

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

Planning Committee

The meeting will be held at **6.00 pm** on **18 October 2018**

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

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Abbie Akinbohun, Clare Baldwin, Garry Hague, Victoria Holloway, Susan Little and Peter Smith

Agenda

Open to Public and Press

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

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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).

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Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **10 October 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 13 September 2018 at 7.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons and Angela Lawrence

Apologies: Councillors Sue Shinnick and Steve Taylor

In attendance: Leigh Nicholson, Development Management Team Leader
Matthew Ford, Principal Highways Engineer
Bob Capstick, Locum Lawyer
Chris Purvis, Principal Planner
Tom Scriven, Principal Planner
Tisha Sutcliffe, Democratic Service 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.

33. Minutes

The minutes of the Planning Committee meeting held on 16 August 2018 were approved as a correct record.

34. Item of Urgent Business

There were no items of urgent business.

35. Declaration of Interests

There were no declarations of interest.

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

Councillor Kelly declared on behalf of all Councillors of the Planning Committee they received correspondence from Bellway Homes in regards to application 18/00507/FUL, Land Adjacent Moore Avenue, Devonshire Road and also a question received by a resident which was answered by the Committee.

Councillor Rice declared on behalf of all Councillors of the Planning Committee they received an email from the applicant sharing the statement of support in regards to application 18/00988/HHA Farmhouse Manor House

Farm, Bulphan, Essex RM14 3TJ. The Chair was unsure whether this was received by all Members prior to the Committee

37. Planning Appeals

The report provided information regarding planning appeals performance.

RESOLVED:

That the Committee noted the report.

38. 18/00507/FUL - Land Adjacent Moore Avenue, Devonshire Road, London Road South Stifford, Grays Essex

It was highlighted before the above item was discussed that Councillor Sammons would not have the opportunity to vote or comment on the above item as she was absent from the Committee when it was initially presented.

The planning application was a proposal for a redevelopment of the site to provide 102 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

The application was initially presented at the Planning Committee on 16 August 2018, however it was deferred to enable Officers to consider whether funding could be secured for NHS England to improve local healthcare facilities. The Principal Planner explained that the NHS England have sought a financial contribution towards the Thurrock Health Centre in Grays. However following further discussions with NHS England Officers advised that the contribution sought could not be secured without specific references to the Council Infrastructure Requirements List [IRL] as a specific CIL compliant project shall need to be listed in the IRL to enable the Council to secure a financial contribution. The Principal Planner advised that Officers would be working with the NHS to update the IRL with regards to the including the relevant healthcare projects on the IRL list.

The Principal Planner advised the Committee that since the publication of the agenda, the applicant had agreed to provide the full NHS contribution. Members were advised that The Heads of Terms of the s.106 had been updated to include the following:

- (i) The provision of 23% of the dwellings as affordable housing (intermediate tenure – 10 x 1 bed and 13 x 2 bed);
- (ii) Financial contribution of £568,389.07 (subject to indexation) payable prior to first occupation towards the cost of additional primary school places (Belmont Academy) and secondary school places (William Edwards).
- (iii) Review mechanism in the event that the scheme has not reached slab level on 50 units within 2 years of consent being granted
- (iv) Financial contribution of £40,227 (subject to indexation) towards local healthcare facilities payable prior to first occupation. NHS England to

identify a CIL regulation compliant IRL project within three months of the date of planning permission being granted.

- (v) In the event that NHS England do not identify such a project, the financial contribution of £40,227 will be distributed, at the Council's discretion, towards the provision of affordable housing and/or education contributions.

This application sought full planning permission and proposed a new access road into the estate of 102 new dwellings, with the provision of 23% as affordable housing and the financial contribution of £568,389.07 (subject to indexation) payable prior to first occupation towards the cost of additional primary school places (Belmont Academy) and secondary school places (William Edwards).

The Principal Planner stated the planning conditions will remain the same from the previous Committee meeting.

The Chair opened the Committee to questions.

Councillor Rice wanted clarity on whether the land to the north of the site could be conditioned to be used for open space as it be difficult to develop as it would be too close to the oil storage site of Askew Farm and the blast zone. The Principal Planner confirmed the area to the north of the site was within the blast zone to Askew Farm but was outside of the application site and could not be subject to any planning conditions for using the land for any specific use.

Councillor Rice appreciated the confirmation and advised it would be positive for the Planning Officers to discuss with the developer that the green space be set aside for the young people in the borough because it cannot be built on, and could be used for recreational purposes.

The Chair asked who owned the site at the top and asked if this could be recommended. It was unclear as to who owned the land however and Strategic Lead – Development Services advised it was something which could not be conditioned as part of this application but it could be discussed with the developer following the meeting

The Chair explained to the Committee this item had been mentioned in the media and he asked for clarity around this from the Officers. The Principal Planner informed that there had been correspondence received from the residents raising concerns with bulldozers and other building works occurring on the site before the application had been approved. The Principal Planner made contact with Bellway Homes and they explained there had been ecology surveying ongoing on the site. The Principal Planner advised that the Council's Landscape and Ecology had inspected the site and confirmed the works were ecology survey work.

The Chair opened the item to debate

The Chair explained the above application was deferred at Committee on 16 August and therefore there would be no speakers on this item as they were heard at the last Committee. The Chair felt it was extremely positive that the funds were being offered as this was one of the reasons for the item being deferred initially. He felt it would not be ideal to refuse this application after contributing towards the healthcare facilities in Grays and it should be made clear by the Leader of the Council as to why the number of health care facilities is low as this would need to be rectified right away. The Chair did not feel there were any reason to refuse the application as there had been the relevant changes made.

Councillor Rice expressed that the amount being offered was only due to the Planning Committees intervention as it was clear that the borough had always had lacked doctors. When the properties were being built, the Officers would need to ensure that NHS England are fully involved. Councillor Rice agreed that it would be positive for 102 new dwellings to be built in the borough for the residents.

It was proposed by Councillor Liddiard and seconded by Councillor Jefferies that the application be approved subject to conditions.

For (7): Councillors T Kelly, S Liddiard, C Churchman, A Lawrence, A Jefferies, T Piccolo, G Rice.

Against: (0)

Abstain: (1): Councillor S Sammons

RESOLVED: That the application be approved, subject to conditions.

39. 18/00343/FUL - Stanford Tyres and Servicing, London Road, Stanford Le Hope SS17 0LD (Deferred)

Following Councillor Piccolo declaration of non-pecuniary interest he removed himself from the Chambers whilst the above application was being discussed.

The Chair also advised that he would leave the Chamber for the application as he was not present when the application was initially taken to Planning Committee.

The Chair and Councillor Piccolo left the Chambers at 19.20

The Principle Planner explained that this item had been deferred on two separate occasions from the Planning Committee in June 2018, initially it was deferred to allow a site visit to take place. The item was then considered at the Planning Committee in July 2018 where Members again deferred the application to request for the applicant to reduce the size of the building.

The planning application initially was for the proposal of a two storey block for A1 retail use, storage and office spaces. Since the application was deferred

twice the applicant had made amendments to the height of the building reducing the height by 150mm. The Principal Planner explained that the applicant would not be able to reduce the height of the building any more as it would eventually remove full use of the 1st floor. The Principal Planner advised that this is the third planning application for this development.

It was recommended that the Planning application be approved subject to conditions.

The Vice-Chair opened the Committee to questions

Councillor Jefferies asked what the difference in height was from the original application to the application being proposed at Committee this evening. The Principal Planner explained that since the July meeting amended plans have been received showing the proposed building reduced in height by 150mm. This means the highest part of the building would be 5.5m high instead of 5.65m high on the western elevation of the building. The proposed mono-pitched roof would slope to a height of 4.5m.

The Vice-Chair opened the Committee to debate the application

The Vice-Chair felt that the applicant had done their best to improve the design of the building and to satisfy local residents by reducing the height.

It was proposed by Councillor Liddiard and seconded by Councillor Churchman that the application be approved subject to conditions.

For (5): Councillor S Liddiard, C Churchman, A Jefferies, S Sammons and G Rice.

Against: (0)

Abstain: (2): Councillors T Kelly and T Piccolo

RESOLVED: That the application be approved, subject to conditions.

40. 18/00830/FUL - Segro site, Land Adjacent A13 A1306 and to rear of 191-235 Purfleet Road, Aveley Essex

The Chair and Councillor Piccolo entered at 19:28

The proposal was for full planning permission for the erection of a new warehouse and distribution centre (B8 Use Class) with ancillary offices, two associated gate house buildings and two welfare hubs, the proposal would also seek 24 hour use.

The Principal Planner advised the Committee that this was a larger development than previously submitted. The outline permission in 2014 for application 12/00862/OUT was followed by the reserved matters permission which permitted two warehouse buildings on the site. This application still

remains a live consent until 22 August 2019, therefore it can still be implemented.

The Principal Planner referred to page 79 point 3.4 of the Agenda.

It was confirmed by the Principal Planner that the residents currently living in Purfleet would not be affected by the proposed building. The site located close to the Wennington junction interchange and Purfleet road had been realigned and noise barriers would be in place to ensure residents were not affected by the 24 hour use.

The HGV access to the site, would be a separate route into the warehouse and on leaving the site they would not have the opportunity to turn left at Purfleet Road due to the properties and a weight restriction in place.

The proposed warehouse would offer onsite parking for employees, with one large warehouse furthest away from all the homes on Purfleet road. There would be loading bays on site.

The newly developed warehouse would provide employment opportunities for residents in Thurrock and would allow a good access route to the Wennington interchange, which would reduce the opportunity for HGV's driving into Purfleet.

The Chair opened the Committee to questions regarding the planning application 18/00830/FUL.

The Chair asked what precautions were in place to prevent HGV's from turning left on Purfleet Road, as there were not any physical restrictions other than the weight restriction. The Principal Planner confirmed that the junction was designed to prevent anyone turning left out of the site as there was a weight restriction in place to the left of the junction.

Councillor Rice referred to page 80 point 4.10 as it discussed the various people consulted and the Flood Risk advisors have objected to the application and he asked if this had been rectified. The Principal Planner confirmed that this was resolved through the inclusion of a surface water management plan condition.

Councillor Sammons wanted clarity on the proposed building as the pictures shared looked as though the warehouse would be built directly opposite the residents properties on Purfleet Road. The Principal Planner stated the residents on Purfleet Road have a landscape bund and that this would screen the warehouse. It would be designed to ensure that the residents would not be affected visually and include noise barriers.

Councillor Churchman shared his concerns for residents that would be affected by the lighting of the warehouse and the lighting in the car parks on site. The Principal Planner advised the car park would be multi storey within a building and the access roads would be at a lower level than the landscape

bund which screens the site so the neighbouring residential properties would not be affected.

Councillor Lawrence wanted clarity on whether the site was in the greenbelt zone 10 years prior. She asked if landscaping could be enforced before the warehouse was developed and what types of trees would be put in place to ensure that residents were not affected by the 24 hour use of the warehouse.

The Principal Planner referred to conditions 5 of the recommendations, Modern design cladding had been considered as acceptable. He stated that on condition 25 on page 102 requires a Construction Environment Management Plan to be negotiated with the application prior commencement of development on site.

Councillor Rice explained the importance of trees being put in place around the warehouse as the lighting of the 24 hour use warehouse would shine through resident's windows throughout the night and Councillors need to be more sympathetic with residents and the area this warehouse is being proposed in.

The Agent, Mr Alastair Bird was invited to the Committee to present his statement of support.

Councillor Rice said the proposal seems very positive, however when autumn falls the leaves will fall off the trees and the residents will be affected. He recommended for mature cherry Loral bushes to be put in place as they are an all year round tree and this will ensure residents are not impacted by the 24 hour use of the site. He asked if this could be included in the conditions.

The Development Management Team Leader advised that the conditions are laid out in the report and they meet the tests that are required, however the Planning Officers will take this information back to the applicant and advise.

It was proposed by Councillor Jefferies and seconded by Councillor Churchman that the application be granted planning permission, subject to conditions, as per the Officer's recommendations.

For (8): Councillors T Kelly, S Liddiard, C Churchman, A Jefferies, T Piccolo, G Rice, and A Lawrence.

Against: (1) Councillor S Sammons

Abstain: (0)

RESOLVED: That the application be approved, subject to conditions as per the Officer's recommendations.

41. **18/00988/HHA - Farmhouse Manor House Farm, Brentwood Road, Bulphan, Essex RM14 3TJ**

The planning application proposed a two storey front extension, single storey side extensions, and alterations to the roof, basement and single storey garage block with associated hard standing following the demolition of existing side extension and outbuilding. The site is located in Bulphan within the Green Belt.

The application was called in by Councillors G Rice, S Shinnick, L Worrall, C Baldwin and B Rice to assess the impact of the proposal in terms of the Green Belt policy.

The Principal Planner referred to a number of photos shown of the site and where the existing building is located.

The Principal Planner confirmed that there had been a number of Lawful Development Certificates granted since the previous appeal on the site although only one had been implemented.

The Principal Planner stated the only building which will be demolished would be the existing outbuilding.

The Principal Planner shared one update within the report on page 113 point 6.6, which stated that the existing building was original dwelling was for the purpose of Green Belt policy. However, it was confirmed that the two storey rear extension allowed under permitted development has been built. This two storey rear extension has a floor space of 93sqm which already exceeds the 46sqm proportionate extension allowance. The previous application in 2009 was refused by the Planning Committee as the proposed building would impact on the Green Belt.

The Chair opened the Committee to questions

Councillor Rice asked if there were any objections for the proposed application from neighbours. The Principal Planner confirmed there had been no letters of objection received in regards to this.

Councillor Rice asked if the applicant could extend the building through permitted development, although they would not have the right to do all that was being requested as part of the planning application. He also noted that a Manor House is supposed to be a large building and would ask if conditions could be imposed to remove permitted development. The Principal Planner agreed if they are granting planning permission then the Permitted development rights could be removed, although it would not restrict a considerable amount or stop planning applications.

The Principal Planner briefed the committee on the extensive planning history on this site. In 2012 a two storey rear extension and increase in roof height to part of the existing roof slope and replacement chimney was proposed and this was approved at Planning Committee. In 2016 a single storey side extension and outbuilding was also approved, along with single storey side extensions in 2017.

The Principal Planner advised the very special circumstances argument put forward in this case was capable of being replicated elsewhere. There are a large number of houses in the borough that do have permitted development rights and could put forward the same argument.

Councillor Jefferies asked for clarity on the size and how it compares to the extensions which could be carried out under permitted development. Councillor Kelly shared that it was less than what was being proposed and this was confirmed by the Principal Planner as the overall floor space would be similar.

Councillor Kelly asked if all three proposed extensions could be built together. The Principal Planner advised that they were applied for separately but with the potential to build them together. Councillor Kelly asked if the separate extensions would need to be brought back to Committee separately. It was confirmed there would be no reason to bring the permitted development applications back to Committee.

Councillor Piccolo wanted to confirm that under permitted development the dwellings can be built bigger than what was being proposed. The Principal Planner stated the permitted development proposals would not allow for the existing two storey extension and single storey wings to be connected. In terms of the outbuilding the proposed garage is smaller than that which was proposed under permitted development. Councillor Piccolo asked what the height of the outside building would be, although the principal Planner did not have the figures of the outside building.

Councillor Lawrence pointed out that the applicant is trying to extend his home and has applied for the relevant planning permissions to build on his property. The property is not having any impact on the neighbours. She felt the applicant should be given the opportunity to extend his property.

The Principal Planner highlighted that the property is in Green Belt and therefore it would need to be assessed against relevant policy. The applicant had applied for planning permission in 2009 however it was dismissed and there have been no applications since other than Lawful Development Certificates.

The Agent, Mr David Wallis, was invited to the Committee to present his statement of support.

The Chair opened the Committee to debate.

The Chair said initially reading the report he felt it would affect the Green Belt. Although there are concerns the application would impact on the Green Belt he noted there are two industrial sites near the development. The houses in Bulphan need to be diverse with a range of different style homes as Thurrock lacks larger built properties. The Committee should respect applications that

supply the relevant information as some applicants do not apply for permission before building.

Councillor Piccolo asked for clarity on what was being proposed as it was not clear, He was of the opinion the proposed extensions would have a bigger impact on Green Belt than the Permitted Development fall-back scheme. Councillor Piccolo took the view that the proposal would not be out of character for the extensions to be built as long as Permitted Development rights could be removed as it would prevent further Permitted Development applications. He could not agree for the application to be rejected.

Councillor Churchman felt the property would present a better appearance although he was mindful that it was subject for refusal.

Councillor Rice said when applicants come forward and propose buildings similar to this one, they should be encouraged to build in the Borough. There had been no objections from neighbours therefore he felt the scheme would be positive and he would support the application as Thurrock needs larger homes in the Borough, this may even encourage the Chief Executive to purchase a property in Thurrock. He agreed that the application should be approved.

Councillor Jefferies stated that initially he thought there would be no debate as the Green Belt would be impacted, however he agreed he was in favour to vote for approval on this application.

Councillor Piccolo wanted to ensure that conditions would be imposed given that the application was recommended for refusal.

Councillor Kelly advised Members that they would need to be careful as all applications are taken with their own merits but other developers may not see it as unique. It would need to be clear that the Permitted Development was not the biggest factor.

Councillor Rice recommended a motion that the application was approved and Permitted Development rights should be removed to ensure the application cannot return and extend more on the property. Councillor Kelly seconded the motion.

The Strategic Lead – Development Services referred the Committee to the Council's Constitution on page 134 point 7.2 (as seen below):

If the Planning Committee seeks to make a decision contrary to the Planning Officer's recommendation (whether for approval or refusal), the following will apply:

- a. The mover of the motion should clearly specify or write down the motion including the reasons for departing from the Officer recommendation. Both the reasons and the motion should be put to the

Committee orally and in public even if the reasons are tentative. Any such motion must be seconded;

- b. The Planning Officer should always be given the opportunity to explain the implications of what has been proposed to the Planning Committee in public before any vote is taken;
- c. If the Planning Committee's arguments against the Planning Officer's recommendations are very clear and substantiated and no longer tentative on planning grounds the application shall be determined at the meeting. If not, the application should be deferred to enable the Planning Officer to draft a further report for a subsequent meeting of the Committee, outlining the implications of making a decision contrary to the Planning Officer's recommendation. If appropriate, the legal advisor's opinion should be sought as to whether a deferral is necessary. The Committee's reasons must be formally recorded in the minutes.

The Strategic Lead – Development Services advised the Committee that when assessed against development plan policy the application is unacceptable. The proposal represents inappropriate development and is harmful by definition, further harm has also been identified through the massing and bulk of the extensions, particularly at first floor and roof level. The proposal is therefore unacceptable when assessed against Policy PMD6 and also the NPPF. The NPPF sets out that the substantial weight should be given to any harm that would be caused. The fall-back position had been considered in the report but does not clearly outweigh the harm that would be caused. Members were advised that approval of the application could set a dangerous precedent in the Green Belt because a VSC case centred on PD fall back could be repeated time and time again.

The Strategic Lead recommended the application is deferred and officers prepare a report on the implications of approving the application and in particular focusing upon the VSC case presented and the fall-back position. The deferral of the item would also enable officers to liaise with the Council's Legal Team.

The Chair agreed with the statement from The Strategic Lead and suggested the item be deferred to a later date for Officers to clarify the rules and regulations and to seek further advice. Once this has been completed the item should be brought back to Committee.

In accordance with the Council's Constitution, the Strategic Lead asked for confirmation from the Legal Advisor, Mr Capstick that he was happy with the process. The Legal Advisor confirmed agreement.

The Chair asked Members to vote on this motion.

Democratic Services Officer was asked to confirm in the Constitution the voting process on a motion as Councillor Rice put a motion forward that the item be deferred.

Councillor Piccolo asked whether any report returning to Committee would include options to impose conditions to control impacts of development, such as construction times. Councillor Piccolo sought assurance that in the event that Members decided to approve the application next month the matter of conditions could be addressed.

The Strategic Lead advised that when the report is taken back to Committee it would be clear on the extent planning conditions could be used to control Permitted Development rights and any other impacts that may arise.

It was agreed by all Councillors that the application to be deferred and brought back to Committee at a later date. The motion was submitted with the potential to approve against the Officers recommendation.

For (8): Councillors T Kelly, S Liddiard, C Churchman, A Jefferies, T Piccolo, G Rice, S Sammons and A Lawrence.

Against: (0)

Abstain: (0)

RESOLVED: That the application be deferred, to allow Officers to prepare a report on the implications of approving the application against officer recommendation and to consider appropriate conditions which could be imposed.

42. 18/01035/TBC - East Tilbury Library, Princess Avenue East Tilbury, Essex RM18 8ST

The Chair confirmed that the following application 18/01035/TBC had been withdrawn from the agenda and the Planning Committee meeting.

43. 18/01033/TBC - East Tilbury Library, Princess Avenue, East Tilbury Essex RM18 8ST

The Chair confirmed that the following application 18/01033/TBC had been withdrawn from the agenda and the Planning Committee meeting.

44. 18/00979/FUL - For Your Eyes Only, 16 Commonwealth House Montreal Road, Tilbury Essex RM18 7QX

The above application seeks planning permission to replace the existing shop front and shutters with a new powder coated aluminium storefront a toughened safety glazing panel floor and roller shutter. This application was to be determined by the Planning Committee as the Council's Corporate Property Department is the application.

The application was recommended for permission subject to conditions.

The Principal Planner confirmed that there would be no impact on the residents of Tilbury.

For (8): Councillors T Kelly, S Liddiard, C Churchman, A Jefferies, T Piccolo, G Rice, S Sammons and A Lawrence.

Against: (0)

Abstain: (0)

RESOLVED: That the application be approved, subject to conditions as per the Officer's recommendations.

The meeting finished at 9.00 pm

Approved as a true and correct record

CHAIR

DATE

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

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18 October 2018	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Strategic Lead - Development Services	
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transportation and Public Protection.	
Accountable Director: Steve Cox, Corporate Director - 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: 18/00606/HHA

Location: Woodside, Kirkham Road, Horndon On The Hill

Proposal: New pitched roof over existing single storey rear extension and loft conversion incorporating rear dormer windows and roof lights.

3.2 Application No: 18/00735/HHA

Location: 68 Chestnut Avenue, Grays

- Proposal: Single storey rear extension and roof extensions following demolition of existing conservatory.
- 3.3 Application No: 17/00818/FUL**
- Location: Land Adjacent 94 Fobbing Road, Corringham
- Proposal: Proposed footpath/paving, low level walls, shed, temporary caravan and temporary hard standing
- 3.4 Application No: 18/00186/CV**
- Location: Hazelmere, Orsett Road, Horndon On The Hill
- Proposal: Application for the variation of condition no 8 (Removal of Permitted Development Rights) of planning permission ref 17/00402/FUL(Demolition of existing garage and out building, construction of new dwelling)
- 3.5 Application No: 18/00005/FUL**
- Location: 3 Lenthall Avenue, Grays
- Proposal: Proposed Two-Bedroom House at the Land Adjacent to 3 Lenthall Avenue
- 3.6 Application No: 18/00474/OUT**
- Location: Hill Cottages, Stifford Hill, North Stifford
- Proposal: Replace existing building with new single storey bungalow to rear of plot to exact footprint and size of existing building. Sharing existing access and dividing wall to separate plots.
- 3.7 Application No: 18/00316/FUL**
- Location: Montrose, 168 Branksome Avenue, Stanford Le Hope
- Proposal: Demolition of the existing bungalow and the construction of 7 new dwellings
- 3.8 Application No: 18/00177/FUL**
- Location: 122A Bridge Road, Grays

Proposal: Retrospective consent for the change of use from a garage to a residential property

3.9 Application No: 17/01593/FUL

Location: 25 Dawley Green, South Ockendon

Proposal: Erection of a new dwelling in the garden of 25 Dawley Green, South Ockendon, Thurrock

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/00976/CLEUD

Location: 41 Leicester Road, Tilbury

Proposal: Retention of the house as two separate flats.

Decision: Appeal Dismissed

The Inspector took the view that the evidence submitted by the applicant failed to demonstrate the living arrangements or the pattern and nature of the occupancy of the property necessary to satisfy the relevant tests to deem the use lawful. The inspector accordingly dismissed the appeal.

Since the appeal, a planning application (ref 18/01428/FUL) has been submitted seeking planning permission for the conversion of the single dwelling to 2 flats.

The full appeal decision can be found online.

4.2 Application No: 18/00416/HHA

Location: 1 Tudor Avenue, Stanford Le Hope

Proposal: Erection of two storey part single storey side extension.

Decision: Appeal Allowed

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the surrounding area and pedestrian and highway safety.

The Inspector took into account the plans and the materials to be used and found that the proposal would not have a harmful effect on the character of

the area. The Inspector found there to be sufficient distance between the footway and the extended property to retain a spacious appearance.

The Inspector noted that the applicant had removed gates and lowered the height of fencing to the front of the property from earlier iterations of the proposal and accordingly found the proposal to have an acceptable impact on pedestrian and highway safety.

The full appeal decision can be found online.

5.0 Forthcoming public inquiry and hearing dates:

5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD

Location: Hovels Farm, Vange Park Road

Proposal: Unauthorised use of the land.

Dates: 13th November 2018

5.2 Application No: 16/01512/FUL

Location: Land Adjacent Astons Villa and Appletons, Brentwood Road, Bulphan

Proposal: Change of use of land to residential use for Romani Gypsy family and stationing of one caravan and one camper van for residential occupation with ancillary works comprising modified access and area of hardstanding.

Dates: To be confirmed.

6.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	0	4	2	0	2							13
No Allowed	0	0	0	1	0	1							2
% Allowed													15.3%

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: **Laura Last**
Management Accountant

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: **Natalie Warren**
Strategic Lead Community Development
and Equalities

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

Reference: 18/00988/HHA	Site: Farmhouse Manor House Farm Brentwood Road Bulphan Essex RM14 3TJ
Ward: Orsett	Proposal: Two storey front extension, single storey side extensions, alterations to roof, basement & single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.

Plan Number(s):		
Reference	Name	Received
1499 - 01	Location Plan	11th July 2018
1499 - 02	Existing Plans	11th July 2018
1499 - 03	Elevations	11th July 2018
1499 - 04	Elevations	11th July 2018
1499 - 05	Proposed Site Layout	11th July 2018
1499 - 06	Proposed Floor Plans	11th July 2018
1499 - 07	Proposed Floor Plans	11th July 2018
1499 - 08	Proposed Elevations	11th July 2018
1499 - 09	Parking Block Plan	11th July 2018
1499 - 10	Sections	11th July 2018
1499 - 11	Other	11th July 2018
1499 - 12	Other	11th July 2018

The application is also accompanied by: - Planning Statement	
Applicant: Mr M Norcross	Validated: 11 July 2018 Date of expiry: 22 October 2018 (Extension of time agreed with applicant)
Recommendation: Refuse	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 13 September 2018 Members considered a report on the above proposal. The report

recommended that planning permission be refused for reasons based upon the following:

- 1) The proposal constitutes inappropriate development in the Green Belt which is harmful by definition. Further harm is also identified through the massing and bulk of the extensions, particularly at first floor and roof level;
- 2) The proposal would have an adverse impact upon the street scene and the character of the area.

A copy of the report presented to the September 2018 meeting is attached as Appendix 1.

During the debate Members indicated support for the application on the basis of the following:

- Limited harm to the Green Belt due to the presence of other buildings and developments;
- Proposal of good design;
- Permitted development fall-back position is larger than the proposal;
- Proposal would provide a large executive house for which there is a need in the Borough.

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

2.0 ASSESSMENT

- 2.1 As set out in the original report (Appendix 1), the Council is required to consider the following questions in order to determine whether the proposal is acceptable in the Green Belt:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

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

In order to determine whether the proposal constitutes inappropriate development the relevant development plan policies and paragraphs of the NPPF must be considered.

- 2.3 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2015). Policy PMD6 applies and states that permission will only be granted for development in the Green Belt providing it meets the requirements of the NPPF and specific restrictions within PMD6.
- 2.4 The starting point for this assessment is paragraph 143 of the NPPF. This states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.5 There are a number of exceptions to inappropriate development in the Green Belt set out in paragraph 145. In this instance the relevant exception is the following:

'c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'

- 2.6 In order to determine whether an extension to a dwelling is proportionate to the original dwelling the following section of PMD6 would apply:

'The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'

- 2.7 As set out in the previous report, the two reasonably sized room 'allowance' for this property is 46 sq.m. The proposed extensions constitute a total floor space of 732sqm. However, the basement floor space has been discounted from this as it is wholly subterranean in this instance and would not impact upon openness. The existing outbuilding to be demolished has also been accounted for. On this basis, the proposed extensions result in an additional floor space above ground level of 357.8 sq.m when compared to the two reasonably sized room allowance of 46 sq.m. These extensions represent an increase in floor space of 128% when compared to the original building (floor space of 277.6sqm). There can be no dispute that the proposal would represent significantly disproportionate additions to the original building.

As the proposed extensions do not fall within the relevant exceptions set out in the NPPF and PMD6 they represent 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;

2.8 In this instance the proposal would significantly increase the bulk and mass of the building, reducing the openness of the Green Belt by introducing built form where there is presently none. This would be particularly apparent at first floor and roof level.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

2.9 Having established that the proposal represents inappropriate development and identified further harm to openness, it is necessary for the applicant to demonstrate Very Special Circumstances. Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.

In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites should not be accepted.

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.

At the 13 September 2018 meeting, Members considered the following circumstances. Each is assessed below.

- I. Limited harm to the Green Belt due to the presence of other buildings and developments;
- II. Proposal of good design;
- III. Permitted development fall-back position is larger than the proposal;
- IV. Proposal would provide a large executive house for which there is a need in the Borough.

i. Limited harm to the Green Belt due to the presence of other buildings and developments

- 2.10 Attention has been drawn to other buildings and housing developments in the proximity of the application site. However, these would have been considered on their own merits and assessed against the Development Plan policies in force at the time of determination. The presence of other buildings within the vicinity of the site cannot, as a matter of principle, outweigh the harm that would be caused to openness by the extension of Manor House Farm.

This factor should be given no weight in the assessment of this case.

ii. Proposal of good design

- 2.11 During the committee meeting much of the discussion took place around the consideration of the design of the proposal and how the scheme would complement a large manor house. However, both the Council's Development Plan policies and the NPPF require good design as a matter of course.

Importantly, good design is a circumstance that could be replicated on all sites. The scale of the proposed extensions is substantial and the design of the proposal does not reduce this.

This factor should be given no weight in the assessment of this case.

iii. Permitted development fall-back position is larger than the proposal

- 2.12 The applicant's chief argument is focused upon the 'permitted development fall-back' position, i.e. that a larger, more obtrusive scheme could be constructed without the need for planning permission, making the proposal more acceptable.

It is recognised that the property could be extended by utilising Permitted Development rights however the 'PD' extensions are markedly different from the current proposal and would not include any works at first floor level or in the roof. In addition the floor layout of the proposed 'PD' side extensions would be contrived in order to ensure that it meets the relevant criteria of Permitted Development. Whilst this does not in itself invalidate the fall-back position it does make it less likely due to the awkward internal layout and the need to build external walls in close proximity to one another.

