

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

## Planning Committee

The meeting will be held at **6.00 pm** on **24 November 2016**

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

### Membership:

Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Richard Bowyer, Thurrock Business Association Representative  
Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors John Kent, John Allen, Jan Baker, Brian Little and Graham Snell

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 10</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 20 October 2016.	
<b>3 Item of Urgent Business</b>	
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.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any</b>	

**planning application or enforcement action to be resolved at this meeting**

- |           |  |                  |
|-----------|--|------------------|
| <b>6</b>  | <b>Planning Appeals</b>  | <b>11 - 16</b>   |
| <b>7</b>  | <b>Public Address to Planning Committee</b>  |                  |
|           | <p>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 <a href="https://www.thurrock.gov.uk/democracy/constitution">https://www.thurrock.gov.uk/democracy/constitution</a> Chapter 5, Part 3 (c).</p> |                  |
| <b>8</b>  | <b>16/01228/REM - Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP</b>   | <b>17 - 40</b>   |
| <b>9</b>  | <b>14/01278/FUL - Land south of Marshfoot Road, west of St. Chad's Road (adjacent to the Gateway Academy) and land east of St. Chad's Road, south of Biggin Lane, Tilbury.</b>   | <b>41 - 80</b>   |
| <b>10</b> | <b>16/01242/FUL - Silver Springs High Road Fobbing Essex SS17 9HN</b>  | <b>81 - 94</b>   |
| <b>11</b> | <b>16/01302/FUL - Thames Industrial Park, Princess Margaret Road, East Tilbury, Essex</b>  | <b>95 - 106</b>  |
| <b>12</b> | <b>16/01330/TBC - Aveley Recreation Ground High Street Aveley Essex</b>  | <b>107 - 122</b> |

**Queries regarding this Agenda or notification of apologies:**

Please contact Jessica Feeney, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **16 November 2016**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

Members of the public can attend all meetings of the council and its committees and 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 may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

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If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

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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.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## 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.

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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.

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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.

**Vision: Thurrock:** A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

## Minutes of the Meeting of the Planning Committee held on 20 October 2016 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, John Kent, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Steve Taylor, Campaign to Protect Rural England Representative

**In attendance:** Andrew Millard, Head of Planning & Growth  
Matthew Ford, Principal Highways Engineer  
Leigh Nicholson, Development Management Team Leader  
Vivien Williams, Planning Lawyer  
Nadia Houghton, Principal planner  
Sarah Williams, School Capital and Planning Project Manager  
Chris Purvis, Principal Planner (Major Applications)  
Jessica Feeney, Senior Democratic Services Officer

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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.

### **49. Minutes**

The Minutes of the meeting held on the 22 September were approved as a correct record.

### **50. Item of Urgent Business**

There were no items of urgent business.

### **51. Declaration of Interests**

There were no declarations of interest.

### **52. 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 G Rice received correspondence in relation to application 16/00412/OUT and 15/00379/OUT as these applications were in his ward.

### **53. Planning Appeals**

The report before Members provided information with regard to appeals performance.

**RESOLVED:**

**The report was noted.**

**54. 16/00412/OUT- Star Industrial Estate, Linford Road, Chadwell St Mary, Essex**

Councillor Tunde Ojetola arrived at 6.18pm.

Members were enlightened that the application sought outline planning permission for the residential redevelopment of the site for up to 203 dwellings, with all matters reserved apart from access. Matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

Members were informed that the applicant had been working closely with the Highway Officer regarding the Transport Assessment which demonstrated the level of traffic generation of the proposal and its likely impact.

The applicant submitted a revised version of the Transport Assessment which showed that additional traffic flows from the development at the junction was shown to worsen the capacity at the junction; however, the traffic flows would not impact severely on the operation of the junction. As a consequence, the Highway Officer raised no objections in principle to the proposals, subject to a mitigation package regarding impact upon the Cross Keys junction.

Members discussed parking, it was explained that there would be 184 car parking spaces in relation to the 200 dwellings. Councillor Piccolo question what the requirement was for parking in the policy, Members were informed that this was 2 spaces for a house and 1 and a half spaces for a flat and had been secured via planning condition.

Councillor Rice praised the application highlighting that this was something that the community was in favour of due to its 35% affordable housing scheme and funds towards education. The Committee were also made aware that residents were optimistic that the development would reduce the number of heavy goods vehicles traveling through Chadwell.

It was proposed by Councillor Rice and seconded by Councillor Baker that the application be approved as per the Officer recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair),  
Chris Baker, John Kent, Steve Liddiard, Tunde Ojetola,  
Terry Piccolo, David Potter and Gerard Rice

Against: (0)

Abstain: (0)



**55. 15/00379/OUT - Land Adjacent 39 And 41 And To The South Of St Johns Road, Chadwell St Mary, Essex**

Members were advised that the application sought outline planning permission (with all matters reserved for a subsequent application apart from access) for the proposed residential redevelopment of land between and to the rear of 39 and 41 St John's Road, consisting of up to 43 dwellings, landscaping and new access. This application was originally submitted for 133 units across a much larger site area encompassing the land to the rear of 39 and 41 St John's Road and an area of Green Belt land to the immediate south which would link to the Star Industrial Estate to the south east. The application had subsequently been significantly reduced in scale and size to that which was now being considered.

The proposals involved the re-use of the existing access into the site from recently approved residential development at St John's Road currently under construction. An additional access on to the site from the existing St John's Road to the immediate north is also proposed although it had been agreed with the applicant that this second access would be downgraded to pedestrian only access. The application also includes an area of Green Belt land to the south to be changed to publicly accessible open space for the benefit of local residents.

Members were informed that at the time of drafting the committee report, the applicant had been working to resolve the objection raised by the Council's Flood Risk Manager. These concerns had now been addressed and there were no flood risk objections to the proposal.

Councillor Ojetola questioned with the land being of a green belt aspect did it need to carry out the procedural tests. The Planning Officer confirmed that the proposal complied with the objectives of the NPF with regards to improvements to areas of recreation and outdoor space and improving access to the Green Belt.

Councillor Rice praised the application highlighting that this was something that the community was in favour of due to its 35% affordable housing scheme and funds towards education.

It was proposed by Councillor Rice and seconded by Councillor Ojetola that the application be approved as per the Officer recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair),  
Chris Baker, John Kent, Steve Liddiard, Tunde Ojetola,  
Terry Piccolo, David Potter and Gerard Rice

Against: (0)

Abstain: (0)

**56. 16/01035/TBC - The Tops Social Club, Argent Street, Grays, Essex, RM17 6JU**

Members were informed that the application sought planning permission for the redevelopment of the Tops Social Club site; the 4/5 storey development proposed would offer 29 dwellings [100% affordable] in the form of 23 flats and 6 maisonettes as detailed in the summary table below. The development would also provide a retail unit on the ground floor. As part of the development, the existing playground to the northern part of the site would be removed and a new playground provided.

Members raised a concern regarding the number of parking spaces for the development. Members were informed that the parking spaces were not allocated to the residents, but that were offered as part of the development and are considered by the Council's Highways team to represent an extension of the existing Parking Permit Area to the north along Exmouth Road. A future resident could apply to the Council's Highways team for a parking permit to park in the allocated areas throughout Seabrooke rise and the new 8 spaces.

Councillor Kent questioned if there were currently any parking issues in the parking permitted area in Grays. The Highways Officer informed the committee that there were currently issues including commuter parking, members were made aware that this was currently being investigated.

Councillor Rice highlighted that the previous outline planning permission had more car parking spaces.

The Chair welcomed the agent to make his statement of support to the Committee.

Councillor Wheeler declared that he supported the application and was minded not to refuse on the grounds of parking issues, it was added further that Thurrock needed more homes and that these were affordable housing units.

Members praised the design of the development. The Chair of the Committee shared a concern regarding the parking provision provided, it was added further that similar applications had been approved in the past and it was felt that there was no concise material to object on.

Members were concerned regarding the movement of the playground and reduction in size and the impact of parking on the current residents.

Councillor Rice stated that a retail shop was not required, as there were many within the surrounding area.

Councillor Rice and Councillor Kent stated that the application was very different from the outline planning permission granted.

It was proposed by Councillor Kelly and seconded by Councillor Ojetola that the application be deferred to the next committee for discussions regarding parking provision, revisiting the previous outline permission, the need for the proposed retail unit and the proposed playground changes.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair),  
Chris Baker, John Kent, Steve Liddiard, Tunde Ojetola,  
Terry Piccolo, David Potter and Gerard Ricer

Against: John Kent, Gerrard Rice

Abstain: (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](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>24<sup>th</sup> November 2016</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Leigh Nicholson, Development Management Team Leader		
<b>Accountable Head of Service:</b> Andy Millard, Head of Planning and Growth		
<b>Accountable Director:</b> Steve Cox, Director of Environment and 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:** 16/00036/FUL

Location: Stables Adjacent 81 Love Lane, Aveley

Proposal: Removal of existing caravan and replacement with one bedroom mobile home for the applicant to live on site

3.2 **Application No:** 16/00057/FUL

Location: Five Acres, 66 Church Lane, Bulphan

Proposal: Retention of a 3 bedroom detached family annexe.

**3.3 Application No: 16/00740/FUL**

Location: Westfield, Recreation Avenue, Corringham

Proposal: Utilisation of garden shed/hobby room/garage for age dependant relative accommodation

**3.4 Application No: 16/00361/FUL**

Location: 6 Tennyson Avenue, Grays

Proposal: Conversion of existing 5 bedroom house to 3 one bedroom apartments

**3.5 Application No: 10/00248/UNAUSE**

Location: Burrows Farm, Brentwood Road, Bulphan

Proposal: Unauthorised use of land.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1.1 Application No: 16/00333/HHA**

Location: Willow Cottage, Southend Road, Corringham

Proposal: Loft conversion and the insertion of 5 roof lights within the roof plan.

**Decision: Appeal Allowed**

Summary of decision:

**4.1.2** The Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt;
- II. The effect of the proposal on the openness of the Green Belt;
- III. Whether the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

4.1.3 In allowing the appeal the Inspector agreed with the Council in that the development would conflict with Green Belt planning policy but found there to be no harm arising to the openness or open character of the Green Belt as a result of the proposal. The Inspector attached significant weight to their findings in that there would be no demonstrable impact upon openness.

4.1.4 The full appeal decision can be found [here](#)

**4.2.1 Application No: 16/00278/HHA**

Location: 32 Archates Avenue, Grays

Proposal: Two storey side/rear extension

**Decision: Appeal Dismissed**

Summary of decision:

4.2.2 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.

4.2.3 In dismissing the appeal, the Inspector considered the development would result in an extension which would dominate this particular part of the streetscene which would be out of character with the current spacious feel of the property within the site and would cause visual harm as a result.

4.2.4 The full appeal decision can be found [here](#)

**4.3.1 Application No: 15/01531/TPO**

Location: Land Adjacent 7 8 9, Addison Gardens, Grays

Proposal: Group 1, 5 London planes. Reduce all trees by 50% approx 17 meters and shape.

**Decision: Appeal Dismissed**

Summary of decision:

4.3.2 The Inspector considered the main issues to be the impact of the proposed reduction works on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed works.

4.3.3 The Inspector concluded that the trees make a strong and positive contribution to the mature and verdant landscape of the streetscape and locality. The Inspector considered the appellants case for the works but found there to be no substantive evidence to justify the work proposed. The Inspector concluded that the proposed reduction of these important trees

would result in significant harm to the character and appearance of the area and insufficient information has been provide to justify the level of works proposed.

4.3.4 The full appeal decision can be found [here](#)

## 5.0 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

## 6.0 APPEAL PERFORMANCE:

6.1 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	
Total No of Appeals	5	2	4	0	0	4	1	3	0	0	0	0	19
No Allowed	2	0	0	0	0	4	1	1	0	0	0	0	8
% Allowed													42%

## 7.0 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

## 8.0 Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

## 9.0 Implications

### 9.1 Financial

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

There are no direct financial implications to this report.

### 9.2 Legal

Implications verified by: **Vivien Williams**  
**Principal Regeneration Solicitor**



The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

### 9.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

There are no direct diversity implications to this report.

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

None.

### 10. **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](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

### 11. **Appendices to the report**

- None

#### **Report Author:**

Leigh Nicholson

Development Management Team Leader

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<b>Reference:</b> 16/01228/REM	<b>Site:</b> Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP
<b>Ward:</b> West Thurrock And South Stifford	<b>Proposal:</b> Reserved matters for Phase 1 and associated interim landscaping following outline planning permission 13/00880/OUT (Part demolition/reconfiguration of existing western entrance to shopping centre (adjacent to Marks and Spencer unit), external entrances to Marks and Spencer unit and associated structures, and cinema. Demolition of bridge link between car parks 10 and 12 and associated external lift and stair cores. Erection of new buildings within use classes A1, A3, A4, A5, C1 and D2 together with ancillary facilities and alterations to existing cinema and Marks and Spencer unit including replacement entrances. Formation of replacement western entrance to shopping centre at ground and first floor levels including change of use of retail floorspace at first floor level (use class A1) to mall space (sui generis). Provision of new public realm and landscaped areas, including a new town square, new external pedestrian walkway at first floor level, and alteration of existing and creation of new boardwalk areas adjacent to the lake. Alterations to existing and creation of new vehicular, pedestrian and cycle access and egress arrangements and other ancillary works and operations.)

<b>Plan Number(s):</b>		
Reference	Name	Received
120066-D-101A	Location Plan	9th September 2016
16-02401-HL-XX-XX-DR-Y-XXX-0001-	Other	10th October 2016
M5397 200 D02	Other	10th October 2016
150332-D-201-B	Block Plan	10th October 2016
150332-D-204-B	Proposed Floor Plans	10th October 2016
150332-D-205-B	Proposed Floor Plans	10th October 2016
150332-D-206-B	Roof Plans	10th October 2016
150332-D-207-B	Proposed Elevations	10th October 2016

150332-D-208-B	Proposed Elevations	10th October 2016
150332-D-209-B	Proposed Elevations	10th October 2016
150332-D-210-B	Proposed Elevations	10th October 2016
150332-D-211-B	Proposed Elevations	10th October 2016
150332-D-212-B	Drawing	10th October 2016
150332-D-213-B	Sections	10th October 2016
150332-D-214-B	Sections	10th October 2016
16-02401-HL-XX-XX-DR-Y-XXX-0004-	Other	10th October 2016
M5397 310 D01	Other	10th October 2016
XX-XX-DR-Y-XXX-0002-P2	Other	7th September 2016
XX-XX-DR-Y-XXX-0003-P2	Other	7th September 2016
2525-ATR-001-D	Other	7th September 2016
2525-ATR-003-C	Other	7th September 2016
2525-ATR-005-D	Other	7th September 2016
2525-ATR-005-D	Other	7th September 2016
2525-ATR-010-D	Other	7th September 2016
2525-ATR-013-C	Other	7th September 2016
2525-ATR-014-C	Other	7th September 2016
2525-ATR-015-B	Other	7th September 2016
2525-ATR-016-C	Other	7th September 2016
2525-ATR-017-A	Other	7th September 2016
8525-SK-010-C	Other	7th September 2016
8525-SK-012-C	Other	7th September 2016
8525-SK-016-B	Other	7th September 2016
8525-SK-017-A	Other	7th September 2016
8525-SK-021-D	Other	7th September 2016
8525-SK-024-A	Other	7th September 2016
8525-SK-025-A	Other	7th September 2016
150332-D-202-A	Block Plan	7th September 2016
150332-D-203-B	Other	25th October 2016
70018524-ART-007-D	Other	7th September 2016
M5397 100 D016	Other	7th September 2016
M5397 100.1 D01	Other	7th September 2016
M5397 103 D03	Other	7th September 2016
M5397 104 D02	Other	7th September 2016
M5397 400 D05	Other	7th September 2016
M5397 401 D04	Other	7th September 2016
M5397 402 D00	Other	7th September 2016

M5397 403 D01	Other	7th September 2016
M5397 410 D02	Other	7th September 2016
M5397 411 D00	Other	7th September 2016
M5397 703 D01	Other	7th September 2016
8525-ATR-012-D	Other	7th September 2016
M5397 105 D00	Other	7th September 2016

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Planning Statement</li> <li>- Design and Access Statement</li> <li>- Transport Statement</li> <li>- Drainage Statement</li> <li>- Energy Statement</li> <li>- Lighting information</li> </ul>	
<b>Applicant:</b> Intu Lakeside Limited	<b>Validated:</b> 9 September 2016 <b>Date of expiry:</b> 9 December 2016
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the outline application to which this proposal relates to (13/00880/OUT) was considered and determined by the Planning Committee and because the application is considered to have significant policy or strategic implications (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks approval of the reserved matters for Phase 1 of outline planning permission reference 13/00880/OUT known as the 'Lakeside Leisure' proposals. The description of the outline permission is stated in the 'Proposal' section of the table above in brackets and is listed in the 'Relevant History' section of this report. This proposal also includes associated interim landscaping work to the west of the proposed buildings which would be implemented as a temporary measure before Phase 2 is developed. Phase 2 would be subject of a separate future reserved matters application.
- 1.2 The reserved matters for consideration for Phase 1 are the access, appearance, layout, scale and landscaping of the development, which propose to deliver a range of leisure and café/restaurant type floorspace connected by a new network of public spaces linking to the existing LSC.

Phase 1 consists of 7 key areas:

1. 'Block A' – A two storey building 17m high with a variety of contemporary design treatments and comprising of 20 units is proposed to be located immediately to the west of the existing LSC. This would provide 12,360 sqm of leisure floorspace (Class D2 use) with 3,360 sqm of café/restaurant and take-away uses (Classes A3 and A5 use) over ground and first floor levels. Unit 11 has been identified as the anchor tenant to include a Nickleodeon Family Entertainment Centre. 'Block A' would occupy the existing car park number 9.
2. 'The Street' – A 19m high level canopy roof would be provided between the south elevation of 'Block A' and the existing Marks and Spencer building to the south to provide a covered street arrangement where units in 'Block A' can open onto this street and where temporary kiosks and an entertainment space can be provided. 'The Street' would have an open western entrance. This feature will replace the existing pedestrian access route into the LSC from the existing zebra crossing route to the cinema and the Boardwalk.
3. 'The Activity Square' – This would provide a central meeting point at the intersection of four pedestrian routes and would feature an area of public realm with a range of paving, a central water feature and digital sculpture. This is located to the south west of 'Block A' in the location of the existing zebra crossing.
4. The 'Events Boulevard' – located immediately to the west of 'Block A', this area would replace of the existing western internal road between car parks no.9 and no.11. This area will be pedestrianized and include a range of paving, landscaping, water features, an events platform and outdoor seating areas to the restaurants in 'Block A'.
5. The 'Arrival Points' – Two 'Arrival Points' would be created, one at the northern end and one at the southern end of the pedestrianized area which will form the 'Events Boulevard'. 'Arrival Point 1' would replace the existing roundabout junction between multi-storey car parks 10 and 12; a smaller roundabout would be created to allow a drop off point for vehicles. A taxi layby and bus layby would be created on either sides of the road to the north of 'Arrival Point 1'. Further to the north the existing roundabout junction with the Northern Link Road would be replaced by a new roundabout with new exits from car parks no.10 and no.12. 'Arrival Point 2' would be located at the southern end of 'The Activity Square' and would include a roundabout turning point. A range of surface materials and landscaping would be used.

6. 'Interim Landscaping' – This is proposed to the west of 'Block A' and the 'Events Boulevard' prior to the delivery of Phase 2 of the development. This area would replace car park no.11 and would provide a landscaped area joining the existing area of landscaping adjacent to Lake Alexandra, which would also be enhanced. It is proposed to use this space as an events space for a range of uses and seasonal events such as a Christmas market, circus tent, ice rink, outdoor cinema, temporary tennis courts etc. These areas would include a range of street furniture, landscaping and feature paving. The enhanced existing landscaped area would also include a play area and a floating pontoon on Lake Alexandra.
7. 'Lakeside Path' – To provide pedestrian/cycle linkages the existing 4 lane traffic route along the western internal road to the west of the LSC would be reduced to 3 lanes with 2 lanes for inbound traffic and 1 for outbound. This would allow for a wider path to be created running alongside the western side of the road and eastern side of Lake Alexandra. The path would run from 'Arrival Point 2' linking to West Thurrock Way providing pedestrian/cycle access points onto the Boardwalk and the new hotel development to the south of Lake Alexandra.

1.3 It is planned that works for Phase 1 will commence on site during the summer / autumn of 2017 with complete by winter 2018.

1.4 The proposal would lead to the creation of 440 direct jobs and 670 indirect jobs through the construction process. When complete and occupied the development would create 520 new jobs (285 in leisure and 235 in catering) and 140 indirect jobs.

## **2.0 SITE DESCRIPTION**

2.1 The Lakeside Shopping Centre (LSC) is located in the north-eastern part of the Lakeside basin. At the heart of the LSC is a shopping mall which principal internal orientation is along a north-south axis. The main retail offer is located over two floors, with a food court on a smaller and centrally located third floor. The LSC contains a comprehensive range of national multiple comparison retailers and a considerable number of cafés and fast-food restaurants. The Lakeside Boardwalk contains a range of restaurants orientated towards Lake Alexandra and accessed externally to the mall. LSC also contains a cinema located north of the Lakeside Boardwalk.

2.2 The surface level car parks to the east and multi-storey car parks to the south, west and north east of the mall provide circa 13,000 parking spaces. LSC has its own

bus station, located externally at the northern end of the mall. This currently serves 13 principal bus routes.

