

<b>Reference:</b> 15/00234/FUL	<b>Site:</b> Land Off And Adjacent To School Manor Road Grays Essex
<b>Ward:</b> Grays Thurrock	<b>Proposal:</b> Proposed development of 93 dwellings consisting of apartments, terraced, semi-detached and detached houses with amenity space and access road.

<b>Plan Number(s):</b>		
Reference	Name	Received
100H	Site Layout	27th November 2017
101A	Location Plan	25th July 2016
201C	Proposed Elevations	27th November 2017
202B	Proposed Elevations	15th May 2017
203C	Proposed Elevations	27th November 2017
204C	Proposed Elevations	27th November 2017
205F	Proposed Elevations	15th December 2017
206B	Proposed Elevations	15th May 2017
207C	Proposed Elevations	27th November 2017
208D	Proposed Elevations	15th December 2017
209B	Proposed Elevations	27th November 2017
210B	Proposed Elevations	27th November 2017
211D	Proposed Elevations	27th November 2017
212E	Proposed Elevations	27th November 2017
213B	Proposed Elevations	15th May 2017
214	Proposed Elevations	15th May 2017
215	Proposed Elevations	15th May 2017
216	Proposed Elevations	15th May 2017
217A	Proposed Elevations	12th June 2017
218	Proposed Elevations	12th June 2017
220	Drawing	15th May 2017
221C	Proposed Elevations	5th September 2017
2014-2048-AT-109	Drawing	31st July 2017

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Contaminated Land Desk Study
- Extended Phase 1 Habitat Survey and Reptile and Invertebrate Surveys
- Flood Risk Assessment, Drainage Reports and Flood Warning and Evacuation Plan
- Noise Report
- Transport Assessment including Updated Transport Note
- Travel Plan
- Aboricultural Impact Assessment
- Landscape Strategy

**Applicant:**

Mr M James

**Validated:**

25 July 2016

**Date of expiry:**

17 July 2018 (Extension of time agreed with applicant)

**Recommendation:** Refuse

This application has been called in to be determined by the Planning Committee by Cllr Kent [ward member], Cllr Liddiard and Cllr Kelly in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) on the grounds of access, parking, danger to school children and Green Belt.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 This application seeks full planning permission for the development of the site through the erection of 93 dwellings consisting of apartments, terraced, semi-detached and detached houses along with associated amenity space and access road.

Access

1.2 The access into the site would be via an extension to Manor Road which would lead into the site with the internal road running through the site in a north to south direction terminating at the parking areas to the flats at the southern part of the site.

Layout

1.3 The scheme comprises a mix terraced, semi-detached and detached houses on either side of the internal estate road. One small area of public open space would

be created to the eastern side of the bend in the access road. Two blocks of flats would be sited towards the southern part of the site with parking to the south of these flats and communal amenity space to the north of the flats.

Scale and Design

1.4 The houses would be two storeys high and the flats would be part three/part four storeys in height. The design of the development features a mix of traditional and contemporary styles.

Landscape and Amenity

1.5 The site layout plan supplied with the application shows tree planting and amenity spaces. Each dwelling would have a private amenity space [rear garden] and a small front garden/frontage. The two blocks of flats would have each have their own individual communal amenity areas.

1.6 The proposed development is summarised as follows:

<b>Site Area (Gross)</b>	2.31 ha						
<b>Height</b>	Up to 4 storeys [12.5m] for the flats, 2 storey for the houses [8.5m]						
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4 bed</b>	<b>TOTAL</b>	
	Houses	2	26	16	1	45	
	Flats	19	29			48	
	<b>TOTAL</b>	<b>21</b>	<b>55</b>	<b>16</b>	<b>1</b>	<b>93</b>	
<b>Affordable Units</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4 bed</b>	<b>TOTAL</b>	
	Houses		5				
	Flats	9	5				
	<b>TOTAL</b>	<b>9</b>	<b>10</b>			<b>19</b>	
<b>Layout</b>	Flats	Block – 1 Plots 46-68	23 flats	9 x 1 bed, 14 x 2 bed			
		Block – 2 Plots 69-93	25 flats	8 x 1 bed, 17 x 2 bed			
	Houses	Plots 1, 8, 19		3 bed			
		Plots 2-7		2 & 3 bed			
		Plot 9		4 bed			
		Plot 10		3 bed			
		Plot 11-12		2 bed			

