

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 **18 April 2024**

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

Membership:

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

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Alex Anderson, Mark Hooper, Sara Muldowney and Joycelyn Redsell

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 12
To approve as a correct record the minutes of the Planning Committee meeting held on 14 th March 2024.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any	

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

6 Planning Appeals 13 - 18

7 Public Address to Planning Committee

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

8 23/00642/CV: Land adjacent Fen Farm, Judds Farm and part of Bulphan Fen, Harrow Lane, Bulphan, Essex 19 - 34

9 24/00249/TBC: Land and Buildings Keir Hardie House Milford Road, Morrison House Jesmond Road and Bevan House, Laird Avenue, Grays. Essex 35 - 42

Queries regarding this Agenda or notification of apologies:

Please contact Luke Tucker, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **10 April 2024**

Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings:

Following changes to government advice there is no longer a requirement for public attendees to book seats in advance of a committee meeting. All public attendees are expected to comply with the following points when physically attending a committee meeting:

1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
3. Hand sanitiser will also be available at the entrance for your use.

Whilst the Council encourages all who are eligible to have vaccination and this is important in reducing risks around COVID-19, around 1 in 3 people with COVID-19 do not have any symptoms. This means they could be spreading the virus without knowing it. In line with government guidance testing twice a week increases the chances of detecting COVID-19 when you are infectious but aren't displaying symptoms, helping to make sure you do not spread COVID-19. Rapid lateral flow testing is available for free to anybody. To find out more about testing please visit <https://www.nhs.uk/conditions/coronavirus-covid-19/testing/regular-rapid-coronavirus-tests-if-you-do-not-have-symptoms/>

Members of the public have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

This meeting will be live streamed and recorded with the video recording being published via the Council's online webcast channel: www.thurrock.gov.uk/webcast

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

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 14 March 2024 at 6.00 pm

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

Steve Taylor (Campaign to Protect Rural England)

Apologies: Councillor Jacqui Maney

In attendance: Trevor Faulkner, Head of Planning Development
Martha Grekos, Senior Planning Lawyer
Matthew Ford, Chief Engineer
Nadia Houghton, Principal Planner
Julian Howes, Senior Highway Engineer
Jonathan Keen, Principal Planner
Daniel Korzelko, Legal Representative
Chris Purvis, Major Applications Manager
Jenny Shade, Principal 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.

65. Minutes

The minutes of the Planning Committee meetings held on the 8th February 2024 were approved as a true and correct record.

66. Item of Urgent Business

There was one item of urgent business. The Chair allowed an additional exempt item to be heard after the last item on the agenda.

The Chair accepted a request from Councillor Byrne to change the order of the agenda. Item 11 will be heard before item 10.

67. Declaration of Interests

Councillor Byrne informed the Committee he was predetermined on item 11 and would not participate or vote from that item. However, he would be speaking on behalf of Corringham Traders.

Councillors Watson and Byrne gave a statements in relation to item 8 stating that they were not predetermined and would only take into account material considerations.

68. 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 Byrne confirmed receipt of email and telephone conversation from the legal department in relation to item 8.

Councillor Watson confirmed receipt of email correspondence from a resident in relation to item 8.

69. Planning Appeals

No Planning Appeals were discussed.

70. 23/00442/FUL: Car Parks Crown Road and Darnley Road, Grays, Essex

Members asked the following questions to the Planning and Highways Officers:

- Councillor Liddiard asked for the utilisation figures for the car park.
 - Figures collected on 2 days in 2021. Darnley Road did not exceed 83% capacity. Crown Road did not exceed 47%.
- Councillor Shinnick was of the opinion that EV points should be installed sooner rather than later and asked if it could be done sooner.
 - The trigger is prior to first occupation.
- Councillor Byrne asked if the survey was carried out during the day (whilst residents would be away at work), that the number of disabled parking spaces would be inadequate and why there were 107 bike spaces.
 - Parking survey was carried out during day and overnight.
 - Disabled parking meets the requirements of the application.
 - The Local Authority is trying to promote cycling.
- Councillor Watson expressed concerns regarding parking spaces and asked what mitigations are going to be put in place for existing residents.
 - Improvements of spaces under the bridge.
- Councillor Watson sort more details regarding the improvements to the parking under the bridge.
 - CCTV and improved lighting
- Councillor Piccolo argued that good transport links only means to London or Southend, there will be a need for residents to go elsewhere where links are poor. Councillor Piccolo asked if a private developer could request or make changes to the parking regulations in the area.
 - Local Authority makes traffic orders.
- Councillor Byrne asked if any changes had been made after requests from residents regarding parking.
 - No changes made.

- Councillor Watson also expressed concerns and noted that the parking would be filled quickly.
 - Parking studies show underutilisation.
- Councillor Watson sort details on affordable housing and asked if conditions could be put in place to keep affordable housing placing.
 - Would be secured through a 106 agreement.

During the debate the following was highlighted:

- Councillor Piccolo believed the application was unfair towards private developers.
- Councillor Watson shared her concerns regarding the parking arrangements and asked if dedicated spaces could be assigned for each resident.
 - Spaces cannot be dedicated due to traffic regulations.

The Vice-Chair, Councillor Polley read the officers recommendation for approval.

Councillor Liddiard seconded it.

For: (4) Councillors G Polley (Vice-Chair), P Arnold, S Liddiard, and S Shinnick

Against: (3) Councillors G Byrne, T Piccolo, and L Watson

Abstained: (0)

Councillors T Kelly (Chair) and J Redsell could not vote on the application due to the matter being deferred from a previous meeting.

71. 23/01357/FUL: 10 Chestnut Avenue, Grays, Essex

The Principal Planner presented the application and highlighted the following points:

- The revised proposal would overcome previous concerns regarding appearance, overdevelopment of the site and impact on character of the area.
- Recommendation for approval.

