

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 **9 February 2023**

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

Membership:

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

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Qaisar Abbas, Daniel Chukwu, Steve Liddiard, Susan Little and Elizabeth Rigby

Agenda

Open to Public and Press

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

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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: **1 February 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 1 December 2022 at 6.00 pm

Present: Councillors Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson

Apologies: Councillors Tom Kelly (Chair)

In attendance:
Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Nadia Houghton, Principal Planner
Jonathan Keen, Principal Planner
Linda Saunders, Locum Solicitor
Rhiannon Whiteley, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

48. Minutes

To approve the minutes of 20 October 2022 and 16 November 2022

Councillor Watson requested two changes to the minutes of 16 November 2022. On page 14 of the agenda the minutes state that there was a statement of support from Councillor Massey and this should have stated that Councillor Massey objected. On page 15 paragraph 3 it should state that 70% would be of market value rent and not 70% of the whole entire development.

Councillor Watson also raised that Councillor Thandi stated that there should be more developments like this coming forward. The Chair was not present at the last meeting and therefore she responded that the recording would have to be looked at and a verbatim statement provided of what was said.

49. Item of Urgent Business

There were no items of urgent business.

50. Declaration of Interests

Councillor Little confirmed that although she would not be voting on the application tonight with regard to The Hollies, Rectory Road she stated that she does know the resident and has received correspondence from him.

51. 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 asked if any members had received any lobbying from the sites being considered at the meeting tonight. The Chair confirmed she had received correspondence in relation to Purfleet Road. Councillor Piccolo confirmed he had also received the correspondence. The Chair stated that she had forwarded it on to the monitoring officer.

52. Planning Appeals

The Chair queried the table on page 19 of the agenda which states there has been 1 appeal in December and 1 appeal not allowed. Jonathan Keen responded that they are in the wrong column and should have been added to the November column which should read 12 and 5 instead of 11 and 4.

53. 22/01241/FUL: The Hollies Rectory Road Orsett Essex RM16 3EH (Deferred)

The report was presented by the Principal Planning Officer. She confirmed that the item was deferred at the previous meeting in November to enable a member's Site Visit to take place. This visit occurred on 23rd November 2022 and Councillors Piccolo, Arnold, Thandi and Shinnick attended the site along with officers. The applicant was also in attendance and welcomed Members to view the site.

The Principal Planning Officer confirmed that the proposal would continue to be considered to be contrary to Green Belt policy with respect to its overall size, footprint, and volume and would be considered inappropriate development harmful to the openness of the Green Belt. Secondly, there continue to be concerns regarding the layout, footprint, scale and use of materials for the proposed replacement dwelling and its poor relation to the existing character and appearance of development in the Orsett Conservation Area.

Clarity was sought as to whether the mature trees on the back boundary had been there prior to the current landowner moving into the property. The Principal Planning Officer confirmed the lawful development certificate from 2006 did identify the extent of the site as falling within the red line curtilage of the property as seen on site.

Councillor Watson queried if any of the trees would be removed if the development went ahead. The Officer confirmed they would not, the majority of the trees and shrubs lying on the eastern and southern boundary would remain.

The Chair clarified that Councillors Arnold, Carter, Piccolo, Watson and Shinnick are the members of the Committee who can ask questions, enter into debate and vote on the application.

During the debate Councillor Watson stated that she had no problem with the application as it was such a small piece of Green Belt land that was affected, it would not cause traffic problems and the neighbours have no objections. Councillor Shinnick stated that it would be beneficial to the neighbours for the property to be pushed back. Councillor Arnold commented that he objected to the application as the current property was substantial already and it was development on the Green Belt. Councillor Carter commented that the property is in a conservation area and the Green Belt and therefore he was minded to refuse the application. Councillor Piccolo commented that he felt it was not going to impact on the Green Belt any more than the existing building.

The Chair noted the Officer's recommendation is for refusal however the Chair could not give a casting vote and therefore the item will be deferred to the next meeting where Councillor Kelly can provide a casting vote.

For: (3) Councillors Paul Arnold, Adam Carter, James Thandi

Against: (3) Councillors Terry Piccolo, Sue Shinnick, Lee Watson

54. 22/00921/FUL: 43 Purfleet Road, Aveley, South Ockendon, Essex, RM15 4DR

The Principal Planning Officer presented the report. She confirmed there were two updates for members since the agenda was published. Two additional letters of objection have been received in relation to the proposal, one of which is from the ward Councillor M Pearce. The objections raised in both letters are similar to the reasons raised in the report.

The Planning Officer summarised that the application site comprises of a detached bungalow and garage building on a corner plot located within a residential area in Aveley. The proposal seeks the redevelopment of the site to provide 5 dwellings, comprising 2x pairs semi-detached two storey dwellings, and 1 detached dwelling. The proposal would provide 12 parking spaces on a car dominated frontage which is a concern and is included as a reason for refusal. The applicant has been asked to provide additional swept path analyses to demonstrate that all car parking spaces could be safely and practicably accessed and egressed. The applicant has provided this, however, the Highways Officer is concerned that the layout would be

particularly awkward and tight resulting in some spaces not being realistically usable and there is concern that parking could migrate on the surrounding roads which would be unacceptable. The application is recommended for refusal for three reasons which are set out on page 56 of the agenda

Councillor Watson raised concerns as to turning points and how an ambulance, waste collection vehicle or fire truck would access the properties. The Highways Officer confirmed these vehicles would probably service the properties from the front entrance which has a width of 4.8 metres wide so it would be big enough. It might be tricky for them to get right into the site particularly to the end house depending on how people had parked. Councillor Carter raised the issue of parking for visitors. The Planning officer confirmed it is a medium accessibility area and they would be comfortable with two spaces per property and two visitor spaces overall. The layout and accessibility of the spaces is the concern.

Councillor Thandi asked how long the property had been vacant. The Planning Officer confirmed it had been vacant for approximately 18 months but they did not have an exact date.

- Statement of Support: Rakesh Kainth, Montague TSK Limited

During the debate Councillor Arnold noted there remained problems with the number of properties proposed, the site layout and problems with parking. Councillor Piccolo, Councillor Watson, Councillor Shinnick, Councillor Little and Councillor Carter echoed Councillor Arnold's concerns that the layout is too cramped.

The Chair proposed the officer recommendation to refuse the application and this was upheld.

For: (7) Councillors Georgette Polley (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Lee Watson, Sue Shinnick, Susan Little

Against: (1) Councillor James Thandi

55. 22/01074/FUL: Land Adjoining Fobbing Acres And Mill Lane, Fobbing, Essex

The Principal Planning Officer outlined that the application is for planning permission of a residential gypsy traveller site and for associated operational development comprising the stationing of a static caravan and formation of a gravel driveway. The application site is part of the grazing land within the Green Belt. Some of the local objections refer to the presence of protected species on the site such as bats and badgers. No survey has been provided by the application as to the harm to ecology on the site. There are concerns the development would be harmful to the character and appearance of the area

Councillor Arnold stated that he had visited the site and noted it was incredibly hard to find and access and recommended an aerial photograph would be of assistance. During the debate Councillor Piccolo commented that it was a large site and he was concerned it was out of character for the area. Councillor Carter stated he was concerned that no survey had been provided regarding the ecological impact on the site.

The Chair proposed the officer recommendation to refuse the application and this was upheld.

For: (8) Councillors Georgette Polley (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Lee Watson, James Thandi, Sue Shinnick, Susan Little

Against: (0)

56. 22/01363/FUL: Footbridge And Car Park, Orchard Road, South Ockendon, Essex

The Principal Planning Officer summarised that the application was for planning permission to remove the existing pedestrian footbridge and to erect a new pedestrian footbridge and ramped access across the railway line between Orchard Road and Ardmore Road in South Ockendon. The Principal Planning Officer stated that the present bridge is in poor condition and requires refurbishment and it doesn't comply with modern accessibility standards. It would cost more to repair the bridge than to build a new one.

Councillor Little asked if there would be improved lighting and queried the effect this may have on neighbours. The Principal Planning Officer responded that anti-social behaviour does take part on the bridge and therefore improved lighting has been fully considered and this will be down lighting so as not to affect neighbouring properties.

Councillor Watson raised concern for the loss of trees. The Principal Planning Officer responded that there is a condition that the soft landscaping scheme will include replacement trees to compensate for the loss of trees.

The Chair raised that there are artist panels on the current bridge and suggested that the applicant contacts the Belhus Community forum about what will happen to these panels.

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

For: (8) Councillors Georgette Polley (Chair), Paul Arnold, Adam Carter, Terry Piccolo, Lee Watson, James Thandi, Sue Shinnick, Susan Little

Against: (0)

The meeting finished at 7.40 pm

Approved as a true and correct record

CHAIR

DATE

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

Minutes of the Meeting of the Planning Committee held on 5 January 2023 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Steve, Liddiard (substitute for Sue Shinnick), Terry Piccolo, James Thandi and Lee Watson
- Apologies:** Councillors Sue Shinnick and Steve Taylor, Campaign to Protect Rural England Representative
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead Development Services
Nadia Houghton, Principal Planning Officer
Matthew Gallagher, Major Applications Manager
Julian Howes, Senior Highways Engineer
Caroline Robins, Legal Representative (via Microsoft Teams)
Kenna-Victoria Healey, Senior Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's website.