		Plots 13-18, 22-24, 27-29, 35-37	2 bed
		Plot 20	3 bed
		Plot 21	1 bed
		Plot 25-26	2 bed
		Plot 30-33	2 bed
		Plot 34	1 bed
		Plot 38	3 bed
		Plot 39-42	3 bed
		Plot 43-45	3 bed
<b>Car Parking</b>	Flats: 68 spaces [1.4 space per flat] Houses: 88 spaces [2 spaces per house] Visitor: 8 spaces Total: 162		
<b>Amenity Space</b>	Shared/Communal Amenity Space: 890 sq.m for Block 1 and 960 sq.m for Block 2 Houses: smallest 41 sq.m and largest 202 sq.m Public Open Space: 588 sq.m		
<b>Density</b>	40 dwellings per hectare for the overall site		

## 2.0 SITE DESCRIPTION

- 2.1 The site is approximately 2.31 hectares and is an 'L' shaped site located at the eastern end of Manor Road, which is the only vehicular access point into the site across a section of unmade road between the eastern end of Manor Road and the site boundary. The site is undeveloped and is covered in vegetation [small trees and scrubs] apart from an area where footpath no.186 crosses through the site in a north to south direction.
- 2.2 To the north are residential properties in Manor Road, Silverlocke Road and Cherry Tree Close but directly to the north is a scrap metal works, which would share the access arrangements into the site. Immediately to the east boundary is an open watercourse known as the Chadwell New Cross Sewer and is defined as a 'main river' by the Environment Agency. Beyond the watercourse is a field and to the south east are commercial units within Thurrock Park Way. Immediately to the southern boundary is the London, Tilbury and Southend railway line and beyond the railway line is Tilbury Docks. To the west is the Thameside Primary School and Manor Park.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the relevant planning history:

Reference	Description	Decision
09/50024/TTGOUT	Employment development and improvements to open space (larger site including eastern edge of current site)	Approved 21.02.2011 Permission has now lapsed as no reserved matters were submitted within the 3 year permission
11/50307/TTGOUT	Employment development and improvements to open space (larger site including eastern edge of current site)	Approved 27.03.2012 Permission has now lapsed as no reserved matters were submitted within the 3 year permission
13/00685/CV	Variation of conditions of planning permission ref. 11/50307/TTGOUT	Application Closed as no longer proceeded with 21.10.2015

3.2 The following planning history to the neighbouring site to the east is relevant (Land Part Of Little Thurrock Marshes, Thurrock Park Way):

Reference	Description	Decision
15/01354/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.	Refused 26.06.2017  Appeal (APP/M1595/W/17/3188 665) dismissed 06.06.2018 following Public Inquiry
17/01631/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 hectares of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1)	Withdrawn 26.04.2018

	and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works (Re-submission of planning application ref. 15/01354/OUT).	
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#### 4.0 CONSULTATION AND REPRESENTATIONS

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

#### 4.2 PUBLICITY:

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

Seven letters of representation have been received with two of these objecting to the application.

The objections raise the following concerns:

- Traffic capacity is currently at its maximum limit;
- Manor Road – traffic conflicts due to school;
- Difficulties with turning right into Gypsy Road and the T junction onto the Broadway;
- Manor Road and Gypsy Lane is gridlocked twice a day because of the school;
- Increased vehicle movements;
- Land is part of the flood plain;
- Will current ditch be widened or dredged to accommodate water run off;
- Insufficient drainage to accommodate surface water;
- A small piece of countryside with wildlife and part of the landscape;
- Has an environmental study been conducted to assess the impact on wildlife;
- Yet another concrete jungle with housing crammed in;
- Green belt land not to be built on;
- Overlooking of property;
- Object to dwellings on plot 9 and 10 would impact upon privacy;
- Land is used for operational activities of neighbouring scrap yard;
- Plot 9 would be built over the existing sewer and watercourse;

**4.3 ANGLIAN WATER:**

No objection subject to a condition regarding a surface water drainage scheme to be approved.

**4.4 EDUCATION:**

No objection subject to a financial contribution of £526,016.87 towards for nursery, primary and secondary education in the area or towards the William Edwards project.

**4.5 EMERGENCY PLANNER:**

No objection.

**4.6 ENVIRONMENT AGENCY:**

No objection subject to the Sequential and Exception Tests being applied by the local planning authority.

**4.7 ENVIRONMENTAL HEALTH:**

No objection subject to conditions for requiring sound insulation being installed, Construction Environmental Management Plan [CEMP], and a watching brief for contaminated land.

**4.8 ESSEX COUNTY COUNCIL ARCHAEOLOGY:**

No objection subject to a condition regarding an archaeological monitoring programme to be agreed.