- 2.3 This reserved matters application relates to land to the west of the LSC which is currently occupied by car parks no.9 and no.11. To the north is multi storey car park no's 10 and 12. To the south is the cinema complex, access to the Boardwalk and the Marks and Spencer unit. To the west is Alexandra Lake. Running through this area in a north-south direction is one of the internal roads which link to the existing road network that orbits the LSC.
- 2.4 Beyond the LSC to the north is chalk cliff face of the Lakeside Basin and the Arterial Road, West Thurrock (A1306); to the east is A126 dual carriageway, railway line linking Grays with Upminster and Chafford Hundred; to the south within the Lakeside Basin is West Thurrock Way and further commercial uses; and to the west beyond Lake Alexandra is a supermarket and a retail park.
- 2.5 Chafford Hundred train station is located approximately 150m from the nearest entrance point to LSC. Access from LSC is gained by way of an enclosed footbridge link over the A126, which also links with Chafford Hundred for pedestrian access to the site. Chafford Hundred Train Station is located upon the Fenchurch Street, London to Grays line which is operated by C2C. Services operate at approximately 30 minute frequency. There are a total 13 bus services serving the LSC with 7 of these operating on a frequency of 20 minutes or better. The National Cycleway Network runs along the southern boundary of LSC site.

**3.0 RELEVANT HISTORY**

- 3.1 The site has extensive planning history and the most relevant applications to this proposal are listed below:

Planning Reference	Description of Application	Decision
13/00491/SCR	Request for a Screening Opinion - Environmental Impact Assessment (EIA) – For Leisure Proposals to Western side of the Shopping Centre	Screening Opinion Issued stating that an EIA is not required 03.06.2013



<p>13/00880/OUT</p>	<p>Part demolition/reconfiguration of existing western entrance to shopping centre (adjacent to Marks and Spencer unit), external entrances to Marks and Spencer unit and associated structures, and cinema. Demolition of bridge link between car parks 10 and 12 and associated external lift and stair cores. Erection of new buildings within use classes A1, A3, A4, A5, C1 and D2 together with ancillary facilities and alterations to existing cinema and Marks and Spencer unit including replacement entrances. Formation of replacement western entrance to shopping centre at ground and first floor levels including change of use of retail floorspace at first floor level (use class A1) to mall space (sui generis). Provision of new public realm and landscaped areas, including a new town square, new external pedestrian walkway at first floor level, and alteration of existing and creation of new boardwalk areas adjacent to the lake. Alterations to existing and creation of new vehicular, pedestrian and cycle access and egress arrangements and other ancillary works and operations.</p>	<p>Approved 01.04.2014</p>
<p>15/01504/NMA</p>	<p>Application for non-material amendments (amendments to the approved parameter plans to increase the size of 'Block A' (and corresponding reduction to Blocks B and C) to planning permission ref. 13/00880/OUT</p>	<p>Approved 19.01.2016</p>
<p>16/00722/NMA</p>	<p>Application for a non-material amendment to following a grant of planning permission: Proposed amendments to the wording of conditions nos. 5 &amp; 6 to change the amount of Class D2 floorspace (planning permission ref. 13/00880/OUT).</p>	<p>Approved 07.06.2016</p>
<p>16/01183/CONDC</p>	<p>Discharge of condition 4 [Phasing] from application 13/00880/OUT</p>	<p>Approved 25.10.2016</p>

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

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

**PUBLICITY:**

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

**4.3 EMERGENCY PLANNER:**

No objection.

**4.4 ENVIRONMENT AGENCY:**

No objection.

**4.5 ENVIRONMENTAL HEALTH:**

No objection.

**4.6 ESSEX AND SUFFOLK WATER:**

No objection.

**4.7 FLOOD RISK MANAGER:**

No objection.

**4.8 HIGHWAYS**

No objections subject to conditions

**4.9 LANDSCAPE AND ECOLOGY:**

No objections.

**4.10 NATURAL ENGLAND:**

No objection.

#### 4.11 PUBLIC FOOTPATHS OFFICER:

No objection.

### 5.0 POLICY CONTEXT

#### National Planning Guidance

##### 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Achieving sustainable development
- Core Planning Principles
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

##### 5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality
- Climate change
- Conserving and enhancing the historic environment
- Design
- Ensuring the vitality of town centres
- Health and wellbeing
- Flood Risk and Coastal Change
- Natural Environment
- Light pollution
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Transport evidence bases in plan making and decision taking

### 5.3 Local Planning Policy

#### Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Adopted Interim Proposals Map shows the site as a ‘Housing Land Proposal’. The following Core Strategy policies apply to the proposals:

### 5.4 OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

### 5.5 SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)

### 5.6 THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP7 (Network of Centres)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP13 (Emergency Services and Utilities)
- CSTP14 (Transport in the Thurrock Urban Area)<sup>3</sup>
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)

- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP25 (Addressing Climate Change)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>
- CSTP29 (Waste Strategy)

## 5.7 POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)<sup>3</sup>
- PMD6 (Development in the Green Belt)<sup>2</sup>
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)<sup>2</sup>
- PMD12 (Sustainable Buildings)<sup>2</sup>
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)<sup>2</sup>
- PMD16 (Developer Contributions)<sup>2</sup>
  
- Emerging Design Strategy SPD (Supplementary Planning Document)

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

## 5.9 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

## 5.10 Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

## 5.11 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

## 6.0 **ASSESSMENT**

The assessment below covers the following areas:

- I. Principle of the Development
- II. Access
- III. Layout
- IV. Scale
- V. Appearance
- VI. Landscaping and Public Realm
- VII. Lighting
- VIII. Energy and Sustainability
- IX. Drainage
- X. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The principle of development has been established by the grant of outline planning consent in 2014 under planning reference 13/00880/OUT.

- 6.2 Condition 4 of the outline permission required the agreement of a detailed programme of phasing for the development. Through an application to discharge this condition (16/01183/CONDC), it has been agreed that the leisure scheme will be delivered in a two phased development programme. This current application seeks approval of the reserved matters for Phase 1 of the development. The second Phase 2 development would be subject of a separate future reserved matters application.
- 6.3 The current application seeks approval of the access, layout, scale, appearance and landscaping of Phase.
- 6.4 The outline permission is subject to 32 planning conditions and 7 planning obligations. Some of these conditions require information for consideration with the reserved matters and is referenced in the below sections of this report. Condition 2 of the outline permission requires the reserved matters to be in compliance with certain parameter plans and the storey height requirements of the outline application's Design and Access Statement which were approved as part of the outline permission (it should be noted that there is a separate Design and Access Statement [DAS] with this reserved matters application). The relevant parameter plans for the reserved matters as stated in condition 2 are below:
- Parameter Plan 3 – Block plan and uses
  - Parameter Plan 4 – Minimum / Maximum siting
  - Parameter Plan 5 – Proposed heights
  - Parameter Plan 6 – Proposed public realm and vehicular access works
- 6.5 This application presents an opportunity for the Council to secure a high quality leisure development in the Lakeside Basin which once delivered, would significantly contribute to the vitality and viability of the Basin in accordance with spatial policies CSSP2 (Sustainable Employment Growth) and policy CSSP3 (Sustainable Infrastructure).

## II. ACCESS

- 6.6 Parameters Plan 6 of the outline permission established the proposed public realm and vehicular access works for the reserved matters. This application therefore expands upon the parameter plan in regards to access.
- 6.7 The proposal results in the stopping up and closure of part of the western internal road between car parks no.9 and no.11. The section of road would be replaced by the 'Events Boulevard' providing access to all parts of the development.
- 6.8 The means of access is required by condition 3 of the outline permission to be included in the reserved matters. The 'Arrival Points' 1 and 2 at the north and

southern ends of the Lakeside Leisure area would provide the drop off points, taxi and bus stop locations on either side of this road. A new roundabout junction is proposed and would provide a revised access arrangements to this area and changes to the exit arrangements to car parks 10 and 12. At the time of drafting this report the Council's Highway Team were not satisfied with the design of the roundabout however this matter could be reasonably addressed via planning condition.

- 6.9 Details of the movement network are required by condition 10 of the outline permission to be included in the reserved matters. This shows that new footways and cycle ways would be provided linking to 'Arrival Points' 1 and 2, and the 'Lakeside Path'. The 'Lakeside Path' would reduce the carriageway width from 4 to 3 lanes along the internal road to the west of the LSC with 2 lanes for inbound traffic and 1 for outbound and include additional zebra crossings. The path would form a dual footway and cycleway [3m wide] with a landscape verge [1m wide] between the carriageway and the path. The development would be DDA compliant to allow for access for people with disabilities and restricted mobility, which is also a requirement of condition 23 of the outline permission. The site is well served in sustainability terms by public transport with 13 bus services and the Chafford Hundred railway station. The plans and information provided in the DAS shows the movement network is designed to achieve the requirements of policy CSTP14 (Transport in the Thurrock Urban Area).
- 6.10 The proposed revised exit arrangements to car parks 10 and 12 would result in the loss of a small number of parking spaces, 15 in total, but car park 12 is currently only opened at peak times and as a result of the proposals will be opened throughout the year instead and provides 1,965 spaces. The loss of parking through car parks 9 and 11 was accepted through the outline permission. The applicant is not looking to introduce parking charges which is encouraged through policy CSTP14 (Transport in the Thurrock Urban Area) because this could lead to 'distorted car park patterns', and a loss of trade to the Bluewater shopping centre, which offers free car parking.
- 6.11 Details of cycle parking provision are required by condition 12 of the outline permission to be included in the reserved matters. A total of 36 cycle parking spaces would be provided with the development and would be provided within multi storey car park no.10 near 'Arrival Point 1' and near to 'Arrival Point 2'. The cycle parking would meet the requirements of policy PMD8 (Parking Standards).
- 6.12 Details of the servicing strategy are required by condition 11 of the outline permission to be included in the reserved matters. For Phase 1 'Block A' would be serviced via the existing service road that runs between the existing bus station, the LSC and car park 10 and terminates at a screened service yard in between the LSC and car park 9. The existing service yard would be increased in size to



accommodate the need for servicing the new leisure and restaurant units in 'Block A'. The existing service arrangements to units to the south of this area and the 'Boardwalk' would be maintained and amended to allow for turning arrangements to be included adjacent to 'Arrival Point 2'. The plans demonstrate that emergency vehicle access be provided through the 'Lakeside Leisure' area.

- 6.13 The application for the northern extension to the LSC, the 'Lakeside Retail' proposal, is currently subject of a live planning application (16/01120/OUT) which would result in the loss of the existing bus station which is closer to this area than the proposed new bus station. However, the new bus station would form part of a transport hub with better connections to Chafford Hundred Railway station and the urban area of Chafford Hundred which is recognised as a requirement of policy CSTP14 (Transport in the Thurrock Urban Area). To access the 'Lakeside Leisure' area users would need to pass through the LSC internally or travel around the southern side of the LSC via the new footway/cycle routes proposed through this and the 'Lakeside Retail' application. The applicant has advised that the opening hours for the 'Lakeside Leisure' area are likely to be in line with that of the existing cinema. The s.106 agreement to the outline permission for the 'Lakeside Leisure' requires the Council to approve a pedestrian access route through the shopping centre to Chafford Hundred railway station.
- 6.14 Based on the information above the access is acceptable for this Phase 1 development and accords with Parameter Plan 6 and the relevant conditions of the outline permission.

### III. LAYOUT

- 6.15 Parameter Plan 3 (Block plan and Uses), Parameter Plan 4 (Minimum / Maximum siting) and Parameter Plan 6 (Proposed Public Realm and Vehicular Access Works) of the outline permission establish the parameters for the reserved matters informing the layout of the Phase 1 development. Prior to the submission of this reserved matters application a non-material amendment application reference 15/1504/NMA agreed amendments to a slight increase in size for 'Block A', with a reduction for future Blocks B and C which would subject of a Phase 2 reserved matters application.
- 6.16 For this application 'Block A' would form the largest building for Phase 1 and would be sited to the west elevation of the LSC and between car park no.10 to the north and the Marks and Spencer unit to the south. The ground floor layout would comprise of 10 café/restaurant units (Class A3) with the exception of the following leisure units (Class D2): two entrances to units 21 and 22, the ground floor entrance to Unit 11 which would be the Nickelodeon Family Entertainment Centre and an entrance to unit 13 which would be a large ground floor leisure unit (Class D2). At first floor level unit 23 would be a café/restaurant use (Class A3) with the

rest of the first floor space used for three leisure units (Class D2). The service yard is proposed to the rear of 'Block A' with access using the existing service road.

- 6.17 'The Street' would be formed to the south of 'Block A' and a roof canopy would link car park 10 from 'Block A'. The other key areas of Phase 1 are 'The Activity Square', the 'Events Boulevard', 'Arrival Points', 'Interim Landscaping' and the 'Lakeside Path' and will form important spaces to the front elevation of 'Block A' and 'The Street' but also link in with the wider area. The 'Interim Landscaping' area would lead to improvements for the public realm with its transition from a car park area and would establish an improved relationship with Lake Alexandra.
- 6.18 With regard to floorspace provision conditions 5 (floorspace) and 6 (uses) of the outline permission set out the floorspace limitations for all proposed uses, however, as set out above, this was amended through application 16/00722/NMA which agreed non material amendments to an increase in leisure floorspace (Class D2) with a reduction in floorspace for café/restaurants/drinking establishments and takeaway uses (Classes A3/A4/A5). For this reserved matters application the DAS identifies the floorspace to be provided through this Phase 1 development and all floorspaces fall within the requirements of the conditions 5 and 6 as amended through application 16/00722/NMA. The future Phase 2 development can still be delivered in accordance with the floorspace and use requirements of conditions 5 and as amended through application 16/00722/NMA.
- 6.19 The layout of the proposed development is acceptable and accords with the parameter plans and relevant conditions of the outline permission for this phase of development.

#### IV. SCALE

- 6.20 Parameter Plan 5 (Proposed heights) of the outline permission identified that the maximum height of buildings to be no more than 17m. In regard to surrounding buildings the LSC roof is 15.95m but elements such as the tower entrance features are each 24.45m high. Car park 10 is 16.62m high, Marks and Spencer 16.68m high and the Boardwalk buildings are 17m for the restaurant building and 11.1m for the cinema building.
- 6.21 For Phase 1, 'Block A', as previously stated, represents the largest building for this Phase 1 development which accords with the height parameters of Parameter Plan 5 and would be of a similar scale to the surroundings buildings in this location.
- 6.22 'The Street' would include a feature canopy style roof at varying heights up to 19m in height. Parameter Plan 5 of the outline permission only identified the parameter heights of the building blocks and not this canopy feature. Nevertheless this canopy

feature at the height shown would sit comfortably between 'Block A' and the existing Marks and Spencer unit in terms of its overall scale.

- 6.23 The 'Activity Square', the 'Events Boulevard', 'Arrival Points', 'Interim Landscaping' and the 'Lakeside Path' areas all fall within the height parameters of Parameter Plan 5 of the outline permission.
- 6.24 The scale of the proposed development is acceptable and accords with the parameter plans and relevant conditions of the outline permission for this phase of development.

## V. APPEARANCE

- 6.25 In addition to the elevation plans the DAS shows through a number of illustrations of how the development would appear when complete. The existing LSC and surrounding development is characterised by predominantly facing brick facades with various parapet and canopy features along with large areas of glazing to demarcate the entrances to the LSC. The LSC is a late 1980's shopping centre reminiscent of commercial developments of that time.
- 6.26 The proposed development adopts a modern design approach and will appear significantly different to the existing LSC but is a high quality design which will use a variety of materials including specific lighting, metal cladding, steel work, and large areas of glazing. The DAS states, in reference of 'Block A', that the proposed design 'implements a layering approach of folded metal cladding panels integrating lighting'. Individual design features include jettied projecting screens, glazed balcony areas (at first floor level), glazed shop front units and canopy awnings to each restaurant unit.
- 6.27 For 'The Street' the existing Marks and Spencer entrance lobby features would be removed in favour of two smaller glazed entrances reducing projection coverage into this area. As such 'The Street' would be 20m wide for its entire length to the entrance to the existing LSC and its appearance would include two staggered canopy roof features that would be supported by metal posts with an enclosed roof above linking 'Block A' to the Marks and Spencer unit to the south.
- 6.28 To maintain consistency with the appearance of the shop front units of 'Block A' and 'The Street' the applicant has produced their own corporate design guide requiring future tenants to adhere to design principles and guidance regarding glazing, lighting, colours, outdoor seating and advertisements
- 6.29 The appearance of 'The Street' Activity Square, 'Events Boulevard', 'Arrival Points', 'Interim Landscaping' and 'Lakeside Path' would all feature a range of materials for hard and soft landscaping that define these spaces a high quality elements of the

public realm. Condition 24 of the outline permission requires details of the materials for the development to be agreed through a discharge of condition application process. The hard and soft landscaping details are further explained below.

- 6.30 Condition 25 of the outline permission required measures to be incorporated into the design of the proposal to ensure the development is safe and secure in design for the 'layout' and 'appearance'. The development would include a number of measures that reduce crime including vehicle security barrier between car park 10 and 'Block A' and specific street furniture.
- 6.31 The appearance of the proposed development is acceptable and accords with the relevant conditions of the outline permission for this phase of development.

## VI. LANDSCAPING AND PUBLIC REALM

- 6.32 Condition 9 of the outline permission requires details of the landscaping to be agreed through the reserved matters and as stated above Parameter Plan 6 of the outline permission requires details of the proposed public realm and vehicular access works to be approved through the reserved matters.
- 6.33 For Phase 1 the key features of the public realm improvements are 'The Street', Activity Square, 'Events Boulevard', 'Arrival Points' and 'Interim Landscaping'.
- 6.34 'The Street' would include a central seating area, feature paving and a water table feature all centrally located along this covered street. The water feature would form part of a connecting system linking to the 'Events Boulevard' and a water jet feature at 'The Activity Square'. 'The Street' would have restaurant uses opening out into this area with space allocated for each restaurant unit. The main pedestrian routes would either side of the central public realm features.
- 6.35 The 'Events Boulevard' would include similar features to 'The Street' plus mounds, sculptured seating, an events platform and feature landscaping areas. 'Arrival Point 1' links to the 'Events Boulevard' and a new canopy covered route would be formed between 'Block A' and the car park leading to one of the LSC entrances where car park 10 currently links the LSC.
- 6.36 'The Activity Square' links 'The Street', the 'Events Boulevard', the existing connecting pedestrian route to the cinema and Boardwalk restaurants and the new 'Arrival Point 2' location. 'The Activity Square' would form a water jet feature, landscaping areas, outdoor seating and an interactive digital screen.
- 6.37 To the west of the 'Events Boulevard' is an area of space that would be used for a range of uses for Phase 1. In the future this area would be developed further as Phase 2, which would be subject to a separate reserved matters application. For

Phase 1 this area would be accessed via a central route linking to edge of Lake Alexandra where a floating pontoon would be formed for future lake activities. Two 'interim space' zones would be created to either side of the central route and these 'interim spaces' would allow for a range of uses and seasonal events. These areas would include a range of street furniture, landscaping and feature paving.

- 6.38 For hard landscaping of these areas a range of colours would be used in the form of paving, asphalt, raised edge planters, metal edging, timber seats, concrete seats, steel planters and moveable timber planters. For soft landscaping a range of planting species would be used including bulb planting areas, wild flower meadows, hedge planting, artificial turf, and tree species such as birch and lime trees. A large number of trees would be removed as a result of this proposal but replacement tree planting is proposed and is welcomed by the Council's Landscape and Ecology Advisor to mitigate the loss of trees. Alongside the landscaping, ecological enhancements are to be installed including nesting boxes, bat boxes and invertebrate habitats, which is part of the requirements of condition 9 of the outline permission for ecological enhancements.
- 6.39 The Council's Landscape and Ecology Advisor considers that the overall landscape scheme is appropriate for the site and will result in positive enhancements to public realm including the access road beside the lake. The landscaping and public realm features of the proposed development are therefore acceptable and accord with Parameter Plan 6 and the relevant conditions of the outline permission for this phase of development.

## VII. LIGHTING

- 6.40 Details of lighting are required by condition 10 of the outline permission to be included in the reserved matters. A number of plans and the detailed DAS explain the importance of lighting to enhance its appearance and to create an area of quality public realm attractive to all future users. A lighting strategy has been created for each key area of the development and the plans show different levels of lighting the development for Phase 1. Seven lighting zones are proposed with varying degrees of lux ranging from low level areas of 7.5 lux for the Waterfront and Interim Events Space; 15 lux for the 'Events Boulevard', Activity Square, car park 10 link and 'Arrival Point 1'; and 75 lux for 'The Street'. A range of lighting technologies would be used to illuminate these areas but also to avoid light pollution. Consultation responses from the Council's Environmental Health Officer, Landscape and Ecology Advisor and Natural England raise no objections to the lighting measures, which are therefore considered acceptable for this development.

## VIII. ENERGY AND SUSTAINABILITY

- 6.41 To meet policy PMD13 (Decentralised, Renewable and Low-carbon Energy

Generation) and the requirements of condition 8 (Energy Strategy) of the outline permission for this Phase 1 development an Energy Statement has been submitted to demonstrate measures applied to the shell of the building and a route for future tenants of the units to achieve the standards. The development will include the following: passive and efficient designed windows, mechanical services and lighting; Air Source Heat Pumps; future connection to a District Heating System; and one photovoltaic array on the roof of 'Block A'. All of these measures are considered acceptable.

- 6.42 Condition 7 of the outline permission requires compliance with the BREEAM 'Very Good' rating and such measures are required to be agreed prior to the commencement of construction so is separate to this reserved matters application.

#### IX. DRAINAGE

- 6.43 Conditions 27 and 28 of the outline permission require details of the surface water drainage and foul water drainage schemes to be submitted prior to the commencement of development. The agreement of these details will be dealt with through a separate application process to this application but the details contained within the reserved matters show that surface water features would be installed as public realm features for Phase 1. These surface water features drain to the existing surface water drainage system which serves the LSC and outfalls via a series of drainage processes into Lake Alexandra. The Flood Risk Manager has no objections to these water feature installations.

The foul drainage through this development would connect to the existing systems.

#### X. OTHER MATTERS

- 6.44 In granting outline planning permission the development accorded with the LDF Core Strategy and Policies for the Management of Development, and therefore met the NPPF's 'presumption in favour of sustainable development'. This reserved matters application accords with the requirements of the outline planning permission meaning that the NPPF's 'presumption in favour of sustainable development' is met.

