also sought further clarity as to the Trust's intentions with regard to the updating of the existing approved Travel Plans for both the Treetops School and the Treetops Free School. The Headteachers of both schools have confirmed that their Travel Plans for both schools will be updated to ensure they reach Bronze Accreditation by December 2023. The School Travel Plan Co-Ordinator has no objection to this subject to conditions.

- 6.9 During the consideration of this application, the Applicant has provided further information in regard to the proposed operation of the dual use, both during and after school and in the evenings. The minibuses would be parked behind a gated area between the sports hall and Treetops Free School within the wider site. The Highways Officer has advised that their suggested approach would seem reasonable but has advised that the Applicant will need to ensure the site is effectively managed for all types of parking and uses. The Applicant should also be encouraging other forms of sustainable travel modes where feasible. On this basis, the Highways Officer has raised no objections to the proposals subject to conditions and the application would comply with Policies PMD2, PMD8 and PMD9 regarding highway matters.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 This application proposes to change the use of a minibus garage to a dual use for education and local community uses to enable a fitness and rehabilitation facility to operate from the building. The site is located within the Green Belt and the proposal is considered appropriate development. Given there would be no operational development there would be no harm to the Green Belt, nor harm to the openness of the Green Belt. The proposed operational use of the facility would be considered acceptable with regard its amenity and highway impacts, subject to appropriate conditions. In all other respects the application complies with the adopted Core Strategy policies and is recommended favourably.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following planning conditions:

Standard Time Limit

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

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990

as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
Treetops Learning Community Location Plan	Location Plan	6 th October 2023
1870 05 (--)-L07 rev P1	Existing and Proposed Elevations	26 th July 2023
1870 05 (--)-L02 Rev P1	Proposed Floor Plan	28 th July 2023
1870 05 (--)-L07	Minibus Garage Sections	28 th July 2023

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

Use

- The minibus garage building identified on the Treetops Learning Community Location Plan received 6th October shall be used for a dual use for Education and Local Community (F1(a) and F2) uses, and for no other purposes whatsoever, including other uses falling with F1 and F2 uses of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: In order to define the scope of the permission and in the interests of neighbour amenity and highway safety to ensure that the proposed development is integrated with its surroundings in accordance with policies PMD2, PDM8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Updated Travel Plans for Treetops School and Treetops Free School

- Prior to December 2023, and prior to the first operational use of the fitness and rehabilitation facility hereby approved, the Applicant shall submit Travel Plans for both the Treetops School and Treetops Free School to the local planning authority. These updated Travel Plans should demonstrate that both schools will reach Bronze Accreditation by the end of December 2023. The Travel Plans shall follow

the 'Modeshift STARS' Travel Plan system (or similar approved local authority system) and shall include detailed and specific measures to reduce the number of journeys made by car to the building hereby permitted and shall include specific details of the operation and management of the proposed measures. The approved measures shall be implemented upon the first operational use or occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the operator of the school shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

Parking Management Strategy

5. Prior to the first operational use of the fitness and rehabilitation facility, an updated Parking Management Strategy for the internal management of parking within the site shall be submitted to the Local Planning authority for approval. This Strategy shall specifically address how the use hereby approved will be accessed via the new access road from Stanford Road. The approved Strategy shall be updated every two years and provided for the entire time the site is used for educational uses.

Reason: In the interests of the effective management of the site, 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).

Hours of Operation

6. The fitness and rehabilitation facility shall be used during the following times only:

Monday to Friday: 06:00 – 20:00 Hours

Saturday: 08:00 – 14:00 Hours

Sundays and Bank Holidays: 08:00 – 14:00 Hours

Reason: In order to define the scope of the permission and in the interests of neighbour amenity and highway safety to ensure that the proposed development is integrated with its surroundings in accordance with policies PMD2, PDM8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the

Management of Development (2015).

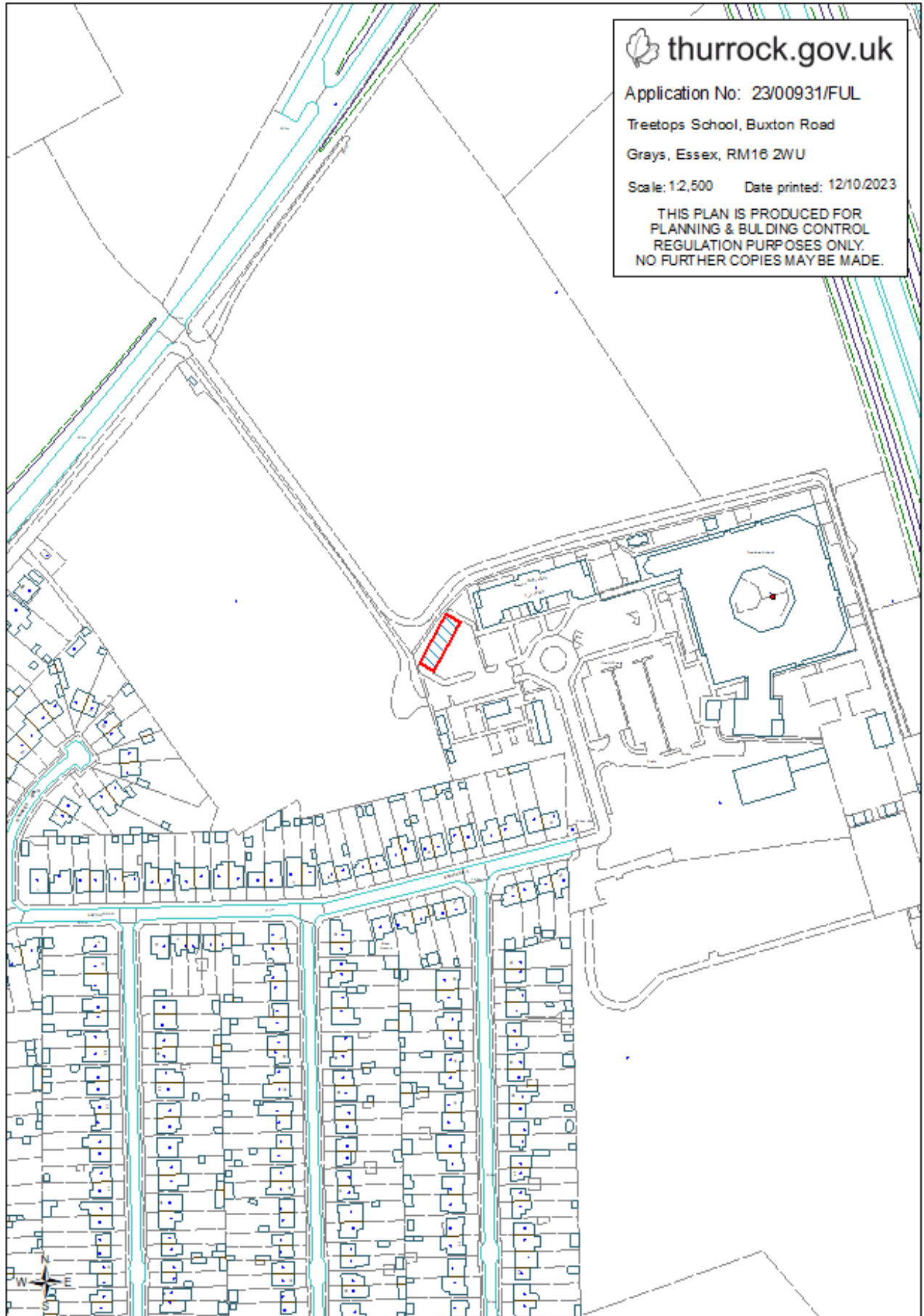
Positive and Proactive Statement

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

Documents:

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

www.thurrock.gov.uk/planning



Reference: 23/00610/FUL	Site: Land Adjacent The Flagship Centre London Road Tilbury Essex
Ward: Tilbury Riverside And Thurrock Park	Proposal: Erect a 1,943sqm floor space (GEA) (1,774sqm GIA) youth centre to include a range of facilities including: sports hall, fitness suite, boxing and martial arts room and a climbing wall alongside an external multi-use games area/kick pitch and associated outdoor recreation area, car park, cycle parking, sub station, fenced boundary, paved areas including a new pavement alongside the roads, landscaping and an attenuation basin. The proposal to also include community use facilities for arts & craft, health & wellbeing, a music suite, teaching kitchen, cafe and a performing arts studio