Speaker Statements were heard from:

Statement of Objection from Councillor Hooper, Ward Member

Statement of Support from Jay Hirani, Agent

Members asked the following questions:

- Councillor Watson asked if there was one doorway to two properties.
 - One door at the front of the property the second round the side

- Councillor Watson asked what the distance from the boundary was.
 - Approximately 1 metre
- Councillor Watson asked if the garden was also divided.
 - Yes, lengthways with fencing.
- Councillor Watson asked what the traffic impact would be.
 - Adequate parking
- Councillor Watson sort more details on the characteristics of Chestnut Avenue.
- Councillor Arnold asked are there any controls to stipulate that all internal walls must remain to avoid the properties being knocked into one.
 - Could be difficult to impose. Other legislation related to housing could restrict property.
- Councillor Byrne was concerned about disruption in the area and asked if it had been considered.
 - Yes, plans must be agreed under conditions.
- Councillor Redsell shared her concerns with HMOs and asked why the Local Authority didn't stop development of the site sooner.
 - Planning can only deal with planning.
 - No justifiable reason to take enforcement action presently.
- Councillor Polley asked if the property changed ownership would the conditions remain.
 - Yes, conditions remain with the land.
- Councillor Piccolo sort clarification on link doors.
 - Application would be needed.
 - Legal representative gave advice to the committee.
- The Chair sort clarity on application history.
- Councillor Byrne sort clarification on the point.
 - Due to changes made from detached to attached.

During the debate the following was highlighted:

- Councillor Arnold would not support the plan due to design.
- Councillor Watson would not support the application due proposal being out of character, parking issues.
- Councillor Redsell agreed with Councillor Watson and added nobody would know if the properties were later joined from the inside.
- Councillor Shinnick would not support the application due to parking and traffic concerns.
- Councillor Piccolo would support the application as applications cannot be decided on assumptions.
- Councillor Liddiard would support and did not think the application is out of character.
- Councillor Byrne agreed with Councillors Piccolo and Liddiard and would support but would like to see the two doors at the front of the property.
- Councillor Polley noted the committee needs to focus of planning considerations.

The Vice-Chair read the officers recommendation for approval.

Councillor Liddiard seconded it.

For: (4) Councillors G Byrne, S Liddiard, T Piccolo and G Polley (Vice-Chair)

Against: (5) Councillors T Kelly (Chair), P Arnold, J Redsell, S Shinnick, and L Watson

Abstained: (0)

The Chair put forward a recommendation for refusal due to characteristics and overdevelopment in the area.

Councillor Shinnick seconded it.

For: (5) Councillors T Kelly (Chair), P Arnold, J Redsell, S Shinnick, and L Watson

Against: (4) Councillors G Byrne, S Liddiard, T Piccolo and G Polley (Vice-Chair)

Abstained: (0)

72. 23/01453/ADV: Land Adjacent 57 To 89, St Johns Way, Corringham, Essex

The Planning Officers presented the application and highlighted the following points:

- The application is for an electronic public transportation board which can also displays adverts.
- Recommendation for approval

Speaker Statements were heard from:

Statement of Objection from Councillor Byrne on behalf of Corringham Traders (as a resident.)

Members asked the following questions:

- Councillor Arnold asked are there any known incidents of anti-social behaviour around information and advert totems.
 - None as far as officers are aware.
- Councillor Piccolo asked if there would be restrictions on who could advertise.
 - Local Authority would have final say under highways team.
- Councillor Watson asked why in Corringham where other places could better utilise them for example Stanford-le-Hope station.
 - High footfall area
 - Originally for Stanford-le-Hope train station. More totems could come forward.

- Councillor Polly asked if there was a Crime Officer contact and if it would be distracting for drivers.
 - Yes, but not for smaller applications like this.
 - Light levels will change throughout the day, highways have no objections to highway safety.
- Councillor Redsell believed it to be in the wrong place and asked if a consultation was carried out.
 - Not normal for this type of application.
- Councillor Piccolo asked if there are limits on who can advertise for example businesses in a 5-mile radius.
 - Local Authority would have final say.
- Councillor Watson asked what the cost was on maintenance and who bears the risk.
 - From the Local Authority's share of the advertising revenue
- Councillor Arnold sort more clarity and who would pay damage, for example if it was hit by a van.
 - Reclaim through insurance.
- Steve asked who it is funded by and the workings behind how locations are chosen.
 - Passenger transport unit are funding.
 - High footfall areas are chosen.

During the debate the following was highlighted:

- Councillor Liddiard shared he finds the totems useful but finds the adverts irritating.
- The Chair did not have an issue with the totem.
- Councillor Arnold was in two minds and noted it would be a shame for Corringham to miss out.
- Councillor Piccolo shared his concerns about who could advertise on the totem to protect local business.
- Councillor Polley noted Corringham was a vibrant centre, but other areas could benefit more.
- Councillor Liddiard doesn't believe there would be much impact.
- Councillor Watson did not support the proposal and believed it should be put elsewhere.
- Councillor Redsell was worried the light levels could affect residents at night.

The Chair read the officers recommendation for approval.
And was seconded it.

For: (3) Councillors T Kelly (Chair), S Liddiard, and T Piccolo

Against: (4) Councillors P Arnold, G Polley (Vice-Chair), J Redsell and L Watson

Abstained: (1) Councillor S Shinnick

The Vice-Chair recommended for refusal due to visual and highways impact.

And it was seconded.

For: (4) Councillors P Arnold, G Polley (Vice-Chair), J Redsell and L Watson

Against: (3) Councillors T Kelly (Chair), S Liddiard, and T Piccolo

Abstained: (1) Councillor S Shinnick

The committee paused for a break.

73. 23/01452/ADV: Land Adjacent 1 To 21 Kings Parade, King Street, Stanford-le-Hope, Essex

The Planning Officers presented the application and highlighted the following points:

- The application is for an electronic public transportation board which can also displays adverts.
- Recommendation for approval

Members asked the following questions to the Planning Officer:

- Councillor Redsell asked for better maps in the future.
- Councillor Byrne noted the Local Authority has to be careful with planning.