### 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 It is considered that the details submitted would ensure that the development is acceptable in terms of the access, layout, scale, appearance and landscaping, as required by local and national planning policies. Therefore it is recommended that the reserved matters are approved which will bring forward a high quality modern development to update, improve and diversify the LSC and the wider Lakeside Basin, which would be beneficial for the local economy at this Key Strategic

Economic Hub, as identifies in LDF policy CSSP2 (Sustainable Employment Growth).

**8.0 RECOMMENDATION**

8.1 It is recommended that the reserved matters are APPROVED subject to the following conditions:

**Approved Plans**

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

Plan Number(s):		
Reference	Name	Received
120066-D-101A	Location Plan	9th September 2016
16-02401-HL-XX-XX-DR-Y-XXX-0001-	Other	10th October 2016
M5397 200 D02	Other	10th October 2016
150332-D-201-B	Block Plan	10th October 2016
150332-D-204-B	Proposed Floor Plans	10th October 2016
150332-D-205-B	Proposed Floor Plans	10th October 2016
150332-D-206-B	Roof Plans	10th October 2016
150332-D-207-B	Proposed Elevations	10th October 2016
150332-D-208-B	Proposed Elevations	10th October 2016
150332-D-209-B	Proposed Elevations	10th October 2016
150332-D-210-B	Proposed Elevations	10th October 2016
150332-D-211-B	Proposed Elevations	10th October 2016
150332-D-212-B	Drawing	10th October 2016
150332-D-213-B	Sections	10th October 2016
150332-D-214-B	Sections	10th October 2016
16-02401-HL-XX-XX-DR-Y-XXX-0004-	Other	10th October 2016
M5397 310 D01	Other	10th October 2016
XX-XX-DR-Y-XXX-0002-P2	Other	7th September 2016
XX-XX-DR-Y-XXX-0003-P2	Other	7th September 2016

2525-ATR-001-D	Other	7th September 2016
2525-ATR-003-C	Other	7th September 2016
2525-ATR-005-D	Other	7th September 2016
2525-ATR-005-D	Other	7th September 2016
2525-ATR-010-D	Other	7th September 2016
2525-ATR-013-C	Other	7th September 2016
2525-ATR-014-C	Other	7th September 2016
2525-ATR-015-B	Other	7th September 2016
2525-ATR-016-C	Other	7th September 2016
2525-ATR-017-A	Other	7th September 2016
8525-SK-010-C	Other	7th September 2016
8525-SK-012-C	Other	7th September 2016
8525-SK-016-B	Other	7th September 2016
8525-SK-017-A	Other	7th September 2016
8525-SK-021-D	Other	7th September 2016
8525-SK-024-A	Other	7th September 2016
8525-SK-025-A	Other	7th September 2016
150332-D-202-A	Block Plan	7th September 2016
150332-D-203-B	Other	25 <sup>th</sup> October 2016
70018524-ART-007-D	Other	7th September 2016
M5397 100 D016	Other	7th September 2016
M5397 100.1 D01	Other	7th September 2016
M5397 103 D03	Other	7th September 2016
M5397 104 D02	Other	7th September 2016
M5397 400 D05	Other	7th September 2016
M5397 401 D04	Other	7th September 2016
M5397 402 D00	Other	7th September 2016
M5397 403 D01	Other	7th September 2016
M5397 410 D02	Other	7th September 2016
M5397 411 D00	Other	7th September 2016
M5397 703 D01	Other	7th September 2016
8525-ATR-012-D	Other	7th September 2016
M5397 105 D00	Other	7th September 2016

Reason: For the avoidance of doubt and in the interests of good planning.

### **Roundabout Junction Design**

2. Notwithstanding the details stated within the application, details of a revised road traffic junction between car park no.10 and car park no.12 and the northern link road to replace the existing roundabout junction shall be submitted to and approved in writing by the local planning authority. The details shall be provided prior to commencement of development. The



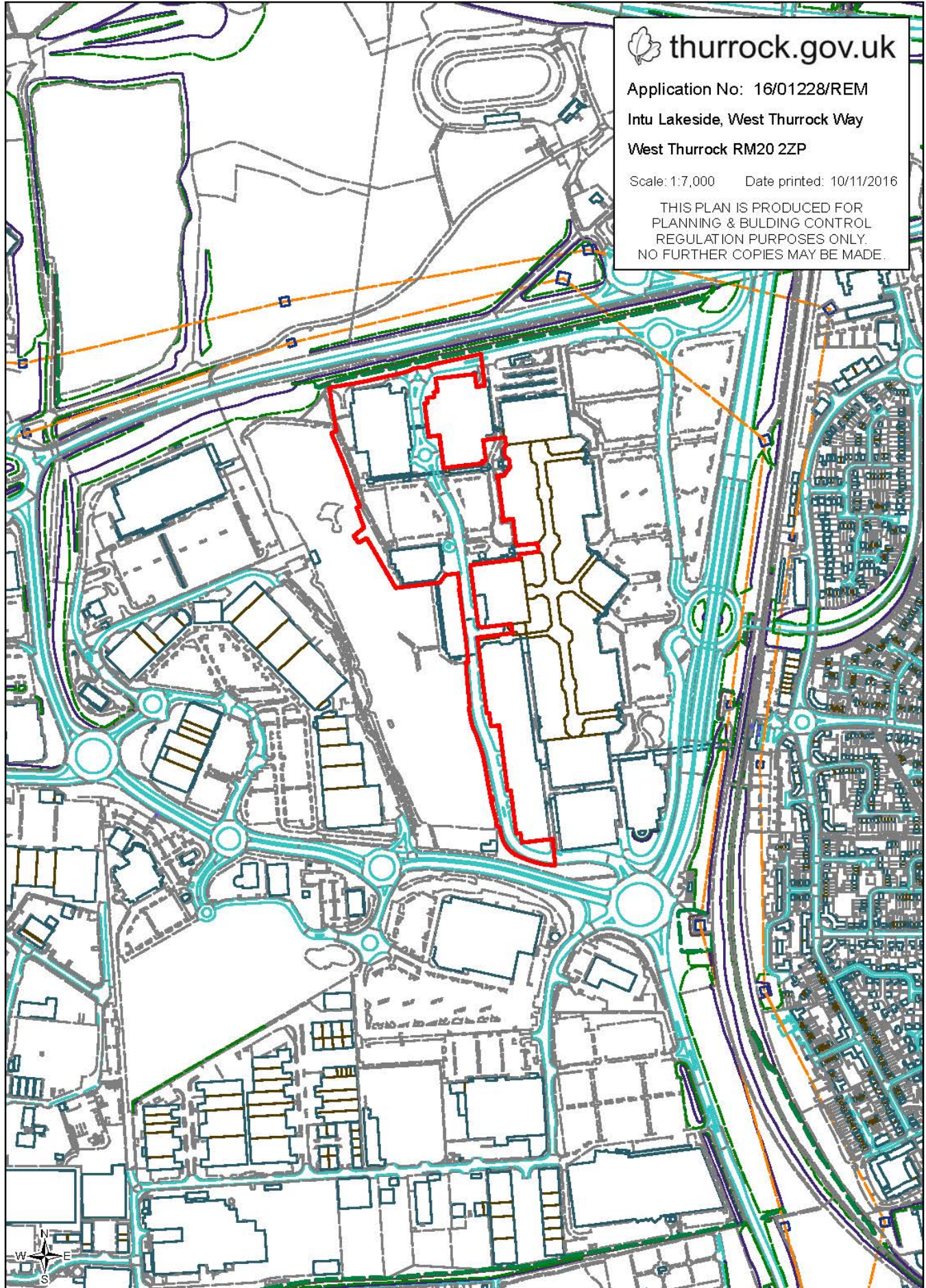
details as approved shall be implemented prior to occupation of the development and retained as such thereafter.

Reason: To ensure acceptable access arrangements for all forms of transport using this junction in the interests of highway safety to accord with policies CSPTP14, PMD2 and PMD9 of the LDF Core Strategy and Policies for 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](http://www.thurrock.gov.uk/planning)



<b>Reference:</b> 14/01278/FUL	<b>Site:</b> Land south of Marshfoot Road, west of St. Chad's Road (adjacent to the Gateway Academy) and land east of St. Chad's Road, south of Biggin Lane, Tilbury.
<b>Ward:</b> Tilbury St Chads	<b>Proposal:</b> Proposed solar farm comprising the installation of arrays of PV panels, central inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads.

<b>Plan Number(s):</b>		
Reference	Name	Received
1060618-LUD-AW-001 Rev. B	Appendix 1 – Site Location Plan – Revision 1	17.03.16
PV-100	Appendix 2 – Site Layout Plan – Revision 1	17.03.16
Appendix 3 – Revision 1	Typical Inverter Housing and Transformer	17.03.16
Appendix 4 – Revision 1	Customer Substation Layout	17.03.16
Appendix 5 – Revision 1	Camera Mounting System	17.03.16
Appendix 6 – Revision 1	Typical Boundary Fence – Metal Post and Green Wire Mesh Fencing	17.03.16
Appendix 7 – Revision 1	Typical Access Gate	17.03.16
Appendix 8 – Revision 1	Typical Cable Trench Details	17.03.16
Appendix 11 – Revision 1	PV Framework Elevations	17.03.16
Appendix 12 – Revision 1	Typical Front and Piled Front Elevation	17.03.16
Appendix 13 – Revision 1	Access Track Elevations	17.03.16
Appendix 14 – Revision 1	Traffic Management Schematic	17.03.16
1505/D004	Sites Capacities Plan – Revision 1	17.03.16

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>• Agricultural Land Classification Impact Assessment and Sequential Test Rev. 1</li> <li>• Baseline Ecological Survey Rev. 1</li> <li>• Biodiversity and Habitat Management Plan Rev. 1</li> <li>• Design and Access Statement Rev. 1</li> <li>• Environmental Statement (ES) Rev. 1</li> <li>• Flood Risk Assessment Rev. 1</li> <li>• Planning Statement Rev. 1</li> <li>• Supplementary Information to Support Environmental Statement</li> <li>• Statement of Community Involvement Rev. 1</li> <li>• Transport Statement Rev. 1</li> </ul>
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<p><b>Applicant:</b> The Place Solar Ltd.</p>	<p><b>Validated:</b> 9 December 2014</p> <p><b>Date of expiry:</b> 21 November 2015 (Article 34 extension of time agreed with applicant)</p>
<p><b>Recommendation:</b> To Refuse</p>	

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

### 1.1 Background

A report considering this application originally appeared on the Planning Committee agenda for the 30<sup>th</sup> April 2015 meeting. That report recommended planning permission be refused for reasons referring to:

- harm to the Green Belt;
- harm to landscape character and visual amenity; and
- flood risk vulnerability classification.

1.2 At that Committee meeting Members were provided with a verbal update by officers noting that further consultation replies and letters of representation had been received. The Committee was also advised that correspondence and revised proposals for biodiversity enhancement had been received from the applicant. As the Committee considered that there should be an opportunity to properly assess all of the further correspondence and information, determination of the application was deferred.

1.3 A further report considering the proposals appeared on the agenda for the Planning Committee meeting of 1<sup>st</sup> October 2015 recommending that, on balance, planning permission should be approved. However, shortly before that meeting an objection was received from the Environment Agency (EA) and consideration of the application was deferred. Since October 2015 the applicant has submitted further revisions to the proposals and the report below assesses the planning application as currently submitted.

### 1.4 Description of Proposal

In summary, the application proposes the construction and operation of a solar farm which would produce electricity for export to the National Grid. The proposals would involve development on a parcel of land generally located to the north of the built-up area of Tilbury and to the east of St. Chad's Road. The basic details of the planning application are summarised in the table below:

Gross site area	9.4 hectares
Gross site area of PV panels	Approx. 5.3 hectares
Maximum no. of PV rows	Approx. 40 rows
Power Output	5 MWp (sufficient to supply 1,070 homes)
Ancillary development	<ul style="list-style-type: none"> <li>• 4 no. inverters / transformers compounds each measuring 10.8m (l) x 3.5m (w) x 2.9m (h)</li> <li>• 1 no. Distribution Network Operator (DNO) sub-station measuring 12m (l) x 2.4m (w) x 2.8m (h)</li> <li>• Perimeter fencing 1.8m high</li> <li>• CCTV columns 3m high (7 no. in total)</li> <li>• Internal access tracks</li> </ul>

- 1.5 The application proposes the development and operation of a PV (photovoltaic) solar farm installation, providing up to 5MWp of electricity which would be supplied to the National Grid electricity network. The application suggests that the solar farm would generate enough electricity for an estimated 1,070 homes. Planning permission is sought for an operational period of 25 years, after which it is proposed to remove the PV installation, with all of its supporting infrastructure, and restore the land to its current state.
- 1.6 The development involves the installation of PV panels or modules in a series of rows aligned east to west, the rows are referred to as PV arrays. Detailed specifications of the panels proposed at the site have not been provided. However, a typical PV panel measures approximately 1.6m x 1m. The panels would be fixed and stationary and would not track to follow the movement of the sun. The panels would be mounted on an aluminium framework which would be assembled on-site such that the panels are tilted to face south at an angle of approximately 20° from the horizontal. The panels would be positioned between 0.4m-0.6m above ground level and to a maximum height of 2m. Each row of panels would be separated by a clear corridor measuring 2m wide. A site layout drawing suggests the site would accommodate approximately 40 rows of panels. However, the precise number of PV panels and rows on the sites would be determined at the detailed design stage taking into account topography, shading and mitigation measures. Columns supporting the frames which hold the panels will be sunk some 1.5m into the ground to provide stability against wind resistance.
- 1.7 The illustrative site layout drawing suggests that the PV arrays would be arranged on site to maintain a minimum 10m wide clear corridor to the site boundaries.
- 1.8 Each row of PV panels would be connected to an inverter which would convert DC output from the panels to AC. A total of 4 inverters are proposed and each would be housed in an enclosure measuring 10.8m (l) x 3.5m (w) x 2.9m (h). A new electricity substation would be provided close to the north-western corner of the site in order to export power from the development to the national grid. The applicant

states that connection to the National Grid will be via an underground cable linking to an existing overhead line connection adjacent to Marshfoot Road.

- 1.9 The boundaries of the site would be secured by a 1.8m high security mesh fence coloured green. At intervals around the site perimeter CCTV cameras would be mounted on top of poles, with each pole 3m in height. A total of 7 cameras would provide surveillance for the site.
- 1.10 Access to the site would be taken from a new point of access on the eastern side of St. Chad's Road, opposite the entrance to the Gateway Academy. Access tracks would be constructed within the site to be used during construction, operation and de-commissioning of the solar farm. If approved, the construction phase of development would last for 16 weeks. During operation, there would be occasional visits, every 6 months or so, to the site for security and maintenance purposes.
- 1.11 The application includes proposals for landscape and ecological enhancement including:
- hedgerow planting, enhancement and management;
  - tree enhancement and management;
  - grassland enhancement and management; and
  - wildlife enhancement.
- 1.12 Permission is sought for an operational period of 25 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.

1.13 Process

The application proposes development subject to the EIA Regulations, therefore, the application has been accompanied by an EIA. The EIA considers the environmental effects of the proposed development during construction and also when operational and includes measures either to prevent, reduce or offset any significant adverse effects on the environment. The findings of the EIA are presented in an Environmental Statement (ES) submitted with the application. The ES is accompanied by a number of technical appendices. The contents of the EA are listed in the supporting documents section of this report.

- 1.14 The Council has a statutory duty to consider environmental matters and an EIA is an important procedure for ensuring that the likely effects of new development are fully understood and taken into account before development proceeds. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted but also facilitates the drafting

of planning conditions and legal agreements in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. It is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.

- 1.15 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations.
- 1.16 With reference to procedure, this application has been advertised as being accompanied by an Environmental Statement, as a departure from the Development Plan and as a major development. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:
- may conflict with national policies on important matters;
  - may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
  - could have significant effects beyond their immediate locality;
  - give rise to substantial cross-boundary or national controversy;
  - raise significant architectural and urban design issues; or
  - may involve the interests of national security or of foreign Governments.

## **2.0 SITE DESCRIPTION**

- 2.1 The site comprises a parcel of land generally located to the east of St. Chad's Road and south of Biggin Lane. The site is broadly square-shaped with an area of 9.4 hectares and a frontage to Biggin Lane of some 180m. The site has maximum dimensions of approximately 350m (measured north-south) and approximately 320m (measured east-west). The site is currently open agricultural land and comprises part of a large field bordered by drainage ditches.

- 2.7 The northern boundary of the site to Biggin Lane is largely open, with tree and shrub planting to the boundary with the adjacent riding school. The western boundary of is partly defined by hedgerow planting. The southern boundary of the site is largely open. Finally, the eastern boundary of the site is marked by a drainage ditch.
- 2.8 To the north of the site on the opposite side of Biggin Lane the site is adjoined by the Laurels and Hobhill Farm. To the north-west of the site is the Tally-Ho riding school. Open fields also adjoin the site to the south and east. To the west, the site is adjoined by St. Chad's Road (to the north) and a Traveller's site (to the south).
- 2.9 The site within the Green Belt and is low-lying, flat and open. The site is located within the Tilbury Flood Storage Area which is designated as 'Flood Zone 3b (the functional floodplain).

### 3.0 RELEVANT HISTORY

Application Reference	Description	Decision
57/00141/FUL	Use of land for residential purposes	Refused
13/00895/SCR	Request for screening opinion (pursuant to EIA Regulations)	Proposed development requires EIA
14/00662/SCO	Request for scoping opinion (pursuant to EIA Regulations)	Advice given
14/30139/PMAJ	Request for pre-application planning advice	Advice given

### 4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council's website at: [www.thurrock.gov.uk/planning/14/01278/FUL](http://www.thurrock.gov.uk/planning/14/01278/FUL)

#### PUBLICITY:

- 4.2 The application has been publicised by the display of site notices, a newspaper advertisement and consultation with relevant consultees. The proposals have been advertised as being accompanied by an Environmental Statement, as a major development and as a departure from the Development Plan. The application has been publicised on three separate occasions: firstly after the original submission in December 2014; secondly in September 2015 after the receipt of revised proposals; and finally in March 2016.



4.3 Neighbour consultation letters have been sent to 177 surrounding properties. In response to the December 2014 consultation 7 responses were been received objecting to the proposals for the following reasons:

- access to the site;
- additional traffic;
- out of character;
- overlooking;
- excessive noise;
- loss of views;
- loss of Green Belt;
- environmental pollution; and
- effect on house prices.

4.4 An additional letter of objection was received in September 2015.

4.5 Three letters has also been received from the Port of Tilbury (in response to the separate consultations) which object to the proposal on the basis that very special circumstances to override the significant harm to the Green Belt have not been demonstrated.

4.6 1 letter of support has been received and 12 expressions of support for the proposals have been received via e-mail, although no postal addresses have been provided. In addition, 13 standard pro-forma letters of support have been received from postcodes within Chadwell St. Mary.

4.7 The following consultation responses have been received.

4.8 ENGLISH HERITAGE:

Do not offer comments on this occasion.

4.9 ENVIRONMENT AGENCY:

Object to the application on flood risk grounds.

4.10 ESSEX & SUFFOLK WATER:

No objections.

4.11 ESSEX BRIDLEWAY ASSOCIATION:

No objection subject to condition.

4.12 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections subject to condition.

4.13 ESSEX FIELD CLUB:

Object on the basis that the information in the ES and Ecological Survey are considered unfit for purpose.

4.14 NATURAL ENGLAND:

No objection.

4.15 ENVIRONMENTAL HEALTH:

No objection subject to condition.

4.16 FLOOD RISK MANAGER:

No objection subject to condition.

4.17 HIGHWAYS:

No objections, subject to conditions.

4.18 LANDSCAPE & ECOLOGY:

No objection to revised plans, subject to planning condition.

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27<sup>th</sup> March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990, and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design

8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment.

### 5.3 Planning Practice Guidance (PPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:

- climate change
- design
- determining a planning application
- Environmental Impact Assessment
- flood risk and coastal change
- natural environment
- renewable and low carbon energy
- travel plans, transport assessments and statements in decision-taking
- use of planning conditions.

5.4 PPG states that, although the NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities (Paragraph 003, Reference ID: 5-003-20140306). This paragraph goes on to state that local and neighbourhood plans are the key to delivering renewable and low carbon energy) development that has the backing of local communities. When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation. Paragraph 005, Reference ID: 5-005-20150618 of PPG notes that Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable.

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

*“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:*

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015;*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

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

The Ministerial speech referred to above sets out the (then) Government's message of *"focusing deployment on buildings and brown-field land – not green-field. Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation ... incorporating well thought out visual screening ...involving communities in developing projects and bringing them with you ... all of these will be vital in creating a sustainable future for large-scale solar PV."*

The written Ministerial statement referred to by PPG makes clear that *"any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."*

## 5.6 UK Solar PV Strategy

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

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.
- Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

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

## 5.8 Local Planning Policy

## 5.9 Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Adopted Interim Proposals Map shows the site within the Green Belt. The following Core Strategy policies apply to the proposals:

#### SPATIAL POLICIES

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock<sup>1</sup>

#### THEMATIC POLICIES

- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury<sup>3</sup>
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness<sup>2</sup>
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change<sup>2</sup>
- CSTP26: Renewable or Low-Carbon Energy Generation<sup>2</sup>
- CSTP27: Management and Reduction of Flood Risk<sup>2</sup>
- CSTP33: Strategic Infrastructure Provision

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity<sup>2</sup>
- PMD2: Design and Layout<sup>2</sup>
- PMD4: Historic Environment<sup>2</sup>
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities<sup>3</sup>
- PMD6: Development in the Green Belt<sup>2</sup>
- PMD7: Biodiversity, Geological Conservation and Development<sup>2</sup>
- PMD8: Parking Standards<sup>3</sup>
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans<sup>2</sup>
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment<sup>2</sup>
- PMD16: Developer Contributions<sup>2</sup>

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

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28<sup>th</sup> February 2015.