Given the massing and bulk of the extensions, particularly at first floor and roof level it is considered that the proposal would result in a greater impact upon openness than the permitted development scheme. Permitted

Development rights are not exclusive to this property; it is a situation that could be replicated on other sites in the Green Belt.

The PD fall-back should be given very limited weight in the assessment of the proposals.

iv. Proposal would provide a large executive house for which there is a need in the Borough.

2.13 The latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017] does not explicitly set out the requirement for executive homes in Thurrock, but it is appreciated that Members are keen to see more larger homes in Borough. Nonetheless, this application seeks planning permission for the extension of an existing building; it would not provide additional housing stock in the Borough. The existing dwelling already has a floor space of some 375 sq m which represents a large family home. The further increase in size would have no tangible benefit to stock of larger housing in the Borough and therefore this is afforded no weight as a very special circumstance. In addition it is an argument that could easily be replicated on other houses in the Borough.

3.0 OTHER MATTERS

3.1 Members requested that consideration be given to potential conditions that could be imposed in the event that permission is granted. For reference the pertinent conditions have been listed at the end of this report. Particular consideration has been given to the imposition of a condition removing permitted development rights to prevent further extensions and alterations without planning permission. However, the limitations of Class A would already have been exhausted by the proposal and therefore removing PD rights in relation to this class would serve no meaningful purpose. Nonetheless, such a condition could be imposed in relation to parts B (extensions and alterations to the roof) and E (outbuildings). Whilst the removal of these permitted development rights would prevent further extensions and outbuildings without permission, significant harm would have already resulted from the current proposal and therefore the removal of such rights would not make the development acceptable.

3.2 Members are reminded that this option was considered by the Planning Inspector during the appeal against the refusal of planning application for extensions to the property in 2009 (ref 09/00638/FUL). In determining the appeal the Inspector concluded the use of a condition would not outweigh the harm that would be caused to the Green Belt. Therefore whilst a draft condition has been set out below for Members information, this would not outweigh the harm to the Green Belt that would result from the granting of permission.

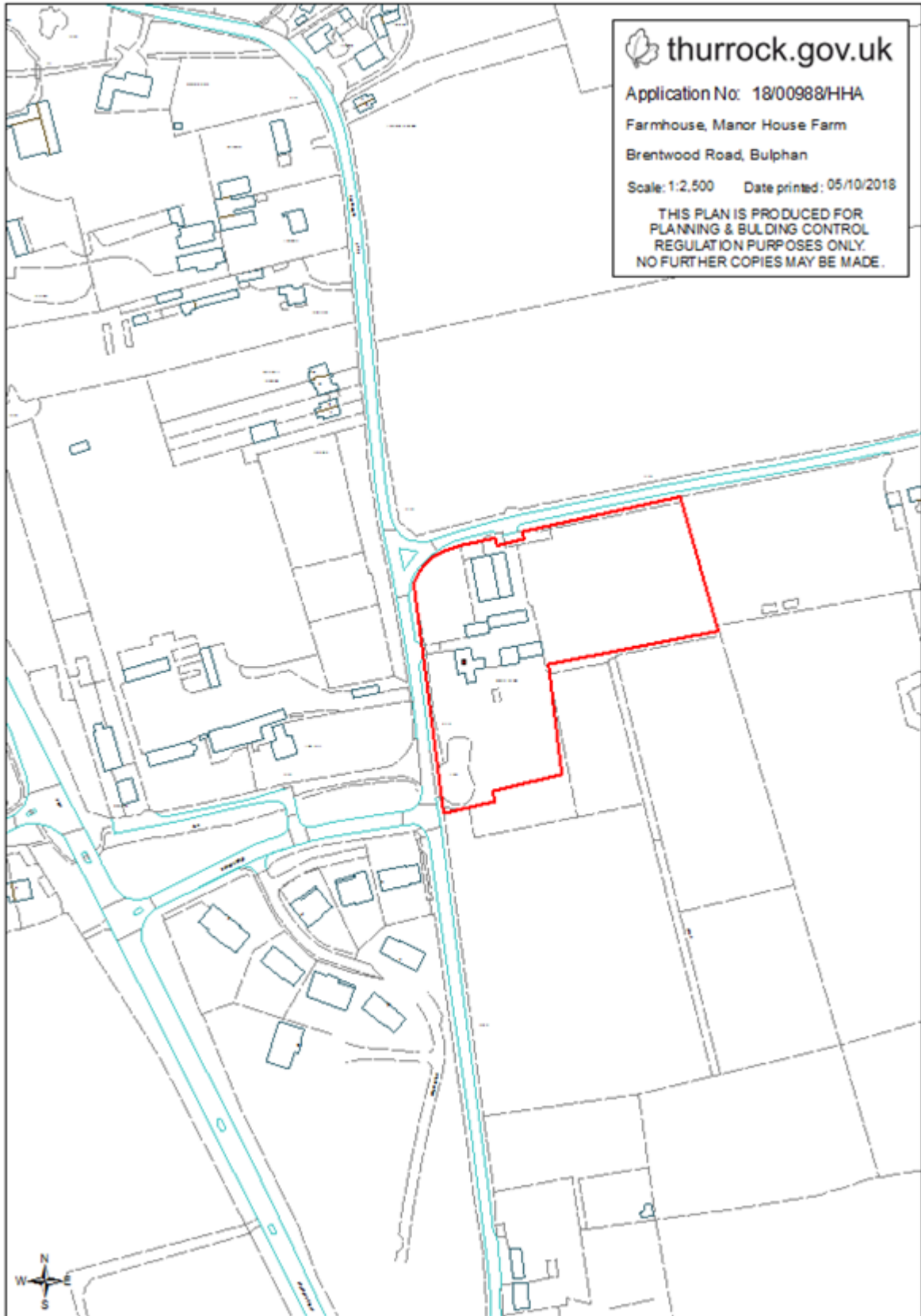
4.0 CONCLUSIONS

- 4.1 This application seeks planning permission for extensions to a dwelling in the Green Belt. When considered against the Council's Development Plan, the proposal is found to be unacceptable, constituting 'inappropriate development' which is harmful by definition. Further harm has been identified through the massing and bulk of the extensions, particularly at first floor and roof level.
- 4.2 The proposal is therefore unacceptable when assessed against Policy PMD6 and the NPPF. Substantial weight should be given to any harm to the Green Belt.
- 4.3 Officers have reconsidered the case put forward but remain of the opinion that it falls some considerable way short of constituting the very special circumstances that are required to allow a departure to be made from national and local planning policy. The matters discussed are not considered either individually or collectively to constitute very special circumstances. In fact, they fall somewhat short of that stringent test. As a result, these cannot clearly outweigh the harm arising. Accordingly the application fails the relevant Green Belt tests and should be refused.
- 4.4 The reasons for supporting the application, as put forward by the Planning Committee on 13 September 2018, are not considered to provide sufficient grounds to approve the application. Therefore the recommendation remains the same as previously advised.
- 4.5 In terms of the implications of granting planning permission contrary to the development plan and national policy this would potentially set a precedent for development in the Green Belt. Whilst every application is assessed on its own merits, a similar logic and interpretation of policy should be applied to ensure consistency of decision making. By granting planning permission for inappropriate development in the Green Belt contrary to policy on the basis of circumstances that are easily replicated elsewhere Members would potentially be establishing a precedent for development in the Green Belt.
- 4.6 The application has been advertised as a departure from the development plan as any decision to grant planning permission would be contrary to local and national policy. This departure notice is due to expire on 18 October 2018. Any further representations received in relation to this advertisement will be reported at the Committee meeting.

5.0 RECOMMENDATION

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

1. The proposed extensions (including the garage) would, by reason of their scale result in disproportionate additions to the original dwelling, representing inappropriate development in the Green Belt which is by definition harmful. In addition these extensions would also cause actual loss of openness due to the substantial increase in the scale of the dwelling. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
2. The proposed extensions (including the garage), would by reason of their siting, width and scale result in an overly bulky and incongruous form of development on this prominent corner plot adversely impacting upon the street scene and character of the area. The proposal would therefore be contrary to guidance in the Residential Alterations and Extension Design Guide SPD 2017 policies PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.



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APPENDIX 1

<p>Reference: 18/00988/HHA</p>	<p>Site: Farmhouse Manor House Farm Brentwood Road Bulphan Essex RM14 3TJ</p>
<p>Ward: Orsett</p>	<p>Proposal: Two storey front extension, single storey side extensions, alterations to roof, basement & single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.</p>

Plan Number(s):		
Reference	Name	Received
1499 - 01	Location Plan	11th July 2018
1499 - 02	Existing Plans	11th July 2018
1499 - 03	Elevations	11th July 2018
1499 - 04	Elevations	11th July 2018
1499 - 05	Proposed Site Layout	11th July 2018
1499 - 06	Proposed Floor Plans	11th July 2018
1499 - 07	Proposed Floor Plans	11th July 2018
1499 - 08	Proposed Elevations	11th July 2018
1499 - 09	Parking Block Plan	11th July 2018
1499 - 10	Sections	11th July 2018
1499 - 11	Other	11th July 2018
1499 - 12	Other	11th July 2018

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Planning Statement 	
<p>Applicant: Mr M Norcross</p>	<p>Validated: 11 July 2018 Date of expiry: 17 September 2018 (Extension of time agreed with applicant)</p>
<p>Recommendation: Refuse</p>	

This application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs G Rice, S Shinnick, L Worrall, C Baldwin and B Rice (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1

(d) (ii)) to assess the impact of the proposal in terms of Green Belt policy.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 This is a planning application for a two storey front extension, single storey side extensions, alterations to the roof, basement & single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.
- 1.2 The two storey front extension would infill the area to the south side of the building where the pre-existing extension is set back from the front elevation. This would incorporate the remodelling of the roof so that the ridge of the front extension and pre-existing extension matches that of the main dwelling. There would also be a front gable end introduced to the middle of the existing dwelling.
- 1.3 The proposal includes single storey extensions to either side of the dwelling which would project beyond the existing rear elevation. These would be of crown roof design with large sections of flat roof.
- 1.4 The proposed basement would link the house to a garage located to the north side of the existing dwelling.
- 1.5 There is an extensive planning history for the site which is summarised below and discussed further in the assessment of the proposal. The table below provides a summary of the floor space calculations which are referred to later in the report.

	Internal Floor space (sqm)
Original Dwelling	375 sqm
Size of two reasonably sized room extension allowance (as established in previous appeal decision)	46 sqm
Proposed Extensions	732.2 sqm
Outbuilding to be demolished	91.2 sqm
Basement	283 sqm
Total extensions above ground minus building to be demolished	357.8 sqm
Difference between two reasonably size rooms and proposed extensions	+ 311.8 sqm

2.0 SITE DESCRIPTION

- 2.1 The application relates to a two storey detached dwelling located on the east side of Brentwood Road on a corner plot at the junction with Doesgate Lane. The site is located to the east of Bulphan and is within the Green Belt.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is an extensive planning history on site. Of relevance to the current proposal are the following:

Reference	Description	Decision
17/00161/PHA	Single storey side extension extending 8ms from original rear wall of the property, with a maximum height of 4 metres and eaves height of 4 metres.	Prior Approval Not Required
16/01668/CLOPUD	Single storey side extensions and outbuilding	Approved
16/01548/CLOPUD	Swimming pool enclosure	Withdrawn
16/00861/CLOPUD	Proposed single storey side extension	Approved
14/01089/CLOPUD	Proposed outbuilding	Refused
14/01088/CLOPUD	Single storey extension	Approved
14/00084/CLOPUD	Side extension	Refused
14/00083/CLOPUD	Proposed outbuilding	Refused
12/00440/CLOPUD	Two storey rear extension and an increase in roof height to part of the existing roof slope and replacement chimney.	Approved
09/00638/FUL	Two storey front and rear extension, loft conversion incorporating front, side and rear dormers and pitched roof conservatory.	Refused – Appealed – Dismissed
09/00055/LDC	Use of part offices and part dwelling, with TV/Games room ancillary to the use of the main house.	Approved

4.0 CONSULTATION AND REPRESENTATIONS

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

- 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and a public site notice which has been displayed nearby. No letters of representation have been received in relation to this application.

4.3 ENVIRONMENTAL HEALTH:

No objection, subject to condition.

4.4 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection.

4.5 LANDSCAPE AND ECOLOGY ADVISOR:

No comments received.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area

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

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

5.3 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” in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)

THEMATIC POLICIES

- CSTP22 (Thurrock Design)
- CSTP24 (Heritage Assets and the Historic Environment)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD6 (Development in the Green Belt)²
- PMD8 (Parking Standards)³

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

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. It is currently anticipated

that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

5.5 Thurrock Design Strategy

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

5.6 Thurrock Residential Alterations and Extension Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

6.1 The principles issues to be considered with this case are:

- I. Principle of the development in the Green Belt
- II. Design and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Traffic Impact, Access and Car Parking
- V. Other matters

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.2 Under this heading, 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

- 6.3 The site is identified on the LDF Core Strategy Proposal's Map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.
- 6.4 Paragraph 133 of the NPPF states that the Government attaches great importance to the Green Belt 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 145 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, including:
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*
- 6.5 In this instance the proposal represents the extension of an existing building within the Green Belt. In order to assess whether these extensions represent disproportionate additions over and above the size of the original building the criteria of Policy PMD6 should be considered. The interpretation within PMD6 of a proportionate addition is one which is no larger than 'two reasonably sized rooms' (calculated from the floor space of the original dwelling).
- 6.6 As was established in the appeal decision on the refusal of planning application 09/00638/FUL it is accepted that the previous extensions to the south and east of the dwelling have probably been in situ since 1948. As such they form part of the original dwelling for the purposes of Green Belt policy. Whilst there have been a number of Lawful Development Certificates granted since this appeal none have yet been implemented. Therefore, the dwelling is considered to be original for the purposes of Green Belt policy and as discussed in the appeal decision the two room allowance for proportionate additions would equate to an additional floor area of 46 sqm.
- 6.7 The proposal incorporates a two storey front extension, single storey side extensions, alterations to the roof and a garage building which is linked to the existing dwelling via a basement. The total floor area (internal) of the proposed extensions is 732.2 sqm although it is acknowledged that the basement, which is wholly subterranean, and therefore does not impact upon openness, comprises 283sqm. As a result the extensions located above

ground level would have a total floor area of 449.2sqm. The proposal does include the removal of an existing outbuilding on the site which has a floor area of 91.2sqm. Taking into account the removal of this building the proposal results in an overall increase in floor area of 357.8 sqm significantly in excess of the two room allowance (46sqm) for a proportionate extension in the Green Belt.

- 6.8 To put this into context, the existing dwelling has a floor area of approximately 375 sqm, consequently the proposal, disregarding the basement and allowing for the demolition of the existing outbuilding results in an increase in floor area of 95.4%. In addition to the increase in floor area the proposal also includes alterations to the roof of the existing dwelling including the increase in the height of the existing two storey side addition and the introduction of a front gable. This contributes towards the overall increase in mass and bulk of the dwelling.
- 6.9 In total the proposed extensions would result in an increase in footprint of 353.4 sqm and an increase in volume of 1387.85 cubic metres. Therefore, it is considered that the proposed extensions and alterations would result in disproportionate additions over and above the size of the original dwelling and would not comply with the above referenced exception to the construction of building within the Green Belt. As the proposal would not fall within this exception it would represent inappropriate development within the Green Belt.
- 6.10 The Planning Statement submitted with the application refers to the Permitted Development allowances set out in the General Permitted Development Order 2018 (GPDO) which apply to dwellings within the Green Belt. The applicant contends that in allowing Permitted Development rights for such property the Secretary of State is outlining proportionate extensions to dwellings in the Green Belt. As the 2015 GPDO and subsequent revisions post-date the Local Plan, particularly Policy PMD6, the applicant considers that the two room proportionate extension guidance has been superseded by the allowances of the GPDO.
- 6.11 Whilst the allowances within the GPDO and any Lawful Development Certificates (LDC's) granted on the site are material considerations, the effect of this is only to grant permission for development within the Green Belt within the limitations set out therein. These allowances do not alter the duty to determine applications in accordance with development plan policies unless material considerations indicate otherwise. In the case of policy PMD6 the intention is to ensure that extensions to existing buildings do not materially impact upon the open character of the Green Belt. Therefore the allowances in the GPDO do not alter the presumption against inappropriate development in the Green Belt. This interpretation was supported by the Inspector in the

dismissing the appeal on application 09/00638/FUL. It should also be noted that the updated NPPF published in 2018 after the most recent GPDO maintains the same approach in terms of inappropriate development within the Green Belt.

6.12 In concluding the above, whilst the GPDO and LDC decisions are a material consideration these do not supersede the policies set out in the development plan and the presumption against inappropriate development in the Green Belt. Therefore, as has already been established above, in terms of the development plan the proposals represent disproportionate additions to the dwelling and therefore 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

6.13 Having established that the proposals constitute 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. In this instance the proposed extensions would increase the overall width of the dwelling, the height of the pre-existing two storey element, the bulk and mass of the roof and include a substantial outbuilding (which constitutes an extension by reason of its connection to the existing dwelling via the basement). The result is a significant increase in the overall bulk and mass of the main dwelling and a substantial increase in the width at ground floor level. Whilst this is viewed in the context of existing buildings to the rear of the site it would still result in a substantial increase in built form on this part of the site. This would result in the building appearing more prominent within the Green Belt than the existing and would reduce openness, therefore encroaching further upon the generally open character of the countryside. It is considered that the proposal would result in actual harm to openness in addition to the harm by reason of appropriateness.

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.

6.14 Having established the proposal constitutes inappropriate development consideration must be given to whether there are any very special circumstances which clearly outweigh the harm to the Green Belt. Paragraph 144 of the NPPF states 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”.

- 6.15 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.
- 6.16 In this instance the Planning Statement submitted with the application does not specifically refer to very special circumstances. However, the contents of the Planning Statement indicate that the primary justification for the development relates to the allowances as set out in the GPDO and the Lawful Development Certificates that have been granted on the site. In comparison with the development that is allowed by the LDCs granted on the site, the proposal (not including the basement) would result in a decrease in the footprint of 56sqm and a reduction in volume of 30 cubic metres. The Planning Statement goes on to state that in addition to the reduction in footprint and volume the proposed works would also improve the appearance of the building architecturally both in comparison to the existing situation and the dwelling that would result from the extensions that could be carried out under permitted development.
- 6.17 The permitted development fall-back position is a material consideration in the determination of the application and the Green Belt implications of the development. It is acknowledged that the proposed extensions would have a smaller floor space and volume than the overall development allowed under permitted development and that the works could potentially be better integrated through planning permission rather than having to adhere to the requirements of the permitted development regulations. However, it must be

borne in mind that the proposed extensions do not constitute permitted development and therefore could not be carried out without planning permission. The proposal would result in a two storey extension and increase in the height of part of the roof which could not be carried out under permitted development. It should also be noted that in determining the previous appeal, the Inspector attached limited weight to the fall-back position as the proposal would have an appreciably greater impact upon the Green Belt than the fall-back position. It is considered that this remains the case in this instance particularly in terms of the increase in the overall bulk of the main dwelling. Therefore, whilst some weight is given to the permitted development fall-back position, it is considered that the significant difference between the fall-back position and proposal means that it would not clearly outweigh the harm to the Green Belt. In addition, and as referenced above, the circumstances put forward are quite generic in terms of the permitted development approach being available to multiple sites which further limits the weight as a very special circumstance.

- 6.18 The planning statement also references the applicants wish to remain in the house as well as their various contributions towards development and good causes in the area. Whilst these factors are acknowledged they are given very limited weight in the consideration of the impact upon the Green Belt.
- 6.19 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 significant harm to the Green Belt with reference to inappropriate development and loss of openness. A limited number of factors have been promoted by the applicant as 'very special circumstances'. Having taking into account all Green Belt considerations, it is considered that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.20 Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.21 Policy CSTP22 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

- 6.22 The area is characterised by dwellings of varied scale and design although it is noted that more recent developments allowed in the area are for dwellings of substantial scale. The proposals would result in an increase in the bulk of the dwelling due to the two storey front extension, front gable and alterations to the roof of the pre-existing side extension. This is compounded by the large single storey side extensions which, by reason of their width appear incongruous and out of proportion with the existing dwelling. When considered in the context of its prominent corner plot the proposals would result in an overly dominant and incongruous form of development that would adversely impact upon the street scene and the character of the area. The proposal is therefore contrary to policies PMD2 and CSTP22 of the Thurrock Local Development Framework Core Strategy and guidance within the Residential Alterations and Extension Design Guide SPD.
- 6.23 The proposed garage would have the appearance of an outbuilding although it is technically an extension linked to the main dwelling via the basement. It would be set back from the front elevation of the main dwelling and appear relatively subordinate. However, it would contribute towards the substantial increase in built form along this frontage. As a result it is considered that it would compound the above concerns with regards to the impact upon the street scene and character of the area.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.24 The proposed extensions are a significant distance from the nearest residential neighbours. As such it is considered that there would not be any loss of light, overbearing impact or loss of privacy as a result of the proposal. The proposal would therefore accord with the requirements of Policy PMD1 in terms of the impact upon neighbouring amenity.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.25 The proposal would not alter the vehicular access to the dwelling and there would be space within the garage and on the proposed hardstanding for the parking of a number of vehicles on the site. This is considered to be appropriate for a dwelling of this size and therefore no concerns are raised with regards to the impact of the proposal on the highway network or parking arrangements within the site.

OTHER MATTERS

- 6.26 The Council's Historic Environment Advisor notes that the proposed development lies adjacent to a historic farm complex. However the development is to the west of the known deposits and therefore is unlikely to

impact upon them. Therefore, no concerns are raised with regards to the impact upon historic assets.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed extensions represent disproportionate additions over and above the size of the original building. Therefore the extensions would not fall within the exceptions to inappropriate development in the Green Belt. Inappropriate development is by definition harmful and the proposal would also result in actual harm to openness as it significantly increases the scale of the dwelling which would encroach further into the countryside, harmful to the openness of the Green Belt.
- 7.2 Where a proposal represents inappropriate development the applicant must demonstrate very special circumstances which clearly outweigh the harm to the Green Belt. In this instance the very special circumstances put forward in terms of; the permitted development fall-back position, the improvement in the design of the dwelling, the applicants desire to improve their property and the various contributions the applicant makes to the area, are not considered to outweigh the definitional and actual harm to the openness of the Green Belt. The proposal is therefore contrary to policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
- 7.3 The proposed extensions to the existing dwelling result in an overly bulky and incongruous form of development on this prominent corner plot which would result in a dwelling which would adversely impact upon the street scene and character of the area. The proposal would therefore be contrary to policies PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

8.0 RECOMMENDATION

Refuse for the following reasons;

1. The proposed extensions (including the garage) would, by reason of their scale result in disproportionate additions to the original dwelling, representing inappropriate development in the Green Belt which is by definition harmful. In addition these extensions would also cause actual loss of openness due to the substantial increase in the scale of the dwelling. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the

adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

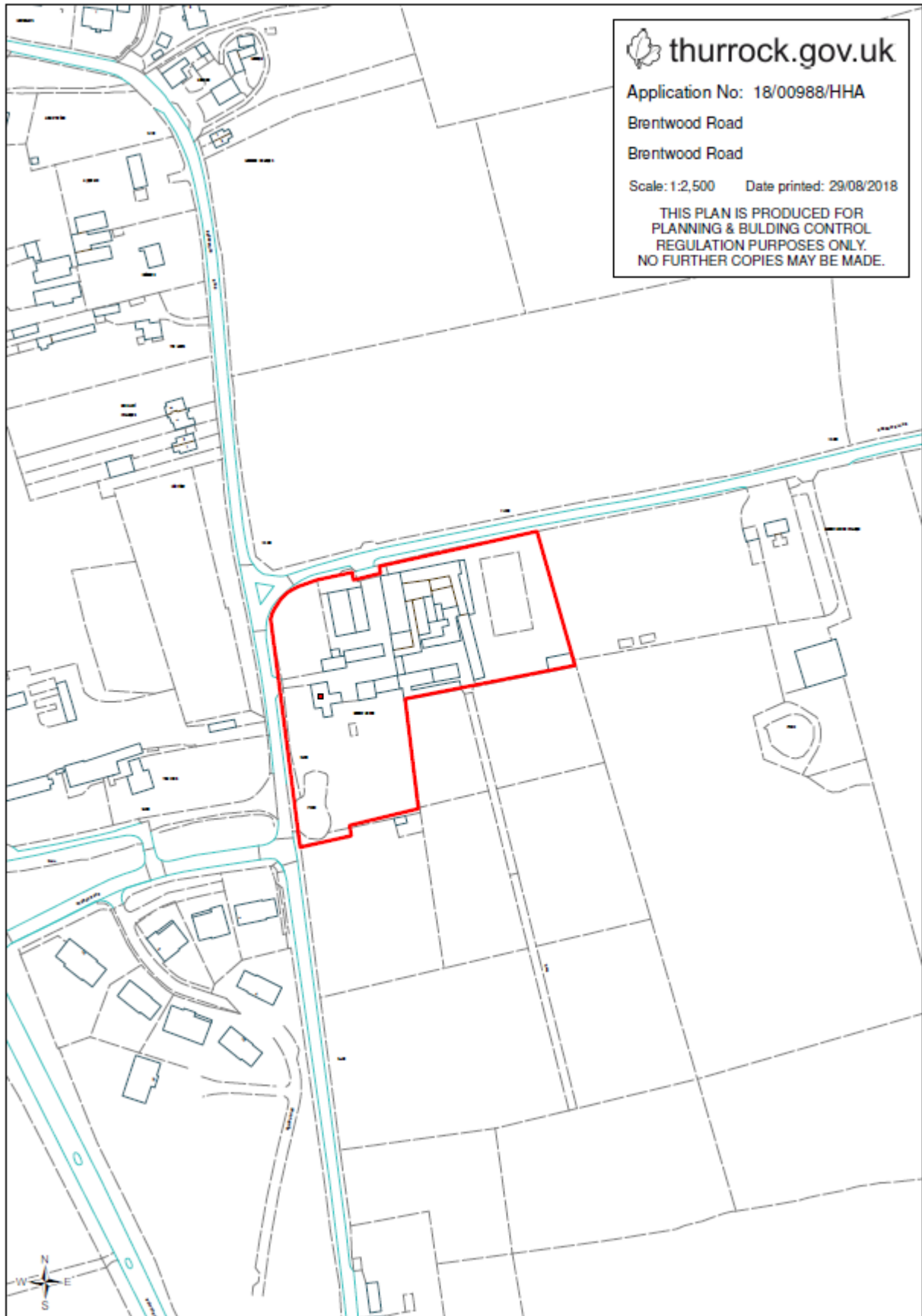
2. The proposed extensions (including the garage), would by reason of their siting, width and scale result in an overly bulky and incongruous form of development on this prominent corner plot adversely impacting upon the street scene and character of the area. The proposal would therefore be contrary to guidance in the Residential Alterations and Extension Design Guide SPD 2017 policies PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by discussing the application process with the Applicant/Agent and seeking to determine this at the first available opportunity. Unfortunately, due to the in principle concerns with the development it was not possible to negotiate on the application to achieve a positive outcome. However, the Local Planning Authority has clearly set out, within its report, the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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



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Reference: 18/00811/OUT	Site: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate Towers Road Grays Essex
Ward: Little Thurrock Rectory	Proposal: Outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved)

Plan Number(s):		
Reference	Name	Received
M002B	Location Plan	12th June 2018
PL-001	Other	12th June 2018
P201	Proposed Site Plan	12th June 2018
GR-SK	Proposed Plans	14th June 2018
(No Nos.)	Site Layout	12th June 2018
SK1	Proposed Floor Plans	12th June 2018
SK4	Proposed Elevations	12th June 2018
(No Nos.)	Location Plan	12th June 2018
(No Nos.)	Other	12th June 2018
M001	Landscaping	12th June 2018
(No Nos.)	Proposed Play Area CGI	10th August 2018
97.020/300 E (1 to 3)	Road and Sewer Layout	23rd August 2018
01	Highway Soakaway Relocation	23rd August 2018

The application is also accompanied by: <ul style="list-style-type: none"> - Preliminary Ecological Assessment - Planning Statement - Open Space Statement - Development Construction Plan - Water Drainage Report 	
Applicant: Gunning Road Thurrock Ltd	Validated: 21 June 2018 Date of expiry: 19 October 2019 (Extension of

	time agreed with Applicant)
Recommendation: Refuse.	

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The key elements of the proposals are set out in the table below:

Site Area (Gross)	0.31ha						
Height	9m to ridge						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Houses			4			4
	Flats						0
	TOTAL			4			4
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL		
	Houses						
	Flats						
	TOTAL				0		
Car parking	Total Spaces: 10 Spaces per unit: 2.5 (Average of per unit)						
Amenity Space	Minimum 63.8sq.m Average 72.62 sq.m Maximum 83.45sq.m						
Density	38 dwellings per hectare on land to be used for housing						

1.2 This is an outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. This application includes determination of access, landscaping, layout and scale with appearance held as a reserved matter.

2.0 SITE DESCRIPTION

2.1 The application site relates to an open area of land of 0.31 hectares located at the northern end of Gunning Road, a residential road within Grays. The site is divided into two parts with the southern part comprising a fenced play area with a number of pieces of play equipment and a small open grassed area.

To the north side of the site is a small football pitch. The site is bounded on the west and north side by significant tree cover whilst there are chalk cliffs rising to the east of the site marking the boundary of the adjacent SSSI. Beyond the boundary to the south and east of the site are residential properties whilst to the west of the site is the Towers Road industrial estate.

- 2.2 The site serves as open space for the residential area to the south and east of the site.
- 2.3 The site is located within the Grays urban area, outside of the designated town centre. It is approximately 1.8km from the station and main shopping areas in the centre of Grays. The site is designated as being within a secondary industrial and commercial area, however it currently has no relationship with the surrounding commercial uses.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
16/30004/PMIN	Proposed residential development.	Advice Given
06/00491/TTGFUL Former Globe Works – North of application site, access from Gunning Road	132 no one and two bedroom flats, associated road access, amenity space and parking.	Refused
04/00574/FUL	Engineering operations for the filling of the former Celcon block manufacturing plant to enable re development.	Approved
99/00834/FUL	Erection of 18 no. dwellings, garages, parking courts, roads, sewers and ancillary works	Refused – Appealed – Allowed – Not Implemented
98/00349/FUL	Proposed 104 residential dwellings, garages, roads, sewers and ancillary works	Approved

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Eighty-seven letters of objection were received in relation to this application. The main areas of concern can be summarised as follows:

- Overdevelopment of the estate;
- Housing should be provided on more suitable brownfield sites;
- Existing houses on the estate are for sale;
- Impact on neighbouring amenity;
- Disturbance/traffic from construction work;
- Pedestrian safety;
- Pollution/noise;
- Traffic/parking issues;
- Damage to existing properties;
- Ownership of land;
- Restrictive covenants;
- Residents pay towards upkeep of park and there are funds available to invest in new equipment;
- Play area/park is regularly used;
- Park used for community events;
- Area is maintained and is not in a state of disrepair;
- Statements that park is underused is inaccurate;
- Park would be unavailable to use for duration of work;
- New development will obscure views of open space;
- Similar developments elsewhere refused;
- Impact upon SSSI and ecology;
- TPO trees;
- Impact on acoustic bank;
- Comments submitted to management company not passed on;
- Impact upon property value;
- Impact upon neighbouring amenity;
- Loss of view;
- Appendices not available;
- Impact on sewers;

4.3 ENVIRONMENTAL HEALTH :

No objection subject to conditions.