Plan Number(s):	Name:	Date Received:
P0510 00	Block Plan	7th June 2023
P1100	Existing Site Plan	7th June 2023
P1200	Site Plan	13th June 2023
P1500	Site Plan_500	13th June 2023
P2100	GA Plan 00	7th June 2023
P2101	GA Plan 01	7th June 2023
P2102	GA Plan Roof	7th June 2023
P3100	N and S Elevations	7th June 2023
P3101	E and W Elevations	7th June 2023
P3200	Boundary Treatment Elevations	7th June 2023
P3201	Boundary Treatment Plan	7th June 2023
P3202	External Finishes Plan	7th June 2023
P3210	Refuse Store	7th June 2023
P3215	Sub-station	7th June 2023
P4100	Sections	7th June 2023

P4200	Façade Sections	7th June 2023
P501	Site Location Plan	7th June 2023
TYZ-BWB- XX-XX-DR-E-2301	Proposed external Lighting Layout	7th June 2023
TYZ-RAMXX- XX-RPCD-00001	Drainage Layout	7th June 2023

The application is also accompanied by:

- Design and Access Statement
- Planning Statement
- Open Space Assessment
- Historic Environment Desk Based Assessment
- Contaminated Land – Phase 1 Desk top report
- Noise Assessment
- Health Impact Assessment
- Security Needs Assessment
- Flood Risk Assessment
- Drainage Statement
- Flood Warning and Evacuation Plan
- Biodiversity Net Gain (BNG) Assessment (including BNG Metric)
- BREEAM Reporting Template
- Air Quality Assessment
- Transport Statement
- Car Parking Survey (inc. photos)
- Tree Report – Arboricultural Impact Assessment and Arb Mitigation Strategy
- UXO (Un-Exploded Ordnance) Threat Assessment
- Fire Strategy
- Ecological Impact Assessment (amended)
- Statement of Community Consultation
- Youth Zone Impact Statement

Applicant:

Mr Adam Poyner

Validated:

7 June 2023

Date of expiry:

31 October 2023 (Time Extension Agreed)

Recommendation: Grant planning permission subject to conditions and obligations

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic implications as

it constitutes a departure from the Development Plan (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council's constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks the erection of a youth centre facility. The youth facility would provide 1,943sqm of floor space and include a range of activities including a sports hall, fitness suite, boxing and martial arts room, an indoor climbing wall, an external multi-use games area/kick pitch and outdoor recreation area, together with facilities for arts & craft, health & wellbeing, a music suite, teaching kitchen, a café and a performing arts studio. Such uses would fall within use classes F1 and F2 of the Use Classes Order, and "sui-generis" in a class of their own with the café, for example being ancillary to the main use.
- 1.2 The proposed building would be 2-storey set to the south-eastern corner of the existing Anchor Field on a site area of 0.53 hectares. The building would be roughly rectangular in shape and have a maximum width of approximately 27.5m and length of 52.75m and have three flat-roof sections with a maximum height of 13.55m above ground level. Externally the building would have cladding (hessian and yellow coloured to the first/second floors) with metal louvres to the plant area on the roof. To the front of the building is a paved "gathering" space outside the main entrance which would also have bike stands. Internally there would be an entrance space with rooms off it on both floors. The badminton courts and climbing wall would be to the eastern side of the building. The café would be located on the ground floor. Some facilities, including the kick-pitch and outdoor amenity area, together with the car parking and sub-station would be located within the enclosed space to the rear (north). It is proposed that the pick-up/drop-off area for 2/3 vehicles would be located on Hume Avenue and a new vehicle access will be formed onto Hume Avenue.
- 1.3 The applicant's Planning Statement explains that the facility would be run by a charity which would provide services to members of the youth centre who would be aged between 8 and 19 years of age. The price of membership would be low, currently indicated as 50p, although concessions are made for children (families) with financial difficulties. It is expected that there would be up to 250 attendees at any one time although membership could be around 3,000.
- 1.4 Members of the youth centre are expected to sign up to sessions which would operate in the evenings, at weekends and during school holidays only. Sessions normally start at 4pm for the 8-12 age range (junior) during the week. Older children 13-19 would attend sessions later in the evening. It is expected that sessions would be run by experts in their field, which is how this charity business operates at other facilities that they run in other parts of the country.

- 1.5 It is not expected, apart from staff, that there would be significant numbers of visitors to/users of the building during the school day, however the applicants have clarified that the youth centre would not be a community/leisure centre and would not operate as such for reasons of safeguarding. Therefore, there would be no open public access to facilities as it would be a predominantly be a young person's private members club solely for the ages of 8-19yrs. They have indicated, however, that the facility would be made available to other like-minded organisations on a partnership and hire basis outside of regular session hours. Historically, at their other youth centres, they are generally used by regular and SEND schools for both tuition and sports purposes, baby/children's groups, other youth support groups and organisations such as Scouts and Guides. There are also occasions where conference facilities can be hired. The applicants further indicate that this is not an exhaustive list and there is no set timetable for these currently as each youth centre works on an individual basis with local groups as it becomes established in the local area.
- 1.6 The proposal would provide a 4-space car park including 1 disabled parking bay in a yard area to the rear (north) of the proposed building within the red line area which is the site within the existing Anchor Fields Park. There would be cycle parking for 10 cycles to the front outside the entrance and to the rear 6 double stands for staff, creating 22 cycle parking spaces in total. It is proposed to provide a drop off/pick up area outside the application site boundary. The applicants indicate that the proposed use is unique and that their operation is unusual such that this limited level of parking, unlike for other community facilities, would meet the needs of the youth centre.
- 1.7 The Arboricultural Impact Assessment (AIA) submitted with the application indicates that trees numbered T7 to T9 on the tree plans are protected by Tree Preservation Order ref: 05/2007. The survey which includes some trees adjacent to the site has categorise each tree/group: None are Category A, 7 are Category B, 6 are Category C (together with 1 group) and none are Category U. It is proposed to remove no. 5 trees directly affected by the development; of which, 3 are Category B and 2 Category C. In addition, some tree-pruning works will be needed. The Site Plan (Proposed) shows that there would be 18 new trees to London Road, to the entrance bed and around the attenuation basin.
- 1.8 The proposal would be provided with fencing to the boundary and paved areas would be provided to the front of the building.
- 1.9 A footpath would be provided to the northern side of London Road to link with the existing footpath to the west.

- 1.10 The proposal would also include the provision of an electricity sub-station. PhotoVoltaics will be located on the roof and an air source heat pump will be used.
- 1.11 The existing Multi-Use Games Area (MUGA), a hard surfaced area with high boundary fencing which is free and accessible to all members of the public, is located in Anchor Fields Park. The MUGA would be removed to facilitate the development. The applicants do not intend to re-provide the MUGA indicating that the youth centre was designed to be sympathetic to, and aligned with, the Parks Masterplan which was to come forward at the time the youth centre was designed as part of the Tilbury Town Investment Plan. The Tilbury Town Investment Plan's Masterplan forms part of the work undertaken by the Tilbury Towns Fund Board. The applicants indicate that this Masterplan has influenced the design of the youth centre and its location. The applicants' note that the TIP masterplan shows a re-provision of various new outdoor games areas in an alternative location at the Council's expense and that they would be willing to work with the Council to deliver an alternative MUGA if the funding was to be made available, outside of this current application. There is no funding offered by the applicant on the basis that they are a charity and there is not enough room within the site to provide a replacement MUGA. The applicant has stated that a replacement MUGA could be provided in other areas of the Anchor Field Park or within another park within Tilbury.