57. Item of Urgent Business

There were no items of urgent business.

58. Declaration of Interests

There were no declarations of interest.

59. 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

Councillor Arnold declared he had received an information pack in relation to 22/01513/FUL Thurrock Lawn Tennis Club Montgomery Close Grays Essex RM16 2RL. It was confirmed this was sent to all Planning Committee Members.

Councillors Carter, Piccolo and Polley also declared emails had been received from the agent for planning application 21/01812/FUL Land Adjacent And To The Rear Of The George And Dragon East Tilbury Road Linford Essex.

60. Planning Appeals

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

RESOLVED:

That the report be noted.

61. 21/01812/FUL - Land Adjacent And To The Rear Of The George And Dragon East Tilbury Road Linford Essex (Deferred)

The report was presented by the Major Applications Manager, during which he advised Members that should they be minded to approve the application there would need to be a Section 106 Agreement in place, which would be required to secure amongst other things a financial contribution towards education provision to mitigate the impact of the development.

Members queried as to whether the railway line was a clear boundary line and whether this could be defensible as the boundary to the east of the site, as there were concerns if this was not the case it could lead to further or additional development within the area.

It was enquired as to the mitigation in place against flooding on the development. The Major Applications Manager referred Members to the constraints map and highlighted that along the Northern and Northwestern edge of the site was the higher flooding risk zone because there was a water course. He advised that none of the dwellings or the roads of the development be located into that area and so the dwellings themselves would be safe and not at risk of flooding. A planning condition would be required to secure a detailed surface water drainage scheme if planning permission were to be granted.

It was then raised as to the access concerns to the site and it was asked of Officers if they felt the highway could cope with the increase in traffic. The Senior Highways Engineer commented that the level of traffic from the proposed site would be spread out throughout the day, with a model of traffic movements being taken from Princess Margaret Road. He acknowledged there was the possibility of small queues of traffic leaving or entering East Tilbury, however a yellow Keep Clear box would be used at the entrance to the site to ease this and modelling hadn't highlighted any problems or concerns.

During the debate, Councillor Piccolo commented when the application was first presented to the Committee he had a few concerns, however looking at the detail within the report more closely, he felt the development being located close to the Railway Station could assist with decreasing the traffic in the area. He continued by saying he felt there could be an influx in traffic around School collection and pickup times however felt the yellow box would assist in mitigating against long traffic queues. Councillor Piccolo stated he had

concerns as to additional development leading from this application on the Greenbelt however felt there was a natural boundary with the Railway line.

Councillor Watson stated her views on the application hadn't changed since the last Committee and as much as she liked the development, she still felt it was the wrong location. She continued by observing Officers comments that there were no flooding concerns, she still believed that more needed to be done to mitigate the possibility of flooding on the site.

Councillors Carter and Arnold both commented their view hadn't changed since the last Committee and they welcomed the development.

The Chair of the Committee acknowledged that through the debate a number of Members were in support of the application being approved.

The Assistant Director of Planning, Transport and Public Protection advised the Committee that the Constitution was clear that an alternative recommendation would need to be put forward, which met with council policies, as Members were not in agreement with the officer's recommendation.

Councillor Kelly, Chair of the Committee then put forward the following reasons for approval whilst acknowledging that there was harm to the Green Belt. He stated that there was to be delivery of 100% affordable homes as part of the development and gave this significant weight, there was the upgrades to the existing rail station, which was given limited weight.

He continued by mentioning the development was responding to the five-year housing supply and gave it very significant weight, low carbon development a moderate weight and the accelerated build program to respond to immediate housing short full granted limited weight.

The Chair of the Committee then proposed a recommendation of approval, subject to referral to the Planning Casework Unit, planning conditions and a s106 legal agreement and was seconded by Councillor Piccolo.

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

Against: (1) Lee Watson

Abstained: (0)

62. 19/01556/OUT - Kings Farm Parkers Farm Road Orsett Essex RM16 3HX

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

63. 22/01513/FUL - Thurrock Lawn Tennis Club Montgomery Close Grays Essex RM16 2RL

The report was presented by the Principal Planning Officer, who gave an update to Members in that a total of 56 comments had been received in support of the application and Officers had received 31 objections to the application.

During questions from Members, it was enquired as to when the properties were first built and the history of the club. The Principal Planning Officer advised looking at planning history for the club the first application had been submitted in the early 1950s and some of the properties had already been built at this time.

The Principal Planning Officer further advised following queries from Members that the hours of usage for the lighting would be dependable on the amount of natural daylight, however within the winter months could be used as early as 4:00pm onwards and was limited to 9:00pm during the week and 8:00pm on a Saturday, and until 10pm on one day a week during the season to host home league matches.

It was highlighted there were no other tennis clubs within Thurrock which had floodlight facilities, although there were other sports facilities within the borough which had floodlights such as St Cleres Secondary School.

Speaker statements were heard from:

- Statement of Objection: (Joint Resident Statement) Mr Dady, Resident
- Statement of Objection: Councillor Maney, Ward Member
- Statement of Support: Ms Prayle, Applicant

During the debate the Chair of the Committee stated he felt location of the Tennis Club was perhaps not ideal for a club which was growing that being said he felt any impact should the application be approved would be in the winter months to allow for later play.

Councillor Arnold stated he visited the site and as far as he could see there was no signage for the club within the area. He continued by saying he felt clubs of this nature should be supported and that with the right conditions to protect the area against future applications felt this application could be supported.

Councillor Piccolo commented he felt that any residents who had moved into the area or properties after the Tennis Club had been built would have been aware of the club and so it would only be perhaps the summer months which noise could be increased to a later time.

The meeting was adjourned at 7:58pm and reconvened at 8:05pm.

Councillor Kelly Chair of the Committee acknowledged five Members had hinted during the debate at approving the application.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be put forward, which met with council policies.

Councillor Kelly then continued by putting forward the following reasons for approval, sporting, health benefits and good well-being significant weight, with the use of conditions there would be trackable control of the floodlights and with the resurfacing of the court there should be less noise coming from the club should they hold evening matches.

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

For: (6) Councillors Tom Kelly (Chair), Paul Arnold, Adam Carter, Steve Liddiard, Terry Piccolo and James Thandi

Against: (2) Georgette Polley (Vice-Chair) and Lee Watson

Abstained: (0)

The Committee agreed to suspend standing orders at 8.17pm to allow the agenda to be completed.

64. 22/01241/FUL - The Hollies Rectory Road Orsett Essex RM16 3EH (Deferred)

The report was presented by the Principal Planning Officer.

As the application had been deferred from December meeting Members entered the debate and in doing so Councillor Piccolo expressed concerns as to the boundary of the site, he stated that following the site visit at the end of last year, it was clear to see there was a line of trees along the boundary to the rear of the site which the applicant had previously explained they would not be exceeding this boundary and the trees were not to be removed. This eased some concerns for Member of the possibly of additional Green Belt being used as part of the application.

Councillor Watson commented that the application was not proposing to move the property, it was to be demolished and rebuilt.

Councillor Arnold felt even with the boundary of trees at the rear of the property didn't mean to say additional development wouldn't take place or be applied for. It was for this reason he would be voting with officers' recommendations.

Councillor Carter recapped it was not only Green Belt land which was part of the reason for refusal of the application, it was also that the application was located within the Orsett Conservation Area and although he understood Members comments he felt it was important to remember this is well.

Councillor Carter proposed the officer recommendation to refuse the application and was seconded by Councillor Arnold.

For: (3) Councillors Paul Arnold, Adam Carter and James Thandi

Against: (3) Tom Kelly (Chair), Terry Piccolo, and Lee Watson

Abstained: (0)

With the Chair having the casting vote the officer recommendation fell.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be put forward, which met with council policies.

Members then put forward the following reasons for approval, the repositioning of the proposal would improve the street scene and the setting of the neighbouring property, there were no objections received and the application was supported by the local Ward Member. The site itself is enclosed and it was felt impact on the Orsett Conservation Area would be limited.

It was also commented that the Planning Committee had recently granted permission for replacement dwellings which were larger than the proposed in similar situations.

Councillor Piccolo then proposed a recommendation of approval and was seconded by Councillor Watson.

For: (3) Councillors Paul Arnold, Adam Carter and James Thandi

Against: (3) Tom Kelly (Chair), Terry Piccolo, and Lee Watson

Abstained: (0)

As Members approved the application with the Chair having casting vote, in line with the Council's Constitution, the item was deferred to allow Officers to prepare a report outlining the implications of making a decision contrary to the Planning Officer's recommendation.

**65. 22/01402/HHA - 182 Sewell Close Chafford Hundred Grays Thurrock
RM16 6BU**

The report was presented by the Principal Planning Officer.

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

For: (8) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Steve Liddiard, Terry Piccolo, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

The meeting finished at 8.55 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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9 February 2023		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Interim Director for 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:** 21/01761/FUL

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

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

3.2 Application No: 22/01004/FUL

Location: 9 Ludlow Place, Grays, Essex, RM17 5AS

Proposal: Erection of a single storey one bedroomed dwelling in the land adjacent to no. 9 Ludlow Place, including vehicle access.