During the debate the following was highlighted:

- Councillor Liddiard had not noted any anti-social behaviour.
- Councillor Watson asked what the footfall is.
 - No exact figures
- Councillor Piccolo would like priority given to local business for advertisements.
- Steve like the value of the travel information being presented but worried it is going outside the Local Authority's skill set in regard to advertising.
- Councillor Piccolo noted it was in large shopping areas and doesn't want the totems to drive business elsewhere.
- Councillor Polley believed this application would serve the residents better than the previous one.
- Councillor Shinnick also believed it was better placed.
- Councillor Arnold believed it was in a worse place.

The Chair read the officers recommendation for approval.
Councillor Liddiard seconded it.

For: (6) Councillors T Kelly (Chair), S Liddiard, T Piccolo, G Polley (Vice-Chair), S Shinnick and L Watson

Against: (3) Councillors P Arnold, G Byrne and J Redsell

Abstained: (0)

The meeting went into exempt session at 21:10pm

The recording of the meeting can be viewed from the following link:
[Planning Committee - 14th March 2024 at 6:00pm - Thurrock Council committee meeting webcasts \(public-i.tv\)](#)

The meeting finished at 9.41 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

18 April 2024	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Trevor Faulkner – Interim Head of Planning Delivery	
Accountable Chief Officer: Trevor Faulkner – Interim Head of Planning Delivery	
Accountable Director: Claire Demmel – Interim Executive Director of Place	

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1.0 Recommendation(s)

1.1 To note the report.

2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

3.0 Appeals Lodged:

3.1 Application No: 21/02190/FUL

Location: Land Adjoining Tamarisk Road, South Ockendon, Essex

Proposal: Erection of five buildings to provide 38 residential apartments (Use Class C3) with car parking, cycle parking, new primary and secondary vehicular accesses, soft and hard landscaping including amenity space and associated works

3.2 Application No: 23/00998/CLOPUD

Location: Part Of Land Adjacent The Paddock And Nutoi, Park Gate Road, Corringham, Essex

Proposal: Certificate of lawful proposed development for the erection of a proposed swimming pool building for the occupants of the property at Burnside.

3.3 Application No: 23/00320/BUNUSE

Location: Old England Farm, St Mary's Lane, Bulphan, Essex, RM14 3PB

Proposal: The farm yard has been converted into a haulage use over the last few years, which is a change of use requiring planning permission.

3.4 Application No: 23/00348/FUL

Location: Land Between Gunning Road And Globe Industrial Estate, Towers Road, Grays, Essex

Proposal: Erection of single dwelling house with associated parking and private amenity space.

3.5 Application No: 23/01125/FUL

Location: 10 Chestnut Avenue, Grays, Essex, RM16 2UJ

Proposal: Demolishing the existing Outbuilding and creating a new house of 1 no. of (4 Bedrooms for 6 people), associated cycle storage, bin storage, and amenities and new vehicle access to original dwelling.

3.6 Application No: 23/01273/FUL

Location: Land Adjacent 24, Broadhope Avenue, Stanford Le Hope, Essex

Proposal: Erection of a new build containing 2no. one-bedroom residential flats with associated parking on land to the side of 24 Broadhope Avenue.

3.7 Application No: 23/00627/FUL

Location: Land Adjacent, 5 Malpas Road, Chadwell St Mary, Essex

Proposal: Two bedroom end terrace house with associated parking and landscaping.

3.8 Application No: 23/01428/HHA

Location: 42 Kiln Way, Grays, Essex, RM17 5JE

Proposal: Loft conversion with two front roof lights and rear dormer.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 22/00452/FUL

Location: Medina Farm, Dennises Lane, Upminster, Essex, RM14 2XB

Proposal: Retention of mobile home and stables

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be: whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework; the effect of the proposal on the openness and purpose of the Green Belt; the effect of the proposal on the character and appearance of the area; whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

- 4.1.2 The Inspector found that the development did not accord with any of the exceptions in the Core Strategy or NPPF for new development in the Green Belt and was accordingly inappropriate development.
- 4.1.3 The Inspector found the stable and mobile home were harmful to the openness of the Green Belt.
- 4.1.4 The Inspector found the development would have a neutral impact on the character and appearance of the area.
- 4.1.5 The Inspector found the case put forward as very special circumstances did not outweigh the identified harm to the Green Belt.
- 4.1.6 The appeal was dismissed. The full appeal decision can be found online.

4.2 Application No: 21/01635/FUL

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

Proposal: Installation of renewable-led energy generation station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements

Appeal Decision: Appeal Allowed

- 4.2.1 The Inspector considered that the main issues were the effects of the proposed development on the character and appearance of the area, the effects of the proposed development on heritage assets, whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- 4.2.2 The Inspectorate stated that the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, they considered that very special circumstances exist which justify the development. Subject to the imposition of appropriate planning conditions, the Inspector was satisfied that the impacts of the proposed development could be made acceptable, and that in accordance with NPPF paragraph 163 b) the scheme should be approved. The proposal complies with the NPPF taken as a whole.
- 4.2.3 The Inspector concluded that proposal complies with the development plan and appeal was allowed.

4.2.4 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Total No of Appeals	1	2	0	1	6	6	3	7	4	0	9	2	
No Allowed	1	1	0	0	2	2	0	3	0	0	2	1	
% Allowed	100%	50%	0%	0%	33.3%	33.3%	0%	42.8%	0%	-	22.2%	50%	

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

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

7.1 This report is for information only.

8.0 Implications

8.1 Financial

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

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

8.2 Legal

Implications verified by: **Caroline Robins**
Locum Principal Planning and Highways Solicitor

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 or equality implications arising from this report.

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

None.