2.0 SITE DESCRIPTION

- 2.1 The application site forms part of a designated Public Open Space known as Anchor Fields. It contains mown grass and some trees, mainly to the external edge of the grassed areas. There is a MUGA located centrally in the park area and there is an equipped area to the north-west of the park for younger children. Historically, the far western side of the park contained a Leisure Centre (now replaced by flatted residential accommodation). Tilbury Children's centre is also, historically, located within the park adjacent to the flatted block.
- 2.2 The site is located adjacent to, and north/west of, the crossroads of London Road and Hume Avenue which bisect the open area.
- 2.3 The Public Open Space of Anchor Fields occupies a relatively central location within the planned town of Tilbury. It is surrounded to north/south and east by residential properties of 2-storeys, mainly as semi-detached houses; and to the west of the park there is a former public house (vacant) which forms the eastern end of the commercial/civic centre of Tilbury.
- 2.4 Further to the west in the core commercial and civic area, known as Tilbury Civic Square, which contains the majority of the town's retail, civic facilities and various community facilities such as the Police Station, the War memorial, Tilbury

Community Centre, health centre and to the west, the main retail area along both sides of Calcutta Road. The site of the former Fire Station is currently vacant with hoardings around it.

3.0 RELEVANT HISTORY

Application	Description of Proposal Decision	Decision/Date
23/00220/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion: Proposed Youth Zone development	EIA not required 16.3.23

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 PUBLICITY:

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

4.2 There have been 20 responses (from 17 different local addresses) to public consultation. One commended that a Youth facility is wanted but all other responses raise objections, which are summarised as follows:

- Issues with access to the site
- Additional traffic as public transport is limited (last bus is 9pm and the centre closes at 10pm) and parents will drive
- This is a “white elephant” and is doomed from the start
- Insufficient parking provision – 4 spaces will not be enough for up to 60 staff, especially during periods of inclement weather
- The proposal will exacerbate existing parking difficulties which exist due to the existing Flagship Centre but more parking would mean the loss of more green space which is also not acceptable
- Likely increase in vehicle accidents/pedestrian conflict
- Environmental Pollution noise and lighting
- Loss of amenity
- Litter/Smells
- Out of character
- Flooding is known and drainage may be inadequate
- Overlooking property/loss of privacy
- Possible excessive noise 7 days a week until 10pm
- Over-development of Tilbury/town-cramming in over-populated area

- Loss of valuable, beautiful green space/Anchor Field which is already being lost incrementally to development
- The field is protected from development by Fields in Trust
- Anchor field is well used by all age groups from the young to the very old for socialising and formal/informal play, sitting under the trees which will be lost
- Other young people excluded from the facility will lose the use of the green space and turn to anti-social behaviour or only be “indoors” all the time
- There are other places that a youth facility could be built so that it isn't so close to residential properties, including near Gateway School, elsewhere on Hume Avenue or nearer the train station or Amazon, Dock Road
- Need for more Police patrols to prevent youth gangs like there was with the old leisure centre and is likely again by bring in 400 young people every day with possible anti-social behaviours including gathering, burglary, intimidation etc.
- Need to prevent anti-social drivers
- Tilbury Fund monies should be used to improve Tilbury not make it worse to live in which the youth hub will do as it would attract youth from all over Thurrock and as far away as Southend and east London rather than just being a Tilbury residents' only facility
- Sport England's support for the football facility ignores that football is being played on Anchor Fields already
- Construction Traffic will be affected by the weight restrictions in place or vehicles will shake house foundations
- The NPPF 3.7 para 99 states that existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements or its would be replaced by an equivalent/better provision. The facility would preclude large sections of the population and would result in the loss of a constantly used MUGA reducing access to healthy lifestyles for others.
- The proposal will not meet NPPF Policy on Climate change due to increased pollution levels
- 90-year old trees are to be lost contrary to NPPF 3.8 para 131
- Older people's health and wellbeing will be adversely affected by the influx of a large no of young, naturally boisterous/loud people
- Anchor Field naturally empties at dusk, this would result in activity well after dark which would cause greater disturbance
- Would reduce the ability for older/younger family to sit and watch their family members playing/enjoying activities
- Insufficient level of public consultation with meetings held during working hours and closed early

Also raised was that Anchor Field belongs to the people of Tilbury not Thurrock Council and that local people should decide what happens in their town not democratically-elected members of the Council. Concerns raised regarding the monies for the project. Concerns are raised that Towns Fund monies are not being allocated by people living/working locally. Also raised is that once approved, if funding ends will it be used for more housing that the area's infrastructure (schools/doctors etc.) cannot cope.

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

4.4 ANGLIAN WATER:

No objections, subject to a condition requiring surface water drainage details to be agreed.

4.5 ENVIRONMENT AGENCY:

No objections subject to measures in the Flood Risk Assessment being implemented.

4.6 ENVIRONMENTAL HEALTH:

No objections subject to conditions regarding dust management, ground contamination, noise, construction hours and Construction Environmental Management Plan

4.7 EMERGENCY PLANNER:

No objections subject to the flood warning and evacuation plan being secured through condition.

4.8 ESSEX POLICE:

No objections.

4.9 FLOOD RISK ADVISOR:

No objections subject to a condition requiring surface water drainage details to be agreed.

4.10 LANDSCAPE AND ECOLOGY ADVISOR:

On balance, no objection as the quality of the public open space scores low. A planning conditions is necessary for landscaping to be agreed.

4.11 HIGHWAYS:

If the application is to be approved then it needs to be subject to conditions regarding access, parking and a travel plan. There is a requirement for a £10,000 financial contribution towards improvements to parking controls in the vicinity of the development.

4.12 ECC ARCHAEOLOGY:

No objection subject to conditions.

4.13 REGENERATION OFFICER:

Support the proposals. Regarding the loss of the MUGA from Anchor Fields this was an issue considered by the Tilbury Town Fund Board and re-provision of the MUGA is being considered with Tilbury Town Fund Board and the Council's Parks and Regeneration teams.

4.13 SPORT ENGLAND:

Support the principle of the development as the proposal would lead to improved sports facilities.

4.14 SPORT AND LEISURE:

Object to the loss of open space and because the facility would provide a 'private members club' in area of public open space. Also, object to the loss of the existing MUGA without any replacement offered as the Council has no funding to provide a replacement MUGA. The applicant should offer a financial contribution to create a new MUGA to offset this loss. If this application is approved then a Community Usage Agreement should be in place to allow for the use of the building when young people are not using it.

4.15 URBAN DESIGN:

The proposal offers a high quality design development but recognises the proposal would change the layout, appearance and character of the park.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was first published on 27th March 2012. The NPPF was revised in July 2018 and February 2019, and in 2021. It was revised again in September 2023. The 2023 NPPF sets out the Government's planning policies. It is a material consideration in any decision on planning applications. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision-taking this means:

- “c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date⁸, 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 proposed⁷; 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.*

Footnotes:

- 7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt (GB) , Local Green Space (LGS), an Area of Outstanding Natural Beauty (AONB), a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.*
- 8 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 (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*

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 (that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise; also known as "the primacy of the Development Plan" or "Plan-led system") and s.70 of the Town and Country Planning Act 1990 (as amended) that the Framework is a material consideration in making planning decisions.

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

- 2. Achieving sustainable development;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable transport;
- 11. Making Effective use of land;
- 12. Achieving well-designed places;
- 14. Meeting the challenge of climate change, flooding and coastal change; and
- 15. Conserving and enhancing the natural environment;

The newest version of the NPPF (2023) post-dates the 2015 TBC Local Development Framework (Core Strategy and Development Management Policies such that where there is conflict with the NPPF, the NPPF policies will carry greater weight as a material consideration in any planning decisions.

5.2 National Planning Practice Guidance (NPPG)

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

- Climate change;
- Design: process and tools;
- Determining a planning application;
- Flood risk and coastal change;
- Green Belt;
- Healthy and safe communities;
- Natural environment;
- Noise;
- Planning obligations

- Open space, sports and recreation facilities, public rights of way and local green space;
- Renewable and low carbon energy;
- Travel Plans, Transport Assessment and Statements;
- Use of Planning Conditions;

The NPPG is a rolling guidance note which is updated on a sporadic basis. Some parts of the NPPG remain as originally written, whereas other parts of it have been amended as and when changes mean that the guidance would be out of date otherwise. For example, when the NPPF was revised, the introduction of Design Codes and to reflect the new Biodiversity Net Gain requirements.