**4.9 ESSEX FIELD CLUB:**

Object due to inadequate ecological information.

**4.10 ESSEX FIRE AND RESCUE SERVICE:**

No objection but there is a need for additional fire hydrants through the Building Regulations.

**4.11 ESSEX AND SUFFOLK WATER:**

No objection.

**4.12 FLOOD RISK MANAGER:**

No objection subject to conditions

**4.13 HEALTH AND WELLBEING:**

No objection.

**4.14 HIGHWAYS:**

No objection.

**4.15 HOUSING:**

No objection subject to affordable housing being provided in accordance with the details submitted following the independent viability assessment.

**4.16 LANDSCAPE AND ECOLOGY ADVISOR:**

No objection subject to a more detailed landscape strategy being agreed and details of reptile translocation, including a receptor site.

**4.17 NETWORK RAIL:**

No objection.

**4.18 NHS ENGLAND:**

No response.

**4.19 PUBLIC RIGHTS OF WAY OFFICER:**

Applicant will need to divert and upgrade the definitive route of public footpath 186. The site could also incorporate an extension to the National Cycle Route 13.

**4.20 TRAVEL PLAN CO-ORDINATOR:**

No objection.

**4.21 URBAN DESIGN ADVISOR:**

Object, as the proposed development raises concerns in term of achieving high quality design and placemaking. The layout appears cramped, the scale of some of the units appear disproportionate to the context and elevational treatment requires



a good quantum of refinement along with a rationalisation of materiality and detail language.

#### 4.22 WASTE STRATEGY CO-ORDINATOR:

No objection.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning policy Framework

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 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 197 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.

- Core Planning Principles
- 1. Building a strong, competitive economy
- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

#### 5.2 Planning Policy Guidance

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

- Climate change
- Design
- Determining a planning application

- Flood Risk and Coastal Change
- Health and wellbeing
- Housing and economic land availability assessment
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions
- Viability

#### Thurrock Local Development Framework (2015)

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

#### SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)
- CSSP5 (Sustainable Greengrid)<sup>3</sup>

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area)<sup>3</sup>
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP21 (Productive Land)
- CSTP22 (Thurrock Design)

- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP25 (Addressing Climate Change)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)<sup>3</sup>
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD10 (Transport Assessments and Travel Plans)<sup>2</sup>
- PMD12 (Sustainable Buildings)<sup>2</sup>
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)<sup>2</sup>
- PMD16 (Developer Contributions)<sup>2</sup>

[Footnote: 1New Policy inserted by the Focused Review of the LDF Core Strategy. 2Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. 3Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

### 5.3 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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

### 5.4 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 principles issues to be considered with this case are:

- I. Principle of the development
- II. Housing Mix and Affordable Housing

- III. Design and Layout and Impact upon the Area
- IV. Landscaping and Amenity Space
- V. Ecology and Biodiversity
- VI. Traffic Impact, Access and Car Parking
- VII. Flood Risk and Drainage
- VIII. Noise
- IX. Effect on Neighbouring Properties
- X. Energy and Sustainable Buildings
- XI. Viability and Planning Obligations
- XII. Sustainability
- XIII. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 Whilst the site is undeveloped and covered in vegetation the majority of the site is allocated in the LDF Proposal's Map as 'Land for New Development in Primary Areas' where policies CSSP2 [Sustainable Employment Growth] and CSTP6 [Strategic Employment Provision] apply. The areas of the site not allocated would be acceptable for development in principle. The site is not within the Green Belt (the Green Belt boundary is the neighbouring watercourse, to the east of the site).
- 6.3 Whilst policies CSSP2 and CSTP6 both seek to promote employment growth and retain existing employment land for such purposes, paragraph 22 of the NPPF advises that '*planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*'.
- 6.4 As identified in the planning history, planning application references 09/50024/TTGOUT and 11/50307/TTGOUT approved employment development but neither application commenced and both have permission have now lapsed. There have been no further planning applications for employment development on this site since its allocation in the 2011 LDF Core Strategy.
- 6.5 In addition to the above, the site is subject to a number of constraints; namely its irregular shape, poor access arrangements, it's location within a high risk flood zone [flood zone 3] and being adjacent to an area of public open space. The site also has some ecological value. As the site involves a route through tight knit residential streets and past a primary school on the neighbouring the site it is considered difficult for the site to be developed for employment purposes with the likelihood of mostly small scale offices, light industrial uses or research and development [Class B1] uses being acceptable, and general industrial and storage [Class B2] and distribution uses [Class B8] likely to be considered unacceptable

given the constraints identified. The neighbouring scrap metal works, which shares the access arrangements into this site, is an existing long term established use on a much smaller site. The identified constraints were also recognised when the site was allocated for employment through the 'Draft Site Specific Allocations DPD – Site Assessment – High Level Sieve' [page 122] because the site is adjoining the urban area, outside of the Green Belt and conformed with the then su Regional Spatial Strategy, which was part of the policy position at the time. The Regional Spatial Strategy has since been abolished and the 'Draft Site Specific Allocations DPD' is no longer being progressed on the advice of the Planning Inspectorate.