3.3 Application No: 22/00939/PNTC

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

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

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01469/CV

Location: Riverview, Kirkham Shaw, Horndon On The Hill, Stanford Le Hope, SS17 8QE

Proposal: Application for the variation of condition no.10 (Permitted Development Rights) of planning permission ref. 93/00697/FUL (One for one dwelling and detached garage)

Appeal Decision: Appeal allowed

4.1.1 The Inspector considered the key issue of the appeal to be if the removal of condition 10 (Permitted Development Rights) of planning permission ref. 93/00697/FUL was reasonable and necessary.

4.1.2 The application site is located within land designated as Green Belt, permitted development is not restricted in the Green Belt as it is for some designated areas as such the Inspector considered that there is no overarching justification for retaining the condition.

4.1.3 The application site is a large plot and is well separated from neighbouring houses, it was commented that there are no site-specific reasons to prevent permitted development rights from being exercised. It was concluded that condition 10 is not reasonable or necessary and should be removed and the appeal was allowed.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/02029/HHA

Location: 13 Cherry Tree Drive, South Ockendon, Essex, RM15 6TP

Proposal: Retrospective single storey outbuilding ancillary to the main house

Appeal Decision: Appeal allowed

4.2.1 The Inspector considered the main issue of the appeal to be inappropriate development within the Green Belt; and the effect on the character and appearance of the area.

4.2.2 With regards to the first issue the Inspector considered that the outbuilding does not amount to a disproportionate addition to the original building, and it was not inappropriate development within the Green Belt. It was concluded that the building is not harmful to openness or to any of the purposes of the Green Belt.

4.2.3 With regards to the outbuildings impact upon the character of the area, the Inspector drew attention to the shed and outbuildings found within the locality, whilst it was noted that the footprint of the appeal building is greater than those nearby, the effect on the wider area was considered insignificant due to its fairly discrete position and limited height. No objection was raised to the total area of the curtilage covered by buildings within the site. It was concluded that the form and scale of the outbuilding is appropriate to the original dwelling and the surrounding development pattern, no harm was identified to the character and appearance of the area. The appeal was allowed.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 21/01418/FUL

Location: 31 Elmway, Stifford Clays, Grays, Essex, RM16 2HS

Proposal: Erection of 1 three bedroom dwelling including associated refuse and cycle store

Appeal Decision: Appeal dismissed

4.3.1 The Inspector considered the key issues of the appeal to be the character and appearance of the surrounding area; pedestrian and vehicular safety; and the integrity of the Thames Estuary and Marshes Special Protection Area (SPA).

4.3.2 With regards to the first consideration the Inspector drew attention to the fact that the proposal would create a short terrace, it was considered the creation of a terrace is not inherently incongruous in a residential area.

Although the properties in the immediate vicinity are generally semis, many of them are closely spaced and terraces are prevalent within the wider estate. As the new dwelling would perpetuate the form and design of the attached dwelling with a full hipped roof, it would fit comfortably into the locality and respect its context. The Inspector considered that the dwelling would integrate satisfactorily with the general pattern of development and so make a positive contribution.

4.3.4 With regard to pedestrian and vehicular safety, the proposal would result on the future occupiers relying upon on street parking on the footway. The Inspector drew attention to the fact that cars are already parked in this way in the area. The footway is wide so that pedestrians would not necessarily be obstructed. The Inspector commented that whilst parking could occur at the junction this it would not precluded at present, there is no evidence presented that show that the nearby junction is particularly busy or awkward. It was concluded that the proposal would not result in an unacceptable impact on pedestrian and vehicular safety.

4.3.5 The site is located within the Zone of Influence of the Thames Estuary and Marshes SPA. Because of this, and in combination with other development in Thurrock, an extra dwelling would have a likely significant effect on the SPA. To address the effects of recreational disturbance a mitigation strategy has been developed which requires a financial contribution based on a tariff payment for each new residential unit created, regardless of size. No contribution had been received and no mechanism to secure one. Therefore, without the certainty that the requisite funding for the mitigation measures will be forthcoming, planning permission cannot be granted as such the appeal was dismissed.

4.3.6 The full appeal decision can be found online.

4.4 Application No: 21/01557/HHA

Location: Falconhurst, Second Avenue, Stanford Le Hope, SS17 8DP

Proposal: Boundary walls alterations

Appeal Decision: Appeal dismissed

4.4.1 The Inspector considered the main issues in this appeal to be the effect of the development on the character and appearance of the street scene and local area.

4.4.2 The Inspector concluded that as a result of its siting, appearance, scale and design, the proposed wall and railings forward of the dwelling fronting Second Avenue and part of Southend Road would detract from the

character and appearance of the street scene and local area contrary to policies CSTP22 and PMD2.

4.4.3 The appeal was dismissed.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 21/01356/HHA

Location: 46 Calshot Avenue, Chafford Hundred, Grays, RM16 6NS

Proposal: Front Porch

Appeal Decision: Appeal allowed

4.5.1 The Inspector found the main consideration to be the impact of the development on the character and appearance of the area.

4.5.2 The Inspector considered the proposed development would not harmfully detract from the character and appearance of the area and allowed the appeal.

4.5.3 The full appeal decision can be found online.

4.6 Application No: 22/00080/FUL

Location: 50 Valmar Avenue, Stanford Le Hope, Essex, SS17 0NF

Proposal: (Retrospective) Erection of structure to front of shop to provide covered shopping area

Appeal Decision: Appeal dismissed

4.6.1 The Inspector considered the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

4.6.2 The Inspector considered the use of a rudimentary timber frame and plastic sheeting would not match any of the features of the existing property and would have a significantly detrimental effect on the character and appearance of the area, contrary to Policies CSPT22 and PMD2.

4.6.3 The appeal was dismissed.

4.6.4 The full appeal decision can be found online.

4.7 Application No: 22/00375/FUL

Location: 43 Purfleet Road, Aveley, South Ockendon, RM15 4DR

Proposal: Proposed redevelopment to provide 6 semi-detached houses (2 no. 3x bedroom and 4 no. 4 bedroom) and new vehicle access and pedestrian access to Purfleet Road.

Appeal Decision: Appeal allowed

- 4.7.1 The Inspector considered that there were two main issues: the effect of the proposal on the living conditions of occupiers of the neighbouring property to the south, with particular regard to privacy; and, its effect on the character and appearance of the area.
- 4.7.2 The Inspector agreed that dwellings on plots 1 and 2 would overlook the rear garden of no. 14. The Inspector commented that this area is more private, but it is already overlooked by other first floor windows, from no. 45 Purfleet Road. The proposed first floor windows would be on a similar alignment to the existing first floor windows of no. 45, with only the ground floor windows being located closer to the boundary. With respect to neighbour amenity impact, the Inspector concluded that the relationship between first floor windows and rear gardens would be similar to the existing situation and the proposed development would not materially undermine existing standards of privacy, either in the rear garden of no. 14 or any other adjoining properties.
- 4.7.3 With respect to impact upon the character of the area, the Inspector commented that the street scene is relatively built up, with some soft landscaping within front gardens but alongside extensive areas of hardstanding. The Inspector considered the proposed dwellings would be of a similar design to the established semi-detached dwellings, and set back a similar distance. The Inspector considered they would be evenly spaced and while acknowledging the spacing would be narrower than some, the street scene does not have a spacious character and did not consider the proposal would appear cramped or out of place. Overall, the Inspector considered the layout would provide sufficient space to maintain the character of the wider street scene.
- 4.7.4 The Inspector noted that the proposed frontage would have a single expanse of hardsurfacing which would differ from the established pattern of development, however, they considered the street scene does not have a particularly verdant character. The Inspector acknowledged that the appearance of the site has significantly changed following the removal of the vegetation, they had regard to the balance between hard and soft

landscaping in the wider area. Given this wider context, the Inspector considered the proposed layout would not result in an excessive nor incongruous area of hardstanding, nor materially increase the extent to which the streetscape would be dominated by parked cars. The Inspector considered the proposal would therefore not be harmful to the character and appearance of the area.

4.7.5 The Inspector concluded that, subject to conditions including the agreement of site levels, the submission of a Construction Management Plan and Waste Management Plan, hours of construction, access details, and hard and soft landscaping details, the development would not conflict with policies PMD1, PMD2 or CSTP22.

4.7.6 The full appeal decision can be found online.

4.8 Application No: 21/02157/FUL

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

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

Appeal Decision: Appeal dismissed

4.8.1 The Inspector considered that the key issue of the appeal to be the impact of the development upon the character of the area. The application site is one of several semi-detached dwellings around a circular green, the original dwellings are all of matching design and proportions. They are laid out on regular plots with long gardens and parking areas to the front, whilst several have been extended, there is no clear evidence that any of the plots have been subdivided. The Inspector commented that whilst two storey side additions are not uncommon, none are of the same design and appear less bulky to what was proposed.

4.8.2 The subdivision of the site to create two separate dwellings would result in two much narrower plots, the Inspector considered that this would be a departure from the well-established rhythm of the street scene. The plots would be narrow and relatively cramped, appearing incongruous within the otherwise spacious street scene. Subdivision into two dwellings would also lead to more intensive use of the land, such as increased demand for parking, bin storage and similar uses, which are likely to dominate the site frontage, drawing further attention to its subdivision. It was concluded that the proposed development would be harmful to the character and appearance of the area.