4.4 HIGHWAYS :

Further information requested, no objection subject to the additional details being secured by condition.

4.5 LANDSCAPE AND ECOLOGY ADVISOR :

No objection subject to conditions

4.6 NATURAL ENGLAND :

No objection.

4.7 SPORT ENGLAND :

Application does not fall within statutory or non-statutory remit. No objection.

5.0 POLICY CONTEXT

5.1 The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places

5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of

the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Use of Planning Conditions

5.3 Local Planning Policy

5.4 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)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
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- 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].

5.5 Thurrock Local Plan

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

5.6 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

The material considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Landscape
- V. Impact Upon Ecology and Biodiversity
- VI. Developer Contributions
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The principle of development relates to the consideration of the partial loss of open space in order to provide housing. This site is located within the

Thurrock Urban Area, however it relates to what is currently greenfield land in use as open space. Policy CSSP1 states that development on such land will only be permitted where it is specifically allocated for residential development and where it is required to maintain a five-year rolling housing land supply.

6.2 In accordance with paragraph 11 of the NPPF the proposal should be considered in the context of the principle of sustainable development. It is acknowledged that the site is located within a sustainable location in relatively close proximity to Grays Town Centre and public transport links. However paragraph 97 states that existing open space should not be built upon unless the following exceptions are met:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

6.3 This is reflected in Policy PMD5 of the Core Strategy which states that the Council will safeguard all existing open spaces, outdoor sports and recreational facilities. Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted unless:

- i. *conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users; or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss;*
- ii. *proposals would not negatively affect the character of the area and/or the Greengrid.*

6.4 Policy PMD5 is considered to be consistent with policies in the NPPF and therefore significant weight is attached in the determination of this application. Whilst this land is not identified within the Core Strategy as existing open space the site clearly performs this function. In addition there is a S106 agreement relating to planning permission 98/00349/FUL which preserved this area of land for Open Space (including landscaping and play equipment) in perpetuity. Policy PMD5 does not differentiate between open space in public or private ownership or limit the consideration of the impact upon open space to those areas indicated on the policies map. As such it is considered that the site does constitute open space and that policy PMD5 and the

relevant paragraphs of the NPPF are relevant in terms of the loss of this open space.

- 6.5 In this instance the primary argument put forward for the loss of part of the open space in terms of paragraph 97 of the NPPF and Policy PMD5 is the provision of higher quality replacement public open space than existing. The proposal would result in the loss of 0.11 hectares of public open space out of a total existing area of approximately 0.28 hectares of usable open space and play space. The key issue here is as to whether the qualitative improvements put forward by the applicant in terms of enhanced play equipment and a multi sports pitch would justify the loss of part of the existing open space.
- 6.6 This justification is based upon the quality of the existing open space and play area which they suggest is of low quality and in a state of disrepair. The applicant argues that the replacement of the existing facilities with a higher quality level of play equipment would result in a qualitative improvement which would outweigh the loss of part of the open space. The evidence for this is based upon photos of the open space and play area which reflect the current situation on site. This does include some damage to fencing and surfacing along with a missing piece of play equipment. However, there is evidence that the area continues to be maintained as the grass had clearly been cut and the area was generally tidy. Also the remaining play equipment and playing area all appeared to be usable.
- 6.7 The replacement play area provided would constitute a greater number of different play equipment pieces. The existing football goals would be replaced with multi-sport goals. The result of this is that there would be a small improvement in terms of the variety of play equipment on the site. There would also clearly be a short term improvement in quality through the replacement of the existing play equipment. However, whilst the benefit of new replacement facilities is acknowledged this cannot be guaranteed to be maintained any better than the existing. There would be an ongoing need for maintenance that is unlikely to be met through the provision of four dwellings. Therefore, whilst there would be a short term improvement in the quality of play equipment the long term situation could be similar to the existing but with a reduction in the size of the open space.
- 6.8 In addition to the above members are advised that a number of letters of representation have highlighted that this open space is well used by the local community and that part of their maintenance fee goes towards this area of open space. As already noted there is also a S106 on this land which protects it for use as open space for the benefit of the estate. Therefore, the

long term protection of this open space is afforded significant weight in the assessment of this proposal.

- 6.9 On the basis of the above it is considered that the partial loss of open space is not justified by the limited benefit afforded through the replacement of play equipment. The partial loss of the open space would result in a permanent detrimental impact upon the open space provision to the area which would not be offset by the short term gain from new improved play equipment. In addition, comments received in third party representation indicate that the open space is used for various other community activities and that there is a maintenance fee paid towards the upkeep of this area which could be used to upgrade the equipment on the existing open space. Therefore, in terms of paragraph 11 the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole with particular reference to paragraph 97. As a result the principle of the partial redevelopment of the existing open space is considered to be unacceptable.
- 6.10 The residential element of the scheme would comprise an area of approximately 0.105 hectares of the site. This equates to a density of development of approximately 38 dwellings per hectare. Whilst this is at the lower end of the acceptable density range it would comply with the requirements of Policy CSTP1 in order to ensure the efficient use of land within the urban area. The proposal is for relatively small 3 bed units. Whilst this isn't the unit size for which there is the greatest need it would still provide a unit size for which there is an identified need. Therefore, in isolation, notwithstanding the loss of open space the density of the development would be within the appropriate range.
- 6.11 It is also noted that the land was allocated as a secondary industrial and commercial area. However, this site is isolated from the surrounding commercial land and practically couldn't accommodate such development. In addition it would be in close proximity to residential receptors and would significantly compromise the use of the open space in comparison to the partial residential redevelopment of the site. On this basis it is considered that the secondary industrial and commercial allocation is of limited weight in the assessment of this proposal.
- 6.12 The applicant has referred to the previous permission on the site granted on appeal under reference 99/00834/FUL. This was for the erection of 18 dwellings on this land to the north of the site. The applicant considers that this establishes the principle of the residential use of the site. Whilst the planning history of the site is acknowledged this permission is for a different

parcel of land, was not implemented and has now expired. There have also been significant changes in planning policy since this decision. In any case this proposal did not result in the loss of the public open space as it only resulted in the development of an access road towards the east of the open space. The only real relevance of the previous decision was the acceptability of the loss of designated employment land for residential use.

- 6.13 Whilst the previous appeal decision is afforded limited weight it is considered that the loss of this designated secondary employment land would be acceptable in the context of its unsuitability for such a use. The proposed residential use would be more appropriate in this context. Therefore, notwithstanding the concerns regarding the loss of open space it is considered that the loss of designated secondary employment land, would, in isolation be acceptable.

II. DESIGN AND LAYOUT

- 6.14 This is an outline application which includes the consideration of matters relating to layout and scale. The proposed layout comprises two semi-detached pairs which would follow the established building line along this side of Gunning Road. These properties would be accessed to the front by an area of hardstanding which would appear as a continuation of Gunning Road. A further area of hardstanding would be provided off the turning head to the south west of the site which would provide an area of car parking. There would also be a single storey double garage located between and to the rear of the two pairs. The layout of the remainder of the site would constitute the consolidation of play equipment into a smaller area of open space.
- 6.15 The layout of the proposed dwellings would accord with the general character of the estate and the street scene. The provision of hardstanding and garaging to the rear of properties is characteristic of Gunning Road and the estate as a whole. It is noted that the proposed garden space is somewhat limited, however again this is common within the estate and therefore wouldn't appear out of character.
- 6.16 With regards to scale, the buildings would be two storey and are indicated to be of pitched roof design. Again, this would accord with the scale of properties in the area and would not appear out of character. The proposed garage would be subordinate to the main buildings and would not result in any significant impact upon the street scene.
- 6.17 In terms of neighbouring amenity the proposed layout would ensure that the buildings are sited away from the nearest residential neighbour at the end of

Gunning Road with a minimum separation distance of approximately 20m. The siting and scale of the buildings would ensure that the proposal would not result in a significant loss of light or overbearing impact upon this neighbour. The proposed floor plans show that there would be no windows in the side elevation facing the nearest neighbour. Therefore, no concerns are raised with regards to privacy.

- 6.18 In terms of the dwellings themselves the proposed internal layout is considered to be acceptable in terms of size, light and outlook. The proposed garage would impact upon rear facing windows and private amenity space. However, given this is characteristic of the area and there is an element of buyer beware this would not be unacceptable. The proposed garden sizes are relatively small and some would be marginally below the recommended minimum of 75sqm for dwellings of this size. However, given the similarity with other garden sizes in the area and the proximity to retained public open space this would not be unacceptable.
- 6.19 Given the above the proposal is considered to comply with the requirement of policies PMD1, PMD2, CSTP22 and CSTP23.

III. LANDSCAPING

- 6.20 The proposed site plan indicates that there is adequate scope for landscaping and screening. In the context of the character of the area only limited planting and screening would be necessary. The full details of this could be secured by condition in the event of a grant of planning permission. The detailed landscaping scheme would need to consider how views could be retained along Gunning Road towards the open space in order to deter vandalism and anti-social behaviour.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.21 The proposal would utilise the existing turning head for access and would result in four additional units. This would not result in a significant impact upon traffic in the area and no objection is raised in terms of highway safety or capacity. The proposal would provide 10 parking spaces which would exceed the recommended standard by one. However, in the context of an area where there is clearly some on street parking stress this is considered to be acceptable. The Council's Highway Officer requested that full details of the allocation of parking spaces be provided to ensure sufficient provision for each unit. It is considered that this could be secured through condition. The proposed access and parking is considered to be acceptable and would accord with the requirements of Policy PMD8.

- 6.22 In terms of cycle parking the proposed plans do not indicate any specific storage. However, all of the properties have access to private rear gardens and two would benefit from garages. This would provide sufficient scope for future occupiers to store bikes. Therefore it would not be reasonable to impose a condition requiring additional cycle storage information.
- 6.23 With regards to refuse collection the Council's Highway Officer did query the refuse strategy and in particular the tracking manoeuvres within the site. However there is an existing turning head in this location which allows for vehicles to turn at the end of this section of road. Given the existing situation and the limited number of additional dwellings it is considered that there would not be any significant impact in terms of refuse collection. Again each dwelling would benefit from private amenity space with sufficient space for storage of bins.

V. FLOOD RISK AND DRAINAGE

- 6.24 It was identified that the proposal will significantly impact upon the existing surface water drainage system. Additional information was submitted during the consideration of the application indicating the design of possible mitigation measures. The Council's Highway Officer has reviewed this information and suggested that whilst it was insufficient at this stage the full details of the mitigation could be secured by condition. Therefore it is considered that in the event permission was to be granted a condition would be recommended requiring the submission of full surface water drainage details prior to the commencement of development on site.

VI. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.25 The site is located in close proximity to the chalk cliff SSSI located to the east on the opposite site of Gunning Road. The proposal would not encroach upon the SSSI and a preliminary ecological appraisal was submitted with the application which concludes that there are no major areas of concern in relation to ecology. However, a number of recommendations are made for during the development and biodiversity enhancements as part of the development. The Council's Landscape and Ecology Advisor confirmed that they are satisfied with the scope and recommendations within the ecology appraisal and therefore no objection is raised on these grounds.

VII. VIABILITY AND PLANNING OBLIGATIONS

6.26 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal. In this instance, in the event that the proposal was considered acceptable, a varied s106 would be necessary to secure the remaining open space in perpetuity. However, given that the scheme is unacceptable in principle a revised s106 has not been sought.

VIII. OTHER MATTERS

6.27 A number of neighbours raised concern regarding disturbance from construction work and traffic. This in itself would not constitute a reason for refusal and a condition could be imposed requiring a construction environmental management plan (CEMP) to demonstrate how the site will be accessed taking into account the narrow roads within the development.

6.28 Any damage to existing dwellings would be a civil matter between the parties concerned. The impact upon property value and the loss of a view are not material planning considerations.

6.29 Restrictive covenants and rights of access over the land are not a planning consideration and would be a separate Civil matter.

6.30 Ownership of land is not a material planning consideration. However, given the queries raised in representation clarification was sought from the applicant to ensure the correct ownership certificate had been signed. Land registry information was provided which demonstrates that the site is within the ownership of the applicant.

6.31 Reference has been made to the refusal of similar developments elsewhere refused. The application has been assessed on its own merits in relation to its particular constraints.

6.32 Concern was raised regarding the impact upon the acoustic bank. The applicant stated that the acoustic bank would be completed and retained as part of the development.

- 6.33 The proposal is for a small scale development and is unlikely to have a significant impact upon the sewer network. There is no indication that this would present a particular issue.
- 6.34 A number of neighbours stated that comments made to the management company during pre-application consultation were not passed on. Whilst this is noted, the Council can only consider documents and comments submitted with the application.
- 6.35 The appendices submitted with the application were not initially available to view, however this was subsequently rectified and it is considered that this did not prejudice any party.
- 6.36 Comments were made regarding lack of demand for housing at the moment due to houses being on the market. Whilst there may be market forces which affect demand there is an identified housing need in the Borough which has been given significant weight.
- 6.37 The Council's Landscape and Ecology advisor raised no concerns with regards to the impact upon trees.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The key issue in the assessment of this proposal is the partial loss of existing open space and whether the benefits of the scheme in terms of the provision of new facilities are sufficient to outweigh the loss. The applicant has also referenced the Council's lack of a five year housing land supply and the contribution that the site will make towards housing in the area.
- 7.2 Council and national policy both restrict development on existing open space and state that new development will be prohibited other than in specific circumstances. The justification for the loss of open space in this instance is that the replacement facilities would provide a higher quality facility which would outweigh the loss of part of the open space. This was partially based upon the state of repair of the existing equipment as well as the high quality of the replacement.
- 7.3 Whilst the provision of the new pieces of equipment is acknowledged, this would provide a relatively short term benefit until this equipment reaches a similar age to the existing equipment. The loss of the open space on the other hand would be permanent. Representation received from a number of local residents indicates that this area is still well used and functions as a community space as well as a play area. There is also a S106 agreement on

the open space which preserves this area of land as open space (including landscaping and play equipment) in perpetuity. As a result it is considered that the provision of new replacement equipment would not outweigh the loss of part of the open space on the site and therefore the proposal is contrary to paragraph 97 of the NPPF and policy PMD5 of the Thurrock Local Development Framework Core Strategy 2015.

- 7.4 Therefore, the principal of development on this area of open space is considered to be unacceptable. All other material considerations have been assessed but none would outweigh the impact of the loss of open space. Given that the loss of open space is unacceptable the deed of variation in relation to the protection of this land has not been pursued any further.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reason:

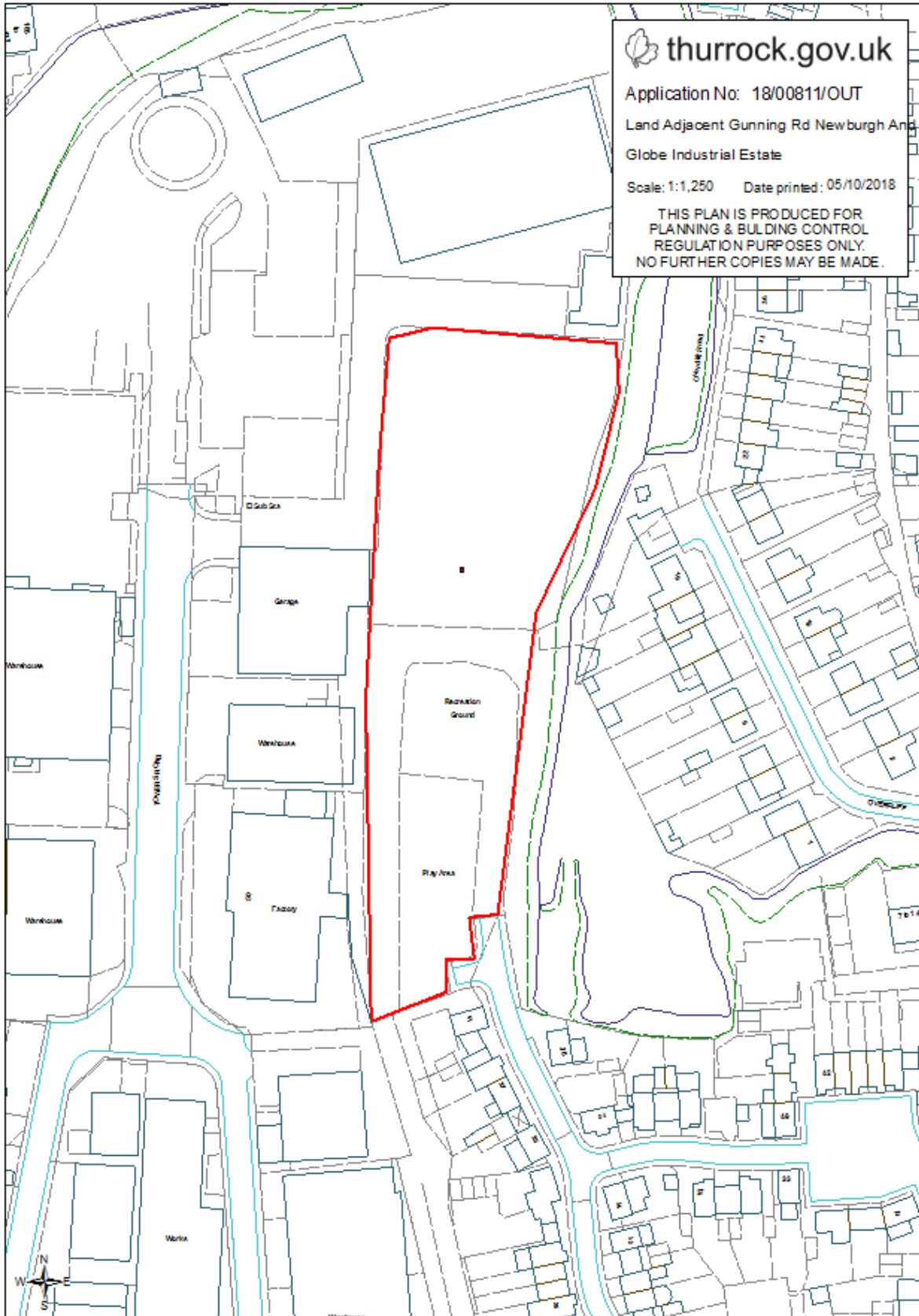
1. The proposed development would result in the permanent loss of part of an area of existing open space. The benefits of the scheme in terms of replacement equipment and additional housing would not outweigh the loss of this area of open space which provides an important function for the local community. Therefore, the principle of the proposed development is unacceptable and is contrary to the requirements of Policy PMD5 of the Thurrock Local Development Framework Core Strategy 2015 and paragraph 97 of the National Planning Policy Framework 2018.

Positive and Proactive Statement

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

Documents:

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



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Reference: 18/00887/FUL	Site: Land To East Of Euclid Way And South Of West Thurrock Way West Thurrock Essex
Ward: West Thurrock And South Stifford	Proposal: Redevelopment of the site to provide 256 dwellings (an uplift of 242 dwellings when combined with 17/00548/REM Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the outline part of application ref.13/01231/FUL comprising the construction of 214 residential dwellings, new public open space, car parking and associated infrastructure works) and associated provision of open space, landscaping, car parking and infrastructure works

Plan Number(s):		
Reference	Name	Received
AA6979-2001	Site Location Plan	26 June 2018
AA6979-2003 A	Proposed Masterplan – Coloured	24 August 2018
AA6979-2004 A	Proposed Masterplan – Roof	24 August 2018
AA6979-2005 A	Proposed Site Plan – Ground Floor	24 August 2018
AA6979-2006 A	Dwelling Type Plan	24 August 2018
AA6979-2007 B	Parking Plan	24 August 2018
AA6979-2008 A	Cycle Plan	24 August 2018
AA6979-2009 A	Proposed Refuse Plan	24 August 2018
AA6979-2010 A	PV Plan	24 August 2018
AA6979-2011 A	Materials Location Plan	24 August 2018
AA6979-2012	Street Elevations 1, 2, 3 & 4	26 June 2018
AA6979-2021	Perimeter Block A – Front Elevations	26 June 2018
AA6979-2022	Perimeter Block A – Rear Elevations	26 June 2018
AA6979-2023	Perimeter Block B – Front Elevations	26 June 2018
AA6979-2024	Perimeter Block B – Rear Elevations	26 June 2018
AA6979-2025	Perimeter Block C – Front Elevations	26 June 2018
AA6979-2026	Perimeter Block C – Rear Elevations	26 June 2018
AA6979-2030	Block 1 Plans (sheet 1 of 3)	26 June 2018
AA6979-2031	Block 1 Plans (sheet 2 of 3)	26 June 2018
AA6979-2032	Block 1 Plans (sheet 3 of 3)	26 June 2018
AA6979-2033	Block 1 Elevations (sheet 1 of 2)	26 June 2018

AA6979-2034	Block 1 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2035	Block 2 Plans (sheet 1 of 3)	26 June 2018
AA6979-2036	Block 2 Plans (sheet 2 of 3)	26 June 2018
AA6979-2037	Block 2 Plans (sheet 3 of 3)	26 June 2018
AA6979-2038	Block 2 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2039	Block 2 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2040	Block 3 Plans (sheet 1 of 3)	26 June 2018
AA6979-2041	Block 3 Plans (sheet 2 of 3)	26 June 2018
AA6979-2042	Block 3 Plans (sheet 3 of 3)	26 June 2018
AA6979-2043	Block 3 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2044	Block 3 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2045	Block 4 Plans (sheet 1 of 2)	26 June 2018
AA6979-2046	Block 4 Plans (sheet 2 of 2)	26 June 2018
AA6979-2047	Block 4 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2048	Block 4 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2049	Block 5 Plans (sheet 1 of 3)	26 June 2018
AA6979-2050	Block 5 Plans (sheet 2 of 3)	26 June 2018
AA6979-2051	Block 5 Plans (sheet 3 of 3)	26 June 2018
AA6979-2052	Block 5 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2053	Block 5 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2054	Block 6 Plans (sheet 1 of 3)	26 June 2018
AA6979-2055	Block 6 Plans (sheet 2 of 3)	26 June 2018
AA6979-2056	Block 6 Plans (sheet 3 of 3)	26 June 2018
AA6979-2057	Block 6 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2058	Block 6 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2059	GA Matrix	26 June 2018
AA6979-2061	House Type A2	26 June 2018
AA6979-2062	House Type C1	26 June 2018
AA6979-2063	House Type C2	26 June 2018
AA6979-2064	House Type D1	26 June 2018
AA6979-2065	House Type E1	26 June 2018
AA6979-2066	House Type E2	26 June 2018
AA6979-2067	House Type M1	26 June 2018
AA6979-2068	House Type M2	26 June 2018
AA6979-2069	House Type E3	26 June 2018
AA6979-2070	House Type E4	26 June 2018
PR122-01E	Landscape Masterplan Rev E	24 August 2018
PR122-02B	Public Open Space Rev B	26 June 2018
PR122-03A	Tree Pit Rev A	26 June 2018
T134-002B	Swept Path Analysis (in TA)	24 August 2018
T134-003B	Visibility Analysis (in TA)	24 August 2018
T134-004B	Primary Site Access (in TA)	24 August 2018

T134-005B	Parking Court Access (in TA)	24 August 2018
T134-100	Surface and Foul Water Drainage Strategy (in FRA)	26 June 2018
T134-101	Existing Drainage Catchment Plan (in FRA)	26 June 2018
T134-200	Concept Levels Strategy (in FRA)	26 June 2018

The application is also accompanied by:

- Planning Statement, prepared by Savills
- Design and Access Statement (inc. Landscape Design), prepared by PRP Architects and Matt Lee Landscape Architecture
- Flood Risk Assessment and Drainage Strategy, prepared by Ardent Consulting Engineers
- Transport Assessment (inc. Vehicle Tracking), prepared by Ardent Consulting Engineers
- Arboricultural Impact Assessment, prepared by Southern Ecological Solutions
- Extended Phase 1 Habitat Survey, prepared by Southern Ecological Solutions
- Noise Impact Assessment, prepared by SRL Technical Services Limited
- Air Quality Assessment, prepared by SRL Technical Services Limited
- Energy Statement, prepared by BBS Environmental
- Viability Assessment, prepared by Savills (CONFIDENTIAL)

Applicant:

Bellway Homes Limited (Essex)

Validated:

26 June 2018

Date of expiry:

19 October 2018 (Extension of time agreed with applicant)

Recommendation: Approve, subject to conditions and s106 agreement.

This application is scheduled for determination by the Planning Committee because the application is of a strategic nature (in accordance with Part 3 (b) 2.1. (a) of the Council's Constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks full planning permission for the development of 256 dwellings, with associated private and public amenity space, means of enclosure, parking, vehicle and pedestrian accesses and drainage.

1.2 Table 1 below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	3.57 ha
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Height	Two storey houses and three/four storey flat blocks					
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	TOTAL
	Houses	0	27	11	18	56
	Flats	85	115	0	0	200
	TOTAL	85	142	11	18	256
Car parking	Flats: 200 Houses: 93 Visitor: 73 Total: 367 (one space is for the proposed electrical substation, average of 1.5 spaces per unit)					
Amenity Space for houses	All houses would have access to a private garden, minimum size 30 sq.m to maximum size 142 sq.m					
Flats	All flats at first floor and above have a private balcony. Communal amenity space.					
Density	72 units per ha for the whole site					

2.0 SITE DESCRIPTION

- 2.1 The application site is a mainly rectangular shaped parcel of land located to the south of West Thurrock Way (B186) and in-between the Tony Le Voi car dealership (to the east) and the Weston Avenue roundabout junction to the west. Euclid Way is to the western boundary of the site. The application site comprises the former Gala Bingo which incorporates Frankie and Bennies, KFC and the associated parking areas to the north and an area of disused scrub land to the south.
- 2.2 On the northern side of the B186, opposite the site, are retail and restaurant uses (The Range, Currys, Home Sense, Pizza Hut etc.) with associated car parking and circulation areas. To the west of the site are retail/D1 uses and parking areas located on the 'Tunnel Estate'. To the south and east, the site is bordered by phase 1 of the housing development which has permission under 17/00548/REM.
- 2.3 The site formed part of the former chalk quarry and workings which occupied what is now the Lakeside Basin. The site is located within the high risk flood zone (Zone 3) with ground levels falling across the site from north to south. Levels at West Thurrock Way next to the site are noticeably higher than the site at approximately 4m A.O.D.

3.0 RELEVANT HISTORY

3.1 There is an extensive planning history for the application site. However, the relevant applications are the outline permission and related applications. The early planning history for the site includes planning applications associated with the winning and working of chalk.

Reference	Description	Decision
18/00926/NMA	Application for a proposed non-material amendment to change the boundary between Phase 1 and Phase 2 as shown on the site location plan. of planning permission ref. 13/01231/FUL (Demolition of existing buildings and redevelopment to provide: in detail: a superstore extending 6,694 sqm (GIA) (Use Class A1) and petrol filling station; restaurants extending 704 sqm (GIA) (Use Class A3); a drive-through restaurant extending 246 sqm (GIA) (Use Class A3/5); community space extending 1,026 sqm (GIA) (Use Class D1/2); and associated car parking, landscaping and highways improvements; in outline (all matters reserved except access): up to 320 residential units (Use Class C3) and associated highways improvements. Hybrid application)	Approved
18/00791/FUL	Engineering works and remediation of the site for potential housing phase two (13/01231/FUL Demolition of existing buildings and redevelopment to provide: in detail: a superstore extending 6,694 sqm (GIA) (Use Class A1) and petrol filling station; restaurants extending 704 sqm (GIA) (Use Class A3); a drive-through restaurant extending 246 sqm (GIA) (Use Class A3/5); community space extending 1,026 sqm (GIA) (Use Class D1/2); and associated car parking, landscaping and highways improvements; in outline (all matters reserved except access): up to 320 residential units (Use Class C3) and associated highways improvements. Hybrid application)	Approved
18/00337/DMI	Application for prior notification of proposed demolition: Former Harry Ramsden restaurant building, Gala Bingo Hall and Estates Kiosk	Prior Approval Granted

	building, West Thurrock Way.	
17/00679/FUL	Application for remediation and associated engineering works for Phase 1 of the outline part of planning permission 13/01231/FUL	Approved
17/00548/REM	Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the outline part of application ref. 13/01231/FUL, comprising the construction of 214 residential dwellings, new public open space, car parking and associated infrastructure works	Approved
17/00343/NMA	Application for a non-material amendment following a grant of planning permission: Proposed removal of condition no. 10 (Code for Sustainable Homes) of planning permission ref. 13/01231/FUL	Approved
13/01231/FUL	Demolition of existing buildings and redevelopment to provide: in detail: a superstore extending 6,694 sqm (GIA) (Use Class A1) and petrol filling station; restaurants extending 704 sqm (GIA) (Use Class A3); a drive-through restaurant extending 246 sqm (GIA) (Use Class A3/5); community space extending 1,026 sqm (GIA) (Use Class D1/2); and associated car parking, landscaping and highways improvements; in outline (all matters reserved except access): up to 320 residential units (Use Class C3) and associated highways improvements. Hybrid application.	Approved

3.2 The original hybrid application for the wider site was 13/01231/FUL and the outline element of this application is now Bellway Phase 1, which is presently being built under 17/00548/REM. The full part of the hybrid application for the superstore has not been implemented and this site is where the current proposal for residential would be. The application has an amended red line which includes 14 units from Phase 1, this has been approved as a non-material amendment, therefore, this application is for an uplift of 242 dwellinghouses when combined with 17/00548/REM. Phases 1 and 2 together would create 456 new residential units, the scheme has been designed to create one cohesive place.

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, press advert and public site notice which has been displayed nearby. No comments have been received.

4.3 ANGLIAN WATER:

No response received at time of writing this report.

4.4 EDUCATION:

Request financial contribution for nursery, primary and secondary provision of £872,884.73.

4.5 EMERGENCY PLANNING:

No objection, with conditions.

4.6 ENVIRONMENT AGENCY:

No objection.

4.7 ENVIRONMENTAL HEALTH:

No objection, with conditions.

4.8 ESSEX AND SUFFOLK WATER:

No response received at time of writing this report.

4.9 ESSEX COUNTY FIRE & RESCUE SERVICE:

No objections.

4.10 FLOOD RISK MANAGER:

Objection.

4.11 HEALTH & WELLBEING:

No objection.

4.12 HIGHWAYS:

No objection, with conditions and S106.

4.13 HIGHWAYS ENGLAND:

No objection.

4.14 HOUSING:

Affordable housing should be policy compliant.

4.15 LANDSCAPE & ECOLOGY:

No objection.

4.16 NATURAL ENGLAND:

No objection.

4.17 NHS ENGLAND:

Request community contribution of £95,417, towards internal reconfiguration of existing space and/or improvements to the existing IT infrastructure for the benefit of the patients of St. Clements Health Centre.