- 6.6 The most recent employment land review indicates that the Borough has a surplus of employment land which is disproportional to the housing needs of the Borough. On such basis, and with regard to paragraph 22 of the NPPF, it is considered that this site could be used for alternative use other than its employment allocation.
- 6.7 The proposal is for residential development and there is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of a paragraph 47 of the NPPF. Paragraph 49 of the NPPF advises that planning applications for housing developments should be considered in the context of the presumption in favour of sustainable development and the relevant housing policies, in this case the LDF Core Strategy, should not be considered up to date if the Council cannot demonstrate a five year housing land supply. Furthermore, this undeveloped site adjoins the urban area of Grays and therefore is within close proximity of facilities, services and sustainable transport links, and is outside of the Green Belt. The site is therefore considered to represent a sustainable location for residential development.
- 6.8 Taking into account all these factors it is considered that residential use of the site would be acceptable in principle, subject to all other material considerations being acceptable.

## II. HOUSING MIX AND AFFORDABLE HOUSING

- 6.9 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017]. The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom flats. The development would provide both family dwellings and flatted development to comply with the SHMA and as a result the dwelling mix requirements of policy CSTP1 would be met.

- 6.10 With regard to affordable housing, policy CSTP2 seeks to achieve 35% of the development to be allocated for affordable housing. The application has been subject to a viability assessment which has identified that some affordable housing can be provided and following an independent viability review process the applicant is proposing 19 affordable housing units in the form of flats and houses that would be affordable rent and shared ownership. The Council's Housing Officer raises no objection to the provision of the affordable housing, which would be secured through a section 106 agreement.

### III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

The Thurrock Design Strategy was adopted as a supplementary planning document and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:

- understanding the place;
- working with site features;
- making connections; and
- building in sustainability.

- 6.11 Existing development in the surrounding area comprises the neighbouring school to the west, early 20<sup>th</sup> century terraced houses to the North West, and an infill bungalow adjacent to the metal works. 1970's and 1980's housing estates are found to the North East. To the South and South East are large scale commercial warehouse buildings at Thurrock Park Way and Tilbury Docks.

The irregular shape of the site means the site is physically constrained, as the majority of the site is only 43m wide. As originally submitted, the scheme proposed a layout featuring 97 dwellings however since submission the proposal has been subject to a number of design revisions in an attempt to ensure that the residential development is of the highest quality. The current scheme proposes 93 dwellings. However, despite these changes, there remain concerns over the design quality of the scheme. The Council's Urban Designer has assessed the plans and found the scheme to be unacceptable.

Concern is raised to the layout of the development and in particular the repeat occurrence of flank walls fronting the main estate road; this would have the effect of properties turning away from the road, reducing opportunities for natural surveillance and failing to create a sense of place. Similarly, plot 1 is found in an

isolated location from the rest of the development and the adjacent public open space is also isolated.

- 6.12 The watercourse to the east of the site provides a genuine opportunity for the development to positively respond to context, but the current plans fail to address this opportunity. The Council's Urban Design Advisor has also raised concern to the significant change in scale from two storey dwellings to two four storey apartment blocks towards the southern section of the site. These points demonstrate the difficulties of developing this irregular shaped site with the quantum of development to the extent that the development would appear cramped on this site.
- 6.13 Concern is also raised to the varied range of house types and flatted development. Whilst some variation in design is important, the unit types proposed would fail to create a cohesive and understandable sense of place. The Council's Urban Design Advisor has urged the applicant to apply a more simple architectural language which would help facilitate a more cohesive design approach for the site including simpler roof forms, consistent fenestration detailing, and design features, and less variation in materials.
- 6.14 In conclusion under this heading, despite the changes made, the proposed development, as currently submitted, is considered unacceptable and would be detrimental to the context of this locality and contrary to policies CSTP22, CSTP23 and PMD2, section 3 of the Thurrock Design Strategy and section 7 of the NPPF.