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

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

10. **Appendices to the report**

- None

Reference: 23/00642/CV	Site: Land adjacent Fen Farm Judds Farm and part of Bulphan Fen Harrow Lane Bulphan Essex
Ward: Orsett	Proposal: Application for the approval of variation of details reserved by condition no.s 6 (Construction Traffic Management Plan (CTMP)) and no. 9 (HGV movements) of planning permission ref. 22/01145/CV (Application for the variation of condition nos. 5 (construction period) and 9 (HGV booking system) of planning permission ref 22/00552/CV (Application for the variation of condition no. 3 (time period and decommissioning) to extend the time period from 35 years to 40 years of planning permission ref. 21/00077/FUL (Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, grid connection cable, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements)) to remove restriction on overall HGV numbers and increase daily HGV numbers

Plan Number(s):		
Reference	Name	Received
BF1.0 Revision v.b	Consolidated Location Plan	30 May 2023

The application is also accompanied by:

- Application form
- Cover letter, dated 26th May 2023
- Applicant Rebuttal to Consultation Responses, DLP Planning Ltd. Ref: G5117/2, August 2023
- Construction Traffic Management Plan, Transport Planning Associates, Ref: 2303-068/CTMP/01, May 2023, Revision C 1 August 2023

<ul style="list-style-type: none"> - Planning Statement, DLP Planning Ltd. Ref: G5117/2P, June 2023 - Technical Note 01: Response to Thurrock Council Highways Comments, Transport Planning Associates, Ref: Reference: 2303-068/TN/01, July 2023 - Transport Statement, Transport Planning Associates, Ref: 2303-068/TA/01, May 2023, Revision A 	
Applicant: Warley Green Limited	Validated: 8 June 2023 Date of expiry: 7 September 2023
Recommendation: Refuse	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Johnson, Cllr D Arnold, Cllr Carter, Cllr B Maney and Cllr Snell in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the effect to residential amenity and highways safety.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Application 22/01145/CV was approved in November 2022 subject to 15 planning conditions. This application has been submitted pursuant to s73 of the 1990 Act and seeks to vary conditions 6 (Construction Traffic Management Plan (CTMP)) and 9 (HGV movements).
- 1.2 The new CTMP seeks delivery times between 08:00 and 18:00 hours but are seeking to avoid school drop off and pick at time.
- 1.3 The applicant proposes to the increase HGV movements and has stated that this is required following a full pre-construction procurement exercise providing confirmation on the numbers of HGV trips required for the construction programme. The current approved total of HGV numbers is 2,040 two-way movements and the proposal is for an increase to allow for 5,200 two-way HGV movements. The daily HGV movements currently would not exceed 22 two-way movements per day (11 in and 11 out movements). The proposal is for this to be increased to 50 two-way movements per day (25 in and 25 out movements).

2.0 SITE DESCRIPTION

- 2.1 The site comprises 18 adjoining arable fields with associated hedgerows on Bulphan Fen approximately 600m to the west of Bulphan village. The Thurrock site area is approximately 138 hectares (the overall site area (including land falling within London Borough of Havering) is approximately 143 hectares). The site is relatively low-lying, flat fenland and is all Grade 3b ‘Moderate’ soil within the applicant’s Agricultural Land Classification (ALC).
- 2.2 Access to the site is via Harrow Road and Fen Lane. There are a number of public rights of way within the site area. The site lies within flood zones 1, 2 and 3a. The site is within the Green Belt. There are no statutory ecological designations affecting the site. However, the site is within ‘impact zones’ drawn around Sites of Special Scientific Interest (SSSIs) located to the north-east and north-west. The proposed route of the Lower Thames Crossing (LTC) lies immediately to the south-west of the site.

3.0 RELEVANT HISTORY

3.1 There is the following relevant planning history at the site:

<u>Application Ref.</u>	<u>Description of Proposal</u>	<u>Decision</u>
23/00354/NMA	Application for a non-material amendment to planning application 22/01145/CV (Application for the variation of condition nos. 5 (construction period) and 9 (HGV booking system) of planning permission ref 22/00552/CV for detailed layout and configuration plans for the Battery Energy Storage System (BESS) facility and the substation area.	Approved
23/00193/CONDC	Application for the approval of details reserved by condition no 5 (construction period) of planning permission ref: 22/01145/CV (Application for the variation of condition nos. 5 (construction period) and 9 (HGV booking system) of planning permission ref 22/00552/CV to inform Council of commencement.	Approved
23/00046/NMA	Application for Non-Material Amendment of planning permission	Approved

	22/01145/CV (Application for the variation of condition nos. 5 (construction period) and 9 (HGV booking system) of planning permission ref 22/00552/CV for revised layout of solar farm equipment, reduced size of ancillary buildings, changes to the fence and access track alignment, reduction of CCTV and changes to perimeter fence type.	
22/01145/CV	Application for the variation of condition nos. 5 (construction period) and 9 (HGV booking system) of planning permission ref 22/00552/CV (Application for the variation of condition no. 3 (time period and decommissioning) to extend the time period from 35 years to 40 years of planning permission ref. 21/00077/FUL.	Approved
22/01137/CONDC	Application for the approval of details reserved by condition no.7 (Construction Environment Management Plan) of planning permission ref. 22/00552/CV (Application for the variation of condition no. 3 (time period and decommissioning) to extend the time period from 35 years to 40 years of planning permission ref. 21/00077/FUL.	Approved
22/01109/CONDC	Application for the approval of details reserved by condition no 8 (road condition survey) of planning permission ref: 22/00552/CV (Application for the variation of condition no. 3 (time period and decommissioning) to extend the time period from 35 years to 40 years of planning permission ref. 21/00077/FUL.	Approved
22/00552/CV	Application for the variation of condition no. 3 (time period and	Approved

	decommissioning) to extend the time period from 35 years to 40 years of planning permission ref. 21/00077/FUL.	
21/00077/FUL	Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, grid connection cable, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements	Approved
P0059.21 (London Borough of Havering)	Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements	Approved
20/01296/SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed solar farm and battery storage.	Advice given
20/01178/SCR	Request for a Screening Opinion under Part 2 (6) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Proposed development comprising solar farm and battery storage facility.	EIA required

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters, a press advert and public site notice which has been displayed nearby. There were 20 representations of objection received, in summary these refer to increased pollution levels, HGVs movements and the issues with these through the village, such as dangers to other road users and pedestrians.