## 6.0 ASSESSMENT

6.1 As noted at paragraphs 1.1 to 1.3 above, reports considering the earlier proposals appeared on the Planning Committee agendas for the 30<sup>th</sup> April 2015 and 1<sup>st</sup> October 2015 meetings. However, given the passage of time since these earlier reports and the further changes to the submitted proposals, a single updated report is presented to Members of the Committee, without reliance on earlier reports as appendices.

6.2 The principal issues for consideration in this case relate to:

- i. Principle of the development and impact on the green belt;
- ii. Landscape and visual impact;
- iii. Impact on agricultural land;
- iv. Ecological implications;
- v. Impact on amenity, air quality & noise;
- vi. Impact on heritage assets & archaeology;
- vii. Highways considerations; and
- viii. Flood risk.

### I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT ON THE GREEN BELT

6.3 Under this heading, it is necessary to refer to the following key questions:

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

6.4 i. whether the proposals constitute inappropriate development in the Green Belt

The site is located within the Green Belt. Paragraph 91 of the NPPF states:

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

It is considered that the development would impact on openness and conflict with purposes of including land in the Green Belt and therefore is considered to comprise inappropriate development in the Green Belt.

6.5 ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

Development plan policy, as expressed in the LDF Core Strategy as amended (LDF-CS), was adopted in 2015. The objectives of LDF-CS policies are consistent with national policies on Green Belt matters. LDF-CS policy CSSP4 (Sustainable Green Belt) sets out the objective of maintaining the purpose, function and open character of the Green Belt. Part 1 of this Policy relates to ‘Balancing competing demands on the Thurrock Green Belt’ and states; ‘the Council will:

- I. maintain the permanence of the boundaries of the Green Belt, excepting the proposed Urban Extension Broad Locations identified in this policy, Policy CSSP 1 and as shown on the Proposals Map;
- II. resist development where there would be any danger of coalescence; and
- III. maximise opportunities for increased public access, leisure and biodiversity.

6.6 LDF-CS Policy PMD6 (Development in the Green Belt) states that permission will only be granted for new development where it meets the requirements and objectives of PPG2. The NPPF has superseded PPG2, however the list of appropriate new buildings in the Green Belt referred to in the NPPF remains consistent with the former PPG2. Judged against the NPPF, the proposals clearly constitute inappropriate development in the Green Belt.

6.7 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

6.8 Inappropriate development is by definition harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. At paragraph 79, the NPPF states that the



fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Whilst the application proposes operation of the solar farm for a temporary period (25 years), the proposals would nevertheless comprise a substantial amount of structures, fencing etc. in an area which is free from built development. It is considered that the amount and scale of development proposed would reduce the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in consideration of this application.

- 6.9 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves as follows:
- i. to check the unrestricted sprawl of large built-up areas;
  - ii. to prevent neighbouring towns from merging into one another;
  - iii. to assist in safeguarding the countryside from encroachment;
  - iv. to preserve the setting and special character of historic towns; and
  - v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.10 With regard to point (i) above, the NPPF does not define what constitutes a 'large built-up area'. However, in this case the site is located in-between the settlements of Tilbury to the south, Chadwell St. Mary to the north and Grays / Little Thurrock to the west. These adjoining settlements could be reasonably described as 'large built-up areas', especially when considering that Tilbury and Grays are defined as regeneration areas in the LDF-CS. Consequently, it is considered that development of the site would, to a degree, represent unrestricted urban sprawl compromising this purpose of including land in the Green Belt. However, it is relevant to consider the temporary (25 year) nature of the proposals in assessing the proposals against this purpose of the Green Belt.
- 6.11 With reference to the second purpose above, the site is located in-between the built up area of Tilbury and Chadwell St. Mary and is also close to the edges of those settlements. The 'corridor' of land designated as Green Belt and arranged to the north of Tilbury provides an open 'buffer' separating Tilbury from Chadwell St. Mary. It is considered that the development of the site as proposed would result in a degree of coalescence between settlements, and the purpose of preventing the merging of neighbouring towns would be partially harmed as a result of the development proposed.
- 6.12 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open agricultural land. The term "countryside" can include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is considered that the proposals would constitute an encroachment of built development into the countryside at this

location, causing some harm to the third purpose for including land in the Green Belt.

- 6.13 Since there are no historic towns in the immediate vicinity of the site, it is not considered that that Green Belt at the site performs a function in preserving the setting and special character of an historic town.
- 6.14 The final purpose of including land within the Green Belt is 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. Paragraph 91 of the NPPF implies that renewable energy projects could be located within the Green Belt. Nevertheless, the guidance within PPG quoted above seeks to focus large scale solar farms on previously developed and non-agricultural land. In this instance, the site is clearly a 'greenfield' location and consequently, it is considered that the proposals would not advance this Green Belt purpose.
- 6.15 In light of the above analysis, it is considered that the development proposed would, to a degree, be contrary to a number of the purposes for including land in the Green Belt as detailed at paragraph 80 of the NPPF. In addition, there would be in-principle harm by reason of inappropriate development and harm by reason of loss of openness. Substantial weight should be afforded to these factors.
- 6.16 iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

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'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

The Planning Statement submitted by the applicant to accompany the application sets out the applicant's case for development under the following headings:

- lack of alternative sites;
- temporary use;
- protection of Green Belt from encroachment;
- meeting the UK's renewable energy needs; and
- benefits of renewable energy (i.e. direct job opportunities, indirect job opportunities, increased reliability and security of energy supply, possibilities of indirect benefit through marketing, community benefit, educational opportunities, quality of life benefits, Increased biodiversity, reduction of carbon emissions, air quality improvements).

The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

#### 6.17 **The applicant's case for development:**

##### Lack of alternative sites

The applicant's case under this heading refers to paragraph 97 of the NPPF which, under the chapter heading of "*Meeting the challenge of climate change, flooding and coastal change*", states that:

"To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They (local planning authorities) should, inter-alia, consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources."

The applicant states that the Council has not identified or allocated any sites for renewable energy projects. When considering the lack of suitable brownfield sites and the extent of the Green Belt, the applicant considers that the lack of allocated sites does not assist developers in finding sites on non-Green Belt land.

#### 6.18 Consideration

The current position for the Council's planning policies is set out in paragraphs 5.8 to 5.12 of this report. Core Strategy Thematic Policy CSTP26 addresses the "theme" of renewable or low carbon energy generation. This policy was subject to the Focused Review (2014) and therefore can be considered as consistent with the NPPF. Although not specific to individual sites (which were to be identified through the Site Specific Policies & Allocations DPD), this Policy nevertheless states at (1.) that:

*"The Council will promote and facilitate proposals for centralised renewable and low-carbon energy schemes at appropriate locations and standards, including but not exclusively at Tilbury and London Gateway."*

- 6.19 Therefore, through the Core Strategy, the Council has identified two broad areas where proposals for renewable energy could be supported, subject to the detail of the individual case.
- 6.20 Both the NPPF and PPG express support for the principle of renewable energy and the contributions which can be made to reducing greenhouse gas emissions. However, this general encouragement does not override environmental protections, such as the presumption against inappropriate development in the Green Belt, and substantial weight should be given to Green Belt harm. PPG refers to *“focussing focussing large scale solar farms on previously developed and non-agricultural land”* and Policy CSTP26 identifies two brownfields locations where renewable energy proposals are encouraged.
- 6.21 In these circumstances, the applicant’s case that there is a lack of alternative sites should only carry limited weight in the balance of considerations.

#### 6.22 Temporary Use

The applicant refers to the proposed 25 year lifespan of the development after which the solar farm will be removed and the site returned to its former use. Impacts on the Green Belt are therefore considered to be temporary in nature and reversible. The development as proposed would not lead to permanent coalescence or urban sprawl.

#### 6.23 Consideration

The applicant is not seeking a permanent planning permission and the solar farm (if approved) would be removed after 25 years of operation. This period of time is nevertheless moderately long. In considering the proposal for a solar farm at Lower Dunton Road in 2013 (ref. 13/00543/FUL) only limited weight was placed on this factor (a temporary permission) in the balance of considerations. At appeal, planning inspectors considering solar farms in the Green Belt have weighed the temporary nature of different proposals with the overall harm to the Green Belt. In dismissing an appeal in 2014 (ref. APP/F0114/A/13/2198715) an inspector considered that, subject to a planning condition limiting operation to 25 years, a development would *“not therefore be permanent, and to that extent its overall impact on the Green Belt would be reduced. However, 25 years is a lengthy period of time, throughout which the harm caused would subsist”*. In considering a Green Belt solar farm proposal in 2012 at a site in Epping (ref. APP/J1535/A/12/2173989) the inspector considered that *“the fact that the solar park would be removed after 25 years does not change this assessment”* (of harm).

- 6.24 Therefore, as with the consideration of 13/00543/FUL, it is concluded that only limited weight should be attached to the temporary nature of the proposed development. A number of more recent recovered appeal decisions issued by the

Secretary of State have also provided some guidance on this point. In dismissing an appeal against the refusal of planning permission for a solar PV farm at a Green Belt site in Somerset (February 2016 ref. APP/F0114/W/15/3103260), the Secretary of State took the view that *“25 years is a considerable period of time and the temporary nature of the proposal is not a matter that he has taken into account in his consideration of whether the scheme should go ahead.”* Furthermore, in dismissing an appeal against the refusal of planning permission for a solar PV farm at Green Belt site in West Lancashire (January 2016 ref. APP/P2365/W/15/3011997) the Secretary of State concluded that *“the temporary nature of the proposal for 25 years carries limited weight in favour of the proposal”*. Consequently, it is concluded on this point that the temporary nature of the development attracts, at best, only limited weight in the balance of Green Belt considerations.

#### 6.25 Protection of Green Belt from Encroachment

The applicant refers to development on the Green Belt close to the site (Gateway Academy and London Distribution Park) which demonstrates that this part of the Green Belt is vulnerable to development pressure. The applicant considers that implementation of the proposed temporary solar farm will protect Green Belt land from further encroachment as a result of permanent development.

#### 6.26 Consideration

The applicant is suggesting that this part of the Green Belt is under pressure from development, as demonstrated by the development of permanent buildings at the Gateway Academy and London Distribution Park sites closeby. The applicant considers that the temporary development currently proposed would protect this part of the Green Belt from further permanent development (for a period of 25 years).

6.27 Each application for planning permission should be considered on its individual merits and in accordance with the planning policies and material planning considerations operational at the time of consideration. Therefore, it is not necessary to describe or justify in great detail the particular planning circumstances of the Gateway Academy and London Distribution Park sites.

6.28 The essence of the applicant’s case under this heading is that protection of the Green Belt from potential permanent development is made possible by the temporary development of the site as proposed. Paragraph 79 of the NPPF sets out the essential characteristics of Green Belt, which includes their openness. It has been established above that the proposed development is inappropriate and therefore harmful to the Green Belt by definition. It has also been demonstrated that the proposals would, to a degree, be harmful to a number of the purposes of including land in Green Belts. Substantial weight should be attached to this harm. The inappropriate development proposed, albeit on a temporary basis, cannot

reasonably be used as an argument for protecting the site against potential permanent development. It is considered that this argument should not be afforded weight in the balance of Green Belt considerations.

6.29 Meeting the UK’s Renewable Energy Needs

The applicant states that the development of the site as proposed will generate approximately 5MWp of electricity which is sufficient to supply some 1,070 homes. The proposals will also lead to an annual reduction in CO<sub>2</sub> emissions of approximately 3,100 tonnes.

6.30 Consideration

The contribution which renewable energy can make towards sustainable development is recognised within the NPPF. Paragraph 17 of this document lists 12 core planning principles which should underpin decision-making. Core principle six supports the transition to a low carbon future by encouraging the use of renewable resources, for example by the development of renewable energy. Under the heading of ‘meeting the challenge of climate change, flooding and coastal change’ paragraph 93 of the NPPF notes that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. This is described as central to the economic, social and environmental dimensions of sustainable development. In order to increase the use and supply of renewable and low carbon energy, local planning authorities should have a positive strategy to promote energy generation from these uses (NPPF para. 97). When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy or low carbon energy and should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable (NPPF para. 98). Consequently, there is considerable support within national planning policy for the generation of renewable and low carbon energy. As noted above, paragraph 91 of the NPPF states that, in the case of renewable energy projects located in a Green Belt, very special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources.

6.31 In terms of the adopted Core Strategy (as amended), Policy CSTP25 (Addressing Climate Change) states that the Council:

*“will seek the achievement and maintenance of the following minimum reductions in CO<sub>2</sub> emissions compared to emissions in 2005:*

<b>Sector</b>	<b>By 2015</b>	<b>By 2020</b>
<i>Domestic: CO<sub>2</sub> per household</i>	4.0%	5.8%
<i>Road Transport: CO<sub>2</sub> per AADT*</i>	6.0%	6.5%
<i>Business: CO<sub>2</sub> per job</i>	9.0%	11.3%

*\* Annual Average Daily Traffic\**

Paragraph 5.156 of the adopted Core Strategy (as amended) sets out strategic priorities for climate change action which includes *“increasing renewable and low carbon energy generation”*.

6.32 On this point, it is concluded that the contribution the proposal would make towards clean energy generation and reducing carbon emissions is supported by national and local policy and accordingly should be afforded weight in the consideration of very special circumstances. The degree of weight which this factor should be afforded in the balance of Green Belt considerations has been detailed in a number of recent recovered appeal decisions. In dismissing an appeal against the refusal of planning permission for a solar PV farm at Green Belt site in South Cambridgeshire (June 2016 ref. APP/W0530/W/15/3012014) the Secretary of State concluded that *“substantial weight should be given to the contribution ... to national renewable energy targets (and the consequent reduction in greenhouse gases)”*. In dismissing an appeal against the refusal of planning permission for a solar PV farm at a Green Belt site in Chester (May 2016 ref. APP/A0665/W/15/3140162) the Secretary of State concluded that *“the proposal (5MW capacity) would make a valuable contribution to energy security and national energy targets and this weighs significantly in favour of the application.”*. In line with these recent decisions, substantial or significant weight should be given to the contribution the proposals would make to the provision of renewable energy.

6.33 Benefits of Renewable Energy

The applicant promotes a number of economic, social and environmental benefits which are summarised in the table below:

Economic benefits	Direct job opportunities	Construction and operational phase jobs
	Indirect job opportunities	Solar farm component manufacture
	Increased reliability and security of supply	More diverse energy generation technologies, decentralised generation, less power wastage during transmission
	Possibilities of indirect benefit through marketing	Improved area image and possible inward investment
Social benefits	Community benefit	Provision of a 'Community Fund to support good causes etc.
	Educational benefits	Wider awareness of renewable energy / environmental issues
	Quality of life benefits	Mitigation of the effects of climate change
Environmental	Small loss of agricultural	Land will continue to be used for

benefits	land	agricultural purposes
	Increased biodiversity	Screen planting and hedgerows
	Reduction in carbon emissions	Helping to meet UK emission targets
	Air quality improvements	Indirect benefit of reduced fossil fuel emissions

6.34 Consideration

*Economic Benefits:* if approved and implemented, temporary jobs would be created during the 16-week phase. During operation of the development periodic maintenance would be required, however employment opportunities associated with the operational phase of the development are considered to be limited. Accordingly, only limited weight should be attached to this factor. As noted above renewable energy generation is generally encouraged, subject to environmental protections, and therefore the contribution towards security in electricity supply should be afforded weight in the balance of considerations. The possibilities of further inward investment by related technologies if permission were to be granted are not explained further, are considered to be uncertain and are difficult to quantify. Therefore, only very limited weight should be afforded to this particular factor.

6.35 *Social Benefits:* the applicant refers to the provision of a Community Fund “to be decided with the local community ... to support good causes, reduced electricity costs, or apprenticeships.” The applicant goes on to note that the Fund “will be a specific benefit that we establish for those hosting the solar farm. We have found that this works best through engagement with the Community Forums as to how the fund will be administered, etc. Other than providing the payment to the Fund, the solar farm operator would have no active role other than holding a position of a non-executive position where the administration and use of the fund can be observed to ensure that it acts with good governance and for the benefit of the local community in accordance with the constitution and rules of the fund. Such opportunities could include:

- *establishment of a local Environmental Trust or Community Benefits Trust, with funds being contributed annually by the developer and used for energy conservation measures;*
- *local share issue;*
- *local or community ownership of panels*
- *investment in Green Infrastructure provision and management, especially at the landscape scale;*
- *where appropriate, the development and installation of viewing areas, interpretation panels, visitor or educational facilities as part of the development proposal.*



- 6.36 Members of the Committee may recall a similar fund associated with the recent planning permission for a solar farm at East Tilbury (ref. 15/00288/FUL). Nevertheless, although the applicant is agreeable to a planning condition to secure the establishment of a fund, any such condition must meet the tests for planning conditions set out in the NPPF (i.e. necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable). In this case, the applicant's examples of how funding could be spent would appear to meet the objectives of a number of Development Plan policies. However, a Planning Inspector's report for a recovered planning appeal dismissed in Brentwood (May 2016, ref. APP/H1515/W/15/3134301) noted that this factor was "*not a material consideration for inclusion in the planning balance for this appeal*". Similarly, in dismissing a recovered appeal for at site at Sevenoaks (ref. APP/G2245/W/15/3011499, August 2016) the Inspector's report noted "*Even if the proposed financial contributions to local organisations and facilities could be secured by means of a properly executed section 106 obligation, no weight should be given to them in the planning balance that applies here because they would not be necessary to make the scheme acceptable in planning terms. The offer to set up a community fund and to support local groups and green energy initiatives should not be given any weight because there is no evidence that this would accord with relevant statutory and policy requirements.*" Accordingly, no weight can be attached to this factor.
- 6.37 Under the heading of educational benefits, the applicant refers to "*Wider awareness of renewable energy, specifically solar, increased interest in environmental issues.*" However, these educational benefits are not explained further, quantified or their delivery explained. Accordingly only very limited weight can be attributed to these educational benefits in the balance of considerations.
- 6.38 The applicant also refers to quality of life benefits (under the heading of Social Benefits) comprising "*Protection of properties, surrounding area and biodiversity through mitigation of the effects of climate change*". Although these benefits are not explained further, it is assumed that the applicant is referring to the contribution the proposals would make towards reductions in carbon emissions and consequent effects on climate change and rises in sea levels. There is overlap between this factor and the environmental benefits considered below. It is accepted that the contribution that renewable energy generation can make to towards limiting the impact of climate change should weigh in favour of the proposals.
- 6.39 *Environmental Benefits:* the applicant states that the site can still be used for agricultural purposes, such as grazing on land in-between and underneath the solar PV arrays. As the site is currently in agricultural use as arable land, the continued agricultural use (potentially for grazing) should not necessarily be seen as an environmental benefit, as there is no net change in the agricultural 'status' of the land. On this point, in dismissing an appeal against the refusal of planning permission for a solar PV farm at Green Belt site in Surrey (November 2015 ref. APP/C3620/W/14/3000674) the Secretary of State agreed with a Planning Inspector's conclusion that "*the intention that sheep would graze between and*

*beneath the solar arrays, although there is no mechanism to ensure that this takes place throughout the lifetime of the development, and this intention carries very little weight*". The application states that planting and ecological enhancement will increase the biodiversity of the area. A soft landscaping drawing and Biodiversity and Habitat Management Plan have been submitted detailing the provision and management of new planting and habitat. In summary, the proposals involve:

- new and enhanced hedgerow planting along the north-eastern, eastern, southern and north-western boundaries of the site;
- new tree planting along the site's north-western boundary (adjacent to St. Chad's Road); and
- grassland enhancement comprising a wildflower buffer around the edge of the site and management of the grassland in-between and underneath the PV arrays.

6.40 The ecological implications of the proposals are considered in more depth separately in this report. It could be argued that some elements of the applicant's proposals, namely the new and enhanced hedgerow planting, could be regarded as mitigation in relation to impact of the development on the local landscape and visual receptors rather than a net benefit. Nevertheless, the proposed planting of wildflower grassland would add to the range of habitats on-site and would represent a net ecological benefit which should be afforded moderate weight in the balance of considerations. The benefit of reduced carbon emissions is considered above. The indirect benefit to air quality of reducing emissions from fossil fuels has not been further detailed by the applicant. Nevertheless, this factor can be afforded a degree of weight.

#### 6.41 Conclusions

Under the heading of Green Belt considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle, would reduce the openness of the Green Belt and would conflict, to a degree, with some of the purposes for including land in the Green Belt. Substantial weight should be attached to this harm. Nevertheless, paragraph 91 of the NPPF recognises that renewable energy projects may be proposed in the Green Belt and that *"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

6.42 With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Summary of Harm and Very Special Circumstances				
Harm	Weight	Factors promoted as very special circumstances	Weight	
Inappropriate development	Substantial	Lack of alternative sites	Limited	
Reduction in the openness of the Green Belt		Temporary Use	Limited	
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Protection of the Green Belt from encroachment	None	
		Contribution towards meeting UK renewable energy needs	Significant	
		Economic Benefits		
		Job opportunities	Limited	
		Security of energy supply	Significant	
		Potential for further inward investment	Limited	
		Social Benefits		
		Community Benefit Fund	None	
		Educational benefits	Limited	
		Quality of life (reduced CO <sub>2</sub> emissions / climate change / sea level change)	Significant	
		Environmental Benefits		
		Continued agricultural use of site	Very little	
		Increase biodiversity	Moderate	
Meeting UK CO <sub>2</sub> emission targets	Significant			
Air quality improvement	Significant			

6.43 Within the table above a number of factors promoted by the applicant are attributed ‘significant’ weight. However, these factors are related and it is considered that the single substantive issue of the contribution towards the production of renewable energy (with the attendant benefits of security of energy supply, reduced CO<sub>2</sub> emissions, air quality and mitigation of climate change) which should attract significant weight. Moderate weight should be attached to the enhancements to the biodiversity of the site and it is considered that these would go beyond mitigation of the impacts of the development. However, only limited weight, or no weight at all can be attached to the remaining factors promoted by the applicant.