#### IV. LANDSCAPING AND AMENITY SPACE

- 6.15 The site is covered in vegetation apart from small pockets of land where there is a path which passes through the centre of the site a north to south direction. The majority of the vegetation would be removed as part of the proposals but none of the vegetation contains any noteworthy species and neither are any of the existing trees covered by Tree Preservation Orders. The proposed layout shows trees would be retained where possible and to compensate for the loss of any trees and existing vegetation the proposal would be subject to a landscaping strategy which could be secured through planning condition.
- 6.16 To accord with the requirements of policies CSTP20 and PMD5, new open space, sports and recreational opportunities should be provided, including children's play space, unless a commuted sum is offered for improvements to existing open space/sport facilities. Given the quantum of development proposed on this constrained site there is limited room for public open space to be offered. There are only two areas of public open space shown and these are both limited in size. There is land outside of the site which forms usable public open space to the west of the site and through amendments to the layout of the development an access is proposed along the western site boundary to achieve access to the neighbouring

public open space for the benefit of future occupiers and connectivity. However, it must be noted that the land to the west of the site is not within the ownership or control of the applicant. The applicant has demonstrated, through an independent viability review, that a commuted sum towards open space would render the development unviable. However, it is not considered acceptable to rely upon land which is outside of the applicant's ownership or control to provide the open space provisions required for the residential development.

- 6.17 The flats would have an area of communal amenity space to the north of the building which at various times of the day would be partly overshadowed due to the scale of the development being part three/part four storeys. It should be noted that a surface water balancing pond is also proposed in the eastern amenity space, which would limit the useable area for recreation.
- 6.18 The private amenity space for the houses range from 38 sq.m for the smallest rear garden at plot 16 [2 bed] up to 214 sq.m for plot 1 [3 bed]. There are a number of 2 bedroom properties with an average of around 50 sq.m , which based on their gross floor area is below the 75 sq.m minimum requirements of the 'saved' Annex 1 of the Borough Local Plan.
- 6.19 In conclusion under this heading, the development would fail to make acceptable provision for outdoor space and as such the proposal is considered to be contrary to Annex 1 of the Borough Local Plan (1997), policy PMD2 and Policy CSTP20. The failure to meet minimum amenity space requirements is a further illustration of overdevelopment.

## V. ECOLOGY AND BIODIVERSITY

- 6.20 The site does not form part of any statutory site of designated ecological interest with the nearest being the Globe Pit 700m to the north. However, the site is of ecology value given its overgrown state with large areas of scrub and grassland. The site is also located in close proximity to the neighbouring watercourse to the west of the site which the Environment Agency classify as a 'main river'. Since the application was submitted additional ecology surveys have been undertaken seeking to address previous concerns expressed by the Council's Landscape and Ecology Advisor.
- 6.21 The ecology surveys were undertaken in April through to July 2017. The reptile surveys revealed the presence of protect species of common lizard and slow worms and based on the relevant criteria for assessing such species it is considered that the site comprises a 'good' population of such species. The proposed development would result in the loss of the habitat for these species and therefore mitigation strategies are required as the quantum of development does



not allow for any significant habitat retention. If the application were to be approved, the reptile population would need to be translocated to another suitable receptor.

- 6.22 The invertebrate survey identified the presence of 172 species but also identified that the site has become degraded by pony grazing. Mitigation for the loss of grassland is recommended in the form of green roofs on buildings to support wild flowers, also log piles and insect houses. Amendments through the application process now show that the car port areas, roofs of the flats and various locations within the site would include ecological mitigation measures such as green roofs which could be conditioned for implementation with the development.
- 6.23 The Council's Landscape and Ecology Advisor has accepted the findings of the surveys and has raised no objection to the proposal, subject to conditions requiring the translocation of the reptile population and a detailed landscape strategy.

#### VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.24 Access to the site would be achieved from the eastern end of Manor Road. The Council's Highway's Officer has raised no objections to the access arrangement which accords with the requirements of policy PMD9.
- 6.25 In terms of location and sustainability, the site is located adjacent to the Thameside Primary School and is within easy walking distance of 'The Broadway' where there shops, facilities, services and access to bus services [routes 66 and 22A from the Broadway]. Grays town centre is less than 1 mile from the site where there is a range of facilities, services and sustainable transport links including Grays railway station and the bus station serving the Borough.
- 6.26 The updated Transport Note to the Transport Assessment [TA] takes into account the reduction from 97 to 93 dwellings and this demonstrates that the development is predicted to create (worst case scenario) 128 two way trips in the AM peak period between 7am to 10am, and 143 two way trips in the PM peak period between 4pm and 7pm. Over the day from 7am to 7pm the number of two way trips is predicted to be 478. The updated transport note demonstrates that there would be '*very little change in operational conditions*' [paragraph 23] because the additional traffic movements would be '*within capacity*' and therefore the development '*will not result in a material change to traffic conditions*'. The Council's Highway's Officer has assessed this information and there are no objections raised.
- 6.27 An updated Travel Plan has also been provided which identifies opportunities for a reduction in car driver trips and increases in public transport usage, cycling and walking. No objections have been raised by the Travel Plan Co-ordinator who has

liaised with the applicant's Travel Plan consultant through the application process to ensure compliance with policy PMD10.