4.8.3 The appeal was dismissed.

4.8.4 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	2	0	1	6	1	14	3	5	2			35
No Allowed	1	1	0	0	2	0	4	2	3	1			14
% Allowed	100%	50%	0%	50%	40%	0%	28.6%	66.7%	39.4%	50%			40%

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

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

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

7.1 This report is for information only.

8.0 Implications

8.1 Financial

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

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim 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 arising from this report.

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

- None

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

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

10. Appendices to the report

- None

Report Author:

Jonathan Keen

Interim Strategic Lead Development Services

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Agenda Item 8

Planning Committee 09 February 2023	Application Reference: 22/01241/FUL
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Reference: 22/01241/FUL	Site: The Hollies Rectory Road Orsett Essex RM16 3EH
Ward: Orsett	Proposal: Proposed replacement dwelling and relocation of existing swimming pool

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

The application is also accompanied by: <ul style="list-style-type: none"> - Simon Burke Design LTD, Design and Access Statement dated April 2022 	
Applicant: Mr And Mrs M Watts	Validated: 9 September 2022 Date of expiry: 17 th February 2023 (Extension of time agreed with applicant)
Recommendation: Refusal	

1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 1st December 2022 Members of the Planning Committee were unable to reach a decision in voting on the application. As a consequence, the decision was made to was defer the application in order for Members to take consider the application at the next available Planning Committee in January 2023.

- 1.2 The report recommended that planning permission be refused for the following reasons:
1. *The proposal would, by reason of its siting, scale, layout, mass, height and footprint, represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. No very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by any other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.*
 2. *The proposal by reason of its siting, footprint, layout, scale, height, massing and use of external finishes, would appear poorly related to the character and development pattern of the area which is harmful to the character and appearance of the Orsett Conservation Area. The application is therefore contrary to policies CSTP22, CSTP23, CSTP24 and PMD4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.*
- 1.3 At the meeting of the Planning Committee held on 5th January 2023 Members considered an Update Report on the above proposal. For completeness this is also attached.
- 1.4 During the debate Members indicated support for the application on the basis of the following reasons, none of which were afforded any particular weighting at the Committee:
- A) The movement of an existing dwelling and the site being on Previously Developed Land (PDL);
 - B) Due to the repositioning of the proposal it would result in an improvement to the street scene and the setting of the neighbouring property which may benefit its security;
 - C) There were no objections received;
 - D) The site is enclosed;
 - E) The size of the infrastructure project and its cost would likely go towards employing local trades which would be good for the local economy;
 - F) The proposal would feature a low carbon dwelling;
 - G) Recently the Planning Committee has granted permission for replacement dwellings which are larger in similar situations (e.g. High Fields, Lower Dunton Road (application ref. 22/00210/FUL) determined at the 18th August 2022 Planning Committee and the volume of this proposal should be referenced);

- H) The impact on the Orsett Conservation Area would be limited;
- I) A substantial fence should be incorporated to the eastern boundary to provide a more solid border to the Green Belt.

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

2.0 ASSESSMENT

2.1 The Officer recommendation gives two separate reasons for refusal, set out fully in paragraphs 1.2 and 5.1 of this report. To achieve a lawful decision to the contrary, each reason for refusal should be dealt with individually, accompanied by reasons why the recommended grounds for refusal should be rejected. These reasons are required to be material planning considerations, relevant to the points made and also to be underpinned with cogent evidence. This is important.

2.2 Unlike technical matters (such as dimensions), or matters requiring evidence (such as ecological credentials), subjective matters such as design leave room for different opinions (provided clearly stated).

2.3 When material, relevant, evidenced reasons have addressed each ground of the officer recommendation, then, as benefits of the proposal they can weighed against the harms to the Green Belt.

2.4 As explained in detail in earlier report on this application, the proposal is inappropriate development in the Green Belt, in essence because it is not policy compliant due to its scale thereby causing harm to the Green Belt, and harm to the appearance of the Orsett Conservation Area.

2.5 The NPPF states:

'147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from

2.6 To carry out the balancing exercise, the reasons for refusal are individually placed on one side of the scales, as these cumulatively represent the harms to

the Green Belt. The benefits of the proposal can then be placed on the other side of the scales, and cumulatively weighed against the harms which paragraph 148 of the NPPF says carry 'substantial weight'.

- 2.7 If, when the benefits are all placed on the scales together, they clearly outweigh the harms (this means more than evenly balanced, so the scales are clearly tipped), then very special circumstances are shown to exist, which will give the green light to an approval decision.
- 2.8 If however, the scales do not clearly tip in favour of benefits, then it is advisable to follow the Officer recommendation to refuse because compliance with policy has not been met and departure from policy has not been justified, and to avoid judicial review challenge. Other implications are mentioned elsewhere in the report.
- 2.9 As set out in the original report, the Council is required to consider the following questions in order to determine whether the proposal is acceptable in the Green Belt:
1. Whether the proposals constitute inappropriate development in the Green Belt;
 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the Green Belt;
- 2.10 In order to determine whether the proposal constitutes inappropriate development the relevant development plan policies and paragraphs of the NPPF must be considered.
- 2.11 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2015). Policy PMD6 applies and states that permission will only be granted for development in the Green Belt providing it meets the requirements of the NPPF and specific restrictions within PMD6.
- 2.12 The starting point for this assessment is paragraph 147 of the NPPF. This states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

2.13 There are a number of exceptions to inappropriate development in the Green Belt set out in paragraph 149. In this instance the relevant exception is the following:

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

2.14 In this regard, Policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 is consistent with the NPPF. This states that:

i. Replacement dwellings in the Green Belt will only be permitted provided that the replacement dwelling is not materially larger than the original building.

ii. The replacement of other buildings shall only be for the same use, and the replacement building shall not be materially larger than the one it replaces.

2.15 Footprint, floorspace and volume calculations were set out within the previous report, which unequivocally demonstrate that the replacement dwelling would be materially larger than the existing building at the site, mindful that the original building has been extended.

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

	Assumed Original Dwelling	Existing Dwelling	Proposed Dwelling	Increases Relative to Original/Existing	Percentage Increase Relative to Original/Existing
Footprint	158.80m ²	232.80m ²	444.32m ²	285.52/+211.52m ²	279% / +61%
Floorspace	267.54m ²	312.48m ²	676.04m ²	408.86/+363.56m ²	395% / +73.5%
Volume	Unknown	1,144.78m ³	2,829.22m ³	1,684.44m ³	84.77%

2.17 As demonstrated from the table above, the proposed building would be materially larger than the original building at the site.

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

2. The effect of the proposals on the open nature of the Green Belt and the

purposes of including land within it;

- 2.19 As established above, the proposed building would be significantly larger than the existing / original building at the site and would, therefore, cause a reduction of openness. Owing to its scale, layout and mass, the replacement dwelling would be significantly larger than the ones it would replace. The harm to openness caused by the proposal is unacceptable when considered against the NPPF and in accordance with the NPPF, this harm must be afforded substantial weight.
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.
- 2.20 For the reasons set out above, officers are firmly of the view that the development is inappropriate development in the Green Belt. Moreover, further harm to openness has been identified. The NPPF is clear that the development should not be approved unless Very Special Circumstances exist.
- 2.21 Therefore, it is necessary for the applicant to demonstrate Very Special Circumstances. Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.
- 2.22 In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites should not be accepted.
- 2.23 The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

2.24 At the Planning Committee Meeting of 5th January 2023, Members considered the circumstances set out above although no specific weight was afforded to each of them. Each is assessed below.

A) The movement of an existing dwelling and on Previously Developed Land.

2.25 For reasons that have been set out earlier, while the application site could be considered as Previously Developed Land (PDL), Officers disagree that the development involves a movement of an existing dwelling. The existing property would be demolished and replaced with a significantly larger dwelling in a more easterly position and in a more open part of the rear garden serving the site. By virtue of a site being considered as PDL, it would not automatically follow that all of the site should or could be built upon. By erecting a dwelling further eastwards it is considered that the proposal, by virtue of its design, layout, scale, width, bulk and massing, would result in an unsympathetic dwelling, which poorly integrates with the character and appearance of the Orsett Conservation Area and immediate setting resulting in an incongruous and discordant development. The development is therefore considered to be contrary to Policies CSTP22, CSTP23, CSTP24, PMD1, PMD2 and PDM4 of the adopted the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021. It therefore follows that no weight should be given to this factor.

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

B) Due to the repositioning of the proposal it would result in an improvement to the street scene and the setting of the neighbouring property which may benefit its security.

2.27 One reason for supporting the siting of the proposed replacement dwelling further east into the site was to enable the applicant to re-landscape and increase the size of the frontage of the property when it is approached from the existing access. This existing access serves the application site property and the neighbouring dwelling, Rozen House, which sits immediately north of the application site. The proposal as submitted would provide an expansive area of both hard and soft landscaping providing for a larger front entrance and wider vehicle accessing to the proposed

new garaging site, and much of the massing and bulk of the proposed dwelling would be moved eastwards and northwards. The result would be to relocate some of the existing bulk and mass of the existing dwelling slightly further away from the neighbour at Rozen House. While this might not result in any detrimental amenity impact upon this neighbour there would be no alteration to this neighbour's access or site layout arrangements and the existing layout between the two dwellings is considered acceptable to the Council. The lack of any detrimental impact, or indeed benefit to, neighbour amenity would not warrant recommending approval of an application that is contrary to Green Belt policy in principle. In addition this does nothing to address the issue of scale that was raised in the reason for refusal.