5.3 Local Planning Policy: Thurrock Local Development Framework (LDF) (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (Core Strategy) in 2011. A Focused Review of the Core Strategy was, following examination by the Planning Inspectorate, adopted on 28th February 2015. The following 2015 Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP3: Sustainable Infrastructure;
- CSSP5: Sustainable Greengrid;

Thematic Policies:

- CSTP9: Well-being: Leisure and Sports;
- CSTP10: Community Facilities;
- CSTP11: Health Provision;
- CSTP12: Education and Learning;
- CSTP15: Transport in Greater Thurrock;
- CSTP18: Green Infrastructure;
- CSTP19: Biodiversity;
- CSTP20: Open Space;
- CSTP22: Thurrock Design;
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Historic Assets and Historic Environment
- CSTP25: Addressing Climate Change;

- CSTP26: Renewable or Low-Carbon Energy Generation;
- CSTP27: Management and Reduction of Flood Risk;

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity;
- PMD2: Design and Layout;
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities;
- PMD7: Biodiversity, Geological Conservation and Development;
- PMD8: Parking Standards;
- PMD9: Road Network Hierarchy;
- PMD10: Transport Assessments and Travel Plans;
- PMD12: Sustainable Buildings;
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation;
- PMD15: Flood Risk Assessment;
- PMD16: Developer Contributions;

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy 2015.

6.0 **ASSESSMENT**

The assessment below covers the following areas:

- I. Principle of the Development (Conformity with Planning Policies)
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Flood Risk and Site Drainage

- V. Impact Upon Ecology and Biodiversity
- VI. Noise and Air Quality
- VII. Impact upon Neighbouring Uses
- VII. Energy and Sustainability
- VIII. Ground Contamination
- IX. Viability and Planning Obligations
- XI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The site forms part of Anchor Field and is designated as Open Space on the LDF Proposals Map, which shows that the following policies are applicable to this site:
- CSSP5 (Sustainable Green Grid)
 - CSTP20 (Open Space)
 - PMD5 (Open Space, Outdoor Sports and Recreation Facilities)

Loss of Open Space, Sports and Recreation Land

- 6.2 The proposal would occupy the SE corner of the main section of Anchor Fields and would result in the loss of the existing MUGA and a large area of existing public open space. It is therefore necessary to consider the loss of this open space, sports and recreation land with regard to the above policies as assessed below:

Policy CSSP5

- 6.3 Policy CSSP5 is a spatial policy seeking to deliver a 'Greengrid Strategy' across the entire Borough and 'Grays Riverside/Tilbury' is one of the 8 'Greengrid Improvement Zones'. The Improvement Zones across the Borough refer to a number of considerations including semi-natural green space, multi-functional greenspace and urban trees.
- 6.4 This policy considers all forms of green infrastructure and is a spatial high-level policy. The policy makes reference to 'Grays Riverside/Tilbury' as one of the 8 'Greengrid Improvement Zones' and the policy seeks to implement and protect semi-natural green space, multi-functional greenspace and urban trees, so is applicable here.

Policy CSTP20

- 6.5 Policy CSTP20 advises that open space should ensure a 'diverse range of accessible public open spaces, including public open spaces including natural and equipped play and recreational spaces is be provided and maintained to meet the

needs of the local community'. The policy identifies that *'wherever possible, open spaces should be identified, planned, designed and managed as areas that can perform multiple functions'*, including health and well-being, and community uses (places for congregating and events).

- 6.6 This policy is looking more at the multiple functions of open space rather than a policy that would allow a building to occupy the open space. The block plan shows a fence line around the pitch forming part of this development, and other sporting uses would be within the proposed building rather than outdoor space. This shows that such areas would not open all the time for people to use. Whilst the proposal may be aimed at providing health, well-being and community uses the majority of these uses would all be enclosed and within private ownership. Therefore, this would not be readily accessible for the public to use nor would they be free to use. From the information provided the applicant would not be re-providing the MUGA within the site but the Council's Regeneration Officer, who have been working with the applicant, have confirmed that re-provision of the MUGA is being considered. In planning terms the re-provision of the MUGA would be a consideration for the Council outside of this planning application.

Policy PMD5

- 6.7 Policy PMD5 is the most relevant policy to this proposal and states that the Council will *'safeguard all existing open spaces, outdoor sports and recreational facilities'*.
- 6.8 The building of a sports hall/youth centre facility is contrary to first line of this policy as it would result in the loss of existing open space and outdoor sports provision (existing pitch). It is possible the replacement outdoor sports pitch could be compliant with the policy if it were free of charge to use and accessible at all times, but its fenced boundary shows this would be located in a private space. However, the MUGA which would be lost as a result of this application is being considered for re-provision outside of the scope of this planning application.
- 6.9 Part 1 of the policy PMD5 states that *'development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted unless:*
- i. conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users; or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss;*
 - ii. proposals would not negatively affect the character of the area and/or the Greengrid.'*

- 6.10 With regard to part 1 point i) there is no offer of an alternative facilities and for point ii) the proposal would affect the character of the area because Anchor Fields forms a distinct area of public open space within the heart of Tilbury contributing significantly visually and historically to the character and appearance of this location as shown by the road layout coming away from the town centre.
- 6.11 Part 3 of the policy PMD5 states that *‘proposed development must ensure that:*
- i. New open spaces, outdoor sports and recreational facilities are provided in accordance with adopted standards to meet the needs of the development and to address deficiencies.*
 - ii. New facilities are fully integrated into the design of development schemes as an element of place making.*
 - iii. Facilities are safe and easily accessible to all’.*
- 6.12 Part 4 of the policy PMD5 will require *‘standards for the quality and quantity of open spaces, sports and recreational facilities and accessibility to them’.*
- 6.13 Part 5 (2) of the policy PMD5 refers to Outdoor Sports Facilities and will require:
- i. ‘New developments will be required to contribute to the provision of appropriate outdoor sports facilities.*
 - ii. All sports and recreational facilities are required to incorporate appropriate ancillary facilities, such as changing rooms and parking to ensure access for the whole community’.*
- 6.14 With regard to parts 3, 4 and 5 of the policy, the proposal would provide more choice for sporting opportunities in the form of indoor and outdoor sports for the age groups identified. This is clearly beneficial to the young people of Tilbury and the wider Borough. Unfortunately, not all of the facilities would be accessible to all members of the local community as this is a youth centre and the applicant is not looking to allow other members of the community or groups access to the facilities when the facilities are not in use by younger people, such as during school/college hours. A Community Use Agreement could allow for all members of the community to use the building in the future, however the applicant’s business model does not allow for this and this has not been a requirement of other youth centre’s operated by the applicant in other parts of the country. The site’s location is easily accessible from all parts of Tilbury and the wider Borough.
- 6.15 The NPPF in regard to “Open space and recreation” states:
- Paragraph 98. Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.*

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”

6.16 Paragraph 99 reflects a similar approach to the LDP policies stated above. In regard to paragraphs b) and c) there is a view that the sports uses provided through the youth centre would provide better quality and quantity of sports uses than what is currently offered at the Anchor Field site and it is part of this assessment to assess whether these benefits outweigh the harm in regard to the loss of existing public open space.

6.17 Outside of the planning policy criteria the current status of open space in Tilbury, when applying the Fields in Trust (FiT) guidance, shows that Tilbury already has a significant deficient for all types of Open space, see table below:

Openspace Typology	Hectares Per 1,0000 Population	Hectares for Tilbury (Pop Census 2021 14,184)	Thurrock Openspace Assessment KKKP 2020 Internal report: Quantity of openspace in Tilbury	Surplus / Deficit
Parks and Gardens	0.8	11.9	0.6	-11.3
Amenity Green Space	0.6	8.9	6.6	-2.6
Natural and Semi-Natural	1.8	26.7	5.0	-21.8
All openspace	3.2	47.5	12.2	-35.3

6.18 The applicant's submission "Open Space Assessment" indicates, based on the "Green Flag Award" survey criteria, that has bandings as follows:

The bandings for the open space quality audits:

- Excellent - 90% to 100%
- Very good - 80% to 89%;
- Good - 70% to 79%;
- Fair - 50% to 69%; and
- Poor - 0% to 49%.