- 6.28 The proposal would require the diversion of Public Footpath No.186 as this currently passes through the centre of the site in a north to south direction. The Council's Highway Officer also requires a crossing point within the site to link with the recently installed footpath along the unmade section of Manor Road nearest the site entrance, and a dual use footway/cycleway, which would link two proposed bridges over the watercourse to the east to access land to the east. Both the public right of way diversion and footway/cycleway have been accommodated in the proposed layout of the development.
- 6.29 With regard to parking, the close knit layout of the area and rows of terraces positioned within close proximity of the highway limits the level of off street parking provision. The neighbouring primary school experiences increased demand for on street parking during school drop off and collection times. Therefore it is important that the development meets the Council's parking standards to avoid any increases in on street parking of the adjoin roads beyond the site boundary.
- 6.30 In terms of parking, the Council's Highway's Officer advises that the site is within an area of 'low accessibility' where the Council's draft parking standards recommends 1.25 spaces for dwellings with one bedrooms, 2 spaces for dwellings with two or three bedrooms and 3 spaces for dwellings of 4 bedrooms or more. 0.25 spaces per dwelling in addition to the above should be also be provided for visitors. The layout plans for the development show that a total of 162 car parking spaces would be provided with 88 spaces for the houses [average of 2 spaces per house] and 68 spaces for the flatted development [1.4 spaces per flat]. The Council's Highway's Officer has no objections to the proposed level of parking with regard to policy PMD8 and the Council's draft parking standards.
- 6.31 For cycle parking the Council's Highway Officer requires one secured covered cycle parking space per dwelling which could be accommodated within garages and car ports for the houses to meet this requirement without significantly affecting private garden space. For the flats, covered cycle parking would be provided in the parking canopy spanning the majority of the southern width of the site adjacent to the southern boundary with the railway line. There is no objection to this cycle provision for the flats. All cycle parking provision levels are acceptable with regard to policy PMD8 and the Council's draft parking standards.

## VII. FLOOD RISK AND DRAINAGE

- 6.32 The main flood risk is from tidal flooding but there are flood defences along the River Thames in this location which protect property. Nevertheless, the site is

located within the highest risk flood zone (flood zone 3) as set out in the PPG's 'Table 1 - Flood Zones' as identified on the Environment Agency flood maps. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability. The proposal would fall within the 'more vulnerable' use based on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development requires application of the 'Exception Test' as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.

- 6.33 Before applying the 'Exception Test' consideration needs to be given to the 'Sequential Test', which aims to steer new development to areas with the lowest probability of flooding. The majority of the site is allocated in the LDF Proposal's Map as 'Land for New Development in Primary Areas' as employment land but part of the site is not allocated for any development. Paragraph 104 of the NPPF advises that *'For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test'*. The allocation for the majority of this site is for employment land and not residential land and therefore it is considered that the proposed residential land use needs to be subject to the Sequential Test.
- 6.34 There are no residential allocations in the LDF Core Strategy for this location or the immediate surrounding area. The application site is also on the edge of Grays abutting the urban area but is not located within the Green Belt and is therefore preferable for development compared to development upon a Green Belt site. The site is constrained on all sides by existing development and infrastructure to the north, the Chadwell New Cross Sewer to the east, the railway line to the south, and public open space and the school grounds to the west meaning that further residential development would not be possible in this area beyond the site boundaries. As the Council cannot demonstrate a five year housing land supply the development of this site would contribute to the housing needs of the Borough being deliverable within five years. The site is located within a sustainable location with good access to the neighbouring school and the nearby 'Broadway' for amenities and facilities. Grays town centre is also walkable from this site where there are more facilities, services and sustainable transport links in the form of the railway and bus stations. Therefore taking into account all of these factors it is considered that the Sequential Test is passed.
- 6.35 For the 'Exception Test' to be passed the proposed development needs to provide *'wider sustainability benefits to the community that outweigh flood risk'*, and demonstrate that the development will be *'safe for its lifetime'*. The reasons stated in the 'Sequential Test' assessment above demonstrate that the proposed development can provide *'wider sustainability benefits to the community that outweigh flood risk'* for this part of the Exception Test to be passed. The Flood Risk