5.0 POLICY CONTEXT**National Planning Guidance**National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27 March 2012 and amended on 24 July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes

6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance

5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. The 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:

- Air quality
- Climate change
- Design
- Determining a planning application
- Ensuring the vitality of town centres
- Flood Risk and Coastal Change
- Hazardous Substances
- Health and wellbeing
- Land affected by contamination
- 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

Local Planning Policy

Thurrock Local Development Framework (2015)

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

- CSSP3 (Sustainable Infrastructure)
- CSSP5 (Sustainable Greengrid)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)³
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- 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 the 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
- 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)
- PMD14 (Carbon Neutral Development)
- 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].

Thurrock Local Plan

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

Thurrock Design Strategy

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

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Landscaping
- IV. Traffic Impact, Access and Car Parking
- V. Impact Upon Ecology and Biodiversity
- VI. Ground Contamination
- VII. Noise and Air Quality
- VIII. Energy and Sustainability
- IX. Flood Risk and Site Drainage
- X. Viability and Planning Obligation

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The Policies Map accompanying the Core Strategy identifies this part of the site as employment land. However, the site is partly occupied by now vacant commercial buildings and is partly vacant. Furthermore, the 'Thurrock Spatial Vision for 2026' set out at Chapter 3 of the Core Strategy identifies Lakeside / West Thurrock as a 'Key Area of Regeneration and Growth'. Chapter 3 (paras. 3.24-3.25) refer to Lakeside / West Thurrock and note that: *"The great majority of new housing, employment and associated development in the Borough will be located in the Lakeside/West Thurrock Regeneration Area. A mix of 3,300 new dwellings will be located to the south and east of Lakeside ... The Lakeside Basin will be transformed into a Regional Centre (town centre), and, together with the wider area, will provide between 7,000 and 9,000 jobs. Development will include a substantial expansion of retail floorspace (50,000 sqm net of comparison floorspace) to serve subregional needs and additional convenience and service retail, office and leisure floorspace to broaden the mix of uses. There will be an additional 3,000 dwellings, improved open space, and more community and health facilities"*. Although the spatial allocation of

new residential development has not been progressed through a Site Specific Allocations and Policies DPD, there is clearly an intention in the Core Strategy to introduce new residential uses at Lakeside. Indeed Policy CSSP1 refers to West Thurrock / Lakeside Basin as a broad location for housing. The proposal would contribute to housing land supply within an area which has been promoted for housing within the Core Strategy.

- 6.3 Phase 1 of the residential development which was part of the original hybrid permission is being built out presently which has started the transformation of the Lakeside Basin for mixed use which includes residential. Consequently, the principle of the proposed redevelopment of the site for residential would meet the aims and objectives of the Core Strategy with regards to the Lakeside Basin.

II. DESIGN AND LAYOUT

- 6.4 The overall design strategy for the scheme is to create distinctive places and character areas within the site. The layout and detailed design of the scheme has been developed to complement the emerging development at the adjacent Phase 1 site. The proposed development includes a mix of two storey houses, and three and four storey blocks of flats.
- 6.5 Three blocks of flats are proposed to front on to West Thurrock Way, these blocks would be four storeys high, positioned horizontally to the road and would have a double gable roof. The massing and form of these blocks will both act as a public frontage to the entire site and an attractive, permeable feature. These blocks provide landmark buildings in this location and respond to the noise and air quality constraints of this road.
- 6.6 Flats are also proposed to be situated to the south of the site while the houses would be positioned centrally. The exception to this is a block of flats located in the centre-east of the site, fronting an area of landscaped public open space. The proposals adopt a perimeter block structure mirroring the layout of the internal roads and the development on Phase 1. The houses are predominantly positioned around the edges of the blocks with rear gardens behind.
- 6.7 To create variety within the development, a range of house types are included within the proposed development. There are commonalities between each of the house types, although each has distinguishing features. This approach has the effect of creating points of interest at key nodes and establishing different character areas within the development. Design references are taken from the Phase 1 site and a carefully selected materials palette will be used to complement the characteristics of the consented scheme.
- 6.8 Therefore, the proposed appearance of the development would deliver the quality required by both national and local policies and is supported. In particular, the proposals promote the use of both good quality finishing materials and a defining architectural 'language' across the site which would create a strong and distinct sense of place. It is considered that the appearance of the development would meet the key aims of the Thurrock Design Strategy in ensuring high quality development and responding to context.

III. LANDSCAPING

- 6.9 The scheme incorporates extensive landscaping in the form of tree, hedge, ornamental shrub, amenity grass and wildflower planting. An area of landscaped open space to the in the eastern central area of the site includes seating for the enjoyment of residents and the general public. Each of the houses has a private garden and the blocks of flats each adjoin an area of communal open space which will be landscaped to a high standard.
- 6.10 The site layout has sought to relate to the Phase 1 scheme and features such as the east-west linear park and street alignments would help deliver a unified sense of place between the different phases. Similarly the planting and hard materials palettes relate to the first phase.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.11 The site is accessed from an existing roundabout on West Thurrock Way, the proposed roads would be built to a standard which would allow them to be formally adopted by the Council. The access to the site would be taken from the existing roundabout junction located to the south of the KFC building. These roundabout junctions provide access onto West Thurrock Way and, in turn, access to the wider road network. The current application proposes one main point of access from the roundabout junctions which link to an internal road. There is also a proposed third point of access at the south and south-west boundary, which connects to Euclid Way and runs parallel to the Western boundary of the wider site. This third access would provide a pedestrian and cycle link only.
- 6.12 The Council's Highways Officer raises no objection to the principle of the development on this site subject to conditions and S106 contribution. The level of parking provided on the site meets the Councils Draft Parking Standards with an average over the site of 1.5 parking spaces per unit. The development meets the Council's Draft Parking Standards in terms of parking spaces for the dwellings and the associated visitor parking.
- 6.13 The development is on a site which has planning permission for a retail superstore and restaurants. The Transport Assessment has assessed the traffic impact will be less than the extant permission for various retail and food units proposed at this location and thus minimal impact on the highway network. The proposal also includes connectivity with the addition of a cycle path and pedestrian linkages. The original hybrid planning permission included highways contributions which have been paid. The design of the proposal and the payments already made will go some way to reduce traffic impact within the basin; thus making the development proposals acceptable to policy.

V. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.14 The site has low ecological value at present and the proposed landscape measures will mitigate the loss of habitat features. Whilst the proposal is within the zone of influence of the West Thurrock Lagoon and Marshes SSSI, the Council's Landscape and Ecology Advisor considers that the development would not have any adverse effects on the SSSI.

VI. GROUND CONTAMINATION

- 6.15 The site is heavily contaminated, as with the site for phase 1, and the remediation has been addressed within an approved full planning permission 18/00791/FUL. Therefore, the decontamination of the site and preparation for residential re-use has been agreed.

VII. NOISE AND AIR QUALITY

- 6.16 The Council's Environmental Health Officer has no concerns over noise, subject to a condition requiring compliance with the submitted Noise Impact Assessment.
- 6.17 The Council's Air Quality Officer has agreed with the findings of the revised air quality assessment (section 4.2 and Appendix D6a), that mitigation in the form of rear single aspect ventilation systems will need to be put in place for all properties that fall inside the 16 metre boundary from the West Thurrock Way roadside. The inlets must be sited outside the 16 metre boundary to ensure clean air is drawn into these buildings. A planning condition would satisfy all air quality concerns with regard to this development.

VIII. ENERGY AND SUSTAINABILITY

- 6.18 The flats and houses would all incorporate energy efficiency measures including enhanced insulation, luminous efficient lighting, high-performance condensing gas boilers and photovoltaic (PV) panels. This would mean that the development would achieve at least 15% of the developments' energy needs through the use of decentralised, renewable or low carbon technologies.

IX. FLOOD RISK AND SITE DRAINAGE

- 6.19 A Flood Risk Assessment (FRA) was submitted with the application as the site is within flood zone 3. The Environment Agency has no objections; nonetheless the Council must apply the Sequential and Exception Tests.
- 6.20 The Council has applied the Sequential and Exception Test, which is required by the NPPF. The purpose of the Sequential Test is to steer new development to areas with the lowest probability of flooding (Zones 1 and 2). Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding the Exception Test can be applied.
- 6.21 The Sequential Test has been applied to the proposals and concludes that there

are no reasonably available sites located in areas of lower flood risk within the search area that would be appropriate for the type of development proposed. The Exception Test also needs to be applied as the proposal is classified as a 'more vulnerable use' within flood zone 3 but it is considered that the proposals would deliver benefits to sustainability which would outweigh flood risk issues and that, subject to mitigation, the development will be safe without increasing flood risk elsewhere.

- 6.22 A detailed surface drainage strategy seeks to use swales, underground attenuation devices and an attenuation basin, which will be maintained and managed by the landowner/future operator. Details of the proposed surface drainage systems shall be subject to a planning condition.
- 6.23 Subject to conditions, there are no objections raised from the Environment Agency, Flood Risk Advisor or Emergency Planner and the proposal is therefore considered acceptable with regard to policies CSTP27 and PMD15.

X. VIABILITY AND PLANNING OBLIGATIONS

- 6.24 The applicant's Viability Statement shows that the residual land value of the proposed scheme produces a deficit against the benchmark land value and as such the scheme is not technically viable. This is even without the provision of affordable housing or other financial contributions. Notwithstanding, the applicant is prepared to deliver the scheme.
- 6.25 The applicant's Viability Statement has been studied and appraised by an external viability consultant appointed by Thurrock Council. The information within this report is confidential as it is commercially sensitive. Whilst the importance of affordable housing and community contributions is paramount, the independent assessment findings confirms that the development is not commercially viable. Policy CSTP2(3) confirms *the Council recognises that the majority of Thurrock's identified housing land supply is on Previously Developed Land often subject to a variety of physical constraints. The capacity of a site to deliver a level of Affordable Housing that can be supported financially will be determined by individual site 'open book' economic viability analysis where deemed appropriate. This analysis will take into consideration existing use values, as well as other site-specific factors.*
- 6.26 There were financial contributions secured under 13/01231/FUL and all the relevant payments have been received by the Council. The hybrid consent involved both commercial and residential, with commercial generating significant contributions for mainly highways (based on mitigating the impact of a food store). The specific wording of the obligation requires several payments prior to commencement of (any) development, so these have already been paid. The s106 payments already paid total just over £1,227,000.
- 6.27 Notwithstanding the above, any consent granted should be subject to an s106 agreement requiring a review of scheme viability if the scheme has not reached slab level on 20 no. plots within two years of consent being granted.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1. This proposal would bring forward the second phase of residential development at this site and would provide a range of housing needed for this area. The development on previously developed land would contribute 242 new units to the Council’s 5 year housing land supply; a factor which should be given significant weight when assessed against the NPPF and the housing requirements identified in Core Strategy policies CSSP1 and CSTP1. The proposal has been subject to negotiation with officers to ensure that a high quality design is brought for the site in accordance with Core Strategy policies.

8.0 RECOMMENDATION

8.1 Approve, subject to the following:

i) the completion and signing of an obligation under s106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

- Viability Review if the scheme has not reached slab level on 20 no. plots within two years of consent being granted

ii) 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 Purchase 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
AA6979-2001	Site Location Plan	26 June 2018
AA6979-2003 A	Proposed Masterplan - Coloured	24 August 2018
AA6979-2004 A	Proposed Masterplan – Roof	24 August 2018
AA6979-2005 A	Proposed Site Plan – Ground Floor	24 August 2018

AA6979-2006 A	Dwelling Type Plan	24 August 2018
AA6979-2007 B	Parking Plan	24 August 2018
AA6979-2008 A	Cycle Plan	24 August 2018
AA6979-2009 A	Proposed Refuse Plan	24 August 2018
AA6979-2010 A	PV Plan	24 August 2018
AA6979-2011 A	Materials Location Plan	24 August 2018
AA6979-2012	Street Elevations 1, 2, 3 & 4	26 June 2018
AA6979-2021	Perimeter Block A – Front Elevations	26 June 2018
AA6979-2022	Perimeter Block A – Rear Elevations	26 June 2018
AA6979-2023	Perimeter Block B – Front Elevations	26 June 2018
AA6979-2024	Perimeter Block B – Rear Elevations	26 June 2018
AA6979-2025	Perimeter Block C – Front Elevations	26 June 2018
AA6979-2026	Perimeter Block C – Rear Elevations	26 June 2018
AA6979-2030	Block 1 Plans (sheet 1 of 3)	26 June 2018
AA6979-2031	Block 1 Plans (sheet 2 of 3)	26 June 2018
AA6979-2032	Block 1 Plans (sheet 3 of 3)	26 June 2018
AA6979-2033	Block 1 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2034	Block 1 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2035	Block 2 Plans (sheet 1 of 3)	26 June 2018
AA6979-2036	Block 2 Plans (sheet 2 of 3)	26 June 2018
AA6979-2037	Block 2 Plans (sheet 3 of 3)	26 June 2018
AA6979-2038	Block 2 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2039	Block 2 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2040	Block 3 Plans (sheet 1 of 3)	26 June 2018
AA6979-2041	Block 3 Plans (sheet 2 of 3)	26 June 2018
AA6979-2042	Block 3 Plans (sheet 3 of 3)	26 June 2018
AA6979-2043	Block 3 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2044	Block 3 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2045	Block 4 Plans (sheet 1 of 2)	26 June 2018
AA6979-2046	Block 4 Plans (sheet 2 of 2)	26 June 2018
AA6979-2047	Block 4 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2048	Block 4 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2049	Block 5 Plans (sheet 1 of 3)	26 June 2018
AA6979-2050	Block 5 Plans (sheet 2 of 3)	26 June 2018
AA6979-2051	Block 5 Plans (sheet 3 of 3)	26 June 2018
AA6979-2052	Block 5 Elevations (sheet 1 of 2)	26 June 2018
AA6979-2053	Block 5 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2054	Block 6 Plans (sheet 1 of 3)	26 June 2018
AA6979-2055	Block 6 Plans (sheet 2 of 3)	26 June 2018
AA6979-2056	Block 6 Plans (sheet 3 of 3)	26 June 2018
AA6979-2057	Block 6 Elevations (sheet 1 of 2)	26 June 2018

AA6979-2058	Block 6 Elevations (sheet 2 of 2)	26 June 2018
AA6979-2059	GA Matrix	26 June 2018
AA6979-2061	House Type A2	26 June 2018
AA6979-2062	House Type C1	26 June 2018
AA6979-2063	House Type C2	26 June 2018
AA6979-2064	House Type D1	26 June 2018
AA6979-2065	House Type E1	26 June 2018
AA6979-2066	House Type E2	26 June 2018
AA6979-2067	House Type M1	26 June 2018
AA6979-2068	House Type M2	26 June 2018
AA6979-2069	House Type E3	26 June 2018
AA6979-2070	House Type E4	26 June 2018
PR122-01E	Landscape Masterplan Rev E	24 August 2018
PR122-02B	Public Open Space Rev B	26 June 2018
PR122-03A	Tree Pit Rev A	26 June 2018
T134-002B	Swept Path Analysis (in TA)	24 August 2018
T134-003B	Visibility Analysis (in TA)	24 August 2018
T134-004B	Primary Site Access (in TA)	24 August 2018
T134-005B	Parking Court Access (in TA)	24 August 2018
T134-100	Surface and Foul Water Drainage Strategy (in FRA)	26 June 2018
T134-101	Existing Drainage Catchment Plan (in FRA)	26 June 2018
T134-200	Concept Levels Strategy (in FRA)	26 June 2018

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

EXTERNAL MATERIALS

- 3 The development shall be carried out using the material details as shown on the materials location plan Ref. AA6979-2011 and page 78 of the Design and Access Statement.

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

SOFT AND HARD LANDSCAPING SCHEME – DETAILED

- 4 No development shall take place above ground until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. 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 its replacement, is removed, uprooted, destroyed, 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 in the same place, unless the local planning authority gives its written consent to any variation.

Hard Landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

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].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

- 5 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority. The CEMP should contain or address the following matters:
 - (a) Construction hours and delivery times for construction purposes;
 - (b) Hours and duration of any piling operations;
 - (c) Vehicle haul routing in connection with construction
 - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
 - (e) Details of construction access;
 - (f) Location and size of on-site compounds;
 - (g) Details of temporary hoarding/boundary treatment;

- (h) Method for the control of noise with reference to BS5228 together with a monitoring regime.

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 LDF Core Strategy and Policies for the Management of Development [2015].

SURFACE WATER DRAINAGE

- 6 No development shall commence until a revised surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. This shall reflect the principles of that submitted for 17/00548/REM on release of condition application 17/01178/CONDC, alongside the details outstanding:
- A final drainage plan with FFLs, conveyance routes, location and sizing of all drainage features within the system.
 - Construction drawings of each feature within the drainage system.

The scheme shall subsequently be implemented prior to occupation, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable surface water drainage strategy is agreed & implemented & flood risk interests are adequately managed in accordance with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SURFACE WATER INFILTRATION

- 7 No infiltration of surface water drainage from hard paved surfaces into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect the water environment to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PUBLIC OPEN SPACE MANAGEMENT

- 8 Prior to construction above ground level of any of the buildings a management plan the management and maintenance of the areas of public open space within the development shall be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently managed and maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the appropriate management and maintenance of open space on the site in accordance with Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TRAVEL PLAN – RESIDENTIAL

- 9 Prior to the first residential occupation 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 site 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 residential occupation of the dwellings / flats etc. 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 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 LDF Core Strategy and Policies for the Management of Development [2015].

VISIBILITY AT JUNCTIONS

- 10 Notwithstanding the submitted information, details shall be submitted to and approved by the Local Planning Authority prior to commencement on site of the emerging visibility sight splays at all junction and bends including speed reduction measures. Such details shall be implemented on site to the satisfaction of the Local Planning Authority before occupation.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PARKING PROVISION

- 11 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans has been hard surfaced, sealed in and marked out as shown on the approved plans. The vehicle parking areas shall be retained in this form at all times thereafter. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

FLOOD WARNING AND EVACUATION PLAN [FWEP] – DETAILS TO BE PROVIDED

- 12 Prior to the first occupation of any building a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

Reason: 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 [2015].

BIN STORES

- 13 The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential units they serve and shall be constructed and permanently retained in the approved form, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable layout & design providing for appropriate waste management facilities is agreed, in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

VEHICLE PARKING & TURNING AREAS

- 14 The parking and turning areas for each respective dwelling shall be provided before they are occupied, and shall thereafter be retained for the purposes of parking/turning, and in the approved form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCESS ROADS, STREETS, FOOTWAYS & CYCLEWAYS PROVISION

- 15 None of the dwellings hereby permitted shall be occupied until the access road(s), street(s), footway(s) and cycleway(s) serving that dwelling have been constructed to the satisfaction of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SOUNDPROOFING/NOISE INSULATION

- 16 The noise insulation measures and specifications within Noise Impact Assessment, Phase 2, West Thurrock Green, SRL, Report Number: C/14542A/T01A/JYT, August 2018, shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

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 [2015].

AIR QUALITY MITIGATION

- 17 The air quality measures and specifications within Air Quality Assessment, Phase 2, West Thurrock Green, SRL, Report Number: 14542AQ-T02, August 2018, shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

Mitigation in the form of rear single aspect ventilation systems will need to be put in place for all properties that fall inside the 16 metre boundary from the West Thurrock Way roadside, and the inlets sited outside the 16 metre boundary to ensure clean air is drawn into these buildings.

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SOUNDPROOFING/NOISE INSULATION

- 18 Prior to the commencement above ground level of the residential development hereby approved, a scheme for noise insulation of the dwellings hereby approved, based on an updated noise assessment, shall be submitted to, and agreed in writing by the local planning authority. The scheme shall detail measures so that all habitable rooms achieve the internal guide levels as specified by BS8233:2014. The scheme shall also identify and state the glazing specifications for all the windows potentially affected by road traffic noise and noise from existing and proposed commercial uses, including acoustic ventilation, where appropriate. The approved measures shall be incorporated into the residential units in the manner detailed prior to their residential occupation and shall thereafter be permanently retained as approved, unless otherwise agreed in writing with the local planning authority.

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 [2015].

RENEWABLE ENERGY

- 19 The measures and specifications within Energy Statement, Bespoke Builder Services

Ltd, Report Number EST-WTG-69362 Issue 1, June 2018, shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

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 [2015].

Informative(s)

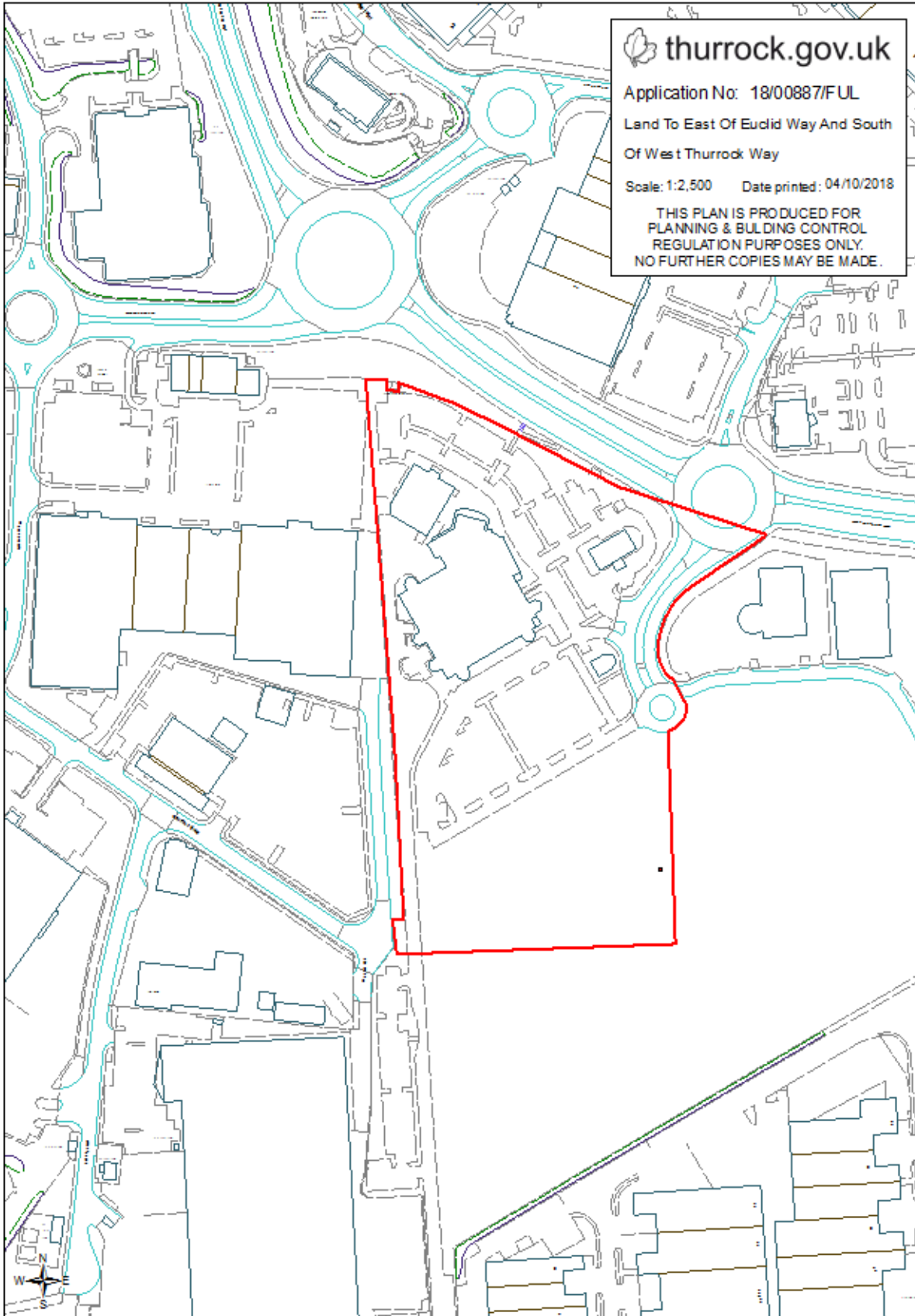
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement

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



 **thurrock.gov.uk**
Application No: 18/00887/FUL
Land To East Of Euclid Way And South
Of West Thurrock Way
Scale: 1:2,500 Date printed: 04/10/2018
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<p>Reference: 17/00403/FUL</p>	<p>Site: Land To Rear Of Caldwell Road Kingsman Road And Adjacent To A1013 Stanford Road Stanford Le Hope Essex</p>
<p>Ward: Stanford Le Hope West</p>	<p>Proposal: Erection of 127 homes comprising no. one, two, three bedroom houses and apartments, plus associated roads and parking, public open space, landscaped buffers, drainage works and infrastructure together with the formation of a cycleway and footpath along the eastern side of Stanford Road between the site access and junction with London Road</p>

Plan Number(s):		
Reference	Name	Received
PH-108_001	Location Plan	29th March 2017
PH-108_002E	Proposed Site Layout	24th September 2018
1438-1C	Other	29th March 2017
PH-108_003E	Other	24th September 2018
PH-108_004E	Other	24th September 2018
PH-108_005F	Other	25th September 2018
PH-108_006C	Proposed Floor Plans	24th September 2018
PH-108_007C	Proposed Floor Plans	24th September 2018
PH-108_008C	Proposed Elevations	24th September 2018
PH-108_009C	Proposed Floor Plans	24th September 2018
PH-108_010C	Proposed Floor Plans	24th September 2018
PH-108_011D	Proposed Elevations	24th September 2018
PH-108_012E	Proposed Floor Plans	24th September 2018
PH-108_013E	Proposed Floor Plans	24th September 2018
PH-108_014E	Proposed Elevations	24th September 2018
PH-108_015B	Proposed Plans	25th September 2018
PH-108_016B	Proposed Plans	25th September 2018
PH-108_017B	Proposed Plans	25th September 2018
PH-108_018B	Proposed Plans	25th September 2018
PH-108_019B	Proposed Plans	25th September 2018
PH-108_020B	Proposed Plans	25th September 2018
PH-108_021B	Proposed Plans	25th September 2018
PH-108_023B	Proposed Plans	25th September 2018

PH-108_024B	Proposed Plans	25th September 2018
PH-108_025B	Proposed Plans	25th September 2018
PH-108_026B	Proposed Plans	25th September 2018
PH-108_027C	Proposed Plans	25th September 2018
PH-108_028E	Other	24th September 2018
PH-108_029E	Other	24th September 2018
PH-108_031A	Proposed Plans	24th September 2018
PH-108_030E	Other	24th September 2018
PH-108_032A	Proposed Plans	24th September 2018
PH-108_033A	Proposed Plans	24th September 2018
PH-108_035B	Proposed Plans	25th September 2018
PH-108_036	Proposed Plans	24th September 2018
PH-108_037	Proposed Plans	24th September 2018
PH-108_038	Proposed Plans	24th September 2018
PH-108_039	Proposed Plans	24th September 2018
PH-108_040	Proposed Plans	24th September 2018
PH-108_041	Proposed Plans	24th September 2018
PH-108_042	Proposed Plans	24th September 2018
PH-108_043	Proposed Plans	24th September 2018
PER/1342/17E	Landscaping	25th May 2018
PH-108_034A	Proposed Plans	24th September 2018

The application is also accompanied by:

- Planning Statement
- Design and Access Statement & Addendum
- Transport Assessment and Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Landscape Appraisal and Strategy Report
- Arboricultural Report
- Noise Statement
- Habitat Regulations Assessment
- Habitat Survey
- Geo-Environmental Desktop Study and Site Investigation Report
- Archaeological Desk Based Assessment
- Statement on Community Engagement
- Utility Statement

Applicant:

Persimmon Homes

Validated:

29 March 2017

Date of expiry:

23 October 2018 [Extension of Time agreed with the Applicant]

Recommendation: Approve subject to conditions and a s106 agreement

1.0 DESCRIPTION OF PROPOSAL

1.1 Full planning permission is sought for the development of this site for 127 homes, which would comprise of one, two and three bedroom houses and apartments.

1.2 To access the site the existing field access would be upgraded to form a bellmouth junction onto the Stanford Road which would lead into the associated internal roads serving the development. To the west of this access along the eastern side of Stanford Road a cycleway and footpath would be formed along the eastern side of Stanford Road between the site access and junction with London Road. Within the development an area of public open space would be formed to the eastern side of the site along with landscaping, drainage works and infrastructure. The western half of the site would form the proposed development area with a mix of mainly houses and three apartment blocks.

1.3 The proposed development is summarised as follows:

Site Area (Gross)	5.3 ha					
Height	Up to 4 storeys [12.3m] for the flats, 3 storey terraced houses [9.7m] and 2.5/2 storey houses [9.6m/8m]					
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4 bed	TOTAL
	Houses	0	23	56	4	83
	Flats	29	15	0	0	44
	TOTAL	29	38	56	4	127
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	4 bed	TOTAL
	Houses	0	0	0	0	0
	Flats	29	15	0	0	44
	TOTAL	29	15	0	0	44
Layout	Flats	Block – 1	15 flats	11 x 1 bed, 4 x 2 bed		
	Flats	Block – 2	15 flats	11 x 1 bed, 4 x 2 bed		
	Flats	Block – 3	14 flats	7 x 2 bed, 7 x 1 bed		
	House	A	16	2 bedrooms		
	House	B	7	2 bedrooms		

	House	BL	4	3 bedrooms
	House	C	2	3 bedrooms
	House	CL	1	3 bedrooms
	House	CL2	1	3 bedrooms
	House	D	14	3 bedrooms
	House	E	2	3 bedrooms
	House	F	2	3 bedrooms
	House	G	30	3 bedrooms
	House	FV	3	4 bedrooms
	House	FL	1	4 bedrooms
Car Parking	Flats: 44 spaces [1 space per flat] 2 bedroom dwellings: 30 [1.3 spaces per dwelling] 3 bedroom dwellings: 98 [1.75 spaces per dwelling] 4 bedroom houses: 8 spaces [2 spaces per house] Total parking for dwellings: 180 spaces Visitor: 33 spaces Total: 213			
Amenity Space	Balconies for each flat 5.5 sqm [average] Shared/Communal Amenity Space: 140 sqm [average] Houses: 42 sqm [minimum] to 121 sqm [maximum] Public Open Space: 2.5 hectares			
Density	25 dwellings per hectare for the site 50 dwellings per hectare [excluding public open space]			

1.4 The proposal includes a list of draft of heads of terms offering the following s106 contributions:

1. To provide 35% of the development to be for affordable housing comprising a mix of affordable rented and immediate housing;
2. A financial contribution towards local healthcare improvements;
3. A financial contribution towards upgrading of footpath 36 through installing new footpath bridges, lighting and painting of the existing underpass bridge beneath the railway line, new surface treatment and signage. A financial contribution towards the maintenance and operation of CCTV.
4. A financial contribution towards education improvements;
5. Provision of a permissive right of a 2.5m wide pedestrian and cycle path from the boundary of the neighbouring National Grid site [to the south] in Butts Road, in case the site is re-developed in the future and to allow for an improved pedestrian/cycle route towards the railway station; and
6. Management and maintenance of surface urban drainage systems [SUDS], open space and non-adopted roads.