6.19 The applicant's assessment indicates that the quality of the Anchor Field open space is currently 28%, i.e., poor. As a comparison King George Fields score 47% which rates as "fair".

6.20 The Council's Landscape and Ecology Advisor recognises that the submitted Open Space Assessment audit achieved a Poor score (any score below 50% is Poor) but notes that despite the lack of facilities and low quality, Anchor Fields is a popular site and therefore the potential effects on the site and associated mitigation need to be carefully considered.

6.21 There are, including King George Playing Fields, 5 other open spaces in Tilbury. The proposal would result in around 25% of the existing Anchor Field being lost to development which would, albeit low cost, in private membership. The proposed youth facility would provide some outside space and has the support of Sport England in this respect. The loss of open space, given that Tilbury is not meeting its current needs for open space, must be balanced against the need for a youth facility in Thurrock.

Community Facilities

6.22 Turning to the assessment of community facilities policy CSTP10 states: "2. *New or Improved Facilities*

I. The Council will support the provision of high quality, accessible community facilities to serve new and existing communities, regenerate areas and raise the profile of Thurrock as a destination for culture and the arts.

II. The Council will encourage the development of multi-functional community facilities as an integral part of all major development in the Borough.

...4. Funding and Developer Contributions

Proposals for new development will be required to contribute towards the community needs generated by the development and address the identified deficiencies in the locality that they may generate or exacerbate.

- 6.23 In land use terms the proposal is for a community facility which falls mainly within use classes F1 and F2. The applicants indicate that the facility is for youth between 8 and 19 years of age and that when not used for that purpose, i.e., outside evenings, weekend and school holidays that it would be open for other “like-minded” groups, including mother and baby groups etc. It would therefore provide a wider community benefit but not be generally open to “the public”.
- 6.24 The facilities provided for youth-aged children in the Borough would be varied and well considered. They would provide facilities which children currently do not have access to and will enable both outdoor and indoor sport, as well as less active sessions for example in arts and crafts and music. The proposal would provide a high-level facility of this age group. The proposal would also help with deprivation and anti-social behaviour in the area giving young people access to sporting facilities as well as rooms where skills can be learned.

Tilbury Town Investment Plan

- 6.25 Outside of the planning policy position is the Tilbury Town Investment Plan produced by the Tilbury Town Deal Board which includes a vision, strategy and a number of projects to improve and benefit the town and its riverside location. Within the Tilbury Town Investment Plan is reference to a youth centre building and outside sports pitches on the Anchor Fields site. The proposal subject of this application generally reflects the approach set out in the Tilbury Town Investment Plan. It should also be noted that the Tilbury Town Investment Plan is not a supplementary planning document so needs to be carefully considered in regard to the assessment of this application as it does not have any weight and the planning policies as set out above are those relevant to the assessment of the principle of the development of this application.

Other Locations Considered

- 6.26 The applicant’s submission includes a sequential assessment of other locations within the area and the reasons why another location wasn’t considered acceptable for this development, this includes sites close by such as the former police station which was too small. Other sites included the former youth centre on Quebec Road, the Children’s Centre, Dock Road, Koala Park, Daisy Fields and industrial land west of the Amazon site. This list does provide assistance to the applicant in justifying the proposal for this site.

Conclusion on principle of the development

- 6.27 The loss of the open space in regard to Policy PMD5 should not be permitted unless there is a conveniently located and accessible alternative of the same or

improved standard will be provided; or the remaining open space can be improved to a level sufficient to outweigh the loss. While the existing open space may be identified as “poor”, the proposal to replace a significant part of it with a building must be carefully considered. The proposal itself would not provide any uplift to the remainder of the park area such that the remainder of the park would be smaller and remain “poor” and no additional land will be provided. The NPPF (2023) adds a further occasion when open space may be lost – “*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use*”.

- 6.28 The proposal would provide a community facility which provides sports and recreation facilities. When compared to the informal play of this part of Anchor Fields and the more formal, publicly-accessible MUGA which would also be lost, this could be considered to outweigh the loss of the current or former use. That it would not be fully open to the public of all ages is a factor which must be taken into consideration.
- 6.29 This is a finely balanced assessment and the key consideration here is whether the benefits of the youth centre and its facilities for the people of Tilbury and the wider Borough would outweigh the harm of the loss of this existing area of public open space which also provides a distinct layout for this part of Tilbury. On balance, taking account of the above assessment, it is considered the principle of the development is acceptable in this instance.

II. DESIGN AND LAYOUT

- 6.30 In terms of layout, the proposed building would be 2-storey and sited towards the south-eastern corner of Anchor Field. The main entrance to the building would front onto London Road with a paved space and the vehicle access to the car park from Hume Road. The layout would involve the outside pitch and external recreation areas located to the rear of the building with the surface water drainage basin located to the west of the building. There are no objections to the layout of the proposal itself, but this proposal would not reflect the character and appearance of the layout of the Anchor Field’s Park and this is a concern also raised by the Council’s Urban Design Officer.
- 6.31 In terms of scale and height, the 2-storey nature is necessary to include the wide variety of activities, including a 2-storey height climbing wall and sports hall, including badminton courts. The 2-storey building would appear very different to the current appearance of the Anchor Field area of open space and this is a concern also raised by the Council’s Urban Design Officer regarding the loss of open space.
- 6.32 In terms of the design of the scheme, the Council’s Urban Design Officer has

considered the details submitted and concludes that overall the appearance of the development exhibits a high-quality of architecture in a bold design with a well-articulated massing and the inclusion of design details that help establish a distinctive identity and character for the facility. It is recognised that the proposed materials would appear to be high quality and they should be conditioned to ensure that the high quality is carried through to the implementation stage.

- 6.33 With regard to the overall impact upon this area, the proposed development would have an impact upon the character and appearance of the area. Policy PMD5 advises against proposals that would have a negative effect upon the character of the area and the key consideration in design terms is the balance of whether the proposed high-quality design of the development would outweigh the harm of the loss of the open space and distinctive character and appearance of the Anchor Field site. This shall need to be considered in the overall planning balance of this application having regard to policies CSTP22, CSTP23 and PMD2 of the LDP, and the guidance of the NPPF and PPG.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.34 With regard to access, one point of access for vehicles is proposed from Hume Avenue to serve the development, which would be the first access other than a field access used for maintenance. This access would lead to a change in appearance and the use of this road to allow access to the site for off street parking purposes. The applicant's plans show 4 parking spaces and a drop-off/pick up area that would meet their parking needs, based on their previously identified needs elsewhere, their understanding of the area, existing car ownership, likely travel distances, access of the youth attending to cars and as there is public transport availability nearby. In terms of this wider accessibility, the Planning Statement indicates that there is a bus stop 300m away in Civic Square and Tilbury Railway Station is 1km away to the west. A new footpath would be provided to access the site, linking to the existing footpath to the north of London Road and it is considered that such walking distances (maximum 13 minutes walk) would therefore be acceptable.
- 6.35 Policy PMD8 relates to parking provision and PMD10 relates to the provision of Transport Impact Assessments and Travel Plans. The applicants have submitted a Transport Impact Assessment and have shown parking for the proposal on the submitted plans.
- 6.36 The Council's parking standards in "Parking Design and Development Standards, February 2022." indicates for community uses, for F2 Halls/Meeting places 1 space per 25 sqm and for outdoor sports, 20 spaces per pitch. Using these standards this would generate the need for 98 parking spaces on site which cannot be achieved in application site given the size of the red line area and that a much larger area of

Anchor Field Park would be lost to car parking. The standard notes that “A lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities or localised development whose workers and users are more likely to arrive by foot.” The Council’s Highway Officer are concerned regarding the amount of traffic which the proposed youth facility may attract and the limited parking on site and in the proposed drop-off area. However, in visual amenity and design terms the addition of more parking within the application site would have a greater impact and more significantly change the character and appearance of Anchor Fields beyond that of the current proposal.