Assessment (FRA) identifies mitigation measures requiring the development's finished floor levels to be raised to be at least 0.3m above ground level, that the building design should use flood resilient construction techniques, a surface water drainage strategy with the potential to use the adjacent Chadwell New Cross Sewer, and a dry passage route to higher ground to the north and sign up to the Environment Agency 'Floodline Warnings Direct'. The application contains a Flood Warning and Evacuation Plan [FWEP] and following consultation the Emergency Planner raises no objection subject to a planning condition.

- 6.36 In terms of surface water drainage a range of techniques would be implemented including storage of rainwater, infiltration techniques, attenuation in a storage pond and using tanks and sub bases and discharge into the neighbouring water course. The Council's Flood Risk Manager raises no objection subject to conditions regarding the finer details being agreed and details of the future management and maintenance of the surface water drainage systems.
- 6.37 For foul drainage it is stated that the development would connect to the existing sewerage system and Anglian Water raise no objections to this as the Tilbury Water Recycling Centre has available capacity to accommodate these flows.

#### VIII. NOISE

- 6.38 The application includes an Environmental Noise Assessment identifying noise sources from outside of the site. These include the scrapyards adjacent to the site entrance to the north, and the railway line together with the rail freight link spur into Tilbury docks to the south, along with nearby commercial uses to the south east in Thurrock Park Way. The noise associated with the railway line together with the rail freight link spur into Tilbury docks to the south are a significant noise sources with the Thurrock Park Way commercial uses being less obtrusive and the scrapyards to the north having lengthy quiet periods and occasional loud impulsive noises from scrap processing.
- 6.39 The proposed development has taken account of these noise environments, with the railway line to the south representing the most significant noise source for the future occupiers of the flats to the southern end of the site. The flats have been set back from the railway line with parking courts found between the living accommodation and railway line, however it would remain necessary to install upgraded glazing and ventilation to ensure the internal accommodation meets with British Standards and the World Health Organization [WHO] guidelines. The Council's Environmental Health officer raises no objection to this approach and but require agreement of the technical details, which could be secured through the use of a planning condition.

- 6.40 For the areas of outside amenity space a few houses on plots towards the south east of the site but north of the flats would experience noise levels closer to the WHO guidance maximum level 55 dB but would still fall within the criteria so no mitigation is required. The noise source affecting these houses is a logistics hub in Thurrock Park Way which would be less busy at weekends when most people use their outdoor space. The communal gardens to the flats have been positioned north of the both blocks of flats as the buildings would act as a sound barrier.
- 6.41 All other dwellings on site would have acceptable internal and external noise environments within British Standard and WHO guideline criteria.
- 6.42 For construction noise the Council's Environmental Health Officer has advised of the need for a Construction Environmental Management Plan in the interest of properties adjacent to the site, include the primary school, and for those along the construction route to the site. In addition an hours of use condition for construction/deliveries is necessary.
- 6.43 With the requirement for mitigation where necessary the proposed development can provide an acceptable noise environment for future occupiers to accord with policy PMD1.

#### IX. EFFECT ON NEIGHBOURING PROPERTIES

- 6.44 The nearest residential neighbouring properties are located in Silverlocke Road and a small number of properties have private gardens that back onto the site. The northern part of the site currently has extensive vegetation cover along the site's boundary with the nearest property and a small area of public open space would be located nearest the rear gardens of properties in Silverlock Road. The nearest dwellings would be located on plots 1 and 9 but are too distant from the neighbouring properties to result in harm upon neighbouring residential amenity.
- 6.45 Future residents will be within close proximity of nearby noise sources arising from the railway, docks and nearby commercial uses but mitigation measures are promoted through the applicant's noise report that could lead to planning conditions to protect the amenity of future occupiers.
- 6.46 Thameside Primary School is located to the western site boundary where there is currently extensive vegetation. Some of this vegetation would be removed and therefore some of the proposed dwellings to the western side of the site would have rear gardens backing onto the school boundary and rear elevations of dwellings facing towards the school. While this would change the outlook from the school there would be no significant loss of amenity or overlooking issues, provided a suitable landscape strategy is secured.

6.47 For residents dwellings along Manor Road and along the route to the site the development through the construction process would lead to a slight increase in vehicle movements for a temporary period of time, and when complete there would be additional vehicle movements on these roads from the new occupiers of the dwellings on site. However, the highway impact and noise impact has been considered above and no objections have been raised from consultees to these impacts.

