

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

Planning Committee

The meeting will be held at **7.00 pm** on **26 April 2018**

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

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Martin Kerin, Brian Little, David Potter and Joycelyn Redsell

Agenda

Open to Public and Press

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1 Apologies for Absence	
2 Minutes	5 - 16
To approve as a correct record the minutes of the Planning Committee meeting held on 15 March 2018.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any	

planning application or enforcement action to be resolved at this meeting

6 Planning Appeals 17 - 24

7 Public Address to Planning Committee

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

8 17/01631/OUT: Land part of Little Thurrock Marshes, Thurrock Park Way, Tilbury 25 - 116

9 17/01683/FUL: Little Malgraves Farm, Lower Dunton Road, Bulphan, Essex, RM14 3TD 117 - 176

10 17/01607/HHA: 35 Fairway, Stifford Clays, Grays, Essex, RM16 2AJ 177 - 184

11 18/00394/HHA: 15 St James Avenue East, Stanford Le Hope, Essex, SS17 7BQ 185 - 190

Queries regarding this Agenda or notification of apologies:

Please contact Lottie Raper, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **18 April 2018**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Planning Committee held on 15 March 2018 at 7.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell

Apologies: Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Leigh Nicholson, Development Management Team Leader
Matthew Ford, Principal Highways Engineer
Matthew Gallagher, Principal Planner - Major Applications
Jonathan Keen, Principal Planner
Chris Purvis - Principal Planner - Major Applications
Caroline Robins, Locum Planning Lawyer
Charlotte Raper, Democratic Services Officer

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

69. Minutes

The minutes of the meeting of the Planning Committee held on 8 February 2018 were approved as a correct record.

70. Item of Urgent Business

There were no items of urgent business.

71. Declaration of Interests

Councillor Piccolo declared an interest regarding Item 8, 17/00923/FUL: Yard E2, Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex, SS17 0AL in that he had previously been involved in objections against a development in the same industrial park. However he assured the Committee that he was of an open mind and would consider the application to be determined on its merit.

72. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

The Vice-Chair declared that, as a Ward Councillor for Tilbury he had attended meetings with the Port and also received countless correspondence from residents regarding Item 11, Tilbury2 NSIP: Land forming the western

part of the former Tilbury Power Station, land parallel to and south of the existing London-Tilbury-South railway line south of Tilbury and land at the Asda roundabout junction, Tilbury.

Councillor Rice noted that all members of the Committee could declare the same regarding that item.

73. Planning Appeals

The report provided information regarding planning appeal performance.

Councillor Ojetola hoped that the next report would collate the performance for the whole year. The Committee heard that this was usually presented at the first meeting in a municipal year but it was noted that the Authority had an excellent appeal rate at present.

The Chair highlighted that there was an upcoming public enquiry regarding the Little Thurrock Marshes, to be held 15 – 18 May 2018.

RESOLVED:

The Committee noted the report.

74. 17/00923/FUL: Yard E2, Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex, SS17 0AL

The application sought permission for the use of the land for open storage with an ancillary office building and a workshop building. The majority of the site would be dedicated to storage; with areas for car and lorry parking and turnaround areas. The Principal Planner informed Members that, following further consideration of the conditions amendments had been proposed to No 5, 9 and 16; none of the amendments would affect the overall nature of the condition; but more tightly defined the parameters.

Councillor Jones queried the finer details of “open storage”. The Officer indicated that proposal was for storage of portable containers however it would not be restricted. Councillor Jones continued that the vehicle movements would therefore be container lorries with cranes and asked how many there would be. There were limitations set at 31 HGV movements per day.

Councillor Rice questioned whether there was anything planned to pursue a road from the site to the interchange taking traffic away from Stanford, similar to that proposed by the Thurrock Thames Gateway Development Corporation in the past. The Senior Highways Engineer recalled those plans, which had previously been considered as a potential route, but had been limited by a number of constraints such as railway access and private roads. He noted there were issues of flooding in Wharf Road which were currently being addressed. In terms of the Local Plan process sites would need to be assessed at a high level regarding access needs and at present nothing

specific was under consideration. Councillor Rice emphasised the need to consider such options, particularly given the planned expansion of Stanford, such as 150 new homes on Victoria Road. The local road network would soon become clogged and areas such as Stanford brought to a standstill he considered.

Councillor Churchman referred to paragraph 6.6 of the application and asked whether the restriction of vehicular movements of 31 per day was absolute or whether it would be possible to go above that figure. Members were assured that the absolute maximum of HGV movements a day was set at 31, which could be controlled and monitored through the company's log books. Smaller cars and vans might attend but it was possible to limit the number of HGVs, which were the real concern.

Councillor Piccolo expressed concern regarding access and egress for vehicles via the major road network. He sought clarification as to whether there were weight restrictions in place or the ability to direct HGVs to turn right onto Corringham Road to prevent them travelling through the town centre. A vehicle routing arrangement had been requested as part of the consultation response from Highways officers. There had been difficulty in previous applications, given their scale, in securing that requirement. The Highways Engineer advised that Council was currently looking at schemes, outside of this application to amend weight restrictions within Stanford as they currently included Wharf Road and Corringham Road meaning any HGV travelling via Church Hill would be subject to enforcement. Councillor Piccolo was worried that the requirement might never be triggered as applications were all relatively small, despite a growing number using the site from combined applications.

Councillor Jones noted residents were concerned about Wharf Road. The principles of use for the land was stated as "light industry" but companies on the site used HGVs, tippers, crane lorries and low-loaders which struggled to turn right at the junction due to their size. If the preferred option was for HGVs etc. to turn right then the junction should be made more manoeuvrable for them. He echoed concerns around increased number of vehicle movements through a build-up of small applications. Members were informed that the extant permission on the site was around 500 HGV movements per day; this application's transport assessment, factoring in growth, resulted in a condition of 31 HGV movements per day. There was also a condition requiring no abnormal load movements be permitted and prohibiting lorry parking outside of the site. The proposed use of the site was far less intensive than that already permitted.

The Chair asked whether a level crossing might be an option to allow HGVs to access the site from the DP World side, given that the railway was only used by freight trains and did not form part of the public route. A Highways Assessment would be required as part of the Local Plan process should the option of a new road arise, however the Highways Engineer indicated he considered it would be unlikely that the Council would be able to justify a new route; although it would be considered. An option of a level crossing could be

feasible, though Network Rail had a standing remit to close as many level crossings as possible and there was a fairly large amount of rail freight movement. All of these factors would need to be assessed at present there were no road plans underway.

Councillor Piccolo noted that although the application reduced the amount of HGV movements compared to the extant permission, he was not happy with Wharf Road and also concerned about the operational hours on a Saturday. He could find no planning considerations upon which to refuse the application but felt it was not a good application and could not support it, therefore he would be abstaining.

Councillor Rice expressed his view that none of the Committee was opposed to employment but there was a need to consider long term infrastructure or areas like Stanford would be brought to a halt, and weight restrictions just pushed traffic to other areas. These issues needed to be considered as part of the Local Plan and he requested that officers make a case as there were problems throughout Thurrock and simply adding the proposed Lower Thames Crossing would not resolve the issues. The Development Management Team Leader informed Members that the next stage of the Local Plan process was to consider the amount of growth in the borough and necessary associated infrastructure. This application was not the way to address these issues, but yes they could be considered within the Local Plan.

The Chair agreed that now was the time to consider these matters, especially given the Local Plan process. He reiterated the possibility of a level crossing as the rail line was only used for freight.

It was proposed by the Chair and seconded by the Vice-Chair that the application be approved, subject to conditions, as per the officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Tunde Ojetola and Gerard Rice

Against: Councillors Graham Hamilton and Roy Jones

Abstain: Councillors Terry Piccolo and Graham Snell

RESOLVED:

That the application be approved, subject to conditions.

75. 18/00018/FUL: Thurrock Learning Campus, High Street, Grays, Essex, RM17 6TF

The application sought temporary permission for the retention of the further education building for 5 years, cut back to north-west corner of building, infill of existing courtyard and modifications to the layout and amount of disabled car parking, cycle and motorcycle parking.

Councillor Ojetola stated that, naturally the Committee supported education within the borough. He questioned the definition of “temporary” given that the applicant had been granted temporary permission twice previously. The Principal Planner advised that permission would be for another 5 year period as the land was Council owned and the Council wished to retain freedom for future regeneration plans. It was also noted that the modular design of the building was suitable for temporary permission; however an improved design would be required for permanent permission. Councillor Ojetola continued to state that, were this a commercial application, the Committee would be more harsh regarding repeated extensions to temporary permission. He had no objection to the proposals however he found another renewal of temporary permission for a period of 5 years alarming.

The Agent, Vincent Gabbe, was invited to the Committee to present his statement of support.

It was proposed by Councillor Jones and seconded by Councillor Churchman that the application be approved, subject to conditions, as per the officer’s recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Gerard Rice and Graham Snell

Against: (0)

Abstain: Councillor Tunde Ojetola

RESOLVED:

That the application be approved, subject to conditions.

76. 18/00019/FUL: Thurrock Learning Campus, High Street, Grays, Essex, RM17 6TF

The application sought temporary permission for the retention of the further education building for 5 years, and modifications to the layout and amount of disabled car parking, cycle and motorcycle parking.

Councillor Ojetola sought clarification that the main difference from the previous application was around the land ownership issue. It was confirmed that this application sought to retain the building as it currently stood, including a small pocket of third party land which the Council was seeking to buy. The applicant was simply safeguarding their position for either eventuality.

The Agent, Vincent Gabbe, was invited to the Committee to present his statement of support.

Councillor Rice expressed his support for the Thurrock Learning Campus which was supporting the borough's young people.

Councillor Ojetola reiterated his previous stance that, while he supported the education, a permanent, long-term decision was required.

It was proposed by the Vice-Chair and seconded by Councillor Churchman that the application be approved, subject to conditions, as per the officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Gerard Rice and Graham Snell

Against: (0)

Abstain: Councillor Tunde Ojetola

RESOLVED:

That the application be approved, subject to conditions.

77. Tilbury2 NSIP: Land forming the western part of the former Tilbury Power Station, land parallel to and south of the existing London-Tilbury-South railway line south of Tilbury and land at the Asda roundabout junction, Tilbury.

The Principal Planner – Major Applications presented the report. Members were advised that this was not a 'normal' application for determination by the Planning Committee. The proposals submitted by the Port of Tilbury London Ltd. were defined as a Nationally Strategic Infrastructure Project (NSIP) and the accompanying application for a Development Consent Order would therefore be considered by a panel of inspectors reporting to the Secretary of State, who would take the final decision. Although the Local Authority would not determine the application, as the host borough they were encouraged to participate in the process and therefore the Planning Committee was asked to endorse the Local Impact Report and Written Representation. The NSIP process was governed by strict timeframes and therefore it was crucial that the Committee reached a decision and did not defer, as the documents and comments would not be taken into account if they were not submitted to the Planning Inspectorate by midnight Tuesday 20 March 2018.

The Vice-Chair expressed the view that the Port of Tilbury had always been deemed to be a good neighbour, however it was suggested that some of its tenants raised noise and air pollution issues. He queried what could be done to ensure that future tenants would not cause environmental impacts related to noise and air quality. The visual appearance of the proposed container storage area was also queried. Any approval of a Development Consent Order by the Secretary of State would not be unconditional; permission would be subject to 'requirements'. Draft requirements had been submitted for

consideration and suggestions had been made within the Local Impact Report. Requirements were similar to planning conditions for general applications; details of external appearance of buildings would have to be submitted and agreed by Thurrock as the local Planning Authority, there would be height restrictions, flood risk assessment, noise and air quality mitigation and ongoing noise monitoring and other such matters as would usually be expected. The requirements would be legally binding. The Environmental Statement assumed the worst case scenario and formulated mitigation proposals accordingly. The reality was that during operation containers would be moving and heights would periodically go up and down. Within the Local Impact Report the worst case scenario also assumed that Tilbury Power Station would not be there, though it was considered likely that there would be a replacement power station in the future and therefore the visual backdrop would change again. Landscape had been assessed to be a negative impact however not significantly and taking the whole proposal on balance the clear benefits of the scheme outweighed this impact.

Councillor Rice sought assurance that the Fort Road and Dock Road access routes would be maintained, as there was a routing system currently in place installed by Thurrock Council. The Principal Highways Engineer informed the Committee that there was a proposal to provide an extension to the current bridge over the Fort Road with the intention of maintaining a strong link to the existing network and relocating as much traffic to the new port road as possible. He assured Members that the Council did not want access prejudiced in anyway and were therefore considering matters closely.

Councillor Rice agreed that was reassuring to hear, he continued to state that while he fully supported proposals environmental measures regarding the A1089 to protect residents were needed. He wanted the same package as had been installed via DP World development with acoustic barriers and felt this was an opportunity to enhance environmental measures. It was confirmed that there would be acoustic barriers along the new port access road however the A1089 further north was a Highways England asset. The issue of acoustic barriers was also a question for environmental health officers rather than the highways department and the requirements at DP World had been made by Public Protection and the assessment would also fall to them in this instance.

Members were advised that the Environmental Health Officer had been satisfied and made no comment requesting noise barriers north of the Asda roundabout on the A1089. Councillor Rice continued that he would not be satisfied until environmental measures were installed to protect residents. Members heard that the issue centred around evidencing what increase on that stretch of road could be attributed to this proposal alone, in the context of everything else on the A1089. However Highways England were also part of the process and could therefore have their own view of mitigation requirements along their asset.

Councillor Ojetola echoed comments that in principle he agreed with proposals regarding employment provision and felt it was commendable and a credit to Thurrock that the Port was expanding following the development of a

second port, DP World, in the borough which could have caused competition. He raised a concern regarding the proposed deletion of a public footpath and asked what was proposed instead. The footpath in question, 144, ran between the rear of residential properties and commercial sites and crossed the existing railway line. It was proposed to stop up a short section for safety reasons due to the proposed infrastructure corridor. The Local Impact Report outlined mitigation in terms of planning obligations including an Active Travel Study, with measures to improve walking, cycle routes and way-finding in a relatively large surrounding area; the S106 also sought surface improvements and widening of some existing footpaths. Councillor Ojetola explained that he had hoped for something so that users directly affected by the closure would not have to travel further, such as a bridge over the railway, and was surprised that the issue had not been picked up more. He appreciated the improvements elsewhere but asked what was proposed for those affected users. The proposal was for the footpath to be stopped at the railway crossing, due to safety issues. The suggestion of an over-path had been discussed as part of the pre-application however it would raise the issue of overlooking for the residential properties because of the height of structure required. In lieu of the footpath the applicant proposed to make further enhancements to make alternative routes more attractive including cycle links. There would be enhancements and widening works proposed for the Two Forts Way, including links over the sea wall. These proposed enhancements were deemed as sufficient mitigation for the loss of footpath 144.

Councillor Ojetola continued to query the wording of paragraph 6.21 of the Local Impact Report, on page 92 of the agenda, which stated that works shown would not appear to raise Green Belt policy implications. He sought clarification as to whether it did or did not raise these implications. The Principal Planner – Major Applications explained that much of the precise design detail had not yet been submitted and therefore officers had to test the parameters of acceptability. However, on the basis of the submitted general arrangement plans and from the available evidence there were no significant conflicts with the Green Belt. There was also the need to balance the status of the NSIP with the small pocket of Green Belt within the site, with the added benefits of landscaping and ecological mitigation which were deemed to outweigh the harm.

Councillor Ojetola questioned who would determine the issue. Three Planning Inspectors were appointed to consider the application, in considerable detail. They would assess the application and present a recommendation to the Secretary of State, taking into account all material considerations including Green Belt. NSIPs did not fall under normal planning policy and were instead subject to “National Policy Statements”, though these often replicated what would be considered within ‘standard’ planning applications. The recommendation would be guided by the Local Impact Report and Written Representation from Thurrock Council and submission from any other interested parties. Thurrock officers suggested that the impact upon the Green Belt was outweighed but the final decision was for the Secretary of State.

Councillor Snell recalled from experience that Roll On / Roll Off ports generally saw bursts of traffic. He asked what figure had been used for calculations regarding the impact assessment for NO₂. Paragraph 7.12.3 of the Local Impact Report showed that one human health receptor was modelled to experience a 'moderate adverse' impact however remained well below the air quality objective. Environmental Health Officers were satisfied that the assessment was robust and modelling had been agreed. Levels remained within objective values and on that basis there were no objections. Councillor Snell continued that there was no information regarding the number of vehicle movements the calculations were based upon. He also queried whether shipments would arrive at night leading to large numbers of vehicle movements in close proximity to residential properties. Paragraph 4.33 of the Local Impact Report summarised the operational details, again assessed on a worst case scenario, which saw four daily movements, two vessels in and out. The Principal Highways Engineer advised that the port was proposed to process 1.6million tonnes / year which would be broken down by distribution methods:

- 150,000 tonnes ship borne (10%)
- 700,000 tonnes by rail (45%)
- 750,000 tonnes by road (45-50%)

Officers were seeking to link the travel plan with the sustainable distribution plan. The transport assessment had identified use of larger trucks, and so the applicant was asked to assess by smaller types, to take into account those without full loads, therefore the impact has been over assumed. Officers had raised concerns regarding the Asda roundabout as they did not agree with the mitigation measures proposed, the concern was for the Thurrock road network as the mitigation measures would potentially impact on Thurrock Park Way and Dock Road, Tilbury. Ultimately the onus was on Highways England to raise a representation around their highway assets.

The Committee adjourned at 9.09pm and reconvened at 9.14pm.

The Committee agreed to suspend standing orders at 9.14pm.

Councillor Piccolo queried figures outlined in paragraph 1.4 of the Local Impact Report, which showed an estimated throughput of 500,000 units per annum. It was confirmed that this figure related to containers, not vehicle movements, and then sustainable distribution plan identified exports by certain means but the traffic impact only related to road distribution. While it was accepted that there were some mitigation measures proposed there were still concerns.

Councillor Piccolo continued to ask what was proposed in case of problems at the port regarding the stacking of lorries in the local area. He was especially concerned around the impact on major local infrastructure given the proximity to the Asda, Travis Perkins and Amazon sites. The Principal Highways Engineer confirmed that there was no lorry park. Facilities were proposed similar to those in place at DP World with vehicle booking systems and early

warning systems in place as a back up to alert drivers not to arrive if at the port if problems were to arise. Stacking on the A1089 could not be done legislatively and it was for the Port of Tilbury to mitigate the impact through directing and diverting HGVs.

Councillor Piccolo expressed concern that there was nothing in place to protect residents. Based upon his own experience, living in Stanford where drivers were advised not to go to DP World and so parked along the Manorway. He felt something should be done that would be enforceable.

Councillor Hamilton accepted paragraph 7.8.3 of the Local Impact Report but added that 7.8.8 should be amended to say that an improved junction enhancement absolutely should be investigated, rather than '*suggested*'.

Councillor Rice emphasised that members supported 2,000 new jobs but reiterated the need for full environmental protection for residents. He did not want to see HGVs cutting through Chadwell St Mary if there were issues on the A1089, and wanted that to be clear. Officers were urged to discuss enhanced environmental measures along the A1089 with Highways England, as they were aware of the issues. He felt the 45% distribution rate by rail was pleasing but would encourage the Port of Tilbury to work to increase that further and continue to reduce vehicle movements on the road network, and appealed to the Port of Tilbury to go above and beyond what was required of them. He fully supported the proposal which offered much needed employment but he hoped it would benefit local people and local companies as it was important that they prospered from this development.

Councillor Ojetola noted that the debate had been very wide-ranging, as was only appropriate given the scale of the proposal. He felt it was appropriate that Members scrutinised the matter not only in terms of material planning considerations but as Ward Councillors too. Many of the questions asked and concerns raised had come from experience of previous developments in the area and he too appealed to the Port of Tilbury's good grace to do as much as possible. He felt it would have been preferable to receive the report at an earlier meeting to allow for a deferral if necessary rather than being limited by deadlines, and hoped that the reports sent to the Planning Inspectorate would reflect the views of Members. He was pleased to see development at the port when DP World could have caused a negative impact and commended development and employment even if he was not completely satisfied.

Councillor Snell felt genuinely torn. He accepted that Thurrock was an industrial area and that the job opportunities should not be discounted, however he had a real fear for the residents of Tilbury. Aggregates and Roll On / Roll Offs would be noisy and he was unsure whether anything that could be done to mitigate would make a real difference. He also felt that the proposal could not be assessed in isolation. The expansion would create increased traffic and something needed to be done regarding the A1089. There were issues around noise, air pollution and vehicle movements. He felt the rail movements were aspirational and trailer traffic would be destined for

relatively local areas and therefore would only be feasible via road. He stated his uncertainty around voting for the proposal.

The Vice-Chair noted recent reports around Tilbury Regeneration had suggested greater use of the riverside and the flow of walking traffic. He felt it was unacceptable that there was no direct route to the riverside. He echoed Councillor Piccolo's concern around lorries queuing, especially in the wake of Brexit and potential increased delays due to customs checks. He noted that jobs and regeneration were welcome however he could not support the proposal as it stood. The Port of Tilbury were good employers and did a great deal for the community however the same could not always be said for their tenants. The fact that the port was managed by the Environment Agency and not Thurrock Council was an issue and he feared things would go wrong with no recourse.

The Chair echoed comments and asked that officers documented them specifically. He agreed that traffic on the A1089 would be a concern and he was interested to see how things progressed. Within proposals for the Lower Thames Crossing there had been mention of a relief road, which could be either positive or negative but either way was a long way in the future, so he was keen to see what Highways England would propose for the A10089. He felt the expansion of the port was a fantastic opportunity for Thurrock and reminded Members that the Committee was not looking to approve or refuse the application, but to steer the Planning Inspectorate and the Secretary of State. He expressed his support for the expansion and the opportunity to secure the future of the Port of Tilbury, albeit with some pressing issues.

Councillor Hamilton and Councillor Ojetola sought clarification as to whether the submissions would include amendments suggested by Members. The Development Management Team Leader advised that Members' comments would be outside of the formal submission and would form part of ongoing discussions; however paragraph 7.8.8 of the Local Impact Report would be amended as per Councillor Hamilton's request prior to submission.

It was proposed by the Chair and seconded by Councillor Rice that the Planning Committee consider and agree the content of both the Local Impact Report forming Appendix 1 and the Written Representation forming Appendix 2 and that these Appendices are formally submitted to PINS on or before the deadline of 20th March 2018.

For: Councillors Tom Kelly (Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo and Gerard Rice

Against: (0)

Abstain: Councillors Steve Liddiard (Vice-Chair) and Graham Snell

RESOLVED:

That the Planning Committee consider and agree the content of both the Local Impact Report forming Appendix 1 and the Written Representation forming Appendix 2 and that these Appendices are formally submitted to PINS on or before the deadline of 20th March 2018.

The meeting finished at 9.44 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

26 April 2018	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Development Management Team Leader	
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transportation and Public Protection.	
Accountable Director: Steve Cox, Director of Place	

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report

2.0 Introduction and Background

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

3.0 Appeals Lodged:

3.1 Application No: 17/01639/HHA
 Location: 72 Fullarton Crescent, South Ockendon
 Proposal: Two storey side extension.

3.2 Application No: 17/01182/HHA
Location: 109 Lodge Lane, Grays
Proposal: Vehicle crossing over pedestrian footway.

3.3 Application No: 17/01546/HHA
Location: Fen Cottage, Fen Lane, Orsett,
Proposal: Raise the roof of dwelling with front and rear dormers on the north and south elevations to provide first floor accommodation.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 **Application No: 17/01154/HHA**
Location: Wychem, Rectory Road, Orsett
Proposal: Single storey rear extensions, first floor rear balcony, one front dormer and cover roof to front entrance

Decision: Appeal Allowed

4.1.1 The appeal related to two small rear extensions one with a balcony, cover roof to front entrance and a front dormer. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of the next door property, Durley, with particular regard to privacy. The application drawings indicated a 2m high screen on the side of the balcony that would project beyond the line of balustrades that would be set in from the rear wall of the extension. This arrangement, the Inspector commented, would make it very difficult for users of the balcony to overlook the area immediately to the rear of Durley. In addition the garage close to the boundary would restrict the extent of views over the rear garden of Durley.⁵ For these reasons the Inspector was satisfied that the proposal would not have unacceptable effects on the living conditions of occupiers of Durley and the Inspector allowed the appeal.

4.1.2 The full appeal decision can be found online.

4.2 Application No: 17/01137/HHA

Location: 215 Southend Road, Stanford Le Hope

Proposal: Retrospective - replace existing boundary / driveway entrance wall with new blockwork and rendered wall

Decision: Appeal Allowed

4.2.1 This appeal sought retrospective permission for the erection of a replacement wall. The main issues related to the effect the wall has on the character and appearance of the property and the area; and whether any identified harm may be outweighed by any benefits of the development. Overall, the Inspector concluded that the design of the walls is in keeping with the host property, their height is in keeping with the tall enclosures at adjoining property, and their benefit in providing partial screening of unsightly storage outweighs the loss of openness. The development was subsequently determined not to be in conflict with the development plan and the appeal was allowed.

4.2.2 The full appeal decision can be found online.

4.3 Application No: 17/00739/ADV

Location: Land South Of Hovels Farm, Southend Road, Corringham

Proposal: Retention of a V-shaped board featuring 2 x fascia signs

Decision: Appeal Dismissed

4.3.1 This appeal related to an advertisement consent sought for a V shaped board featuring two fascia of sizes 22' x 10' and 16' x 8' display area, built on a timber structure featuring 8" x 3" posts and a wooden sub frame. The advertising boards were already installed and in use. The Inspector commented that the signs represent significant visual clutter in the open countryside that markedly diminishes amenity for passers-by and local residents. The Inspector stated that no design changes by means of a condition could mitigate for the harm to amenity. The Inspector concluded that the signage conflicted with Policies PMD2 and CSTP22 of the Thurrock Core Strategy which seek to protect amenity and dismissed the appeal. Enforcement action will follow if the advertisements are not removed.

4.3.2 The full appeal decision can be found online.

4.4 Application No: 17/01041/HHA

Location: 97 Kingsman Road, Stanford Le Hope

Proposal: Retention of garage with canopy.

Decision: Appeal Dismissed

4.4.1 This appeal related to retrospective permission for the erection of a garage which has already been constructed. The Inspector considered the main issue is the effect of the proposal on the character and appearance of the appeal site and surrounding area; and, related to this, on the living conditions of nearby residents, with regard to outlook. The Inspector commented that the garage was particularly prominent in views to the rear of the terrace due to its depth and the height of the dual pitch roof and context of the scale of other outbuildings. The Inspector concluded that the garage has an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area; and, related to this, on the living conditions of nearby residents, with regard to outlook contrary to Policy PMD1 of the Council's Core Strategy and Policies for Management of Development and the National Planning Policy Framework. Enforcement action will follow.

4.4.2 The full appeal decision can be found online.

4.5 Application No: 17/00422/FUL

Location: 13 Crouch Road, Chadwell St Mary

Proposal: Construction of a block of flats consisting of 2no. bedsits, 1no. two-bedroom flat and 1no. three-bedroom flat.

Decision: Appeal Dismissed

4.5.1 The appeal related to the proposed construction of a block of flats consisting of 2x bedsits, 1x 2 bedroom flat and 1x 3 bedroom flat. The main issues in this case were the effect of the block of flats on (a) the character and appearance of the area and (b) the living conditions of existing occupiers with particular regard to outlook, daylight and sunlight. The Inspector considered that the mass, design and scale of the proposal would clash awkwardly with the existing buildings. In particular the shape of the roof combined with the large fenestration would make the building appear clumsy and the fourth storey would draw attention to the building and appearance incongruous within the street scene of the locality. The Inspector also commented that no 13 would be obstructed by an imposing building of significant height and the effect would be overbearing and result in substantial harm to outlook. In dismissing the appeal, the Inspector concluded that the proposal would have a harmful effect on the character and appearance of the area and it would be

in conflict with policies SCTP22, CSTP23 and PMD2 of the Thurrock Core Strategy. The Inspector also concluded that the proposal would be in conflict with CS Policy PMD1 and would be in conflict with the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing occupiers of land and buildings.

4.5.2 The full appeal decision can be found online.

4.6 **Application No: 17/00120/LBC**

Location: 26 Bata Avenue, East Tilbury

Proposal: Replacement of timber windows with UPVC double glazed windows.

Decision: Appeal Dismissed

4.6.1 This Listed Buildings Consent appeal related to the replacement of rot affected timber windows with uPVC double glazed windows installed without Listed Buildings Consent and investigated by the Council's Enforcement Team. The Inspector concluded that the replacement windows detract from the architectural character of the building and fail to preserve or enhance the character or appearance of the East Tilbury Conservation Area. The Inspector agreed with the Council that the installation conflicts with the heritage protection objectives of policies PMD2 and PMD4 of the Thurrock Local Development Framework of 2015 and dismissed the appeal. Enforcement action will now follow.

4.6.2 The full appeal decision can be found online.

5.0 Forthcoming public inquiry and hearing dates:

5.1 **Application No: 15/01354/OUT**

Location: Land Part of Little Thurrock Marshes, Thurrock Park Way

Proposal: Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.

Dates: 15-18 May (Public Inquiry)

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	2	2	6	5	8	1	0	2	0	3	2	4	35
No Allowed	0	2	4	1	0	0	0	0	0	0	1	2	10
% Allowed													28.5%

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**
Director of Finance & IT

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration) and
Deputy Monitoring Officer

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. 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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Reference: 17/01631/OUT	Site: Land part of Little Thurrock Marshes Thurrock Park Way Tilbury
Ward: Tilbury Riverside and Thurrock Park	Proposal: Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 hectares of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works (Re-submission of planning application ref. 15/01354/OUT).