- 6.37 Furthermore, on parking, in order to consider the “unique” character of the youth zone, a joint visit was made with Highways Officers to an existing “On Side” facility in Barking and Dagenham. Following the visit, the Council’s Highways Officer have concerns over the likely car-borne activity which will be associated with the proposal due to the existing limited accessibility to public transport to the proposed location. The applicants have provided evidence from other facilities showing that in the main those visiting the facility visit the site via modes other than a car. The Council’s Highways Officer has reviewed the data provided in detail and note that the Tilbury model is somewhat different from the other models provided. They remain concerned that there will be a greater potential for over-flow parking on street that may occur with this facility in particular, in regards London Road and Hume Avenue. However, the Council’s Highway Officer is not objecting to the application and has suggested planning conditions if this application were to be approved.
- 6.38 There are concerns from the Council’s Highway Officer that the current drop-off and pick up facility is not considered to be sufficient for the potential levels of pick up and drop off that could occur. A review of the pickup and drop off facility will be required and will need to be agreed outside of this planning application within a section 278 agreement, under the Highways Act. This section 278 agreement would include footways and vehicular access to the facility. To ensure there are no impacts to residents parking, the Council’s Highways Officers requires a financial contribution of £10,000 towards highway improvements to parking controls in the vicinity of the development site and this would be secured through a section 106 legal agreement to this planning application.
- 6.39 The application proposes 22 cycle parking spaces overall, which is considered acceptable and for all forms of transport and promotion of sustainable transport measures a travel plan shall need to be secured, which will also help assist in addressing concerns raised over parking provision at the site by encouraging staff and visitors to use sustainable transport means.

- 6.40 In summary, the Council's Highways Officers have not objected to the application but have suggested a number of planning conditions and the financial obligation towards highway improvements and parking controls, which have been agreed with the applicants. Subject to the conditions and planning obligations being secured the proposal would be, on balance, acceptable in highway terms having regard to policies PMD8, PMD9 and PMD10 of the LDP, and the guidance of the NPPF and PPG.

IV. FLOOD RISK AND SITE DRAINAGE

- 6.41 The site is located in the high probability flood risk area (Zone 3a). The site and surrounding areas benefit from tidal defences on the banks of the River Thames. These tidal defences protect the site and surrounding land to a 1 in 1,000 year flood event. As the site is located within the highest risk flood zone (flood zone 3a) it needs to be assessed against the advice within the PPG regarding its proposed use. The use would fall within the 'Less Vulnerable' use category of the PPG's 'Annex 3: Flood Risk Vulnerability Classification'. For the 'Less Vulnerable' uses the PPG's 'Table 2 – Flood Risk Vulnerability and Flood Zone Incompatibility' table identifies that this form of development is 'appropriate' for this flood zone. However, there is a requirement to undertake the Sequential Test.
- 6.42 The aim of the Sequential Test is to steer proposed development to areas of little or no risk of flooding. In this instance the application site is located in a high-risk flood zone but then so is the whole of Tilbury and areas outside of Tilbury being the wider reclaimed marshlands in this area. The applicant has identified the need for the proposal to be within the catchment of Tilbury for many reasons as identified in this report and has sequentially considered other sites within the area which cannot be used for various reasons. Taking all this into account the proposal is considered to pass the Sequential Test as there are no readily available alternatives.
- 6.43 The applicant's Flood Risk Assessment indicates that as the area is prone to surface water flooding (medium to the east and high risk to the west) and that it will be necessary to incorporate a SuDS compliant strategy to prevent any increased risk of on or off-site flooding. This includes a finished floor level of 300mm above ground levels and a 68 cubic meter attenuation basin to the west of the application site (together with a 38 cubic meter under Kick-pitch capacity) to attenuate storm water. These shall need be secured through planning conditions.
- 6.44 The Environment Agency do not object to the application but required the Sequential Test to be assessed and any mitigation within the FRA to be imposed. A Flood Warning and Evacuation Plan has been provided and the Emergency Planner has no objections subject to this being secured through a planning condition to ensure safety requirements for future users of the site in a flood event.

The Council's Flood Risk Advisors confirm that the proposed surface water attenuation basin (together with its maintenance/retention) would be acceptable subject to a condition being attached to any planning approval. It is not therefore considered that there are flood risk or drainage objections to the overall drainage strategy for the proposed development such that the proposal would be acceptable in respect of Policy PMD15.

V. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.45 The site does not form part of any statutory site of designated ecological interest. A Landscape and Ecology Plan accompanies the current application which provides mitigation measures for the loss of trees/grass area.
- 6.46 The Council's Landscape and Ecology Advisor confirms that the site currently has low ecological value. This is considered appropriate given the lack of habitat features within the existing area. The site is within the zone of influence for RAMS, however as it is commercial not residential, there is no requirement for a financial contribution towards the Essex RAMS for this application.
- 6.47 In addition, the arboricultural assessment recorded 13 individual trees; 7 Category B – Moderate Value and 6 Category C – Low Value specimens. Of these 3 Category B and 2 Category C trees would require removal to facilitate development. The proposed landscape plan shows additional tree planting to mitigate for the loss of trees and the open space in general. The proposed approach to treatments to London Road and Hume Road are considered appropriate in principle by the Council's Landscape and Ecology Advisor but a revised landscaping plan is needed, and this can be secured through a planning condition.
- 6.48 The proposed attenuation basin for surface water drainage is sited outside the perimeter fence which is supported by the Council's Landscape and Ecology Advisor as it will create an additional landscape feature for the users of the wider site. It will be essential however to ensure that it is clear who is responsible for its ongoing management, but such details can be secured through a planning condition along with more details of how the surface water drainage scheme will work.
- 6.49 Planning conditions could be used to secure mitigation measures and consequently there are no objections to the proposals on landscape and ecological/biodiversity grounds in accordance with Policies CSTP19 and PMD7 of the Core Strategy and Development Management Policies Plan (2015).

VI. NOISE AND AIR QUALITY

- 6.50 The applicant's Noise Impact Assessment states that a noise survey was carried out on Sunday 26th February 2023 between 20:00 – 22:00hrs, and predicted noise levels from the site at the nearest noise sensitive receptors were calculated which included building services plant, noise from the external kick pitch and noise breakout from internal activities. The Council's Environmental Health Officer considers that overall noise impact from the proposed youth centre is predicted to be low and within required guidance levels (WHO, British Standards and Sport England) and as such there are no objections raised with regard to the criteria as set out in policy PMD1.
- 6.51 The Council's Environmental Health Officer confirms that there are no air quality issues arising from the proposed development, albeit concerns are raised regarding dust management. A Construction Environmental Methodology Plan (CEMP) shall need to be submitted via a planning condition.

VII. IMPACT UPON NEIGHBOURING USES

- 6.52 There are residential properties surrounding the application site and a number of responses have been provided in objection to the application. Those on London Road (s) and Hume Avenue (s of the cross roads) are the nearest and most likely to be affected by the impact of the facility.
- 6.53 In respect of visual impact, the proposed 2-storey youth centre would be located in a slightly set back position on the opposite side of London Road from the residential properties which are located in a position behind a wide verge. It is considered that, while occupiers of the residential properties facing the application site will be able to see the proposed 2-storey development, that it would not result in visual intrusion due to the limited height/width and distance between the front elevations of the properties and the proposed youth centre. For the same reasons and given the youth centre would be located to the north of the nearest residential properties, there would not be any loss of light.
- 6.54 The proposed youth centre would have windows and flat roofs. However, there would be no access to the roofs except for maintenance purposes and the windows would be located sufficiently distant from the nearest windows to residential properties and therefore there would not be in any loss of amenity to existing occupiers.
- 6.55 In terms of light, the facility will be a new source of light in what is currently a darker area. However, the internal lighting will be turned off after closing at 10pm and the wall lighting will be downward pointing such that there would be no light spill. It is considered that this would not result in light pollution.