- 2.28 For these reasons, even if the development would be considered an amenity benefit for a neighbour, it is not considered that this should be afforded weight, particularly given that this outcome is fundamental to what planning should achieve in all instances.

C) There were no objections received

- 2.29 While there may not have been any neighbour objections received regarding the proposal, a full and proper assessment of the application is obliged to be undertaken. Concerns were raised by the Council's Heritage Advisor regarding the impact upon the character and appearance of the Orsett Conservation Area. The irregular shape, use of wings and sprawling layout, and the proposed use of external finishes would not be those typically found within the locality, including the Conservation Area. As a result of this, and the building being of wholly different appearance, the proposal would be jarringly at odds with the character and appearance of the other buildings within the locality in the Orsett Conservation Area. The Heritage Advisor raised concerns regarding the initial application submitted (LPA ref. 22/00614/FUL) and reiterated those same concerns with the current proposals and the application would be considered contrary to Policies CSTP22, CSTP23, CSTP24, PMD2 and PMD4 of the Core Strategy and Policies for Management of Development 2015. The proposal would also be contrary to the guidance contained within the NPPF and the Council's Design Guidance SPD.
- 2.30 A lack of responses objecting to a proposal cannot be used as a positive reason to approve. For these reasons, it is considered that the lack of any objections raised by local residents should not be afforded any weight, particularly given there were Heritage impact concerns raised, and that this outcome is fundamental to what planning should achieve in all instances.

D) The site is enclosed

- 2.31 The plot being set back from Rectory Road is not considered to be relevant to the size of the dwelling that can be built upon it. Indeed, the degree of visibility of the

proposed development is not considered to be a valid argument for permitting the development because of the emphasis upon preserving the openness of the Green Belt. If visibility were the only consideration, it would mean Green Belt policy on openness has no value, with housing estates, for example, being built in the middle of woods, not visible from the public realm. A case in point occurred in 1997 when a conservatory was proposed to be erected at a cottage located within the Green Belt (New Forest DC 23/12/97). The Inspector took the point that the development would rarely be seen by the general public but this was not a matter which could reasonably be employed to prevent development plan policies to be overruled for if it was it would follow that planning law need not apply with large country estates from which the public were excluded. As such, whilst it is recognised that the plot is set back from Rectory Road, this is not reason to enable a larger dwelling and, as such, it should not be afforded weight as a very special circumstance.

E) The large size of the infrastructure project and its cost would likely go towards employing local trades which would be good for the local economy

2.32 The applicant has submitted no evidence that the demolition of the existing dwelling, and the replacement with a significantly larger property, would result in the employment of local trades and be of benefit to the local economy. Even if local trades were used for the project, the scale of the project would not warrant or justify the granting of planning permission contrary to local and national Green Belt policies. For these reasons, the potential economic benefits suggested by the development should not be afforded any weight as a very special circumstance.

F) The proposal would feature a low carbon dwelling.

2.33 Similar to E) above, the benefits arising in this regard have not been identified in detail nor quantified and it is therefore respectfully suggested that it could be viewed as inappropriate to afford weight to a factor that has not been quantified.

2.34 The application contends that the proposal would provide a contemporary energy efficient highly insulated, 'fabric first' dwelling, annexe and garaging. The meeting of current Building Control standards are a requirement and the bare minimum, so is not special. The applicant's viewpoint of an improvement to the carbon footprint and efficiency to that of the existing building could readily be applied to and replicated in relation to many buildings throughout the Borough, and therefore is not special. Further, a negative point cannot be used as a positive reason.

2.35 Notwithstanding the above, it is considered relevant to highlight that the existing dwelling was constructed during the 1980s and has been extended and modernised since then. Irrespective of the current proposal the existing dwelling would be unlikely to poorly perform with respect to energy efficiency. While a policy compliant

replacement dwelling might achieve energy efficiency benefits there is no known reason to conclude that a larger dwelling would be more efficient to occupy than a the existing smaller detached dwelling. Indeed, it is illogical to argue that a significantly larger dwelling would be better for the environment than a smaller dwelling that would have a smaller carbon footprint during the build and over its lifetime.

2.36 The applicant has provided no details that the dwelling would achieve carbon reduction or energy generation beyond the requirements of Building Regulations. Accordingly, the development is not shown to be special in relation to its energy efficiency or generation and, as such, it should not be afforded weight as a very special circumstance.

G) Recently the Planning Committee has granted permission for replacement dwellings which are larger in similar situations (e.g. High Fields, Lower Dunton Road (application ref. 22/00210/FUL) determined at the 18th August 2022 Planning Committee and the volume of this proposal should be referenced);

2.37 Turning to the recently approved High Fields application (LPA ref. 22/00210/FUL) which sought the, *'Demolition of existing detached chalet style dwelling. Erection of one four bedroom dwelling including associated landscaping, hardstanding, cycle store and refuse/ recycle storage area'*, this application sought the following increase in the sizing of the replacement dwelling:

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

2.38 There are several notable differences between the High Fields planning application proposal considered at the August 2022 Planning Committee, and this current proposal at The Hollies. The first difference is the fact that the replacement dwelling at High Fields was proposed to be on the same siting as the existing dwelling, albeit with an increase in the existing footprint. The second difference between the two proposals is the marked difference between the increase in the size of the replacement dwellings; High Fields replacement dwelling sought a significantly lesser increase in the footprint, floorspace and volume of the replacement property in comparison to the proposals at The Hollies.

2.39 It is a core principle of planning that each case should be considered on its own merits. And the very fundamental point of Very Special Circumstances is that a

case should be “Very Special”. By definition this matter be a VSC because it is easily replicable so not very special. Other developments have been justified for reasons that were applicable to those developments. The developments discussed at the recent Planning Committee meeting are wholly different to this proposal in terms of their nature and the factors that would have been applicable in their assessment. As a consequence, this example of another replacement dwelling at a site elsewhere would not be considered to represent any special circumstance, and is indeed contract to the VSC principles, which could be put forward for inappropriate development elsewhere in the Green Belt.

H) The impact on the Orsett Conservation Area would be limited;

- 2.40 As previously highlighted under C), the Council’s Heritage Advisor raised concerns regarding the impact upon the character and appearance of the Orsett Conservation Area. The irregular shape, use of wings and sprawling layout, and the proposed use of external finishes would not be those typically found within the locality, including the Conservation Area. These same concerns were raised by the Heritage Advisor regarding the initial planning application submitted (LPA ref. 22/00614/FUL) and those same concerns have been reiterated with the current proposals. While it is accepted that the site is set back from Rectory Road is does fall within the designated Orsett Conservation Area and the application would be considered contrary to Policies CSTP22, CSTP23, CSTP24, PMD2 and PMD4 of the Core Strategy and Policies for Management of Development 2015. The proposal would also be contrary to the guidance contained within the NPPF and the Council’s Design Guidance SPD.
- 2.41 Given there are concerns regarding the impact upon the character of the Orsett Conservation Area, it is not accepted that the development would have limited impact and this reason should not be afforded weight.

I) A substantial fence should be incorporated to the eastern boundary to provide a more solid border to the Green Belt.

- 2.42 The eastern boundary of the application sites forms the boundary with eastern side of Orsett and the wider, open Green Belt. It was suggested at the last Planning Committee that a more solid boundary fence could be located along this eastern boundary with the view to providing a solid edge to the Green Belt at the site. The current eastern boundary treatment consists of post and rail timber fencing which would be considered typical of boundary treatment at a site in this semi-rural location such as this. The applicant has also planted trees immediately inside this border which are now established and help to form a natural defence.
- 2.43 The erection of a 2m high lapped wooden fence as a solid border against the Green Belt would not be considered an appropriate boundary treatment along this edge of

the site. The applicant does not propose to include any such treatment nor any change to the existing boundary treatment. Irrespective as to whether a change in boundary treatment or design would be acceptable or not, this would have no bearing on the acceptability of the proposed replacement dwelling with respect to local and national Green Belt policies. As a consequence, this consideration would not be considered to represent any special circumstance which could be put forward for otherwise inappropriate development in the Green Belt.

Overall Assessment

- 2.44 The principle of a replacement dwelling is a stated exception with the NPPF policy on Green Belt. However, the details of this proposal cause it to be inappropriate development.
- 2.45 For the reasons set out above, Officers considered that the other matters that have been raised do not represent the very special circumstances necessary to justify the approval of inappropriate development in the Green Belt.
- 2.46 No evidence has been presented by Members as the evidential basis for their conclusions.
- 2.47 Even if weight was to be afforded to any or all of the other matters, the sum of them being afforded no weight in combination means that they do not clearly outweigh the substantial weight that is required to be afforded to the harm caused by inappropriate development in the Green Belt and the loss of openness, whether these are considered individually or collectively. In this regard, it is considered important to note that the other considerations must clearly outweigh the potential harm to the Green Belt by way of the inappropriateness of the development in order for the Very Special Circumstances to exist that would justify such development.