Plan Number(s):		
Reference	Name	Received
001 Rev. C	Site Location Plan	05.12.2017
131 Rev. J	Masterplan	20.03.2018
133 Rev. H	Building Parameters Plan	20.03.2018
134 Rev. J	Masterplan Housing Zones	20.03.2018
140 Rev. J	Masterplan Ecology Enhancement Plan	20.03.2018
141 Rev. H	Masterplan Bunds	20.03.2018
142 Rev. D	Affordable Housing	20.03.2018
143 Rev. B	Masterplan (1:500)	20.03.2018
144	Masterplan (1:500)	05.12.2017
145 Rev. A	Masterplan (1:500)	20.03.2018
146	Masterplan (1:500)	05.12.2017
970.01 Rev. E	Landscape and Ecology Strategy	05.12.2017
970.02 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.03 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.04 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.05 Rev. C	Landscape and Ecology Strategy	05.12.2017
970.06 Rev. A	Landscape Sections	05.12.2017
CC1442-109_D	Highways Overall GA	05.12.2017
CC1442-110_E	Highways GA	05.12.2017
CC1442-111_E	Highways GA	05.12.2017
CC1442-112_E	Highways GA	05.12.2017
CC1442-113_D	Highways GA	05.12.2017
CC1442-114_E	Highways GA	05.12.2017
CC1442-115_E	Highways GA	05.12.2017
CC1442-116_B	Highways Vehicle Tracking	05.12.2017

CC1442-117_B	Highways Vehicle Tracking	05.12.2017
CC1442-118_B	Highways Vehicle Tracking	05.12.2017
CC1442-119_B	Highways Vehicle Tracking	05.12.2017

The application is also accompanied by:

- Accommodation Schedule dated 27 November 2017;
- Botanical Survey dated July 2016;
- Breeding Bird Survey Report dated June 2016;
- Design and Access Statement;
- Ecology Data Survey – Bio and Geodiversity Data, dated 7.10.15;
- Ecological Mitigation Strategy and Habitat Enhancements Plan dated October 2016;
- Flood Risk Assessment dated January 2015;
- Flood Risk Assessment Addendum dated November 2015;
- Flood Risk Assessment Addendum, November 2015, Appendix A;
- Flood Risk Assessment Addendum, November 2015, Appendix B;
- Great Crested Newt Survey dated June 2016;
- Invertebrates Survey Report dated October 2016;
- Invertebrates Survey – Interim Report dated June 2016;
- Landscape Visual Impact Assessment Rev A dated October 2017;
- Lowes Metals Air Quality Statement dated June 2016;
- Lowes Metals Noise Statement dated June 2016;
- Noise Assessment dated June 2016;
- Planning Statement dated November 2017;
- Preliminary Ecological Appraisal dated October 2015;
- Reptile Survey Report dated June 2016;
- Supplementary Flood Risk Assessment Addendum dated May 2016;
- Section 106 Draft Heads of Terms;
- Sustainability and Energy Statement dated June 2016;
- Transport Assessment dated October 2015;
- Transport Assessment Addendum dated February 2016;
- Transport Assessment Addendum 2 dated September 2016;
- Travel Plan dated October 2015;
- Water Framework Directive dated June 2016;
- Water Vole Survey dated September 2017; and
- Water Vole Presence / Absence Survey Report dated October 2015.

Applicant:
Nordor Holdings Ltd

Validated:
6 December 2017
Date of expiry:
30 April 2018 (extension of time)

	agreed with applicant)
Recommendation: Refuse planning permission.	

1.0 DESCRIPTION OF PROPOSAL

1.1 As detailed in the 'Planning History' section below, this application is effectively the re-submission of a near identical planning application (ref. 15/01354/OUT) which was refused by the Planning Committee on the basis of inappropriate development in the Green Belt and the lack of very special circumstances to justify a departure from local and national planning policy. The applicant has lodged an appeal against the refusal of 15/01354/OUT and the Planning Inspectorate has scheduled a public inquiry to consider the appeal in May 2018.

1.2 With reference to the current planning application, the submitted Planning statement confirms:

'Since the determination of application Ref. 15/01354/OUT, a minor layout adjustment has been made to the scheme involving the redistribution of 15 units to the north-west of the site, in order to allow for a landscape buffer between the Council's community facility and the curtilage of the proposed properties backing onto it. No change is proposed to the number or mix of units. This new application includes this minor layout adjustment'.

1.3 In addition, the layout drawings have been amended to allow for the increased width of a maintenance strip adjacent to a watercourse (from 6m to 7m width). Aside from these amendments, the current application is identical to the previous submission and the description of development and majority of supporting studies and reports are consistent with the previous submission. However, a number of the previously submitted drawings have been revised to reflect the changes to the layout and amendments to the previous landscape and ecology drawings have been submitted. In addition, the current submission includes a 'Landscape and Visual Impact Assessment' which is an additional document not previously submitted or considered.

1.4 The applicant is entitled in the circumstances to make a 'repeat' application following the refusal of planning permission. National Planning Practice Guidance confirms:

'An application can be made for a development which has already been refused. However local planning authorities have the power to decline an application for planning permission which is similar to an application that, within the last 2 years, has been dismissed by the Secretary of State on appeal or refused following call-in. A local planning authority may also decline to determine an application for planning

permission if it has refused more than one similar application within the last 2 years and there has been no appeal to the Secretary of State.'

As the appeal is pending and the current submission is the first repeat application, the local planning authority cannot decline to accept the application.

- 1.5 For information a copy of the report presented to Planning Committee in June 2017 setting out the full description of development is appended at Appendix A.

2.0 SITE DESCRIPTION

- 2.1 The site comprises an irregularly shaped parcel of land, extending to approximately 13.36 hectares in area and generally located to the west of the Dock Approach Road (A1089) and north of the Thurrock Park Way commercial area. The site 'wraps around' the existing Churchill Road residential estate, developed in the late 1980's and principally comprising two-storey dwellinghouses on Churchill Road, Medlar Road, Salix Road and adjoining streets. This estate essentially comprises a cul-de-sac of c.250 dwellings accessing onto Dock Road to the north.
- 2.2 The northern part of the site consists of an open strip of land separating the Churchill Road estate and dwellinghouses to the north at Silverlocke Road, Lawns Crescent and The Willows. The drainage ditch, known as the Chadwell New Cross Sewer, passes east-west across the northern part of the site before changing alignment to run parallel to the site's western boundary. This watercourse is defined as a 'Main River'. Much of the eastern part of the site also comprises a strip of open land separating the Churchill Road estate from the A1089 Dock Approach Road. The southern part of the site comprises a broader expanse of open land separating the Churchill Road estate from the Asda supermarket and commercial uses at Thurrock Park Way to the south. The western part of the site adjoins an area of open land located at the western-end of Thurrock Park Way.
- 2.3 The site is open and has been partly colonised by scrub vegetation. The majority of the application site, apart from a thin strip along the northern and western edges of the site, is located within the Green Belt as defined by the Policies Map accompanying the adopted Core Strategy (as amended) (2015). The south-western part of the site, as well as being designated as Green Belt, is allocated as 'Additional Open Space'. The site is generally flat and low-lying and is within the high risk flood zone (Zone 3), although it benefits from existing flood defences. The site does not form part of the Tilbury flood storage area, which is generally located to the east of the A1089(T). None of the site forms part of any designated site of nature conservation importance.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
52/00279/FUL	Erection of electric overhead lines at Dock Road, Little Thurrock.	Approved
57/00570/FUL	Residential development	Refused
58/00087/FUL	Erection of overhead electric power lines	Deemed Approval
64/00617/FUL	Housing estate providing for the erection of 250 Houses	Approved
66/00907/FUL	Operational land for the purposes of the authorities undertaking	Withdrawn
68/00783/FUL	Overhead power lines	Approved
69/00621/FUL	Vehicle park and access road on land west of Dock Road, Tilbury	Approved
69/00621A/FUL	Depot and access road west of Dock Road, Tilbury subject to conditions within planning application THU/621/69	Approved
74/00161/OUT	Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space.	Approved
78/00292/FUL	Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space subject to condition 1 - 30 on permission THU/161/74	Approved
78/00601/OUT	Development including housing, warehousing, superstore and open landscaped areas. Appeal Lodged. Appeal Allowed	Approved
78/00601A/FUL	Superstore and car parking, warehousing and car parking. Overall development access roads and sewers	Approved
81/01145A/FUL	Revised application for residential development of 252 houses	Approved
82/00141/OUT	Use of land as industrial and or warehousing and ancillary purposes	Approved
89/00283/OUT	Housing community facility, link road, access roads and public open spaces. N.B. This decision was subject to a Section 52 Agreement which was not finalised.	Refused
08/01042/TTGSCR	Request for EIA screening opinion: Proposed redevelopment of land at Little	EIA not required

	Thurrock for employment use and creation of public open space and wildlife habitat.	
09/50024/TTGOUT	Land to the South of Churchill Road residential estate and to the north of the Thurrock Park employment area. Redevelopment of land at Thurrock Park to include development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock park (use class B2/B1 (c) and B8) with a total maximum internal floor area of 20,000sq.m. Improvements to 9.6 hectares of existing open space, including better access.	Approved
11/50307/TTGOUT	Redevelopment of land at Thurrock Park to include: 1. Development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock Park (uses B2, B1(c), B8) and open storage and other non-class B employment uses with a total maximum internal floor area of 20,000 sq.m. The open storage and non-class B employment uses shall be limited to not more than 2 hectares. 2. Improvements to 9.6 hectares of existing open space, including improved access.	Approved
13/00396/CV	variation of conditions relating to 11/50307/TTGOUT	Invalid
13/00685/CV	Variation of conditions 2, 7, 12, 14, 15, 16, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-development of site without submitting details of all phases prior to the implementation of any part of the development	Finally disposed of
15/00116/OUT	Application for outline planning permission (with all matters reserved) for the development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works.	Withdrawn
15/00171/SCR	Request for a screening opinion pursuant to	EIA not

	Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Proposed development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works.	required
15/00299/CV	Variation of conditions 2, 3, 4, 7, 12, 14, 15, 16, 18, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 35, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-development of site without submitting details of all phases prior to the implementation of any part of the development.	Lapsed
15/00476/NMA	Variation of Conditions 3 (Outline Element) and Condition 4 (Time Limit) against approved planning application 11/50307/TTGOUT	Invalid
15/01354/OUT	Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.11 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.	Refused, appeal pending

3.1 From the table above it will be noted that a planning application (ref. 15/01354/OUT) proposing a near identical development was submitted in 2015. A report assessing this application was presented to the Planning Committee at its meeting on 22nd June 2017. Officers recommended that planning permission be granted subject to:

- i. referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination;
- ii. the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms –

- the provision of 98 no. dwellings as affordable housing;
- financial contribution of £273,316.39 towards the costs of additional nursery school places within the Tilbury primary school pupil planning area;
- financial contribution of £1,363,958.96 towards the costs of additional primary school places within the Tilbury primary school pupil planning area;
- financial contribution of £1,091,050.63 towards the costs of additional secondary school places within the central secondary school pupil planning area;
- financial contribution of £40,000 towards the costs of cycle and footpath links between the site and Manor Road and the A1089 in accordance with the Council's IRL;
- agreement that the local highways authority may obtain unrestricted access across the watercourse in the developers landholding at any location and for at least 2 crossing points for a cycle / footpath bridge to the north and / or west of the site; and
- financial contribution of £200,000 towards the costs of capacity and safety improvements at the junction of the A1089 and A126 Marshfoot Road Priority Junction in accordance with the Council's IRL.

iii planning conditions.

3.2 After extensive debate Members of the Planning Committee voted against the recommendation by 5 votes to 4 and voted in favour of a proposal to refuse the planning application, for reasons related to impact on the Green Belt, by 5 votes to 4.

3.3 Planning permission was subsequently refused by notice dated 26th June 2017 for the following reason:

'The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework 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 harm the openness of the Green Belt and would be contrary to a number of the purposes for including land in a Green Belt. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 9 of the NPPF and

Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015)'.

3.4 In November 2017 the applicant lodged an appeal against the refusal of planning permission. Following validation, the Planning Inspectorate accepted the appeal on 15th December 2017. A public local inquiry to consider the appeal is scheduled to be held in May of this year.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised as a major development and as a departure to the development plan by way of individual neighbour notification letters, press advert and public site notices which have been displayed nearby.

4.3 A total of 213 individual letters of objection have been received, including one letter from a Ward Councillor and one letter from an adjoining Ward Councillor. In summary, these letters raise the following concerns:

- contrary to planning policies;
- increased traffic on local roads;
- strain on existing infrastructure (roads / sewerage / schools / surgeries);
- prejudicial to safety;
- loss of habitat;
- loss of Green Belt;
- increased rat-running on roads;
- risk of flooding;
- inadequate access;
- increased pollution;
- out of character;
- overlooking;
- increased noise and disturbance;
- loss of views;
- increased crime;
- impact on ecology; and
- impact on residential amenity.

In addition, a petition containing some 679 signatures has been received objecting to the application.

4.4 CAMBRIDGE & ESSEX BUTTERFLY CONSERVATION:

Urge caution in accepting the conclusion drawn in the submitted Ecology Mitigation Strategy and Habitat Enhancement Plan. Loss of biodiversity is considered to be significant.

4.5 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection, subject to planning conditions.

4.6 ESSEX FIELD CLUB:

Object to the application on the ground of loss of habitat and impact on invertebrates.

4.7 ANGLIAN WATER:

Suggest planning conditions addressing foul and surface water drainage strategies.

4.8 ESSEX FIRE & RESCUE SERVICES:

Access appears to be satisfactory. Draw attention to the requirements of Building Regulations and the potential need for water supplies.

4.9 ESSEX & SUFFOLK WATER:

No objection.

4.10 HIGHWAYS ENGLAND:

No objection.

4.11 NHS ENGLAND:

The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. A developer contribution of £110,400.00 is sought to mitigate impacts.

4.12 PORT OF TILBURY:

The impacts on air quality and noise from traffic using the A1089 should be

considered, particularly in the context of the Amazon development and the potential Tilbury2 development.

4.13 ENVIRONMENT AGENCY:

No objection.

4.14 EMERGENCY PLANNING:

Recommend the preparation of a Flood Warning Evacuation Plan.

4.15 EDUCATION:

A financial contribution from the development would be required to mitigate impacts on nursery, primary and secondary school education.

4.16 ENVIRONMENTAL HEALTH:

No air quality objections. A watching brief is required for any potential ground contamination. A planning condition requiring a CEMP is necessary. Enhanced glazing may be required to properties facing the A1089 to achieve good internal noise levels.

4.17 FLOOD RISK MANAGER:

No objection subject to conditions.

4.18 HOUSING:

The provision of affordable housing is policy compliant however the mix of affordable housing will need to be amended. The delivery of smaller homes meets the Council's affordable homes need requirements.

4.19 HIGHWAYS:

No objections, subject to planning conditions and s106 obligations.

4.20 LANDSCAPE & ECOLOGY:

The methodology of the submitted Landscape and Visual Impact Assessment is generally satisfactory although there are some concerns. It is accepted that much of the typical characteristic of this landscape character area have either been lost or degraded. Proposed development in the most sensitive east and north-east parts

of the site would be prominent with adverse impact. The assessment places emphasis on mitigation measures such as tree planting to reduce impacts. However, there may be conflicts between this mitigation and ecological mitigation which relies on 'open' habitats.

4.21 TRAVEL PLAN CO-ORDINATOR:

The submitted Travel Plan is acceptable.

4.22 SPORT ENGLAND:

No objection. Does not offer detailed advice but refers to national planning policy and guidance.

5.0 POLICY CONTEXT

5.1 National Planning Guidance

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:

- promoting sustainable transport;
- delivering a wide choice of high quality homes;
- requiring good design;
- promoting healthy communities;
- protecting Green Belt land;
- meeting the challenge of climate change, flooding and coastal change;
- conserving and enhancing the natural environment.

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 subtopics. Those of particular relevance to the determination of this planning application comprise:

- air quality;
- climate change;
- design;
- determining a planning application;
- flood risk and coastal change;
- natural environment;
- open space, sports and recreation facilities, public rights of way and local green space;
- planning obligations;
- renewable and low carbon energy;
- travel Plans, transport Assessments and Statements;
- use of planning conditions
- viability

5.2 Local Planning Policy

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.

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.

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 2014 meeting 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.

Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) (2015)

The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP2 (Sustainable Employment Growth);
- CSSP3 (Sustainable Infrastructure);
- CSSP4: (Sustainable Green Belt);
- CSSP5 (Sustainable Greengrid);
- OSDP1 (Promoting Sustainable Growth and Regeneration in Thurrock).

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP6: Strategic Employment Provision
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
- CSTP18: Green Infrastructure
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)

- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

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

Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

6.0 ASSESSMENT

- 6.1 The report presented to Planning Committee in June 2017 and appended at Appendix A contains a thorough assessment of the planning considerations raised by the application. Since June 2017 there have been no material changes in relevant planning policy matters and, as noted above, the current application is near identical to the proposal presented to Committee in June.
- 6.2 Nevertheless, Members of the Planning Committee may be aware that the Government is currently undertaking a consultation exercise on draft revised text for the NPPF. This consultation closes on 10th May 2018. The introduction to the consultation document refers mainly to the issue housing supply and states that:

"This country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The

Government is clear that the country needs radical, lasting reform that will allow more homes to be built ... Therefore this consultation includes a number of further changes to policy, beyond those consulted on previously, to help ensure that more land is brought forward for development and that permissions are turned into homes as soon as possible."

6.3 Therefore, under the chapter heading of 'Delivering a wide choice of high quality homes' the consultation document introduces a number of proposals with the general intention of boosting housing supply.

6.4 However, under the chapter heading of 'Protecting the Green Belt' the consultation states that:

"The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released".

The proposed draft revisions to the NPPF do not alter the presumption against inappropriate development in the Green Belt and the requirement that such development should only be approved in very special circumstances.

6.5 Paragraph nos. 6.30 – 6.40 of the report presented to Committee last June considered the issue of housing demand and the five-year supply. The report referred to the 'Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016)' which was the most up to date analysis of housing land supply available. The Statement concluded that there was a supply of between 2.5 and 2.7 years in relation to identified objectively assessed need. The Council has not yet published an update to the Statement although it is considered unlikely that the years' supply figure has materially increased since July 2016. Although the June 2017 report to Committee noted that the shortfall in housing land supply contributed towards very special circumstances, in line with the Ministerial Statement and Planning Practice Guidance this single issue on its own cannot comprise the very special circumstances to justify inappropriate development. This matter is essentially unchanged from the time when the previous application was considered.

6.6 The relatively minor changes to the layout of the development do not impact upon the principal concern raised by the Planning Committee in June 2017, namely the impact of the proposals on the Green Belt.

6.7 The Officer recommendation previously presented to Committee was to grant planning permission subject to referral to the Secretary of State, the completion of a s106 agreement and planning conditions. The s106 obligations and conditions (Appendix A) were considered sufficient to ensure the necessary mitigation of the

impacts of the proposals, particularly addressing the matters of highways, ecology and flood risk. The applicant has offered to enter into a s.106 legal agreement with the same Heads of Terms as those proposed under 15/01354/OUT. As the current submission is effectively a repeat of the previous submission, the professional opinion of Officers remains that planning permission could as matter of planning judgment be granted in accordance with the recommendation at Appendix A.

6.8 However, the Planning Committee in exercising its function as the local planning authority properly considered the earlier proposal in June 2017 and reached a balanced decision to refuse the application on the grounds of impact on the Green Belt. The Green Belt considerations raised by the current proposal are identical to the previous scheme. It is recognised that the proposals comprise inappropriate development and that there would be harm to openness and harm, to a degree, with a number of the purposes of including land in a Green Belt. Crucially Members of the Planning Committee concluded that there were no considerations which clearly outweighed the harm to the Green Belt so as to amount to the very special circumstances required to justify inappropriate development. The applicant's current case for very special circumstances is substantially the same as the considerations promoted previously and assessed at the June 2017 Committee meeting. Therefore, all things being equal and given:

- the same policy context as applying in June 2017;
- the near identical nature of the current and previous applications; and
- the similar factors promoted as very special circumstances by the applicant

6.9 Members of the Committee may consider that, notwithstanding the previous Officer recommendation, the previous Green Belt concerns have not been addressed and therefore permission should be refused on this basis.

7.0 RECOMMENDATION

7.1 Refuse planning permission for the following reason:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework 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 harm the openness of the Green Belt and would be contrary to a number of the purposes for including land in a

Green Belt. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 9 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015').

Informative:

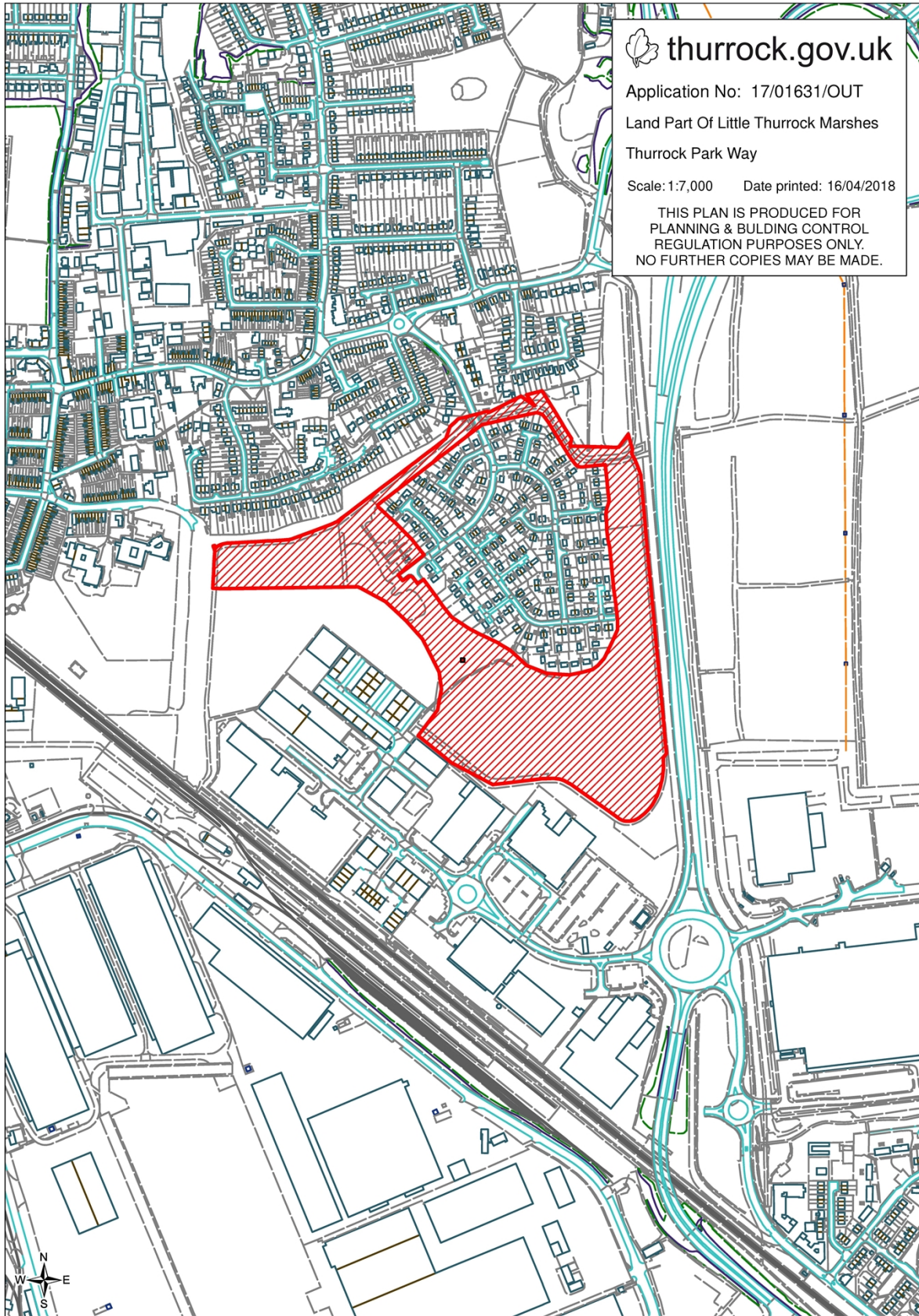
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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Appendix 1

Reference: 15/01354/OUT	Site: Land Part of Little Thurrock Marshes Thurrock Park Way Tilbury	Determined: Planning Committee 22 June 2017
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Reference: 15/01354/OUT	Site: Land Part of Little Thurrock Marshes Thurrock Park Way Tilbury
Ward: Tilbury Riverside and Thurrock Park	Proposal: Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.11 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.

Plan Number(s):		
Reference	Name	Received
001C	Site Location Plan	09.02.2017
101B	Land Ownership Plan	16.02.2017
131G	Masterplan	16.02.2017
133F	Masterplan Building Parameters	17.05.2017
134F	Masterplan: Housing Zones	16.02.2017
140E	Ecology Enhancement Plan	16.02.2017
143	Masterplan	28.04.2017
144	Masterplan	28.04.2017
145	Masterplan	28.04.2017
146	Masterplan	28.04.2017
970.01 Rev.C	Landscape and Ecology Strategy, Whole Site	16.02.2017
970.02 Rev. A	Landscape & Planting Strategy (1 of 4)	16.02.2017
970.03 Rev. A	Landscape & Planting Strategy (2 of 4)	16.02.2017
970.04 Rev. A	Landscape & Planting Strategy (3 of 4)	16.02.2017
970.05 Rev. A	Landscape & Planting Strategy (4 of 4)	16.02.2017
970.06 Rev. A	Landscape Sections	16.02.2017
CC1442-SK002 Rev. A	6m Maintenance Provision	11.07.2016
CC1442-103 Rev. A	Proposed Drainage Layout (Sheet 1 of 3)	11.07.2016
CC1442-104 Rev. A	Proposed Drainage Layout (Sheet 2 of 3)	11.07.2016
CC1442-105 Rev. A	Proposed Drainage Layout (Sheet 3 of 3)	11.07.2016
CC1442-109 Rev. D	Highways General Arrangement (Overall Site Layout)	16.02.2017
CC1442-110 Rev. E	Highways GA & Proposed Levels (Sheet 1 of 6)	16.02.2017
CC1442-111 Rev. E	Highways GA & Proposed Levels (Sheet 2 of 6)	16.02.2017
CC1442-112 Rev. E	Highways GA & Proposed Levels (Sheet 3 of 6)	16.02.2017

CC1442-113 Rev. D	Highways GA & Proposed Levels (Sheet 4 of 6)	16.02.2017
CC1442-114 Rev. E	Highways GA & Proposed Levels (Sheet 5 of 6)	16.02.2017
CC1442-115 Rev. E	Highways GA & Proposed Levels (Sheet 6 of 6)	16.02.2017
CC1442-116 Rev. B	Refuse Collection Vehicle Swept Path Analysis (Sheet 1 of 4)	16.02.2017
CC1442-117 Rev. B	Refuse Collection Vehicle Swept Path Analysis (Sheet 2 of 4)	16.02.2017
CC1442-118 Rev. B	Refuse Collection Vehicle Swept Path Analysis (Sheet 3 of 4)	16.02.2017
CC1442-119 Rev. B	Refuse Collection Vehicle Swept Path Analysis (Sheet 4 of 4)	16.02.2017
CC1442-120 Rev. A	Highways Longitudinal Sections (Sheet 1 of 4)	11.07.2016
CC1442-121 Rev. A	Highways Longitudinal Sections (Sheet 2 of 4)	11.07.2016
CC1442-122 Rev. A	Highways Longitudinal Sections (Sheet 3 of 4)	11.07.2016
CC1442-123 Rev. A	Highways Longitudinal Sections (Sheet 4 of 4)	11.07.2016

The application is also accompanied by:

- Anglian Water Pre-Planning Assessment Report
- Botanical Report
- Breeding Birds Report
- Design and Access Statement
- Ecology Data Survey
- Flood Risk Assessment , with Addendum
- Great Crested Newt Survey
- Invertebrates Survey
- Lowes Metals Air Quality Statement
- Lowes Metals Noise Statement
- Planning Statement
- Preliminary Ecological Appraisal
- Reptile Survey
- Sustainability and Energy Statement
- Transport Assessment
- Travel Plan
- Water Framework Directive Assessment; and
- Water Vole Report

Applicant:

Nordor Holdings Ltd

Validated:

19 November 2015

Date of expiry:

30 June 2017 (Extension of time agreed)

Recommendation: Grant planning permission, subject to: (i) referral to the Secretary of

State; (ii) the completion of a s106 legal agreement and (iii) conditions.

This application is scheduled for determination by the Council's Planning Committee because of the scale of the development proposed.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks outline planning permission for a residential-led, mixed use development of up to 280 dwellings, Class B2 (general industrial) / B8 (storage and distribution) floorspace (1,810 sq.m.) and a community facility (Class D1) of 250 sq.m. floorspace. The appearance, landscaping and scale of the development are reserved for future approval (as reserved matters) should outline planning permission be granted. The matters of access and the layout of the development are for detailed consideration through the current submission.

1.2 The principal elements of the submission are set out in the table below:

Site Area	13.1 hectares
Residential Development	101 no. two-bed houses 119 no. three-bed houses 6 no. four-bed houses 48 no. two-bed flats 6 no. three-bed flats TOTAL 280 no. dwellings
Commercial Development (Class B2 / B8)	1,810 sq.m. – indicatively arranged within 8 no. units
Community facility (Class D1)	250 sq.m.

1.3 Residential development – the proposals promote a range of two, three and four-bedroom houses and two and three-bedroom flats. Houses would comprise 81% of the total dwellings proposed, with flats making up the remaining 19%. Three broad housing typologies are proposed comprising a house with garage (Type A), a house without garage (Type B) and flatted development (Type C). Height parameters suggest two-storey (maximum) for houses and three-storey (maximum) for flats. Gross internal floorspace for houses would range between 83 sq.m. and 100 sq.m. and between 70 sq.m. and 86 sq.m. for flats.

1.4 Non-residential floorspace – the proposals include Class B2 (general industrial) / B8 (storage and distribution) uses totalling 1,810 sq.m. floorspace. This floorspace is indicatively arranged with 8no. units located at the southern boundary of the site, immediately adjacent to existing commercial units at Thurrock Park Way. The proposals also include a 'community facility' totalling 250 sq.m. and located immediately adjacent to the existing turning-head at the southern-end of Churchill

Road.

- 1.5 Layout – the layout of the development is a matter for detailed consideration at this stage and is not reserved for future approval. For the purposes of this application, layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. An illustrative masterplan layout drawing has been submitted which shows that the area of the site immediately north of the Churchill Road estate would remain as open land. In addition, land on the northern and western sides of the Chadwell New Cross Sewer would remain open. The residential development, comprising a series of connected streets would be arranged across the majority of the remaining site area, wrapping around the southern and eastern edges of the Churchill Road estate. The Class B2 / B8 commercial development would be located at the southern extremity of the site.
- 1.6 Access – access is also a matter for detailed consideration at this stage and is not reserved for future approval. For the purposes of this application, access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The application proposes that the sole access to the residential and health centre uses on-site would be from Churchill Road, via the existing turning-head at its southern end. Masterplan drawings show how Churchill Road could be extended to both the west and south-east via two ‘spine’ roads which could access all of the dwellings and the proposed health centre. Vehicular access for the Class B2 / B8 floorspace located on the southernmost part of the site would be from the Clipper Park development on Thurrock Park Way. Thus separate means of access are proposed to serve the residential / health centre and Class B2 / B8 development and the applicant emphasises that no vehicular route would be provided to link Churchill Road with Thurrock Park Way. Footpath and cycleway routes through the site are proposed as follows:
- a potential western path linking to Manor Road;
 - a potential link around the northern edge of the site to link the Dock Approach Road with Churchill Road;
 - a potential southern footpath / cycle link to Thurrock Park Way.
- 1.7 Groundworks – although landscaping is a matter reserved for future approval if outline planning permission is granted, flood mitigation works are proposed which would include re-profiling of ground levels. Ground levels across the site would be raised, existing watercourses enlarged and pond areas created in order to address flood risk issues on-site.