- 4.3 **ENVIRONMENTAL HEALTH:**

No objections.

- 4.4 **HIGHWAYS:**

Recommend refusal.

- 4.5 **NATIONAL HIGHWAYS:**

No objections.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 20 December 2023 and sets out the Government's planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals.

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport

- 14. Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (PPG)

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

- Air Quality
- Climate change
- Determining a planning application
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

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

THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans

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. In December 2023 the Council began Initial Proposals Consultation (Regulation 18).

6.0 ASSESSMENT

- 6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under s73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent unaffected. Accordingly, if the current application is approved, the original consent, the previous condition variation applications and the current proposal would comprise 'self-contained' planning permissions. Although the latter permission can be assumed to represent the more 'up to date' consent.
- 6.2 The proposal seeks variations to condition numbers 6 (Construction Traffic Management Plan (CTMP)) and no. 9 (HGV movements). These are assessed below.

Condition 6 (Construction Traffic Management Plan CTMP)

6.3 The current condition reads:

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

- *Routing of construction vehicles; and*

- *Time of HGVs accessing the site*

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

- 6.4 This application seeks to vary this condition to read as follows:

Construction and decommissioning works on site shall only take place in accordance with the CTMP (dated May 2023) and in particular the following elements of that document:

- *Routing of construction vehicles; and*
- *Time of HGVs accessing the site*

- 6.5 The variation of condition 6 is required in relation to condition 9, for the number of HGV movements. There are other changes within the CTMP which are of concern. The construction traffic would not be controlled as agreed, this was to be coordinated to ensure arrivals and departures occur between 09:30 and 14:30, Monday to Friday and between 08:00 and 13:30 on Saturdays. No construction activities or deliveries will occur on Sunday or Public Holidays.

- 6.6 The new CTMP seeks delivery times between 08:00 and 18:00 hours but are seeking to avoid school drop off and pick at time so no construction vehicles would arrive between the following: times:

- Between 08:15 and 09:15 Hours (Monday to Friday)
- Between 14:30 and 15:30 Hours (Monday to Friday)
- Between 16:00 and 16:30 Hours on Monday to Wednesday to accommodate after school clubs.

- 6.7 The applicant confirms that deliveries would not take place between 18.00 and 20.00 hours. The delivery window of 18:00 to 20:00 hours was referenced within the approved discharge of conditions application ref. 22/01137/CONDC. However, the proposed new timings are not acceptable as they would allow for longer hours of construction traffic through the village alongside the increase in HGV movements.

- 6.8 A table provided in the CTMP appears to further complicate the hours which are being proposed, see table 1 below, stating that school holidays could have HGV movements at any time.

Term Time	School Holidays
08:00-09:00	08:00-09:00
09:00-10:00	09:00-10:00
10:00-11:00	10:00-11:00
11:00-12:00	11:00-12:00
12:00-13:00	12:00-13:00
13:00-14:00	13:00-14:00
14:00-15:00	14:00-15:00
15:00-16:00	15:00-16:00
16:00-17:00	16:00-17:00
17:00-18:00	17:00-18:00
18:00-19:00	18:00-19:00
19:00-20:00	19:00-20:00

	HGV deliveries permitted
	HGV deliveries avoided where possible
	HGV deliveries not permitted

Table 1 – HGV Movement – proposed permitted hours.

- 6.9 The Council has requested HGV logs, as required by condition 9 when complaints are received. The submission from the applicant was not in a form which can be assessed and took a significant amount of time to be sent to the Council. It is claimed that all traffic was included but the data submitted is unclear and appears to be in breach of condition 9. The applicant confirmed that the information was not in an easily understandable format, with some data missing entirely. This appears to indicate that the applicant has not been monitoring the HGV movements at the site as stated within in the CTMP.
- 6.10 The proposed amendments to the CTMP with increased HGV movements and timings of HGV accessing the site are not acceptable. The approved proposal was very carefully assessed in terms of the proposed parameters. This condition variation application has exceeded these approved parameters significantly and is not acceptable. The proposal would be contrary to policies PMD1 and PMD9 and the NPPF.

Condition 9 - HGV movements

6.11 The current condition reads:

HGV movements from the site shall not exceed 2,040 two-way vehicle movements over the construction period and shall not exceed 22 two-way movements per day (11 in and 11 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving the site and the time of such movements.

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

6.12 This application seeks to vary the condition to read as follows:

HGV movements to the site will not exceed 50 two-way movements per day (25 in and 25 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving the site and the time of such movements.

6.13 The proposal seeks to vary Condition 9 of 22/01145/CV to remove the limit on total HGV movements across the construction period and to allow a significant increase in the number of deliveries. This follows a pre-construction procurement exercise providing confirmation on the number of HGV deliveries required for the construction programme and has highlighted the need for a degree of flexibility.

6.14 The applicant has stated that at the time of the s73 application (ref. 22/01145/CV), an Engineering, Procurement and Construction contract had not been obtained. Therefore, the previous calculations failed to include relevant data and figures to adequately inform the Section 73. This includes the following:

- The calculations failed to adequately account for mounting equipment and cable needs.
- The calculations did not capture the requirements for extra materials required to accommodate the 'no-dig' archaeology areas.
- The calculations underestimated the number of deliveries associated with laying the access track and providing all the materials for the SuDS for ancillary buildings.