3.0 OTHER MATTERS

- 3.1 Consideration has been given to potential conditions that could be imposed in the event that permission is granted. For reference, a suggested list of conditions are included at the end of this report. These conditions are set out without prejudice and, it is the opinion of officers that these conditions would not mitigate the effect of the development or make it acceptable in planning terms.
- 3.2 Particular consideration has been given to the imposition of a condition removing Permitted Development rights to prevent further extensions and alterations without planning permission. Given the scale of the dwelling that is proposed relative to the existing dwelling, it is considered that removing permitted development rights

set out within Classes A, B, D and E of Part 1 of Schedule 2 of The GPDO meets the relevant tests for a planning condition. In this regard, if approved, the resultant dwelling should certainly be viewed as the upper limit of what can be acceptable in the Green Belt.

4.0 CONCLUSIONS

- 4.1 This application seeks planning permission for a replacement dwelling in the Green Belt. When considered against the Council's Development Plan, the proposal is found to be unacceptable, constituting 'inappropriate development', which is harmful by definition. The proposal would also cause a loss of openness as a result of it being materially larger than the original dwelling at the site or the dwelling it would replace, although the former is the test that is set out within national and local policy. The proposal is therefore unacceptable when assessed against Policy PMD6 and the NPPF. Substantial weight should be given to any harm to the Green Belt.
- 4.2 Further harm has been identified through the design, layout, massing and bulk of the dwelling, particularly at the sprawling key-shaped layout, width and depth of the resultant dwelling. There are also concerns about these specific design, layout and use of materials which would be considered to have a detrimental impact upon the character of the Orsett Conservation Area.
- 4.3 Officers have reconsidered the case put forward but remain of the opinion that it falls some considerable way short of constituting the very special circumstances that are required to allow a departure to be made from national and local planning policy. The matters discussed are not considered either individually or collectively to constitute very special circumstances. In fact, they fall somewhat short of that stringent test. As a result, these cannot clearly outweigh the harm arising. Accordingly, the application fails the relevant Green Belt tests and should be refused.
- 4.4 The reasons for supporting the application, as put forward by the Planning Committee on 5th January 2023, are not considered to provide sufficient grounds to approve the application. In particular, no evidence has been presented concerning the economic nor any environmental benefits, and no weighting has been considered by Members. Members would be reliant upon this position to underpin these reasons, without which these reasons are not substantiated. Therefore, the recommendation remains the same as previously advised.
- 4.5 In terms of the implications of granting planning permission contrary to the development plan and national policy this would potentially set a precedent for development in the Green Belt. Whilst every application is assessed on its own

merits, a similar logic and interpretation of policy should be applied to ensure consistency of decision making. By granting planning permission for inappropriate development in the Green Belt contrary to policy on the basis of circumstances that are easily replicated elsewhere, Members would potentially be establishing a precedent for development in the Green Belt.

- 4.6 The application has been advertised as a departure from the development plan as any decision to grant planning permission would be contrary to local and national policy.

5.0 RECOMMENDATION

- 5.1 The application is recommended for refusal for the following reasons:

1. The proposal would, by reason of its siting, scale, layout, mass, height and footprint, represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. No very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by any other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.
2. The proposal by reason of its siting, footprint, layout, scale, height, massing and use of external finishes, would appear poorly related to the character and development pattern of the area which is harmful to the character and appearance of the Orsett Conservation Area. The application is therefore contrary to policies CSTP22, CSTP23, CSTP24 and PMD4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

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

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

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

1.0 BACKGROUND

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

2.0 UPDATE AND CONCLUSIONS

- 2.1 Other than the site visit taking place, there have been no changes to circumstances since the previous Planning Committee meeting and no further submissions. Any further updates will be provided verbally at the meeting.
- 2.2 For the same reasons as set out before and as set out in the appended report, the proposal is considered unacceptable.

3.0 RECOMMENDATION

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

9 February 2023	ITEM 9
Planning Committee	
London Gateway Logistics Park Local Development Order	
Wards and communities affected: Corringham and Fobbing Stanford-le-Hope West Stanford East and Corringham Town The Homesteads	
Report of: Matthew Gallagher, Major Applications Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.	
Accountable Director: Mark Bradbury, Interim Director of Place	

Executive Summary

This report provides an update to Planning Committee on the planning consenting regime for the delivery of the strategic development at London Gateway, to ensure that the economic growth, jobs and investment at the park continue to be delivered in an efficient and sustainable manner.

The report explains that development on the logistics park site has been subject to the provisions of a Local Development Order (LDO) since 2013. As this Order is time-limited, the report explains that the preparation and making (adoption) of a new Order (referred to as 'LDO2') is ideally required before the existing Order expires in November 2023. This report provides an update on progress with LDO2 since the matter was first reported to the Committee in July 2021 and seeks that authority is delegated to Officers to progress the new Order over the coming months.

- 1. Recommendations**
- 1.1 To note this report and the progress made on LDO2**
- 1.2 To delegate authority to the Assistant Director of Planning, Transport & Public Protection and Major Applications Manager to continue progressing draft LDO2, including the stages of Environmental Impact Assessment (EIA) screening and scoping and Habitats Regulations Assessment (HRA) screening and also including delegated authority to**

undertake statutory consultation and publicity as soon as the draft Order and supporting documentation is complete.

2. Background

- 2.1 A planning application for the redevelopment of the former Shell Haven oil refinery site was submitted to the Council in January 2002 (application reference 02/00084/OUT). The application was subsequently “called-in” by the Secretary of State in June 2002 and a public inquiry was held during 2003. This inquiry also considered an application for a Transport and Works Act Order for works to various railways adjoining the site and a proposed Harbour Empowerment Order, for a new port adjacent to the River Thames. Outline planning permission was granted by the Secretary of State on 30th May 2007.
- 2.2 The London Gateway Logistics and Commercial Centre Order 2007, issued pursuant to the Transport and Works Act, came into force on 28th September 2007. The London Gateway Port Harbour Empowerment Order 2008 (HEO) came into force on 16th May 2008 and the dredging operations necessary to create the new port commenced in March 2010. The first berth at London Gateway Port came into operational use in November 2013. Currently three berths are in use at the Port, with a fourth berth currently under construction and due for completion in 2024.
- 2.3 The development consented by the outline planning permission from May 2007 comprised the construction of a road and rail linked logistics and commercial centre, comprising up to approximately 938,600sq.m of employment-generating floorspace. The planning permission was subject to a s106 legal agreement and a large number of planning conditions. Following the grant of outline planning permission, the former Thurrock Thames Gateway Development Corporation (TTGDC) determined a number of applications from the owners of the site DP World London Gateway (DPWLG) for the discharge of planning conditions, variation or non-compliance with planning conditions (under s73 of the Town and Country Planning Act 1990) and a reserved matters application. Commencement of the development approved under the 2007 permission was undertaken by DPWLG in the form of the construction of a section of internal estate road.
- 2.4 However, between 2008 and 2010 it became clear to DPWLG, the former TTGDC and the Council that development pursuant to the outline planning permission would be complex. This conclusion was reached principally because the legal effect of the s73 planning consents was to create a number of new, stand-alone planning consents, in addition to the original outline planning permission (ref. 02/00084/OUT). This had the potential to create uncertainty with regard to what had been permitted on the site and which consent had been implemented. The original planning permission was also subject to a large number of planning conditions (96 in total). This factor, alongside the multiple consents, resulted in a complex layers of conditions

which could have led to confusion concerning the status and monitoring of conditions.

- 2.5 In light of these complexities in the planning consents process, in 2011 DPWLG liaised with both the former TTGDC and the Council to assess the options for achieving greater certainty in the planning process, whilst still maintaining the nature of the consented development and its associated safeguards. After consideration of the various options available, it was concluded that a Local Development Order (LDO) was the best method of delivering the development consented by the outline planning permission.

3. Nature and Status of LDOs

- 3.1 The provisions covering LDO's are contained within the Town and Country Planning Act 1990 as amended. Primary legislative provisions relating to LDO's were introduced by the Planning and Compulsory Purchase Act 2004, which commenced in 2006. These powers were amended by commencement of Sections 188 and 189 of the Planning Act 2008 in June 2009.
- 3.2 A LDO grants planning permission for the type of development specified in the Order, and by doing so, removes the need for a planning application to be made by a developer / landowner. The power to make an LDO rests with the local planning authority (LPA). LDO's are flexible in that they can apply to a specific site, or to a wider geographical area and can grant planning permission for a specified type or types of development. Conditions may be attached to a LDO or a LDO may grant planning permission unconditionally. The adoption of an LDO can offer benefits to developers in exempting specified developments from the need to apply for a specific planning permission. Thereby, developers will save the time and cost of submitting a planning application. LDO's can also provide certainty to developers and investors by defining what development is acceptable on a site and thereby the development which can be undertaken without the need for express planning permission.
- 3.3 An LDO does not remove the need to comply with any environmental legislation. Therefore, the LPA is responsible for ensuring that any requirements under the Environmental Impact Assessment (EIA) Regulations or Habitats Regulations are met.
- 3.4 As noted above, legislation enables a LDO to be granted unconditionally, or subject to conditions as a means of ensuring that a development will be acceptable in planning terms. Potential conditions on a LDO could, for example, limit the types and scale of development permitted, require development to comply with design criteria (such as a design code or masterplan) and could require actions to be undertaken prior to, or during development (such as highway improvements). Any conditions attached to a LDO have to pass the same tests as conditions attached to a normal grant of planning permission i.e. necessary, relevant to planning and the development, enforceable, precision and reasonable in all other respects.