2.0 SITE DESCRIPTION

- 2.1 The site comprises an irregularly shaped parcel of land, extending to approximately 13.1 hectares in area and generally located to the west of the Dock Approach Road (A1089) and north of the Thurrock Park Way commercial area. The site ‘wraps around’ the existing Churchill Road residential estate, developed in the late 1980’s and principally comprising two-storey dwellinghouses on Churchill Road, Medlar Road, Salix Road and adjoining streets. This estate essentially comprises a cul-de-sac of c.250 dwellings access onto Dock Road to the north.
- 2.2 The northern part of the site consists of an open strip of land separating the Churchill Road estate and dwellinghouses to the north at Silverlocke Road, Lawns Crescent and the Willows. The drainage ditch, known as the Chadwell New Cross Sewer, passes east-west across the northern part of the site before changing alignment to run parallel to the sites western boundary. This watercourse is defined as a ‘Main River’. Much of the eastern part of the site also comprises a strip of open land separating the Churchill Road estate from the A1089 Dock Approach Road. The southern part of the site comprises a broader expanse of open land separating the Churchill Road estate from the Asda supermarket and commercial uses at Thurrock Park Way to the south. The western part of the site adjoins and area of open land located at the western-end of Thurrock Park Way.
- 2.3 The site is open and has been partly colonised by scrub vegetation. The majority of the application site, apart from a thin strip along the northern and western edges of the site, is within the Green Belt as defined by the Policies Map accompanying the adopted Core Strategy (as amended) (2015). The south-western part of the site, as well as being designated as Green Belt, is allocated as ‘Additional Open Space’. The site is generally flat and low-lying and is within the high risk flood zone (Zone 3), although it benefits from existing flood defences. The site does not form part of the Tilbury flood storage area, which is generally located to the east of the A1089(T). None of the site forms part of any designated site of nature conservation importance.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
52/00279/FUL	Erection of electric overhead lines at Dock Road, Little Thurrock.	Approved
57/00570/FUL	Residential development	Refused
58/00087/FUL	Erection of overhead electric power lines	Deemed Approval

64/00617/FUL	Housing estate providing for the erection of 250 Houses	Approved
66/00907/FUL	Operational land for the purposes of the authorities undertaking	Withdrawn
68/00783/FUL	Overhead power lines	Approved
69/00621/FUL	Vehicle park and access road on land west of Dock Road, Tilbury	Approved
69/00621A/FUL	Depot and access road west of Dock Road, Tilbury subject to conditions within planning application THU/621/69	Approved
74/00161/OUT	Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space.	Approved
78/00292/FUL	Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space subject to condition 1 - 30 on permission THU/161/74	Approved
78/00601/OUT	Development including housing, warehousing, superstore and open landscaped areas. Appeal Lodged. Appeal Allowed	Approved
78/00601A/FUL	Superstore and car parking, warehousing and car parking. Overall development access roads and sewers	Approved
81/01145A/FUL	Revised application for residential development of 252 houses	Approved
82/00141/OUT	Use of land as industrial and or warehousing and ancillary purposes	Approved
89/00283/OUT	Housing community facility, link road, access roads and public open spaces. N.B. This decision was subject to a Section 52 Agreement which was not finalised.	Refused
08/01042/TTGSCR	Request for EIA screening opinion: Proposed redevelopment of land at Little Thurrock for employment use and creation of public open space and wildlife habitat.	EIA not required
09/50024/TTGOUT	Land to the South of Churchill Road residential estate and to the north of the Thurrock Park employment area. Redevelopment of land at Thurrock Park to include development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock park	Approved

	(use class B2/B1 (c) and B8) with a total maximum internal floor area of 20,000sq.m. Improvements to 9.6 hectares of existing open space, including better access.	
11/50307/TTGOUT	Redevelopment of land at Thurrock Park to include: 1. Development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock Park (uses B2, B1(c), B8) and open storage and other non-class B employment uses with a total maximum internal floor area of 20,000 sq.m. The open storage and non-class B employment uses shall be limited to not more than 2 hectares. 2. Improvements to 9.6 hectares of existing open space, including improved access.	Approved
13/00396/CV	variation of conditions relating to 11/50307/TTGOUT	Invalid
13/00685/CV	Variation of conditions 2, 7, 12, 14, 15, 16, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-development of site without submitting details of all phases prior to the implementation of any part of the development	Finally disposed of
15/00116/OUT	Application for outline planning permission (with all matters reserved) for the development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works.	Withdrawn
15/00171/SCR	Request for a screening opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Proposed development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works.	EIA not required
15/00299/CV	Variation of conditions 2, 3, 4, 7, 12, 14, 15, 16, 18, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 35, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-	Lapsed

	development of site without submitting details of all phases prior to the implementation of any part of the development.	
15/00476/NMA	Variation of Conditions 3 (Outline Element) and Condition 4 (Time Limit) against approved planning application 11/50307/TTGOUT	Invalid

3.1 The application site has a complex planning history of planning applications. Historically the site formed part of the more extensive Little Thurrock Marshes, generally located to the south-east of Little Thurrock (St. Mary’s Church and the former Little Thurrock Hall). The site remained as open, low-lying land intersected by drainage ditches throughout the 19th century. Residential development to the north of the site (and south of Dock Road) progressed through the early and mid-20th century. Commercial development to the south at Thurrock Park Way commenced during the early 1980’s and the Churchill Road residential estate was built in the late 1980’s.

3.2 Planning applications of relevance to the current case comprise:

(i) 69/00621/FUL

In November 1969 full planning permission was granted for:

“Construction of groupage depot and road access. To be used for groupage operations, involving the loading and unloading of containers”.

The site area of this permission involved approximately 7 hectares of land located to the north-west of the ‘Asda’ roundabout, on land currently partly occupied by Asda, adjacent land to the north and the south-eastern corner of the current application site. At the time of this 1969 permission an extensive area of land west of the Dock Approach Road, east of Manor Way and south of Silverlocke Road / Lawns Crescent formed Port of London Authority (PLA) land. The 1969 permission was granted to the PLA and comprised a warehouse, lorry parking and storage areas associated with a container depot.

(ii) 74/00161/OUT

In June 1976 outline planning permission was granted for:

“30 acres of housing, 45 acres of warehousing and 53 acres of open space”.

This permission comprised 128 acres (51.8 hectares) of PLA land located west of the Dock Approach Road, east of Manor Way and south of Silverlocke Road / Lawns Crescent. Illustrative plans accompanying the outline permission suggested a layout involving warehousing development on the southern part of the site (now occupied by Asda and Thurrock Park Way), residential development to the north with open space for recreation and flood relief in-between. Permission was granted for c.500 dwellings.

(iii) 78/00601/OUT

In December 1980 the Secretary allowed an appeal against the refusal of planning permission by the Council for development of:

“Housing, warehousing, a superstore with ancillary offices and car parking and open landscaped areas”.

This application for outline planning permission (with all matters reserved) was submitted in May 1978 by the PLA in association with ASDA. Planning permission was refused by the Council in November 1978 for the following reasons:

1. *the proposal would involve retail development outside existing town centres contrary to adopted shopping policy;*
2. *the site forms part of an area within the extended Green Belt which has, by permission, been released for development because of special circumstances associated with the operation of Tilbury Docks. The proposed superstore does not have a sufficiently special relationship to the Docks to override Green Belt Policy;*
3. *the proposal provides insufficient information to fully assess the proposed access roads.*

Following a public inquiry to hear the appeal against the refusal of planning permission, the Secretary of State allowed the appeal and granted outline planning permission in December 1980. The Inspector’s report to the Secretary of State summarised the relevant development plan policies and noted that the site lies within the extended Green Belt, as defined by the Essex Review Development Plan. However, this Plan acknowledges the national importance of Tilbury Docks and accepts that consideration may need to be given for port and/or associated developments even on land in the Metropolitan Green Belt or the extended Green Belt. The decision letter from the Secretary of State focussed solely on matters of retail policy and the need for a superstore to be located either at the site or in Grays town centre. Crucially, the Secretary of State concluded that the appeal proposal represented an opportunity to develop and abnormally expensive site in the

national and regional interest. Furthermore, the proposals would provide much needed warehousing essential to the future of Tilbury Docks.

(iv) 81/01145A/FUL

In April 1984 full planning permission was granted for a development of 252 dwellings. This development comprises the current Churchill Road estate.

(v) 09/50024/TTGOUT

In February 2011 outline planning permission (with all matters reserved) was granted for use of 3.8 hectares of land for employment uses (Use Classes B1(c) / B2 and B8) and improvements to existing open space. An indicative site plan suggested that the employment uses would be located on Green Belt land to the north and north-west of the Asda store. Following referral to the Secretary of State (as a departure from development plan policies for the Green Belts) and the completion of a s106 agreement, planning permission was granted. This permission has not been implemented.

(vi) 11/50307/TTGOUT

In March 2012 planning permission was granted for a hybrid application (part outline permission and part full permission) comprising employment uses (Class B1(c), B2 and B8, open storage and non-Class B employment uses) and improvements to existing open space. This permission involved a parcel of land similar to planning permission ref. 09/50024/TTGOUT. This permission has not been implemented.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

The application, as first submitted in November 2015, was publicised by the display of site notices, a newspaper advertisement and consultation with neighbouring properties. Following the receipt of revised plans, the application was subject to re-consultation with neighbours in July 2016. The proposals have been advertised as a major development and as a departure from the development plan.

4.3 In November 2015 neighbour consultation letters were sent to 117 surrounding

properties. In response, 88 letters of objection were received from 63 addresses. These letters include responses from Councillors Aker, Gledhill and. A petition against the proposals containing 327 names was also received in response to the November 2015 consultation. This petition is supported by Councillors Aker, Jan Baker, Smith and Spillman 4 Councillors.

4.4 In July 2016 re-consultation letters were sent to those addresses who had responded to the original consultation. A further 6 letters of objection were received. The objections received raise the following points:

- contrary to planning policies;
- increased traffic on local roads;
- strain on existing infrastructure (roads / sewerage / schools / surgeries);
- prejudicial to safety;
- loss of habitat;
- loss of Green Belt;
- increased rat-running on roads;
- risk of flooding;
- inadequate access;
- increased pollution;
- out of character;
- overlooking;
- increased noise and disturbance;
- loss of views;
- increased crime;
- impact on ecology;
- impact on residential amenity.

4.5 The following consultation replies have been received:

4.6 ANGLIAN WATER:

No objection subject to planning condition addressing a surface water management strategy.

4.7 BUGLIFE (response dated 23.11.16):

Object to the planning application on the grounds of:

- (i) potential impact on priority invertebrate species and regionally important invertebrate assemblages;
- (ii) inadequate invertebrate surveys;
- (iii) inadequate assessment of habitat value, loss of a site identified as a potential

Local Wildlife Site and insufficient mitigation for losses.

4.8 BUTTERFLY CONSERVATION:

Recommend that a full invertebrate survey is undertaken.

4.9 ENVIRONMENT AGENCY:

No objection on flood risk or Water Framework Directive grounds, subject to planning condition. However, object to the application on biodiversity grounds.

4.10 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection subject to a planning condition requiring archaeological investigation.

4.11 ESSEX FIELD CLUB:

Object to the loss of a potential Local Wildlife Site and biodiversity interest. Contrary to elements of the NPPF concerning biodiversity.

4.14 HIGHWAYS ENGLAND:

No objections.

4.15 NHS ENGLAND:

The proposed health centre building does not align with the NHS England and CCG Estates Strategies for the area, at the current time NHS England and the CCG have no plans for a new facility in this location. The CCG instead are looking to reconfigure existing capacity in the surrounding vicinity to create greater efficiency. Assuming this matter is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

4.16 SPORT ENGLAND:

No comments offered.

4.17 THURROCK EDUCATION:

A financial contribution from the development would be required to mitigate impacts on nursery, primary and secondary school education.

4.18 THURROCK ENVIRONMENTAL HEALTH:

Noise – no objections subject to condition.

Air quality – no issues raised.

Contaminated land – no objections, subject to condition.

Construction – no objections, subject to condition.

4.22 THURROCK FLOOD RISK MANAGER:

No objection, subject to planning condition addressing surface water drainage.

4.23 THURROCK HIGHWAYS:

No objections (following the receipt of a revised Transport Assessment), subject to s106 Agreement and planning conditions.

4.24 THURROCK HOUSING:

35% of the dwellings on site should be provided as affordable housing with at least 70% of the total affordable residential units provided as affordable rented accommodation to meet priority housing needs.

4.25 THURROCK LANDSCAPE & ECOLOGY:

No objection subject to suggested amendments to the submitted Ecological Mitigation Strategy and planning conditions.

4.26 THURROCK TRAVEL PLAN CO-ORDINATOR:

No objections to submitted Framework Travel Plan.

5.0 POLICY CONTEXT

5.1 National Planning Guidance

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:

- promoting sustainable transport;
- delivering a wide choice of high quality homes;
- requiring good design;
- promoting healthy communities;
- protecting Green Belt land;
- meeting the challenge of climate change, flooding and coastal change;
- conserving and enhancing the natural environment.

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 subtopics. Those of particular relevance to the determination of this planning application comprise:

- air quality;
- climate change;
- design;
- determining a planning application;
- flood risk and coastal change;
- natural environment;
- open space, sports and recreation facilities, public rights of way and local green space;
- planning obligations;
- renewable and low carbon energy;
- travel Plans, transport Assessments and Statements;
- use of planning conditions
- viability.

5.2 Local Planning Policy

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.

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.

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 2014 meeting 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.

Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) (2015)

The following Core Strategy policies apply to the proposals:

- Spatial Policies:
- CSSP1 (Sustainable Housing and Locations);
- CSSP2 (Sustainable Employment Growth);

- CSSP3 (Sustainable Infrastructure);
- CSSP4: (Sustainable Green Belt);
- CSSP5 (Sustainable Greengrid);
- OSDP1 (Promoting Sustainable Growth and Regeneration in Thurrock).

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP6: Strategic Employment Provision
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
- CSTP18: Green Infrastructure
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

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

Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for

the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the Autumn of 2017.

6.0 ASSESSMENT

6.1 Process

With reference to procedure, this application has been advertised 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.

6.2 The main issue for consideration in this case is the consideration of Green Belt matters, in particular:

- whether the proposals constitute inappropriate development with reference to the NPPF and development plan policy;
- impact on the open nature and character of the Green Belt;
- if the development is inappropriate, 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 the development.

6.3 The assessment below also covers the following areas:

- ii. Traffic impact, access and car parking;
- iii. Impact upon ecology and biodiversity;
- iv. Design and layout;
- v. Noise and air quality;
- vi. Flood risk and site drainage;
- vii. Viability and planning obligations;

I. PRINCIPLE OF DEVELOPMENT AND IMPACT ON THE GREEN BELT

6.4 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.

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

6.5 As noted in paragraph 2.3 above, the majority of the site is located within the Green Belt. Chapter 9 of the NPPF refers to the Green Belt and this chapter is titled "Protecting Green Belt land". Paragraph 79 within Chapter 9 states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 89 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 to this, namely:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation and cemeteries;
- proportionate extensions or alterations to a building;
- the replacement of a building;
- limited infilling in villages; and
- the partial or complete redevelopment of previously developed sites.

6.6 Clearly the proposals to construct up to 280 dwellings, a community centre building of 250sq.m. floorspace and 1,810sq.m. of Class B2 / B8 floorspace do not fall into any of the exceptions listed above. Consequently, the proposals comprise inappropriate development with reference to the NPPF.

- 6.7 Paragraph 87 of the NPPF makes it clear 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 that, 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 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (as amended 2015) is consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the Green Belt. In order to implement this policy, the Council will:
- maintain the permanence of the boundaries of the Green Belt;
 - resist development where there would be any danger of coalescence; and
 - maximise opportunities for increased public access, leisure and biodiversity.
- 6.9 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF.
- 6.10 Consequently, it is a straightforward matter to conclude that 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
- 6.11 Having established that the proposals are inappropriate development, 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.
- 6.12 As noted above paragraph 79 of 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 being described as their openness and their permanence. Although this is an application for outline planning permission, it is clear from the submitted drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development in an area which is open.

Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.13 Paragraph 80 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.14 In response to each of these five purposes:

6.15 *a. to check the unrestricted sprawl of large built-up areas*

The NPPF does not provide a definition of the term “large built-up areas”. However, as the site is located immediately adjacent to existing development within the settlements of Grays, Little Thurrock and Tilbury, the site can be considered as occupying a position on the edge of a large built-up area. In geographical terms, the site forms part of a narrow corridor of Green Belt land located in-between the A1089(T) and the edge of the built-up area of Little Thurrock to the west. In particular, the application is largely bounded to the north, west and south by existing residential and commercial development. The eastern boundary of the site is defined by the A1089(T) and in these circumstances the site may be considered as a relatively self-contained area, with strong definition to the majority of its boundaries. In these circumstances, it is considered that the development proposed would not spread the existing extent of built development further into this part of the Green Belt so as to amount to unrestricted sprawl on the edge of the settlement. On balance, it is considered that the proposals would have only limited impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

6.16 *b. to prevent neighbouring towns from merging into one another*

At a wider geographical level, the site forms part of the western-edge of the Green Belt which separates Grays / Tilbury in the south from Chadwell St.Mary to the north. As the built-up area of Grays is functionally linked to the built-up area of Tilbury through the Tilbury Dock complex, it is considered that the application site serves only a very limited purpose in separating Grays from Tilbury. As noted in

the paragraph above, the site is enclosed on most of its boundaries by existing built development. The area is a narrow corridor of land which, although physically connected to the wider Green Belt to the east, is isolated and is physically and visually dominated by existing built development. The site's isolation from the wider extent of Green Belt to the east has arguably been increased by the recent removal of land from the Green Belt in order to accommodate Port-related expansion, now occupied by the Travis Perkins and Amazon warehouse developments. As a matter of judgement, it is considered that the proposals would have only limited impact on the function of the Green Belt in this location in preventing neighbouring towns from merging into one another.

6.17 *c. to assist in safeguarding the countryside from encroachment*

With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open land. The term "countryside" can conceivably 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.

6.18 *d. to preserve the setting and special character of historic towns*

As there are no historic town in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.

6.19 *e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

In general terms, the development of dwellings and commercial floorspace could occur in the urban area and in principle, there is no spatial imperative why Green Belt land is required to accommodate the proposals. Therefore, on first impression, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. Members will be aware that a new Local Plan for the Borough is being prepared and it is recognised that the release of some Green Belt land may be required in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP1) recognises the scenario of some Green Belt release. Although the new Local Plan may well identify locations for the release of Green Belt land, the document is at a very early stage and cannot be afforded weight in the decision-making process. Therefore, as noted above, the development of the site as proposed would impact upon the purpose of the Green Belt to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.20 In light of the above analysis, it is considered that the proposals would, to a degree, be contrary to some of the purposes of including land in the Green Belt. As noted above, 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.

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

6.21 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.

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

1. the principle of development at the site has been accepted in previous planning permissions granted at the site;
2. there is a clear need and demand for new housing in Thurrock;
3. the proposals help to meet wider growth objectives within the Borough and Thames Gateway corridor;
4. the proposed development would respect all of the five purposes of including land within Green Belt;
5. the site is not contiguous with the rest of the Green Belt;
6. flood prevention measures will significantly reduce flood risk;

7. the proposed development provides a high level of site connectivity to local facilities and services, for pedestrians and cyclists;
8. significant landscape and public realm enhancements are proposed including more accessible and attractive recreational areas and open space;
9. the proposals will allow for new habitat creation and greater biodiversity across the site;
10. the proposed development will achieve a high standard of sustainable design and construction and fully comply with targets to reduce CO2 emissions;
11. the proposals demonstrate a high quality of design, layout and place-making;
12. the proposals include a variety of housing types and sizes to create a mixed community and respond to different needs;
13. the proposals include affordable housing;
14. the proposals include new health facilities;
15. there is an existing and expanded Primary School in close proximity to the proposed new housing;
16. the proposals support and enhance the Thurrock Park Employment Area;
17. Planning obligations will support the application.

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

6.23 **The applicant's case for very special circumstances:**

1. *the principle of development at the site has been accepted in previous planning permissions granted at the site*

The applicant's case under this heading refers to planning permissions granted in 2011 (ref. 09/50024/TTGOUT) and 2012 (ref. 11/50307/TTGOUT) for development on the site. In addition, the applicant refers to a partly implemented planning permission (ref. 81/01145/FUL) affecting the site.

6.24 Consideration

The site has an extensive planning history which is summarised in the table at paragraph 3.0 above. With regard to recent planning history, planning application reference 09/50024/TTGOUT was submitted to the former Thurrock Development Corporation in April 2009. This application proposed:

“Redevelopment of land at Thurrock Park to include development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock Park (Use Class: B2/B1(c) and B8) with a total maximum internal floor area of 20,000 sq.m. Improvements to 9.6 hectares of existing open space, including better access.”

6.25 The site area for this 2009 application corresponds closely with the current submission and as such predominantly comprises land within the Green Belt. Outline planning permission (with all matters reserved) was granted, following the completion of a legal agreement and referral to the Secretary of State, in February 2011. A site plan for this approval indicatively shows a development of commercial units located on the south and south-eastern part of the site occupying an area of 3.8 hectares. The remainder of the site, extending to approximately 9.6 hectares in area was shown indicatively as open space with associated landscape and access improvements. This permission was not implemented and consequently has 'timed-out'. This application was determined by the former Thurrock Development Corporation. The report presented to the Council's Planning Committee in May 2009 setting out a recommended consultation response suggested no objection subject to the demonstration of very special circumstances and a s106 obligation to secure open space. However, Members of the then Planning Committee resolved to object to the application for reasons related to Green Belt, ecology and highways. When this application was submitted for consideration the applicant promoted four factors as comprising the very special circumstances required to justify a departure from development plans policy namely:

- i. need and demand for an employment site;
- ii. contribution towards the wider regeneration of the Thames Gateway;
- iii. the physical change in the site's character and appearance since it was designated as Green Belt; and
- iv. the proposed re-alignment of the Green Belt boundary within the South East Thurrock Masterplan.

6.26 These factors were considered by the local planning authority to clearly outweigh the harm to the Green Belt. In particular, an assessment of the site's function as Green Belt within the report presented to the Planning Committee of the Development Corporation noted that:

"The site currently forms a narrow inlet from the rest of the Green Belt to the east. In reality, it is not contiguous with rest of the Green Belt as it is severed by the A1089 road. The 1980 proposals suggest that the land was not intended to perform a function as Green Belt but more as a setting / buffer for the development that has taken place. The proposed development will narrow the gap between the commercial development and the housing to the north. However, given the current circumstances and the potential benefits considered below it is not considered that the Green Belt as a whole will be compromised by the proposal taking account of the functions set out above."

6.27 09/50024/TTGOUT was referred to the Secretary of State as a departure from Green Belt policy but was not called-in for determination, the Secretary concluding that the *“issues raised do not relate to matters of more than local importance”*. This planning application has now ‘timed-out’ and also involved a smaller area of built development than the current proposal, with the remaining land on-site (9.6 hectares) retained as open space. Nevertheless, this permission involved development on what is currently open Green Belt land north of the Asda store and thus is relevant, to a degree, to the current proposals.

6.28 The applicant also refers to a partly implemented planning permission (ref. 81/01145A/FUL) affecting the site. As noted in the Planning History section above, this permission related to the Churchill Road residential estate (c.250 dwellings), although it is perhaps more relevant to refer to the preceding outline planning permission (78/00601/OUT). This permission comprised the 52 hectares of land formerly within the control of the PLA and granted outline consent for:

Residential	12.2 hectares
Open space	21.5 hectares
Warehousing	14.2. hectares
Retail superstore	4.1 hectares

Although the retail and warehousing elements of this permission were implemented on the southern part of the site, only some 9 hectares of the 12.2 hectares of consented residential development were completed. In addition, the large area of open space (21.5 hectares) although remaining open is not accessible to the public. The main factors cited by the Secretary of State in granting permission for 78/00601/OUT were the accepted need for a retail superstore in Grays and the provision of much needed warehousing essential to the future of Tilbury Docks. The Secretary of State’s decision did not refer to conditions or obligations for the residential element of the proposals.

6.29 In conclusion under this heading, the planning history for this site and the wider area which was formerly PLA operational land is lengthy and complex. Although the site was part of the “extended” Green Belt, permission was granted for comprehensive development of the PLA land in the 1970’s and 1980’s. The commercial elements of these permissions have been fully implemented. However, the consented residential development has only been partially implemented and the original proposals for open space have not been progressed. The more recent planning permission for commercial floorspace (09/50024/TTGOUT) introduced development north of the ‘original’ warehousing / retail development. This permission was not recovered by the Secretary of State for determination although it has now timed-out. On balance, it is considered that the planning history of the site should be afforded moderate weight in the assessment of Green Belt impact.

6.30 2. There is a clear need and demand for new housing in Thurrock

Under this heading the applicant refers to Core Strategy requirements for the provision of new housing up until 2021. Reference is also made to the lack of a five year housing supply (as stated in the Council’s Annual Monitoring Report) and the shortfall in housing delivery. The applicant also refers to Core Strategy policy CSSP1 which cites to the potential release of suitable Green Belt land and contends that the accessible, urban location of the site is a very special circumstance.

6.31 Consideration

The adopted Core Strategy (as amended) (2015) sets out the Council’s targets for the delivery of new dwellings. Policy CSTP1 states that between April 2009 and March 2021, 13,550 dwellings are required to meet the overall minimum target of 18,500 dwellings (2001 -2021). In addition, provision is made for a further 4,750 dwellings between 2021 -2026. This is a total of 18,300 for the period 2009-2026, equating to an average of 1,076 dwellings per annum.

6.32 Paragraph 47 of the NPPF (2012) sets out the objective of significantly boosting the supply of housing. In order to achieve this objective, it includes a number of provisions including the need for local authorities to identify and update a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing, as measured against the objectively assessed housing requirement. In addition to identifying this requirement, paragraph 47 of the Framework also requires that the 5 year supply should be increased by either a 5% or a 20% buffer. The purpose is to ensure choice and competition in the market for land, but the additional purpose of the latter figure is to provide a realistic prospect of achieving the planned supply.

6.33 The most up-to-date analysis of the Borough’s housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that *“the dwelling requirement set out in the Core Strategy is now considered to be out of date”*. Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). Using this range the requirement for new dwellings is:

		Lower	Upper
A	Thurrock Objectively Assessed Need	919	973
B	Thurrock annual housing requirement 2016 – 2021 (A x 5 years)	4,595	4,865
C	Thurrock annual housing requirement 2016 – 2021	5,514	5,838

	including 20% buffer (B plus 20%)		
D	2 year residual housing requirement 2014 to 2016	895	1,003
E	Total Thurrock Council annual housing requirement 2016 – 2021 (C + D)	6,409	6,841
F	Annual Thurrock Council annual housing requirement 2016 – 2021 (E ÷ 5)	1,282	1,369

6.34 The Statement also assesses the supply of deliverable housing in the next 5 years (2016/17 to 2020/21) and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. In the context of paragraph 47 of the NPPF, this supply is less than 50% (when taking into account the 20% buffer) of that required and as such comprises a substantial shortfall in the supply of specific deliverable sites. For reference, the NPPF states that to be considered ‘deliverable’, sites should be (i) available now, (ii) offer a suitable location for development now, (iii) be achievable with a realistic prospect that housing will be delivered on the site within five years and (iv) in particular that development of the site is viable.

6.35 Paragraph 49 of the NPPF states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

Accordingly, parts of Core Strategy Policies CSSP1 (Sustainable Housing and Locations) and CSTP1 (Strategic Housing Provision) cannot be considered to be up-to-date, a fact which is recognised by the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016).

6.36 In assessing the issue of housing land supply as a factor in forming very special circumstances, consideration should be paid to the scale of the shortfall, the planning context and the prospect of addressing the shortfall. It can be argued that some degree of shortfall in housing land supply can be attributed to market conditions over proceeding years which have built up a large number of unimplemented permissions. The Council previously commissioned the consultants GVA to undertake research into identifying the reasons behind the decline in housing completions in Thurrock. In their report “Five Year Housing Supply Study” the consultants put forward evidence which suggests that the failure to deliver additional housing growth relates to a combination of wider economic and housing market weaknesses which have impacted upon the scale and rate of housebuilding activity not only within Thurrock, but also across the wider Thames Gateway and South Essex sub-region. Nevertheless, the Council has accepted,

through the need to prepare a new Local Plan, the need to bolster housing land supply by the allocation of additional sites in the Green Belt.

- 6.37 In March 2012 the Inspectors report for the planning appeal at Butts Lane (ref. 10/50235/TTGOUT) concluded that that the under-achievement of housing land supply against the planned housing supply trajectory was a situation where management action was urgently required to meet current requirements and ensure the later years of the plan period are not overloaded by the projected shortfalls. In allowing the Butts Lane appeal in March 2012, the Secretary of State agreed with the Inspector's conclusions on housing land supply and that ... *"this matter contributes significantly towards very special circumstances in relation to development of the Green Belt and considers that the scheme's contribution to meeting the shortfall in the 5-year supply of housing is a substantial benefit"*.
- 6.38 Nevertheless, Local Government Minister Brandon Lewis stated in July 2013 that that the "single issue" of unmet demand for housing or traveller sites would be unlikely to justify otherwise inappropriate development in the Green Belt. Furthermore, as noted above, a revision to PPG dated 6th October 2014 (under reference ID: 3-034-20141006) states that *"unmet housing need (including for traveller sites) 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."*
- 6.39 More recently, the Secretary of State called-in the planning application for residential redevelopment of the Green Belt site at the Aveley Sports and Social Club site. In refusing the application, the Secretary of State concluded that the contribution the proposals (501 dwellings) would make towards the supply of housing land should be afforded "substantial weight". However, the Secretary of State re-affirmed that the single issue of unmet housing demand is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development.
- 6.40 The current proposals would provide a benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.
- 6.41 3. *The proposals help to meet wider growth objectives within the Borough and Thames Gateway corridor*

Under this heading the applicant refers to the scheme's overall compliance with Core Strategy policy OSDP1, the identification with the Core Strategy of Grays as a growth hub (including new residential development) and the reference to housing growth allied to economic growth in the Thurrock Economic Growth Strategy (Draft – 2016).

6.42 Consideration

The review of the Core Strategy which was undertaken following the introduction of the NPPF in 2012 introduced a new, top-tier level planning policy (OSDP1) which was incorporated in the 2015 (as amended) Core Strategy. OSDP1 is the Council's overarching sustainable development policy, which informs the lower-tier strategic spatial policies, strategic thematic policies and strategic policies for the management of development.

6.43 Policy OSDP1 sets out the Council's commitment to promoting sustainable growth to deliver high quality sustainable development schemes across all types of land uses and facilities and states that, when considering development proposals, the Council will take a positive approach reflecting the presumption in favour of sustainable development set out in the NPPF. However, the presumption in favour of sustainable development which is set out in the NPPF does not override the presumption against inappropriate development within Green Belts. Consequently the perceived compliance with OSDP1 does not contribute towards the case for very special circumstances.