2.0 SITE DESCRIPTION

- 2.1 The site is a triangular shaped field measuring approximately 5.3 hectares located to the north west of the settlement of Stanford Le Hope. The ground level is generally flat with but is lower to the eastern boundary towards the neighbouring brook as this part of the site falls within flood zones 2 and 3 [medium and high risk areas].
- 2.2 Directly to the north of the site is a raised landscaped embankment which forms part of the Stanford Road [A1013] leading to the roundabout junction with the A13, North Hill [B1007] and the Manorway [A1014]. To the east, and partly through the site, there is footpath [no.36] linking to the roundabout junction to the north and into Stanford to the south along with further landscaping and a brook. Further to the east is the railway line linking to Pitsea and Southend to the east, and Tilbury, Grays and onto London in the west. Directly to the south is a small ditch which separates the site from the National Grid gasworks holding accessed via Butts Lane and residential properties located in the streets comprising of Caldwell Road, Kingmans Road and Poley Road. Established landscaping forms the boundary treatment to the field.
- 2.3 Stanford town centre is located 500m away which provides shops, services and transport linkages via bus stops and a railway station.

3.0 RELEVANT HISTORY

- 3.1 There is no specific planning history for this site but for the other nearby LDP allocation site known as ‘Land Adjacent Railway Line, The Manorway and West of Victoria Road Stanford Le Hope’, which has the following history:

Application	Description	Decision
10/50146/TTGOUT	To erect residential development of up to 185 dwellings.	Withdrawn 11.04.2011
11/50289/OUT	Residential development of up to 185 dwellings	Approved 31.03.2012
13/00184/NMA	Minor material amendment for the change in access to the site	Approved 25.03.2013
14/00355/OUT	Residential development of up to 153 dwellings.	Withdrawn 01.07.2014
14/01321/OUT	Outline application with all matters reserved apart from access for the residential development of up to 153 dwellings.	Approved 16.12.2015

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.1 PUBLICITY:

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

10 letters have been received raising the following concerns:

- Access to the site – unsafe;
- Additional traffic;
- Roads not going to cope with extra traffic and will get worse with Lower Thames Crossing;
- No easy pedestrian route to school;
- Roads can become hydroplanes;
- Tall building to affect line of sight of traffic;
- Environmental pollution;
- Litter/smells;
- Out of character;
- Possible excessive noise;
- Spoiling view;
- Land deemed flood plain;
- More run off;
- Flooding from ditch;
- Potential pollution of waterways;
- Loss of more greenbelt land in the area;
- Properties not in keeping with those already in the area [4 storey flats];
- Overlooking property;
- Revise layout to avoid overlooking;
- Impact upon doctors, dentists, schools, adult and children's social care;
- Loss of views to rear of property;
- Stanford already has its fair share of new houses;
- Barrier be put up for security reasons;
- Road noise as a result of trees removed along the A13;
- Alley at rear of Caldwell/Kingsman and Poley belongs to residents so there is no public access from the field into these roads;

1 letter has been received which raises no specific objection but makes the following points:

- Hoping that the cycleway and footpath will keep out some of the noise.

4.2 ANGLIAN WATER:

No objection as the foul drainage from this development is in the catchment of Tilbury Water Recycling Centre that will have capacity for these flows.

4.3 EDUCATION:

No objection subject to planning obligations being secured towards IRL 0071 for an extension to the existing reception/nursery provision in Corringham and Stanford Le Hope Primary School Planning Area and IRL 0072 for an extension to existing secondary school/s in the East Secondary School Planning Area through a financial contribution of £937,273.

4.4 EMERGENCY PLANNER:

No objection subject to a Flood Warning and Evacuation Plan being provided through a planning condition.

4.5 ENVIRONMENT AGENCY:

No objection subject to a condition requiring the development is constructed in accordance with the flood resilience and mitigation techniques as stated in the applicant's Flood Risk Assessment.

4.6 ENVIRONMENTAL HEALTH:

No objection with regard to air quality and contamination. For noise, a condition requiring noise mitigation for habitable rooms to meet internal noise criteria in BS8233:2014. Gardens would exceed WHO levels of 55dB LAeq, 16 hour but buildings act as a barrier but there are gaps in between and needs be assessed as part of the planning balance. A Construction Environmental Management Plan [CEMP] is required.

4.7 ESSEX COUNTY COUNCIL ARCHAEOLOGY OFFICER:

No response.

4.8 FLOOD RISK MANAGER:

Holding objection.

4.9 HIGHWAYS:

No objections subject to conditions and planning obligations.

4.10 HOUSING:

No objection as the application proposes 35% of the development for affordable housing purposes.

4.11 HEALTH AND SAFETY EXECUTIVE [HSE]:

No objection.

4.12 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to conditions regarding the landscaping scheme and swale areas. No objection to the Habitat Regulation Assessment screening statement.

4.13 NATURAL ENGLAND:

No objection.

4.14 NHS ENGLAND:

No objection subject to a financial contribution of £48,576 for additional floor space to the Hassengate Medical Centre.

4.15 PUBLIC FOOTPATHS OFFICER:

No objections.

4.16 TRAVEL PLAN CO-ORDINATOR:

No objections.

4.17 URBAN DESIGN ADVISOR:

No objections subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018 and sets out the government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of 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
- Flood Risk and Coastal Change
- Hazardous Substances
- Health and wellbeing

- Housing and economic development needs assessments
- Land Stability
- Light pollution
- Land affected by contamination
- 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

Local Planning Policy

5.3 Local Planning Policy Thurrock Local Development Framework (2015)

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. The following policies 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)
- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)³

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP13 (Emergency Services and Utilities)
- CSTP15 (Transport in Greater Thurrock)³
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)

- CSTP20 (Open Space)
- CSTP21 (Productive Land)
- 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
- PMD3 (Tall Buildings)³
- 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].

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary

planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Housing Land Supply, Need, Mix and Affordable Housing
- III. Design and Layout and Impact upon the Area
- IV. Landscaping and Amenity Space
- V. Ecology and Biodiversity
- VI. Traffic Impact, Access and Car Parking
- VII. Flood Risk and Drainage
- VIII. Noise
- IX. Effect on Neighbouring Properties
- X. Viability and Planning Obligations
- XI. Sustainability
- XII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is identified by policy CSSP1 as one of two locations on the urban fringe of Stanford le Hope/Corringham identified for release from the Green Belt for housing development. The other site, identified in the LDF Proposals Map is 'Land Adjacent Railway Line the Manorway and West of Victoria Road', was granted outline planning permission for 153 dwellings on 16 December 2015 for 3 years through planning application reference 14/01321/OUT.

6.3 It is considered on the basis of the above, and with reference to policy CSSP1 that the principle of the residential development of this site is acceptable.

II. HOUSING LAND SUPPLY, NEED, MIX AND AFFORDABLE HOUSING

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

comply with the SHMA and therein the dwelling mix requirements of policy CSTP1.

- 6.5 Policy CSTP2 requires 35% of developments accommodating 10 or more dwellings, or on sites of 0.5 ha to provide for affordable housing. The proposal is for 126 dwelling units and therefore the requirement for affordable housing is applicable. The proposal would provide 44 affordable housing units in the form of 29 x 1 bedroom flats and 15 x 2 bedroom flats. The Council's Housing Officer raises no objection as this meets the policy requirements in terms of 35% of the development and provides an acceptable affordable housing mix. The provision of the affordable housing can be secured through a planning obligation.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

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

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

- 6.7 In terms of understanding the context, at the start of the planning application process the proposal was subject to a CABI Design Review, which recognised difficulties with developing this site in terms of connecting the site to Stanford, traffic noise and flooding constraints. The applicant has worked with Officers, including the Council's Urban Design Advisor, to address the constraints of the site. These matters have all been addressed through various iterations of the plans.

- 6.8 The proposed layout concentrates built development towards the central and western part of the site as the eastern part of the site falls in a high risk flood zone, which prevents development in this area. The eastern part would form an area of public open space including a play area. The new access into the site would remove an area of landscaping but this raises no objection as the site would be landscaped as a result of the proposals. The proposed layout shows a four storey block of flats would be located at one side of the access

road and three storey terraced houses on the other side. The row of terraced properties forms a strong urban edge fronting Stanford Road but due to the ground level differences these dwellings would be positioned at a lower ground level and would be partly screened from Stanford Road to some extent by the existing landscaping. This allows for a three storey terrace to be formed in this location. The central play area in the development, which leads into the public open space, would be fronted by two streets to create natural surveillance and character to this location. The adjacent proposed cruciform road layout junction with a change in surface material helps define this part of the site for the benefit of traffic calming and pedestrian usage. One of the internal roads would form a tree lined route into the central part of the site. It is considered that the proposed layout of the development is acceptable.

- 6.9 The proposed layout benefits from permeability through the provision of the dual footway/cycleway linking the site to the Stanford Road/London Road junction. Proposed footpaths through the site would link with the existing footpath to the east of the site which is proposed through this application for upgrading works linking to Victoria Road and the town centre area.
- 6.10 Compared to the existing field environment the proposal would result in a significant change in appearance and scale with the introduction of built development. Three storey terraced dwellings and four storey flatted development would define the urban character of the site but ground levels and landscaping would allow for this scale of development, as well as acting as a defining urban edge along Stanford Road. The height of development through the majority of the site varies between two and two and half storeys, which would be in keeping with the neighbouring dwellings to the south of the site in Caldwell Road and Kingsman Road.
- 6.11 A distinctive design approach is proposed for the larger buildings on site, which are the blocks of flats and three storey terraced houses, which incorporate a more contemporary style and would help give the site character along Stanford Road. The proposed terraced houses demonstrate rhythm and form in their alignment fronting Stanford Road. The proposed house types follow a more traditional approach but the layout and juxtaposition of the dwellings would successfully relate to the terraced dwellings and flatted development in terms of architectural order and language, creating a sense of place.
- 6.12 The main elevation material to be used in the development would be brick but the elevations would also include elements of render and brick panelling. Other design features would include porch canopies, bay windows and framing features. All roofs would be finished with a grey tiled roof and the two and half storey dwellings include dormer window features. The Council's

Urban Design Advisor has no objections to the material palette but identifies the need for planning conditions for approving the finer details of such features and the materials.

- 6.13 The development would result in change from the natural environment to an urban landscape to the western part of the site. In terms of wider views, the site would be seen from areas to the north [Horndon on the Hill] to form part of the urban area of Stanford and in the backdrop of existing development and the church on the hill in the centre of Stanford.
- 6.14 In conclusion, under this heading, the overall design and layout of the proposed development and its impact upon the surrounding area is acceptable and no objections are raised from the Council's Urban Design Advisor. The proposal is considered to be acceptable with regards to policies CSTP22, CSTP23 and PMD2, and section 3 of the Thurrock Design Strategy.

IV. LANDSCAPING AND AMENITY SPACE

- 6.15 There are no Tree Preservation Orders [TPO's] at the site or around the site boundaries. Along Stanford Road, where the road level rises on an embankment, there is a landscaping strip and the proposed access would require a small area of clearance along this landscaping strip, which raises no objections. There are some trees and groups of trees on the eastern and southern site boundary which are all identified for retention except for one tree and one small section of trees which are identified to of 'low quality value'. The Council's Landscape and Ecology Advisor has no objections to the proposed tree removal and tree protection measures during construction as identified in the Arboricultural Report.
- 6.16 To accord with the requirements of policies CSTP20 and PMD5, sports and recreational opportunities should be provided, including children's play space. The proposal includes a large area of public open space of approximately 2.6 hectares which would include a 700m² area of children's play space and a 0.3 hectare flood attenuation pond, which is acceptable with regard to the policy but details of the children's play space equipment would need to be agreed along with future maintenance and management arrangements through planning conditions. The Council's Landscape and Ecology Advisor has no objections but similarly, details of the future landscaping strategy and details of the surface water features would need to be agreed through planning conditions. The footpath link and proposed upgrading works for the footpath [discussed in section VI], would help ensure connectivity in terms of Green Infrastructure, as required through policy CSTP18, to the wider area, including the neighbouring proposed development at 'Land Adjacent Railway Line the

Manorway and West of Victoria Road' site, which includes an area of open space in close proximity to this site.

- 6.17 The proposed layout to the development shows each house would have a private garden space ranging from 43m² for a 2 bedroom home up to 127m² for a 3 bedroom home. Each block of flats would have areas of communal amenity space. Based on internal floorspace some of the houses would fall below the private amenity space requirement as stated 'saved' Annex 1 of the Borough Local Plan. However, the proposal includes a large area of area of public open space which can be used for amenity provision and Planning Inspectors have found similar sized private amenity spaces to be acceptable for 3 bedroom dwellings. On balance, given the scale of the development, the level of private amenity space is considered acceptable for the proposed houses on this site with regard to policy PMD2.

V. ECOLOGY AND BIODIVERSITY

- 6.18 The application site is located 2km from the internationally and nationally designated sites (Thames Estuary and Marshes SPA and Ramsar site). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').
- 6.19 The application is accompanied by a Habitats Regulation Assessment Screening statement [HRAS] which assesses the impacts upon the nearby Special Protection Areas [SPA] and Special Areas of Conservation [SAC] both of which are European designated sites [Natura 2000 sites and Ramsar sites]. No land on the application site forms part of any statutory internationally or nationally designated site. The HRAS identifies that there will be no likely significant adverse effects in-isolation or in-combination with other plans or projects. The consultation response from Natural England 'considers that the proposed development will not have significant adverse impacts on designated sites and has no objection'. The Council's Landscape and Ecology Advisor agrees with the conclusion of the HRA and also raises no objections. It is therefore considered that the proposed development will not have a likely significant impact on a European site either alone or in combination with other plans or projects.
- 6.20 In terms of ecology and biodiversity at and around the immediate site boundaries the application includes an Extended Phase 1 Habitat Survey. The existing site is an arable field so is considered to be of low biodiversity value but the field boundaries are vegetated and are considered to be ecological corridors for several species. Equally the nearby watercourse would have biodiversity value.

- 6.21 The Extended Phase 1 Habitat Survey identifies two hedgerows on the eastern and north western boundary that would be of habitat importance and may qualify to meet the definition of an 'important hedgerow' under the Hedgerow Regulation [1997] so the Extended Phase 1 Habitat Survey advises that these are retained, protected and enhanced.
- 6.22 The Extended Phase 1 Habitat Survey involved a desk top study and a site survey in August 2015 to consider and identify protected species associated with the study area. This work identified the likely presence of bats, great crested newts, slow worms, the common lizard, grass snake, adder and badgers. The Extended Phase 1 Habitat Survey recommends, before construction work commences, further survey works for bats, birds and reptiles at the site. The Extended Phase 1 Habitat Survey also recognises the importance of the watercourse for water vole activity as another protected species. The Council's Landscape and Ecology Advisor raises no objection to this approach but requires a detailed landscape and ecology management plan to inform how the key features will be protected during construction and maintained in the future. The development of the site also offers the opportunity for biodiversity gains and ecological enhancement measures. Subject to these details being provided as required by the conditions the proposed development would be acceptable in ecology and biodiversity terms and with regard to policy PMD7.

VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.23 In terms of location and sustainability the site is located close to the town centre where there are shops, facilities, services and access to bus services. In terms of transport modes, the site is in close proximity to Stanford railway station and nearby bus stops as a transport hub and is afforded good access to the surrounding highway network. The site is located in a sustainable location but the existing access arrangements to reach these amenities and transport hubs are poor.
- 6.24 The site would be accessed via bellmouth junction onto Stanford Road for vehicles, pedestrians and cyclists. It is proposed to create a dual cycle/footpath route along Stanford Road linking to London Road to the south as there is no such path at present. There is also an existing footpath that links to Victoria Road to the east but this is a narrow, unmade and an unlit route, which requires upgrading.
- 6.25 Through the heads of terms offered for the s106 the applicant proposes upgrading this footpath route by bridging over an existing watercourse between the site boundary and the railway embankment. To do this the applicant offers to construct a concrete pad and landing rights for a new 1.5m

wide steel bridge to cross the watercourse from the site. Beyond this, the footpath and adjoining land falls outside of the applicant's control but the applicant is offering a financial contribution to the Council's Highway's team to upgrade the footpath which passes underneath the railway line embankment and adjacent to the watercourse. These upgrade works would involve improved lighting, surfacing treatment, railings, painting and signage. Further along the footpath route on the eastern side of the railway line the applicant offers to financially contribute to the construction of a 'T' shaped bridge, which would be installed over the watercourse to replace the existing bridge but also to provide a link to the neighbouring 'Manorway site' [ref 14/01321/OUT]. A financial contribution would be paid towards the provision, maintenance and operation of CCTV, which would be managed by the Council's highways team. Once upgraded the route would provide an important pedestrian link to the town centre and station, and safer for pedestrians as this would be away from existing roads.

- 6.26 In addition to this footpath, the 'masterplan' for the development shows a 'possible future footpath/cycle route' which would link through the current gas works site at the end of the Butts Lane. The construction of this link would be dependent upon the Gas Works site being subject to residential redeveloped in the future but the link would provide the fastest pedestrian route to the railway station from the site.
- 6.27 The Council's Highway's Officer has no objections to the proposed footpath upgrade works subject to the improvement details being agreed through a s106 agreement and with the dual cycle/footpath route along Stanford Road linking to London Road being subject to a planning condition.
- 6.28 With regard to traffic impact and trip generation the applicant's Transport Statement and updated Transport Note identifies has reviewed the impact upon the Stanford Road/Buckingham Hill Road Junction identified that the proposed development would give rise to increase of 7 two-way vehicle movements during the weekday AM peak hour, and 11 two-way vehicle movements during the weekday PM peak hour. The applicant's Transport Statement and updated Transport Note conclude that the impact upon the Stanford Road/Buckingham Hill Road Junction would be 'negligible'. The Council's Highway's Officer raises no objection to the impact of the development upon the adjoining road network.
- 6.29 With regard to parking, the Council's Highway's Officer advises that the site is within an area of 'medium accessibility' and therefore the Council's draft parking standards recommends 1 – 1.25 vehicle parking spaces for flats and 1.5 - 2 vehicle parking spaces for houses. For all types of dwelling 0.25 spaces per dwelling in addition to the above should be provided for visitors.

The proposal would include a total of 213 car parking spaces for the development with 136 spaces for houses and 44 spaces for the flatted development. There would also be 33 visitor spaces. The proposed parking level complies with the Council's draft parking standards. The Council's Highway's Officer has no objections to the proposed level of parking with regard to policy PMD8 and the Council's draft parking standards.

- 6.30 For cycle parking the Council's draft parking standards require one secured covered cycle parking space per dwelling and there would be space within car ports and future rear garden buildings for the houses to meet this requirement, without significantly affecting usable private garden space. For the flats, secure covered cycle parking would be provided within separate detached buildings within the grounds of the flatted developments. All cycle parking provision levels are acceptable with regard to policy PMD8 and the Council's draft parking standards.

VII. FLOOD RISK AND DRAINAGE

- 6.31 Chapter 14 of the NPPF and guidance contained within the PPG advises on flood risk. Approximately one third of the site is located within a highest risk flood zone [flood zone 3], however, no living accommodation is proposed in this area. The majority of the proposed development would be located in flood zone 1, which is lowest level of flood risk.
- 6.32 As stated above, the site is identified as one of two locations on the urban fringe of Stanford le Hope/Corringham for housing development. The evidence base to the LDF included a Strategic Flood Risk Assessment and a Broad Location Areas Sequential Test, and in identifying this site, as one of the two locations on the urban fringe of Stanford, the Sequential Test was applied and passed, with the guidance that development should be steered towards areas with a lower risk of flooding. The proposed development is identified for areas of the site that have the lowest risk of flooding. Accordingly, the PPG advises that the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test. The PPG advises on the Exception Test but as only the public open space falls within flood zone 3 the Exception Test does not need to be applied and all other development in lower risk flood zones is considered 'appropriate', based on the Flood Risk Vulnerability Classification table.
- 6.33 The applicant's Flood Risk Assessment [FRA] and addendum to the FRA demonstrates that the site levels range between 4.8m to 7.5m AOD, and the site gently slopes from the west to east, towards Stanford Brook, which is the watercourse to the east of the site. The FRA and addendum to the FRA

identifies that the highest risk of flooding would be from surface water flooding, followed by tidal flooding, although the River Thames sea wall provides protection to this area from tidal flooding. In terms of surface water flooding a Sustainable Drainage System [SuDS] hierarchy is proposed for the development comprising of a piped network to convey water to swale features draining into an attenuation area within the public open space, which will then discharge water into the Stanford Brook watercourse at a managed discharged rate. To ensure no property on site is affected from any flood event the FRA identifies that the proposed habitable finished floor levels will be positioned at 300mm above predicted flood levels. The Environment Agency raises no objection. The Flood Risk Manager currently raise a holding objection but since then further information has been provided by the applicant to address this objection and although no response has been received from the Flood Risk Manager it is considered that the proposed surface water management details can be secured through a planning condition to allow determination of the application. In addition, and for the benefit of the safety of future occupiers of the site the Council's Emergency Planner advises that a condition requiring a Flood Warning and Evacuation Plan is required.

- 6.34 For foul drainage it is stated that the development would connect to the existing sewerage system and Anglian Water raise no objections to this as the Tilbury Water Recycling Centre has available capacity to accommodate these flows.

VIII. NOISE

- 6.35 The application includes a Noise Assessment identifying noises sources from outside of the site. These include the continuous traffic noise associated with the A13, and passing passenger trains on the nearby railway line to the east of the site.
- 6.36 To address the effect of noise the development has been carefully planned to reduce ambient noise levels. The proposed rows of three storey terraced houses [house type G] which front Stanford Road would help form a physical noise barrier to assist in reducing external noise levels in private amenity spaces to rear of these houses and other houses, which have gardens backing onto them. The Noise Assessment identifies that these gardens are predicted to exceed the relevant noise guidance of 55dB as stated in BS8233:2014 (although the British Standard does recognise noise levels in areas adjoining strategic transport networks are likely to be higher than the relevant noise guidance levels).

- 6.37 For internal living conditions the Noise Assessment identifies that to achieve 'good' internal noise levels mitigation is required through the use of enhanced glazing and mechanical ventilation/acoustic ventilation for certain plots within the site.
- 6.38 The Council's Environmental Health Officer (EHO) has no objections to the use of the mitigation measures proposed for internal living conditions but recognises that some properties will be reliant on mechanical ventilation/acoustic ventilation as windows will need to remain closed to maintain acceptable internal noise levels. The EHO also recognises that the proposed houses and flats provide a level of screening but unlike a noise barrier there are gaps between the buildings which would reduce the attenuation provided and therefore gardens would not achieve the 55dB the BS8233:2014 and the World Health Organization [WHO] guidelines. This negative harm needs to be considered in the overall planning balance to a site which is identified for housing development in the current Development Plan. The Environmental Health Officer does not object to the application and recommends conditions to ensure the noise mitigation measures are achieved.
- 6.39 For construction noise the EHO has advised of the need for a Construction Environmental Management Plan for hours of construction and construction noise.
- 6.40 With the requirement for mitigation the proposed development can provide acceptable internal noise environments for future occupiers to accord with policy PMD1 but the external noise environments would be higher than guidelines and this needs to be considered in the overall planning balance.

IX. EFFECT ON NEIGHBOURING PROPERTIES

- 6.41 The nearest existing neighbouring properties are located to the south of the site in Caldwell Road and Kingsman Road. These neighbouring properties have rear gardens that either back onto the site boundary or back onto an access road which serves these properties between the rear garden boundary and the site boundary. Plots 71 to 80 front onto a proposed new road and into a streetscene. The building to building distance between these plots and the existing neighbouring dwellings is approximately 31m with vegetation, in the form of the field boundary in between. The amenities of the occupiers of these properties would not be adversely affected by the proposed development in terms of overlooking, loss of privacy, loss of light, overshadowing or, obtrusiveness. Any impacts from the construction phase of the development would be limited and controlled through a planning condition requiring a

Construction Environment Management Plan [CEMP], which would include matters such as hours of construction.

- 6.42 Notwithstanding the noise considerations stated above, the proposed layout of the development has been considered in terms of the building to building relationships, private garden space and general amenity provisions with regard to future occupiers of the site.
- 6.43 It is considered that the proposed development is acceptable in terms of residential amenity having regard to the requirements of policy PMD1.

X. VIABILITY AND PLANNING OBLIGATIONS

- 6.44 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.45 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.
- 6.46 Following changes in legislation [Community Infrastructure Levy Regulations], in April 2015 the Council produced its Infrastructure Requirement List [IRL] which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.47 Through the consultation process the following planning obligations have been identified:
- A contribution of 35% of the development to provide for affordable housing provision to meet policy CSTP2;
 - A financial contribution towards education provision through IRL Project references: IRL0071 for an extension to the existing reception/nursery provision in Corringham and Stanford Le Hope Primary School Planning

Area, and towards IRL0072 for an extension to existing secondary school/s in the East Secondary School Planning Area.

- A financial contribution towards additional floorspace at the Hassengate Medical Centre identified as IRL project IRL0441.

6.48 The applicant has included a list of draft of heads of terms offering the following:

1. To provide 35% of the development to be for affordable housing comprising a mix of affordable rented and immediate housing;
2. A financial contribution towards local healthcare improvements;
3. A financial contribution towards upgrading of footpath 36 through installing new footpath bridges, lighting and painting of the existing underpass bridge beneath the railway line, new surface treatment and signage. A financial contribution towards the maintenance and operation of CCTV.
4. A financial contribution towards education improvements;
5. Provision of a permissive right of a 2.5m wide pedestrian and cycle path from the boundary of the neighbouring National Grid site [to the south] in Butts Road, in case the site is re-developed in the future and to allow for an improved pedestrian/cycle route towards the railway station; and
6. Management and maintenance of surface urban drainage systems [SUDS], open space and non-adopted roads/paths.

6.49 The proposed planning obligations are considered necessary to comply with the requirements of policy PMD16 and the consultation responses through this application to mitigate the impact of the development.

XI. SUSTAINABILITY

6.50 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied for the 'presumption in favour of sustainable development' to apply.

6.51 For the economic role the proposal would create employment opportunities for the construction phase. When the development is occupied new residents would provide household spending within the local economy. The dwellings would opportunity for local people to live and work in this area. For the social role the development would help create a new community in this location. For both the social and economic role the development would provide dwellings for the area and contribute towards the Council's five year housing land supply. For the environmental role the proposed development is considered

acceptable in design terms in this location and in the wider context of the area. The development would incorporate public open space, a play area, new landscaping, and retention of existing landscaping around the site boundaries. The development would also create swales and an attenuation pond which will manage surface and run off from the site and provide ecological enhancement. It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

XII. OTHER MATTERS

- 6.52 Adjacent to the south eastern corner of the site the National Grid site has a Hazardous Substances Consent as this once accommodated a gas holder that has long since been demolished, although there remains apparatus and high pressure gas mains. As part of the neighbouring A13 road widening works a high pressure gas main needs to be diverted to run underground near the southern site boundary within the site. Following consultation with the Health and Safety Executive [HSE] there are no objections raised on safety grounds and no dwelling would be located near the National Grid site.
- 6.53 The applicant's Archaeology Desk Based Assessment identifies that the site is considered to have a moderate potential for the Bronze Age and Roman periods, and therefore recommends a programme of geophysical survey will be required along with any mitigation to be dealt with through a planning condition, which is necessary with regard to the requirements of policy PMD4.
- 6.54 Following consultation with the Council's Environmental Health Officer it has been identified that there are no air quality issues associated with this development and the site is not within an Air Quality Management Area [AQMA].
- 6.55 With regard to land stability and contamination the Council's Environmental Health Officer has reviewed the relevant reports submitted as part of this planning application and raises no objections to the proposed end use of residential land uses having regard to policy PMD1.
- 6.56 Each house would have space within the plot to provide refuse and recycling facilities. The blocks of flats would have refuse and recycling facilities as storage buildings within the car parking areas to the blocks. The layout of the access and internal roads through the site and into the parking area for the flats has been designed to ensure refuse vehicles can reach all refuse collection points, and this is acceptable with regard to policy PMD2.

- 6.57 The applicant's Design and Access Statement includes details of sustainable design approaches and identifies that solar thermal and photo-voltaic systems, energy efficient lighting fittings, home office workspace areas, cycle storage sheds, water saving systems, storm water management, external bin storage can all be incorporated into this development to meet with requirements of policy PMD13. The finer details of this information shall need to be agreed through the use of a planning condition.
- 6.58 Due to size of private gardens it is considered necessary to remove of permitted development rights to ensure the private gardens remain of size that is usable to all occupiers over the lifetime of the development. Therefore it is considered necessary to remove permitted development rights for extensions, garages and outbuildings with the exception of allowing an outbuilding up to 10m³ in size.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The site is identified through policy CSSP1 as one of two locations on the urban fringe of Stanford le Hope/Corringham for housing development, and would contribute to the Council's five-year housing land supply position and housing need. The site is adjacent to the existing urban area of Stanford and within close proximity [500m] of Stanford town centre and nearby transport hubs. It is considered with reference to policy CSSP1 that the principle of the residential development of this site is acceptable.
- 7.2 When assessing the planning balance the proposal would provide for a visually acceptable form of development, which would be well designed with a large area of public open space. In place making terms, the development is considered to accord with the core design aims of the Thurrock Design Strategy. Occupiers of the dwellings and existing residents would benefit from upgraded footpaths in the area, linking the site to the town centre and facilities contained therein. The proposed public open space and landscaping would help to integrate the development in this setting with the surrounding existing and established landscaping. The one vehicle access from the highway helps retain the existing landscaping along Stanford Road. It is recognised that some gardens nearest to the A13 may be subject to noise levels above the recommended levels for external amenity areas, however, in assessing the planning balance this harm is outweighed by all the benefits of the development as stated above.
- 7.3 All other material considerations are acceptable subject to planning conditions and planning obligations, which includes a policy compliant level of affordable housing, financial contributions towards healthcare and education, and upgrades to the Public Right of Way in the area and the inclusion of dual

footpath and cycleway links along Stanford Road, which is necessary to help provide another form of access to Stanford.