Activity	Type of Vehicle (Largest Vehicle)	Total Number of Deliveries	
		Minimum	Maximum
Solar Modules	16.5 Articulated	180	300
Single Axis Tracker	16.5 Articulated	240	400
Combiner Boxes	10m Rigid and 16.5 Articulated	20	40
Transformers/ Invertors	10m Rigid	20	40
Substation	10m Rigid and 16.5 Articulated	140	345
Cables	10m Rigid and 16.5 Articulated	130	260
Internal Access Track	10m Rigid	440	720
General	10m Rigid and 16.5 Articulated	80	160
Other	10m Rigid and 16.5 Articulated	95	205
Battery Units	10m Rigid and 16.5 Articulated	65	130
Deliveries		1,410	2,600
Movements (arrival plus departure)		2,820	5,200

Table 2 - Construction Vehicle: HGV Deliveries

- 6.15 Table 2 above shows the proposed number of HGV movements. The application is proposing over double of what had been agreed for the site (not exceed 2,040 two-way vehicle movements over the construction period and shall not exceed 22 two-way movements per day (11 in and 11 out movements)). The Council has been pursuing the HGV log, which is part of this condition. The applicant has taken a long time to get this over to the Council, despite numerous requests, and the submission is not in a form which is acceptable. Therefore, the Council considers the management of the site in terms of HGV movement numbers and timings is not being monitored. This is a matter which is required by condition and currently represents a breach of the planning condition which could result in future planning enforcement action being taken.
- 6.16 The applicant states that the agreed flat rate of daily HGV movements is not realistic. This is what was proposed and what the original application and previous condition variation applications were assessed upon. What is a concern is the level of the proposed increase, as this is a materially significant increase on a road through a village. The effect of more than doubling the HGV movements through a village is unacceptable in terms of highway safety to Bulphan.
- 6.17 PMD1 states that development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenities of the area. The more than doubling of the daily figure of HGVs and the total number of HGVs would cause unacceptable disturbance to amenities of residents and visitors within the village of Bulphan.

- 6.18 National Highways has no objections in terms of effect to the strategic road network (SRN). However, Thurrock Council's Highway Officer objects to the proposal. Fen Lane is a Level 2 Route and very narrow in a number of locations, it also runs through a village and past a primary school. Any significant increase in heavy vehicular traffic on this route would raise issues of road safety and traffic impact. At present it is not considered that the Transport Assessment sufficiently sets out the potential impact of the increased heavy vehicles on the highway particularly in regards road safety. A complicated system of timings with respect to arrivals and departures times and number of vehicles exiting and entering the site is unacceptable, considering the nature of the route and the facilities along the route. It is considered that the current application and information provided is contrary to policies PMD1, PMD9 and PMD10 and a reason for refusal can be substantiated on highways safety grounds, prejudicing road safety.
- 6.17 The NPPF states in paragraph 115 that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* The conclusion is that the substantial increase in HGV movements and amendments to the timings of these movements through Bulphan village would result in an unacceptable impact on highway safety and amenity.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The application seeks, via s73, permission for amendments to the approved scheme, necessitating changes to the wording of conditions 6 (Construction Traffic Management Plan (CTMP)) and no. 9 (HGV movements). These changes are considered to be unacceptable as they would result in a significant increase in HGV movements through a village which has roads which are not able to safely accommodate the number of proposed HGV movements.

8.0 RECOMMENDATION

- 8.1 To Refuse planning permission for the following reason:

1. The proposal would result in an unacceptably high level of HGV movements through the village of Bulphan to the detriment of highway safety and the amenities of local residents and visitors to the village. In addition, the proposed increased hours of accessing the site are considered unnecessarily complicated and unworkable. For these reasons the proposal is contrary to policies PMD1, PMD9 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and the guidance contained within the NPPF.

Informative

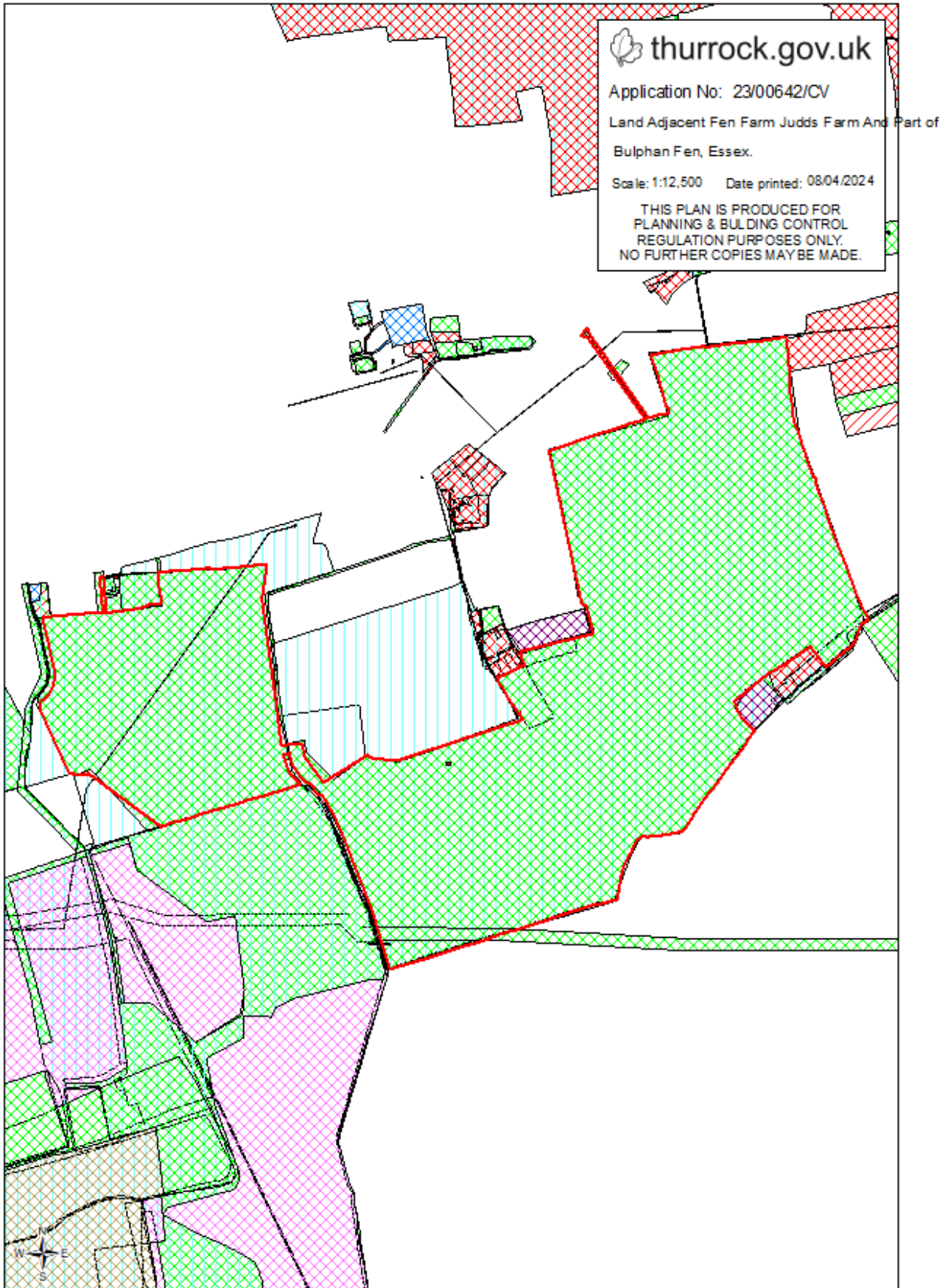
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