- 6.56 Staff parking is limited and would be located in an enclosed area to the rear (north) accessed from Hume Avenue and it is proposed that a pick-up/drop-off is located away from houses in London Road. It is considered that neither this nor the parking of vehicles or the no. of children possibly gathering outside the facility prior to/after sessions beginning would result in so significant a level of noise and disturbance as to refuse planning permission on this ground alone.
- 6.57 For the reasons stated the proposal would not lead to any significant loss of amenity to nearby residents when considered against the criteria of policy PMD1.

VII. ENERGY AND SUSTAINABILITY

- 6.58 The applicants have submitted details relating to energy saving and emissions. It is proposed that the building will have its own an electricity sub-station due to the current lack of infrastructure within Anchor Fields. It is proposed that the building will have photovoltaic panels to the roof and an air source heat pump. The application shows the building would look to achieve the BREEAM 'Outstanding' scoring to accord with current policy requirements. Such details can be secured through a planning condition. It is considered that the proposal would meet climate change mitigation and low energy policies PMD12 and PMD13

VIII. GROUND CONTAMINATION

- 6.59 A Contamination Assessment has been submitted with the application which concludes that due to the nature of the use (open space) that there is limited likelihood of contamination. The Council's Environmental Health Officer has reviewed the applicant's Contamination Assessment and concluded that a Phase II Contaminated Land assessment will be needed via a suitably worded condition.

IX. VIABILITY AND PLANNING OBLIGATIONS

- 6.60 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.61 Certain Core Strategy policies identify requirements for planning obligations, and this depends upon the type of development proposed and consultation responses from the application process.

- 6.62 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up-to-date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.63 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development*
- 6.64 The Council's Sports and Leisure Officer seeks a financial contribution towards replacement of the MUGA but the applicant as a charity have advised that they cannot provide such re-provision, although outside of this planning application the Council are looking at re-provision of the MUGA using funding from the Tilbury Town Fund Board. The applicants have confirmed that they can provide the requirement of £10,000 towards highway improvement works to parking controls in the vicinity of the development to mitigate the impact of the development. In addition, there is a requirement for the applicant to enter into a s278 agreement under the Highways Act with regard to the amendments to the highway for the proposed access, footways, drop off and pick zones. Such measures shall need to be secured through a s106 legal agreement.

XI. OTHER MATTERS

- 6.65 The application includes a desk top study of the historic environment and identifies that there would not be any significant impact upon any nearby heritage assets, those being the Tilbury Clock Tower and the more distance Tilbury Fort. Therefore no objections are raised in regard to impacts upon heritage assets. The Council's archaeology expert has written to confirm that an archaeological site investigation should be undertaken and that this would comply with Policy PMD4 of the Core Strategy and Development Management Plan (2015).

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 This planning application is for a proposal that would represent a departure from planning policies that seek safeguard existing areas of public open space unless any lost areas of public open space can be re-provided elsewhere.

7.2 This is a finely balanced case and the key consideration here is whether the benefits of the youth centre and its facilities for the people of Tilbury and the wider Borough would outweigh the harm of the loss of this existing area of public open space which also provides a distinctive character and appearance for this part of Tilbury.

7.3 Overall, on balance, it is considered that the proposed development is acceptable in this instance.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to the following:

- i) the completion and signing of a legal agreement under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
 - Highway Contribution - The requirement of £10,000 towards highway improvement works to parking controls in the vicinity of the development.
 - Highways – The requirement for the applicant to enter into a s278 agreement under the Highways Act with regard to the amendments to the highway for the proposed access, footways, drop off and pick zones.
- ii) And subject to the following planning conditions:

Time Limit

1. The development hereby granted consent shall be begun on or before the expiration of three years from the date of this permission.

Reason: To comply with 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):	Name:	Date Received:
P0510 00	Block Plan	7th June 2023
P1100	Existing Site Plan	7th June 2023

P1200	Site Plan	13th June 2023
P1500	Site Plan_500	13th June 2023
P2100	GA Plan 00	7th June 2023
P2101	GA Plan 01	7th June 2023
P2102	GA Plan Roof	7th June 2023
P3100	N and S Elevations	7th June 2023
P3101	E and W Elevations	7th June 2023
P3200	Boundary Treatment Elevations	7th June 2023
P3201	Boundary Treatment Plan	7th June 2023
P3202	External Finishes Plan	7th June 2023
P3210	Refuse Store	7th June 2023
P3215	Sub-station	7th June 2023
P4100	Sections	7th June 2023
P4200	Façade Sections	7th June 2023
P501	Site Location Plan	7th June 2023
TYZ-BWB- XX-XX-DR-E-2301	Proposed external Lighting Layout	7th June 2023
TYZ-RAMXX-XX-RPCD-00001	Drainage Layout	7th June 2023

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).

Restriction of Use

- The proposal shall only be used as a mixed-use Youth Facility and for no other use within Use Class F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that facility is used for the use hereby permitted in accordance with Policies CSTP9 and CSTP10 of the adopted Thurrock LDF Core Strategy and Development Management Policies (2015).

Ancillary Use

4. The café and outdoor spaces including the car park shall only be used ancillary to the main use as a Youth Facility

Reason: To ensure the facility is used for the use hereby permitted and to protect residential amenities in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Development Management Policies (2015).

Hours of use

5. The proposed use shall only be open between the hours of 08:00 – 22:00.

Reason: To ensure that the facility is made widely available to youth members but also in the interests of residential amenities in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Development Management Policies (2015)

Materials

6. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a high-quality appearance is provided in accordance with Policy PMD2 of the Core Strategy and Development Management Policies Plan (2015).

Boundary Treatment

7. The fences as shown on the approved drawing number(s) P3201 shall be constructed prior to the first use/occupation of the development to which it relates and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and

PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Landscaping

8. No development shall commence until full details of both hard and soft revised 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 use 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 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Landscape Management Plan

9. No development shall commence until a landscape management plan, including management responsibilities and maintenance schedules for upkeep of all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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

Flood Risk Assessment Mitigation

10. The recommended mitigation measures as set out in the Flood Risk Assessment dated May 2022 shall be implemented prior to the first use of the development hereby permitted.

Reason: To ensure that flood mitigation measures have been implemented for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Surface Water Drainage

11. No development shall commence until a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, has been submitted to and approved in writing to the Local Planning Authority. The details shall include:

- a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- b) Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 2l/s and the attenuation volumes to be provided.
- c) Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
- d) The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
- e) Infiltration tests to be carried out in line with BRE 365 for the locations where SUDS are proposed.

The surface water drainage scheme shall be implemented as approved and managed and maintained at all times thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and Policy PMD15 of the Core Strategy and Development Management Policies (2015).

Flood Warning and Evacuation Plan

12. Prior to first use of the development the requirements of the Flood Warning and Evacuation Plan (FWEPE) dated July 2023 which forms part of this planning permission shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

Reason: To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Parking

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

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

Vehicle Access

14. No development shall commence until details of the vehicle access showing the layout, dimensions and construction specification of the proposed vehicle access, footways and parking bays have been submitted to and approved in writing by the Local Planning Authority. The access shall be implemented as approved prior to the first use 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).

Implementation of Highway Works

15. The development hereby permitted shall be occupied until the service road(s), footway(s), loading, parking and turning areas crossing facilities have been constructed and completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of road safety and amenity in accordance with Policy PMD9 of the adopted Thurrock LDF Core Strategy and Development Management Policies (2015)

Travel Plan

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

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

Parking Management Strategy

17. Prior to the first use of the development a Parking Management Strategy shall be submitted to and approved in writing by the local planning authority. The Parking Management Strategy shall be implemented and thereafter retained for the duration of the use hereby permitted in accordance with the agreed Parking Management Strategy unless the prior written approval of the local planning authority is obtained to any variation.

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).