8.0 RECOMMENDATION

8.1 Approve, subject to the following:

i) 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:

- To provide 35% of the development to be for affordable housing;
- A financial contribution towards education provision through IRL Project references: IRL0071 for an extension to the existing reception/nursery provision in Corringham and Stanford Le Hope Primary School Planning Area, and towards IRL0072 for an extension to existing secondary school/s in the East Secondary School Planning Area;
- A financial contribution towards additional floorspace at the Hassengate Medical Centre IRL project IRL0441;
- A financial contribution towards upgrading of footpath 36 through installing new footpath bridges, lighting and painting of the existing underpass bridge beneath the railway line, new surface treatment and signage. A financial contribution towards the maintenance and operation of CCTV;
- Provision of a permissive right of a 2.5m wide pedestrian and cycle path from the boundary of the neighbouring National Grid site [to the south] in Butts Road, in case the site is re-developed in the future and to allow for an improved pedestrian/cycle route towards the railway station.

ii) 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
PH-108_001	Location Plan	29th March 2017
PH-108_002E	Proposed Site Layout	24th September 2018
1438-1C	Other	29th March 2017
PH-108_003E	Other	24th September 2018
PH-108_004E	Other	24th September 2018
PH-108_005F	Other	25th September 2018
PH-108_006C	Proposed Floor Plans	24th September 2018
PH-108_007C	Proposed Floor Plans	24th September 2018
PH-108_008C	Proposed Elevations	24th September 2018
PH-108_009C	Proposed Floor Plans	24th September 2018
PH-108_010C	Proposed Floor Plans	24th September 2018
PH-108_011D	Proposed Elevations	24th September 2018
PH-108_012E	Proposed Floor Plans	24th September 2018
PH-108_013E	Proposed Floor Plans	24th September 2018
PH-108_014E	Proposed Elevations	24th September 2018
PH-108_015B	Proposed Plans	25th September 2018
PH-108_016B	Proposed Plans	25th September 2018
PH-108_017B	Proposed Plans	25th September 2018
PH-108_018B	Proposed Plans	25th September 2018
PH-108_019B	Proposed Plans	25th September 2018
PH-108_020B	Proposed Plans	25th September 2018
PH-108_021B	Proposed Plans	25th September 2018
PH-108_023B	Proposed Plans	25th September 2018
PH-108_024B	Proposed Plans	25th September 2018
PH-108_025B	Proposed Plans	25th September 2018
PH-108_026B	Proposed Plans	25th September 2018
PH-108_027C	Proposed Plans	25th September 2018
PH-108_028E	Other	24th September 2018
PH-108_029E	Other	24th September 2018
PH-108_031A	Proposed Plans	24th September 2018
PH-108_030E	Other	24th September 2018
PH-108_032A	Proposed Plans	24th September 2018
PH-108_033A	Proposed Plans	24th September 2018
PH-108_035B	Proposed Plans	25th September 2018
PH-108_036	Proposed Plans	24th September 2018
PH-108_037	Proposed Plans	24th September 2018

PH-108_038	Proposed Plans	24th September 2018
PH-108_039	Proposed Plans	24th September 2018
PH-108_040	Proposed Plans	24th September 2018
PH-108_041	Proposed Plans	24th September 2018
PH-108_042	Proposed Plans	24th September 2018
PH-108_043	Proposed Plans	24th September 2018
PER/1342/17E	Landscaping	25th May 2018
PH-108_034A	Proposed Plans	24th September 2018

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Materials

- No development (other than site investigation, levelling and ground works) 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. In addition, the details shall include brick type, size and bonding method, coping stone details, all surface materials, rainwater goods, metering arrangements and fenestration details. The 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].

Revisions to Plots 15 & 117

- Notwithstanding the details shown on the approved plans, no development above ground on plots 15 and 117 shall commence until a revised design for the side and rear elevation fenestration details to plots 15 and 117 has been submitted to and approved in writing by local planning authority. The 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 Treatment

5. No development (other than site investigation, levelling and ground works) shall take place until details of the heights, designs, materials and types of all boundary treatments to be erected on site have been submitted to and approved by the local planning authority. The boundary treatments shall be erected/installed in accordance with the approved details and retained as such thereafter.

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 policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Landscape Protection

6. All trees, shrubs and hedgerows to be retained on the site, as shown on the 'Tree Survey and Protection Plan' dated 27 April 2018 and as detailed in the 'Arboricultural Impact Assessment' dated 15 March 2016, shall be protected by chestnut paling fencing or heras fencing for the duration of the 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 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 Scheme

7. No development (other than site investigation, levelling and ground works) shall take place until there has been submitted to, and approved in writing by, the local planning authority a detailed scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any trees and hedgerows to be retained, together with

measures for their protection in the course of development, and a programme of maintenance and programme of implementation. The landscaping details shall include details of type and species of replacement trees for the trees to be lost as a result of the development. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development or in accordance with the agreed programme of implementation and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority otherwise agreed in writing.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015], and in the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Reservation of Open Space and Details of Play Area

8. The areas shown on the approved drawings as "play area" and "public open space" shall be reserved for such purposes. Prior to first occupation of the development a scheme detailing the surfacing, landscaping and play equipment within the play space shall be submitted to and agreed in writing with the local planning authority together with a programme of implementation. The surfacing, landscaping and play equipment shall be provided in accordance with the details as approved no later than occupation of the 50th dwelling on site and shall be retained for such amenity purposes thereafter.

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscape Management Plan

9. Within 6 months of commencement of development a landscape management plan, including management responsibilities and maintenance schedules for the upkeep of all landscaped areas, public open space and play areas, other than domestic gardens, has been

submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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].

Ecology Survey and Enhancements

10. No development shall take place including any demolition or clearance works, until the following additional surveys have been undertaken:
- i) Bats (activity survey and emergence/inspection of roosting features);
 - ii) Birds (breeding); and
 - iii) Reptiles.

To ascertain if these species are present. The results of the survey along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present, and details of measures to promote biodiversity and ecology enhancement throughout the site shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The development shall be carried out and completed in accordance with the approved mitigation scheme.

Reason: In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Highway Details

11. No development shall commence (other than site investigation, levelling and ground works) until details of the access to the highway, layout of the streets, estate road construction, turning spaces, street furniture, signage, surface finishes, footways, cycleways and footpaths have been submitted to and approved by the local planning authority. The details to be submitted shall include plans and sections showing design, layout, levels, gradients materials and method of construction and whether the roads are proposed to be put forward for adoption by the Highway Authority. The approved details shall be implemented prior to occupation of the development, unless otherwise agreed in writing by the local planning authority, and shall be retained and maintained at all times thereafter

Reason: To ensure the highway works are constructed to an appropriate standard in the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Plot Sight Splays

12. Prior to the first use of any vehicle access onto the highway 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 and retained as such at all times thereafter.

Reason: In the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Parking Provision

13. The individual flat and houses hereby permitted shall not be first residentially occupied until such time as the associated vehicle parking area for that plot indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development, unless otherwise agreed with the local planning authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Public Right of Way Diversion

14. No development shall be carried out which obstructs any part of the public right of way [shown on the Definitive map], which shall be kept open for use at all times, unless a temporary diversion has been first consented under the provisions of the Town and Country Planning Act 1990 [as amended].

Reason: In the interests of users and maintaining connectivity to the existing public right of way network in accordance with policies PMD2 and

PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]. Unless an Order under Section 257 has been made and confirmed or the right of way otherwise extinguished under an order of the Magistrates' Court it is a criminal offence to obstruct a public right of way. Planning permission alone does not authorise obstruction.

Footpath and Cycleway Details

15. Details of the proposed dual use foot and cycle path along the A1013 Stanford Road, from the site entrance to its junction with London Road in Stanford shall be submitted to and approved in writing by the local planning authority. The dual use foot and cycle path shall be carried out and completed in accordance with the details as approved and shall be completed prior to the first occupation residential of the development. The dual use foot and cycle path shall then be maintained thereafter, unless adopted by the Highway Authority.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability and highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Cycle Provision

16. Prior to first occupation of the flats the cycle storage areas as shown on the relevant plans for the flats shall be made available for use for residents and visitors of the flats in accordance with the approved plans and shall be retained for bicycle storage use thereafter.

Reason: To ensure appropriate parking facilities for bicycles are provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Travel Plan

17. The measures and procedures set out within the submitted 'Framework Residential Travel Plan' dated July 2018 shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the development hereby permitted and shall be kept in place. The Travel Plan shall be made available to all new occupiers of the site. 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 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 [2015].

Refuse and Recycling Provision

18. Prior to first occupation of the flats the refuse and recycling storage facilities as shown on the relevant plans for the flats shall be made available for use for residents and visitors of the flats in accordance with the approved plans and shall be retained for such purposes at all times thereafter.

Reason: In To ensure that refuse and recycling provision is provided in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Levels

19. No development shall commence until details showing the proposed finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the scheme as approved.

Reason: In order to protect the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Flood Mitigation Measures

20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by GHBullard & Associates LLP, dated March 2018 and referenced 275/2015/FRAADD Revision P2 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels of the houses and flats hereby permitted are to be set no lower than 6.17 metres above Ordnance Datum (AOD)

2. Provision of compensatory flood storage in accordance with the Flood Risk Assessment referenced above and the accompanying drawing and calculations in Appendix E referenced: 275/2015/06, revision P1, dated MAR 2018. Appropriate cross-sections, calculations, flow routing and topographic level information must be submitted to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to the river as water levels fall.

The mitigation measures shall be fully implemented prior to first residential occupation and subsequently 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 reduce the risk of flooding to the proposed development and future occupiers and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Drainage Scheme

21. No development (other than site investigation, levelling and ground works) shall commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SuDS) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first occupation of the development hereby permitted.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Maintenance Plan

22. Prior to first residential occupation 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 and be implemented for all times thereafter.

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

Flood Warning and Evacuation Plan [FWEP]

23. Prior to the first occupation of any dwelling a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Flood Warning and Evacuation Plan [FWEP] shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location(s) at all times thereafter.

Reason: 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 [2015].

Noise mitigation measures

24. Prior to the first occupation of the development the noise mitigation measures as identified in the 'Noise Assessment Report' [reference GA-2015-0051 -R1 -RevA] dated 16 March 2016 shall be implemented during the construction of the development and the noise mitigation measures shall be maintained and retained at all times thereafter.

Reason: To protect the amenities of residential occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Solar Panels and Photovoltaic

25. External or roof mounted solar or photovoltaic panels shall not be installed unless details of their siting, design and location have been submitted to and approved in writing by the local planning authority with details installed as approved.

Reason: To ensure that development takes place in an environmentally

sensitive way and in the interest of visual amenity in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Archaeological monitoring

26.No demolition/development [or preliminary groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

External lighting

27.Prior to the first residential occupation of the development details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority, with the exception of domestic lighting within the curtilage of the residential plots. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first occupation of the dwellings retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Removal of Permitted Development Rights

28.Notwithstanding the provisions of Schedule 2, Part 1 Classes A and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Communal TV/Satellite

29. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking or re-enacting that Order with or without modification] the flats hereby permitted shall be equipped with a communal satellite dish(es). Details of the number, size, external appearance and the positions of the satellite dish(es) shall be submitted to and agreed in writing by the local planning authority prior to the installation of such systems. The agreed communal satellite dish systems shall be installed prior to the residential occupation of the flats and thereafter retained. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any Order revoking or re-enacting that Order with or without modification] other than those agreed by way of the above scheme, no additional satellite dish(es) or aerials shall be fixed to the building without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

Superfast Broadband

30. The houses and flats within the development shall be provided with the means of connecting to superfast broadband. Upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, shall be in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure.

Reason: In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 112 of the NPPF.

Construction Environmental Management Plan (CEMP)

31. No 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 of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (e) Details of construction any access or temporary access, and details of temporary parking requirements;
- (f) 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
- (g) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (h) Details of any temporary hardstandings;
- (i) Details of temporary hoarding;
- (j) Method for the control of noise with reference to BS5228 together with a monitoring regime
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (l) Dust and air quality mitigation and monitoring,
- (m) Water management including waste water and surface water discharge,
- (n) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- (o) A Site Waste Management Plan,
- (p) Ecology and environmental protection and mitigation,
- [q] Community liaison including a method for handling and monitoring complaints, contact details for site managers.
- [r] details of security lighting layout and design;
- [s] 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.

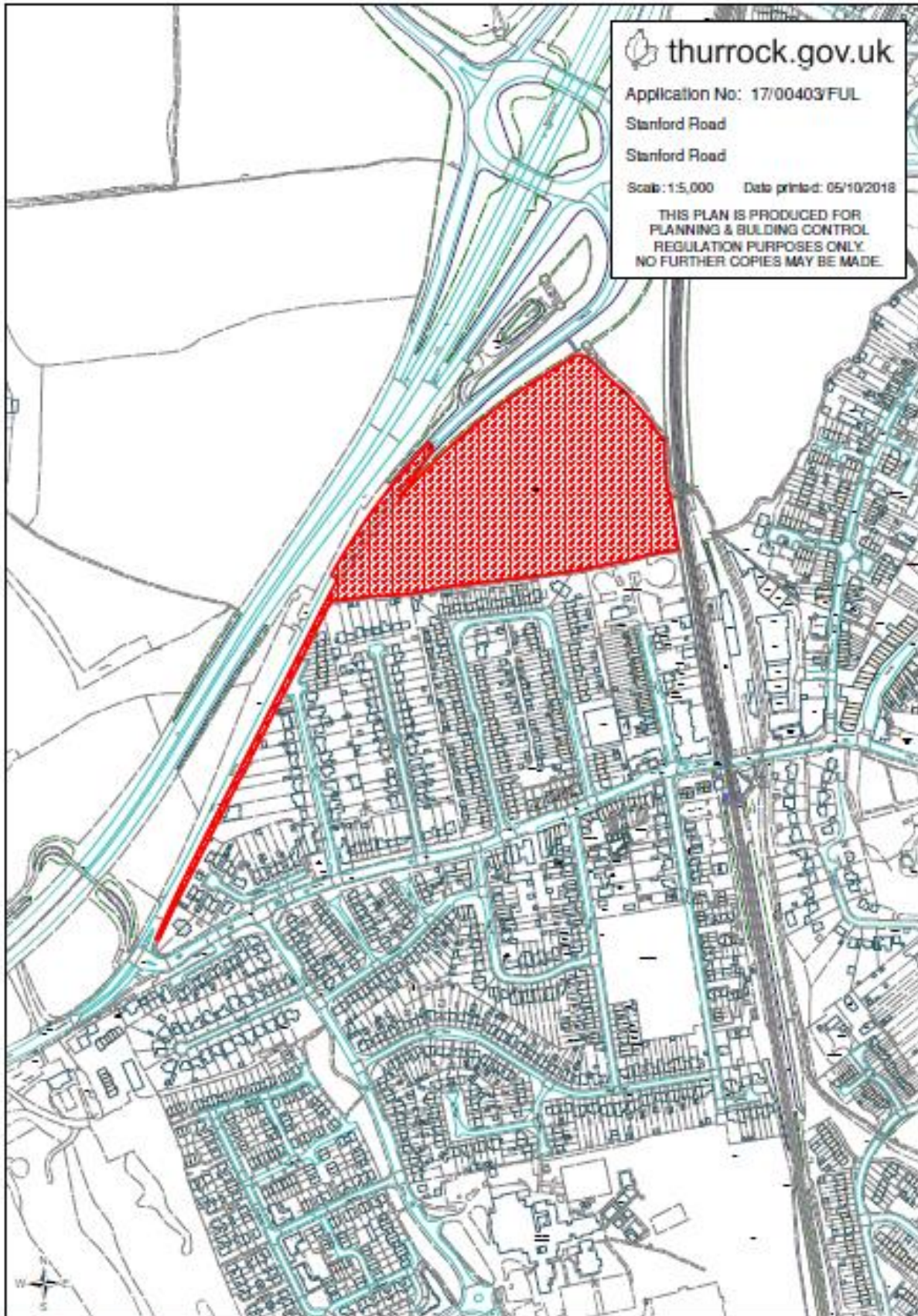
Reason: In order to minimise any adverse impacts arising from the construction of the development and to ensure the construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity, in accordance with policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

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



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Reference: 18/00571/CV	Site: Former Mucking landfill site Mucking Wharf Road Stanford Le Hope SS17 0RN
Ward: Stanford Le Hope West	Proposal: Application for the removal or variation of a condition following a grant of planning permission: proposed amendment to condition no. 2 (to allow for the extension of restoration operations until 30th June 2023), no. 20 (to allow for revised water drainage), no. 26 (to allow for revised restoration and aftercare arrangements) and no. 32 (details of remedial measures due to differential settlement etc.) on planning permission ref. 12/00691/CV (Restoration of the former Mucking landfill site).

Plan Number(s):		
Reference	Name	Received
Figure 1	Site Location	21.04.18
Figure 2	Application Site	21.04.18
Figure 3	EWT – Indicative Lease Areas and Proposed Lease Areas	21.04.18
Figure 4	Current Situation	21.04.18
Figure 5	Proposed Remediation Plan	21.04.18
Figure 6	Enhanced Planting Area Soils Requirement	21.04.18
Figure 7	Phasing Plan	21.04.18
Figure 7.3 Rev. A	Flood risk and Surface Water Management Plan	21.04.18
Figure 7.4	Surface Water Management Plan – Drainage Ditch	21.04.18
Figure 8	Heronry Shaw Circular Route	21.04.18
Figure 9	Proposed Final Contour Plan – Comparison With Approved Post Settlement Contours	21.04.18
Figure 10	Comparison of Approved and Revised Post Settlement Contours Cross Sections	21.04.18
Dwg 1 Rev. C	Revised Final Contour Plan (Post Settlement)	21.04.18
Dwg 2 Rev. C	Afteruses Masterplan	21.04.18
Dwg 5.1 Rev. B	Proposed Hard Landscape Works	21.04.18
Dwg 5.2 Rev. B	Proposed Realignment of Access Road	21.04.18
Drawing 6.1 Rev. B	Planting Plan	21.04.18

<p>The application is also accompanied by: Planning Statement with appendices:</p> <ul style="list-style-type: none"> - letter from Essex Wildlife Trust - letter from consultant engineer - photographs and plan showing area prone to flooding along Footpath 147 - Phase 1 Habitat Survey Report - Wintering Bird Survey Report. 	
<p>Applicant: Enovert South Limited and Essex Wildlife Trust</p>	<p>Validated: 26 April 2018</p> <p>Date of expiry: 31 October 2018 (Extension of time agreed with applicant)</p>
<p>Recommendation: Approve, subject to deed of variation under Section 106 of the Town and Country Planning Act 1990 and planning conditions.</p>	

1.0 DESCRIPTION OF PROPOSAL

Brief Summary

1.1 This application concerns the former Mucking quarry and landfill site located generally to the north of East Tilbury, east of the East Tilbury to Stanford-le-Hope railway line and south of Mucking Creek. The site has a long history of mineral extraction and waste disposal. Landfilling of the site with waste materials has now ceased. Proposals for the restoration of the site were originally granted in 1986 (ref. THU/806/85) and have been subject to subsequent change. The current planning permission for the restoration and re-use of the site dates from 2013 (ref. 12/00691/CV).

Current Proposal

1.2 The extant planning permission for restoration and re-use of the site (ref. 12/00691/CV) was approved in March 2013 and this consent was issued pursuant to s.73 of the Town and Country Planning Act 1990 (determination of applications to develop land without compliance with conditions previously attached) to vary conditions attached to permission ref. 06/00663/TTGCND.

1.3 This application seeks to vary conditions attached to 12/00691/CV concerning the time period for restoration activities (condition no. 2), revised arrangements for water drainage (condition no. 20), restoration and aftercare arrangements (condition no. 26) and details of remedial measures due to differential settlement (condition no. 32).

- 1.4 The current relevant conditions attached to 12/00691/CV and the proposed amendments are summarised below:

Condition 2:

Currently reads -

“Only inert material required for the approved restoration scheme shall be imported onto the site. The phasing sequence of restoration operations shall be in accordance with the sequences shown in Figure 3a (dated May 2012). All restoration, after uses and planting operations, other than aftercare, shall be completed on or before 30 June 2018.”

Reason: *To enable the Local Planning Authority to retain control over the development and to provide for the completion and progressive restoration of the site within the approved timescale in the interests of amenity.”*

- 1.5 The applicant proposes an amendment to condition no. 2 such that restoration, after uses and planting operations are completed by 30 June 2023 (an extension of five years). The reason for this request is to allow the Applicant sufficient time to import soils to complete the full restoration of the site. The volume of material required is approximately 667,000m³. The Applicant states that areas of the site which were restored many years ago are now experiencing differential settlement, which leads to poor surface water drainage. The additional material is therefore partly required to remediate these already restored parts of the site. The Applicant proposes that the condition is amended to read:

“Only inert material required for the approved restoration scheme shall be imported onto the site. The phasing sequence of restoration operations shall be in accordance with the sequences shown in Figure 7 (dated April 2018). All restoration, after uses and planting operations, other than aftercare, shall be completed on or before 30 June 2023.”

- 1.6 Condition 20:

Currently reads -

“From the date of the commencement of development, the scheme for dealing with water drainage from the site, during and after operations, shall be implemented in accordance with the details shown on Figure 7.3 of the Environmental Statement submitted with application Ref 06/00663/TTGCND, or otherwise agreed in writing by the local planning authority.

Reason: *To be consistent with the PPC Permit BV 3782 and to minimise the risk of pollution to watercourses and aquifers.”*

- 1.7 The Applicant has updated approved Figure 7.3 to take account of the amendments to the post-settlement contour levels (Figure 7.3 Rev. A). Figure 7.4 submitted with the application proposes an additional ditch to address issues resulting in the flooding of sections of public footpath no. 147. The proposed amended condition no. 20 would read:

“From the date of commencement of development, the scheme for dealing with water drainage from the site, during and after operations, shall be implemented in accordance with the details shown on Figure 7.3 Rev A and Figure 7.4 (dated April 2018), or otherwise agreed in writing by the local planning authority.”

- 1.8 Condition 26:

Currently reads -

“The restoration, after use and aftercare scheme shall be carried out in accordance with the details and specifications set out in Revised Submission made by Cory Environmental (dated November 2007) and approved by the Development Corporation by letter dated 31st October 2008.

Reason: *For the avoidance of doubt.”*

- 1.9 The current approved drawing for the afteruse masterplan is Dwg 2 Rev. B. Since this drawing was prepared the Essex Wildlife Trust (EWT) has taken responsibility for the management of c.93 hectares of the site. The Trust obtained planning permission for the construction of a visitor centre building in 2010 (ref. 10/50139/TTGFUL) and subsequent amendments to this permission influenced the approved afteruses masterplan. The Applicant has submitted a composite plan with this application which incorporates the changes resulting from the visitor centre building permission and includes the following additional amendments:

- amendments to approved footpath arrangements;
- provision of a circular walk around Heronry Shaw, with associated additional car park and picnic area;
- revised location of woodland planting area;
- addition of a wild bird cover crop area to provide food for over-wintering birds; and
- additional internal road linking main entrance to visitor centre.

- 1.10 It is proposed that condition is amended to read:

“The restoration, after use and aftercare scheme shall be carried out in accordance with the details and specification set out in Revised Submission made by Cory Environmental (dated November 2007) and approved by the Development Corporation by letter dated 31st October 2008 as updated by Drawing 2 Rev C and approved [DATE].”

1.11 Condition 32:

Currently reads -

“The operator shall submit for the written approval of the Local Planning Authority details of remedial measures to be undertaken due to differential settlement, poor drainage or due to such other conditions adverse to the proposed after uses or posing a risk to the environment as may be notified to the operator in writing by the Local Planning Authority, and shall implement the measures as agreed.

Reason: *For the avoidance of doubt as to the nature and extend of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.”*

- 1.12 Due to the differential settlement of existing restoration material on parts of the site the Applicant proposes remedial works over a total area of c.79 Ha. Within this total area works will be limited to the localised infilling of low areas. It is estimated that 492,000m³ of material is required to complete this operation which will take five years. The wording of the existing condition would remain unchanged as the current submission provides details of the updated remedial measures.
- 1.13 In order to achieve the remedial measures and the amended restoration scheme c.667,000m³ of additional material would be imported to the site, with c.492,000m³ to complete the remedial measures and c.175,000m³ to complete the amended afteruses masterplan. It is emphasised that the landfilling of waste ceased on-site some years ago and that the site has been ‘capped’ in accordance with the requirements of the planning permission and the Environmental Permit. Deliveries of material to the site by road have ceased and the river jetty has been, and would be used, for the importation of materials. Barges delivering to the site can only access the jetty at high tide and material is transferred from barge to dump trucks via gantry crane. Proposed operations would continue in accordance with the existing permitted hours 0700-1800 Mondays to Fridays and 0700-1300 on Saturdays, although the jetties are permitted to operate outside of these hours. Each barge delivers c.1,000 tonnes of material and the jetty can accept two barges. The jetty accommodates c.41 deliveries per month.

2.0 SITE DESCRIPTION

- 2.1 The application site totals some 319 hectares in area and generally lies to the south of Mucking Creek, east of the railway line, north of East Tilbury and adjacent to the River Thames.
- 2.2 Within the northern part of the site the EWT has built a visitor centre which, together with the northern part of the restored landfill site (c. 93 Ha in area) is now open to the public. In the west there is a large area of flooded workings (Heronry Shaw) which has developed as an ecological area. Close by is a power generating station which uses the landfill gas produced by the buried waste to generate electricity that is then exported to the grid. It is expected that the landfill gas, which would otherwise escape to the atmosphere and contribute to global warming, will continue to be produced for the next c.30 years.
- 2.3 The western boundary is formed by the East Tilbury to Stanford-le-Hope railway and beyond that are the settlements of Linford and to the south, East Tilbury. The northern boundary of the site is formed by Mucking Creek and further to the north are flooded workings which are used for angling and have nature conservation value. To the north east is "Area A" (now known as Stanford Wharf Nature Area) which was subject to a "managed retreat" project to provide compensatory habitat for the formation of the London Gateway Port.
- 2.4 Vehicular access to the site is from the north via Mucking Wharf Road. A public footpath (no.147) bounds the southern boundary of the site.

3.0 RELEVANT HISTORY

- 3.1 The application site has a long and complex planning history associated with former mineral extraction and landfilling operations. The site was originally low lying marshland which was commercially worked for sand and gravel from the 1920's. The land was Thames marshland and only a few metres above sea level. From approximately the 1950's the site was used for landfilling with waste and it is estimated that some 20 million tonnes of waste has been deposited on the site.
- 3.2 In 1986 Essex County Council granted planning permission (Ref: THU/806/85) to Cory Sand and Ballast Company for alterations to approved general restoration levels. Permission was granted subject to nine conditions. The conditions were later amended and the permission appears to have envisaged an end to the operation in either 2001 or 2002. In 1999 Cory Environmental Limited applied to amend five of the conditions. The application would have extended the life of the tip, increased the levels of the resultant landform and provided a restoration scheme. Following a failure to determine the application within the statutory time limit, an appeal was lodged. The Secretary of State accepted the Inspector's

recommendation and allowed the appeal following a unilateral undertaking which largely related to the phasing, details and funding of a country park as part of the restoration programme. The consent to vary the 1986 permission allowed a longer period of landfill until 31 December 2007 with restoration to be completed by 31 December 2008. Subsequent permissions have extended the time period within both landfilling and restoration should be completed.

3.3 The relevant planning history is summarised in the table below:

Reference	Description of Proposal	Decision
THU/806/85	Alterations of restoration levels	Approved
THU/673/89	Plant to produce electricity from landfill gas	Approved
99/00703/FUL	Revised restoration and after use scheme	Refused – Appeal Allowed
99/00234/FUL	Installation of gas utilisation facility within compound to generate electricity	Approved until 26.07.2003
06/00663/TTGCND	Variation of conditions to extend period for waste deposit and amended restoration	Approved subject to S106
06/00664/TTGCND	Duplicate to 06/00663/TTGCND	Withdrawn
06/01114/TTGCND	Variation to S106 Obligation	Withdrawn
09/00108/TTGCND	Variation of THU/824/88 to allow use of jetty for the handling of restoration materials	Approved
10/50139/TTGFUL	Erection of Visitor Centre	Approved
10/50115/TTGCND	Variation of time condition on THU/673/89 relating to installation of power generating plant	Approved
10/50173/TTGFUL	Installation of 3 generators	Approved
10/50229/TTGFUL	Amend alignment of access road and position of visitor centre	Approved
11/50267/TTGNMA	Non-Material Amendment to After Use Scheme	Approved
11/50280/TTGNMA	Non-Material Amendment to Visitor Centre	Approved
11/50393/TTGCND	Continued use of the Old Rectory as site offices	Approved
11/50394/TTGCND	Continued use of Old Farm Cottage as offices	Approved
11/50297/TTGCND	Variation of Conditions 2,4 and 14 of permission Ref 06/00663/TTGCND	Refused

12/00805/FUL	Retention of security compound, site office, welfare building etc	Approved
12/00691/CV	Variation of conditions 2, 4, 7 and 14 to enable the site to be restored to the approved after uses within an extended period of time.	Approved
18/01180/NMA	Non material amendments to planning permission 12/00691/CV . To change the habitat from grassland to a specialist invertebrate habitat.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of 221 individual neighbour notification letters, press advert and public site notices. The application has been advertised as a major development and as accompanied by an Environmental Statement. One representation has been received from Mucking Charitable Trust expressing concern and frustration about the submission of this application and the delay in delivering the final afteruses. The Trust asks the local planning authority to consider:

- availability of restoration materials;
- the use of rigid planning conditions and penalties / sanctions;
- further s106 obligations for local amenity;
- Enforcement of planning conditions.

4.3 The following consultation responses have been received.

4.4 ENVIRONMENTAL HEALTH OFFICER:

No objections.

4.5 PORT OF LONDON AUTHORITY:

No objections.

4.6 ENVIRONMENT AGENCY:

No comments.

4.7 NATURAL ENGLAND:

No comments.

4.8 LANDSCAPE AND ECOLOGY ADVISOR:

No objections.

5.0 POLICY CONTEXT

5.1 National Planning Guidance

National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018 and sets out the Government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development;
4. Decision making;
9. Promoting sustainable transport;
13. Protecting Green Belt land; and
15. Conserving and enhancing the natural environment.

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 51 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Determining a planning application;

- Environmental Impact Assessment;
- Land affected by contamination;
- Natural environment;
- Open space, sports and recreation facilities, public rights of way and local green space; and
- Use of planning conditions.

5.2 **Local Planning Policy**

Thurrock Local Development Framework (2015)

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP19 (Green Infrastructure)
- CSTP20 (Open Space)

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)

5.3 Thurrock Local Plan

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

5.4 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under s.73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent(s) unaffected. Accordingly, if the current application is approved both the original consents (THU/806/85, 99/00703/FUL, 06/00663/TTGCND and 12/00691/CV) and the current proposal (18/00571/CV) would comprise 'self-contained' planning permissions, although the latter permission can be assumed to represent the more 'up to date' consent. When considering an application under s.73, the Council as local planning authority should consider matters related to the conditions only and not the planning permission itself.

6.2 The main issues for consideration in this case are:

- I. Planning background
- II. Policy context
- III. Proposed extension of time and revised restoration scheme
- IV. Transportation matters
- V. Amenity considerations
- VI. Matters raised by third parties

I. PLANNING BACKGROUND

6.3 In 2007 the former Thurrock Development Corporation approved an application (ref. 06/00663/TTGCND) to vary the terms of a planning permission for a revised restoration and after use scheme (ref. 99/00703/FUL) which was granted on appeal. This 2007 permission had the effect of allowing the following:

- the deposit of household waste until December 2010;
- the restoration of the site by December 2011; and
- an enhanced after use scheme.

The deposit of household waste on site ceased in December 2010 and only restoration materials have been imported since then.

- 6.4 In April 2011, an application (ref. 11/50297/TTGCND) was submitted to the former Thurrock Development Corporation to vary a number of the conditions attached to the planning permission (as amended) which would have had the effect of:
- increasing the HGV movements delivering restoration materials to up to 240 per working day (120 in and 120 out); and
 - completing the total restoration by 2016.