6.44 In reaching a conclusion on Green Belt issues a judgement as to the balance between harm and benefit must be reached. As noted by an Inspector in

considering an application for a solar farm in the Green Belt in Oxfordshire (ref. APP/C3105/A/13/2207532):

*“... renewable energy projects are not prohibited outright in the Green Belt. It is, as ever, a matter of balancing any benefits they would bring forward, against any harm they would cause.”*

6.45 More recently, in considering a recovered appeal in Havering (2016 – ref. APP/B5480/W/15/3007618) the Inspector noted that:

*“The tension between two national policy aims - Green Belt protection and provision of renewable and low carbon energy infrastructure - that would arise from any proposal would need to be resolved on a case-by-case basis.”*

6.46 In this case there is clearly harm to the Green Belt with reference to inappropriate development, loss of openness and the conflict, to varying degrees, with a number of purposes of including land in the Green Belt. However, this is considered to be full extent of the harm, as given the assessment elsewhere in this report, there is no significant harm, to landscape and visual receptors, agricultural land, ecology etc. A number of factors have been promoted by the applicant as ‘very special circumstances’ and it is for the Committee to judge:

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

6.47 As an aside, it is evident that the Government has been recently adopting a tougher line in the matter of recovered appeal decisions for solar farms located in the Green Belt. Since November 2015 all 14 recovered planning appeals involving solar farm proposals in the Green Belt have been dismissed by the Secretary of State. Although the policy landscape has not changed and is as set out earlier in this report, these recovered appeal decisions perhaps serve to emphasise that the ‘very special circumstances’ test is a high bar needed to demonstrate that harm has been clearly outweighed. Nevertheless, each application must clearly be resolved on a case by case basis.

6.48 This case is considered to be finely balanced. However taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

## II. LANDSCAPE AND VISUAL IMPACT

6.49 The proposals involve the introduction of an extensive structural framework in order to support the rows of PV panels, security fencing, inverter cabinets, a sub-station and poles surmounted by CCTV cameras. The erection of these features would result in a substantial change to the current nature of the site, which is characterised by an open arable field. However, the potential impact on landscape and visual amenity has to be balanced against the extent of any harm and the mitigation measures which are proposed.

6.50 With regard to the context of planning policy, under the heading of Core Planning Principles the NPPF (paragraph 17) states that *“planning should:*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.*

6.51 Part 11 of the NPPF deals with “Conserving and enhancing the natural and local environment”, and indicates at paragraph 109 that *“the planning system should contribute to and enhance the natural and local environment by.....protecting and enhancing valued landscapes”.* Paragraphs 113 to 116 elaborate on this.

6.52 Core Strategy Policy CSSP4 (Sustainable Green Belt) outlines the strategic approach to the Green Belt within the Borough and the intention of the Council to enhance the Green Belt by improving landscape features and sustaining the open character. Policy CSTP23 (Thurrock Character and Distinctiveness) is also relevant and Part II of this policy states that:

*“The Council requires the retention and enhancement of significant natural, historic and built features which contribute to the character of the Borough as defined by their value, quality, cultural association and meaning or their relationship to the setting and local context”.*

Part III states:

*“The Council requires the retention and enhancement of strategic and local views, which contribute to a distinctive sense of place. Where development will affect these views, their sensitivity and capacity for change must be adequately assessed and the effect of the development on them appropriately tested”.*

6.53 Core Strategy Policy PMD1 relates generally to impact on amenity and Policy PMD2 (Design and Layout) criteria (i) relates to character and states:

*“Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views, townscape, heritage assets and natural*

*features, and contribute to the creation of a positive sense of place*". Criteria (vii) of this policy seeks the protection and enhancement of landscape features.

- 6.54 The site falls within the Tilbury Marshes landscape character area (C5), as defined by the Thurrock Landscape Capacity Study (2005). This area has key characteristics including a low lying, level landscape, a horizontal landform, large scale landscape and a network of linear ditches. Key qualities of this landscape which the Capacity Study identifies as desirable to safeguard include the horizontal landform, the large-scale landscape, a sense of exposure and openness and the historic pattern of drainage ditches. Immediately to the north of the site is the Chadwell Escarpment Urban Fringe landscape character area (D6), defined as a steep-sided, south facing sand and gravel embankment.
- 6.55 In response to the planning application as originally submitted comments received from the Council's landscape and ecology advisor noted that the introduction of a large-scale solar farm would radically alter this character and:
 

*"would have a significant adverse impact on the landscape character of the area by removing most of this open landscape ... due to the scale of the development, the openness of the site boundaries and the views into the site from higher ground to the north it is considered that the proposed mitigation measures would not adequately reduce impacts of the scheme ... It is considered that the proposed development would have significant adverse impacts on the landscape character"*
- 6.56 In addition, although the applicant's original LVIA assessed impact from 6 viewpoints, some key viewpoints had not been considered – most notably from the escarpment to the north, north-east and north-west of the site. Importantly, views from a number of public footpaths (nos. 118, 120, 174, 117, 62 and 73) were not assessed.
- 6.57 Following the deferral of the application from the April 2015 Planning Committee, the applicant appointed a specialist landscape and visual impact consultant to produce an addendum to the original LVIA. The applicant has confirmed that this addendum effectively superseded the original LVIA. The addendum considers the landscape and visual impacts of the revised proposals from a number of viewpoints which have been agreed by the Council's consultant. These viewpoints now include elevated vantage points from the Chadwell escarpment to the north, north-west and north-east of the site.
- 6.58 With regard to impact on the surrounding landscape, the ES assessment on the various landscape character areas is summarised in the table below:

<u>Landscape Character Area</u>	<u>Sensitivity to Development</u>	<u>Magnitude of Change</u>	<u>Significance of Effect</u>
Tilbury Marshes (the	Moderate	Medium	Moderate Adverse on

site lies within this Area)			completion and during operation
Chadwell Escarpment (immediately north of the site)	High	Negligible	Slight Adverse on completion and during operation
West Tilbury Urban Fringe (north-east of the site)	Moderate	No Change	Neutral
Grays / Chadwell St Mary Urban Area (north and north-west of the site)	Medium	No Change	Neutral
Tilbury Docks Urban Area	Low	Negligible	Slight Adverse

- 6.59 Taking into account the proposed mitigation measures (additional planting) the residual impact of the proposals on landscape character are assessed as between neutral and slight adverse. However, the residual impact on the Tilbury Marshes landscape character area is assessed and moderate adverse.
- 6.60 With reference to visual impacts, views from immediately west of the site (St. Chads Road) are at the same level as the site and are largely screened by existing boundary vegetation. Nevertheless, there is a small section of this western boundary, immediately to the north of the Traveller’s site, where there is no screening of views into the site. New planting is proposed in this area, but whilst this matures, there would be partial views into the site from a section of St. Chads Road.
- 6.61 Biggin Lane adjoins the eastern part of the site’s northern boundary. There is sporadic existing vegetation along this boundary which partially screens the development. However, there would be unimpeded views into the site from long sections of Biggin Lane. Hedgerow planting is proposed to supplement the existing sporadic planting along this boundary.
- 6.62 Arable fields adjoin the site to the east and there are no public views into the site from this boundary. Views towards the site from dwellings on Biggin Lane further to the east, are at a minimum distance of 175m and largely screened by field boundary hedges. To the south the site is adjoined by an open field with the nearest views from residential properties (Lawrence Gardens / Feenan Highway) a minimum of 110m from the site boundary.
- 6.63 In light of the relationship between the site, its boundaries, intended mitigation proposals and the closest neighbouring receptors it is considered that the impact on visual amenity adjoining the site would be acceptable.

- 6.64 In the wider area to the north of the site ground levels are higher and there are number of public rights of way, potentially affording wider views of the application site. The LVIA supporting the proposals includes an assessment of visual impact from elevated vantage points and footpaths on the escarpment to the north, north-east and north-west of the site (within the Chadwell Escarpment landscape character area). Because of its elevated position above Tilbury Marshes, the impact of the development on views from the open space at Hutts Hill to the north-west of the site is assessed as 'adverse', albeit views of the site from this vantage point are seen against the backdrop of Tilbury Docks and Tilbury Power Station on the skyline. Views of the site from Chadwell Hill due north of the site would be principally experienced by road users and the sensitivity of this view is therefore assessed as 'low'. The significance of effect from this viewpoint is assessed as slight adverse. As seen from the more sensitive viewpoint at footpath no. 116 to the north of Hob Hill, the site would be screened by the landform and not visible. Views of the site from elevated vantage points to the east at footpath no. 72 are located approximately 750m from the site. At this distance the impact of the development would not be significant.
- 6.65 Commenting on the LVIA addendum the Council's landscape and ecology advisor confirms that that the addendum now provides an appropriate assessment of landscape and visual impacts. The advisor raises no objection to the proposals in landscape or visual grounds. The proposed mitigation measures, comprising the planting of trees and hedgerows to the site boundaries is considered to be appropriate as the existing sections of planting would benefit from restoration.

### III. IMPACT ON AGRICULTURAL LAND

- 6.66 The Policy section of this report (5.5 above) sets out the relevant extract from the national Planning Practice Guidance (PPG) regarding the planning considerations that relate to large scale ground-mounted solar photovoltaic farms. Factors a local planning authority need to consider include "*encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value*". However, PPG does not rule out the use of 'greenfield' land, subject (inter-alia) to the consideration of whether:
- (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
  - (ii) *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- 6.67 Paragraph 013 of PPG (Ref. ID 5-013-20150327) also refers to both a Ministerial speech given in 2013 and a Written Ministerial Statement made in March 2015. The Ministerial speech (2013) includes the following relevant extracts:



*“for larger deployments, brownfield land should always be preferred ... where solar farms are not on brownfield land, you must be looking at low grade agricultural land”*

The Written Ministerial Statement (2015) makes it clear that *“any proposal for a solar farm involving the best and most versatile agricultural land (Grades 1, 2 and 3a of the Agricultural Land Classification) would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.”*

There is currently no guidance on the methodology for applying the assessment of whether *“the proposed use of agricultural land has been shown to be necessary”*.

- 6.68 Adopted Core Strategy policy CSTP21 (Productive Land) states that the development of the best and most versatile land (Grades 1, 2 and 3) will not be supported except in exceptional circumstances. Developers will be required to demonstrate that:
- i. there is no suitable site in a sustainable location on land of poorer agricultural quality; or
  - ii. alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.
- 6.69 Members are reminded that the Examination of the Focused Review: Consistency with NPPF did not endorse any of the unchanged policies (including CSTP21) as being consistent with the NPPF. Nevertheless, CSTP21 reflects the ‘spirit’ of PPG in requiring a sequential approach to the use of higher quality land.
- 6.70 The site is open agricultural (greenfield) land and according to the 1985 Agricultural Land Classification map, the land is Grade 3 (good to moderate). It should be noted that this classification map does not show subdivisions of Grade 3 land into Grades 3a and 3b.
- 6.71 The application as first submitted in 2014 was accompanied by an ‘Agricultural Land Classification Impact Assessment and Sequential Test’, however this document has now been superseded by an ‘Additional Assessment of Flooding Constraint for Agricultural Land Quality’. This assessment considers that the land of the proposed solar farm development is restricted to a narrow range of crops as a result of its physical and chemical characteristics. The land is further constrained as a result of the poor drainage, high perched water table and resultant land flooding constraint. As the site is subject to occasional water inundation the applicant considers that the site cannot be graded any higher than Grade 3b.

6.72 There is no evidence in this case that the site is one of the Borough's higher quality areas of agricultural land. The proposals confirm that the land (apart from a wildflower 'buffer' surrounding the panels) will be allowed to develop as grassland for grazing. Consequently, there is no change in the agricultural status of the site and no objections are raised regarding potential impact on agricultural land.

#### IV. ECOLOGICAL IMPLICATIONS

6.73 No land on the application site forms part of any internationally or nationally designated site. The Thames Estuary and Marshes SPA and Ramsar site is located approximately 4.3km to the south-east of the site. Globe Pit SSSI, designated for its geological interest, is some 1.2km to the north-west. The consultation response received from Natural England raises no objection to the proposals on the basis of impact on statutory nature conservation sites, provided that the development is carried out in strict accordance with the submitted details.

6.74 The submitted ES notes that there are no locally designated nature conservation sites within 1km of the site. However, two Local Wildlife Sites: Little Thurrock Reedbeds – located c.750m to the west and Broom Hill (flora & invertebrate interest) – located 250m to the east, are close to the site.

6.75 The application is accompanied by a Baseline Ecological Survey, based on a one-day walkover survey of the site conducted in December 2013. It should be noted that December is a sub-optimal time of year for surveying. Nevertheless, the survey confirms that the site comprises arable fields intersected and bordered by ditches, with hedgerow, ruderal and scrub planting to some boundaries. The Survey considers species and notes that trees and hedgerows around the site may support breeding birds and that wetland birds may use the fields at high tide. The Survey concludes that it is possible that great crested newts could be present within ponds and ditches on the site. Finally, the applicant's survey notes that the network of ditches provides a suitable habitat for water voles.

6.76 Paragraph 118 of the NPPF notes that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6.77 Advice received from the Council's landscape and ecology consultant notes that, although the submitted survey has a number of flaws, it is accepted that the development would not have any significant impact on habitat features, such as the ditches. Furthermore, the updated ecological enhancement proposals would result in positive ecological benefits. Subject to a planning condition to require

submission of details for ecological enhancement, together with ecology and landscape management proposals no objections are raised under this heading.

## V. IMPACT ON AMENITY, AIR QUALITY AND NOISE

- 6.78 Comments received from the Council's Environmental Health Officer (EHO) raise no issues with regard to potential impact by reason of noise or air quality. The nearest residential receptors are located on the northern side of Biggin Lane, with additional residential receptors in Biggin Lane located 160m to the north-east. To the immediate west of the site in St. Chad's Road is a traveller's site with further residential receptors located 90m to the south. Given this relationship the development is unlikely to cause material harm to neighbouring amenity with regard to noise, vibration or overshadowing. There are no hazardous, toxic or noxious substances emitted during the operational phase of a solar farm and as such there are no implications for air quality.
- 6.79 During any construction phase of the development there is the potential for impact for on neighbouring amenity through noise and / or vibration. The EHO therefore recommends that any planning permission is subject to a planning condition requiring submission and approval of a construction environment management plan (CEMP).
- 6.80 A further consideration under this heading is the potential for incongruous glint and glare from the panels. However, the proposed PV panels would have a dull finish designed to absorb and not reflect sunlight. A number of appeal decisions for similar schemes have all concluded that the potential for harmful glint or glare is insignificant. The LVIA addendum includes consideration of glint and glare which notes that PV panels reflect less than 10% of sunlight, whereas typical rural environments reflect 15-30%.

## VI. IMPACT ON HERITAGE ASSETS & ARCHAEOLOGY

- 6.81 No part of the application site forms part of a designated heritage site and there are no designated heritage assets within the site. A group of three listed buildings (St. Mary's Church – Grade I, Chadwell House – Grade II and Sleepers Farmhouse – Grade II) are located at the top of Chadwell Hill, some 630m to the north of the site. The Grade II listed Biggin Farmhouse is approximately 380m to the east of the site and the Grade II listed Sunspan is located 450m to the north-east.
- 6.82 All of these heritage assets are well separated and /or screened from the proposed solar farm. Therefore, it is considered that these assets and their setting would not be unacceptably harmed.
- 6.83 The consultation reply from the Historic Environment Officer at Essex County Council notes that the site is within an area of potential archaeological interest due its status as grazing marsh and position on the edge of gravel terraces.

- 6.84 However, subject to appropriate planning conditions attached to any grant of planning permission to secure archaeological investigation no objections are raised to this aspect of the proposals.

#### VII. HIGHWAYS CONSIDERATIONS

- 6.85 The planning application is accompanied by a Transport Statement (TS) which focuses on the impact associated with the construction of the facility, with reference to access routes and vehicle activity. The TS suggest that construction traffic for the development would use the A1089 Dock Approach Road to access Marshfoot Road (A126) and then access onto the eastern side of St. Chad's Road.
- 6.86 The TS forecasts a total of 900 construction vehicle movements (two-way) over the 16-week construction period, with weekly movements ranging from a low of 10 movements to a peak of 98 movements. On the basis of a 5.5 day working week the busiest week in the construction phase would involve less than 18 daily movements. Details of transport movements associated with construction workers are not provided in the TS. During the operation of the solar farm maintenance visits using light goods vehicles are anticipated every 6 months.
- 6.87 On the basis of the information submitted in the TS no objections are raised from a highways perspective, subject to planning conditions.

#### VIII. FLOOD RISK

- 6.88 The application site is located within the Tilbury flood storage area, designated as functional floodplain (Flood Zone 3b). According to PPG (paragraph 065) Flood Zone 3b comprises land where water has to flow or be stored in times of flood. As required by paragraph 103 of the NPPF, the application is accompanied by a flood risk assessment (FRA).
- 6.89 With regard to the flood risk vulnerability of the development, the applicant's FRA considers that the solar PV farm should be classified as "essential infrastructure" with reference to the NPPF. Table 2 (paragraph 066) of PPG provides a "Flood Risk Vulnerability Classification" for different categories of development. Solar farms are not explicitly categorised under a specific vulnerability classification, however "essential infrastructure" is defined as including:
- "Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood"*
- 6.90 In this case, the flood risk vulnerability classification of the development is a key flood risk consideration as, in combination with the flood zone, this will determine

whether development is appropriate, should not be permitted or should be subject to the Exception Test. With reference to Table 3 (paragraph 067) of PPG, if the development is considered to be “essential infrastructure” then subject to the Sequential and Exception Tests, the proposals could be appropriate in Flood Zone 3b. However, if the proposals is considered as “less vulnerable” development, then Table 3 states that development should not be permitted.

6.91 The Environment Agency (EA) has provided several written responses to this planning application. In a response dated 23<sup>rd</sup> January 2015 the EA stated that:

*“Although the council will have the final decision on the vulnerability classification afforded to the development, we would consider a solar farm and is associated works to be a ‘less vulnerable’ land use according to Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change. Table 3 of the PPG shows that ‘less vulnerable’ development is considered to be inappropriate in Flood Zone 3b.”*

6.92 Accordingly, there was a difference of opinion between the applicant, who considers that the development should be classified as “essential infrastructure”, and the EA who consider that the development should be classified as “less vulnerable”. Nevertheless, it is emphasised by the EA that it is for the local planning authority as decision maker to determine the flood risk vulnerability classification.

6.93 Members may recall that two previous planning applications for solar farms in the Borough have been brought before the Committee for consideration. Application ref. 14/00543/FUL for a development at Fairwinds Farm was considered by Committee in November 2013. In their consultation response, the EA expressed no opinion regarding the flood risk classification of the site. More recently, in November 2014 Committee considered a scheme at South Ockendon Quarry and Landfill site (ref. 14/00836/FUL). In this case, the EA expressed no firm view regarding flood risk classification although the Officer report considered that the solar farm was “less vulnerable development”.

6.94 The applicant has responded to the EA’s comments and stated that, although the NPPF does not categorise solar farms under a particular vulnerability classification, *“evidence shows that there are developments considered as ‘essential infrastructure’, given their similarity to other uses placed under that designation, specifically, utility infrastructure including electricity generating power stations, substations and wind turbines”*. From a brief analysis of FRA’s for solar farm development across the country it is clear that many applicant’s consider this type of development to be “essential infrastructure”, perhaps because of its similarities to “electricity generating power stations and grid and primary substations” which are specifically mentioned by Table 2 of PPG.

6.95 Table 2 defines “essential Infrastructure” as including “essential utility infrastructure which has to be located in a flood risk area for operational reasons”. There is no doubt that solar PV panels are utility infrastructure as they would generate electricity. Therefore, in light of the similarities between solar farm development and the wording of PPG Table 2 and given the general evidence from comparable FRA’s it is reasonable to conclude that the proposals would comprise ‘essential infrastructure’.

6.96 PPG notes that ‘essential infrastructure’ which is located in Flood Zone 3b should be subject to the Exception Test and should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

6.97 The most recent consultation response received from the EA (dated 4<sup>th</sup> August 2016) maintains an objection to the proposal on flood risk grounds. In responding to the applicant’s FRA in September 2015, the EA raised a holding objection to the proposals on the grounds that the FRA failed to include hydraulic modelling to demonstrate:

- the flood resilience or resistance of the development;
- the safe operational working of the solar farm in the event of the flood storage area becoming operational;
- that the development does not increase flood risk in the surrounding area by assessing the operational performance of the flood storage area and fails to consider –
  - peak flood levels deeper than the proposed solar panels
  - loss of floodplain storage
  - blockage scenarios
  - impacts on flood flow paths
- considers the residual tidal flood risk to the site.

6.98 Although the applicant provided an updated FRA earlier this year, the EA still maintain their objection and recommend to the applicant that the FRA requires further amendments before this objection can be overcome. In response to the EA’s maintained objection to the submitted FRA, the applicant has provided a rebuttal which disputes the EA’s comments and questions their relevance with regard to the proposals. However, a ‘final’ reply from the EA (dated 19<sup>th</sup> October 2016) maintains previous advice and states:

*“the advice we provided in our (previous) response referenced AE/2014/118614/05 remains the most appropriate way of overcoming our outstanding flood risk*

*concerns. To clarify, for 'residual' tidal flood risk the FRA can refer to your Level 2 SFRA, but for 'actual' non-tidal flood risk the FRA will need to include the requested modelling."*

6.99 Adopted Core Strategy Policy CSTP25 (Addressing Climate Change) confirms at 1.(IV.) that developers must consider the potential effects of climate change on their development, including flood risk from tidal, fluvial and surface water. Furthermore, Policy PMD15 considers in detail the matter of flood risk assessment on individual sites. In this case, the EA have maintained an objection to the proposals on the grounds of an inadequate FRA. Although the EA has provided guidance to overcome the objection, the applicant has not submitted an updated FRA address the EA's concerns. Accordingly, the local planning authority cannot conclude that the development would be safe and would not increase the risk of flooding elsewhere. In these circumstances, the proposals cannot be supported on this point.