- 3.5 Provisions allow for the monitoring and enforcement of LDOs and it is possible to use a planning condition to require a developer to notify the LPA when development under an LDO is undertaken. A LDO does not influence existing permissions or permitted development rights within the area covered by the Order.
- 3.6 A s106 obligation cannot be required under a LDO, as the LDO constitutes a grant of planning permission. However, this does not prevent a s106 obligation being offered by the developer and negotiated with the LPA.
- 3.7 Where any proposed development within the site of the LDO falls outside the scope of the Order, or the accompanying conditions, a planning application would need to be submitted for consideration and determination in the normal manner. LDOs are normally time limited.
- 3.8 A simplified summary of the key stages in the LDO process is presented below.

LDO Preparation

(i) LPA prepares a draft LDO and statement of reasons, with accompanying documentation Environmental Impact Assessment (EIA) etc.)



Consultation / Publicity

(ii) LPA consult persons whose interests would be affected by the LDO and those persons they would have been required to consult on an application for planning permission for development proposed by the LDO

(iii) LPA sends copies of the draft LDO and Statement of Reasons to consultees. Draft LDO and Statement of Reasons made available for inspection, on-line and advertised

(iv) LPA displays site notices and serves site notices on owners / tenants of the site

(v) consultation period lasting at least 28 days



Consideration of representations

(vi) Taking into account any representations, LPA considers whether modifications to the draft LDO are necessary and whether re-consultation is required



LDO Adoption

(vii) LDO must be adopted by resolution of the LPA for it to take effect

(viii) LDO and accompanying documentation sent to the Secretary of State

4. The Existing LDO

- 4.1 As noted at paragraph 2.5 above, both the Council and the former TTGDC resolved to progress an LDO for the commercial and logistics park site at the end of 2011 / early 2012. This decision was taken following resolutions of the Full Council and Planning Committee of the former TTGDC. Unlike a conventional planning application where some details can be submitted after the grant of permission via planning conditions or the submission of applications for the approval of reserved matters, the full details, justification and evidence for the development to be permitted by an LDO must be provided 'upfront'. Work on the preparation of documentation for the current LDO commenced in 2012. In June 2013 the draft LDO was completed and Full Council resolved to proceed with formal consultation and publicity.
- 4.2 Following a 6-week consultation period, followed by a limited re-consultation (to address changes to the Travel Plan and LDO drafting), Full Council resolved to make the LDO in November 2013. The matter was referred to the Secretary of State, who did not intervene, and the LDO was made on 7th November 2013.
- 4.3 In summary, the LDO grants permission for:
- 829,700sq.m of commercial floorspace within Use Classes B1(b), B1(c), B2 and B8,
 - changes of use between the Use Classes listed above;
 - associated infrastructure; and
 - site preparation works.
- 4.4 The LDO is subject to a number of planning conditions which apply both to the four components of development described above and generally across the LDO site. Development permitted by the LDO is also subject to adherence with 'compliance' documents, comprising a Design Code, Code of Construction Practice and an Ecological Mitigation and Management Plan. A s106 agreement accompanied the LDO which principally addresses reducing the impacts of the development on transport networks. The existing LDO is time-limited and will expire in November 2023.
- 4.5 One of the general planning conditions applying to the LDO site requires that, prior to commencement of development, details and plans of development are submitted to the LPA using a prior notification form (LDOPND). Since the making of the LDO in November 2013 a number of LDOPND submissions have been made for elements of infrastructure and buildings on development plots. At the time of writing 13no. buildings have been subject to the LDOPND process totalling c.285,000sq.m of commercial floorspace, comprising primarily Class B8 warehouse development with ancillary office floorspace. This floorspace is either built and occupied / vacant, under construction or awaiting commencement. A further c.11,000 sq.m. of warehouse floorspace on Plot 4040 was confirmed as being permitted by the LDO last year, although it was subsequently determined that a separate, stand-alone permission

would be required for this Plot. A planning application has now been submitted for Plot 4040. Existing occupiers on the LDO site include Currys, UPS, Lidl and DHL.

5 The need for a new LDO (LDO2)

- 5.1 As noted at paragraph 4.4 above, the existing LDO will expire in November 2023. The LDO has been successful in simplifying the planning consenting regime for development at the logistics park and offers clear commercial benefits to DPWLG as potential occupiers can proceed with development on-site in a relatively short space of time. Members of the Committee may be aware of the emerging proposals for the 'Thames Freeport' which includes the London Gateway site. It is considered that the benefits of a simplified planning regime conferred by an LDO have synergies with Freeport status. Therefore, both Officers and DPW see the benefits of preparing and making a new Order, ideally before the existing LDO expires.

6 LDO2 Update

- 6.1 Members may recall that in July 2021 the Committee considered and noted a report setting out the intention to progress LDO2. The preparation of LDO2 will include a significant amount of 'upfront' documentation, requiring the appointment of consultants and advisors to draft, amongst other things, the Environmental Statement required by the Environmental Impact Assessment Regulations, a report to enable screening pursuant to the Habitats Regulations and legal documents. Officers have now negotiated and completed a Planning Performance Agreement (PPA) with DPWLG. The PPA is fundamentally a project management tool, but includes provisions ensuring that the Council's costs associated with the appointment of consultants are covered by DPWLG – as it is DPWLG as landowner and developer who shares in the benefits conferred by the Order. The PPA also secures funds to ensure that there is sufficient Officer resource to progress and complete LDO2.
- 6.2 Environmental consultants have now been engaged to prepare the Environmental Statement and a number of time-critical baseline surveys were completed in the latter part of last year. A firm of planning consultants, who were involved with the original LDO, have been instructed to assist Officers with preparation of the Order itself, Statement of Reasons etc. Finally, an external legal advisor has also been procured to ensure that the steps taken by the local planning authority in the making of LDO2 are legally robust.
- 6.3 A draft of the new Order (i.e. the development to be permitted with accompanying restrictions and conditions) has been prepared. In broad terms the draft LDO2 is similar to the existing LDO in that Schedule 1 permits new industrial and warehousing development, changes of use, associated infrastructure and site preparation works. However, unlike the existing Order, the draft seeks to reflect the updated Use Classes Order and introduce a greater range of ancillary floorspace in addition to ancillary offices. The draft

includes provision for limited food and drink, gym, creche and shop floorspace to serve the needs of employees on the site. A wider range of ancillary uses, though subject to limitations on floorspace, is considered reasonable in planning terms given the size of the development and number of employees on-site.

- 6.4 The total amount of floorspace to be permitted by draft LDO2 is c.738,000 sq.m which is a reduction from the c.829,000 sq.m permitted by the existing Order. This reduced figure is largely due to the market demand for a larger number of smaller plots and buildings, whereas the current Order envisaged larger buildings of up to 150,000 sq.m floorspace. The draft also proposes a smaller proportion of Class B2 general industrial floorspace compared with the existing Order, again reflecting strong market demand for Class B8 warehouse use.
- 6.5 Although progress is being made with drafting the Order and supporting reports, it will be a challenge to complete the complete the documentation and comply with the legislative requirements for public consultation etc. in order to adopt LDO2 before November. Therefore, in order to streamline and twin-track procedures as far as reasonably possible, whilst still ensuring that the required legal steps are taken, Officers consider it useful to seek delegated authority for authorisation to consult on the new Order as soon as the supporting document has been prepared. The Vice-Chair of the Committee was briefed in December 2022 and it is emphasised that the decision to adopt LDO2 (or not) will be for Members to take (via Full Council). Nevertheless, it is essential for Officers to continue progressing the draft Order as expeditiously as possible and to this end delegated authority is sought to proceed with, amongst of things, EIA screening and scoping, HRA screening and statutory public consultation, before the matter is referred back to Members for the decision on whether to adopt LDO2.

7 Conclusion

- 7.1 Development on the site of the London Gateway logistics park has been undertaken pursuant to an LDO since November 2013. To date, over 30% of the total of 829,700sq.m floorspace consented by the LDO has been either constructed or is under / awaiting construction. According to the most recent annual monitoring report produced by DPW for the LDO site, nine of the operational buildings employ c.1,300 people (employment figures for the remaining buildings are currently unknown). Officers consider that the existing LDO has been successful in simplifying planning procedures for the site and thereby delivering new commercial floorspace and employment in a timely fashion.
- 7.2 The drafting of LDO2 and its supporting documentation is underway and every attempt will be made to complete the new Order and undertake public consultation such that LDO2 can take effect before the current Order expires. To assist Officers in completing this challenging task, delegated authority is

sought to continue progressing LDO2 up to and including the statutory public consultation.

8. Consultation (including overview and scrutiny, if applicable)

N/A

9. Impact on corporate policies, priorities, performance and community impact

- 9.1 The London Gateway site, comprising both London Gateway port and London Gateway logistics park, is one of the Council's regeneration and growth hubs. Indeed due to the scale of the site, the port and logistics park have a wider sub-regional importance. The ongoing development of the logistics park site, via the new LDO, will make a significant contribution to the delivery of the Council's growth and regeneration ambitions.

10. Implications

10.1 Financial

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

A Planning Performance Agreement (PPA) has been agreed which will meet the Council's costs in respect of the development and adoption of Local Development Order 2 (LDO 2). There are no expected additional costs for the Council.