In January 2012 this application was refused for reasons relating to impact from increased HGV movements on residential amenity.

- 6.5 A subsequent application (ref. 12/00691/CV) submitted pursuant to s.73 of the Town and Country Planning Act 1990 sought permission to vary planning conditions relating to approved plans, phasing, the permitted hours of operations and the number of vehicle movements. This application was considered by Planning Committee in 2012 and approved in March 2013 following the completion of a legal agreement. Permission ref. 12/00691/CV is the extant planning permission for the restoration and afteruse of the site and includes planning conditions addressing, inter-alia, the following relevant matters:

- site restoration, afteruses and planting to be completed by 30 June 2018; and
- movements of large goods vehicles to and from the site associated with the importation of restoration materials, engineering materials and inert waste to cease on 31 December 2016.

II. POLICY CONTEXT

- 6.6 The site lies within the Green Belt and the historic proposal to use the site for the deposit of household waste would probably been regarded as inappropriate development. However, at the time there were considered to be very special circumstances which warranted approval being granted. It was always intended that the site would be restored with an appropriate after use and conditions were imposed to secure this outcome. No household waste has been deposited since December 2010 and only restoration works have been carried out since this time. These restoration works comprise engineering operations which will seal the waste with an impermeable membrane, provide a protective buffer for the membrane and ultimately provide a base for planting and specialist wildlife habitats which will support the after use as a nature park. Paragraph 146 of the NPPF does not regard engineering operations as “inappropriate” development within the Green Belt provided those operations preserve openness and do not conflict with the purposes of including land in the Green Belt. With regard to the potential impact on openness, although additional material would be imported to the site the maximum height of the restored landform would remain unchanged from the current consent. The proposed localised amendments to the topography of the final land-form would

be minor compared to the area of the site and are considered to be of negligible significance. The effect of the proposed changes on the openness of the Green Belt would be minor. It is not considered that the proposed amendments would conflict with the purposes of including land in a Green Belt, i.e. the proposals would have no impact on the purposes of:

- checking the unrestricted sprawl of large built-up areas;
- preventing neighbouring towns from merging into one another;
- assisting in safeguarding the countryside from encroachment;
- preserving the setting and special character of historic towns; and
- assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

It is considered that the proposed after use of the site as a nature park would clearly be appropriate. Indeed, the proposed after use would satisfy comply with paragraph 141 of the NPPF which identifies the beneficial uses of the Green Belt including, inter-alia, providing recreation opportunities and improving damaged or derelict land.

III. PROPOSED EXTENSION OF TIME AND REVISED RESTORATION SCHEME

6.7 As noted above, the principal factor behind the submission of this application relates to remedial measures required to address differential settlement within existing restoration material, which in turn affects site drainage and other environmental factors (leachate and the capture of landfill gas). The remedial measures involve an area of c.79 Ha within the centre-eastern and south-eastern area of the site. As noted above, a condition of the extant planning permission requires completion of the restoration and afteruses by 30 June 2018. However, the applicant seeks a five-year extension to operations to allow enough time to import sufficient material. The applicant estimates that c.667,000 cubic metres of material is required. The applicant confirms that c.135,000 cubic metres were brought to the site in 2017 (all by river) at an average of 11,250 cubic metres per month. Assuming a similar delivery rate, the proposed five year extension would equate to 675,000 cubic metres of material, close to the applicant's estimate of 667,000 cubic metres.

6.8 In summary the remedial measures are required to address areas of localised differential settlement, ensure sufficient gradients for drainage and improve drainage ditches to reduce off-site flooding.

6.9 Differential Settlement

Members of the Planning Committee may be aware that differential settlement is an issue commonly affecting landfill sites and results in localised depressions in the

surface leading to the formation of ponds. This in turn can influence surface water drainage, water penetration into the landfill and production of leachates. Condition no. 32 of the extant permission envisages the potential issues of differential settlement and poor drainage and allows for the submission and approval of remedial measures where this occurs. The Applicant's submission identifies the localised areas where remediation is required and proposes, on a phased basis, revised contours and sections to address the settlement issue.

6.10 Drainage Gradients

Within the remediation area the Applicant has identified areas where existing gradients are very shallow (i.e. between 1 in 30 and 1 in 100). In association with the areas of differential settlement, where levels are below approved restoration levels, this results in sub-optimal drainage gradients. In turn, this can lead to surface water ponding. The proposed importation of material is therefore required to create the contours necessary to drain surface water to watercourses adjacent to the site (i.e. Mucking Creek to the north, Heronry Shaw to the west, Gobions End stream to the south-west and Gobions End pond to the south).

6.11 Off-Site Flooding

Public footpath no. 147 adjoins the southern boundary of the site and follows an east-west alignment linking East Tilbury with the River Thames. However, a section of this path c.200m in length is prone to flooding. A visit to the site in mid-June 2018 revealed that this section of path was only passable with care. The remedial measures therefore propose an additional drainage ditch within the site and parallel to the alignment of the footpath.

6.12 The Applicant has provided a case to state that these remedial works are required and need to be undertaken now. It is argued by the Applicant that completing the works now will reduce the chances that the affected areas will require further remediation at a later date, which could involve disruption to the nature park and associated habitats. The Applicant points out that a planning condition requires removal of the river jetty once restoration is complete and therefore if unforeseen remediation is required in the future, material would need to be imported by road. Consequently, it is desirable to undertake the remedial measures now in order to minimise the risk that additional remedial measures will be required in the future.

6.13 As additional material is required to address the issues identified above it is inevitable that an extension to the time period for restoring the site is sought by the Applicant. Condition no. 4 of the extant permission requires that deliveries of materials by road cease on 31 December 2016 and since this time all restoration and engineering materials have been barged to the site via the river jetty. It is

unfortunate that further time is required to restore the site, as this also delays the delivery of the future end-use as a nature park in its totality. However, delivery of materials by road will have inevitable impacts on the local highway and surrounding amenity, notwithstanding the restriction imposed by condition no. 4. As an aside, delivery by road to the site averaged 105,000 cubic metres per annum between 2012 and 2015, less than the 135,000 cubic metres delivered by barge in 2017. Therefore delivery by river is the only available option. The size of barge which can access the jetty at high tide only is limited to c.1,000 tonnes and only two barges can access the jetty. On this basis the remediation measures cannot be progressed earlier than within a five-year timeframe.

IV. TRANSPORTATION MATTERS

- 6.14 When the earlier planning submissions for the site were considered in 2007 and 2012 representations were received objecting to the proposals for reasons including the impact of lorry movements on the highway and local amenity. As noted above, condition no. 4 of the extant planning permission (12/00691/CV) limited the number of lorry movements and crucially required all deliveries of restoration and engineering materials by road to cease on 31 December 2016. For reference, this condition limited lorry movements (two-way) to no more than 160 on any working day (Mon-Fri only between the hours of 0700-1800). Again for reference between 2012 and the end of 2016 c.105,000 cubic metres of material was delivered to the site per annum by road. Since 1 January 2017 all restoration and engineering materials have been delivered by river barge.
- 6.15 The use of river transport is considered to be a sustainable method of bringing materials to the site and is generally encouraged by Core Strategy policy PMD11 (Freight Movement), which aims to facilitate freight movement in a sustainable way. The current proposals involve no changes to the existing arrangements for bringing materials to the site. Accordingly, there would be no impact on the surrounding road network.

V. AMENITY CONSIDERATIONS

- 6.16 The engineering operations associated with the proposed remedial works would be carried out some distance from residential properties. Dwellings at Colne, East Tilbury are a minimum of c.500m to the south-west of the remediation area and residential occupiers in Mucking Wharf Road to the north are located c.370m from the northern edge of the remediation area. Extant planning conditions limit the hours of operation on-site and compliance with dust control measures. These conditions can be re-imposed on any s.73 approval.

6.17 No objections have been raised by the Council's Environmental Health Officer and, subject to conditions, there are no objections on the grounds of impact on residential amenity.

VI. MATTERS RAISED BY THIRD PARTIES

6.18 A representation has been received from the Mucking Charitable Trust. In summary, the representation expresses concern and frustration about the submission of this application and the delay in delivering the final afteruse for a nature park. The Trust asks the local planning authority to consider:

- availability of restoration materials;
- the use of rigid planning conditions and penalties / sanctions;
- further s106 obligations for local amenity;
- enforcement of planning conditions.

6.19 For information, the Trust's aims and activities, as stated on the Charity commission website, are *"the promotion for the benefit of the of the public the protection, improvement and maintenance of the environment, primarily but not exclusively through the management and maintenance of the area known as Thurrock Thameside Nature Park ..."*.

6.20 In essence, the Trust are disappointed that more restored land has not been made available as part of the nature park and specifically ask the Planning Committee to consider the following points:

- the Trust consider that ample restoration material is available but has not been procured by the applicant;
- query whether a supply chain for restoration material can be enforced by the Council;
- consideration should be given to a new legal agreement for further amenity improvements; and
- guidance on the full range of possible enforcement and planning condition options should be presented to Committee.

6.21 However, it should be noted that the Essex Wildlife Trust (EWT) are the joint applicant in this case and, as noted at paragraph 1.9 above, the EWT has taken responsibility for the management of c.93 hectares of the northern part of the site. The EWT opened its visitor centre building in 2012 and the nature park attracted c.136,000 visitors in 2017. The EWT has sent is a letter in support of the application, and as the EWT are joint applicant this letter is reproduced in full as follows:

"EWT fully supports this joint application for a 5-year soil extension and material

amendment as part of the restoration plan at Mucking (Thurrock Thameside Nature Park). We feel it will benefit not only the visitors to the Nature Park, but the wildlife of the site, providing additional protection on a landfill site. Essex Wildlife Trust and Enover have been working on a joint master plan for the site which will support the development and access to the site. We have a commitment to a leasing programme which includes large areas for EWT to manage once the associated restoration works are complete. The first phase will include the main entrance, road and access to the Heronry Shaw lakes with a new car park area for the public to access. This will provide greater access and a further hub/sheltered area for the public to use. In addition, additional soils will limit risks associated with landfill and provide a safer environment for visitors and staff managing the site. The updated masterplan provides the following:

- *Upgraded footpaths providing better access all year round for public and widened to take emergency vehicles, if required.*
- *Large area of open grassland left for wildlife to flourish, so that dogs and people do not disturb the habitat or wildlife.*
- *Revised fence plan which considers grazing, new woodland and a coastal walk.*
- *A relocation of additional woodland planting area adding to the mosaic of habitats on the site and providing a further habitat for birds.*
- *Education area for outside activities.*
- *Wild bird crop cover area providing 19 declining farmland bird species a vital food source especially over the winter periods.*
- *Heronry Shaw lakes circular walk and associated car park.*

Zoned areas:

Upgraded Paths:

As part of a consultation exercise and having an operational presence on site, it has become apparent that the footpaths need to be realigned with a coastal walk and upgraded to take emergency vehicles requiring access to the site. The previous master plan did not take this into account and some of the paths were temporary mowed, for summer-use only. The new plan will ensure that the paths will be accessible all year.

Grazing in two sections:

Dedicated grazing areas will allow the grassland to be naturally managed with public controlled areas so there is less disturbance to the habitat and grazing. The park allows dogs to be walked and this has been considered when designing the public access areas and footpaths. The cattle will roam freely on the site with a stock fence around the perimeter.

Woodland area:

The site will have a wonderful mosaic of different habitats and an area has been identified for a woodland on the East side with a woodland path, thus providing

additional and much needed shelter for the site. This woodland will link in with Stanford Warren's wooded area. Access routes through the woodland will provide a route for the invertebrates that travel across the site.

Education area:

A safe and secure area has been identified for the education area where a pond has already been developed to assist with pond dipping activities. Along with the current ablution block, parking and easy access, this will make a great addition to the site. The original master plan allocated pond and children's activities in and around the yard area which is now considered a non-safe environment for these types of activities.

Wintering Crop area:

There is a wonderful opportunity to provide an over-winter wild bird cover as part of the restoration plan which will support the declining population of farmland birds in the Thurrock area. We envisage this area in the future becoming a wildlife spectacle where visitors can witness large flocks of birds feeding in or around the wild bird crop area.

Additional lake car park:

The new entrance to the site will provide the visitor a choice to either visit the current visitor centre site (North) or travel South towards the lakes. Visitors by car will be encouraged to use the new car park which is strategically placed for access and will link to a safe, sheltered picnic area for everyone to use. It will have views over the lake and provide another aspect of the site for the visitors to enjoy. A vehicle barrier will be in place to stop visitors driving round to the gas plant on site.

Additional Soils:

Alongside ensuring the sustainability of the landfill capping layer and reducing the long-term environmental impact of the landfill site (through the reduction in the amount of leachate generated), the additional soils will limit the risk to exposing landfill or coming into conflict with the subsurface landfill infrastructure during its management or cultivation of the site. Areas which have been identified for additional soils will provide more protection for the staff and visitors to the site.

In summary, EWT and Enover believe that we have a combined revised master plan that will deliver a nature park that will have a mosaic of habitats for visitor and wildlife to experience as well as providing a site that is developed and managed strategically, whilst conserving the land for wildlife".

- 6.22 Returning to the points raised by Mucking Charitable Trust, the applicant seeks the importation of further restoration material to address differential settlement. This material is in addition to the previous estimates of the volumes required to restore

the site. In considering this s.73 submission National Planning Practice Guidance (PPG) makes clear that a local planning authority must only consider the conditions that are the subject of the application and cannot consider the application afresh. PPG also confirms that in granting permission under section 73 the local planning authority may impose new conditions only where the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. It is considered that the Charitable Trust's suggestion for control of the supply chain of restoration material by condition would be unreasonable.

- 6.23 On the matter of the enforceability of extant planning conditions, internal legal advice was sought and presented to Planning Committee in 2012. The relevant extracts are as follows:

“Statutory Background

Following the Stevens Committee on Planning Control over Mineral Working(1976), the Town and Country Planning (Minerals) Act 1981 gave statutory power to mineral planning authorities, where planning permission is granted subject to a restoration condition, also to impose an “aftercare condition”. Aftercare may also be secured by the imposition of a condition in the planning permission requiring the subsequent approval of an aftercare scheme. A restoration condition secures that any or all of subsoil, topsoil and soil making materials are replaced after the completion of the mineral working and the site contoured in an appropriate manner. An aftercare condition imposes an obligation to bring the land back to a required standard where the land is to be restored to agricultural, forestry or amenity use.

There are two separate Schedules of the Town and Country Planning Act 1990 devoted to minerals – Schedule 5 and 9 -and there are separate Mineral Regulations which treat mineral development as a use of land. The Mineral Regulations do not apply to the winning and working of minerals in connection with agriculture. All conditions of the grant of a minerals permission, including restoration and associated planning conditions, are subject to periodic review under the Environment Act 1995 Schedule 14.

Where a planning authority revokes or modifies planning permission compensation becomes payable. In respect of mineral permissions, the Act authorised regulations by the Secretary of State reducing the amount of compensation where the authority revoke or modify a mineral permission: The Town and Country Planning (Compensation on Mineral Working and Mineral Waste Depositing) Regulations 1997 are now in force.

Section 106 Agreements and financial guarantees in respect of aftercare conditions are often negotiated - as was the case in the Mucking Site. The Technical

Guidance to NPPF states that it is reasonable in exceptional cases (such as very long-term projects) for planning authorities to seek financial guarantees covering restoration in certain circumstances. The Guidance emphasises (paragraph 49) that no payment of money or other consideration can be required when granting planning permission except where there is statutory authority.

Application Background

The application is made under Section 73, and is not a full application. In considering such an application, the planning authority can only consider the question of conditions: it may only impose new conditions which could lawfully have been imposed on the full permission, and do not rewrite or fundamentally alter the scheme.

Expediency of Enforcement

The Section 106 Agreement of 16 May 2007 contains a clause (4.8.2) which provided for a payment of £5,000 towards their costs of monitoring compliance with the Agreement. The following sub-clause 4.8.3 provides:

"If the Development Corporation considers both that there has been a breach of this Agreement and that it is appropriate to take enforcement action to secure compliance herewith then the reasonable costs of taking such action shall be recoverable from the Owner as a debt"

The statutory remedies in Section 106 are

- (i) enforcement by injunction (Section 106(5) ;and*
- (ii) if there is a breach of an obligation to carry out any operations in, on, under or over the land to which the obligation relates, the authority may, after giving not less than 21 days' notice in writing*
 - (a) enter the land and carry out the operations; and*
 - (b) recover from the person or persons against whom the obligation is enforceable any expenses reasonably incurred by them in doing so.*

The waste licence is held by Cory (now Enovert) from The Environment Agency. The scale of the operations makes the theoretical option of direct enforcement under the Section 106 Agreement by the Council (in whom the enforcement power is now vested) wholly impractical.

The Council as planning authority has a discretionary power to take action where it appears that there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations (Section 172). The potential breach of planning control (in this case would relate to condition no. 2 of 12/00691/CV which requires completion of the restoration and afteruses by 30 June 2018). It is not considered

that a Breach of Condition Notice would be appropriate in this case. An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly the purposes of (a) remedying the breach or remedying any injury to amenity caused by the breach (Section 174 (3) and (4)).

There is a right of appeal against an enforcement notice. Thurrock Council allow contravenors, where practicable, a reasonable opportunity to remedy a breach, and an enforcement notice is a measure of last resort. There is a right of appeal against an enforcement notice, and the expense of an appeal should be avoided unless there is a compelling case for issuing an enforcement notice, the contravenor is not taking the opportunity to remedy the breach of control, and it is considered expedient to issue the notice. The Courts have held that expediency in Section 172 must be considered in a planning context. It is not considered that there are grounds to justify refusal of the application and subsequent enforcement.

Phased permissions

It has been suggested that the application be approved for one year only and that an annual target be set. If the target is not met then it is suggested that further permissions for future years might be withheld or some form of financial penalty be imposed. The Council is required to determine the application before it. As explained above the application is to vary a condition relating to timing ... The ultimate aim of the permission is to secure the restoration of the site and that element of the permission would remain in place however the Council determines this application. The above course of action would actively frustrate the completion of the consented scheme and would be regarded as, in effect, a refusal of the application which could be appealed. It is not the purpose of the planning system to apply conditions which impose financial sanctions”.

It is considered that the above legal advice is still relevant and responds to the comments from the Mucking Charitable Trust regarding enforcement of planning conditions and the potential for ‘fresh’ conditions.

OTHER MATTERS: ENVIRONMENTAL STATEMENT

- 6.24 The original planning application was supported by an Environmental Statement (ES) which was taken into account by the Thurrock Development Corporation in granting planning permission ref. 06/00663/TTGCND. The current application has the effect of providing the same development as approved but over a longer time frame. It is considered that given the scale and nature of the development already delivered, the ES, as submitted, is still pertinent and does not need to be supplemented by additional information. In coming to its view on this application the Council has taken account of the information contained in the ES. The Council is satisfied that having considered the views of statutory consultees including the

Environment Agency and Natural England and, subject to the terms of the planning permission being complied with, the development may proceed without causing significant environmental impacts which not already been assessed.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION:

- 7.1 Landfilling of waste materials at the site has ceased and the landfill layer has been capped. The importation of the restoration and engineering materials required to restore the site and enable the afteruse as a nature park is ongoing. The existing planning permission requires completion of the restoration by 30 June 2018. However, the applicant has identified areas of the site where earlier restoration material has experienced differential settlement. This leads to problems with surface water drainage and potential generation of leachate and could compromise the future mature park habitat. The applicant seeks to amend planning conditions to address this issue as well as updating the details of the final afteruse and addressing an off-site flooding issue. Additional material is required to address the settlement and drainage issues which unfortunately adds delay to the restoration programme.
- 7.2 It is considered that a failure to complete the restoration to the correct technical specification is not tenable. Clearly, it is disappointing that the restoration will not be fully completed within the timetable originally proposed, although the timetables for ceasing both the deposit of household waste and deliveries by road have been complied with.
- 7.3 It is notable that the EWT are the joint applicant for the current application and that a letter supporting the proposals has been submitted by EWT.
- 7.4 Planning Committee also needs to consider the fall-back position should the current application be rejected. If the application is refused then there is breach of planning control regarding condition no.2 of planning permission ref. 12/00691/CV. The Council would then need to determine whether or not it is expedient to take planning enforcement action. If the Council did serve an enforcement notice it would need to specify how the breach would be remedied. In this case the breach of control would be the failure to complete the approved restoration scheme by the specified date and the remedy would be that which the applicant, effectively, is seeking to achieve, i.e. the completion of the restoration.
- 7.5 The original planning permission was granted subject to a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990. If the Committee is minded to approve the application it will be necessary to enter into a deed of variation to tie the remaining operational obligations. It is also necessary to re-impose certain conditions from the original permission which are still of relevance.

8.0 RECOMMENDATION

8.1 APPROVE the application, subject to:

A a deed of variation under Section 106 of the Town and Country Planning Act be first entered into to secure the following -

- Remaining operational requirements of the existing Section 106 planning obligation.

B the following planning conditions -

1. The development hereby permitted shall be carried out in complete accordance with the details submitted by way of the application and accompanying Environmental Statement, together with the application plans numbered:

<u>Plan No.</u>	<u>Date</u>
Figure 1 – Site Location	11.04.18
Figure 2 – Application Site	18.04.18
Figure 3 – EWT Indicative Lease Areas and Proposed Lease Areas	19.04.18
Figure 4 – Current Situation	11.04.18
Figure 5 – Proposed Remediation Plan-	11.04.18
Figure 6 – Enhanced Planting Area Soils Requirement	11.04.18
Figure 7 – Phasing Plan	11.04.18
Figure 7.3 Rev. A – Flood Risk and Surface Water Management Plan	17.04.18
Figure 7.4 – Surface Water Management Plan – Drainage Ditch	19.04.18
Figure 8 – Heronry Shaw Circular Route	11.04.18
Figure 9 – Proposed Final Contour Plan – Comparison With Approved Post Settlement Contours	11.04.18
Figure 10 – Comparison of Approved and Revised Post Settlement Contours Cross Sections	11.04.18
Dwg 1 Rev. C – Revised Final Contour Plan (Post Settlement)	13.04.18
Dwg 2 Rev. C – Afteruses Masterplan	18.04.18
Dwg 5.1 Rev. B – Proposed Hard Landscape Works	17.04.18
Dwg 5.2 Rev. B – Proposed Realignment of Access Road	17.04.18
Drawing 6.1 Rev. B – Planting Plan	17.04.18

Reason: For the avoidance of doubt as to the nature of the development and to ensure that the development is carried out in an orderly manner which will

safeguard the amenity of the area, protect the adjoining land uses and result in an eventual return of the land to a satisfactory and beneficial use.

2. Only inert material required for the approved restoration scheme shall be imported onto the site. All deliveries of restoration materials to the site shall be by river via the existing jetty. The phasing sequence of restoration operations shall be in accordance with the sequences shown in Figure 7 (dated 11.04.18). All restoration, after uses and planting operations, other than aftercare, shall be completed on or before 30 June 2023.

Reason: To enable the local planning authority to retain control over the development and to provide for the completion and progressive restoration of the site within the approved timescale in the interests of amenity.

3. All operations authorised, required or associated with the development hereby permitted (with the exception of the use of the jetty handling unloading facility granted planning permission under reference THU/676/83, THU/824/88 and 09/00108/TTGCND) shall only be carried out between the following times:

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturday

And at no other time or on Sundays, public holidays or bank holidays unless agreed in writing beforehand with the local planning authority.

Reason: In the interests of highways safety, to protect the amenities of local residents and in the interests of amenity generally.

4. Condition deleted.
5. Condition deleted.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no building, structure, or fixed plant or fixed machinery, except as existing or as detailed in the scheme approved under condition no. 2 above shall be erected, extended installed or replaced and no skips shall be stored anywhere on the application site without the prior written consent of the local planning authority.

Reason: To enable the local planning authority to control adequately the development and to minimise its impact on the amenities of the local area.

7. Unless the local planning authority otherwise agree in writing, any building other than Mucking Hall, Crown House, Crown Cottages, Golden Gate Cottage, Hall

Farm Cottage and Mucking Hall Farm, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted, shall be removed from the site when they are respectively no longer required for the purpose for which they were installed, in any case not later than six months before the completion of restoration of the site and upon their removal, the land shall be restored in accordance with the agreed restoration scheme.

Reason: To enable the local planning authority to retain control of the development and to ensure that the land is restored to a condition capable of beneficial use.

8. Notwithstanding condition 7 of this permission, the leachate management, monitoring and treatment facilities shall remain until no longer required, and the gas utilisation plant management and monitoring facilities shall remain until that time period specified in condition 2 of THU/673/89 or condition 2 of THU/99/00234/FUL (or as amended by any approved variation or substitution of that condition/planning permission). Upon their removal, the land shall be restored in accordance with the agreed restoration scheme or, as in the case of the gas utilisation plant, in accordance with the requirements of condition 3 of THU/99/00234/FUL.

Reason: To enable the local authority to control the development and to ensure that the land is restored to a condition capable of beneficial use.

9. A copy of the terms of the planning permission, including all documents and plans hereby permitted and any documents subsequently approved in accordance with this permission, shall be on site during working hours, shall be displayed at the site office during the period the site office is permitted at the site and shall be known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that all employees may readily make themselves aware of the requirements of this permission to ensure the orderly operation of the site.

10. All ingress to the landfill site from the public highway by goods vehicles over 3.5 tonnes shall be from Mucking Wharf Road.

Reason: In the interests of highway safety and safeguarding the local environment.

11. No commercial vehicle shall exit the site onto the public highway unless the wheels and its under-chassis are clean to prevent material being deposited on the highway.

Reason: In the interests of highway safety and the amenities of the area.

12. The access road for a distance of 400 metres from the public highway shall be metalled, maintained and kept free of mud and detritus by cleaning as often as is necessary to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety.

13. A sign, the details of which shall be submitted to, and approved in writing by, the local planning authority, shall be erected within one week of the commencement of the development and maintained in a prominent position at the site exit, advising drivers of vehicle routes agreed with the local planning authority.

Reason: In the interests of highway safety and the amenity of the area.

14. No large goods vehicle in excess of 3.5 tonnes shall enter the site unsheeted.

Reason: In the interests of highway safety and safeguarding the local environment.

15. Prior to the commencement of each phase, a "soil" scheme for the handling, storage and placement of soil making materials in that phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall comprise:

- (a) A scheme for the stripping, storage, classification and placement of restoration materials to be used;
- (b) The areas to be used to store imported soils or soil substitutes for each phase, and,
- (c) The planning and duration of stripping, storage and placement operations including the periods during which temporary bunds and stockpiles will be present on different parts of the site.

All topsoil, subsoil and soil making materials shall be retained on site. All soil handling shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: To protect amenity, to maximise the beneficial use of on-site material and to aid the final restoration of the site.

16. Plant and vehicle movements shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

17. All bunds of restoration materials intended to remain in situ for more than six months shall be seeded with a seed mixture using application rates as agreed in

writing with the local planning authority, no less than one month before it is expected to complete formation of the storage bunds.

Reason: To minimise the impact of the development of the locality.

18. Storage bunds shall not exceed 5 metres in height.

Reason: To protect amenity.

19. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surround and bunded to at least 110% of the tank/drums capacity with a sealed sump within the bunded area or shall be placed in suitably designed mobile equipment to prevent direct discharge to any water course, land or underground strata. All fill, draw and overflow pipes shall be within the bunded area.

Reason: To minimise the risk of pollution to watercourses and aquifers.

20. From the date of commencement of development, the scheme for dealing with water drainage from the site, during and after operations, shall be implemented in accordance with the details shown on Figure 7.3 Rev A and Figure 7.4 (dated 17.04.18 and 19.04.18), or otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt as to the nature and extent of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.

21. Condition deleted.

22. Details of the measures and equipment on the surface of the site installed for the management and control of leachate shall be submitted to, and approved in writing by, the local planning authority prior to installation.

Reason: For the avoidance of doubt as to the nature and extent of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.

23. The scheme for the control and suppression of dust emissions from the site approved by the Thurrock Development Corporation by letter dated 21 December 2007 shall continue in operation until the development is completed.

Reason: In the interests of residential amenity and visual amenity.

24. The scheme for the control of noise emissions from the site approved by the Thurrock Development Corporation by letter dated 21 December 2007 shall continue in operation until the development is completed.

Reason: To protect the amenities of local residents.

25. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times shall be fitted with effective silencers.

Reason: To protect the amenities of local residents.

26. The restoration, after use and aftercare scheme shall be carried out in accordance with the details and specification set out in Revised Submission made by Cory Environmental (dated November 2007) and approved by the Thurrock Development Corporation by letter dated 31 October 2008 as updated by Drawing 2 Rev C dated 18.04.18.

Reason: For the avoidance of doubt.

27. All planting and seeding shall be carried out as shown in the approved details of landscaping. All trees or shrubs that die within five years of planting or become damaged, diseased or removed shall be replaced in the new planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.

Reason: In the interest of residential and visual amenity.

28. All planting work shall be carried out in accordance with the recommendations of British standards BS4428, 1989 "Code of Practice for General Landscape Operations".

Reason: In order to ensure the satisfactory restoration of the site.

29. The minimum settled depth of the restoration soil profile shall be 1 metre except in tree planting areas where the depth shall be a minimum of 1.5 metres.

Reason: To ensure that the land is satisfactorily restored to enable a beneficial after use of the land and to ensure that operations are not impeded.

30. Condition deleted.

31. At least seven days' notice shall be given in writing to the local planning authority before each phase or sub-phase of spreading soil making materials is to commence.

Reason: In order to retain planning control and to ensure the satisfactory restoration of the site.

32. The operator shall submit for the written approval of the local planning authority details of remedial measures to be undertaken due to differential settlement, poor drainage or due to such other conditions adverse to the proposed after uses or posing a risk to the environment as may be notified to the operator in writing by the local planning authority, and shall implement the measures as agreed.

Reason: For the avoidance of doubt as to the nature and extent of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.

33. The five year aftercare scheme shall be carried out in accordance with the scheme and details approved by the Thurrock Development Corporation by letter dated 31 October 2008.

Reason: For the avoidance of doubt.

34. Condition deleted.

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

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Reference: 18/01041/FUL	Site: Dahlia Cottage Kirkham Shaw Horndon On The Hill Essex SS17 8QE
Ward: Orsett	Proposal: Two bedroom bungalow

Plan Number(s):		
Reference	Name	Received
MAGLOC	Location Plan	23rd July 2018
MAG 1	Proposed Plans	23rd July 2018
BLP	Proposed Site Layout	23rd July 2018

The application is also accompanied by:	
- Design and access statement	
Applicant: Mrs Jenifer Eaton	Validated: 23 July 2018 Date of expiry 23 October 2018 [Extension of time agreed with applicant]
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Kelly, Johnson and Halden in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution to consider building on Green Belt.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for the construction of a 2 bedroom bungalow with amenity space together with two hard surfaced parking spaces with access taken from Kirkham Shaw.