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



© Crown copyright and database rights 2024 Ordnance Survey AC0000819536

This page is intentionally left blank

Agenda Item 9

Planning Committee: 18 April 2024	Application Reference: 24/00249/TBC
-----------------------------------	-------------------------------------

Reference: 24/00249/TBC	Site: Land And Buildings Keir Hardie House, Milford Road, Morrison House, Jesmond Road, Bevan House, Laird Avenue, Grays, Essex
Ward: Little Thurrock Blackshots	Proposal: Change of use of land for stationing of temporary office building for a period of two years.

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Proposed Plans	29th February 2024
(No Nos.)	Location Plan	29th February 2024
(E0901A Rev A)	Proposed Elevations	8th March 2024

The application is also accompanied by:
 N/A

Applicant: Kelly Myers (Senior Housing Development Project Manager) – on behalf of Thurrock Council	Validated: 8 March 2024 Date of expiry: 3 May 2024
---	---

Recommendation: Deemed to be granted, subject to conditions.

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

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks to station a temporary office building on an area of space between Morrison House and Bevan House for a period of two years. The application form indicates that the office is required for a temporary period and would be occupied by Council staff and security for the duration of the 'decant programme' as part of the wider Blackshots redevelopment proposals. The temporary office building would act as a meeting space for local residents and staff to discuss the wider development works and any rehousing (please see planning history below).
- 1.2 The building would not contain any separate welfare facilities.

2.0 SITE DESCRIPTION

- 2.1 The application site lies to the south of Laird Avenue and between Morrison House and Bevan House and comprises an area of space with a small amount of planting which is enclosed on all sides by a public footpath.
- 2.2 Towards the western edge of this parcel of land is an electricity substation. The land to the south is designated Green Belt but the site itself lies outside of the Green Belt.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
20/00410/TBC	Replacement of the external wall coverings, replacement of windows, replacement of communal entrance canopies, replacement of roof guardrails and installation of new external lighting at Bevan House and Morrison House.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

UK POWER NETWORKS:

No comments received.

PUBLICITY:

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

No comments have been received.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012 and has been updated several times, most recently in December 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions.

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

- 4. Decision-making
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former Department for Communities and Local Government (DCLG) (now DLUHC) 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 comprise:

- Design
- Determining a planning application
- Use of Planning Conditions

Local Planning Policy

5.3 Local Planning Policy Thurrock Local Development Framework

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

Thematic Policies:

- CSTP9 (Well-being: Leisure and Sports)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)

- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD8 (Parking Standards)

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016, the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed, and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan. In December 2023 the Council began the Initial Proposals Consultation (Regulation 18) following agreement at Full Council.

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is shown as 'white land' on the LDF Proposals Map, meaning that there are no specific land use designations for this site. Given this is the case, there would be no planning policy objections to the site being used for a temporary period of two years for the intended office use. As discussed in more detail below, a planning condition will be imposed to ensure the land is restored to its existing condition once the use ceases and the building is no longer required.

6.3 Policy PMD5 safeguards all existing open spaces, outdoor sports and recreational facilities and development proposals that would result in the loss of such provision will not be permitted unless conveniently located and accessible alternatives are

provided, and the proposals will not negatively affect the character of the area. Although the site forms part of an open area, it is not formally designated as Open Space on the Core Strategy proposals map and it is a particularly small parcel of land surrounded by footpaths on all sides and is not therefore useable for any outdoor games or activities. This is further emphasised by the fact there is currently a small planted area in the middle of the parcel and an adjacent substation. It contributes to the landscaping of the area, rather than being of use for recreation as such. Accordingly, siting the temporary building on the Land would not be unacceptable.

II. DESIGN AND LAYOUT

- 6.4 Policies CSTP22, CSTP23 and PMD2 are relevant along with the guidance within the NPPF/NPPG. In addition, the Thurrock Design Strategy was adopted as a supplementary planning document (SPD) and endorsed as a material consideration in the determination of planning applications in March 2017.
- 6.5 The temporary building would have a somewhat utilitarian appearance in the streetscene but is modest in scale and appearance compared with the tower blocks on either side. Its limited height would not have any significant impacts upon views into or out of the open area to the south and its height would not be particularly incongruous in the context of the nearby rows of single storey garages.
- 6.6 The proposal is considered to have an acceptable appearance, given its functional use and requirement and temporary nature of its use.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.7 The proposal would not have any material impacts upon the local highway network and there would be no implications for the access with Laird Avenue. The application is not explicit in stating how many members of staff would be on site at any one time but given the size and intended use by Council staff, there are likely to be a small number of people working from this unit. It is not therefore considered that there would be any significant implications for parking. On street parking is available along Laird Avenue and Jesmond Road.