Archaeological Evaluation and Excavation

18. Archaeology conditions as follows:

- a) No development shall commence until a programme of archaeological assessment has been secured until with a written scheme of investigation which has been submitted to and approved by the local planning authority. The programme of archaeological assessment shall be undertaken in accordance with the details as approved.
- b) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to and approved by the local planning authority following the completion of programme of archaeological evaluation.
- c) No Development can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- d) Within six months of the completion of the fieldwork a post excavation assessment shall be submitted to and approved by the local planning authority. This will include a programme and timetable for completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Lighting

19. Prior to the first operational use of the development details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first operational use of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

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

Refuse and Recycling

20. Prior to the first operational use of the building detailed plans detailing the number, size, location, design and materials of bin and recycling stores to serve the development together with details of the means of access to bin and recycling stores shall be submitted to and agreed in writing with the local planning authority. The approved bin and recycling stores shall be provided prior to the first occupation of any of the development and permanently retained in the form agreed.

Reason: To ensure that refuse and recycling provision is provided 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).

Security lighting and CCTV

21. Prior to the first operational use of the building a scheme of security lighting and CCTV shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed and be operational prior to first occupation of the development and retained and maintained thereafter.

Reason: In the interests of amenity, security and crime prevention in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Ecological Enhancements

22. Prior to the occupation of the development details of ecological enhancement measures to be implemented shall be submitted to and agreed in writing by the local planning authority. The details shall only be implemented in accordance with the agreed details and shall be maintained at all times thereafter.

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

Renewable Energy

23. Prior to the commencement of development details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority.

The approved measures shall be implemented and operational upon the occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the local planning authority.

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

BREEAM

24. The development hereby permitted shall achieve a minimum of an 'Outstanding' rating under the Building Research Establishment Environmental Assessment Method (BREEAM), unless it can be demonstrated to the local planning authority that it would be economically unviable or not feasible to do so.

A copy of the post construction completion certificate for the development verifying the BREEAM rating of 'Outstanding' has been achieved, (unless it has been demonstrated that it would be economically unviable or not feasible to do so for the development in which case the BREEAM rating shall be stated) shall be submitted to the local planning authority within six months of occupation of the development.

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

Groundworks

25. Prior to any ground works being undertaken, a Phase II site investigation should be undertaken and shall be submitted in writing by the Local Planning Authority. The investigation will be required to address the following:

- a) determine extent and nature of Made Ground;
- b) characterise nature of near-surface natural soil/groundwater beneath the site;
- c) assess soil contamination and include a site-specific assessment of risk to human health; • establish soil-gas regime at the site; and
- d) provide geotechnical design parameters for foundation design purposes.

The information and recommendations within the Phase II site investigation as approved shall be implemented prior to the commencement of above ground development.

Reason: To protect residents from harm in case there is any risk of contamination in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Development Management Plan (2015)

Construction Hours

26. Construction activities shall be restricted to only take place during the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with no construction work permitted on Sundays and Public Holidays.

Reason: To protect residential amenities in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Development Management Policies (2015)

No bonfires during construction works

27. There shall be no bonfires should be permitted during the construction works.

Reason: To protect residential amenities in accordance with PMD1 of the adopted Thurrock LDF Core Strategy and Development Management Policies (2015)

Construction Environmental Management Plan

28. Prior to the commencement of the development a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

- (a) Hours and duration of any piling operations
- (b) Vehicle haul routing in connection with construction, remediation and engineering 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) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
- (g) Details of any temporary hardstandings

- (h) Details of temporary hoarding
- (i) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (k) Measures to reduce dust with air quality mitigation and monitoring
- (l) Measures for water management including waste water and surface water discharge
- (m) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
- (n) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
- (o) A Site Waste Management Plan
- (p) Details of security lighting layout and design
- (q) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

Reason: To ensure construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity; and to protect residential amenities in accordance with Policies PMD1 and PMD9 of the Core Strategy and Development Management Policies (2015)

Informatives:

- A. Highway Informative - Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works. Highways Department, Thurrock Council, Civic Offices, New Road, Grays Thurrock, Essex. RM17 6SL5 Sight splays of 2.4; metres x 43; metres shall be provided at the proposed access and thereafter maintained at all times so that no obstruction is present within such area above the level of the adjoining highway carriageway.
- B. Advertisement Regulations - Notwithstanding that some signage appears in documentation submitted with this application for planning permission, a separate application is required for any signage requiring express consent from the Council under the Advertisement Regulations (this includes most illuminated and all high-level signage). Consent, as appropriate, should be secured prior to any signage

being erected. The LPA has a target of 8 weeks to determine applications under the Advertisement Regulations.

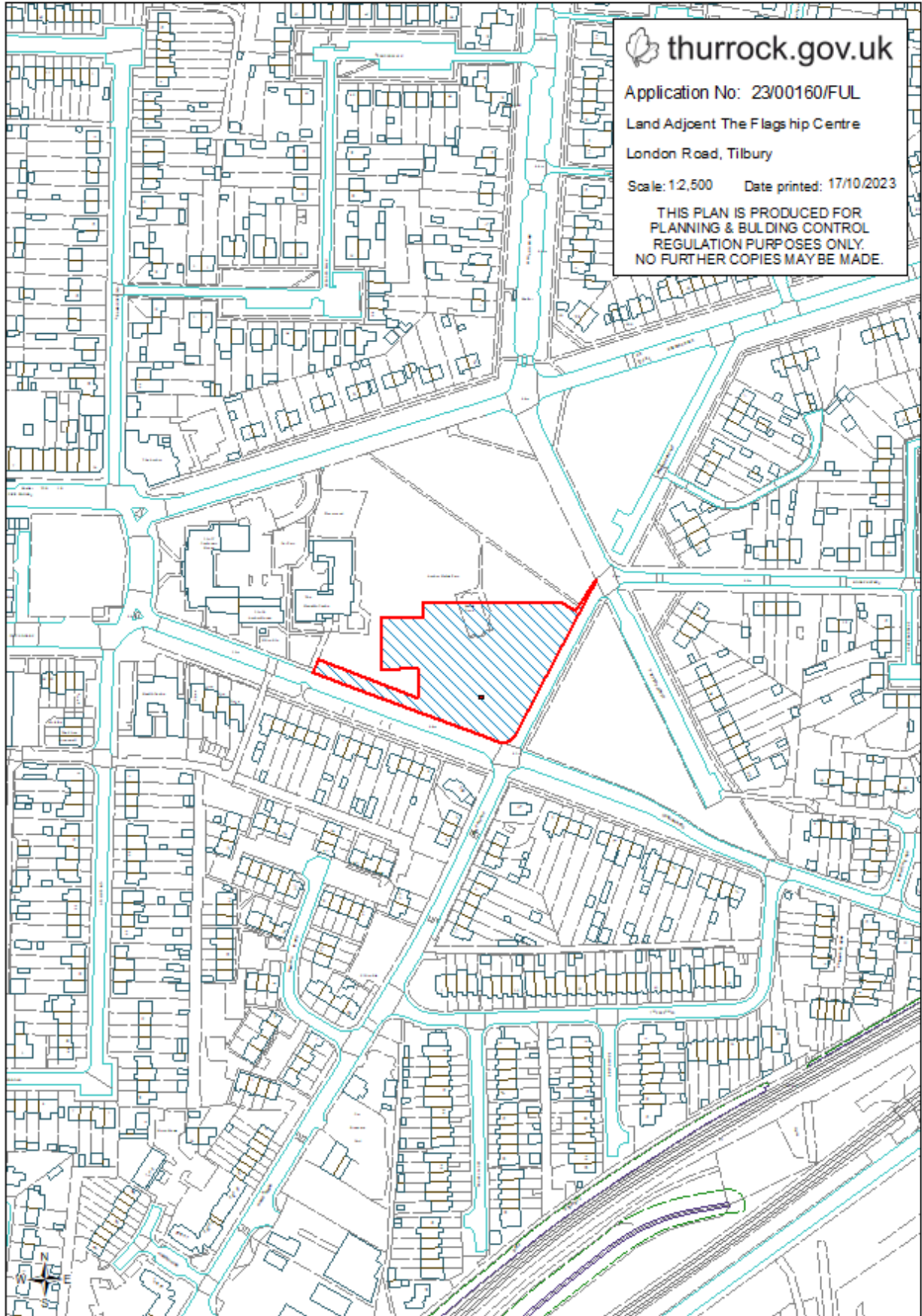
Positive and Proactive Statement

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

Documents:

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

www.thurrock.gov.uk/planning



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