6.44 Under this heading the applicant also refers to the identification of Grays as a growth hub by the Core Strategy and to the "allocation" of approximately 2,600 additional dwellings and 1,600 jobs to this area over the plan period. The applicant also refers to the Strategic Spatial Objectives of the Core Strategy which include housing and employment growth within the Borough's regeneration areas. As above, the applicant's case under this heading refers to high-level strategic objectives which broadly define the key growth hubs / regeneration areas within the Borough. Although Grays, along with Tilbury, Purfleet etc. is allocated an indicative target for new growth target the purpose of the Core Strategy is not to allocate specific sites. Despite the fact that the Core Strategy recognises the potential need for the release of Green Belt sites, the presumption against inappropriate development continues to apply until such time as boundaries are reviewed. Therefore the broad identification of the site as within a growth area does not contribute towards the case for very special circumstances. Nevertheless, the 2013 Draft Site Specific Allocations and Policies Local Plan - Further Issues and Options consultation identified part of the site (for which permission was granted for commercial development in 2011 and 2012) as land for primary industrial and

commercial employment. In line with similar cases where land was identified in the draft Site Specific Allocations and Policies Local Plan, some weight should be attached to this factor.

6.45 The Thurrock Economic Growth Strategy (draft) was considered by Cabinet in February 2016 where, inter-alia, it was resolved to approve the strategy and to acknowledge the role that the strategy will play in supporting the development of the Borough's Local Plan. The strategy continues to recognise the importance of the growth hubs in economic development and also notes that housing shortages and an attractive housing offer are factors influencing inward investment. Nevertheless, there is nothing in the content of the Thurrock Economic Growth Strategy which advocates the use of Green Belt land and the document does not override the policy presumption against inappropriate development. However, as part of the site was identified for development in the 2013 Site Specific Allocations and Policies Local Plan, some weight should be given to this matter in the overall balance of considerations.

6.46 4. *The proposed development would respect all of the five purposes of including land within Green Belt*

Under this heading the applicant provides the following analysis of the function of the site with reference to the five purposes which the Green Belt serves (NPPF para. 80):

- i. to check the unrestricted sprawl of large built-up areas – the site is tightly contained and would not engender sprawl;
- ii. to prevent neighbouring towns merging into one another – the development will be physically connected to existing development in Grays. The settlement of Grays is separated from Tilbury by the A1089 and the railway line. These physical boundaries would not be altered and there would be no merging of towns;
- iii. to assist in safeguarding the countryside from encroachment – the site is separated from open countryside by the A1089 and encroachment onto countryside would be negligible. The boundaries of the site would prevent future encroachment;
- iv. to preserve the setting and special character of historic towns – the site is not adjacent to any designated historic towns;
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – the proposals would not prevent the development of brownfield sites and would support the regeneration of Grays. Adopted Core Strategy policy accepts that some new residential development will occur outside of previously developed land.

6.47 Consideration

An analysis of the ‘contribution’ which the site makes to the five purposes of including land in Green Belts is provided at paragraphs 6.13 to 6.18 above. The analysis concludes that the proposals would, to a limited degree, be contrary to some of the purposes of including land in the Green Belt. The principal Green Belt consideration to be made in this case is whether the identified harm to the Green Belt (including the purposes of including land therein) is clearly outweighed by other considerations. Although there is “in principle” harm to the Green Belt and harm to openness, the analysis above considers that other harm to the Green Belt (i.e. the contribution the site makes to the five purposes) is more limited. Therefore, in the planning balance between harm and the considerations which could amount to very special circumstances, the extent of harm is reduced with reference to the five purposes. This factor should therefore be afforded some weight in the balance of considerations.

6.48 *5. The site is not contiguous with the rest of the Green Belt*

Under this heading the applicant refers to the designation of the site as Green Belt when it formed part of a larger swathe of land and the implemented planning permissions which have reduced the extent of the open area. The applicant refers to the analysis of the site considered as part of planning permission ref. 09/50024/TTGOUT and the report presented to Planning Committee which considered that the site was “*not contiguous with the rest of the Green Belt*”. The applicant considers that the context of the site remains the same.

6.49 Consideration

The planning history of the site (summarised above) is long and complex. The application site was part of the former PLA landholding (51.8 hectares) located west of the A1089 and north of the railway line. The Inspector’s report (78/00601/OUT) noted that in 1968 the Minister of Transport had determined that the PLA landholding was “operational land” (port). Although this operational land was allocated as “extended Green Belt” within Essex Structure Plans in the 1970’s, these plans “*acknowledge the national importance of Tilbury Docks and the river and accept that consideration may need to be given for port and / or associated development even on land in the MGB or the extended Green Belt*”. Clearly, and despite this historic Green Belt allocation, planning permission for commercial, retail and residential development has been granted on the site.

6.50 A detailed analysis of the Green Belt ‘function’ of the site is provided elsewhere in this report. It is considered that the site is largely contained on its northern, southern and western boundaries by existing residential and commercial development. In spatial terms the site comprises a narrow corridor of Green Belt

land, separated from the 'wider' Green Belt to the east by the A1089. As a matter of judgement it is considered that harm is, to a degree, limited by this factor. Accordingly, this physical characteristic of the site should be afforded some weight in the balance of considerations.

6.51 6. Flood prevention measures will significantly reduce flood risk

Under this heading the applicant refers to the proposals to raise ground levels and incorporate mitigation measures in order to "remove" flood risk from the development. In addition, the applicant notes that surface water attenuation storage will be provided for the 1 in 200 year event (plus allowance for climate change) which is more than the standard requirement (1 in 100 year event + climate change). The applicant suggests that this additional capacity will reduce *"peak run-off from the site as well as providing alleviation to potential flood risk downstream, providing in-direct benefits to the wider area"*.

6.52 Consideration

The issues of flood risk and site drainage are considered separately elsewhere in this report. In summary, the application site and surrounding developed land to the north, south and west is within the high risk flood zone (Zone 3a). This zone is described as having a 1 in 100 or greater annual probability of river flooding. Land to the east of the A1089 (excluding the Travis Perkins / Amazon sites) is within the functional floodplain (Zone 3b). The area surrounding the site is also bisected by three 'main rivers' (Chadwell Main Sewer, East Tilbury Dock Sewer and Chadwell New Cross Sewer).

6.53 Advice within National PPG refers to the term 'design flood' which is defined as a flood event of a given annual flood probability, which is generally taken as:

- fluvial (river) flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year), or;
- tidal flooding with a 0.5% annual probability (1 in 200 chance each year), against which the suitability of a proposed development is assessed and mitigation measures, if any, are designed (Reference ID: 7-055-20140306).

6.54 Assessed against the 'standard' for fluvial flooding the proposals exceed the minimum referred to by NPPG which implies that there could be indirect benefits in terms of additional storage capacity. Elsewhere in the Borough the issue of flood attenuation measures to address existing flood risk has been promoted as a factor contributing towards a case for very special circumstances (application ref. 15/00205/OUT – Williamson's Farm, Corringham). However, this case remains under consideration and the weight which can be attributed to this factor has not

been previously resolved in Thurrock. However, the Secretary of State's recent decision for a Green Belt residential development in Castle Point (ref. APP/M1520/A/14/2216062) noted that (on the issue of flood risk) *"the proposal could lead to an improvement in the existing situation, and that issues around flooding do not weigh against the proposal"*. From this wording it could be implied that this factor has either a neutral or positive weighting in the balance of considerations. Accordingly, this factor should be afforded some limited weight in favour of the proposals.

6.55 7. *The proposed development provides a high level of site connectivity and accessibility to local facilities and services, using sustainable transport modes*

Under this heading the applicant refers to the potential for new pedestrian and cycle links from the site to adjoining land uses at the east, south and west of the site. Reference is also made to cycle parking provision on-site and sustainable transport measures within the Travel Plan. The applicant considers that the development is compatible with elements of the NPPF related to "Promoting healthy communities" such as the promotion of safe and accessible development (para. 69) and the enhancement of public rights of way and access.

6.56 Consideration

Core Strategy policy CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury) states that, in order to reduce car traffic, the Council will (inter alia) phase the delivery of a network of walking and cycling routes and ensure that new developments promote high levels of accessibility by sustainable transport modes. Policy PMD2 (Design and Layout) goes on to state that all development proposals must satisfy a number of criteria including:

- v. *Accessibility - Development proposals must allow easy and safe access for all members of the community. Development must also integrate land uses and all modes of transport but pedestrians and cyclists must be given priority over traffic in scheme design;*
- vi. *Permeability and Legibility - Development should promote connections between places that people wish to use, including public transport links, community facilities and the Greengrid. Development should be designed to help people find their way and must be legible for all members of the community, providing recognisable routes using landmarks and signage where appropriate.*

6.57 As the applicant points out, the NPPF generally requires new development to be accessible to sustainable transport modes. The illustrative masterplan drawing accompanying the application suggests new cycle / pedestrian links from the site to Manor Road (to the west), Thurrock Parkway (to the south) and the A1089 (to the

east). These routes could potentially link to public footpath no. 186 (to the west) and an existing cycle / footpath link on the western side of the A1089. These routes are welcomed and will enhance the accessibility of the development. However, as both local and national policy requires new development to be easily accessible to sustainable transport modes then only limited weight should be attached to this factor in assessing whether very special circumstances exist.

6.58 8. Significant landscape and public realm enhancements are proposed including more accessible and attractive recreational areas and open space

Under this heading the applicant considers that the site is of low landscape quality and does not offer recreational opportunities. Proposed new planting, water features and play areas would enhance the recreational use of the site, in accordance with planning policy.

6.59 Consideration

Although the consideration of landscaping is reserved for future assessment, the layout of the site is not a reserved matter. The illustrative masterplan layout drawing accompanying the application shows areas of new planting and 7 no. play areas across the site. The proposed links referred to above could make these recreational facilities available to both potential residents on the development and surrounding users. Nevertheless, adopted Core Strategy policy PMD5 (Open Spaces, Outdoor Sports and Recreation Facilities) requires new development to ensure the provision of “*new open spaces, outdoor sports and recreational facilities*”. As the proposed facilities would principally mitigate the impact of the development provide for the needs of future residents in compliance with policy, only limited weight should be attached should be attached to this factor in assessing whether very special circumstances exist.

6.60 9. The proposals will allow for new habitat creation and greater biodiversity across the site

Under this heading the applicant highlights the proposed habitat enhancement measures (creation of wetland, grassland, tree and shrub planting) which would enhance the biodiversity interest of the site, in line with Core Strategy policy PMD7.

6.61 Consideration

Ecological matters are considered separately elsewhere in this report. Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications, that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of

opportunities to incorporate biodiversity in and around developments. A judgement has to be made as to whether the proposals go beyond mitigating the impact of the development. In any case, as national and local policies encourage biodiversity enhancement this factor should only attract limited weight in assessing whether very special circumstances exist.

6.62 10. The proposed development will achieve a high standard of sustainable design and construction and fully comply with targets to reduce CO2 emissions

Under this heading the applicant states that the development is expected to achieve 19% lower CO2 emissions than Building Regulations requirements and that the use of on-site renewable energy technology will provide 15% of the development energy requirements.

6.63 Consideration

Policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) are relevant to the proposals. Policy PMD12 requires new residential development to achieve a level 4 rating under the Code for Sustainable Homes (CSH) and major non-residential development to achieve appropriate BREEAM standards. However, following a technical housing standards review the Government withdrew the CSH in April 2015 and compliance with the Code can no longer be required through a planning permission. Part L (conservation of fuel and power) of the Building Regulations is still applicable and the applicant states that the development will exceed the values required by the Regulations.

6.64 With reference to Policy PMD13 the applicant states that the proposed deployment of photo-voltaic panels across the development will meet 15% of the energy demand for the development. This figure is compliant with PMD13.

6.65 The applicant's intention to exceed Building Regulation requirement is welcomed. However, this factor is not particularly site-specific and could be cited as a considerations amounting to very special circumstances elsewhere. Accordingly, this factor attracts only very limited weight in the balance of Green Belt considerations.

6.66 11. The proposals demonstrate a high quality of design, layout and place-making

Under this heading the applicant refers to the achievement of a high quality design through the implementation of a number urban design objectives comprising:

- ease of movement and legibility across the site and beyond site boundaries;

- a development that has character, quality and continuity in the design of its built form and external spaces, whilst also introducing diversity and variety and safe / overlooked spaces;
- a highly sustainable scheme which facilitates pedestrian and cycle trips to surrounding areas, makes use of alternative / renewable energy where possible, and uses sustainable drainage systems;
- promotes quality detailed design, spatial variation, variety of detail and materials and flexible and adaptable buildings.

6.67 Consideration

A key element of the NPPF is the requirement for good design and paragraph 56 of the Framework states that the Government attaches great importance to the design of the built environment. In addition paragraph 57 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Similarly Adopted Core Strategy policies CSTP22 (Thurrock Design) and PMD2 (Design and Layout) seek high design standards. Given this policy context, high quality buildings and the spaces in-between buildings should therefore be seen as a standard to be achieved, rather than an optional extra.

6.68 At paragraph 63, the NPPF notes that when determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In response to this part of the NPPF it should be noted that the application seeks outline permission, with the matters of appearance, landscaping and scale reserved for future approval. Although the submitted Design and Access Statement provides a degree of information regarding design principles and the design concept, the fine grain details of the development are reserved for future approval, if outline permission were to be granted. This factor and the promotion of high quality design through both national and local planning policies mean that only limited weight can be attributed to design quality in the planning balance.

6.69 12. The proposals include a variety of housing types and sizes to create a mixed community and respond to different needs

Under this heading the applicant considers that the development would provide a range of dwelling types and sizes in accordance with Core Strategy policies and the Thurrock Economic Growth Strategy.

6.70 Consideration

The proposals would provide for a mix of two, three and four-bedroom houses and two and three-bedroom flats. Policy CSTP1 (Strategic Housing Provision) of the adopted Core Strategy refers to housing mix and states that the Council “... will require new residential developments to provide a range of dwelling types and sizes to reflect the Borough’s housing need, in accordance with the findings of the Strategic Housing Market Assessment ...”. The proposals would provide a mix of dwelling types and sizes in accordance with the Policy.

6.71 The ‘Thames Gateway South Essex Fundamental Review of the Strategic Housing Market Assessment Review’ (2013) specifically notes that a greater proportion of two-bedroom houses would have significant benefits in sustaining communities. The applicant’s Planning Statement suggests that some 149 (53%) of the development would comprise two-bedroom accommodation. The proposed mix of dwelling types and sizes is also considered to be consistent with NPPF guidance (paragraph 50) which state that local planning authorities should (inter-alia) plan for a mix of housing. On this basis, the proposals are consistent with national and local planning policies. However, as the provision of a mix of housing sizes and types is a factor is capable of repetition, it is not a site-specific consideration which attracts significant weight in the balance of Green Belt considerations. Consequently only very limited weight is afforded to this argument.

6.72 13. The proposals include affordable housing

The applicant has confirmed that the development would include total of 98 affordable housing units to be provided as follows:

- 69 no. social rented units comprising 48 no. x two-bed apartments, 6 no. x three-bed apartments and 15 no. x three-bed houses; and
- 29 no. affordable rented / intermediate units comprising 29 no. x three-bed houses.

The proposed provision equates to 35% of the total number of units.

6.73 Consideration

Core Strategy policy CSTP2 (The Provision of Affordable Housing) states that in order to address the current and future need for affordable housing in Thurrock, the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. The proposals may therefore be seen as policy compliant in this respect.

6.74 Paragraph 6.31 (above) notes that the South Essex Strategic Housing Market

Assessment identifies a range of objectively assessed housing need for Thurrock of between 919 and 973 dwellings per annum (using a 2014 base date). If the minimum 35% affordable housing figure is applied to objectively assessed housing need (919-973 dwellings) an annual range of 322-341 affordable housing units is obtained. A summary of affordable housing completions in Thurrock for the last five years of available data is provided in the table below:

<u>Period</u>	<u>A/H completions</u>	<u>Total completions on sites liable to A/H provision</u>	<u>% A/H</u>
2011/12	28	332	8.4%
2012/13	138	363	38.0%
2013/14	76	266	28.6%
2014/15	105	296	35.5%
2015/16	99	611	16.2%
Five Year Total	446	1,868	23.9%

6.75 The data in the above table shows that there have been two recent years within which the percentage of affordable housing completions on sites liable to provide affordable has met the minimum 35% policy target. However, the five-year trend between 2011/12 and 2015/16 is that the proportion of affordable housing completions on sites liable to deliver affordable housing is, at 24%, well below the minimum 35% policy target.

6.76 Within the context of the average under-delivery of affordable housing on eligible sites over the past five years, and the wider context of an historic under supply of housing (compared to Core Strategy policy targets and more recent objectively assessed need) it is considered that the proposals would make a sizeable contribution towards the delivery of affordable housing. This factor weighs in favour of the proposals and should be afforded moderate weight in the balance of considerations.

6.77 14. The proposals include new health facilities

As first submitted for consideration, the description of development included reference to the provision of a “250 sq.m. health centre (Use Class D1)”. The consultation response from NHS England referred to this proposed facility and noted that “a building of this size does not align with the NHS England and CCG Estates Strategies for the area, at the current time NHS England and the CCG have no plans for a new facility in this location. The CCG instead are looking to reconfigure existing capacity in the surrounding vicinity to create greater efficiency”. In light of these comments the applicant revised the description of development to refer to the provision of a “250 sq.m. community facility (Use Class D1)”.

6.78 In light of the change in the description of the development, no weight should be attached to this factor in the consideration of very special circumstances.

6.79 *15. There is an existing and expanded Primary School in close proximity to the proposed new housing*

The applicant considers that the proposed new housing would be located within easy walking distance of Thameside Primary School which adds to the sustainable credentials of the development.

6.80 Consideration

Thameside Primary School is located a short distance to the west of the site and theoretically is within comfortable walking distance of potential occupiers of the development. However, the site is currently separated from Manor Road by a watercourse and associated ditch. Nevertheless, the applicant has offered a financial contribution towards the provision of footpath / cycle links to the north and / or west of the site. Notwithstanding the potential for future transport links to the west, the applicant's argument seems to be based purely on the physical proximity of the site to the school. In any case Education officers have confirmed that a financial contribution is required to mitigate the impact from the development on demand for school places. Consequently, no weight should be attached to this factor in the balance of considerations

6.81 *16. The proposals support and enhance the Thurrock Park Employment Area*

The applicant considers that the proposed commercial development (Use Class B2 / B8) is supported by Core Strategy and would create new employment.

6.82 Consideration

That part of the application site which would be occupied by the proposed commercial development is not allocated as employment land on the policies map accompanying the Core Strategy. It follows that Policies CSSP2 (Sustainable Employment Growth) and CSTP6 (Strategic Employment Provision) do not, de-facto, support this element of the proposals. The proposed commercial development could create new employment opportunities in a location which is immediately adjacent to the existing Thurrock Park employment area. This employment provision would be generally consistent with the economic dimension of sustainable development, as defined in the NPPF. On balance, only limited weight should be attributed to this factor.

6.83 **17. Planning obligations will support the application**

The applicant considers that obligations will be secured to deliver the infrastructure required for the development, in line with Core Strategy policy PMD16 (Developer Contributions).

6.84 **Consideration**

Planning obligations upon the developer, secured pursuant to s106 of the Town and Country Planning Act are a ‘mechanism’ for ensuring proper mitigation of the impacts of development and / or complying with policy requirements. In this context, the fact that planning obligations are required is, at a prima facie level, not a factor which could contribute to very special circumstances. Therefore, no weight should be attached to this argument.

6.85 **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 and would reduce the openness of the Green Belt. Substantial weight should be attached to this harm. However, with regard to the role which the site plays in fulfilling the purposes for including land in the Green Belt, it is considered that there is only limited harm. Consequently, the vast majority of Green Belt ‘harm’ can attributed to conflict with policy in principle and loss of openness.

6.86 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 Green Belt Harm and Very Special Circumstances			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	The principle of development at the site has been accepted in previous planning permissions granted at the site	Moderate weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the		Contribution towards the delivery of housing and the lack of a five year housing	Significant weight

Green Belt	land supply	
	The proposals help to meet wider growth objectives within the Borough and Thames Gateway corridor	Some weight
	The proposed development would respect all of the five purposes of including land within Green Belt	Some weight
	The site is not contiguous with the rest of the Green Belt	Some weight
	Flood prevention measures will significantly reduce flood risk	Limited weight
	The proposed development provides a high level of site connectivity and accessibility to local facilities and services, using sustainable transport modes	Limited weight
	Significant landscape and public realm enhancements are proposed including more accessible and attractive recreational areas and open space	Limited weight
	The proposals will allow for new habitat creation and greater biodiversity across the site	Limited weight
	The proposed development will achieve a high standard of sustainable design and construction and fully comply with targets to reduce CO2 emissions	Very limited weight
	The proposals demonstrate a high quality of design, layout and place-making	Limited weight
The proposals include a variety of housing types and sizes to create a mixed	Very limited weight	

		community and respond to different needs	
		The proposals include affordable housing	Moderate weight
		The proposals include new health facilities	No weight
		There is an existing and expanded Primary School in close proximity to the proposed new housing	No weight
		The proposals support and enhance the Thurrock Park Employment Area	Limited weight
		Planning obligations will support the application	No weight

6.87 Within the table above, many of the factors promoted by the applicant can be assessed as attracting varying degrees of ‘positive’ weight in the balance of considerations. In particular, the contribution of the development towards housing supply, the provision of affordable housing and the planning history of the site attract moderate or significant weight in the Green Belt balancing exercise.

6.88 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. However, this is considered to be the full extent of the harm as there would be only limited conflict with the purposes of including land in Green Belts and, given the assessment elsewhere in this report, there is no significant harm, to landscape and visual receptors, 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’.

6.89 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 6.90 The planning application is accompanied by a Transport Assessment (TA), a TA Addendum and a Travel Plan. Although this is an application for outline planning permission, details of access (i.e. accessibility to and within the site in terms of the positioning and treatment of access circulation routes) are for consideration as part of this submission.
- 6.91 Two points of access for vehicles are proposed to serve the development. Firstly, to serve the proposed residential development and Class D1 community facility, Churchill Road would be extended on its current alignment (north-east to south-west) and at its current dimensions (7.3m wide carriageway with two 2m wide footpaths). A series of lower category roads (6m and 4.8m wide carriageways with or without 2m footpaths) would penetrate through the site to serve the proposed dwellings. The second point of access for vehicles would be located from Thurrock Parkway to the south of the site, to serve the proposed Class B2 / B8 commercial uses. The site connects to the public highway at Thurrock Parkway via a right of way for vehicles and pedestrians across land in private ownership within the 'Clipper Park' commercial estate. The applicant has confirmed that this right of way has the benefit of being held in perpetuity. This commercial access would provide a short section of link road, parking and turning areas serving the proposed commercial uses only.
- 6.92 The proposed access arrangements would therefore separate the residential / community facility access (via Churchill road) from the commercial access (via Thurrock Parkway). Nevertheless, the submitted plans indicate that an "emergency access and cycle path" would link the residential / community facility to Thurrock Parkway. The submitted masterplan drawing also indicates the position of a "potential cyclepath access to Manor Way" on the western boundary of the site and a "potential cyclepath access to Dock Road" in the site's eastern boundary.
- 6.93 As the site is located adjacent to the strategic road network (A1089) and because traffic associated with the development could impact upon that network, Highways England (HE) have been consulted on the proposals. In responding to the original TA (October 2015) HE considered that further assessment of the A1089 Dock Road / Old Dock Approach Road / Marshfoot Road junction was required. A subsequent TA Addendum modelled potential impact on this junction and an updated response from HE confirmed no objection to the proposals on the grounds of impact on the strategic road network.
- 6.94 The Council's Highways Officer has also considered the content of the TA and TA Addendum and has concluded that there are no objections to the proposals, subject to planning conditions and s106 obligations. The Council Highways Officer notes that the TA Addendum models future traffic generation and the impact on

surrounding junctions including the Dock Road / Churchill Road roundabout and the Marshfoot Road / Old Dock Approach Road roundabout junction. The consultation response from Highways notes that the TA Addendum provides a robust assessment of potential traffic movements and the distribution of movements. However, although the TA considers that the development would not materially impact on the A1089 / Marshfoot Road junction, it is considered that in light of the accident record for this junction mitigation measures are required. The applicant has offered a financial contribution of £200,000 towards the costs of improving this junction and this contribution is considered appropriate. Capacity and safety improvements at the A1089 / A126 Marshfoot Road priority junction are identified as an infrastructure project on the Infrastructure Requirement List.

- 6.95 As noted above, the submitted drawings and the TA refer to the potential for pedestrian / cycle links connecting the site to Manor Way to the west and Dock road to the east. The Infrastructure Requirement List includes a project for improved walking links between Thurrock Parkway and Grays, via Manor Road and Churchill Road. The applicant has offered a financial contribution of £40,000 towards the provision of this infrastructure.
- 6.96 With reference to parking provision for the non-residential elements of the proposals, the Council’s Draft Parking Standards and Good Practice (2012) suggest the following parking provision:

<u>Use</u>	<u>Vehicle (maximum)</u>	<u>Cycle (minimum)</u>	<u>Powered two- wheeler (PTW) (minimum)</u>	<u>Disabled (minimum)</u>
B2 (general industrial)	1 space per 50sq.m.	(staff) 1 space per 250sq.m. (visitors) 1 space per 500sq.m.	1 space per 20 vehicle spaces	2 bays or 5% of total
B8 (storage & distribution)	1 space per 150sq.m.	(staff) 1 space per 500sq.m. (visitors) 1 space per 1,000sq.m.	1 space per 20 vehicle spaces	2 bays or 5% of total
D1 (public hall)	1 space per 25sq.m.	1 space per 4 staff plus visitor provision	1 space + 1 per 20 vehicle spaces	1 bay or 5% of total

- 6.97 The submitted Masterplan drawing show the provision of 36 parking spaces for the class B2 / B8 units access from Thurrock Parkway. This level of provision would meet the 'worst case' provision of 1 space per 50sq.m. for Class B2 floorspace. Details of cycle, PTW and disabled vehicle parking are not provided. However, it would be reasonable for a planning condition to address these details. Highways layout drawings suggest the provision of 14no. parking spaces to serve the proposed community facility. Although the potential occupier(s) of this facility is not known and the potential operation of the facility within the Class D1 range is also unknown, on the assumption that the floorspace is used as a public hall (rather than a medical use for example) then the suggested vehicle parking provision would meet the suggested standard.
- 6.98 With regard to residential uses, the draft 2012 parking standards are expressed as a range to suit local circumstances. Vehicle parking standards for both flats and houses are dependent upon the accessibility of the site (or part thereof) to a designated town centre and / or public transport links. As the site is not located within 1km walking distance of Grays town centre and is also not within 400m of a bus stop subject to a minimum service of 20 minutes, the location of the site is classed as 'low accessibility'. Under these circumstances, the draft standards suggest a minimum car parking provision of 1.25 spaces per flat (regardless of the number of bedrooms) and a minimum two spaces per house. Visitor parking provision of 1 space per 4 dwellings is suggested and the draft standards also state that an additional parking space "will be permitted" for 4-bedroom houses. To summarise, draft standards would suggest the provision of a minimum of 590 parking spaces to serve the residential element of the development. Although the matter of layout is not reserved for future consideration the masterplan drawings are not sufficiently detailed to show all of the proposed car parking provision. However, banks of in-curtilage front-garden parking are indicated and one of the housing typologies is a house with garage space. Consequently, there is confidence that the detailed arrangement of the residential development, to be submitted if outline permission is granted, will meet the suggested minimum parking standards. The Council's Highways Officer has suggested that a planning condition can be attached to any grant of outline planning permission to secure the provision of satisfactory parking.
- 6.99 As noted in the 'Flood Risk' section of this report, in order to mitigate flood risk ground levels are proposed to be raised across the site. A similar land raising exercise was recently undertaken on the Amazon site to the east of the A1089. The TA estimates that some 113,000 cu.m. of fill material would need to be imported to achieve the required finished ground levels. Over an assumed 18 month period the TA estimates 30 HGV loads (60 HGV movements) per day. It is further suggested in the TA that these HGV movements would be routed via Thurrock Park Way in order to avoid residential roads. A planning condition could be used to

require details of construction routing details, if planning permission were to be granted.

6.100 In summary, subject to obligations to be secured via a s106 agreement and planning conditions, there are no objections to the proposals on highways grounds.

III. IMPACT ON ECOLOGY & BIODIVERSITY

6.101 The site does not form part of any statutory site of designated ecological interest. The nearest such statutory designation to the site being the Globe Pit SSSI, designated for its geological interest and located some 650m to the north-west of the site. The north-eastern corner of the application site is located a short distance to the west of the Little Thurrock Reedbeds Local Wildlife Site (LWS), designated on a non-statutory basis for its reedbed habitat. However, land within the site close to the LWS would be retained in its existing open state and would not be developed. Consequently, there would be no immediate impact on the LWS. The site also forms part of the larger Little Thurrock Marshes 'Potential LWS', included as an appendix to the Thurrock Greengrid Strategy. This potential LWS designation was based on the status of the site as remnant grazing marsh. However, this potential non-statutory designation has not been confirmed.

6.102 The application is accompanied by a number of ecological reports and studies comprising:

- Preliminary Ecological Appraisal;
- Botanical Report;
- Breeding Birds Report;
- Ecology Data Survey;
- Ecology Mitigation Strategy;
- Great Crested Newt Survey;
- Invertebrates Survey;
- Reptile Survey; and
- Water Vole Report.

6.103 A Phase 1 habitat survey confirms that the site principally comprises semi-improved grassland interspersed with smaller areas of ruderal vegetation, scrub, semi-natural woodland, short perennial vegetation, amenity grassland and standing water within the ditches. The submitted Preliminary Ecological Appraisal notes that there are four habitats within and close to the site which are of importance, namely:

- Coastal Grazing Marsh – the Appraisal notes that this habitat has become nutrient-enriched which has decreased its biodiversity interest. Nevertheless mitigation measures could include the formation of seasonally wet habitats;
- Open Mosaic Habitat – this patchwork habitat of bare ground and short perennial vegetation has formed where suitable substrates exist. As above, mitigation for the loss of this habitat should include replacement habitat;
- Semi-Natural Woodland – area of this habitat outside of the ditch network would be retained. However, a small area of woodland on the southern part of the site would be removed. The Appraisal does not consider this loss to be significant;
- Reedbed – this habitat is found close to the north-eastern corner of the site. The development should ensure that water pollution levels are not increased in this area.

6.104 A summary of the results for the individual species surveys is provided below:

- i. Botanical Survey: the coastal grazing marsh and open mosaic habitat within the site meet the criteria for priority habitat in the UK Biodiversity Action Plan and are therefore listed as Habitats of Principal Importance for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities Act 2006. This places a duty on the planning authority to seek to safeguard these habitats when exercising its functions. The NPPF states that local planning authorities should aim to conserve and enhance biodiversity, and that if significant harm cannot be avoided, mitigated or compensated, then permission should be refused. Areas for ecological mitigation are retained within the site and the Botanical Survey recommends that grazing marsh and open mosaic habitat should be re-instated within the site and managed in the future.
- ii. Breeding Birds Report: the majority of bird activity was recorded within the dense scrub on-site. The proposals would involve the loss of some scrub habitat, however this habitat is widespread and common so the impact of scrub removal would be local. Any removal of scrub should avoid the bird nesting season. The wet ditches within the site support a bird population and this habitat would be retained and expanded to provide new habitat. The open areas, which comprise the majority of the site, are of negligible value to breeding birds.
- iii. Great Crested Newt Survey: surveys of waterbodies both on-site and within 500m of the site have not revealed the presence of this species. The likelihood of Great Crested Newts being impacted by the proposals is very low and no further surveys or mitigation are recommended.
- iv. Invertebrates Survey: surveys undertaken in 2016 recorded 36 invertebrate species of conservation concern. The south-eastern part of the site displayed a high Species Quality Index (SQI) score and a Broad Assemblage Type (BAT)

rarity score, so is considered to be of a high value to invertebrates. Management and enhancement of the ecological enhancement areas on the site should be targeted to maintain and increase the importance of the invertebrate assemblages found.