IV. Other Matters

- 6.8 The proposal is not likely to have any material impact upon ecology. A small number of plants would need to be removed from the site to facilitate the temporary building, but these appear to be of very little amenity value. The use of a planning condition, as already mentioned above, will ensure that soft landscaping is replaced when the building is no longer required.
- 6.9 As shown on the plans, there would be a gap maintained between the temporary building and the substation. It is not considered that there would be any material impacts in this regard.

- 6.10 Given the nature of the proposals, which would likely only be occupied during typical working hours, and its single storey height, it is not considered that there would be any material impact upon nearby residential properties, either from its use or from its physical appearance.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The building would be located on a parcel of land that contributes very little to the public realm at present, given its small size and location between two existing tower blocks. The building is only required for a temporary period and is in the public interest given its intended use as a meeting place for local residents to raise any concerns regarding the works to the tower blocks that are to be carried out.
- 7.2 Officers conclude that there are no planning policy grounds to withhold planning permission in this case and therefore recommend approval of the application, subject to planning conditions.

8.0 RECOMMENDATION

It is recommended expressly for the purpose of Regulation 3(4) of the Town and Country Planning General Regulations 1992, permission be deemed to be granted for the above development, subject to compliance with the following:

Condition(s):

Standard Time Limit

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

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

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Proposed Plans	29th February 2024
(No Nos.)	Location Plan	29th February 2024
(E0901A Rev A)	Proposed Elevations	8th March 2024

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

Temporary Permission

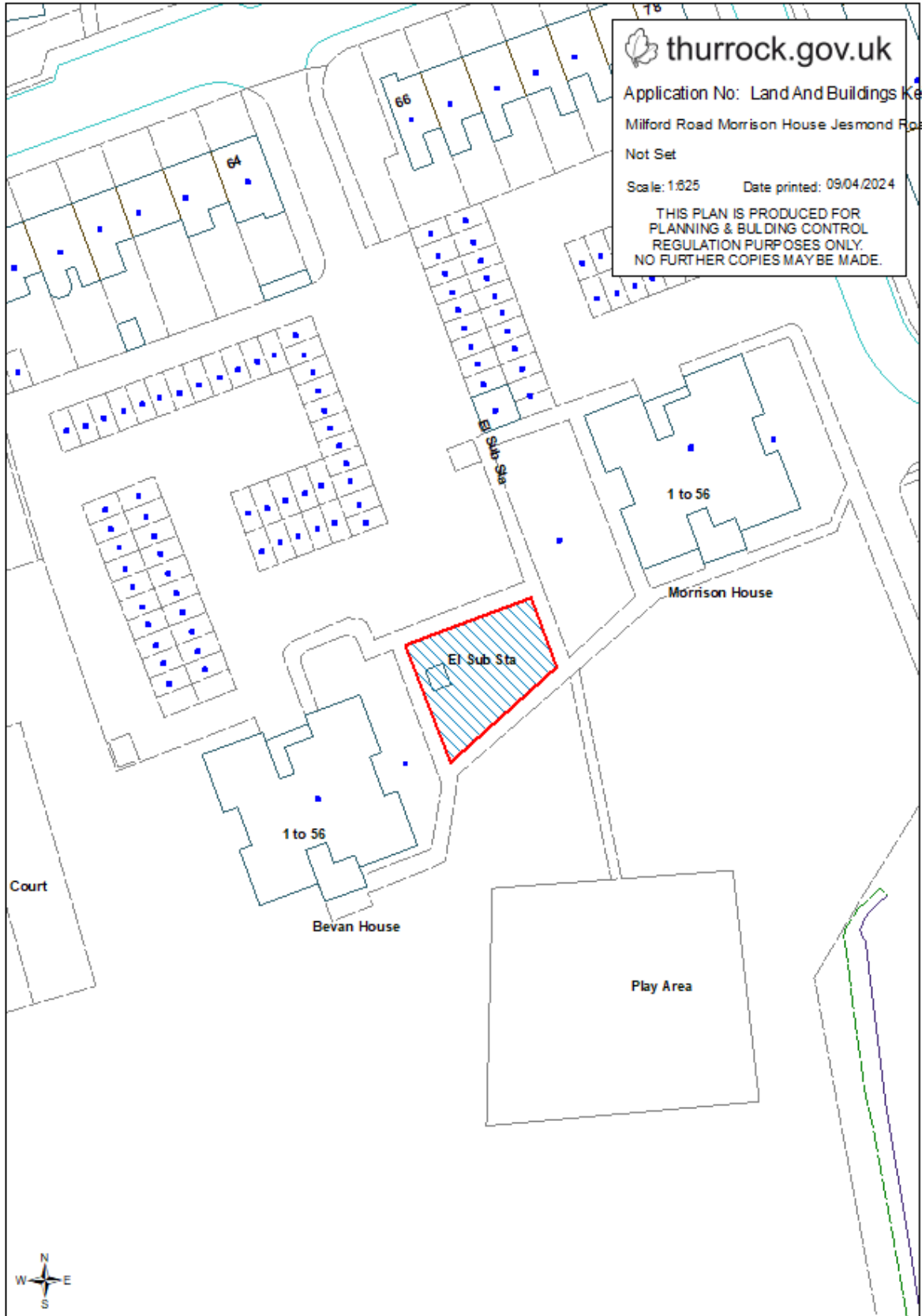
3. The stationing of the temporary building hereby permitted is limited to a period expiring two years from the date of implementation. The temporary building shall be removed and the land restored to its former condition, being that as it exists at the time of application, before the end of two years or once the structure is no longer required, whichever is the sooner.

Reason: In the interests of the character of the area with regard to policies PMD2 and CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

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



© Crown copyright and database rights 2024 Ordnance Survey AC0000819536