## **7.0 CONCLUSIONS, THE BALANCING EXERCISE AND REASONS FOR RECOMMENDATION**

7.1 The proposals, although revised and reduced in the extent of the site area compared with the earlier version of the plans, would still comprise inappropriate development in the Green Belt. Furthermore, the proposals would lead to a loss of openness and would be harmful to varying degrees to some of the purposes for including land within the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. However, in the balancing exercise, this is considered to be the full extent of the harm.

7.2 The applicant has cited a number of factors which are promoted as comprising very special circumstances which could outweigh the harm to the Green Belt. The weight which can be attached to these factors is considered in detail in the paragraphs above. On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances does not clearly outweigh the substantial harm to the Green Belt described above. It follows that the proposals are contrary to national and local Green Belt planning policies.

7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets or the surrounding highways network. The proposals have the potential to provide benefits to ecology in the form of habitat creation. The proposals would ensure the continued agricultural use of the land, and it not considered that the site should be classified as best and most versatile agricultural land.

7.4 With reference to landscape and visual impacts, the ES accompanying the application concludes that there would be a moderate adverse impact on the Tilbury Marshes landscape character area and adverse impact on limited views from raised ground to the north and north-west of the site. Proposed boundary

planting would provide some mitigation for these landscape and visual impacts but would not fully mitigate impacts. Nevertheless, no objections are raised to the proposals by the Council's landscape advisor and, on balance, no objections are raised on this point.

- 7.5 It is reasonable to describe the proposals as 'essential infrastructure' with reference to the flood risk vulnerability classification and the proposals can be considered as appropriate within flood zone 3b. The application is accompanied by a FRA. However, the EA maintain an objection to the application as they consider that the FRA lacks sufficient modelling. The applicant has not addressed this objection and it is considered that this concern is sufficient to form a reason for refusing the application.
- 7.6 This planning application requires close scrutiny with particular regard to Green Belt considerations. The revised proposals represent a significant improvement on the original application as first submitted in 2014. However, the Committee should take a balanced view on the current proposals taking into account all of the relevant material considerations described above. As a matter of judgement, it is considered that the proposals should not be supported.

## **8.0 RECOMMENDATION**

8.1 Refuse planning permission for the following reason:

1. The application site is located within the Green Belt, as identified on the Thurrock Local Development Framework (LDF) Adopted Interim Proposals Map. National and local planning policies for the Green Belt set out within the NPPF and Thurrock LDF set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would be harmful to the openness of the Green Belt and would be contrary, to varying extents, to a number of the purposes of including land in a Green Belt. It is considered that the harm to the Green Belt is not clearly outweighed by factors so as to amount to the very special circumstances needed to justify inappropriate development. The proposals are therefore contrary to Part 9 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) January 2015.
2. The submitted Flood Risk Assessment (FRA) fails to:
  - (i) demonstrate that the development is 'safe' because no hydraulic modelling has been submitted that informs:



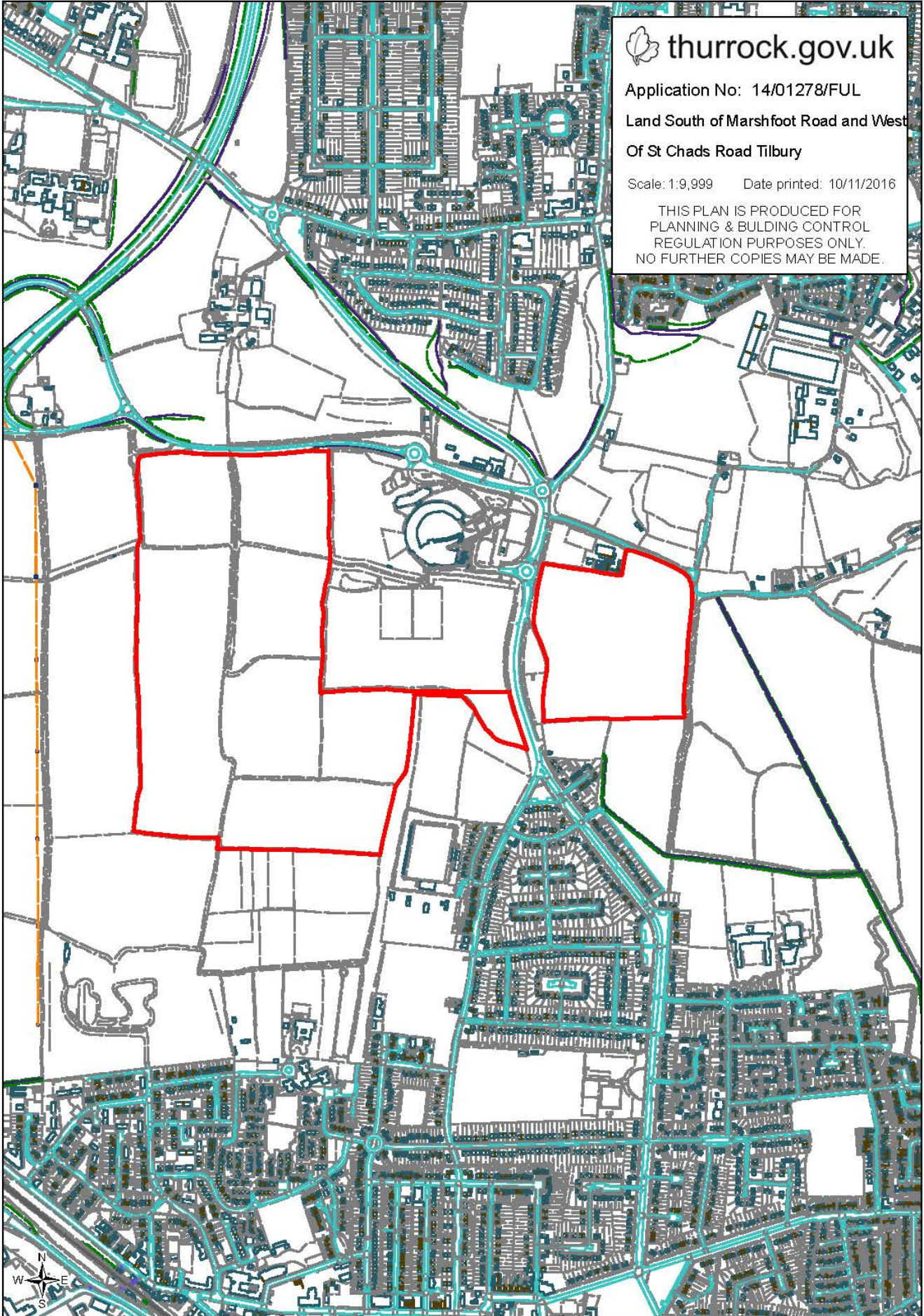
- the development's either flood resilient or flood resistant construction, notably the setting of the finished floor levels or ground slabs for the proposed substation and invertors
  - the safe operational working of the solar farm in the event of the Tilbury Flood Storage Area (FSA) becoming operational
- (ii) demonstrate that the development does not increase flood risk in the surrounding area because no hydraulic modelling has been submitted that:
- assesses the operational performance of the Tilbury FSA with the presence of the proposed solar panels within its functional floodplain. The FRA fails to consider peak flood levels deeper than the proposed solar panels, loss of floodplain storage, blockage scenarios as no site-specific details are provided regarding panel anchorages, impacts of flood flow paths due to the wire mesh perimeter fencing
  - considers the residual tidal flood risk to the site.

In these circumstances the local planning authority cannot reach an informed decision as to whether the proposed development is safe and would not increase the risk of flooding elsewhere. The proposals are therefore contrary to Policies CSTP25 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) January 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/](http://www.thurrock.gov.uk/planning/)

Alternatively, hard copies are also available to view at Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL.



<b>Reference:</b> 16/01242/FUL	<b>Site:</b> Silver Springs High Road Fobbing Essex SS17 9HN
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Seven detached houses comprising one replacement dwelling, six new dwellings with access road, landscaping and amenity space.

<b>Plan Number(s):</b>		
Reference	Name	Received
16.3326/M001	Location Map	12 September 2016
16.3326/M002	Location Plan	12 September 2016
16.3326/M003	Aerial Plan	12 September 2016
1634-02G	Proposed Site Layout	18 October 2016
1634-03D	Proposed Plans & Elevations House Type 1	12 September 2016
1634-04D	Proposed Plans & Elevations House Type 2	12 September 2016
1634-05D	Proposed Plans & Elevations House Type 3	12 September 2016
1634-06D	Proposed Plans & Elevations House Type 4	12 September 2016
1634-07D	Existing and Proposed Street scene	12 September 2016
1634-08A	Existing Site Layout	12 September 2016
1634-09C	Swept Path Analysis Drawing	24 October 2016
1634-10	Bell Mouth Junction Drawing	18 October 2016

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Specification for Soft Landscape Works</li> <li>- Arboricultural Report</li> <li>- Construction Management Plan, Waste Management Plan and Highways Management Plan</li> <li>- Soft Landscape Plan</li> <li>- Planning Support Statement SPL Ref: 16.3326</li> <li>- Transport Statement</li> <li>- Tree Protection Plan</li> </ul>	
<b>Applicant:</b> Mr Kieron Lilley / Smart Planning	<b>Validated:</b> 12 September 2016

	<b>Date of expiry:</b> 25 November 2016
<b>Recommendation:</b> To Refuse	

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the demolition of one dwelling which fronts onto the High Road and associated outbuildings on the land to the rear, and the redevelopment of the site to provide seven detached dwellings. One of the new dwellings would be constructed to the front of the site and the others would be served by an access from a new spine road for the development.
- 1.2 Access to the development would be provided at the northern corner of the site; the new entrance would lead to the rear of the site where six detached dwellings would be laid out in a cul-de-sac arrangement.
- 1.3 The proposed houses would all be two storey dwellings with regular roof styles and proportions which exhibit traditional design features. Each dwelling would have either private off street parking or garages and parking.

## 2.0 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.47 Ha and is found to the north of the main village of Fobbing which is characterised by a single dwelling deep linear pattern of development.
- 2.2 The site is located on the western side of High Road and is occupied by a single dwellinghouse with a large garden area. The site is located within the Green Belt.

## 3.0 RELEVANT HISTORY

Application reference	Description	Decision
16/30115/PMIN [pre-application]	Proposed residential development of seven houses	Proposal considered to conflict with national and local planning policy. Advised that application would likely attract an unfavourable recommendation.

## 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](http://www.thurrock.gov.uk/planning)

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There has been one comment of support and six comments of objection. The objections raised are:

- Impact of development upon the Green Belt;
- Impact of development upon the character of the village;
- Loss of Privacy;
- Scheme represents overdevelopment;
- Greenfield site / not previously developed land.

**4.3 EMERGENCY PLANNING:**

No objection.

**4.4 ENVIRONMENTAL HEALTH:**

No objection.

**4.5 ESSEX AND SUFFOLK WATER:**

No objection.

**4.6 HIGHWAYS:**

No objections subject to conditions.

**4.7 LANDSCAPE AND ECOLOGY:**

Recommends refusal.

**5.0 POLICY CONTEXT**

National Planning Guidance

**5.1 National Planning Policy Framework (NPPF)**

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

6. Delivering a wide choice of high quality homes
7. Requiring good design
9. Protecting Green Belt land

## 5.2 Planning Practice Guidance

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

- Design;
- Delivering a wide choice of high quality homes;
- Planning Obligations, and;
- The use of planning conditions

## 5.3 Local Planning Policy

### Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP25 (Addressing Climate Change)<sup>2</sup>

- CSTP26 (Renewable or Low-Carbon Energy Generation)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>
- CSTP33 (Strategic Infrastructure Provision)

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)<sup>2</sup>
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)<sup>2</sup>
- PMD12 (Sustainable Buildings)<sup>2</sup>
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)<sup>2</sup>
- PMD16 (Developer Contributions)<sup>2</sup>

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

#### 5.4 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

#### 5.5 Draft Site Specific Allocations and Policies DPD

The Consultation Draft "Issues and Options" DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD 'Further Issues and Options' was the subject of a further round of consultation during 2013. The application site was not identified in the SADPD as a potential housing site. The

Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### 5.6 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough's Housing needs and ensuring consistency with Government policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

### 6.0 ASSESSMENT

6.1 The principal issues to be considered in the determination of this application are:

- I. Development plan designation and principle of development
- II. Harm to the Green Belt and other harm
- III. Whether any identified harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the very special circumstances
- IV. Access, traffic and highway impacts
- V. Site layout, design and sustainable construction
- VI. Landscape and ecology
- VII. Amenity and neighbours
- VIII. Developer contributions

#### I. DEVELOPMENT PLAN DESIGNATION AND PRINCIPLE OF THE DEVELOPMENT

6.2 The Adopted Interim Proposals Map accompanying the LDF Core Strategy (2011) designates the site as being within the Metropolitan Green Belt. Paragraph 89 of the NPPF states that *'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'*. The NPPF sets out a limited number of exceptions, the proposals for the construction of seven dwellings does not fall into any of the exceptions and therefore constitutes inappropriate development.

6.3 Paragraph 87 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special*



*circumstances*'. Paragraph 88 goes on to state; '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.

- 6.4 Notwithstanding the NPPF's presumption in favour of sustainable development (para 14), policies in the NPPF clearly indicate that development in the Green Belt should be restricted and sets out the test by which inappropriate development should be judged. The NPPF does not seek to define further what '*other considerations*' might outweigh the damage to the Green Belt.

The proposal is therefore considered to represent inappropriate development and unacceptable in principle.

## II. HARM TO THE GREEN BELT AND 'OTHER' HARM

- 6.5 Having established that the proposal constitutes inappropriate development in the Green Belt, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.6 At paragraph 79, the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.7 The site is not considered to be Previously Developed Land (PDL) as defined within Annex 2 of the NPPF (which specifically excludes land that is or has been occupied by agricultural or forestry buildings).
- 6.8 The development would result new buildings and roadways in an area which is principally free from built development. It is considered that the amount and scale of development proposed would destroy the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be afforded substantial weight in consideration of this application.
- 6.9 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:

- i. to check the unrestricted sprawl of large built-up areas;*
- ii. to prevent neighbouring towns from merging into one another;*
- iii. to assist in safeguarding the countryside from encroachment;*
- iv. to preserve the setting and special character of historic towns; and*
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The proposal would contravene the NPPF as the development would lead to encroachment into the countryside (iii) and would fail to assist urban regeneration (v).

- 6.10 The proposal would involve the construction of housing development on land within and behind the established ribbon development of Fobbing that is shown on the Core

Strategy Proposals Map as being an Established Residential Frontage (ERF). The preamble to Policy PMD6 defines an ERF as a locality within the Green Belt comprising well defined frontages of tightly knit development where there can be some relaxation of normal Green Belt Policy without harm to the objectives of the Green Belt. However the development as proposed does not fit within or between existing units; rather it would be located directly behind a replaced dwelling, creating a significant incursion into open land.

6.11 In light of the above, it is a straight forward matter to conclude that the proposals would be contrary to purposes (iii), and (v) of paragraph 80 of the NPPF and the objectives of Policy PMD6. The proposal is therefore both inappropriate development and harmful by reason of a loss of openness.

III. WHETHER THE HARM TO THE GREEN BELT IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS, SO AS TO AMOUNT TO THE VERY SPECIAL CIRCUMSTANCES

6.12 The Planning Statement submitted by the applicant to accompany the planning application sets out the applicant's case for development. This can be summarised under five headings:

- a. The provision of needed high quality housing within Established Residential Frontage within the Green Belt.
- b. Lack of five year housing supply (which has become more acute).
- c. If the site had been put forward in January 2013 SSADPD then it would have been accepted.
- d. The planning permission approved at the adjacent plot (ref: 15/00766/FUL Demolition of Hill Crest and Thames View Farm and buildings to the rear, and erection of 9 dwellings).
- e. The site has been put forward in the 2015 "Call for Sites" in the new Local Plan.

6.13 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. 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.

6.14 The section below summarises and analyses the arguments advanced by the applicant in support of the application

- a. *The provision of needed high quality housing within an Established Residential Frontage within the Green Belt*

6.15 The applicant suggests that the development would deliver high quality, larger homes in the Borough for which there is an established need. Whilst the Council expects all new development to be of the highest quality, there is no identified need within the Core Strategy or the Council's Housing Needs Survey specifically for larger homes.

This factor should therefore be afforded no weight in consideration of this planning application.

*b. Lack of five year housing supply (which has become more acute)*

6.16 The applicant has referred to the 2014 Authority Monitoring Report (AMR) which details that the identified five year supply represents 60% (or 3.0 years of supply) of the five year requirement. The applicant argues that when the 20% buffer is taken into account, the supply represents 50% (or 2.5 years of supply) of the five year requirement.

6.17 As detailed in the AMR the Site Specific Allocations DPD is to be reassessed and a new call for sites has taken place. At this juncture, some weight should be afforded to the lack of 5 year housing supply as forming part of the applicant's very special circumstances.

6.18 Under this heading, the applicant has also made a general, non-site specific comment that the failure to meet identified housing needs has been accepted by various Inspectors and the Secretary of State in allowing appeals. However the NPPG advises that *'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'* (Paragraph 034 Reference ID: 3-034-20141006)

*c. If the site had been put forward in January 2013 SSADPD then it would have been accepted.*

6.19 The site was not identified as a potential housing site within the LDF-CS Site Allocations DPD. It cannot be speculated upon as to whether the site would have been accepted in the 2013 document, if it had been put forward.

6.20 This factor should therefore be afforded no weight in consideration of this planning application. Local Planning Authorities are required to assess planning applications in accordance with the current Development Plan; for the purposes of this application, the site falls within the Green Belt where there is a strong presumption against the type of development proposed.

*d. There was planning permission approved at the adjacent plot (15/00766/FUL Demolition of Hill Crest and Thames View Farm and buildings to the rear, and erection of 9 dwellings)*

6.21 The planning application at Thames View Farm related to a site that was included in the January 2013 SSADPD and this combined with a number of factors, tipped the balance towards allowing approval of the application. The fact that the adjacent site gained planning permission in 2015 does not mean that this site should automatically

obtain planning permission. This site has never been included within the SSADPD and is therefore fundamentally different to Thames View Farm.

This factor should therefore be afforded no weight in the consideration of this planning application.

e. *The site has been put forward in the 2015 "Call for Sites" in the new Local Plan.*

- 6.22 The applicant has very recently promoted the site through the 'Call for Sites'. As set out above, the Council has accepted that those sites identified within the SADPD would be carried forward into the Local Plan. The applicant's recent promotion of the site demonstrates that they consider the site is available and deliverable. However, the simple fact that the site has been put forward in the recent call for sites can be afforded no weight.

#### Analysis of very special circumstances case

- 6.23 The crucial consideration here is whether the applicant's case for Very Special Circumstances clearly outweighs the in-principle harm due to the inappropriateness of the development and the harm arising from the loss of openness resulting from an increase in built form.
- 6.24 In concluding this section, each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. In this case it is not considered that the matters put forward have, either individually or collectively, satisfied the requirements to meet the very special circumstances test. Accordingly, the principle of the development is considered to be unsound.

#### IV. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

- 6.25 The layout as originally submitted with the application received comments of concern from the Council's Highways officer. The applicant has since supplied amended drawings to address the concerns raised and local residents have been re-consulted. No objection has been raised to the revised plans.

Based upon the revised plans, the site would make suitable off street parking provision for all the units and the access to High Road in accordance with Council standards, subject to conditions. Accordingly no objection is raised under this heading. This does not however overcome the principle objections raised earlier in the report.

#### V. SITE LAYOUT AND DESIGN / SUSTAINABLE CONSTRUCTION

- 6.26 This part of the High Road is not characterised by any particular property style or design. The immediate location presents a wide variety of properties, in terms of age, design, use of materials and size and scale.
- 6.27 The proposed new dwelling fronting the High Road would be located between two chalet dwellings. The proposed dwelling would be the same height as the present house that it would replace. The design of this dwelling is considered to be appropriate as it is suitably related in both size and design terms to the adjacent properties on the High Road.
- 6.28 A new cul-de-sac would be created, which would be accessed from the north of the site adjacent to the new house which would face on to the High Road. The cul-de-sac would consist of six new detached dwellings. Within the mid-section of the site the four properties would have the principal elevation facing southwards and the two properties to the rear of the site would have a principal elevation facing eastwards.
- 6.29 All the proposed properties have the required level of on-site parking offered through garages and hardstanding areas.
- 6.30 These buildings have been designed to a standard style and the overall design approach is considered to be acceptable. The careful use of materials could ensure a high quality finish. Subject to suitable conditions, it is considered that the external appearance of the proposed buildings could be acceptable.
- 6.31 In terms of private amenity space, the proposed dwellings would all have a private rear garden. All the garden sizes are all over 100 sq.m, which meets the Council's space standard requirements.

## VI. LANDSCAPE AND ECOLOGY

- 6.32 The Council's Landscape and Ecology Advisor has indicated that the density of the proposed development compromises the site layout and restricts the provision of amenity space within the site. The two plots at the western end of the site require two separate drives in addition to the turning head at the end of the access road. It is noted that the landscape plan shows less planting being achieved in this part of the development than is shown on the site plan.
- 6.33 The Advisor has warned that the landscaping proposed would not make any particular contribution to the amenity of the local area. By reducing the number dwellings he advises it could be possible to include some additional larger growing specimens as well as further planting, however owing to the current layout and density of the development, the quality of the landscaping would be compromised.

## VII. AMENITY AND NEIGHBOURS

- 6.34 Neighbours have raised concerns about the impact of the new dwellings on their outlook and amenity. Whilst it is true that the dwellings that are proposed on this site would be a change from the existing scenario, there is no right to an outlook under planning law. Accordingly an objection on these grounds could not be substantiated.