- v. Reptile Survey: surveys recorded low populations of both common lizard and slow worms, linked to the presence of suitable reptile habitat on parts of the site. Mitigation in the form of retention of suitable on-site habitat or translocation of both species to a receptor site is recommended.
- vi. Water Vole Report: evidence of water vole activity was recorded in sections of the ditches within the site. The Wildlife and Countryside Act 1981 requires the avoidance of harm or disturbance to this species or the destruction of their burrows. Subject to the retention the existing network of ditches and the adjacent banks the impact on water voles may be negligible. The proposals include the creation of new habitats which will be suitable for water voles.

6.105 Objections to the application have been received from Buglife, Essex Field Club and the Environment Agency on the grounds of impact on biodiversity. However, the Council's Ecology and Landscape Advisor considers that the general principles set out within the Ecological Mitigation Strategy are appropriate for the site. Proposals for habitat mitigation and enhancement are also considered to be broadly acceptable. Although proposed areas of grazing marsh and wildflower habitat mitigation are narrow and could be dominated by tree planting. Further amendment to the submitted Strategy is therefore required. Areas of compensatory 'living roof' are also proposed and would need to form part of the final mitigation strategy.

6.106 Under this heading it is concluded that, subject to further amendment of the mitigation proposals (which can be secured through planning condition) there are no objections to the proposals on ecological grounds.

IV. DESIGN & LAYOUT

6.107 Consideration of layout is not a reserved matter and therefore can be considered as part of the current submission. As mentioned above, access arrangements for the residential and Class B2 / B8 commercial elements of the proposals are separate. Therefore, the commercial floorspace would be located on the southern part of the site, immediately adjacent to existing employment uses at Thurrock Park Way. An open area of landscaping / habitat creation / ditch expansion would physically separate new commercial and residential uses, with a minimum separation of approximately 65m between respective buildings. This area would provide a clear visual buffer between the different land uses.

- 6.108 The existing drainage ditches running parallel to the northern and eastern site boundaries provide a limitation on the extent of the developable area due to the associated 'stand-off' distances from the top of banks. In particular, there would be no built development on either side of the Chadwell New Cross Sewer along the majority of its length within the site. This area of the site is reserved for landscaping and ecological mitigation. For those remaining areas of the site proposed for residential development, the layout of streets and arrangement of building blocks appears logical, with new dwellings facing onto streets and back-to-back distances largely maintained to existing dwellings. On the eastern part of the site proposed dwellings would occupy a back-to-back or back-to-flank relationship with existing dwellings at Medick Court, Mace Court, Samphire Court and Salix Road, with distances of between 19 and 25m between existing and proposed properties. To the rear (south) of Speedwell Court, Sedge Court, Syringa Court and Scilla Court the proposed dwellings would also display a back-to-back or flank-to-back relationship with existing dwellings. Dwellings would be separated by between 20 and 38m. It is considered that these relationship are acceptable and would ensure reasonable amenity for both existing and future residents.
- 6.109 The matters of appearance and scale are reserved for subsequent approval. Nevertheless, a submitted 'Building Parameters Plan' suggests two main house types comprising a two-storey detached / linked-detached or semi-detached house with garage and a two-storey semi-detached / terraced house without garage. Two and three-bedroom flats are proposed (54 no.) provided within 6 no. two / three-storey blocks. These blocks would be located at the south-eastern corner of the site and would be well-separated from existing dwellings. Residential development to the north of the site within the Churchill Road estate comprises exclusively two-storey development arranged as pairs of semi-detached or detached dwellings. The proposed scale and arrangement of dwellings would not appear at odds with the character of development to the north.
- 6.110 Nevertheless, the proposals would represent a more intensive use of land with a higher density than the adjoining Churchill Road estate. For the purposes of comparison, the Churchill Road estate (developed in the 1980's) has a relatively low density of c.29 dwellings per hectare (dph). Policy CSTP1 (Strategic Housing Provision) of the adopted Core Strategy sets out a preferred density range of between 30-70 dph. Based on the gross site area of 13.1 hectares, the proposals represent a residential density of some 21 dph. However, if the commercial floorspace, strategic landscaping and flood mitigation elements are removed from the gross site area, a residential density of 49 dph results, within the range mentioned by CSTP1. Although representing a more intensive use of land, as typified by the more widespread use of semi-detached and terraced house types compared to the Churchill Road estate, the proposed quantum of development is still comfortably within the range described by CSTP1. Core Strategy policy PMD2

(Design and Layout) requires all development to respond to the sensitivity of the site and its surroundings and to optimise the potential of the site to accommodate development. A balance must therefore be struck between making the best use of land and responding to context. In this case with regard to both storey heights and the density of development, the proposals would meet the policy test.

V. NOISE & AIR QUALITY

- 6.111 There are no air quality issues arising from the proposed development, the closest Air Quality Management Areas being located to the west within Grays and east at Tilbury.
- 6.112 At the request of the Council's Environmental Health Officer (EHO) the applicant undertook a noise survey and assessment to consider the proposals in the context of noise from the A1089 and existing commercial activities at Thurrock Parkway. The assessment also considers the impacts of construction noise from the development on existing receptors.
- 6.113 Comments received from the EHO confirms that the noise survey collected sufficient data at suitable locations on the site with respect to road traffic and industrial / commercial sources in order to make an adequate assessment of the prevailing noise climate. The predicted noise levels from groundworks associated with construction activities has the potential to cause some unavoidable short term disturbance to existing residential receptors on the eastern edge of the Churchill Road estate. Measures to mitigate this short term impact include restrictions on construction hours, use of 'Best Practicable Means' and construction traffic routing. The noise environment on-site is strongly influenced by road traffic noise from the A1089 and industrial noise from Thurrock Parkway. Noise mitigation measures will be required for some of the proposed residential units to meet relevant BS8233:2014 criteria. This would consist of an enhanced glazing specification and acoustic ventilation for habitable rooms facing the noise sources. As this is an application for outline planning permission, the exact requirements would be determined at the detailed design stage. External amenity areas are reasonably well screened by buildings on the eastern part of the site, but further to the south the proposed apartment blocks do not fully screen the gardens beyond. The external amenity areas for the apartments are not yet defined and noise will need to be considered in the detailed design. Planning conditions are therefore required to ensure a satisfactory noise environment for future residents and to mitigate the impact of short term construction activities.

VI. FLOOD RISK & SITE DRAINAGE

- 6.114 The site, along with surrounding areas in all directions, is located in the high probability flood risk area (Zone 3a). The Tilbury Flood Storage Area (FSA), which is designated as a functional floodplain with the highest flood risk (Zone 3b), is to the east of the site on the opposite side of the A1089. The Tilbury FSA is separated from surrounding areas within Zone 3a by flood defences. Furthermore, the site and surrounding areas benefit from tidal defences on the banks of the River Thames. These tidal defences protect the site and surrounding land to a 1 in 1,000 year flood event standard. There are also 'main rivers', as defined by the Environment Agency (EA) close to the application site comprising the Chadwell New Cross Sewer which passes through the northern part of the site, the East Tilbury Dock sewer to the south and Chadwell Cross Sewer to the east.
- 6.115 Table 2 of PPG is a 'Flood Risk Vulnerability Classification' for different types of development which, in combination with the flood zone classification, determines whether development is appropriate, should not be permitted or should be subject to the Exception Test. The proposed Class D1 community facility and residential development comprise 'more vulnerable' development with reference to Table 2, whilst the proposed commercial floorspace is defined as 'less vulnerable'. Table 3 of PPG comprises a 'Flood Risk Vulnerability and Flood Zone Compatibility' table which defines the proposed 'less vulnerable' commercial development as appropriate in Flood Zone 3a. However, the 'more vulnerable' residential development should be subject to an Exception Test. In addition to the Exception Test, the development proposals are also subject to the requirements of the Sequential Test which aims to steer new development to areas with the lowest risk of flooding.
- 6.116 In light of the high flood risk classification of the site the application is accompanied by a Flood Risk Assessment (FRA) and a Water Framework Directive Assessment. Both the EA and the Council's flood risk manager have been consulted on the proposals.
- 6.117 Detailed Flood Risk Mitigation Proposals:

The existing topography of the site and surrounding areas is generally flat and low-lying with levels ranging between +1.1m AOD on the north-western part of the site reducing to -0.5m AOD adjacent to the A1089. Levels at the bottom of the Chadwell New Cross Sewer at the site's north-west corner are -1.8m AOD. In order to address potential flood risk issues by placing the proposed development above the modelled 1 in 200 year flood event (+ climate change allowance and freeboard) the proposals include a general raising of ground levels across the site to +2.03m AOD. The proposed raising of levels would involve the net importation of fill material to the site. In addition, surface water attenuation storage would be provided on-site to a 1 in 200 year event + climate change standard. This storage

would reduce peak run-off and provide alleviation to potential flood risk downstream. The attenuation storage would be formed by the deepening and widening of existing drainage ditches to the site's eastern and south-eastern boundaries and the creation of a small ditch near the north-western corner. The attenuation areas could provide a total water storage volume of approximately 27,000 cu.m.

6.118 Consultation Responses:

The initial consultation from the EA (December 2015) raised a holding objection to the proposals on the ground of:

- a review of the applicant's fluvial modelling of the Chadwell New Cross Sewer was required to ensure it was fit for purpose;
- the site is at risk from fluvial (river) flooding and the risk from fluvial inundation would be unacceptable. In particular the FRA fails to demonstrate that there would be not net loss of floodplain storage; and
- a Water Framework Directive (WFD) compliance assessment should be submitted.

6.119 In response to the EA's comments the applicant submitted a Supplementary FRA Addendum (May 2016) and a WFD Assessment Screening Report (June 2016).

6.120 An updated consultation response from the EA (July 2016) refers to the submitted FRA Addendum and Supplementary FRA Addendum and removes the EA objection on flood risk grounds. In particular, the EA confirm that:

"We are satisfied that the Addendum produced by Mott MacDonald, titled Supplementary Flood Risk Assessment Addendum and dated May 2016, provides you with the information necessary to make an informed decision."

6.121 In commenting on flood risk from tidal sources the EA note that the site benefits from the presence of flood defences, which defend Purfleet, Grays and Tilbury to a 1 in 1000 year standard of protection. With regard to residual tidal flood risk, the EA refer to the confirmation in the Supplementary FRA Addendum that no additional flooding will occur off-site as a result of the proposed land raising.

6.122 A further consultation response from the EA (August 2016) removed the outstanding objection on WFD ground, subject to a planning condition.

6.123 The initial consultation response from the Council's flood risk manager (January 2016) supported the principle of the applicant's proposed surface water drainage strategy. However, further clarification and explanation of the strategy was

requested. An updated consultation response (June 2016) confirmed that previous issues had been addressed and that a viable drainage strategy to attenuate surface water run-off from the development had been presented. Consequently, there are no objections from the flood risk manager, subject to a planning condition.

6.124 Finally a consultation response from Anglian Water (January 2016) confirms:

- foul drainage from the development is in the catchment of Tilbury Water Recycling Centre which has available capacity;
- the foul sewerage network has available capacity for flows from the development;
- a planning condition is required to address the issue of surface water drainage.

6.125 Sequential / Exception Test

The Thurrock Strategic Flood Risk Assessment (SFRA) has applied the Sequential and Exception tests to the Borough's broad regeneration and growth areas, including the Grays and Tilbury urban areas. However, this is a 'windfall' site and PPG advises for individual planning applications that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'. For individual applications like this a pragmatic approach needs to be taken to Sequential Testing as all of the Tilbury broad regeneration area (to the south) and land surrounding the site to the north, east and west, as the catchment area, is also located within in the high risk flood zone. It is considered that there are no alternative available sites identified in the Development Plan within this catchment area that could accommodate the proposed development in a lower flood zone. For these reasons the proposal is considered to pass the Sequential Test.

6.126 For the 'Exception Test' to be passed, the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk', and demonstrate that the development will be 'safe for its lifetime'. In addition to reasons stated in the 'Sequential Test' assessment (which also apply here) and based on the site's location, the development is considered to provide 'wider sustainability benefits to the community that outweigh flood risk'. Paragraph 7 of the NPPF sets out three dimensions to sustainable development, namely economic, social and environmental. The NPPF definition of the economic role includes reference to "building a strong, responsive and competitive economy ... ensuring sufficient land is available to support growth". The definition of the social role of sustainable development includes reference to "providing the supply of housing required to meet the needs of present and future generations". Judged against these definitions of sustainable development, the proposals are considered

to pass the first limb of the Exception Test (i.e. there are wider sustainability benefit which outweigh flood risk).

6.127 The FRA demonstrates that the development will be 'safe for its lifetime'. In particular, the residual risk of flooding during a 1 in 200 year tidal breach event is low and can be managed by changes to levels. Furthermore, there is modelled to be no significant change to fluvial or tidal flood levels and fluvial or tidal flood hazard to third parties as a result of the development. In addition a Flood Warning and Evacuation Plan (FWEP) can be secured through a planning condition to address residual risk.

VII. VIABILITY & PLANNING OBLIGATIONS

6.128 The application is accompanied by a financial viability appraisal and, in accordance with usual practice, this appraisal has been independently assessed. The independent assessment concluded that the applicant's appraisal was reasonably detailed and informative. However, there were queries regarding development costs and the value of the scheme. In response, the applicant submitted revised appraisal incorporating increased sales values and a reduction in development costs. Based on the revised appraisal the appraisal the applicant has confirmed that the development can sustain policy-compliant affordable housing (35%), as well as the following obligations which can be secured through a s106 agreement:

- £273,316.39 nursery school-age education contribution;
- £1,363,958.96 primary school-age education contribution;
- £1,091,050.63 secondary school-age education contribution;
- £40,000 cycle /footpath links contribution;
- £200,000 capacity and safety improvements at the A1089 / A126 junction.

7.0 CONCLUSIONS, THE BALANCING EXERCISE AND REASONS FOR RECOMMENDATION

7.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to the loss of openness. Substantial weight should be attached to this harm in the balance of considerations. Nevertheless, it is considered that only limited harm should be attached to the impact that the proposals would have on the role of the site in fulfilling the defined purposes for including land in the Green Belt.

- 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. Although a number of considerations promoted by the applicant attract no weight or only limited weight, there are factors which should be afforded more weight in the Green Belt balance. In particular, the planning history of the site, the contribution towards housing supply (including affordable housing) and the limited harm to the Green Belt all weigh in favour of the proposals. On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances clearly outweighs the identified harm to the Green Belt described above.
- 7.3 Subject to planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise and air quality. Similarly, subject to conditions there are no objections on flood risk grounds.
- 7.4 This planning application requires close scrutiny with particular regard to Green Belt considerations and the Committee should take a balanced view, taking into account all of the relevant material considerations described above. As a matter of judgement, it is considered that the proposals should be supported.

8.0 RECOMMENDATION

Grant planning permission subject to:

- A:** Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination;
- B:** the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms –
- (i) the provision of 98 no. dwellings as affordable housing, comprising:
 - 69 no. social rented units (48 no. two-bed apartments and 15 no. three-bed houses); and
 - 29 no. rented / intermediate units (29 no. 3-bed houses);
 - (ii) financial contribution of £273,316.39 (subject to indexation) payable prior to the first residential occupation (or payable on a phased basis commensurate with the phased residential occupation of the site, to be agreed with the local planning authority) towards the costs of additional

nursery school places within the Tilbury primary school pupil planning area;

- (iii) financial contribution of £1,363,958.96 (subject to indexation) payable prior to the first residential occupation (or payable on a phased basis commensurate with the phased residential occupation of the site, to be agreed with the local planning authority) towards the costs of additional primary school places within the Tilbury primary school pupil planning area;
- (iv) financial contribution of £1,091,050.63 (subject to indexation) payable prior to the first residential occupation (or payable on a phased basis commensurate with the phased residential occupation of the site, to be agreed with the local planning authority) towards the costs of additional secondary school places within the central secondary school pupil planning area;
- (v) financial contribution of £40,000 (subject to indexation) payable prior to the first residential and / or commercial occupation towards the costs of cycle and footpath links between the site and Manor Road and the A1089 in accordance with the Council's IRL;
- (vi) agreement that the local highways authority may obtain unrestricted access across the watercourse in the developers landholding at any location and for at least 2 crossing points for a cycle / footpath bridge to the north and / or west of the site; and
- (vii) financial contribution of £200,000 (subject to indexation) payable prior to the first residential and / or commercial occupation towards the costs of capacity and safety improvements at the junction of the A1089 and A126 – Marshfoot Road Priority Junction in accordance with the Council's IRL.

C: the following planning conditions:

Condition(s):

Reserved Matters

1. No development shall commence on any phase, stage or zone within the development site until full details of the following reserved matters, in respect of that phase, stage or zone, have been submitted to and approved in writing by the local planning authority:

- appearance;
- landscaping; and
- scale.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Time Limit

2. All applications for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Phasing

3. Prior to the commencement of development a programme for the phasing of the development (a Phasing Strategy) shall be submitted to and approved in writing by the local planning authority. The Phasing Strategy shall include:
 - a) a plan defining the extent of works, including groundworks, site infilling / levelling, flood risk mitigation measures and ecological mitigation works, within each phase;
 - b) details of the number of residential units and non-residential floorspace to be accommodated within each phase;
 - c) details of affordable housing provision for each phase;
 - d) a timetable for the implementation of works within each phase;
 - e) details of the open space and landscaping within each phase, including a timetable for its provision.

The development shall be implemented in accordance with the approved Phasing Strategy, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the satisfactory phased development of the site.

Plans

4. Insofar as the matters of access and layout are concerned, the development hereby permitted shall be carried out in accordance with the following approved plans:

<u>Ref.</u>	<u>Title</u>	<u>Received</u>
001C	Site Location Plan	09.02.2017
101B	Land Ownership Plan	16.02.2017
131G	Masterplan	16.02.2017
133F	Masterplan Building Parameters	17.05.2017
134F	Masterplan: Housing Zones	16.02.2017
140E	Ecology Enhancement Plan	16.02.2017
143	Masterplan	28.04.2017
144	Masterplan	28.04.2017
145	Masterplan	28.04.2017
146	Masterplan	28.04.2017

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

Development Parameters

5. The development shall not exceed a maximum of 280 dwellings. Unless otherwise agreed in writing by the local planning authority, the mix of dwellings to be delivered by the totality of the development shall not exceed 19% flats.

Reason: To ensure that the scheme implemented is in accordance with the principles established by this permission.

6. The development shall not exceed a maximum of 250 sq.m. floorspace within Use Class D1 (non-residential institution) use and 1,810 sq.m. within Use Class B2 / B8 (general industrial / storage & distribution) use.

Reason: To ensure that the scheme implemented is in accordance with the principles established by this permission.

7. Maximum building heights across the site shall accord with the 'Buildings Parameters Plan (ref. 133F) received by the local planning authority on 17th May 2017.

Reason: In order to protect the appearance of the development and the visual amenities of the surrounding area in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) (2015).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) the community building hereby permitted shall only be used for purposes within Class D1 of the Town and Country Planning (Use Classes Order) 1987 (as amended).

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

External Storage

9. Unless otherwise agreed in writing by the local planning authority there shall be no external storage of goods, machinery, plant or other materials associated with the Class B2 / B8 uses on the site, as identified on drawing number 131G.

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

External Working

10. Unless otherwise agreed in writing by the local planning authority no manufacturing, fabrication or other industrial processes shall take place outside the Class B2 / B8 buildings on the site, as identified on drawing number 131G.

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

Construction Traffic Management Plan

11. No development shall commence on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Construction Traffic Management Plan (CTMP) for that phase has been submitted to and approved in writing by the local planning authority. The approved CTMP shall be adhered to throughout the construction period of each phase.

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

Construction Environment Management Plan

12. No development shall commence on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning. The CEMP should contain or address the following matters:
- i. vehicle haul routing in connection with construction, remediation and engineering operations;
 - ii. wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
 - iii. method(s) for the control of noise together with a monitoring regime;
 - iv. measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
 - vi. dust and air quality mitigation and monitoring;
 - vii. ecology and environmental protection and mitigation;
 - viii. a procedure to deal with any unforeseen contamination, should it be encountered during development.

The approved CEMP shall be adhered to throughout the construction period of each phase.

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

Construction Hours:

13. No construction works, including any works of site clearance / preparation, within any phase of the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours.

If impact piling is required, these operations shall only take place within hours which have been previously agreed in writing by the local planning authority.

Reason: In the interest of protecting surrounding residential amenity and in accordance with Policy PMD1 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Site Levels

14. No development shall commence on any phase of the development hereby permitted, including any works of site clearance / preparation, until details of existing and finished site levels and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development of each phase shall be implemented in accordance with the approved details.

Reason: In order to protect the amenities of surrounding occupiers and to ensure the satisfactory development of the site in accordance with policies PMD1 and PMD2 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Drainage

15. Surface water drainage works shall not commence on any phase of the development hereby permitted until a surface water management strategy for that phase has been submitted to and approved in writing by the local planning authority. The submitted surface water management strategy shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;
 - ii. include a period for its implementation; and
 - iii. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development of each phase shall be implemented in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that adequate measures for the management of surface

water are incorporated into the development in accordance with policy PMD15 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Water Framework Directive

16. The development hereby permitted or any phase thereof shall be carried out in accordance with the approved Water Framework Directive (WFD) Assessment Screening Report by WSP Parsons Brinckerhoff, referenced 70020806 and dated June 2016, and the mitigation measures detailed within this document, including:
- improvements to the river and riparian zone to provide better ecological habitat, clearance and management of invasive species and re-grading of the banks;
 - a 6m wide strip along the banks of the river free of development to allow future maintenance or improvements works;
 - treatment of surface water run off through the provision of Sustainable Drainage Systems before discharge into any watercourse.

The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To ensure no deterioration, and where possible enhancements, to the ecological quality of the main river and ditches on-site and to ensure the development does not prevent the achievement of WFD objectives.

Flood Warning & Evacuation Plan

17. Prior to the first operational use or occupation of any building within a phase of the development a Flood Warning and Evacuation Plan (FWEP) for that phase of the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon first use occupation of that phase of the development and shall be permanently maintained thereafter.

Reason: In order to ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Noise

18. Prior to the commencement of development for any residential phase of development, details of measures to mitigate the impact of noise on occupiers of that phase of development, in accordance with the recommendations set out at Chapter 8 of the 'Little Thurrock Marshes Noise Assessment (report no. 70017943 – June 2016) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the first occupation of that phase of development.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

19. Prior to the commencement of any phase of the development which includes non-residential floorspace, details of measures to mitigate the impact of noise from fixed plant such that the noise levels shown in table 6-1 of the 'Little Thurrock Marshes Noise Assessment (report no. 70017943 – June 2016) are not exceeded at the nearest residential receptor shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the first occupation of that phase of development.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Boundary Treatments

20. Prior to the commencement of any phase of the development details of the locations, heights, designs, materials and types of all boundary treatments to be erected within that phase shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the first occupation of the buildings within that phase.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of

Development DPD (as amended) (2015).

Finishing Materials

21. Prior to the commencement of any phase of the development details of the materials to be used in the construction of the external surfaces of the buildings within that phase shall be submitted to and approved in writing by the local planning authority. Development within that phase shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

External Lighting

22. Prior to commencement of any phase of the development, details of any external lighting (other than for private gardens) within that phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Highways & Parking

23. Prior to the commencement of development within any phase details of the road and footpath / cyclepath layout and the associated construction details shall be submitted to and approved in writing with the local planning authority. The approved roads and footpaths / cyclepaths shall be constructed in accordance with the agreed details prior to the first occupation of development within that phase.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

24. Unless otherwise agreed in writing by the local planning authority the details

submitted pursuant to condition no. 1 shall show adequate land reserved for the parking and / or garaging of private cars, motorcycles and bicycles in accordance with the Council's Draft Parking Standards and Good Practice document (March 2012) or any successor to that document. No building within any phase of the development shall be occupied until the related car parking, garaging, motor cycle parking and cycle parking has been provided in accordance with the submitted details. Once provided, the vehicle parking facilities shall be retained thereafter and shall be used for no other purpose.

Reason: To ensure that adequate provision is made for the parking of vehicles in the interests of highways safety in accordance with Policy PMD8 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

25. No building within any phase of the development shall be occupied until a detailed Travel Plan for that phase and a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be developed in accordance with the principles set out in the Travel Plan (October 2015) and shall be implemented as approved.

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

26. Prior to the commencement of development details of the proposed emergency access and footpath / cyclepath access linking the site to Thurrock Park Way (as shown on drawing number 131G) shall be submitted to and approved in writing by the local planning authority. The submitted details shall specifically show measures to prevent motorised traffic (apart from emergency services) from using this route and a timetable for implementation. The details shall be implemented as approved and retained thereafter.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Invasive Species

27. Prior to the commencement of development in any relevant phase a detailed method statement for removing or for the long-term management / control of invasive species (as identified in the Ecological Report) shall be submitted to and approved in writing by the local planning authority. The method statement

shall include measures that will be used to prevent the spread of invasive species during any operations on-site. The method statement shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended). Development within the relevant phase shall proceed in accordance with the approved method statement.

Reason: In order to prevent the spread of invasive species

Landscaping / Biodiversity

28. No development shall begin on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Biodiversity Mitigation and Enhancement Plan (BMEP), to include details for the provision of living roofs, for that phase has been submitted to and approved in writing by the local planning authority. The BMEP shall include a timetable for implementation of the mitigation and enhancement measures. Development of each phase shall be carried out in accordance with the approved BMEP for that phase.

Reason: To ensure that the effects of the development on the natural environment are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

29. No development shall begin on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Habitat Management Plan (HMP) for that phase has been submitted to and approved in writing by the local planning authority. The HMP shall include details of the long term management and maintenance arrangements for retained and new ecological habitats. Development of each phase shall be carried out in accordance with the approved HMP for that phase.

Reason: To ensure that the effects of the development on the natural environment are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

30. The hard and soft landscaping details to be submitted pursuant to condition 1, including provision of the areas of public open space, shall include hard surfacing materials; details shall include a planting plan; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed

numbers / densities where appropriate; an implementation timetable; and ongoing management and maintenance arrangements. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

31. All hard and soft landscape works within any phase of the development shall be carried out in accordance with a Landscape and Open Space Strategy which shall previously have been submitted to and approved in writing by the local planning authority. Development within any phase shall be carried out in accordance with the approved Strategy. The Strategy shall include:
- a) a programme for implementation;
 - b) long term design objectives;
 - c) long term management responsibilities; and
 - d) maintenance schedules for all hard and soft landscape areas and open spaces (other than private gardens) and any associated features.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

Sustainable Design

32. Applications for the approval of reserved matters for any phase shall be accompanied by a Sustainable Design and Construction Code, the parameters for which shall previously have been agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policies PMD12 and PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015)].

33. Unless otherwise agreed in writing by the local planning authority, the dwellings on the site shall meet Lifetime Homes requirements. The reserved matters submission(s) for any phase of the development shall be

accompanied by a statement outlining the specification for Lifetime Home measures and detailing the proposed phase's compliance with that specification. Development shall be undertaken in accordance with the approved details.

Reason: To accord with the details submitted with the application in order to produce flexible, accessible and adaptable homes appropriate to diverse and changing needs in accordance with Policy CSTP1 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

INFORMATIVES

1. Any works affecting flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority, Thurrock Council, under section 23 of the Land Drainage Act 1991, regardless of any planning permission. This includes both temporary and permanent works such as culverts, dams, weirs and piles.
2. Under the terms of the Water Resources Act 1991, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank/foreshore of the Chadwell New Cross Sewer, designated a 'main river'. The flood defence consent will control works in, over, under or adjacent to main rivers (including any culverting). Your consent application to the Environment Agency (EA) must demonstrate that:
 - there is no increase in flood risk either upstream or downstream
 - access to the main river network and sea/tidal defences for maintenance and improvement is not prejudiced.
 - works are carried out in such a way as to avoid unnecessary environmental damage.

Mitigation is likely to be required to control:

- off-site flood risk.