#### X. ENERGY AND SUSTAINABLE BUILDINGS

6.48 The applicant's planning statement states that the proposal would meet with policy requirements for PMD12 and PMD13. Details of this information would need to be agreed through the use of a planning condition.

#### XI. VIABILITY AND PLANNING OBLIGATIONS

6.49 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.

6.50 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.

6.51 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.

6.52 Through the consultation process the following planning obligations are required to secure the necessary levels of affordable housing and mitigate the impact of the development:

- 35% of the development to provide for affordable housing provision to meet policy CSTP2
- A financial contribution towards nursery, primary, secondary education

6.53 The application is accompanied with a viability assessment which suggests the development would be commercially unviable when the burden of affordable housing and s.106 contributions are imposed. However, the viability assessment has been scrutinised by the Council's independent viability assessor who advises the site is viable and can provide a level of planning obligations. The conclusion of the independent viability report states that the *'proposed scheme is viable and could support a S.106 payment for education of £526,017 and a capital sum in lieu of on-site affordable housing of up to £1.22 million'*.

6.54 The applicant has responded to the findings of the viability assessment and has offered 19 affordable housing units and the education contribution, which is considered acceptable. Members are advised that if the Council were minded to grant planning permission a viability review mechanism should be included within a s106 legal agreement requiring a further review of viability to dissuade 'land banking'. This would ensure that future market conditions are appropriately assessed and any uplift in values are captured and appropriate increases in s.106 contributions / affordable housing are secured.

## XII. SUSTAINABILITY

6.55 As part of the planning balance consideration has to be given to the Environmental, Social and Economic roles as outlined in paragraph 7 of the NPPF with all three needing to be satisfied for the 'presumption in favour of sustainable development' to apply.

6.56 For the economic role the proposal would create employment opportunities for the construction phase. When the development is occupied new residents would provide household spending within the local economy including Council tax payment. The dwellings would provide opportunity for local people to live and work in this area. For the social role the development would help create a new community in this location. For both the social and economic role the development would provide dwellings for the area and contribute towards the Council's five year housing land supply. For the environmental role there would be a loss of some existing habitat for ecology and wider biodiversity which is a negative but development in this location helps reduce the need for development within the Green Belt in this location and conditions can require translocation of reptiles to a receptor site. The design of the proposed development and its impact upon the surrounding area along is unacceptable for the reasons explained above and therefore detrimental to the environmental role of the NPPF. The development would need to be built to

ensure flood resilience and to manage surface water without giving rise to flooding elsewhere.

### XIII. OTHER MATTERS

- 6.57 Each house would have room within the plot to provide refuse and recycling facilities. The two blocks of flats would have refuse and recycling facilities as storage buildings within the car parking canopy positioned adjacent to the southern site boundary. The access road through the site and into the parking area for the flats has been designed to ensure refuse vehicles can reach all refuse collection points.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

The site mainly allocated as employment land. In accordance with the NPPF, long term employment allocations should not be retained if there are no prospects of employment uses for the land coming forward. Since the 2011 application there have been no further employment generating applications for this site. It is considered that an alternative use to employment would be acceptable.

- 7.1 The proposal is for residential development and in light of the Council's five year housing land supply position, a housing mix to follow the Strategic Housing Marketing Assessment requirements and the inclusion of affordable housing it is considered that a residential use and development of this site would be acceptable. However, the proposed development, as a result of its cramped layout, varied scale, mixed elevational design approach and absence of suitable open space would fail to create an acceptable form of development based on the context of the site, character and appearance of the area and its surroundings. Consequently the proposed development would not create a high quality designed development in placemaking terms and is therefore contrary to policies CSTP22, CSTP23, CSTP20 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015], and paragraph 7 and chapter 7 of the NPPF.

- 7.2 All other material consideration are acceptable subject to planning conditions and planning obligations, which include an education contribution, affordable housing and upgrades to the Public Right of Way and the inclusion of cycleway links to the wider area.

## 8.0 RECOMMENDATION

- 8.1 Refuse, subject to the following reason:

1. The proposed development, as a result of its cramped layout, varied scale, mixed elevational design approach and absence of suitable open space would fail to



create an acceptable form of development based on the context of the site, character and appearance of the area and its surroundings. Consequently the proposed development would not create a high quality designed development in placemaking terms and is therefore contrary to policies CSTP22, CSTP23, CSTP20 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015], and paragraph 7 and chapter 7 of the NPPF.

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