10.2 Legal

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

Given the nature of this report and the recommendation there are not considered to be any legal implications directly arising from it. The following is by way of background information on the relevant legal context. Sections 40 and 41 of the Planning and Compulsory Purchase Act 2004 inserted sections 61A and D into the Town and Country Planning Act 1990. It is at the discretion of the local planning authority as to whether to make an LDO and a local planning authority can choose to restrict the scope of an LDO. Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 will be relevant to the progression of LDO2.

The procedures for the preparation, consultation / publicity and making on an LDO are set out in primary and secondary legislation. The provisions of both the Environmental Impact Assessment and Habitats Regulations will apply to LDO2.

The existing LDO is accompanied by a s106 legal agreement and it is likely that a new s106 will be negotiated in parallel with LDO2.

The proposed delegations will enable the timely undertaking of the EIA screening and scoping HRA screening and subsequent consultation

10.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead Community Development and Equalities

The Environmental Statement supporting LDO2 will include an assessment of the socio-economic effects of the development. Prior to any Council decision to make LDO2, a formal consultation and engagement process, described above, will be undertaken.

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

- None

11 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 planning documents including the existing LDO and other supporting documentation can be viewed online:

www.thurrock.gov.uk/growth.

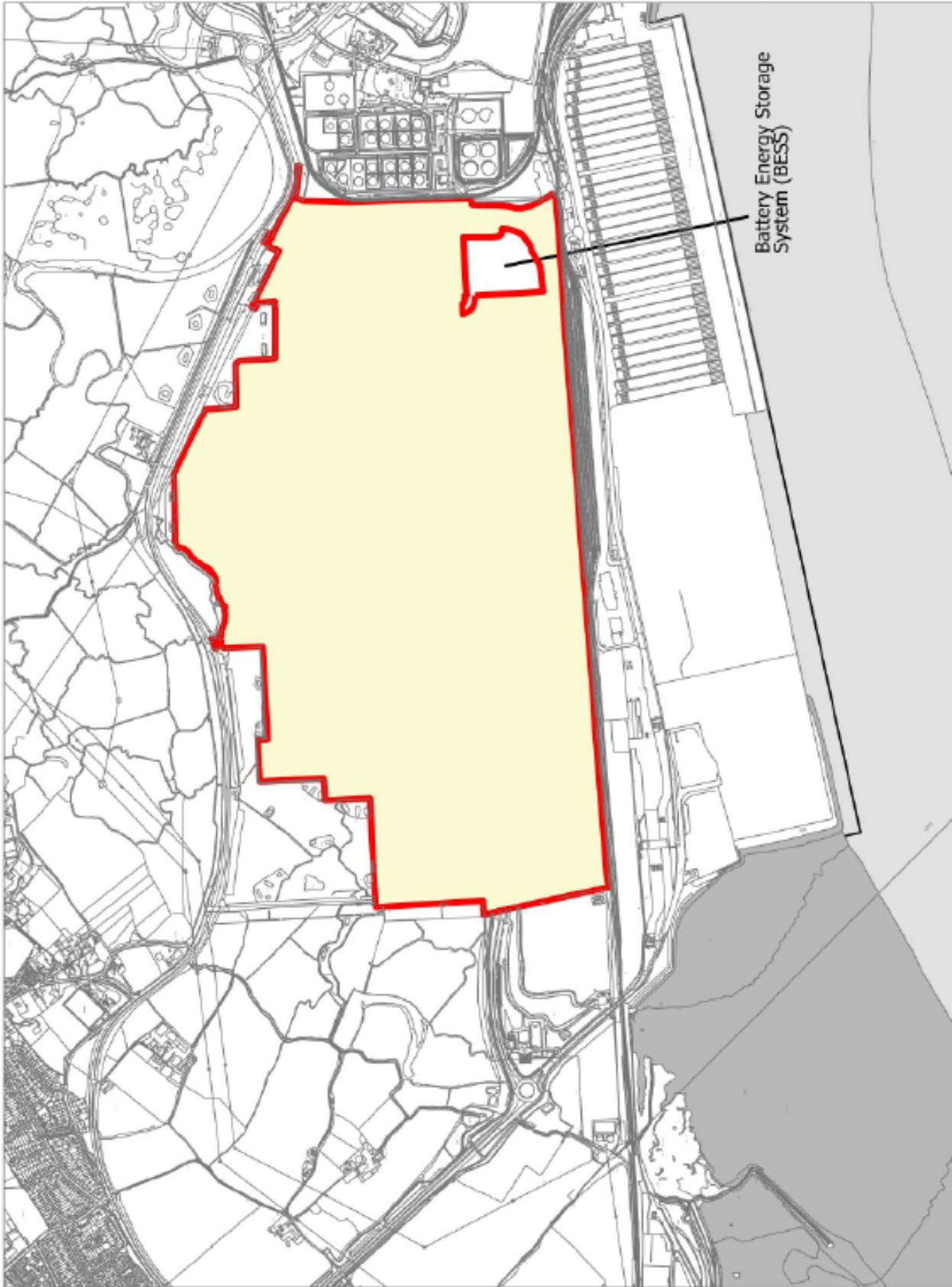
12 Appendices to the report

- None

Report Author:

Matthew Gallagher

Major Applications Manager



Planning Committee 09 February 2023	Application Reference: 22/01603/TBC
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Reference: 22/01603/TBC	Site: Poole House, Godman Road, Chadwell St Mary, Essex
Ward: Chadwell St Mary	Proposal: Change of use of redundant storage rooms to caretaker's break room, and installation of two windows

Plan Number(s):		
Reference	Name	Received
	Site location plan	30.11.22
PH/01	Existing and proposed plans and elevations	30.11.22

The application is also accompanied by: - Planning Application Form	
Applicant: Thurrock Council	Validated: 30 November 2022 Date of expiry: 13 February 2023 (agreed extension of time)
Recommendation: Approved subject to conditions	

This application is scheduled as a Committee item because the Council is the applicant and landowner (In accordance with Part 3 (b) Section 2 2.1 (b) of the Council's constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the conversion of a disused storage space to form a caretaker's break room. Also included in the application is the insertion of two windows at ground level to provide natural light to the break room.
- 1.2 The storage space is located on the ground floor of Poole House, adjacent to the entrance lobby. It is proposed to convert it to provide a break area with kitchen, seating, and toilets. Two windows would be inserted at ground floor level to provide natural light to the room, one each on the front and side elevations. No other external changes are proposed.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a 14-storey residential tower block situated to the north of Chadwell St Mary. It is one of three blocks situated on the northern side of Godman Road, with residential housing to the south and agricultural fields to the north. The three tower blocks each feature a Y-shaped plan with primary access on the northern elevation via an associated car park and are of a simple post-war design with brick elevations and an infilled ground floor plinth level between concrete pillars.
- 2.2 The storage area is situated at ground floor, adjacent to the entrance/lift lobby, and comprises a series of separate “cubicles.”
- 2.3 The land to the south is residential in character while the land to the north is open agricultural fields within the Green Belt. The site is not within a flood risk area and not subject to any other relevant designations.

3.0 RELEVANT PLANNING HISTORY

None.

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 a site notice displayed nearby. No responses have been received.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

2. Achieving sustainable development
12. Achieving well-designed places

Planning Policy Guidance

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

- Design: process and tools
- Determining a planning application
- Fees for planning applications
- Making an application
- Use of Planning Conditions

Local Planning Policy Thurrock Local Development Framework (2015)

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

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

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

Thurrock Local Plan

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

Thurrock Design Strategy

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

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of development
- II. Design and visual amenity
- III. Residential amenity
- IV. Other matters

I. PRINCIPLE OF DEVELOPMENT

- 6.2 The application site lies within the defined urban area where the principle of development is generally acceptable.
- 6.3 The works amount to very minor development to an existing building, and the new use of the area and the changes to the appearance of the building would be acceptable in principle.
- 6.4 With regard to the above the principle of development is considered to be acceptable subject to other development management criteria being met.

II. DESIGN AND VISUAL AMENITY

- 6.5 The internal works to convert the storage area to a break room would have no

impact upon the exterior of the building and would therefore not unacceptably affect the visual amenity or character and appearance of the street scene.

- 6.6 The proposed windows would sit comfortably within the context of the existing elevations and, being set towards the rear of the building and facing onto the private car park, would not be harmful to the character or appearance of the wider street scene. A condition requiring the windows to be of a similar appearance to those already on the building is set out below.

III. RESIDENTIAL AMENITY

- 6.7 The proposed break room would be situated at ground floor level, adjacent to the entrance lobby. Use as a break room would not – in itself – be intrinsically noisy or give rise to any unacceptable levels of disturbance for residents above.
- 6.8 The proposed windows would not give rise to any unacceptable degree of overlooking or loss of privacy for neighbouring residents.

IV. OTHER MATTERS

- 6.10 The works would not affect highway safety or amenity.
- 6.11 The storage area is unused and loss thereof would not be unacceptable.

7.0 CONCLUSIONS

- 7.1 The proposed development would be acceptable in terms of design and would not give rise to any unacceptable impacts in terms of visual amenity or the residential amenity of neighbouring properties.

8.0 RECOMMENDATION

- 8.1 Grant planning permission subject to the following conditions:

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.

Plan Numbers

- 2 No development shall take place other than in accordance with drawing PH/01.

Reason: For the avoidance of doubt.

Materials

- 3 The windows to be used shall match those on the existing building in terms of type, design, and colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest 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

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