- 6.35 The new properties would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The houses would be set out so as not to impact on one another. Policy PMD1 is considered to be satisfied in this regard.
- 6.36 Notwithstanding the above, neighbour objections based upon the development of the Green Belt support the conclusions reached in section I of this report.

#### IX. DEVELOPER CONTRIBUTIONS

- 6.37 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.38 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units. National policy with regard to section 106 planning obligations has recently been updated (19 May 2016). The NPPG guidance indicates that for developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought.

#### 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing built development where there is presently none; the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the countryside and undermining to the openness of this part of the countryside.
- 7.2 The applicant has not advanced anything that amounts to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended.

#### 8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

##### Reason(s):

- 1 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2011). Policy PMD6 of the Core Strategy (2011) and Focused Review (2015) applies and states that

permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.

The proposed buildings are new residential dwellings. The NPPF (paragraph 89) sets out the forms of development, which may be acceptable in the Green Belt. The development of new dwellings in the Green Belt is not an appropriate form of development.

The proposed development is not therefore considered to fall within any of the appropriate uses for new buildings set out by the NPPF and Policy PMD6. Consequently, the proposals represent "inappropriate development" in the Green Belt.

Paragraph 87 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A) The matters put forward by the applicant do not constitute the very special circumstances that would be required in order to allow a departure from policy being made in this instance.

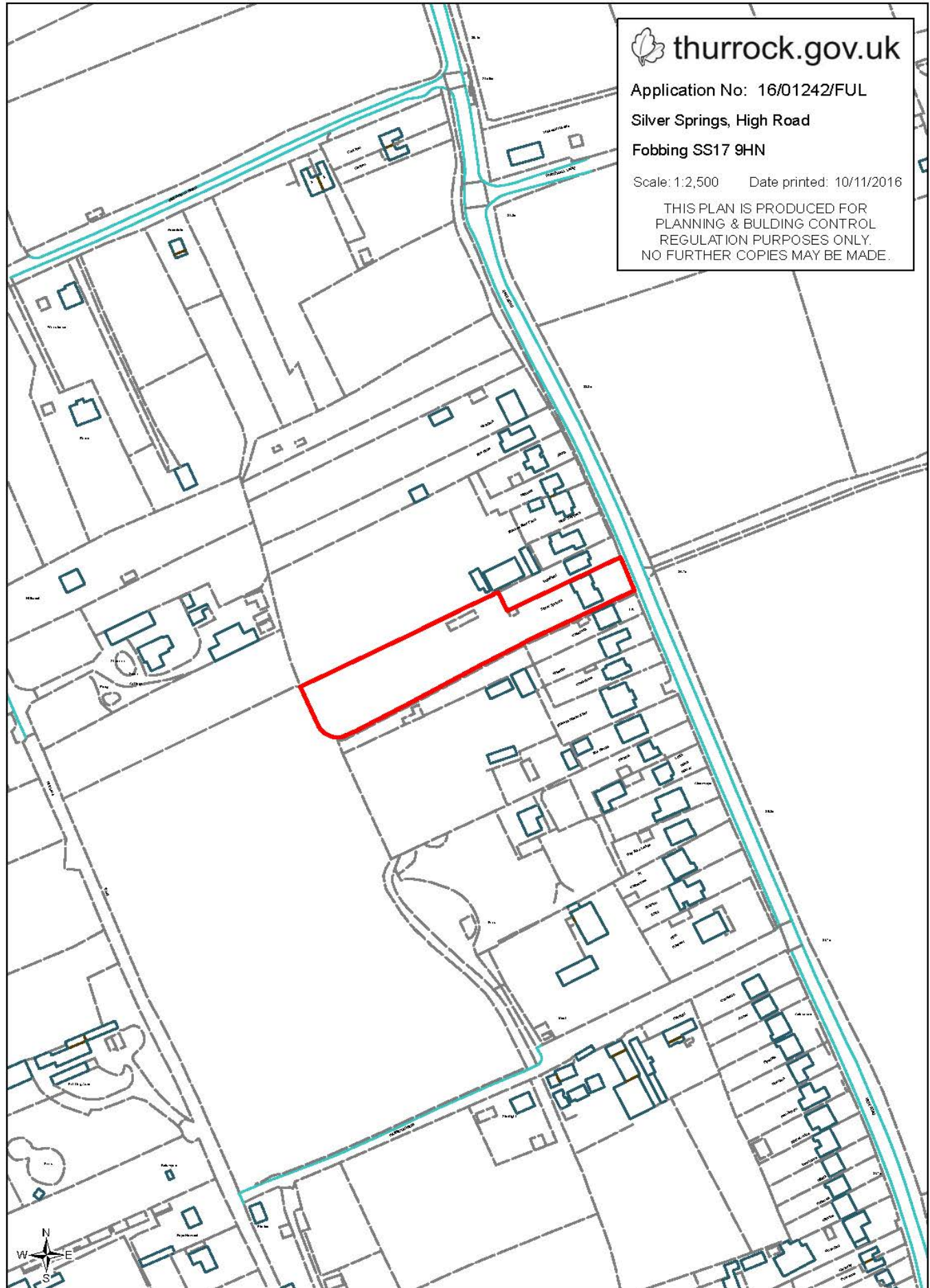
The proposals are therefore contrary to Policy PMD6 of the Core Strategy and guidance in the NPPF in principle.

B) Furthermore, by reason of the mass and bulk the proposals represent a serious incursion into the Green Belt and are also harmful to the character and openness of the Green Belt at this point, contrary to Policy PMD6 of the Core Strategy and criteria within the NPPF.

**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](http://www.thurrock.gov.uk/planning)





<b>Reference:</b> 16/01302/FUL	<b>Site:</b> Thames Industrial Park Princess Margaret Road East Tilbury Essex
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Temporary change of use of Yards G, I and J to haulage yard/lorry park for a period of 18 months

Plan Number(s):		
Reference	Name	Received
LOCATION PLAN	Location Plan	23rd September 2016

The application is also accompanied by: - Cover Letter	
<b>Applicant:</b> Thames Industrial Estate	<b>Validated:</b> 23 September 2016  <b>Date of expiry:</b> 28 November 2016 [article 34 extension of time agreed with applicant]
<b>Recommendation:</b> To Refuse	

The application is scheduled for determination by the Council’s Planning Committee because the application follows recent enforcement action [the serving of a Temporary Stop Notice] which attracted significant local interest. This application seeks temporary planning permission for the use that was ceased by the service of the TSN.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks an 18 month temporary planning permission for the use of the land at Yards G, I and J for a haulage yard/lorry park including the parking and stationing of cars, lorries, HGVs and trailers.

**2.0 SITE DESCRIPTION**

2.1 Yards G, I and J are adjacent to one another and are located to the west of the Thames Industrial Estate which is occupied by various buildings and commercial uses. The wider Industrial Estate covers 3 hectares. The yards subject to the current application are enclosed by fencing and covered by a concrete apron or rough surfacing / planings.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
99/00704/OUT	Outline application for industrial and warehouse development (B1/B2/B8)	Refused – Allowed on appeal.
06/01143/TTGREM	New Industrial/warehouse development (B1/B2/B8) as a continuation of existing employment zoning, submission of reserved matters against planning application 99/00704/OUT allowed on appeal APP/M1595/A/00/1039393 and varied by planning application 03/01142/COND	Approved
Enforcement	Description of alleged breach	Outcome
16/00161/CBRCH	Unauthorised use and lorry movements	Temporary Stop Notice served. Use ceased following issue.

**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](http://www.thurrock.gov.uk/planning)

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Thirty five responses have been received (multiple responses have been received from some addresses), making the following comments:

- Hours of operation are excessive;
- Noise pollution from HGVs;
- Roads are already too busy;
- Roads cannot take more vehicles;
- There are better places in the Borough for lorry parks;
- More vehicles will lead to more animals getting killed;
- The village is dominated by lorries;
- Use has already taken place;
- Sleep disturbance for residents.

#### HIGHWAYS:

- 4.3 Objection in principle and on matters of detail.

#### ENVIRONMENTAL HEALTH:

- 4.4 No objections, subject to condition.

#### HISTORIC BUILDINGS ADVISOR:

- 4.5 Objection on impact to Heritage Assets.

#### FLOOD RISK MANAGER:

- 4.6 No objections.

### **5.0 POLICY CONTEXT**

#### National Planning Guidance

- 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Core Planning Principles

- Building a strong, competitive economy
- Promoting sustainable transport
- Conserving and enhancing the historic environment

### 5.3 Planning Practice Guidance

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

- Determining a planning application
- Noise
- Planning Obligations
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessment and statement in decision-taking
- Use of planning conditions

### 5.4 Local Planning Policy

#### Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

#### Spatial Policies:

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

#### Thematic Policies:

- CSTP6: Strategic Employment Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury<sup>3</sup>
- CSTP16: National and Regional Transport Networks<sup>3</sup>
- CSTP17: Strategic Freight Movement and Access to Ports
- CSTP23: Thurrock Character and Distinctiveness<sup>2</sup>

- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change<sup>2</sup>

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity<sup>2</sup>
- PMD2: Design and Layout<sup>2</sup>
- PMD8: Parking Standards<sup>3</sup>
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans<sup>2</sup>

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

#### 5.5 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

#### 5.6 Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### 5.7 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough's Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

## **6.0 ASSESSMENT**

The main issues to be considered in this case are the following:

- I. Plan designation and principle of the development (conformity with planning policies)
- II. Traffic and Highways Impacts
- III. Impact on heritage assets
- IV. Impact on residential amenity
- V. Other matters.

### **I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT**

- 6.1 Yard J lies within the East Tilbury Conservation Area and within a 'Secondary Industrial and Commercial Area' as shown on the Core Strategy, Interim Adopted Proposals Map. Yards G and I, lie outside, but adjacent to, the boundary of the Conservation area, on land shown as 'Land for New Development in Secondary Commercial Areas'.
- 6.2 Policies CSSP2 (Sustainable Employment Growth) and CSPT6 (Strategic Employment Provision) are relevant in the consideration of the principle of the development.
- 6.3 Policy CSSP2 indicates that the Council will promote and support economic development in the Key Strategic Economic Hubs. In other areas, outside the Hubs, such as East Tilbury, the Council will seek growth in Core Sectors such as logistics, freight transport, small business units and Growth Sectors, such as business services, small business units, cultural and leisure development. The proposal represents a form of logistics use, and is considered to be acceptable in principle when considered against Policy CSSP2.

- 6.4 Policy CSTP6 indicates that Secondary Industrial and Commercial Areas will be reserved for employment generating uses, falling within Class B1, B2, B8 and sui generis uses. The proposal would provide a use falling within the sui generis use class and is therefore considered to be acceptable in principle when considered against Policy CSTP6.
- 6.5 The broad principle of the use is therefore generally considered to be acceptable. The proposal needs however to also be considered against other detailed Development Management criteria.

## II TRAFFIC AND HIGHWAYS IMPACTS

- 6.6 Policy PMD9 (Road Network Hierarchy) seeks to ensure that access requirements are appropriately considered when determining planning applications. Princess Margaret Road is classified as 'Level 2 Route'; the policy in relation to these routes states that new accesses or increased use of existing direct accesses will not normally be accepted onto these types of roads. For all roads in the Borough the policy also states that increased use of accesses will only be permitted where (amongst other matters): (iii) 'The development makes a positive contribution towards road safety, or road safety is not prejudiced', (v) 'the development avoids causing congestion' and (viii) 'The development will make a positive contribution to accessibility by sustainable transport'.
- 6.7 Core Strategy Policy PMD10 (Transport Assessments and Travel Plans) indicates that Transport Assessments, Transport Statements and Travel Plans must accompany planning application in accordance with the DfT guidance of March 2007. These documents are required to allow a full assessment of planning applications to be made.
- 6.8 The proposed haulage / lorry park would use the existing access onto Princess Margaret Road that serves the wider industrial estate. This access allows two way vehicle movements and entry to the site could be controlled by the existing security gatehouse.
- 6.9 In relation to highways matters (e.g. number of movements, type of vehicles accessing the site, or technical access detail) no specific information has been provided by the applicant. Instead, the application has been accompanied by a generic covering letter, with little specific detail about the highways impact of the proposed haulage / lorry park. In this letter, the applicant has suggested that the haulage / lorry park could be limited to operate only between am – 7pm Monday to Friday and 7am – 1pm on Saturdays with no operation on Sundays.
- 6.10 Permission has previously been approved on the site for commercial development, comprising B1, B2 and B8 uses. That permission would have resulted in HGVs being on site and travelling to and from the site. However, that permission included buildings on site which would have occupied parts of the site, which under the current proposal would be provided simply as HGV parking. The scale and nature of the use would therefore be more intense in terms of lorry movements than the previously consented development.

- 6.11 Importantly however, the applicant has not submitted any form of transport assessment for the application site. Without such an assessment the impact of the increase in vehicle movements, both to and from the site, cannot be assessed. Accordingly, it is not possible to assess the level of harm that would be caused to the local road network or to identify what level of mitigation might be required to make the development acceptable. The proposals are considered therefore to be contrary to Policy PMD10 in this regard.
- 6.12 The Council's Highway Officer warns that the site is poorly located in relation to the strategic road network and that the situation is exacerbated during peak period by the level crossing closures. The Officer identifies that any increases in the number of HGV movements resulting from the use as a haulage park would have a detrimental impact on highways efficiency in an already congested area. The likely increase in vehicle movements is therefore considered, at this time, to be detrimental to the local highways network and the applicant has failed to demonstrate that this impact could be managed. Accordingly the proposals are considered to be contrary to Policy PMD9.

### III IMPACT ON HERITAGE ASSETS

- 6.13 The application site, as detailed above, lies both within and adjacent to the East Tilbury Conservation Area. Some buildings within the Thames Industrial Estate are also listed.
- 6.14 Policy PMD4 (Historic Environment) indicates that the Council will ensure that the fabric and setting of heritage assets, including Listed Buildings and Conservation area are appropriately protected and enhanced in accordance with their significance.
- 6.15 Policy CSTP24 (Heritage Assets and the Historic Environment) states that the Council will preserve and enhance the historic environment by (amongst other matters) encouraging the appropriate use of heritage assets and their settings and that all development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting.
- 6.16 The Council's Conservation Advisor indicates that heavy haulage, lorry and construction traffic on Princess Margaret Road already causes harm to the character and appearance of the Conservation Area and a further haulage / lorry park would only exacerbate the impact. He further advises that, in his opinion, a haulage yard does not constitute the optimum use of this site, and that he considers a haulage use on this site should be resisted.
- 6.17 Although the application is being made on a temporary, 18 month basis the proposed use would generate a number of vehicle movements and by its very nature high levels of vehicle parking. Whilst the nature of the use may be transitory in some instances, there is little detail of the likely intensity of the use. Transport/haulage yards are by their very nature open and are less visually attractive than a modern building which could integrate successfully with the surroundings.



- 6.18 Accordingly, at this time, given the unknowns surrounding the nature and intensity of the use the Council cannot be satisfied that the proposal would not have a harmful impact on the nearby heritage assets, comprising the East Tilbury Conservation Area and listed buildings within the Thames Industrial Estate.

#### IV. IMPACT ON RESIDENTIAL AMENITY

- 6.19 Many of the neighbour comments that have been received have been in connection with the number of vehicle movements and their impact on neighbour amenity. It should be noted that the unauthorised activity at the site was apprehended by the service of a Temporary Stop Notice (TSN). Since the service of the TSN, unauthorised vehicle movements to and from the application site have ceased. However, it is clear that unless suitably controlled, vehicle movements in this location have the ability to cause significant disturbance to local residents.
- 6.20 The application as proposed seeks consent for a use, to be carried on for a time limited period, and during hours that would be considered to be reasonable hours for business of this nature operating in such an area. If permission were to be granted, conditions could reasonably be applied to control the hours of operation.
- 6.21 The Environmental Health Officer states, in his response that *The Noise and Statutory Nuisance Act 1993* exempts noise from traffic from statutory nuisance provisions and that accordingly they would have no powers to act on lorry movements. He advises that the proposed hours put forward by the applicant would be considered acceptable and should be applied if permission were to be granted.
- 6.22 However, because the applicant has provided no transport evidence to demonstrate the likely vehicle movements to and from the site, it is not possible to be sure that an hours restriction alone would be sufficient to protect residential amenity.

#### V. OTHER MATTERS

- 6.23 The Council's Flood Risk Manager raises no objections and advises that the development should not result in any increased surface water flood risk on, or off, site.
- 6.24 Policy PMD16 indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.25 As set out above, the applicant has not provided any traffic data to support this application and so it is not possible to identify the level of impact nor is it possible to identify what mitigation might be required to make the development acceptable. It follows that the development proposal is unacceptable.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The application proposes a form of development that would be acceptable in principle, given the designation of the site. However, the applicant has failed to demonstrate that the proposal would not be harmful to the local highways network and accordingly the proposal is recommended for refusal on the basis of the impact on the local highways network.
- 7.2 In addition, without any firm details as to the nature of the use, the Council considers that the development would be likely to be harmful the heritage assets, comprising the East Tilbury Conservation Area, and listed buildings within the Thames Industrial Estate.

## 8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

### Reason(s):

1. Core Strategy Policy PMD9 (Road Network Hierarchy) is designed to ensure that access requirements are appropriately considered when determining planning applications. Princess Margaret Road is classified as Level 2 Route; the policy in relation to these routes states that new accesses or increased use of existing direct accesses will not normally be accepted onto these types of roads.

For all roads in the Borough the policy also states that increased use of accesses will only be permitted where (amongst other matters) (iii) The development makes a positive contribution towards road safety, or road safety is not prejudiced, (v) the development avoids causing congestion and (viii) The development will make a positive contribution to accessibility by sustainable transport.

Core Strategy Policy PMD10 (Transport Assessments and Travel Plans) indicates that Transport Assessments, Transport Statements and Travel Plans must accompany planning application in accordance with the DfT guidance of March 2007. These documents are required to allow a full assessment of planning applications to be made.

The scale and nature of the use proposed would be significantly different from the development for which planning permission exists.

- l) The site is poorly located in relation to the strategic road network and this situation is exacerbated during peak period by the level crossing closures. The introduction of a haulage / lorry park would likely increase the number of HGV movements from the site and would have a detrimental impact on highways efficiency in an already congested area. The applicant has not however submitted any form of Transport Assessment with the application. Without such detail the impact of the increase in vehicle movements, both to

and from the site, cannot be assessed and it is not possible to quantify the impact of the development or identify what mitigation might be required to make the development acceptable. Accordingly, the proposals are considered to be contrary to Policy PMD9 and PMD10.

2. Core Strategy Policy PMD4 (Historic Environment) indicates that the Council will ensure that the fabric and setting of heritage assets, including Listed Buildings and Conservation area are appropriately protected and enhanced in accordance with their significance.

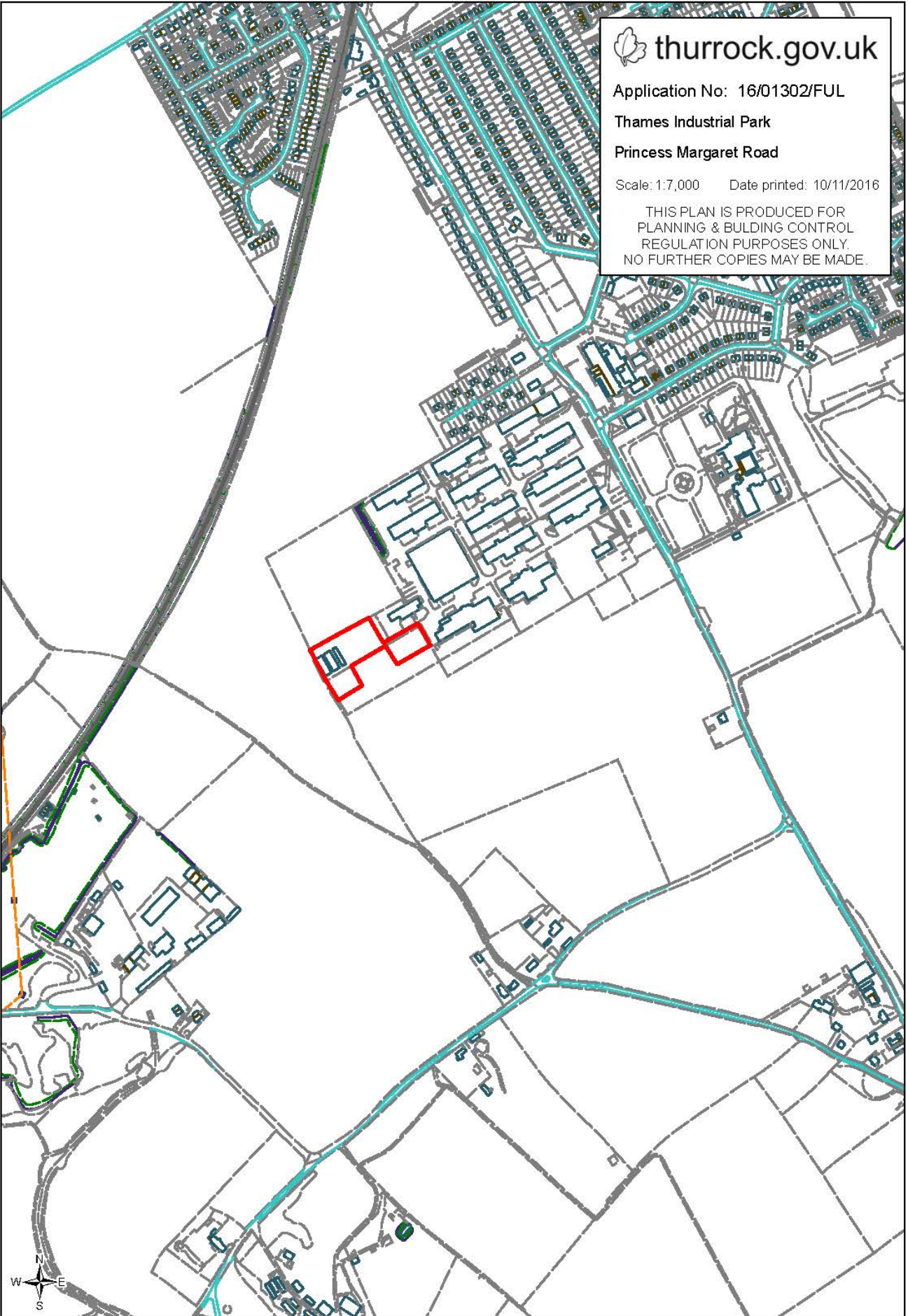
Core Strategy Policy CSTP24 (Heritage Assets and the Historic Environment) states that the Council will preserve and enhance the historic environment by (amongst other matters) encouraging the appropriate use of heritage assets and their settings and that all development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting.