The EA will not be able to issue our consent until this has been demonstrated. Please note that applications for Flood Defence Consent can take up to 8 weeks to process. Application forms and guidance can be at:

<https://www.gov.uk/government/publications/flood-defence-consent-england-andwales>

3. 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

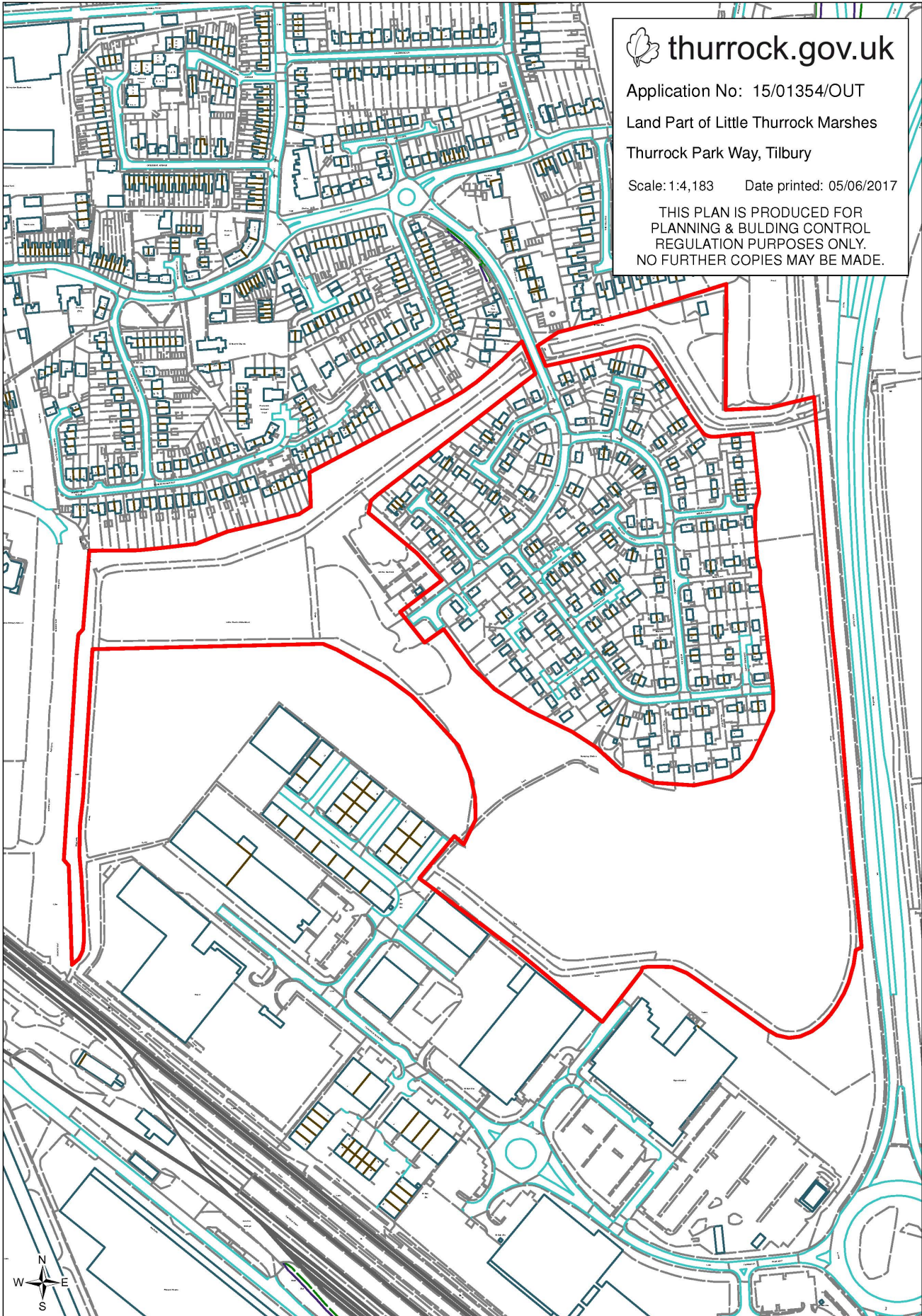
4. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The local planning authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the local planning authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

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

www.thurrock.gov.uk/planning



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<p>Reference: 17/01683/FUL</p>	<p>Site: Little Malgraves Farm Lower Dunton Road Bulphan Essex RM14 3TD</p>
<p>Ward: Orsett</p>	<p>Proposal: Detailed planning permission for the creation of a new hospice (Use Class C2) GIA 1,407sq.m (15,145sq.ft); 80 new homes (Use Class C3); the creation of publically accessible open space; flood attenuation area, and vehicular access onto Lower Dunton Road.</p>

Plan Number(s):		
Reference	Name	Received
17068-007 A	Existing Site Layout	19th December 2017
17068-008 A	Existing Site Layout	19th December 2017
17068-009 A	Existing Site Layout	19th December 2017
17068-010 A	Existing Site Layout	19th December 2017
17068-011 A	Existing Site Layout	19th December 2017
17068-012 A	Existing Site Layout	19th December 2017
17068-020 A	Other	19th December 2017
17068-021 A	Proposed Plans	19th December 2017
17068-022 A	Proposed Plans	19th December 2017
17068-023 A	Proposed Plans	19th December 2017
17068-024 A	Proposed Plans	19th December 2017
17068-025 A	Proposed Plans	19th December 2017
17068-026 A	Proposed Plans	19th December 2017
17068-027 A	Proposed Plans	19th December 2017
17068-166	Proposed Plans	19th December 2017
17068-167 A	Proposed Plans	5th January 2018
17068-168 A	Proposed Plans	5th January 2018
17068-169	Proposed Plans	19th December 2017
17068-124 B	Proposed Floor Plans	19th December 2017
17068-125 B	Proposed Elevations	19th December 2017
17068-126 B	Proposed Floor Plans	19th December 2017
17068-127 B	Proposed Elevations	19th December 2017

17068-128 A	Proposed Floor Plans	19th December 2017
17068129 A	Proposed Elevations	19th December 2017
17068-130 A	Proposed Floor Plans	19th December 2017
17068-131 A	Proposed Elevations	19th December 2017
17068-132 A	Proposed Floor Plans	19th December 2017
17068-133 A	Proposed Elevations	19th December 2017
17068-134 A	Proposed Floor Plans	19th December 2017
17068-135 A	Proposed Elevations	19th December 2017
17068-136 B	Proposed Floor Plans	19th December 2017
17068-137 B	Proposed Elevations	19th December 2017
17068-138 B	Proposed Floor Plans	19th December 2017
17068-139 B	Proposed Elevations	19th December 2017
17068-140 A	Proposed Floor Plans	19th December 2017
17068-141 A	Proposed Elevations	19th December 2017
17068-142 A	Proposed Floor Plans	19th December 2017
17068-143 A	Proposed Elevations	19th December 2017
17068-144 A	Proposed Floor Plans	19th December 2017
17068-145 A	Proposed Elevations	19th December 2017
17068-146 B	Proposed Floor Plans	19th December 2017
17068-147 A	Proposed Elevations	19th December 2017
17068-148 A	Proposed Elevations	19th December 2017
17068-149 A	Proposed Elevations	19th December 2017
17068-150	Proposed Elevations	19th December 2017
17068-151	Proposed Elevations	19th December 2017
17068-152	Proposed Elevations	19th December 2017
17068-153	Proposed Elevations	19th December 2017
17068-156	Proposed Site Layout	19th December 2017
17068-155	Proposed Site Layout	19th December 2017
17068-154	Proposed Elevations	19th December 2017
17068-157	Proposed Site Layout	19th December 2017
17068-158	Proposed Site Layout	19th December 2017
17068-159	Proposed Site Layout	19th December 2017
17068-160	Sections	19th December 2017
17068-161	Sections	19th December 2017
17068-162	Sections	19th December 2017
17068-163	Sections	19th December 2017
17068-164	Sections	19th December 2017
17068-165	Sections	19th December 2017
0616/002 J	Proposed Plans	19th December 2017

0616/003 D	Proposed Elevations	19th December 2017
0616/004 D	Proposed Elevations	19th December 2017
0616/005 C	Drawing	19th December 2017
17068/002 A	Location Plan	19th December 2017
17068-003 B	Block Plan	19th December 2017
17068-004 A	Block Plan	19th December 2017
17068-005 B	Site Layout	19th December 2017
17068-006 A	Other	19th December 2017
17068-013 A	Existing Plans	19th December 2017
17068-014 A	Existing Plans	19th December 2017
17068-015 A	Existing Plans	19th December 2017
17068-016 A	Existing Plans	19th December 2017
17068-017 A	Existing Plans	19th December 2017
17068-018 A	Existing Plans	19th December 2017
17068-019 A	Existing Plans	19th December 2017
17068-105 E	Proposed Site Layout	5th January 2018
17068-106 C	Proposed Site Layout	5th January 2018
17068-107	Proposed Plans	19th December 2017
17068-120 A	Proposed Floor Plans	19th December 2017
17068-121 A	Proposed Elevations	19th December 2017
17068-123 A	Proposed Elevations	19th December 2017
17068-122 A	Proposed Floor Plans	19th December 2017

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Accommodation Schedule
- Arboricultural Report and Tree Condition Survey
- Archaeology Evaluation
- Badger Survey
- Breeding Bird Survey
- Business Case for St Lukes Hospice
- Dormouse Survey
- Great Crested Newt Survey
- Invertebrate Report
- Landscape Management Plan
- Landscape and Visual Impact Assessment
- Reptile Survey

- Statement Community Engagement
- Sustainability and Energy Strategy
- Wintering Bird Survey
- Habitat Survey
- Transport Assessment
- Travel Plan

Applicant:

Skye Strategic Land (Laindon) Ltd
c/o Icen Projects

Validated:

5 January 2018

Date of expiry:

25 May 2018 [Extension of time agreed with applicant].

Recommendation: Approve, subject to conditions and planning obligations

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 This application represents a revised scheme to that which was submitted under planning reference 14/00990/FUL and approved on the 15th December 2015. The 2014 application secured full planning permission for the creation of a hospice (1,407 sq.m) and 50 new detached houses. The scheme also provided an area of publically accessible open space and an area for flood attenuation. The consent granted under 14/00990/FUL is extant and remains implementable until 15 December 2018.
- 1.2 The committee report for application 14/00990/FUL is appended to this report in Appendix 1 for Members information and reference.
- 1.3 The current application seeks full planning application for the construction of a new hospice (Use Class C2) GIA 1,407sq.m, 80 new homes (Use Class C3), the creation of publically accessible open space, a flood attenuation area, a new vehicular access onto Lower Dunton Road and ancillary development.
- 1.4 The main elements of the proposal are provided in the table below:

Site (Gross)	Area	Residential site area approx. 7.8 hectares Hospice site area approx. 2.1 hectares Public Open Space site area approx. 6.2 hectares Total site area = 16.1 hectares
No. dwellings	of	40 no. three-bedroom houses 40 no. four-bedroom houses

TOTAL 80 no. houses			
House Type		Numbers	Bedrooms
A	A2	3	3
	A3	7	3
B	B1	13	3
	B2	9	3
	B3	8	3
C	C1	8	4
	C2	4	4
	C3	8	4
D	D1	7	4
	D2	3	4
	D3	5	4
E	E1	2	4
	E2	1	4
	E3	2	4
Floorspace	Hospice (Use Class C2) 1,407 sq.m. GIA 6 no. hospice bedrooms + 1 no. relative's bedroom		
Height	Houses: 2 storeys [up to 8.8m high] Hospice: 2 storeys [up to 9.7m high]		
Dwelling density	Approx. 10.3 dwellings per hectare [based on residential site area of approx. 7.8 hectares].		
Car Parking	Houses: total of 280 parking spaces with 2 spaces per dwelling [plus garages]. 20 additional visitor spaces. Hospice: 50 spaces, including 3 spaces for disabled users		

1.5 When compared to the extant permission:

Hospice

1.6 The proposed hospice is exactly the same as the extant permission and the only difference is that an updated business case has been provided which demonstrates the continued need for the hospice to serve the Borough.

Residential Development

1.7 The proposed residential development would result in an increase of 30 dwellings compared to the 2014 scheme. The mix of dwellings would be different to that originally approved, comprising 40 three bedroom and 40 four bedroom dwellings rather than 5 three bedroom, 20 four bedroom and 25 five bedroom dwellings.

1.8 The current application proposes the broadly the same range of architectural styles and materials as the 2014 scheme (classical, Arts & Crafts, Farmhouse

vernacular). Each dwelling would have a garage either attached to the dwelling or as a detached outbuilding adjacent to the dwelling.

1.9 The proposed road layout would remain the same as the 2014 scheme. Owing to the increase in the number of homes, the development would be of a higher density.

1.10 Nature of Enabling Development:

The application is presented on the basis that the development of 80 no. dwellings is necessary as 'enabling' development in order to deliver the proposed hospice. The applicant's Viability Assessment Report confirms that the proposed 80 no. dwellings are being built to enable and facilitate the construction of the new hospice and open space.

Access and Off-Site Highway Works

1.11 There is an existing point of access from Lower Dunton Road located at the north-western corner of the site. The proposals would involve the stopping-up of this access and the creation of a new, single point of access onto Lower Dunton Road located approximately 97m from the north-western corner of the site.

1.12 Similarly to the extant permission the proposals include a number of off-site highway measures as follows:

- improved road signage, road markings and anti-skid surfacing at the Lower Dunton Road / North Hill / South Hill junction; and
- additional road signage, road markings and the installation of a convex mirror at the Lower Dunton Road / Kirkham Road junction.

1.0 SITE DESCRIPTION

1.1 This 16.1 hectare site is located on the eastern side of Lower Dunton Road, in between its junctions with Kirkham Road (to the south) and Old Church Hill to the north. The site is broadly equidistant from the built-up areas of Horndon on the Hill to the south, Bulphan to the west and Langdon Hills to the north-east. The site is roughly rectangular in shape with a maximum frontage to Lower Dunton Road (measured north-south) of approximately 340m and a maximum depth (measured east-west) of approximately 635m.

1.2 The site can be best described as being used for equestrian uses and is signposted as 'Malgraves Equestrian Centre', with a collection of stable buildings located at the

north-western corner of the site, fenced paddocks across the western part of the site and an open area of rough grazing occupying the east of the site. A car parking area is located at the north-western corner of the site, adjacent to the existing access onto Lower Dunton Road with a 'Feed & Tack Centre' on the eastern side of the parking area. At the south-eastern of the car park is a small and now vacant dwelling. Arranged to the east of the car park is a collection of stable buildings, a steel-framed barn building, a ménage, an outdoor horse exercise area and various storage buildings including containers. To the south of the car park and adjacent to the site frontage is an area laid out for showjumping and to the east of this area are two frames for polytunnels, although these are not in use.

- 1.3 The remainder of the western part of the site is used as paddocks, with post and rail or similar fencing defining approximately 10 no. separate paddock areas. The eastern part of the site, an area of approximately 6 hectares, is an open area used for rough grazing.
- 1.4 All boundaries of the site are characterised by hedgerow and tree planting and there is a distinct hedgerow within the site separating the area of rough grazing from the western part of the site. A number of amenity trees have been planted on the north-eastern part of the site to the south of the car park.
- 1.5 To the west of the site and on the opposite side of Lower Dunton Road is the site of Langdon Hills Golf Club. To the south-west the site is adjoined by a small field which contains a barn structure at its north-western corner. Adjoining the site to the south-east are open fields used as paddocks. To the east of the site is a small area of broadleaf woodland. To the north-east of the site are open fields. Adjacent to the central northern boundary of the site is a private fishing lake. The dwelling known as Little Malgraves Hall adjoins the site to the north-west.
- 1.6 The site is within the Green Belt and within the low risk flood area (Flood Zone 1). Ground levels generally fall from south to north across the site from a high point of 62m AOD at the south-western corner of the site to a lowest point of 38m AOD on the northern boundary. There is a moderate slope (falling south to north) across the southern part of the site, although the nature of this slope decreases to the north.
- 1.7 Ordnance Survey mapping suggests that the site has historically been open and used agriculturally, with the equestrian related buildings only being present on the site since the 1990's.

1.8 RELEVANT PLANNING HISTORY

- 1.9 The following table provides the planning history:

Reference	Description	Decision
57/00466/FUL	Residential development	Refused
64/00835/FUL	Additional farmhouse adjacent Little Malgrave Hall (NW corner)	Refused
73/00282/FUL	Farmer's Dwelling (outline)	Refused
76/00109/OUT	Golf course & club house facilities (outline)	Approved
83/00697/FUL	Farm Manager's dwelling	Refused
92/00187/FUL	Siting of mobile home for 10 years	Refused
07/00944/FUL	Rear conservatory	Withdrawn
14/00990/FUL	Detailed planning permission for the creation of a new hospice (Use Class C2) GIA 1,407 sq.m. (15,145sq.ft.), 50 new homes (Use Class C3), the creation of publicly accessible open space, flood attenuation area and vehicular access onto Lower Dunton Road.	Approved 15.12. 2015 3 year consent

1.10 CONSULTATION AND REPRESENTATIONS

1.11 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

1.12 PUBLICITY:

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

20 objections received raising the following concerns:

- Access to site
- Additional traffic
- Environment pollution

- Out of character
- Possible excess noise
- Spoiling view
- Litter/smells
- Impact on local wild life
- NO public transport
- Schools and instructor
- Green belt
- Unacceptable materials

1.13 ANGLIAN WATER:

No objection.

1.14 BASILDON COUNCIL:

Object as the current proposal would have a significantly greater impact on the openness of this Green Belt site than the previous consent

1.15 EDUCATION:

No objection subject to a financial contribution of £740,417.93 towards nursery, primary and secondary education.

1.16 ENVIRONMENT AGENCY:

No comments to make to this application.

1.17 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

1.18 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection.

1.19 ESSEX AND SUFFOLK WATER:

No objection.

1.20 FLOOD RISK MANAGER:

No objection subject to conditions.

1.21 HEALTH AND WELLBEING

Objection. Whilst there is a recognised need for a Hospice in the Borough concern is raised to the location of the application site which is not centrally located or easily accessible.

1.22 HIGHWAYS:

Concern raised to the location of the site although it is recognised that there is an extant permission for a similar development. Mitigation measures would be necessary to address concerns over the access arrangement and the impact upon the local highway network. Without appropriate mitigation, application should be refused.

1.23 HOUSING:

A policy compliant level of affordable housing, 35% of the development, to meet policy CSTP2 should be provided.

1.24 LANDSCAPE AND ECOLOGY ADVISOR:

Object, as the current application exacerbates concerns raised to the previous application [14/00990/FUL] as this part of the Borough has had little development and retains a distinct rural character. The increase in density of dwellings on the site is considered likely to cause further adverse landscape and visual effects in addition to those generated by the previous scheme with less scope to be able to mitigate it. It will exacerbate the loss of openness within this rural location. It is considered that the revised scheme would not have any additional effects on the ecology or trees on site.

1.25 NHS ENGLAND:

The development would have an impact upon healthcare provision in the area and could generate approximately 200 residents. To mitigate the impact upon health services a financial contribution of £31,533 is required towards the West Horndon Branch Surgery (including its main Peartree Surgery).

1.26 PUBLIC HEALTH:

Object, as there are no mitigation measures for healthcare, education impacts and any green space and leisure facilities is distant and can only be accessed by car.

1.27 TRAVEL PLAN CO-ORDINATOR:

Concern raised, as significant investment to highways improvements is needed because of the rural location and distance to public transport, footways and cycle paths.

1.28 POLICY CONTEXT

1.29 National Planning policy Framework

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

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

1.30 Planning Policy Guidance

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

- Design
- Flood Risk and Coastal Change
- Health and wellbeing
- Housing and economic development needs assessments

- Housing and economic land availability assessment
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions
- Viability

1.31 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 also apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP11 (Health Provision)
- CSTP15 (Transport in Greater Thurrock)³
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²

POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

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

1.32 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.

1.33 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. Appendix 5 (List of Rejected Sites) of the 2012 Consultation draft includes the site as a rejected housing site (ref. ORS02). Within the 2013 consultation draft the application site is identified as a preferred location for a hospice under Policy SAP12 (Health Facilities). Policy SAP1 (Land for Housing Development) also identifies the site as a location for “Enabling Housing Development” with capacity for 80 dwellings.

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.

1.34 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.

1.35 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

1.36 ASSESSMENT

1.37 With reference to process, this application has been advertised as being a major development and as a departure from the Development Plan. 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 regard to the proposed quantum of development within 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.

1.38 The application needs to be assessed based on upon the following material considerations:

- I. The Extant Permission the Principle of the Development and the Impact upon the Green Belt
- II. Traffic Impact, Access and Car Parking
- III. Design and Layout and Impact upon the Area
- IV. Landscape and Visual Impact
- V. Open Space, Green Infrastructure and Landscaping
- VI. Impact upon Ecology and Biodiversity
- VII. Flood Risk and Drainage
- VIII. Impact upon Amenity
- IX. Energy and Sustainable Buildings
- X. Viability and Planning Obligations

I. THE EXTANT PERMISSION, THE PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT

- 1.39 The grant of planning permission in 2015 established the principle of housing to support the provision of a hospice in this location. The applicant has submitted an updated business case which demonstrates the continued need for a hospice in the Borough and the need for a hospice has not been challenged by the Council.
- 1.40 Given that the consent granted in 2015 can be implemented until December 2018, and the continued need for a hospice in the Borough has been proven, no objection is raised to the principle of the development.
- 1.41 When compared to the extant permission the proposed hospice is exactly the same as the extant permission. This application differs from the 2014 scheme in that it would increase the number of dwellings by 30 to a total of 80 with a different housing mix and layout.
- 1.42 Therefore, the primary issue for consideration is the impact of the additional 30 dwellings, change in housing mix and whether there is a demonstrable need for the revisions to deliver the hospice. However, firstly, it is necessary to refer to the following key questions:
1. Whether the proposals constitute inappropriate development in the Green Belt;
 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

1.43 Similar to the 2014 scheme, the proposals represent inappropriate development in the Green Belt. However, whilst the current scheme would increase the number of residential properties, the applicant has been careful to not increase the mass and bulk of the residential development. The table below provides a comparison of the difference between the applications in terms of land coverage and gross internal floor area:

		Site Coverage	Footprint Gross Internal Floor Area	Footprint Gross External Floor Area	Volume
Total Previous Building Coverage		9.9 hectares	13,334 sq.m	14,819 sq.m	55,418m ³
Hospice		2.1 hectares	1,407 sq.m	1,590 sq.m	6,582m ³
Residential Uses		7.8 hectares	11,927 sq.m	13,229 sq.m	48,836m ³
Total Current Application Building Coverage		9.9 hectares	13,286 sq.m	15,811 sq.m	54,746m ³
Hospice		2.1 hectares	1,407 sq.m	1,590 sq.m	6,582m ³
Residential Uses		7.8 hectares	11,879 sq.m	14,221 sq.m	48,165m ³
Difference between existing and proposed	None		48 sq.m less residential floorspace with the current application	992 sq.m more than residential floorspace with the current application	-671m ³ less residential floorspace with the current application

1.44 As can be seen from the above table, despite the additional 30 dwellings, the scheme would only marginally increase the amount of residential floor space and would actually result in a decrease in the volume and bulk of the development overall. On balance it is not considered that a recommendation of refusal based upon the increase in residential floor space would be supported at appeal given the

could be substantiated given the favourable comparison with the previously approved scheme.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and

1.45 Paragraph 80 of the NPPF sets out the 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.

1.46 In response to each of these five purposes:

- i The site occupies a relatively isolated position in the Borough, with only a ribbon of built development close-by along Lower Dunton Road. The site is distant from the modest settlements of Bulphan and Horndon on the Hill, with the nearest large built-up area located to the north and north-east within Basildon District. The proposals would spread the existing extent of built development (located on the eastern side Lower Dunton Road between the South Hill and Old Church Hill junctions) further into this part of the Green Belt. This would result in an amount of 'sprawl' which would be harmful to a degree and is therefore inappropriate development in the Green Belt. However, as the NPPF refers to "large built up areas" it is considered on balance that the proposals would not significantly impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.
- ii At a wider geographical level, the site forms part of an area of Green Belt which separates the built-up areas of Stanford-le-Hope / Corringham (in the south) and Langdon Hills / Laindon (in the north). The application site forms only a small part of the Green Belt 'corridor' separating the two settlements. Nevertheless, the development proposals would result in some harm to the purpose of the Green Belt in preventing neighbouring towns from merging into one another.
- iii. The proposals would comprise a substantial amount of new building in an area which, apart from the dwelling and equestrian buildings, is currently free from development. The quantum of built development and associated residential curtilages and car parking areas would be inappropriate development and would reduce the openness of the area conflicting with the purpose of the

Green Belt of safeguarding the countryside from encroachment. Consequently, there would be harm to this Green Belt purpose.

- iv. As there are no historic town in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.
- v. In general terms the development of a hospice and residential development could occur in the urban area and in principle, there is no spatial imperative why Green Belt land is required to accommodate the proposals. The applicant's case for Very Special Circumstances (considered below) refers to the allocation of the site within the 2013 Consultation. This document promotes the site as a location for a hospice with enabling residential development. However, work on the Site Allocations Local Plan was suspended pending the preparation of a new Local Plan. Work undertaken on the Site Allocations Local Plan will be kept and used to inform the new Local Plan, which is targeted for adoption in 2021. The allocation of the site emerging in 2013 can therefore be afforded only limited weight in the decision making process, albeit there are no other proposals for a hospice being formally promoted (either in the urban areas or Green Belt). Consequently, development of the site would be contrary to the Green Belt purpose of assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

1.47 Under this heading, it is concluded that the proposals would conflict with a number of the defined purposes for including land mentioned at paragraph 80 of the NPPF and therefore impact upon the open nature and character of the Green Belt.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the Very Special Circumstances necessary to justify the development

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

1. Planning consent for a Hospice with enabling residential development that was not called-in (through the process of determination for this previous application) by the Secretary of State;
2. The principle of development and alternative sites;

3. Positively responding to an aging population in Thurrock;
4. Ability to deliver healthcare improvements for in Thurrock;
5. The role of the application site in the Green Belt;
6. Ability to positively contribute towards housing land supply;
7. Maintaining momentum and delivery of regeneration with the Thames Gateway;
8. Linkages to London Gateway Port and Logistics Park and Coryton;
9. Highway / safety improvements within the nearby vicinity; and
10. The sustainability of the site.

1.49 The applicants case for Very Special Circumstances is very similar to that which was presented in support of the 2014 scheme. Given that the continued need for a hospice has been accepted it is not considered necessary to revisit the applicant's case for the hospice. Points 2-5 are therefore not examined in any further detail and are accepted. The committee report for application 14/00990/FUL is appended for Members reference of these points.

1.50 For points 1 and 6 – 10 these are considered below:

1. The Extant Planning Permission for the Hospice with enabling residential development

1.51 The applicant's case under this heading refers the previous planning application (14/00990/FUL) granted on 15 December 2015. The applicant's case demonstrates that the extant planning permission assessed and considered the impact upon the Green Belt with Very Special Circumstances for that application outweighing the harm to the Green Belt to justify the granting of planning permission. It is also recognised that following referral of the Council's Planning Committee's intention to grant planning permission to the Secretary of State, as required by the process as explained in paragraph 6.1 of this report, the Secretary of State determined that the planning application be determined by the Council.

1.52 In terms of considering previous planning permissions the applicant's case references the recent planning decision of the Council at the site of Land Part of Little Thurrock Marshes (ref 15/01534/OUT) where 'moderate weight' was given to the fact the principle of development at the site had been accepted in previous planning permissions.

Consideration:

1.53 As set out above, the extant planning permission weighs in favour of the revised scheme. Moderate weight is given to this fact.

6. Ability for the Site to Positively Contribute Towards Housing Land Supply:

- 1.54 The applicant refers to NPPF requirements regarding 5 year housing land supply and the requirement for a 20% buffer where there has been persistent underachievement measured against the 5-year target. The Strategic Housing Market Assessment (SHMA) for South Essex (May 2016) identifies that the objectively assessed housing needs in Thurrock range between 919 to 973 dwellings per annum for the period 2014-2037. The Council's latest Five Year Housing Land Supply Position Statement (July 2016) identifies a supply of between 2.5 to 2.7 years when compared to the housing requirement.
- 1.55 The applicant states that the Council's failure to deliver a 5-year housing land supply has been widely accepted by many, including the Planning Inspectorate and the Secretary of State. The extant permission has already approved 50 dwellings and therefore this proposal would add another 30 dwellings. The applicant states that the contribution towards delivery of housing and a lack of a five year housing land supply was afforded significant weight with the Little Thurrock Marshes application (ref 15/01534/OUT).
- 1.56 With regard to housing mix, the applicant has provided information demonstrating that there is currently no demand for 5 bedroom detached houses in this location, which is why this application proposes a mix of 3 and 4 bedroom units, where there is demand.

Consideration:

- 1.57 Government advice through the PPG in Paragraph: 034 Reference ID: 3-034-20141006 states: *'Unmet housing need (including for traveller sites) 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'*.

Therefore, whilst significant weight should be attached to the provision of new housing this factor alone cannot constitute Very Special Circumstances.

- 1.58 In terms of housing mix, the applicant argues it is necessary to amend the proposal on the basis that the original 50-unit scheme is not viable because there is insufficient market demand for the larger properties (the proposal include 25 substantial 5-bedroom homes).
- 1.59 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017]. The SHMA sets out

the housing need and mix requirements for the Borough but also the wider context of South Essex.

- 1.60 The SHMA identifies the predominant need for 3 bedroom semi-detached and terraced houses and 1 and 2 bedroom flats. The proposed development would provide 40 x 3 bedroom and 40 x 4 bedroom dwellings.
- 1.61 Whilst the current scheme would not make provision for 1 or 2 bedroom flats it would make a greater contribution towards 3 bedroom houses than the original scheme, which provided only 5 three bedroom properties. This factor weighs in favour of the current proposal.
- 1.62 Policy CSTP11 supports, in principle, the provision of a hospice in the Borough. The policy make provision to allow enabling development '*...if it can be demonstrated that this is essentially required*'. Further detail on this point was provided in the 2013 Consultation Draft Site Specific Allocations DPD 'Further Issues and Options':
- "the amount of enabling development, up to the maximum of 80 dwellings, which will be agreed in principle by the Council will be that demonstrated by way of 'open book' viability appraisal to be the minimum necessary to bring about the hospice taking into account all other available and likely sources of finance, and the requirements of Policies for the Management of Development. The Council does not expect the enabling development to include affordable housing as required by policy CSTP2 of the Core Strategy."*
- 1.63 The application includes a viability assessment demonstrating that the proposal is enabling development with the '*residential elements of the scheme funding the majority of the provision of the hospice*' and consequently the proposal '*cannot afford to accommodate any affordable housing or further contributions as this will impact on the viability*' of the development.
- 1.64 The applicant's viability assessment has been subject to an independent viability review and the conclusions are that the costs stated in the applicant's viability assessment are high with regard to the residential part of the development and the hospice. Because of this the independent viability advisor recommended a '*quantity surveyor is instructed to provide a detailed assessment of these costs before a final decision about viability is made*' and '*recommend that a revised benchmark land value assessment is undertaken*'. This further work has been undertaken and whilst there is a difference between the applicant's viability assessment and the independent viability assessment the outcomes are sufficiently similar, which confirms that the provision of 80 dwellings can be legitimately seen as enabling development.

7. Maintaining Momentum and Delivery of Regeneration within the Thames Gateway:

- 1.65 The applicant argues the Thames Gateway area remains a national growth area and it is necessary to provide housing to support growth. The applicant argues new homes must be well-integrated, should include different types of tenures and support a range of household sizes, ages and incomes.

Consideration:

- 1.66 The applicant makes reference to the Sustainable Communities Plan published by the former Office of the Deputy Prime Minister (ODPM) in 2003. Members may recall that the Plan envisaged major growth in four areas of the south-east, including the Thames Gateway. Page 52 of the Plan notes that the Thames Gateway area presents a huge opportunity due to its location close to London, its major transport links, the large concentration of brownfield sites and the potential to regenerate existing deprived communities. The Plan goes on to state:

“The regeneration of the Gateway is a broad-based project that needs to tackle brownfield development, economic growth, environmental improvement and urban renewal in an integrated way.”

- 1.67 Although the Thames Gateway zone clearly includes areas of Green Belt, the focus of the Plan is arguably urban renewal and regeneration of brownfield sites. References in the Sustainable Communities Plan to the term Green Belt are:

- a *“guarantee to protect green belt”* (p.4);
- to *“maintain and increase the amount of green belt land in the region”* (p.40);
- to *“maintain or increase the current area of land designated as green belt”* (p.44); and
- the use of *“green belt and countryside protection tools to maintain the openness of the countryside around areas of growth to prevent urban sprawl”*.

- 1.68 Consequently the Plan gives no support for growth in preference to the protection of the Green Belt. In these circumstances, and despite the designation of Thames Gateway as a national growth area, only very limited weight should be given to this matter in the overall balance of considerations. A similar view was taken by the Planning Inspector for the Bata Field appeal as follows:

“I do not consider that the development would contribute significantly to maintaining

the momentum of regeneration in the Thames Gateway.” (Inspector’s Report para 353).