The application site lies both within, and adjacent to the East Tilbury Conservation Area, and in proximity to listed buildings within the Thames Industrial Estate. The application proposes a haulage yard/lorry park, although specific details relating to the intensity and form of use have not been provided. The Council is not therefore satisfied that the proposal would protect or enhance the heritage assets or that the development fully considers the nature of its location. Accordingly, the proposal is considered to be contrary to Policies PMD4 and CSTP24.

**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](http://www.thurrock.gov.uk/planning)



<b>Reference:</b> 16/01330/TBC	<b>Site:</b> Aveley Recreation Ground High Street Aveley Essex
<b>Ward:</b> Aveley And Uplands	<b>Proposal:</b> Erection of new Community Centre with associated external works including youth facilities, nursery, soft play area, community cafe terrace, vehicle turning circle and replacement car parking.

Plan Number(s):		
Reference	Name	Received
5488-1000-A	Location Plan	29th September 2016
5488-1001-A	Existing Site Layout	29th September 2016
5488-1050-A	Site Layout	29th September 2016
5488-1100-B	Block Plan	29th September 2016
5488-1101-B	Proposed Site Layout	29th September 2016
5488-1200-B	Proposed Floor Plans	29th September 2016
5488-1201-B	Roof Plans	29th September 2016
5488-1250-B	Proposed Elevations	29th September 2016
5488-1260-A	Sections	29th September 2016
5488-1270	Drawing	29th September 2016
5488-9000-C	Drawing	29th September 2016
5488-9100-C	Drawing	29th September 2016
5488-9101-C	Drawing	29th September 2016
06/0003	Drawing	04th November 2016
06/0004	Drawing	04th November 2016

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Design and Access Statement</li> <li>- Flood Risk Assessment</li> <li>- Transport Statement</li> <li>- Transport Assessment</li> <li>- Construction Management Plan</li> </ul>	
<b>Applicant:</b> Thurrock Council	<b>Validated:</b> 30 September 2016  <b>Date of expiry:</b>

	25 November 2016
<b>Recommendation:</b> Approve, 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 development of an Aveley Village Community Hub on the existing car park at the Aveley Recreation Ground and the provision of a new car park on part of the open space adjoining the existing car park. The proposed hub building would measure 570 sqm and would accommodate the following:

- Community room;
- Community cafe with shared kitchen and cafe terrace;
- Nursery, supporting facilities and soft play area;
- Reception with library area including computers and reading corner;
- Hub office;
- Ancillary facilities such as toilet facilities, plant and storage;
- External works including refuse enclosure, mini-bus turning circle and parking;

1.2 The hub is promoted by Thurrock Council and would be funded by s.106 contributions from the residential expansion of Aveley Village [application reference 09/00091/TTGOUT]. The facility is expected to create 7 full time jobs and 13 part time jobs. As part of the design process, the Council has engaged with the local community extensively prior to the submission of this application.

## **2.0 SITE DESCRIPTION**

2.1 The application site comprises of 2,880sqm of the overall 2.57 Hectares of the Aveley recreation ground and is located towards the northwest corner of the recreation ground. The application site comprises the existing car park and a small section of the open space forming part of the recreation ground.

2.2 The wider recreation ground can be split into an eastern side which is an open playing field and a western side which consists of a skate park, sports court, a tennis court and a children's play area. Within the North West section of the park there is an established lawn bowls club with associated pavilion. The existing car park servicing the entire park is centrally located to the north of the park.

2.3 The recreation ground is bordered by residential properties backing on to the park. To the west of the recreation ground is Hall Avenue; to the north of the site is Aveley High Street which is a combination of residential at first floor and

commercial properties at ground floor. Facing eastwards the recreation ground borders the rear of the residential properties on Ship Lane and to the south the recreation ground is enclosed by the rear of the properties on Church View.

2.4 The site falls outside of any flood risk zone.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Development	Decision
12/00139/FUL	Enlarge existing windows to front elevation of bowls club building and secure with metal shutters.	Approved
87/00681/TBC	Single Storey Sports Pavilion	Approved
80/00779/FUL	Ladies and gents toilet block extension.	Approved

**4.0 CONSULTATIONS AND REPRESENTATIONS**

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: [www.thurrock.gov.uk/planning/16/01330/TBC](http://www.thurrock.gov.uk/planning/16/01330/TBC)

**PUBLICITY:**

4.2 The application has been advertised by way of neighbour letters and site notices erected nearby to the site. One objection has been received and two letters of support have been received at the time of writing the report.

The letter of objection received raises the following concerns:

- Access to site;
- Additional traffic;
- Overlooking ;
- Possible excessive noise;
- Materials proposed;
- Concern that facility could have a licence to sell/consume alcohol.

The letters of support makes the following comments:

- Good opportunity to improve the area;
- Much needed amenity facility;
- Improve landscaping;
- Provides employment.

4.3 SPORT ENGLAND:

No objections.

4.4 HIGHWAYS ENGLAND:

No objections.

4.5 HIGHWAYS:

No objections, subject to condition.

4.6 LANDSCAPE AND ECOLOGY ADVISOR:

No objections, subject to condition.

4.7 ENVIRONMENTAL HEALTH OFFICER:

No objection, subject to conditions.

4.8 PUBLIC RIGHT OF WAY

No objection.

**5.0 POLICY CONTEXT**

National Planning Policy Framework

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

1. Building a strong, competitive economy
4. Promoting sustainable transport
8. Promoting healthy communities
7. Requiring good design

Planning Practice Guidance (PPG)

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was



accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Open space, sports and recreation facilities, public rights of way and local green space, and;
- The use of planning conditions.

### Local Planning Policy

#### Thurrock Local Development Framework

- 5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

#### Thematic Policies:

- CSTP10 - Community Facilities
- CSTP20 - Open Space
- CSTP22 Thurrock Design

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>1</sup>
- PMD2 (Design and Layout)<sup>1</sup>
- PMD8 Parking Standards
- PMD9 Road Network Hierarchy

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

### Focused Review of the LDF Core Strategy

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. Thurrock Council adopted the Core Strategy and Policies for Management of Development

Focused Review: Consistency with National Planning Policy Framework on 28 January 2015.

#### Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The application site has no allocation within either of these draft documents. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan.

### **6.0 ASSESSMENT**

- 6.1 The assessment below covers the following areas:

- i. Plan designation and principle of development
- ii. Design of development and relationship with surroundings
- iii. Amenity Impacts
- iv. Landscape Impacts
- v. Highways and Access
- vi. Other Matters

#### **I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT**

- 6.2 The hub building would be located on land which is presently used as a car park which falls outside of the designated area of open space and is without notation on the Interim Proposals Map. Only the proposed car park would be within the designated area of open space. Whilst the Council seeks to protect areas of existing open space, in this case no objection has been raised by Sport England and the provision of the car park in this location is considered to make the most efficient use of the land to facilitate the much improved community facilities. The applicant has demonstrated a range of football pitch sizes that could be accommodated on the remaining area if formal or informal football pitches were to

be brought into use on the site in the future. It is not therefore considered that the proposals would prejudice the potential for the recreation ground in the future.

- 6.3 Policy CSTP20 seeks to ensure a diverse range of accessible public open spaces is provided and maintained to meet the needs of the local community. In this instance, the development would be funded by s.106 monies secured through the grant of planning permission 09/00091/TTGOUT to be spent specifically in Aveley for community needs. The site is in a sustainable location, close to the town centre which would allow for linked trips within the village. The proposal is considered compatible with residential, educational, retail and community uses and the development would provide modern up-to-date purpose built facilities allowing an enhanced and expanded level of services and activities to the local community. The proposal would also help to ensure that existing community facilities would remain in Aveley complying with Policy CSTP10.
- 6.4 In light of the above, the proposal is considered to comply with Core Strategy policies and as such no objection is raised under this heading.

## II. DESIGN OF DEVELOPMENT AND RELATIONSHIP WITH SURROUNDINGS

- 6.5 The hub building would be contemporary in its appearance and would represent a well-designed form of development within the recreation ground. The building would measure some 31m in depth and in part 18m in width. The majority of the building would be 4m in height, with the exception of the hall which would have a maximum height of 6m. The proposal would be of a flat roofed design and would be constructed using light and dark brick with metal cladding.
- 6.6 The ground levels within the park fall gradually from the north to the south of the site. The changes in levels mean that the development would sit comfortably within the setting of the recreation ground and not appear overly dominant while having limited visual impacts with the surrounding area. The design of the building complies with Policies CSTP22, PMD1 and PMD2.

## III. AMENITY IMPACTS

- 6.7 The hub building would be situated 40m away from the closest residential properties on the High Street to the north and 32m away from the residential properties at the New Maltings to the north east. The neighbours at the New Maltings would be closest to the car park serving the proposal; the proposed car park would be situated approximately 10m away from the rear of these properties. Notwithstanding the relative close proximity of the proposed car park, it is not considered that an objection based upon this relationship could be sustained; the proposed car park would in effect replace the existing car park and residents already overlook the recreation ground where a certain level of traffic and activity associated with the use of the land would be expected. There would be no overlooking or loss of privacy or amenity for local residents as a result of the siting or design of the proposal.
- 6.8 It is recognised that during construction the development may cause noise

disturbance for a limited period and a restriction of the hours of construction would therefore be appropriate. This matter could be handled by the use of a planning condition requiring the submission of a Construction Environmental Management Plan (CEMP). Policy PMD1 is considered to be satisfied in this regard.

- 6.9 The existing bowling green is located immediately west of the boundary with the proposed development, approximately 18m away, and the pavilion is approximately 40m away from rear flank wall of the proposed community hub. The proposed windows facing the bowling green from the hall and kitchen would be high level. Given the hours of use proposed and that the majority of the activities would take place internally (aside from parts of the Café) it is not considered that the proposal would be likely to result in a significant increase of noise such as to warrant disturbance to the nearby bowls club. To address the noise concerns raised by residents, the Council's Environmental Health Officer (EHO) has suggested that the high level windows should be permanently fixed shut and the fire door is alarmed so it is not used unless in emergencies.
- 6.10 The EHO has also recommended that if amplified music is used at functions in the hall that windows and doors should be kept closed and not opened to prevent potential noise nuisance affecting local residents; suitable conditions relating to amplified music and hours of operation have therefore been recommended to ensure neighbour amenity is not affected. A neighbour has queried whether the site would have a licence to sell/consume alcohol on the premises. This does not form any part of the proposals and would be controlled via separate legislation.
- 6.11 Subject to conditions, it is not considered that the proposals would have any significant adverse amenity impacts for surrounding residents and the proposals would comply with Policies PMD1 and PMD2.

#### IV. LANDSCAPE IMPACTS

- 6.12 The Council's Landscape and Ecology Advisor has been consulted on the application and has commented that the proposals offer an opportunity to enhance the appearance of both the new car park and strengthen the horticultural image of this section of the park to the betterment and enhancement of the visual appearance of the area generally. The proposed hub building would occupy broadly the same footprint as the existing car park however, the associated planting around the building and the new car park would result in a significant visual enhancement as it would soften the development and hence the setting of the car park for the benefit of all of the community. The Council's Landscape Advisor has commented that the landscaping plans provided with the application are generally appropriate although it is considered that additional tree planting should be undertaken to provide more shade for the adjacent play area. This matter can be addressed through the imposition of a planning condition.

#### V. HIGHWAYS AND ACCESS

- 6.13 There are no objections to the proposed development from the Council's Highway Officer subject to the access into the application site (which is presently in a poor condition) being improved. Subject to condition, no objection is raised under this heading.
- 6.14 The Council's Highways Officer has also confirmed that parking provision is adequate in terms of size of bays, location and number for a community facility with multiple uses. A detailed parking layout plan and a parking management strategy have been requested, which could be secured via a planning condition.
- 6.15 The proposals identify adequate reuse storage facilities. The applicant has provided a Swept Path Analysis showing a refuse vehicle can enter and exit the site in a forward gear. The plans also details the collection points, both have been accepted by the Highways Officer, sufficient to satisfy the design and layout elements of LDF CS Policy PMD2.

**7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL**

- 7.1 The development represents a well-designed, publically accessible, multi-use community hub facility which complies with a range of development plan policies and accords with the NPPF.

**8.0 RECOMMENDATION**

- 8.1 Approve, subject to conditions.

**Condition(s):**

**1. PLANS**

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

Plan Number(s):		
Reference	Name	Received
5488-1000-A	Location Plan	29th September 2016
5488-1001-A	Existing Site Layout	29th September 2016
5488-1050-A	Site Layout	29th September 2016
5488-1100-B	Block Plan	29th September 2016
5488-1101-B	Proposed Site Layout	29th September 2016
5488-1200-B	Proposed Floor Plans	29th September 2016
5488-1201-B	Roof Plans	29th September 2016
5488-1250-B	Proposed Elevations	29th September 2016
5488-1260-A	Sections	29th September 2016
5488-1270	Drawing	29th September 2016
5488-9000-C	Drawing	29th September 2016
5488-9100-C	Drawing	29th September 2016
5488-9101-C	Drawing	29th September 2016

06/0003	Drawing	04th November 2016
06/0004	Drawing	04th November 2016

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

## 2. SAMPLES OF MATERIALS

Samples of all materials to be used in the construction of the external surfaces of the building(s) hereby permitted, shall be submitted to and approved in writing by, the Local Planning Authority, before any part of the development is commenced.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

## 3. HARD AND SOFT LANDSCAPING

No construction works in association with the erection of the building hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (b) Finished levels and contours;
- (c) Means of enclosure;
- (d) Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units including any cycle store, signs and lighting);
- (e) External surface material for parking spaces, pedestrian accesses.
- (f) Tree protection measures and details of the proposed management of the retained trees and hedges
- (g) Any preserved trees which it is proposed to remove and their suitable replacement elsewhere within the site

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Core Strategy.

**4. HIGHWAYS MANAGEMENT PLAN**

A Highways Management Plan (HMP) shall be submitted and approved by the Local Planning Authority prior to commencement of the development hereby approved, details to include:

- i. Hours of operation
- ii. Construction vehicle routing
- iii. Construction access
- iv. Temporary hard standing
- v. Storage of materials
- vi. Heavy plant storage
- vii. Abnormal Load Vehicle movements and routing
- viii. Crane storage and its use
- ix. Contractor parking
- x. Wheel Washing Facilities

Once submitted to and agreed in writing by the Local Planning Authority the works shall be undertaken in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause pollution in accordance with Policy PMD1 of the Core Strategy and in accordance with NPPF and given the site’s location in close proximity to residential development.

**5. NOISE MITIGATION**

A Noise Mitigation Strategy shall be submitted in writing to the local planning authority within 3 months of this decision notice. The strategy shall be implemented in accordance with these details within 30 days of agreement and shall remain in place unless varied in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause detriment to neighbour amenity in accordance with Policy PMD1 of the Core Strategy and in accordance with NPPF and given the site’s location in close proximity to residential development.

**6. HOURS OF OPERATION**

The premises shall not be open to the public outside the hours hereby approved:

Monday – Saturday	07.00 – 23.00
Sunday	08.00 – 20.00

REASON: In the interests of amenity as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development

Focus Review 2015.

## **7. USE OF SITE**

The premises shall be used for a Community Centre and a Cafe and for no other purpose [including any purpose in Class A3 and D1 of the Schedule to the Town and Country Planning [Use Classes] Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

## **8. ACCESS**

Prior to first occupation of the development hereby permitted the access road, footways, loading, parking and turning areas shown on the plans accompanying the application shall upgraded in accordance with a specification previously agreed with the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety as required by policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

## **9. PARKING LAYOUT**

Prior to the commencement of development, details of the final parking layout, including designated spaces for staff shall be submitted to the Local Planning Authority for approval. Thereafter the parking layout as approved shall be marked out prior to the commencement of use and thereafter retained at any such time the premises are in use as a day nursery.

REASON: In the interests of highway and pedestrian safety as required by policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

## **10. TRAVEL PLAN**

Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to and approved by the Local Planning Authority and retained and updated periodically for the entire time the development is in use.

REASON: To promote sustainable travel choices for staff, pupils and visitors, in the interests of highway safety, efficiency and amenity.

## **11. PARKING MANAGEMENT STRATEGY**

Prior to the first use of the development hereby approved, a Parking



Management Strategy for the internal management of the site shall be submitted to an approved in writing by the Local Planning Authority. The approved plan shall be periodically updated and provided for the entire time the site is put to the permitted use.

REASON: In the interests of the management of the site.

## **12. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)**

Prior to the commencement of demolition, remediation or development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to, details of:

- (a) Hours and duration of works on site
- (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site
- (c) Details of construction access
- (d) Details of temporary hard standing
- (e) Details of temporary hoarding
- (f) Water management including waste water and surface water drainage
- (g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
- (h) Details of method to control wind-blown dust

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

REASON: To ensure construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity.

## **13. NOISE ABATEMENT**

The high levels windows in the Hall must be permanently fixed shut and the Fire Door connected to the Hall permanently alarmed.

REASON: In the interests of amenity as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

## **INFORMATIVE**

- 1 Informative:  
Any works, which are required within the limits of the highway reserve, require the

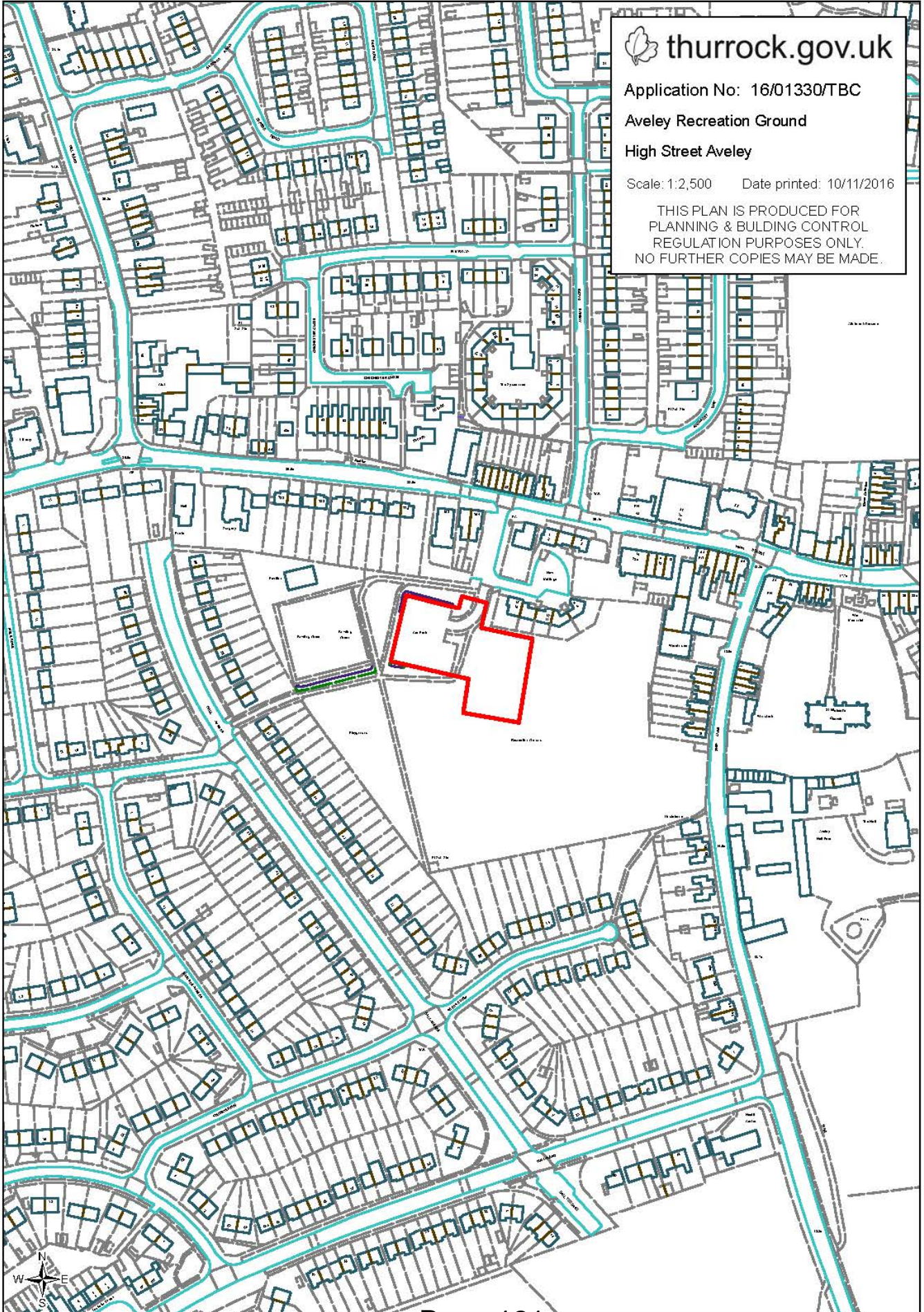
permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works.

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

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



 **thurrock.gov.uk**  
Application No: 16/01330/TBC  
Aveley Recreation Ground  
High Street Aveley  
Scale: 1:2,500    Date printed: 10/11/2016  
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