8. Linkages to London Gateway Port and Logistics Park and Coryton

- 1.69 The applicant refers to the on and off-site employment opportunities generated by London Gateway. The applicant refers to a net labour supply figure (for 2011) of 16,000 people in Thurrock and suggests that the majority of new jobs at London Gateway will be occupied by people from outside of the Borough. The applicant considers that there is a risk that the economic benefits of London Gateway (employee income) will be lost from Thurrock. The applicant refers to a potential imbalance between housing and employment growth and cites the Bata Field appeal decision (ref: 09/50045/TTGOUT) where the Planning Inspector attached “moderate weight” to the location of the Bata site near to London Gateway and recognised the synergies between employment and housing opportunities. The potential for future employment creation at the former Coryton oil refinery site is also highlighted by the applicant and the creation of 5,000 jobs. The residential development on the application site could offer advantages in reducing commuting distances for employees, retaining economic benefits in Thurrock, reducing in-commuting and thereby reducing congestion.

Consideration:

- 1.70 This factor formed part of the applicant’s case for Very Special Circumstances for the planning appeal at the Bata Field site, where the applicant argued that the proximity of Bata Field to London Gateway and the Port of Tilbury sites meant that new housing could support employment growth at those locations.
- 1.71 The Malgraves Farm site is located some 6km to the north-west of London Gateway, whereas Bata Field is some 4.7km to the south-west. Both locations can be considered to be within the reasonable catchment of potential employees for the London Gateway site. However, the potential link between employment growth and new housing seems to be based on geographical proximity rather than a deliberate attempt to link employment and housing growth through, for instance, improvements to transport linkages. The links between the application site and London Gateway / Coryton should be treated as incidental (i.e. there is no guarantee that occupiers of the proposed residential development would be employees at either the London Gateway or Coryton sites). Nevertheless, the Planning Inspector at the Bata Field inquiry concluded that “moderate weight” should be attached to this consideration. As the current application site is reasonably well located in relation to employment potential it is also concluded that this factor attracts ‘moderate weight’ in the balance of considerations.

9. Highway / Safety Improvements within the Nearby Vicinity

1.72 The applicant refers to the potential housing / employment links between the site and London Gateway / Thames Enterprise Park (noted above) and stresses the importance of vehicular links between the two. Attention is drawn to the Lower Dunton Road / North Hill (B1007) / South Hill (B1007) road junction, a number of accidents at this junction and concerns raised during pre-application public consultation. In response to the accident data and public concern, the applicant proposes improvement works (to be secured via a s106 agreement) to this junction to mitigate the impact of the development and traffic associated with London Gateway and Thames Enterprise Park. These improvements comprise:

- improved road markings;
- improved signage;
- improved anti-skid surfacing; and
- rumble strips.

1.73 In addition, the applicant proposes improvements to the Lower Dunton Road / Kirkham Road junction comprising:

- signage;
- road marking; and
- a convex mirror.

Consideration:

1.74 In this case, the applicant's Planning Statement notes that "*whilst the number of accidents within the study area is low there have been a number of accidents at this junction (Lower Dunton Road / North Hill (B1007) / South Hill (B1007)) over a 5-year period.*" Accident data from the Transport Assessment identifies that the number of accidents is '*below the regional and national average*' over a five year period.

1.75 The Council's Highways Officer has raised concern to the application for the reasons stated in the highway assessment section of this report [below]. A package of mitigation measures has been put forward by the applicant and is discussed in detail below. For the purposes of this section of the report it can be concluded that the highway improvements are necessary to mitigate the impact of the development. Consequently, only limited weight should be attached to this matter in the consideration.

10. The Sustainability of the Site

1.76 With reference to the three dimensions of sustainable development set out in the NPPF, the applicant considers that the proposals offer:

- *Social:* the proposed hospice will support the wider community of Thurrock by providing specialist care and treatment. The proposed dwellings will complement economic growth at London Gateway and Thames Enterprise Park and will contribute to housing land supply. The dwellings will meet Lifetime Homes Standards. Social benefits also include the proposed highway safety improvements.
- *Economic:* the proposals strengthen the local economy by providing new homes alongside job opportunities. The development seeks the introduction of a high quality communications infrastructure. The hospice would create 26 full time jobs alongside construction jobs associated with the development.
- *Environmental:* new public open space and habitat enhancements would be created. The development would be constructed to relevant Code for Sustainable Homes / BREEAM standards and would provide on-site renewable energy.

Consideration:

1.77 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 7 describes the three dimensions of sustainable development as economic, social and environmental. There is no doubt that, if approved, the proposals would deliver a number of benefits under these headings as described by the applicant. However, it is considered that these benefits do not necessarily override the presumption against inappropriate development in the Green Belt. Although the NPPF sets out a presumption in favour of sustainable development, this does not supersede development plan policies which presume against development in the Green Belt. Indeed, paragraph 14 of the NPPF states that the presumption in favour of sustainable development does not mean that development proposals should be approved where specific policies in the Framework indicate that it should be restricted, as in the case of land designated as Green Belt. In these circumstances, only limited weight can be attached to contribution the proposals would make towards sustainable development.

Summary of Very Special Circumstances

1.78 The table below provides a summary of the Very Special Circumstances and the weight that is attributed to them in assessing the planning balance for the whether the principle of the development is acceptable.

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	Extant Planning Consent	Significant Weight
Reduction in the openness of the Green Belt		Principle of Development and Alternative Sites	Moderate Weight
		Positively responding to an ageing population in Thurrock	Limited Weight
		Ability to prioritise delivery of healthcare improvements in Thurrock	Limited Weight
		Role of the application site in the Green Belt	No Weight
		Ability to positively contribute towards housing land supply	Significant weight
		Maintaining momentum and delivery of regeneration within the Thames Gateway	Very Limited Weight
		Linkages to London Gateway and Logistics Park and Thames Enterprise Park	Moderate weight
		Highway/Safety improvements within the nearby vicinity	Limited Weight
		The sustainability of the site	Limited Weight

1.79 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness has to be considered against the factors promoted as Very Special Circumstances. Several 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'.

6.44 Taking into account all Green Belt considerations, notably the applicant's fallback position, the limited impact of the additional dwellings and the housing mix, it is considered that, on balance, the applicant has demonstrated Very Special Circumstances which clearly outweigh the identified harm to the Green Belt.

II. SUSTAINABILITY, ACCESS, TRAFFIC IMPACT AND CAR PARKING

Sustainability

6.45 The site is in an unsustainable location. The site is found on the eastern side of Lower Dunton Road; there are no footways on either side of the road and the nearest footpaths are located away from the site and involve paths crossing fields and woodlands. There are no cycle routes serving this area and there are no bus routes. The nearest bus route (no.374) serves Horndon on the Hill. Laindon railway station is 2.9km from the site and would require private vehicle usage to access the railway station.

6.46 Access to shops and services are the following distances away:

- Laindon Hills Shopping Centre - just over 4 kilometres away
- Stanford-le-Hope train Station - approximately 5 kilometres away
- Corringham - approximately 6 kilometres from the site, and
- Basildon - approximately 9 kilometres from the site

6.47 As the site is located in an unsustainable location it is likely to be highly dependent on private vehicle usage contrary to requirements of the paragraphs 34 and 35 of the NPPF, which seek to exploit the opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas.

6.48 However, it must be recognised the extant permission has established the principle of housing and a hospice in this location. Therefore, consideration should be focussed on the additional 30 dwellings and associated activity that would be generated through this increase.

6.49 In seeking to address these issues the applicant seeks to promote sustainable transport opportunities through a Framework Travel Plan (FTP). The FTP includes the following measures:

- welcome pack / travel pack for householders detailing information for local bus, rail and cycle services and links;
- provision of secure cycle storage areas;
- promotion of cycling;
- potential for discounts at cycle shops and a bike tagging scheme;
- journey and timetable information for public transport; and
- encouragement of car-share opportunities.

6.50 Whilst these measures are encouraged, they should be seen in the context of the relative isolation of the site from bus and rail services and cycle and footpath links. Therefore, despite the promotion of public transport journey and timetable information it is considered highly unlikely that future residents would walk or cycle to these links, given the distance from the site and the nature of road conditions along Lower Dunton Road. In all probability future residents of the development would be wholly reliant on private vehicles to access employment, shops, school and other services and amenities. The Council's Travel Plan Co-ordinator has raised concern on this basis as the Framework Travel Plan could not be approved without significant investment to highways improvements to address the sustainability issues. This matter is addressed below.

Access and Traffic Impact

- 6.51 Access arrangements would remain the same for this proposal as the 2014 scheme. The existing site access would be closed up and a new bellmouth access would be created 90m further south along the eastern boundary of Lower Dunton Road. To facilitate the junction works are proposed to Lower Dunton Road through widening of the road, within highway land, to create a right hand turn filter lane into the site from the northbound carriageway.
- 6.52 From the bellmouth junction into the site a series of internal roads are proposed with one main road linking all the residential areas and the hospice. This main spine road would have a footway on one side and a footway on both sides towards its access from Lower Dunton Road. A series of internal roads are proposed comprising cul-de-sac and crescent road arrangements. Different widths and surfacing treatments are proposed.
- 6.53 When considering the highway impact of the current application it is necessary to recognise the extant permission represents the fallback for the applicant. Consideration should therefore be focussed on the impact of the additional 30 dwellings rather than assessing the proposal as a new 80-unit scheme.

- 6.54 In support of the increased number of dwellings, the applicant has submitted a new Transport Assessment (TA) and road safety audit.
- 6.55 The TA identifies that the proposed residential and hospice uses would lead to trip generation of 39 two-way traffic movements in the AM weekday peak hour and 34 PM peak hour. The TA states that the level of trip generation can be '*accommodated within the surrounding highway network without detriment to either safety or capacity*' and that the existing highway network can '*continue to operate well within desirable levels of operational capacity with the proposed development traffic*'. The Council's Highway Officer raises concern to the findings of the TA but recognises that a range of improvements could address the road safety concerns to make the development proposals acceptable.
- 6.56 The TA proposes a number of mitigation measures to improve the local highway network including:
- improved road markings;
 - improved signage;
 - improved anti-skid surfacing; and
 - rumble strips.
 - improvements to the Lower Dunton Road / Kirkham Road junction comprising:
 - signage;
 - road marking; and
 - a convex mirror.
- 6.57 The Council's Highways Officer agrees with the mitigation measures proposed and has advised that the improvements to the junction of Lower Dunton Road and South Hill/North Hill in particular, are necessary to mitigate the current proposal.
- 6.58 For the construction phase a Construction Environmental Management Plan would be needed. This matter could be addressed through the use of a planning condition.

Parking

- 6.59 The Council's Draft Parking Standards and Good Practice document (2012) include the following car parking standards:
- Houses (low accessibility) – minimum 2 spaces per dwelling (for houses with 4 or more bedrooms an additional space will be permitted. 0.25 spaces per dwelling for visitors;
 - Use Class C2 (residential care home) – 1 space per full-time equivalent (FTE) staff plus 1 visitor space per 3 beds.

- 6.60 The applicant's TA demonstrates that each dwelling would have two off street parking spaces and each dwelling would have a garage, either a single or double garage. In total 280 off street parking spaces would be provided for all dwellings including 20 additional visitor spaces. Parking provision for the dwellings therefore complies with the Council's draft standards.
- 6.61 The proposals include the provision of 50 parking spaces (including 3 spaces for disabled users) to serve the hospice on the basis that the hospice would employ 26 staff. When considering the range of services which the hospice intends to provide and the potential use by patients and visitors, it is considered that this level of parking is appropriate.
- 6.62 The 2012 Draft Parking Standards also include recommendations for bicycle storage at a ratio of 1 secure and covered parking space per dwelling, which can be included within a garage space. All of the proposed dwellings would meet the suggested bicycle parking standard as each plot can provide cycle parking provision in a garage. For the hospice the draft standards suggest bicycle parking provision at a ratio of 1 space per 5 staff. Although the submitted plans for the proposed hospice building do not allocate specific areas for bicycle storage, there is nevertheless sufficient space on the hospice site to accommodate such parking and such details can be agreed through a planning condition.
- 6.63 The level of parking provision is considered acceptable with regard to the requirements of policy PMD8

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.64 The majority of the site is undeveloped comprising of fields and the only development areas within the site are located towards the north west corner of the site where is a dwelling and a number of agricultural and equestrian buildings and facilities. The site is currently vacant.
- 6.65 The proposal is considered against policy CSTP22, which requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'* with proposals needed to be considered where there character is a *'rural landscape'* and within the *'Green Belt'*. Policy PMD2 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....and natural features'*

Layout

- 6.66 The extant planning permission allows for development of the hospice in the eastern field within the site and 50 dwellings cover an area of approximately 80% of the western half of the site. One of the Very Special Circumstances presented with the extant planning permission was '*design quality and placemaking*' with an emphasis on achieving high quality design with a spatial layout with dwellings on large plots to be constructed by reputable house builder. Another consideration was the opportunity to provide executive large dwellings and this was referenced in the committee minutes from June 2015 at the time the extant planning permission was determined.
- 6.67 The current application includes the same siting and land take for the hospice associated car parking facilities. The residential land take of 7.8 hectares would also be the same as the extant planning permission but the increase in dwelling numbers to 80 from 50 would result in a more suburban layout when compared to the extant planning permission. However, the same land area would be used, the same road layout and the same landscaping is proposed as the extant permission. It is also recognised that the overall volume of the development would be less than the extant permission. Therefore, whilst the layout would be more suburban it would still be spaciouly laid out and would be built to a low housing density of 10 dwellings per hectare.
- 6.68 As the development would effectively form a cul-de-sac arrangement opportunities for permeability and legibility should be considered, however, as the application does not demonstrate control of own any adjoining there are no opportunities to provide footpath and cycle links to wider areas other than along the Lower Dunton Road.
- 6.69 There are five individual house types proposed with this development with house types A and B proposed as the 3 bedroom units and house types C, D and E proposed as the 4 bedroom units. Each house type has either a detached or attached single or a double garage. The individual layout for each plot raises no objection.

Scale and Design

- 6.70 The scale of the development would be 2 storey for the residential and the hospice development, the same as the extant planning permission. The hospice would be approximately 9.7m high and the tallest building on site. Compared to the extant planning permission the applicant's Design and Access Statement highlights that the current proposal does not include any two and half storey residential development but the tallest dwelling would be 8.8m high (house type E) with a roof void that would be able to accommodate additional internal accommodation if

needed in the future, although permitted development rights could be removed through a planning condition if necessary.

- 6.71 The design approach is similar to the extant planning permission for the hospice but is slightly different with regard to the residential development with more gable projections and dormers, creating a more suburban feel to the development than the extant permission which included a strong rural design approach.
- 6.72 In terms of the scale and design the hospice building would take the form of a modern design building and the residential properties would take the form of more traditional designed dwellings. The hospice and residential developments would appear as two separate contrasting development styles. The siting of the hospice to the eastern field parcel along with a heavily landscaped boundary would, in time, help separate these differing land uses and resultant building forms.
- 6.73 With regard to materials the hospice would incorporate a buff coloured face brick, vertical dark coloured timber weatherboard cladding, aluminium window frames, coping stones to key features and the roof, along with a modern seamed flat roof. The residential development would incorporate red/brown face brick, light and dark weatherboarding, light coloured render, painted timber frame windows, and red clay roof tiles and grey slate roof tiles. These details would reflect the differences between the hospice and residential elements of the proposal. All material details would need to be agreed through planning condition but in general terms the materials would be in keeping with existing established development in this area.

Impact upon the Area

- 6.74 Overall, the impact upon the area from the design and layout of the development would be very similar to the extant permission and in granting planning permission for the 2014 scheme it has already been accepted that the development would change the character and appearance of the site and wider area. Inevitably the extant permission would have an adverse impact upon the rural countryside in this location.
- 6.75 However, the test under this section is whether the increased amount of residential development [an extra 30 dwellings] would have a harmful impact on the appearance on the area beyond what has already been consented. It is recognised that the proposal would reduce the spaces in between buildings when compared to the extant permission but the residential land area has not increased, and the proposed road layout and landscape layout would remain the same as the extant permission. It is also recognised that the overall volume of the development would be less than the extant permission. Therefore taking into account these matters it is considered, on balance, that the proposed increase in residential development

would not have an adverse impact upon the rural countryside in this location, and in consideration of the text contained within policies CSTP22, CSTP23 and PMD2.

IV. LANDSCAPE AND VISUAL IMPACT

6.76 With regard to the Council's Landscape Capacity Study (2005) [which provides a description of the landscape character within Thurrock], the site is designated within the 'B2 - Langdon Hills rolling farmland / wooded hills' landscape character area, with land to the west on the opposite side of Lower Dunton Road designated as within the 'B1 - Sticking Hill rolling farmland / wooded hills' landscape character area. The key landscape characteristics of the two areas, as described by the Capacity Study are:

B2 –

- *small scale steep, rounded sand and gravel hills;*
- *sense of elevation and intimacy;*
- *woodland is a strong, unifying element;*
- *irregularly shaped fields on higher slopes adjacent to woodland;*
- *horse grazing within the lower slopes in the north east of the character area;*
- *rough texture;*
- *absence of detracting vertical features.*

B1 –

- *area of gently undulating terrain;*
- *arable and pasture farmland;*
- *sparse pattern of settlement with a few individual farmsteads mainly located close to existing rural roads;*
- *important nucleated historic settlements of Horndon on the Hill and Orsett;*
- *mature hedgerows in places;*
- *woodland clumps in the southern half of the area;*
- *tranquil rural character.*

6.77 The applicant's Landscape and Visual Impact Assessment [LVIA] has been produced in accordance with the Institute of Environmental Management and Assessment and the Landscape Institute (IEMA/LI) recognised assessment criteria, which are referred to in 'effect' quotations below. The LVIA identifies the site is located within the Langdon Hills Rolling Farmland/Wooded Hills landscape character area.

6.78 For landscape impact, the LVIA considers that the development would have 'no effect of consequence' to landscape character and the effects on landscape value.

- 6.79 For the visual amenity assessment nine viewpoints have been used and from this six have been identified to experience '*an adverse effect*' as a consequence of the proposed development ,and one, viewpoint 7 which is located to the front of the site along Lower Dunton Road and directly looking towards the site, would experience '*substantial or substantial/moderate effects*'. It is stated that all effects would be reduce over time as the planted landscaping scheme matures.
- 6.80 The Council's Landscape and Ecology advisor objects to the application with the current proposal only exacerbating previous concerns raised at the time of the previous application [14/00990/FUL]. In landscape terms it is recognised that this part of the Borough has had little development and retains a distinct rural character and is somewhat unique with the Langdon Hills consisting of undeveloped rolling farmed and wooded landscapes not common in this locality. Few parts of the Borough have such strong rural undisturbed character. The increased scale of development would increase the impact on this area as the housing would be less in keeping with the surrounding area.
- 6.81 In terms of the visual impact, the Council's Landscape and Ecology advisor considers that Viewpoint 4 from the LVIA is important as there is a bus stop in this location so is a sensitive receptor along with other locations to the east of the site which are at higher ground levels so it is not possible to screen the amount of development. The increased density of the development is likely to result in pressure to reduce the number of larger growing specimens which effects the landscaping and would result in a more suburban planting scheme out of character with this location.
- 6.82 Whilst the Council's Landscape and Ecology advisor objects however the fallback position of the extant permission already allows a development that would change the site and have an impact upon landscape character. The same applies to the visual amenities in regard to the extant permission. Again the key consideration here is whether the additional 30 dwellings would adversely impact upon the landscape and visual amenities when compared to the extant permission. Given the limited differences between the extant permission and this application with regard to layout, scale, volume of development and landscaping provision, it is considered that the proposal would not have any further adverse impact upon the landscape than the extant permission, and when considered with policies CSTP22, CSTP223 and PMD2.

V. OPEN SPACE, GREEN INFRASTRUCTURE AND LANDSCAPING

- 6.83 The planning application is supported by a number of plans detailing open space and soft landscaping proposals for the site. The applicant's Public Open Space

Plan indicates open space allocated to the hospice use, located to the north and north-east of the hospice building. This 'Hospice Open Space' extends to approximately 2 hectares in area. However, this figure includes the footprint of the hospice building and parking / circulation areas. The actual open space associated with the hospice is therefore a little over 1 hectare in area. The Public Open Space Plan also allocates a more extensive area (approximately 6.2 hectares) of 'Public Open Space' adjacent to the southern boundary of the site. This plan also indicates the position of incidental areas of open space at road junctions within the site and an ecology zone / attenuation basin adjacent to the northern boundary. These areas are more fragmented than the 6.2 hectare area and partly serve other purposes (ecology / surface water attenuation). Therefore, although shown as 'Public Open Space', these areas serve the purposes of mitigation and adding character to the development rather than providing usable open space.

6.84 The submitted 'Proposed Landscape Strategy' plan provides detailed planting proposals for the areas of open space. A variety of soft landscaping is proposed to enhance existing and create new habitats on the site. The key elements of the Proposed Landscape Strategy are:

- new native hedgerow planting;
- tree planting throughout the site, including a community orchard;
- extended woodland planting at the south-eastern corner of the site;
- native wildflower meadow;
- aquatic planting to new ponds;
- natural play area; and
- bird / bat boxes and hibernacula.

6.85 In addition to the above, the applicant's Arboricultural Impact Assessment and Tree Condition Survey identifies that the proposals have been designed to retain and protect existing trees on site. The 'Tree Removal Plan' within this assessment shows that all existing trees within the main parts of the site would be removed, including trees near the proposed vehicle access into the site. None of these trees are protected by Tree Preservation Orders and some of these trees need removing due to their poor condition. The 'Proposed Landscape Strategy' plan demonstrates the site would result in a beneficial increase in tree planting and overall landscaping improvements.

6.86 A Management Plan drawing indicates that the Hospice Open Space will be managed by the hospice. However, details of the management of other areas of open space within the site will need to be agreed through a planning condition. The applicant's written Landscape Management Plan provides a detailed specification for the long term management of landscaped areas, including the open space.

6.87 As can be expected with an application seeking full planning permission, the submission provides sufficient detail to enable an assessment of the proposals against the open space policies referred to above. Assessed against CSTP18, the proposals provide areas of new habitat creation which are required, to a degree, to mitigate impact on ecological interests. The proposals would also deliver some benefit in diversifying the range of habitat on the site. Assessed against CSTP20 it is considered that the proposals would provide adequate provision of open space for occupiers of the development, both residents and users of the hospice. It is considered that the proposed open space provision would meet the needs of the development with regard to the 'new development' part of policy PMD5.

VI. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.88 The application site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). An extended Phase 1 Habitat Survey accompanies the application and confirms that the majority of the site comprises semi-improved grassland associated with the paddocks and grazing area. The boundaries of the site, and field boundaries within the site are characterised by hedgerow, scrub and ruderal habitats. The hedgerows both surrounding and within the site are identified as being of biodiversity interest and potentially subject to the requirements of the Hedgerow Regulations (1997). The Habitat Survey identifies that a habitat management will be beneficial for a range of protected species including foraging and commuting bats, badger, breeding, foraging birds, great crested newt, common reptiles and hedgehog through protection of existing hedgerows and new hedgerows, and retained grassland areas. The plans show that around the field boundaries and southern and eastern parts of the site ecological corridors can be retained and enhanced for the benefit of ecology and biodiversity.
- 6.89 The application includes a number of ecology surveys including badgers, bats, breeding birds, dormice, Great Crested Newts [GCN], invertebrates, reptiles and wintering birds. From the surveys breeding birds were identified and there maybe the presence of a bat roost in the small gabled shed building within the site. From the surveys it has been identified that various mitigation measures are required, including retention and enhancement of hedgerows and new planting, the creation of new habitat, such as flower-rich grassland and ponds, the introduction of hibernacula and habitat creation, all of which can be subject to planning conditions.
- 6.90 The Council's Landscape and Ecology Advisor has advised that although the ecology surveys are dated 2014 it is considered that the site has low ecological value and therefore raises no objection for ecology and biodiversity reasons. However, if planning permission were to be granted planning conditions would be necessary in the form of an ecological mitigation and management strategy, which

is offered by the applicant and is necessary to meet the requirements of policy PMD7 which requires *'development proposals to incorporate biodiversity or geological features into the design as far as possible'*. The proposal identifies the opportunities for ecological and biodiversity enhancements.

VII. FLOOD RISK AND DRAINAGE

- 6.91 The application site is located within the low risk flood zone (Flood Zone 1) and therefore there is no requirement for application of the Sequential Test or Exception Test. As the site area exceeds 1 hectare, the application is accompanied by a flood risk assessment (FRA) which principally addresses the matter of surface water drainage. Although there are no 'main rivers' (as defined by the Environment Agency) on or close to the site, a watercourse within a ditch forms the northern boundary of the site. It is stated within the application that all foul drainage would be discharged into the mains foul sewer.
- 6.92 The FRA originally submitted with the planning application includes a surface water drainage strategy with three on-site attenuation storage areas comprising an open basin adjacent to the northern boundary and underground tanks at the north-western corner of the site and in the ground of the proposed hospice. The FRA identifies that the north-western areas will need to be raised for gravity drainage systems (plots 1 to 12). Via the proposed attenuation, the FRA states that run-off from the site during a 1 in 100 year event (plus climate change) will be limited and the risk of surface water flooding elsewhere will be reduced. The Flood Risk Manager raises no objection subject to the use of a planning condition, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.

VIII. IMPACT UPON AMENITY

- 6.93 The nearest neighbouring dwelling is located directly to the north of the site known as Little Malgraves Hall approximately 30m from the northern site boundary. Plots no.'s 4, 7, 8, 9 and 20 are closest to the site between 11 and 18m from boundary, which is demarcated by existing trees and hedging.
- 6.94 To the south, dwellings at Haycock Cottages are located approximately 45m from the south-western corner of the application site. As a buffer of open space is proposed on the southern part of the application site, the proposed dwellings would be located approximately 120m from Haycock Cottages.

- 6.95 Existing dwellings located on the northern side of Kirkham Road (to the south of the site) would be separated from the nearest proposed dwellings by a distance of some 200m.
- 6.96 Hope Farm, located on the southern side of Old Church Hill, is positioned approximately 150m to the north of the north-eastern corner of the site. As the proposals show that the eastern part of the site would remain undeveloped the closest built development to this would be the hospice and associated car park located in the centre of the site
- 6.97 Aside from the activities associated with the stables and car park located at its north-western corner, the site can be described as a rural area which is relatively undisturbed by noise. The development would result in the introduction of domestic activity, vehicle movements, deliveries and activities associated with users, staff and visitors of the proposed hospice and whilst this would change the character of the area this change would not harm nearby residential amenity. It is also considered that the development would cause no harm to adjoining residential amenity by reason of loss of privacy, outlook or sunlight / daylight. For these reasons the proposal does not raise objection with regard to the requirements of the policy PMD1.

IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.98 In terms of meeting the requirements of policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low Carbon Energy Generation) it is proposed that the hospice would achieve a BREEAM 2014 'Very Good' rating with regard to policy PMD12, however, this policy requires an 'Excellent' rating to be achieved from 2016 onwards. The applicant has argued that it will be difficult to achieve an 'Excellent' rating and is relying upon the extant permission as justification for retaining a 'Very Good' rating. The applicant's Sustainability and Energy Strategy does identify that renewable technology would be used through the proposed installation of photovoltaic solar panels, energy efficiency measures, low flow water fittings, sustainable drainage systems, new planting and recycling opportunities. It is considered that this is acceptable with regard to policy and further details of such measures would need to be agreed through the use of a planning condition to ensure some compliance with policies PMD12 and PMD13, particularly the photovoltaic solar panels with regard to impacting upon the design of the buildings on site.

X. VIABILITY AND PLANNING OBLIGATIONS

- 6.99 Policy PMD16 of the LDF Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under

Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

6.100 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process. Policy CSTP2 identifies the need for 35% affordable housing to be provided under normal circumstances from major residential development. Based on the consultation responses received through the consultation process to this application it is evident that planning obligations would be required as follows:

- For education a financial contribution towards nursery, primary and secondary education
- For healthcare the NHS require a financial contribution towards the West Horndon Branch Surgery (including its main Peartree Surgery);

6.101 However, for this proposal, policy CSTP11 supports, in principle, the provision of a hospice and that consideration will be given to *'allowing enabling development if it can be demonstrated that this is essentially required'*. Further detail on this point was provided in the 2013 Consultation Draft Site Specific Allocations DPD 'Further Issues and Options'. Although it was only in draft form and is no longer being progressed on the advice of the Planning Inspectorate, Policy SAP1 noted that:

"the amount of enabling development, up to the maximum of 80 dwellings, which will be agreed in principle by the Council will be that demonstrated by way of 'open book' viability appraisal to be the minimum necessary to bring about the hospice taking into account all other available and likely sources of finance, and the requirements of Policies for the Management of Development. The Council does not expect the enabling development to include affordable housing as required by policy CSTP2 of the Core Strategy."

6.102 The application includes a viability assessment demonstrating that the proposal is enabling development with the *'residential elements of the scheme funding the majority of the provision of the hospice'* and consequently proposal *'cannot afford to accommodate any affordable housing or further contributions as this will impact on the viability'* of the development.

6.103 The applicant's viability assessment has been subject to an independent viability review and the conclusions are that the costs stated in the applicant's viability assessment are high with regard to the residential part of the development and the hospice. Because of this the independent viability advisor recommended a *'quantity*

surveyor is instructed to provide a detailed assessment of these costs before a final decision about viability is made' and 'recommend that a revised benchmark land value assessment is undertaken'. This further work has been undertaken and whilst there is a difference between the applicant's viability assessment and the independent viability assessment the outcomes are sufficiently similar, which confirms that the provision of 80 dwellings can be legitimately seen as enabling development.

6.104 The independent viability advisor has stated if the Council were minded to grant planning permission a viability review mechanism should be included with any s.106 legal agreement based on the development not reaching slab level for 10 plots within 2 years of the consent being granted. If triggered this would then allow whether the viability of the development to be re-visited with regard to s106 contributions and/or affordable housing provision.

6.105 Whilst the site is unviable to support the usual planning obligations sought for a residential development the applicant is offering the following non-financial planning obligations and triggers:

- *To commence the construction of the hospice simultaneously with the construction of the residential element of the development.*
- *Construction of the main access road to the development from Lower Dunton Road, including the junction with Lower Dunton Road, will proceed up to base course level such that construction traffic will have access to both the residential and hospice elements of the development. Completion of the access road will be prior to the first occupation of any dwelling or the completion of the hospice, whichever is the sooner.*
- *Once the access road is constructed to base course level construction of both the houses and the hospice will proceed and Practical Completion of the hospice will be reached within 11 months of commencement of construction of the hospice.*
- *Construction of the highway improvements to Lower Dunton Road will proceed and be completed prior to occupation of any dwellings or completion of the hospice, whichever is the sooner. Off site highway works, which include improved road markings, improved signage, improved anti-skid surfacing, rumble strips and improvements to the Lower Dunton Road / Kirkham Road junction.*

6.106 In addition to these the Council's Highway's Officer is seeking a financial payment for highway improvements on the Lower Dunton Road and to the junction of Lower

Dunton Road and South Hill/North Hill to mitigate the highway impact as discussed above. It has been identified that circa £150,000 is required for these highway works and the applicant has confirmed their agreement to this obligation.

- 6.107 The planning obligations will also include a viability review mechanism in the event that development has not reached slab level for 10 plots within 2 years of the grant of planning permission, a financial viability review shall be undertaken by the applicant / developer / owner to assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.

XI. OTHER MATTERS

- 6.108 The applicant's Archaeological Evaluation Report recognises that the site is undeveloped and has been historically used as farmland and more recently for equestrian uses. The Archaeological Evaluation Report has undertaken trial trenching and concludes that the site contains only a 'low incidence of archaeological remains'. Essex County Council's Archaeology Advisor does not consider the need for any planning conditions requiring further archaeological investigations.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The site is located in the Green Belt and is located in a remote and unsustainable location, however, the site has extant planning permission for the development of 50 dwellings and a hospice [14/00990/FUL] and this application seeks permission for 80 dwellings and a hospice. This represents an increase of 30 dwellings with a different housing mix comprising of 40 x 3 bedroom units and 40 x 4 bedroom units.
- 7.2 Policy CSTP11 identifies that the Council will work with health partners for improving health care in the Borough. Part 7 of the policy identifies the provision of the hospice and refers to the Draft Site Specific Allocations DPD, which refers to this site as being the 'preferred location for a hospice'. Whilst the Draft Site Specific Allocations DPD is no longer being progressed based on the advice of the Planning Inspectorate, weight was given to this DPD with the previous application and there are no other sites available for the hospice. The proposed hospice is exactly the same as the extant permission and so there is no reason for the hospice element of the application to be considered unacceptable, and the need for the hospice has been demonstrated with this and the extant permission.
- 7.3 Whilst the site has extant planning permission this was considered through a finely balanced decision with the collective benefits of the scheme tipping the planning balance to outweigh harm. For this current application there are differences with the increase in dwelling numbers and different housing mix. However, as the residential

land area has not increased, and the proposed road layout and landscape layout would remain the same as the extant permission. It is also recognised that the overall volume of the development would be less than the extant permission. The increase in residential properties and the housing mix has been closely scrutinised and it found to be acceptable.

7.4 Taking into account the differences between the extant permission and the current application, it is considered that the Very Special Circumstances presented with this application clearly outweigh the identified harm to the Green Belt.

7.5 All other material consideration are acceptable subject to planning conditions and planning obligations.

7.6 RECOMMENDATION

7.7 Approve, subject to the following:

- i) Referral to the National Planning Casework Unit and subject to the application not being called in;
- ii) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

Planning obligations offered by the applicant include:

- To commence the construction of the hospice simultaneously with the construction of the residential element of the development.
- Construction of the main access road to the development from Lower Dunton Road, including the junction with Lower Dunton Road, will proceed up to base course level such that construction traffic will have access to both the residential and hospice elements of the development. Completion of the access road will be prior to the first occupation of any dwelling or the completion of the hospice, whichever is the sooner.
- Once the access road is constructed to base course level construction of both the houses and the hospice will proceed and Practical Completion of the hospice will be reached within 11 months of commencement of construction of the hospice.
- Construction of the highway improvements to Lower Dunton Road will proceed and be completed prior to occupation of any dwellings or completion of the hospice, whichever is the sooner. Off site highway

works, which include improved road markings, improved signage, improved anti-skid surfacing, rumble strips and improvements to the Lower Dunton Road / Kirkham Road junction.

In addition to the offered planning obligations the Council's Highway Officer requires the following mitigation measures:

- A financial contribution of circa £150,000 towards highway improvements on Lower Dunton Road and to the junction of Lower Dunton Road and South Hill/North Hill

Viability review mechanism

- In the event that development has not reached slab level for 10 plots within 2 years of the grant of planning permission, a financial viability review shall be undertaken by the applicant / developer / owner to assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.

iii) the following planning conditions:

Standard Time

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

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
17068-007 A	Existing Site Layout	19th December 2017
17068-008 A	Existing Site Layout	19th December 2017
17068-009 A	Existing Site Layout	19th December 2017
17068-010 A	Existing Site Layout	19th December 2017
17068-011 A	Existing Site Layout	19th December 2017
17068-012 A	Existing Site Layout	19th December 2017

17068-020 A	Other	19th December 2017
17068-021 A	Proposed Plans	19th December 2017
17068-022 A	Proposed Plans	19th December 2017
17068-023 A	Proposed Plans	19th December 2017
17068-024 A	Proposed Plans	19th December 2017
17068-025 A	Proposed Plans	19th December 2017
17068-026 A	Proposed Plans	19th December 2017
17068-027 A	Proposed Plans	19th December 2017
17068-166	Proposed Plans	19th December 2017
17068-167 A	Proposed Plans	5th January 2018
17068-168 A	Proposed Plans	5th January 2018
17068-169	Proposed Plans	19th December 2017
17068-124 B	Proposed Floor Plans	19th December 2017
17068-125 B	Proposed Elevations	19th December 2017
17068-126 B	Proposed Floor Plans	19th December 2017
17068-127 B	Proposed Elevations	19th December 2017
17068-128 A	Proposed Floor Plans	19th December 2017
17068129 A	Proposed Elevations	19th December 2017
17068-130 A	Proposed Floor Plans	19th December 2017
17068-131 A	Proposed Elevations	19th December 2017
17068-132 A	Proposed Floor Plans	19th December 2017
17068-133 A	Proposed Elevations	19th December 2017
17068-134 A	Proposed Floor Plans	19th December 2017
17068-135 A	Proposed Elevations	19th December 2017
17068-136 B	Proposed Floor Plans	19th December 2017
17068-137 B	Proposed Elevations	19th December 2017
17068-138 B	Proposed Floor Plans	19th December 2017
17068-139 B	Proposed Elevations	19th December 2017
17068-140 A	Proposed Floor Plans	19th December 2017
17068-141 A	Proposed Elevations	19th December 2017
17068-142 A	Proposed Floor Plans	19th December 2017
17068-143 A	Proposed Elevations	19th December 2017
17068-144 A	Proposed Floor Plans	19th December 2017
17068-145 A	Proposed Elevations	19th December 2017
17068-146 B	Proposed Floor Plans	19th December 2017
17068-147 A	Proposed Elevations	19th December 2017
17068-148 A	Proposed Elevations	19th December 2017
17068-149 A	Proposed Elevations	19th December 2017
17068-150	Proposed Elevations	19th December 2017

17068-151	Proposed Elevations	19th December 2017
17068-152	Proposed Elevations	19th December 2017
17068-153	Proposed Elevations	19th December 2017
17068-156	Proposed Site Layout	19th December 2017
17068-155	Proposed Site Layout	19th December 2017
17068-154	Proposed Elevations	19th December 2017
17068-157	Proposed Site Layout	19th December 2017
17068-158	Proposed Site Layout	19th December 2017
17068-159	Proposed Site Layout	19th December 2017
17068-160	Sections	19th December 2017
17068-161	Sections	19th December 2017
17068-162	Sections	19th December 2017
17068-163	Sections	19th December 2017
17068-164	Sections	19th December 2017
17068-165	Sections	19th December 2017
0616/002 J	Proposed Plans	19th December 2017
0616/003 D	Proposed Elevations	19th December 2017
0616/004 D	Proposed Elevations	19th December 2017
0616/005 C	Drawing	19th December 2017
17068/002 A	Location Plan	19th December 2017
17068-003 B	Block Plan	19th December 2017
17068-004 A	Block Plan	19th December 2017
17068-005 B	Site Layout	19th December 2017
17068-006 A	Other	19th December 2017
17068-013 A	Existing Plans	19th December 2017
17068-014 A	Existing Plans	19th December 2017
17068-015 A	Existing Plans	19th December 2017
17068-016 A	Existing Plans	19th December 2017
17068-017 A	Existing Plans	19th December 2017
17068-018 A	Existing Plans	19th December 2017
17068-019 A	Existing Plans	19th December 2017
17068-105 E	Proposed Site Layout	5th January 2018
17068-106 C	Proposed Site Layout	5th January 2018
17068-107	Proposed Plans	19th December 2017
17068-120 A	Proposed Floor Plans	19th December 2017
17068-121 A	Proposed Elevations	19th December 2017
17068-123 A	Proposed Elevations	19th December 2017
17068-122 A	Proposed Floor Plans	19th December 2017

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

Landscaping – retention

3. All trees, shrubs and hedgerows shown to be retained on the site shall be protected by chestnut paling fencing for the duration of the demolition and construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub including hedges without the previous written consent of the local planning authority.

Reason: To ensure that all existing trees are properly protected, in the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Landscape Implementation

4. The proposed development shall be implemented in accordance with the 'Landscape Management Plan' dated December 2017 and within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works as shown on the approved plan(s) drawing number(s)17068-107 and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

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

Landscaping Management Plan

5. Prior to first occupation of the development details of the future management arrangements for the maintenance of the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The

management details as approved shall be implemented and the site shall be landscape managed at all times thereafter.

Reason: In the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Materials

6. Notwithstanding the information on the approved plans, no development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Boundary Treatments

7. No development shall take place until there has been submitted to and approved in writing by the local planning authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be implemented and completed in accordance with the approved details before the first occupation of the development.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Soundproofing

8. Prior to the commencement of development of the hospice building a scheme of soundproofing of all plant and machinery shall be submitted to and agreed by the local planning authority. The agreed scheme shall be implemented before the use of the plant or machinery commences and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

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

External Lighting

9. Prior to the first occupation / operational use of the development details of any external lighting, including details of the spread and intensity of light together with the size, scale and design of any light fittings and supports, shall be submitted to and agreed in writing by the local planning authority. Thereafter external lighting shall only be provided and operated in accordance with the agreed details or in accordance with any variation agreed in writing by the local planning authority.

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

BREEAM

10. Unless otherwise agreed in writing by the local planning authority, the hospice building hereby permitted shall be built to the "Very Good" standard under the Building Research Establishment Environmental Assessment Method [BREEAM].

Prior to first use of the hospice building hereby permitted a copy of the Post Construction Completion Certificate for the building verifying that the relevant BREEAM rating has been achieved shall be submitted to the Local Planning Authority.

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

Highway Junction Improvements

11. Prior to the commencement of development details of the proposed improvements to Lower Dunton Road and the junction of Lower Dunton Road and South Hill/North Hill shall be submitted showing the layout and dimensions and construction specification, such details shall be submitted to and approved by the Local Planning Authority. These highway works shall be implemented prior to first occupation of the development hereby permitted.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Access from the Highway

12. Prior to the commencement of development details shall be submitted showing the layout, dimensions and construction specification of the proposed accesses to the highway, such details shall be submitted to and approved by the local planning authority. The details as approved shall be implemented on site and shall be maintained and retained as such thereafter.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Highway Details

13. Prior to the commencement of development details of the estate road[s], footway[s], visibility splay[s], accesses and turning space[s] shall be submitted to and agreed in writing with the local planning authority. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction. The estate roads, footways, visibility splays, accesses and turning spaces shall be constructed and surface finished in accordance with the agreed details.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Sight Splays

14. Prior to the commencement of development details of sight splays and speed reduction measures shall be provided at all proposed junctions and bends in the road such details shall be submitted to and approved by the Local Planning Authority. The approved sight lines shall be maintained at all times thereafter so that there is no obstruction within the sight line area above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Visibility Splays

15. Before any vehicle access is first used, clear to ground level sight splays of 1.5 metres x 1.5 metres from the back of the footway shall be laid out either side of the proposed access within the site and maintained at all times.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Hospice Parking

16. Prior to the first occupation / operational use of the hospice the car parking spaces shown on drawing number 17068-105-E shall be provided and delineated on-site in accordance with the approved plans. Notwithstanding the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification] no development shall be carried out on the site so as to preclude the use of those car parking spaces. The car parking spaces shall be available in their entirety during the whole of the time that the building is open to users and visitors of the hospice.

Reason: In the interests of highway safety and amenity and to ensure that adequate car parking provision is available in accordance with policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Residential Parking

17. The areas shown on drawing number 17068-105-E as car parking space[s] or garage[s] shall be provided prior to the first occupation of the dwelling[s] they serve and thereafter kept available for such use. Notwithstanding the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification] no permanent development shall be carried out on the site so as to preclude the use of these parking space[s] or garage[s].

Reason: In the interests of highway safety and amenity and to ensure that adequate car parking provision is available in accordance with policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Travel Plan Hospice

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

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

Travel Plan Residential

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

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

Lifetime Homes

20. Unless otherwise agreed in writing by the local planning authority, the dwellings on the site shall meet Lifetime Homes requirements. Prior to the commencement

of development a statement outlining the specification for Lifetime Home standard applied and detailing the proposed development's compliance with that specification. Development shall be undertaken in accordance with the approved details.

Reason: To accord with the details submitted with the application in order to produce flexible, accessible and adaptable homes appropriate to diverse and changing needs in accordance with Policy CSTP1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

CEMP

21. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours and duration of any piling operations,
 - (b) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
 - (c) Details of construction access;
 - (d) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
 - (e) Details of any temporary hardstandings;
 - (f) Details of any temporary hoarding;
 - (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) Method for the control of noise with reference to BS5228 together with a monitoring regime
 - (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
 - (j) Dust and air quality mitigation and monitoring,
 - (k) A Site Waste Management Plan,
 - (l) Ecology and environmental protection and mitigation,
 - [m] Community liaison including a method for handling and monitoring complaints, contact details for site managers.
 - [n] Details of security lighting layout and design;
 - [o] A procedure to deal with any unforeseen contamination, should it be encountered during development.

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

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

Construction Hours:

22. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

- Monday to Friday 0800 – 1800 hours
- Saturdays 0800 – 1300 hours.

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

Reason: In the interest of protecting surrounding residential amenity and in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

Use of Hospice

23. The hospice building shall be used as a hospice only and for no other purpose including any purpose in Class C2 of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended), 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 DPD [2015].

Hospice Offices

24. The offices and ancillary floorspace within the hospice building hereby permitted shall be used solely for purposes in conjunction with and ancillary to the main use of this building as a hospice and shall not be occupied separately.

Reason: In the interests of amenity and to ensure that the development remains integrated with its immediate surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

PD Restriction

25. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be erected on the dwellings.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and to ensure the design quality and integrity of the development in accordance with Policy PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

Renewable Energy

26. Prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 15% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the local planning authority.

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

Reptiles

27. Prior to the commencement of development which includes for the purposes of this condition works of demolition, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the interests of protected species are addressed in accordance with the Wildlife and Countryside Act 1981 and in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Nesting Birds

28. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds [i.e. within 1st March to the 31st July] except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds. In the event that an active bird nest is discovered outside of this period and once works have commenced, then a suitable standoff period and associated exclusion zone shall be implemented until the young have fledged the nest.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Biodiversity

29. Prior to the demolition of existing buildings a 'Biodiversity Enhancement & Management Plan' shall be submitted to, and approved in writing by, the local planning authority. The Biodiversity Enhancement & Management Plan shall be based upon the proposed measures accompanying the planning application and shall include details of:

- phasing of operations;
- the methods for the protection of existing species in situ [where relevant];
- any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
- general ecological mitigation applying to the program of construction works;

The Biodiversity Enhancement & Management Plan shall be implemented in accordance with the approved plan and timescale.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Surface Water Drainage Scheme

30. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates the Greenfield 1 in 1 for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation and retained and maintained at all times thereafter in accordance maintenance arrangements as detailed in condition.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Scheme to minimise off site flooding

31. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented and maintained as approved.

Reason: The National Planning Policy Framework paragraph 103 and paragraph 109 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Maintenance Plan for the Surface Water Scheme

32. No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided in accordance with the details submitted for this condition.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Surface Water Yearly Logs

33. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any approved Maintenance Plan. These must be made available for inspection upon a written request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Secured By Design

34. Prior to the commencement of development, details of measures setting out how the principles and practices of the Secured By Design scheme are to be incorporated within the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed measures, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

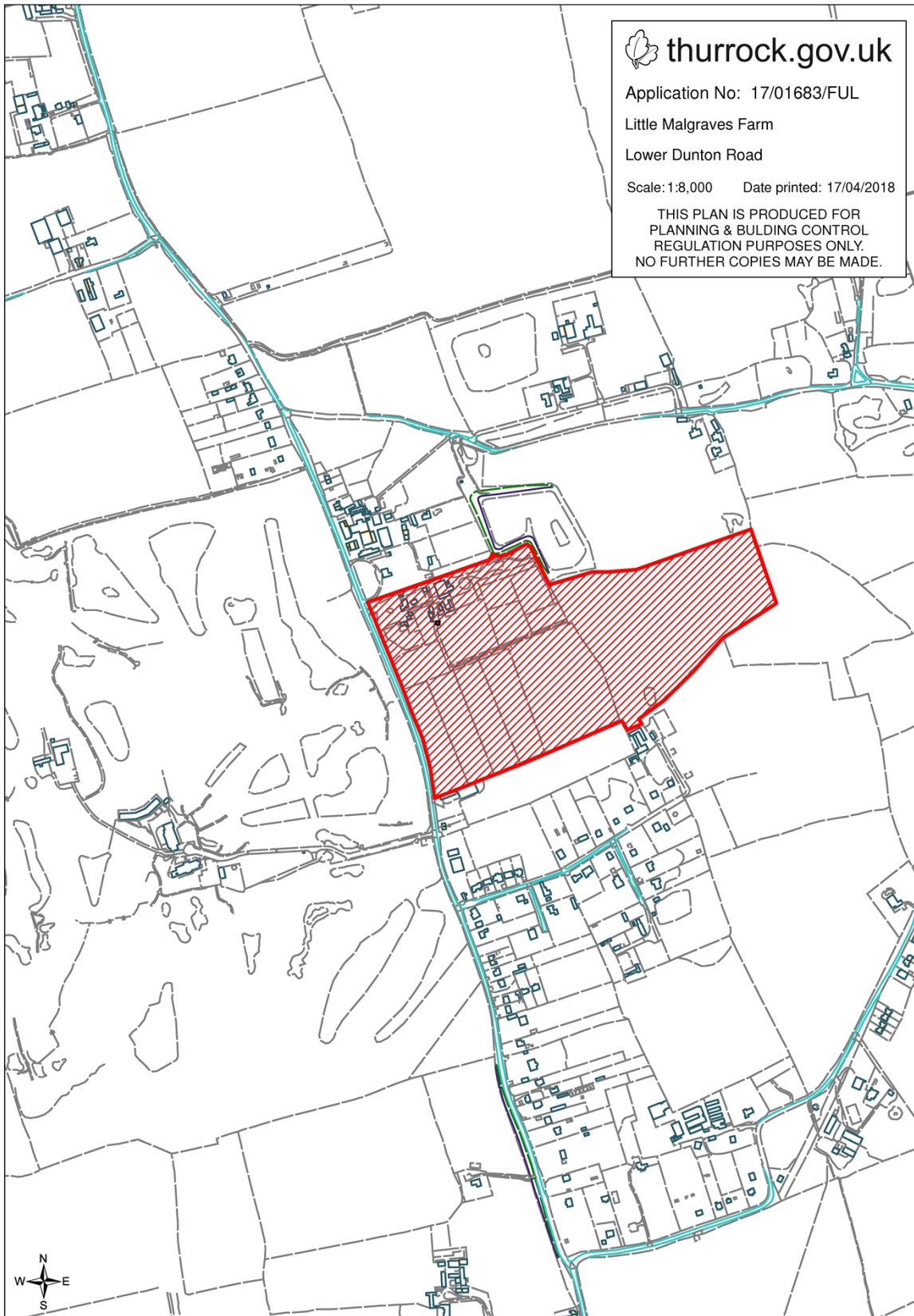
Informative:

Positive and Proactive Statement

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>



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Reference: 17/01607/HHA	Site: 35 Fairway Stifford Clays Grays Essex RM16 2AJ
Ward: Stifford Clays	Proposal: Single storey rear extension

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Block Plan	29th November 2017
002	Existing Floor Plans	29th November 2017
001	Existing Floor Plans	29th November 2017
003	Existing Elevations	29th November 2017
004	Existing Elevations	29th November 2017
(No Nos.)	Location Plan	29th November 2017
006	Proposed Floor Plans	29th November 2017
007	Proposed Elevations	29th November 2017
008	Proposed Elevations	29th November 2017
009	Proposed Elevations	6th February 2018
010	Proposed Floor Plans	6th February 2018

The application is also accompanied by: - Site Photos	
Applicant: Thurrock Council	Validated: 6 February 2018 Date of expiry: 3 May 2018 (Extension of time agreed with applicant)
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the application has been submitted by the Council (in

accordance with Part 3 (b) Section 2 2.1 (b) of the Council's constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a single storey rear extension to provide a ground floor bedroom with wet room for the occupant's disabled child.

2.0 SITE DESCRIPTION

- 2.1 The application property is a two storey end terrace house on Fairway. The existing house is brick built and is similar in design to other properties in the cul-de-sac.

3.0 RELEVANT HISTORY

- 3.1 None

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.
- 4.3 No written responses have been received.

5.0 POLICY CONTEXT

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²

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

Thurrock Design Guide: Residential Alterations and Extension (SPD) – Adopted September 2017 (RAE):

- 4.2 Neighbour
- 5.2 Rear Extensions

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Appearance
- III. Impact on Neighbour Amenity

I. PRINCIPLE OF DEVELOPMENT

6.2 The application proposes the extension of an existing residential property within a residential area; the proposal is therefore acceptable in principle.

II. DESIGN AND APPEARANCE

6.3 The proposed extension would be finished in brick and render with a flat roof. Given the intended use of the extension for the occupant's disabled child where a ground floor bedroom and wet room is required, the proposal would be of an appropriate design, mass and scale to the original building.

- 6.4 The extension would be set in from the boundary with the attached property (No 33) by 0.9m. The RAE guidelines state that extensions should not break a 60° line taken from the midpoint of the closest rear facing window of the adjacent property.
- 6.5 The property at No 35 is set such a distance from the application property that the proposal complies with the guidelines in the RAE. The attached property at No 33 is served by a door and window on the rear elevation. The layout is the same as the application property in that there is a single room at the rear of the property. The 60° line would be broken by 0.4m when taken from the centre of the door, but would be complied with from the window. Given that there is a single room to the rear of the property served by the window and door, it is not considered an objection could be substantiated on the basis of this minor technical infringement of the RAE guidelines.
- 6.6 The proposed extension would comply with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

III. IMPACT ON NEIGHBOUR AMENITY

- 6.7 The proposed rear extension, due to its depth, height and siting off the party boundary, would not lead to any significant overbearing, or harmful impact upon the privacy, light or amenity of any of the neighbouring property. The proposal would comply with all Core Strategy Policies with regards to amenity impact.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is acceptable in terms of principle and matters of detail and approval is therefore recommended.

8.0 RECOMMENDATION

- 8.1 It is recommended that permission is granted, subject to compliance with the following planning conditions:

TIME LIMIT

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

Reason: In order to comply with Section 51 of the Planning and Compulsory Act 2004.

PLANS

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

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Block Plan	29th November 2017
002	Existing Floor Plans	29th November 2017
001	Existing Floor Plans	29th November 2017
003	Existing Elevations	29th November 2017
004	Existing Elevations	29th November 2017
(No Nos.)	Location Plan	29th November 2017
006	Proposed Floor Plans	29th November 2017
007	Proposed Elevations	29th November 2017
008	Proposed Elevations	29th November 2017
009	Proposed Elevations	6th February 2018
010	Proposed Floor Plans	6th February 2018

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

MATCHING MATERIALS

- 3 Notwithstanding the information on the approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the external finishes of the existing building.

Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

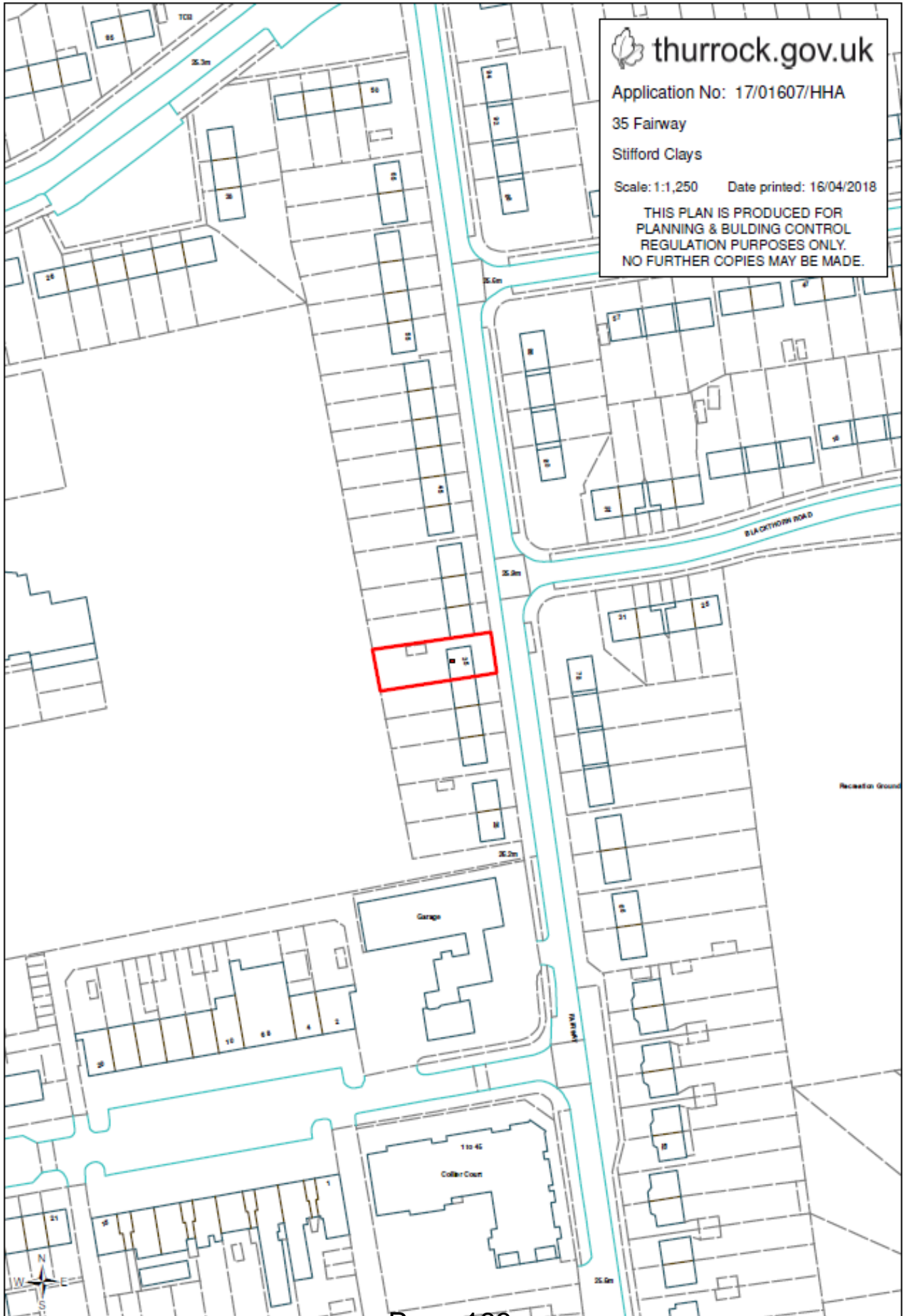
Informative(s)

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

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: www.thurrock.gov.uk/planning



 **thurrock.gov.uk**
Application No: 17/01607/HHA
35 Fairway
Stifford Clays
Scale: 1:1,250 Date printed: 16/04/2018
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Reference: 18/00394/HHA	Site: 15 St James Avenue East Stanford Le Hope Essex SS17 7BQ
Ward: Stanford East And Corringham	Proposal: Erection of rear and side single storey extension

Reference	Name	Received
02	Proposed Plans	14th March 2018
01	Existing Plans	14th March 2018
03	Block Plan	14th March 2018
(No Nos.)	Location Plan	14th March 2018
04	Block Plan	5th April 2018

The application is also accompanied by: N/A	
Applicant: Mr & Mrs T Barlow	Validated: 15 March 2018 Date of expiry: 10 May 2018
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the applicant is a Council employee within the Place Directorate, in accordance with Part 3 (b) 2.1 (c) of the Council's constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey rear and side extension to the original semi-detached dwelling. The extension would wrap around the property at ground floor level. The extension would extend beyond the original rear by 4 metres and the side extension would project 1.7 meters from the flank wall.

2.0 SITE DESCRIPTION

2.1 The application property is a two storey semi-detached dwelling on St James Avenue East.

3.0 RELEVANT HISTORY

3.1

Application Reference	Description of Proposal	Decision
16/01734/CLOPUD	Loft conversion with rear dormer and hip to gable extension.	Application Permitted
16/01733/HHA	Single storey side and rear extension	Application Permitted (not yet implemented)

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters. No neighbour responses have been received.

5.0 POLICY CONTEXT

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

Thematic Policies:

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

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²

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

Thurrock Design Guide – Residential Alterations and Extensions (RAE): September 2017 – SPD

- 4.2 Neighbour
- 5.2 Rear Extensions
- 3.4 Side Extensions

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Appearance
- III. Impact on Neighbour Amenity

I. PRINCIPLE OF DEVELOPMENT

6.2 The application proposes the extension of an existing residential property within a residential area; the proposal is therefore acceptable in principle.

II. DESIGN AND APPEARANCE

6.3 The proposed development would involve the removal of a single storey utility/storage room attached to the dwelling which would be replaced with a single storey side and rear extension which would wrap-around the dwelling with a maximum depth of 4 metres from the original rear and 1.7 metres beyond the main flank wall.

6.4 The extension would feature a pitched roof and would have an overall height of 3.9 metres. The proposal would be acceptable in design, scale and size and would have no detrimental impact upon the appearance of the street scene. The proposal complies with all relevant policies.

III. IMPACT ON NEIGHBOUR AMENITY

6.5 The extension would be located along the western (shared) boundary with the non-adjointing neighbour at 17 St James Avenue East. This neighbour also has an existing single storey utility/storage located close to the boundary. The adjoining neighbour at no. 13 St James Avenue East has no additions to the rear. The proposal would not result in any overbearing impact or significant loss of light, privacy or amenity to either neighbouring property and complies with all policies in

relation to amenity impacts.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The proposal would be acceptable in design, scale, size and appearance and would have no adverse impact upon neighbour amenity complying with all relevant Core Strategy Policies including the Residential Alterations and Extensions SPD.

8.0 RECOMMENDATION

8.1 Approve, subject to the following conditions:

Conditions:

Time Limit

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

REASON: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Plan Numbers

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

Reference	Name	Received
02	Proposed Plans	14th March 2018
01	Existing Plans	14th March 2018
03	Block Plan	14th March 2018
(No Nos.)	Location Plan	14th March 2018
04	Block Plan	5th April 2018

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

Materials

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on the application form and the approved plan referenced above.

REASON: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

4 NO WINDOWS IN FLANKS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting those provisions, no additional windows shall be inserted in the flank elevations of the extension hereby approved.

Reason: In the interests of neighbour amenity and privacy in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

Informative:

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

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

Documents:

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

www.thurrock.gov.uk/planning