2.0 SITE DESCRIPTION

2.1 The application site is located to the southern side of Kirkham Shaw. Access to the site is through an existing gated entrance located to the northern corner of the site. An access road runs west to east through the site.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
91/00245/OUT	Erection of dwelling to replace existing dwelling	Refused
06/00591/LDC	The residential use of the 5 bed roomed detached single storey property known as Dahlia Cottage, residential curtilage, commercial breeding, rearing of Weimermar dogs (14 bitches, 24 dogs total), internal track & buildings as shown on the attached plan dated 19/7/2006	Deemed lawful
06/01032/FUL	Replacement of existing bungalow with five bedroom detached single storey dwelling.	Refused
07/00754/LDC	Extent of use of land as residential curtilage.	Deemed unlawful
07/01160/FUL	Replacement chalet bungalow	Refused
08/00005/FUL	Replacement chalet bungalow	Approved
09/00208/OUT	Outline application for the residential development of 4 detached dwellings, together with access road on land to the north of Dahlia cottage.	Refused and Appeal dismissed
11/00125/FUL	Cessation of use of site for dog breeding purposes, demolition of 3 buildings and conversion of 3 buildings to residential properties with associated parking, gardens and landscaping	Approved
12/00937/FUL	Cessation of use of site for dog breeding purposes, demolition of 3 buildings and conversion of two buildings and the rebuild of one building to residential properties with associated parking, gardens and landscaping	Approved
13/00918/FUL	Cessation of use of site for dog breeding purposes, demolition of 3 buildings and conversion of two buildings and the rebuild of one building to residential properties with associated parking, gardens and landscaping (retention of Building 5 as built and reduction in size of Building 6)	Refused
13/01120/FUL	Cessation of use of site for dog breeding purposes, demolition of 3	Approved

	buildings and conversion of two buildings and the rebuild of one building to residential properties with associated parking, gardens and landscaping (retention of Building 5 as built and reduction in size of Building 6)	
14/01182/NMA	Non material amendment to planning permission 13/01120/FUL comprising provision of four roof lights to roof (two to front and two to the rear) and rear window to bedroom to be replaced with French doors on building no 4.	Approved
16/01408/FUL	Replacement chalet bungalow [revised design from 08/00005/FUL]	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 The application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. One letter of objection has been received raising the following concerns:

- The road leading to the proposed bungalow directly passes properties from an unmade road;
- Additional traffic will cause more dust which presents a health risk;
- Parking to the new dwelling will cause concern due to its close proximity to a kitchen and outside dining area with car fumes.

4.3 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to landscaping conditions.

4.4 HIGHWAYS:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework

The updated NPPF was published on in July 2018. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Core Planning Principles
- 12. Achieving well designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

Planning Policy Guidance

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

- Design
- Determining a planning application
- Natural Environment

Local Planning Policy

Thurrock Local Development Framework (2015)

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

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
- PMD6 (Development in the Green Belt)²
- PMD8 (Parking Standards)³

[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 Local Plan

- 5.5 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.

Thurrock Design Strategy

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

Thurrock Residential Alterations and Extensions Design Guide (RAE)

- 5.7 In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The principal issues to be considered in this case are:

- I. Background
- II. Plan designation and principle of the development
- III. Design and Layout and Impact upon the Area
- IV. Effect on neighbouring properties.
- V. Traffic Impact, Access and Car Parking

I. BACKGROUND

6.2 The wider application site has a significant planning history in relation to residential use, going back to 2006 when the structure on the site of Dahlia Cottage was first considered via an application.

6.3 In 2006, the structure on the site was subject to a Lawful Development Certificate application 06/00591/LDC for *“the residential use of the 5 bed roomed detached single storey property known as Dahlia Cottage, residential curtilage, commercial breeding, rearing of Weimermar dogs (14 bitches, 24 dogs total), internal track & buildings as shown on the attached plan dated 19/7/2006”*. This application was approved and the use deemed Lawful.

6.4 Planning permission for a replacement dwelling at Dalia Cottage was later granted consent under reference 08/00005/FUL.

6.5 In 2011, an application was approved on the wider site (ref: 11/00125/FUL) for *“the cessation of use of the site for dog breeding purposes, demolition of 3 buildings and conversion of 3 buildings to residential properties with associated parking, gardens and landscaping”*

6.6 In granting planning permission, the Council considered the proposal to be beneficial to the Green Belt as it resulted in the removal of buildings and significant areas of hard surfacing from the site along with the cessation of a non-conforming, albeit lawful use. Additionally, the proposal resulted in large areas of the site being landscaped enhancing the rural character and improving the visual amenities of the Green Belt at this point. The buildings retained were converted to residential properties with minimal alterations.

6.7 The development approved by the 2011 and subsequent variation applications has been carried out.

6.8 In 2016 planning permission was granted for a replacement chalet bungalow at Dahlia Cottage itself. This permission sought a revised design from an earlier approval in 2008.

6.9 The location of the proposed dwelling is an area that was to be left open and landscaped under the previous approvals.

II. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.10 Under this heading, 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
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

6.11 The site is identified on the LDF Core Strategy Proposal's map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.

6.12 Paragraph 133 of the NPPF states that the Government attaches great importance to the Green Belt 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 145 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, including:

g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.13 In relation to Policy PMD6 pertaining to infill the following are the relevant criteria from the Core Strategy:

I. Infilling should:

- i. have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*
- ii. not exceed the height of the existing buildings discounting any abnormally tall existing structures; and*

- iii. not lead to a major increase in the developed proportion of the site.*
- II. Redevelopment should:*
 - i. have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development taking into account any proposed enclosure of open land*
 - ii. contribute to the achievement of the objectives for the use of land in the Green Belt*
 - iii. not exceed the height of the existing buildings discounting any abnormally tall existing structures*
 - iv. not occupy a larger area of the site than the existing buildings unless this would achieve a reduction in height which would benefit visual amenity, and*
 - v. satisfactorily integrate with its landscape surroundings and, where it may be appropriate in order to meet that objective, buildings should be sited closer to existing buildings.*

The relevant area for the purposes of II iv above is the aggregate ground floor area of the existing buildings excluding temporary buildings. Any buildings demolished prior to the grant of permission for redevelopment will not count as developed area.

The Council will expect the site to be considered as a whole, whether or not all buildings are to be redeveloped, and the floor area limitation at II iv above relates to the redevelopment of the entire site. Any proposals for partial redevelopment should be put forward in the context of comprehensive, long-term plans for the site as a whole.

In granting permission the Council may impose conditions to ensure that buildings which are not to be permanently retained are demolished as new buildings are erected in order to keep the total development area under control so that there is no adverse effect on openness.

- 6.14 The proposal represents a new two bedroom bungalow within the Green Belt. The relevant criteria of PMD6 for consideration of this application is *i.* that the proposal should have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.15 The proposed two bedroom bungalow would be constructed to the south of the main access road through the site. The dwelling would be 11.7 m (w) by 6.1m (d) with a rear conservatory measuring 4.8m (w) by 3.3m (d). The bungalow would have a gable pitched roof; the front porch would also feature a gable pitch roof. The bungalow would have a floor area of 90.00 sq.m.
- 6.16 The area in which the bungalow is proposed to be located was one of the areas that was shown in the previous applications as an area of open space on the approved plans for the development on the wider site.

6.17 The proposed development does not comply with any of the criteria set out in policy PMD6 or the NPPF relating to infill development detailed above and accordingly is considered to be inappropriate development.

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

6.18 Having established that the proposals constitute 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. In this instance the proposed bungalow and hardstanding for vehicle parking is harmful to the character, openness and visual amenities of the Green Belt. This development would be harmful to the Green Belt and would result in a loss of openness. It is considered that the proposal would result in harm to openness in addition to the harm by reason of inappropriateness.

3. Whether the harm of the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

6.19 Having established the proposal constitutes inappropriate development and further harm would arise, consideration must be given to whether there are any very special circumstances which clearly outweigh the harm to the Green Belt. Paragraph 144 of the NPPF states 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”.

6.20 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. 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 the applicant however are to further develop this site, and consideration to the openness of the Green Belt will need to be assessed.

6.21 In this case the agent has not put forward any very special circumstances however the contents of the Design and Access statement makes reference in principal to a ‘one to one’ replacement dwelling in habitable area that has a floor space equivalent of that of the reduction to ‘Dahlia Cottage’ under approval 08/00005/FUL.

6.22 The applicant’s case is based on the reduction in floor space between the replacement Dahlia Cottage, granted consent in 2008 and the amended plan approved in 2016 for a replacement dwelling. The applicant states that the 2008 had a total floor area of 177.8 sq.m and the area of the approved

scheme in 2016 was 103.2 sq.m giving a reduction of 74.6 sq.m. The proposed bungalow, it is asserted has a flood area of 61.8sq.m, representing a 'saving' of 12.8 sq.m.

- 6.23 The applicant considers that utilising this floor area as a new dwelling would be no more harmful to the Green Belt than having a larger single replacement dwelling as envisaged under the 2008 consent.
- 6.24 It is considered this reasoning is seriously flawed. The proposal would result in a new, additional, dwelling on the site; the built form of the dwelling together with a domestic garden and areas for parking would clearly reduce the openness of the Green Belt and harm the rural character of the location by encroaching into areas of land where there is no development presently. Measured from the applicant's scaled plans, the bungalow would have a floor area of 90.00 sq.m.
- 6.25 Importantly, the applicant does not have a viable "fall-back" position. The applicant has implemented the 2016 planning permission and is presently constructing the replacement 'Dahlia Cottage'. The 2008 planning consent is therefore considered to have lapsed.
- 6.26 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 significant harm to the Green Belt with reference to inappropriate development and loss of openness. Having taking into account all Green Belt considerations, it is considered that the identified harm to the Green Belt is not clearly outweighed by very special circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.27 The area is characterised by dwellings of similar scale and design. The proposal considered acceptable in design terms and no specific objection is raised under policy PMD2 or PMD22, but this does not absolve the applicant from the principle objections raised above.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.28 The proposed bungalow would be set 19m from the nearest residential neighbours. Given the separation distance it is not considered that there would be any loss of light, overbearing impact or loss of privacy as a result of the proposal. The proposal would therefore accord with the requirements of Policy PMD1 in terms of the impact upon neighbouring amenity.

IV. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 6.29 The proposal would not alter the vehicular access to the site and there would be space within the proposed parking area "hardstanding" for the parking of a two vehicles on the site. This is considered to be appropriate for a dwelling of this size and therefore no concerns are raised with regards to the impact of

the proposal on the highway network or parking arrangements within the site.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The site lies within the Metropolitan Green Belt and the proposal has been found to constitute inappropriate development which is harmful by definition. Further harm has been identified through the introduction of the built form, domestic garden and areas of hard surfacing in an areas where there is presently no development. Significant weight should be placed upon any harm identified.
- 7.2 Where a proposal represents inappropriate development the applicant must demonstrate very special circumstances which clearly outweigh the harm to the Green Belt. The case presented by the applicant would not clearly outweigh the harm that would be caused to the Green Belt.
- 7.3 The proposal is therefore contrary to policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reason:

- 1 The proposed two bedroom bungalow is considered to constitute inappropriate development with reference to paragraph 143 of the NPPF and would therefore be by definition harmful to the Green Belt. It is also considered that the proposed development would harm the openness of the Green Belt through the introduction of new built form, domestic garden and hardstanding in an area where there is presently no development. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances, with reference to paragraph 144 of the NPPF, required to justify inappropriate development. The proposals are therefore contrary to Chapter 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended) 2015

Positive and Proactive Statement

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

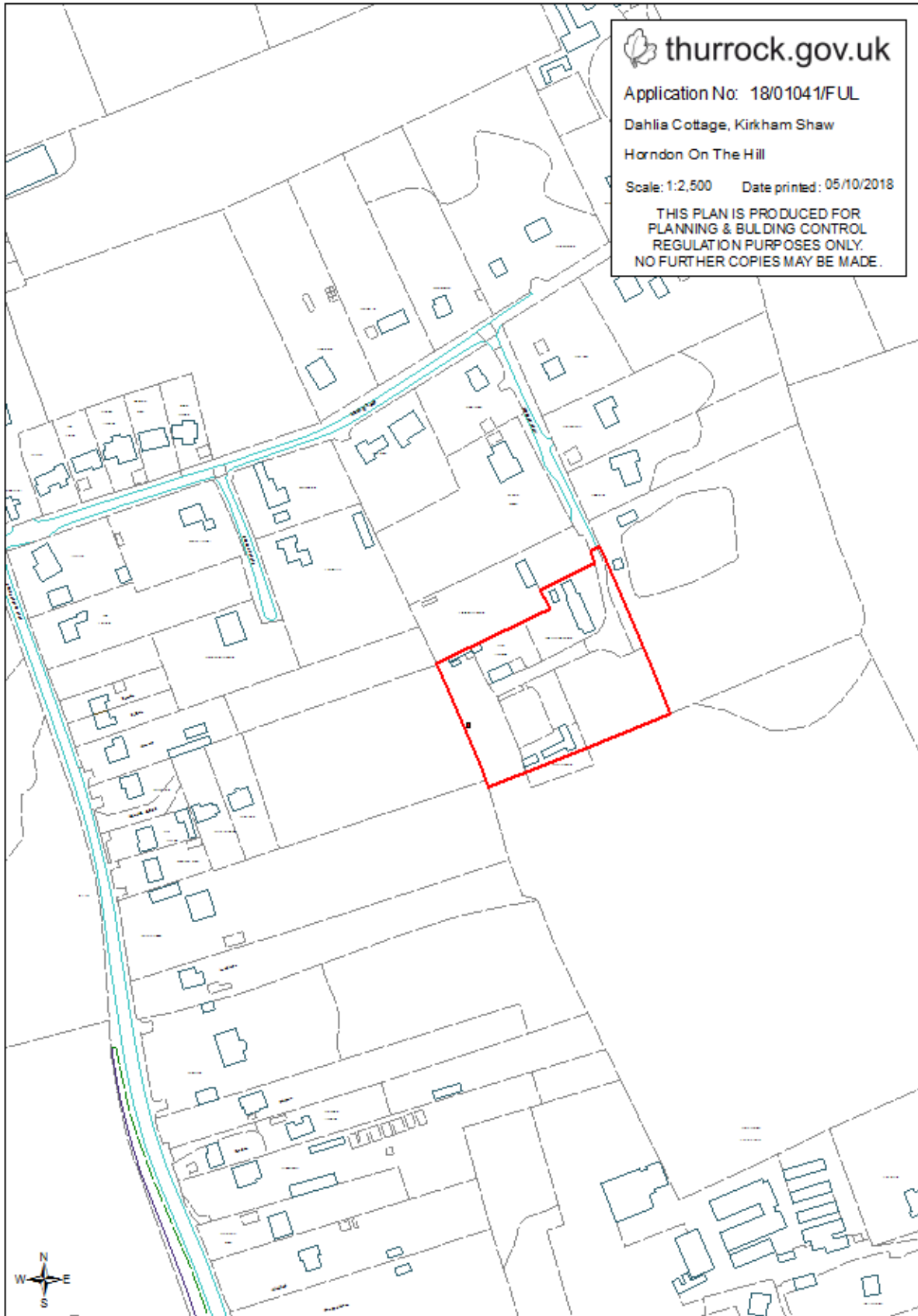
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse

planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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Reference: 18/00984/FUL	Site: Land To North East Of St Cleres Hall Stanford Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings

Plan Number(s):		
Reference	Name	Received
001	Location Plan	10th July 2018
002	Proposed Plans	10th July 2018

The application is also accompanied by: - Planning Statement	
Applicant: Mr M Valente	Validated: 3 September 2018 Date of expiry: 29 October 2018
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, R Gledhill, D Huelin, A Watkins and B Johnson (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the amenity of local residents.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The key elements of the proposals are set out in the table below:

Site Area (Gross)	0.097ha							
Height	Eaves – 4.5m Ridge – 10.5m							
Units (All)	Type (ALL)	1- bed	2- bed	3- bed	4- bed	5- bed	TOTAL	

	Houses			4			4																					
	Flats																											
	TOTAL			4			4																					
Affordable Units	<table border="1"> <thead> <tr> <th>Type (ALL)</th> <th>1-bed</th> <th>2-bed</th> <th>3-bed</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>Houses</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Flats</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>TOTAL</td> <td></td> <td></td> <td></td> <td>0</td> </tr> </tbody> </table>								Type (ALL)	1-bed	2-bed	3-bed	TOTAL	Houses					Flats					TOTAL				0
	Type (ALL)	1-bed	2-bed	3-bed	TOTAL																							
	Houses																											
	Flats																											
TOTAL				0																								
Car parking	<p>Houses: 4</p> <p>Total allocated: 2 spaces (Average of per unit)</p> <p>Total Visitor: 0 spaces (Average per unit)</p> <p>Total: 8</p>																											
Amenity Space	<p>Minimum 63 sq.m</p> <p>Average between 63 sq.m to 66.5 sq.m</p> <p>Maximum 66.5 sq.m</p>																											
Density	<p>41.2 units per ha</p> <p>36.8 units per ha (for the whole development site including previously approved schemes)</p>																											

1.2 This application seeks planning permission for the erection of a terrace of 4 residential dwellings following the demolition of existing buildings on the site. The proposal also includes associated hardstanding and landscaping.

1.3 The proposed terrace would be located toward the north east corner of the wider site which is currently being developed under previously approved planning applications 11/50268/TTGFUL and 16/00271/FUL. The terrace itself would be of pitched roof design with an appearance similar to the buildings previously approved on the site. The proposed parking area would utilise the access proposed under the previous applications.

2.0 SITE DESCRIPTION

- 2.1 The application site is situated within the Green Belt to the West of Stanford-le-Hope. The site, which is located on the south side of Stanford Road was formally part of a redundant farmyard which also included a large car storage building. The area to the south of the site is currently being developed to provide 17 residential units under applications 11/50269/TTGFUL and 16/00271/FUL. The site itself would be within an area which was proposed as an open area with landscaping in previous application 16/00271/FUL. Access to the site would be via the access road within the current development which links the site to the driveway that is shared with St Clere’s Hall Golf Club.
- 2.2 The site is adjoined to the East by residential development fronting London Road and the cul-de-sac of Oxford Road, and to the West by St Clere’s Hall, which is a Grade II* listed building. This building was once a farmhouse but is now used as the club house for St Clere’s Hall Golf Club.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
10/50230/TTGFUL	Erection of 14 dwellings	Withdrawn
11/50268/TTGFUL	Erection of 14 dwellings	Approved
14/00547/CONDC	Discharge of conditions 2,3,4,8,9,10,21,22 and 23 on previous planning application 11/50268/TTGFUL.	Advice Given
14/00654/CONDC	Discharge of Conditions 5, 6, 12, 15, 18 and 19 against approved planning application 11/50268/TTGFUL	Advice Given
14/01009/CV	Variation of conditions 3,4,8,10,19 and 21	Withdrawn
16/00271/FUL	Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings	Refused – Appealed – Allowed
16/01374/FUL	Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings	Withdrawn
17/01628/CONDC	Application for the approval of details reserved by condition no. 3 (Hard and soft landscaping), 4 (Construction and waste management plan), 5(Highways management plan) and 8(foul and surface water) of planning permission ref. 16/00271/FUL (Demolition of existing car storage building and erection of a	Advice Given

	residential terrace of 5 no. three bedroom dwellings)	
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4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. No letters of representation were received in relation to this application.

4.3 CADENT GAS:

No objection subject to informatives.

4.4 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.5 HIGHWAYS:

No objection.

4.6 HISTORIC ENGLAND:

Update to be provided at Committee.

4.7 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to conditions.

4.8 LISTED BUILDING ADVISOR:

Object to the proposal due to the adverse impact upon a Grade II* listed building.

5.0 POLICY CONTEXT

National Planning Policy

5.1 National Planning Policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

5.2 Planning Policy Guidance

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

- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Land affected by contamination
- Natural Environment
- Noise
- Planning obligations
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

Local Planning Policy

5.3 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

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

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP24 (Heritage Assets and the Historic Environment)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD6 (Development in the Green Belt)²
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- 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].

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council

consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

5.5 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 The material considerations for this application are as follows:

- I. Principle of the development in the Green Belt
- II. Layout and Design
- III. Impact on Listed Building
- IV. Impact on Amenity
- V. Highways and Parking
- VI. Landscaping and Ecology
- VII. Other Matters
- VIII. Developer Contributions

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.2 The NPPF states that a Local Planning Authority should regard the construction of new buildings in the Green Belt as 'inappropriate' unless they fall within one of the exceptions set out in paragraph 145. Amongst other things this includes the limited infilling or the partial or complete redevelopment of previously development sites (Brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.3 The NPPF defines "Previously developed land" to be: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development*

management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 6.4 The principle of the residential re-development of the site has already been established by the granting of full planning permission under applications 11/50268/TTGFUL and 16/00271/FUL. However, these developments relied on the redevelopment of a previously developed site where there would be no greater impact upon the openness of the Green Belt than the existing development. The effect of this was to rely upon the pre-existing buildings on site which would be demolished to make way for the residential development on the site. In order to comply with the approved plans and conditions from the previous scheme all the pre-existing buildings would need to be removed from the site. Therefore whilst one of the pre-existing buildings remains on the site this cannot be considered again in terms of the impact upon the Green Belt. Given that the previously approved applications had a similar impact upon the openness of the Green Belt to the pre-existing buildings the consideration of the current application is essentially confined to whether the proposal would have a greater impact upon the openness of the Green Belt than the previously approved schemes. The approved plans from application 16/00271/FUL showed the area to the north east corner of the site as being utilised for open space and landscaping with the pre-existing building removed. The proposal would introduce a two storey terrace with a ridge height of 10.5m. This would have a significantly greater impact upon openness than the previously approved scheme resulting in the dispersal of built form across a larger proportion of the site and the introduction of a further building of significant scale. As a result the proposal would fail to comply with the relevant exception to inappropriate development in the Green Belt. Therefore it would constitute inappropriate development within the Green Belt which is by definition harmful to openness.
- 6.5 In addition to the definitional harm to the Green Belt consideration must be given to any other harm to openness that would result from the proposed development. The site is located on the edge of the existing urban area and whilst the previous approvals on the site have permitted a certain amount of development the current proposal would result in further sprawl of the built up area and encroachment into the countryside. As a result the proposal would result in further harm to the openness of the Green Belt.
- 6.6 Where a proposal constitutes inappropriate development in the Green Belt paragraph 143 of the NPPF states that it should not be approved except in very special circumstances. Paragraph 144 goes on to state that substantial weight should be given to any harm to the Green Belt and that very special

circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

- 6.7 In this instance the Planning Statement submitted with the application has not explicitly referred to any very special circumstances as it sought to argue that the development was not inappropriate development in the Green Belt. As outlined above it is considered that the proposal would constitute inappropriate development in the Green Belt. However, whilst not explicitly referred to as very special circumstances the benefits of the scheme put forward in the statement were; housing provision, the logical completion of the development and the removal of the remaining farm buildings on the site.
- 6.8 Turning to each of these points in turn, the primary justification for the development is the provision of additional housing on the site. The proposal would result in 4 additional dwellings which would make a small contribution towards housing need in the area. However, in isolation, the provision of housing would not represent a very special circumstance which would outweigh the harm to the Green Belt.
- 6.9 The other matters highlighted in the statement relate to the logical completion of the development and the removal of the farm buildings. The logical completion of the development in design terms is afforded no weight in terms of the impact upon openness. The removal of the remaining farm buildings on the site was already considered in the assessment of previous applications and would be necessary to carry out the previous development in accordance with the approved plans and conditions. Therefore the removal of these buildings is afforded no weight in the assessment of the impact upon the Green Belt.
- 6.10 In conclusion it is considered that the proposal results in inappropriate development in the Green Belt which would result in both definitional and actual harm to openness. There are no very special circumstances which would clearly outweigh the identified harm. Therefore the principle of the development in the Green Belt is unacceptable as it would be contrary to policy PMD6 of the Core Strategy 2015 and the NPPF.

II. LAYOUT AND DESIGN

- 6.11 The proposed terrace would be sited perpendicular to the previously approved terrace facing towards Stanford Road. It would be somewhat separated from the residential properties to the east of the site although it would be in close proximity to the boundary with St Clere's Hall to the west of the site. Its siting

and orientation would result in it being positioned significantly closer to the road than the buildings within the previously approved scheme. Its pitched roof design would present a side gable end facing onto Stanford Road. Therefore the current proposal would result in a building of significant scale sited in close proximity to the road which would appear visually dominant within the street scene.

- 6.12 In addition to the above, the resultant development would remove the landscape buffer which separated the previously approved scheme from the road. This results in a higher density scheme, dominated by structures and hardstanding which would have an urban appearance out of character in the context of its location in the Green Belt and on the outskirts of the urban area.
- 6.13 Therefore it is considered, that, by reason of its siting, scale and the increased density of the site as a whole that the proposal would result in an overly dominant and incongruous form of development which would have a significant adverse impact upon the street scene and the character of the area. The proposal would, therefore, be contrary to policies PMD2, CSTP22 and CSTP23 and the NPPF.

III. IMPACT ON LISTED BUILDING

- 6.14 The Council's Listed Building Advisor has noted that the site is located adjacent to St Clere's Hall, a Grade II* listed former farmhouse. As a Grade II* listed building, St Clere's Hall is a heritage asset of significant value. Therefore great weight should also be given to any harm identified as part of the assessment of the proposal. Any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. In this instance, whilst the applicant has addressed heritage within the Design and Access Statement this appears to rely upon conclusions drawn within earlier applications which did not include any development within this particular part of the site. Therefore no justification has been provided in relation to the current scheme.
- 6.15 The Listed Building Advisor considers that the proposed terrace does not successfully convey a rural/agricultural character in a modern manner but would instead appear an uncomfortable assemblage of styles and typologies which cannot be considered to make a positive contribution to local character and distinctiveness. Further to this, the massing and position of the block would appear to dominate the local streetscene and crowd the listed building whilst blocking intermittent historic views across the site through the hedging which would be better revealed by the previous permission and allow for the listed building to be gradually revealed upon approach from the north-east.

Therefore, from a heritage perspective, the proposal would be unacceptable contrary to policies CSTP24 and PMD4 and the NPPF.

IV. IMPACT ON AMENITY

- 6.16 The proposed building would be sited a significant distance from the nearest pre-existing dwellings located to the east of the site on Stanford Road. As a result it would not result in a significant loss of light, overbearing impact or loss of privacy to these neighbours.
- 6.17 The residential dwellings most likely to be impacted by the proposal are those currently under construction within the remainder of the site. The terrace containing plots 1 to 6 is sited perpendicular to the current proposal. The proposal would breach the 60 degree angle to the nearest of these plots. However, given the distance between the buildings and the impact upon a limited number of windows it is considered that this would not result in significant harm to future occupiers of plots 1 to 6. Any views from the current proposal would be towards the front of plots 1 to 6 and would not directly overlook habitable room windows or private amenity space.
- 6.18 With regards to the proposed parking and turning area this would result in some disturbance to the previously approved properties. However in the context of their siting within an estate where there are likely to be a number of vehicular movements and the close proximity to Stanford Road it is considered that this would not result in an unacceptable impact upon the amenity of future occupiers.
- 6.19 The proposed terrace would provide units of a sufficient size and with suitable light and outlook to provide an acceptable living environment for future occupiers. The proposed garden sizes whilst marginally below the recommended standards set out in Annexe of the 1997 Local Plan would provide sufficient private amenity space for future occupiers. As such it is considered that the proposal would provide a suitable living environment for future occupiers.

V. HIGHWAYS AND PARKING

- 6.20 The proposal would be accessed through the estate road associated with the previously approved applications on the site. The proposal is for four additional dwellings which is unlikely to result in a significant increase in vehicular movements. The proposal would provide two parking spaces per unit which is considered to be sufficient for properties of this size in this location and would comply with the requirements of policy PMD8.

6.21 The proposal does not indicate any specific cycle storage although the previously approved cycle store is indicated on the proposed site plan. It is not clear whether this would have sufficient capacity in relation to the current proposal. However, given availability of private amenity space and access to the rear of each property there is sufficient scope for bike storage within the curtilage of the individual units.

6.22 Refuse collection arrangements would be the same as the previously approved applications. There is access to the rear of each dwelling to store bins. Therefore no concerns are raised with regards to refuse storage or collection.

VI. LANDSCAPING AND ECOLOGY

6.23 The proposal would still incorporate sufficient space for boundary screening and would not adversely impact upon TPO trees on the adjacent site. The Council's Landscape and Ecology Advisor has raised no objection to the proposal subject a condition in relation to a detailed landscaping scheme with particular attention to screening along the boundary with Stanford Road. No concerns have been raised with regards to biodiversity and ecology.

VII. OTHER MATTERS

6.24 The proposal would result in changes to the previously approved scheme which is still under construction. As the previously approved application has yet to be carried out in accordance with all relevant planning conditions the proposal would result in changes to the original scheme. The Council's Legal Team have advised that in order to carry out the scheme as a whole, at this time, an application would need to be submitted for the entire development including those elements which were previously approved.

VIII. DEVELOPER CONTRIBUTIONS

6.25 The proposal is for four dwellings, which in isolation would not require a contribution as it would fall below the threshold for affordable housing and infrastructure contributions. However, if the proposal was to be carried out as part of the extant permission it would require an application for the development as a whole with consideration of the affordable housing and infrastructure requirements of the entire development.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposal is for development within the Green Belt on previously developed land. The applicant has relied upon the removal of a pre-existing outbuilding to justify the further development of the site. However, in order to comply with all conditions of the previously approved scheme this outbuilding would need to be removed. Therefore it cannot be relied upon to justify the current scheme and is given no weight in the consideration of this application. In this instance the assessment is based upon whether the proposal would result a greater impact on the openness of the Green Belt than the previously approved development on the site. The proposal would result in an additional building of significant scale which is to be located in an area which was to be provided as open landscaping under the previously approved scheme. As a result it is considered that the proposal represents inappropriate development in the Green Belt which results in both definitional and actual harm to the openness of the Green Belt. There are no very special circumstances which would clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 and the NPPF.
- 7.2 The siting and orientation of the proposed building would result in it being sited significantly closer to the road than the currently approved scheme with a side gable end facing onto Stanford Road. It would also include a significant amount of hardstanding in an area which was to be landscaped under the previous approval. The current proposal would result in a building of significant scale sited in close proximity to the road which would appear visually dominant within the street scene. It also represents a higher density scheme which is dominated by structures and hardstanding which would have an urban appearance out of character in the context of its location within the Green Belt and on the outskirts of the urban area. Therefore it is considered that the proposal would result in a significant adverse impact upon the street scene and the character of the area contrary to policies PMD2, CSTP22 and CSTP23 and the NPPF.
- 7.3 The proposal would be sited adjacent to St Clere's Hall, a Grade II* listed former farmhouse. The massing and position of the proposed terrace would dominate the local streetscene and crowd the listed building and block intermittent historic views across the site through the hedging which would have been revealed through the previous permission. Therefore the proposal would result in an unacceptable impact upon the setting of a listed building contrary to policies CSTP24 and PMD4 and the NPPF.

8.0 RECOMMENDATION

8.1 Refuse for the following reasons:

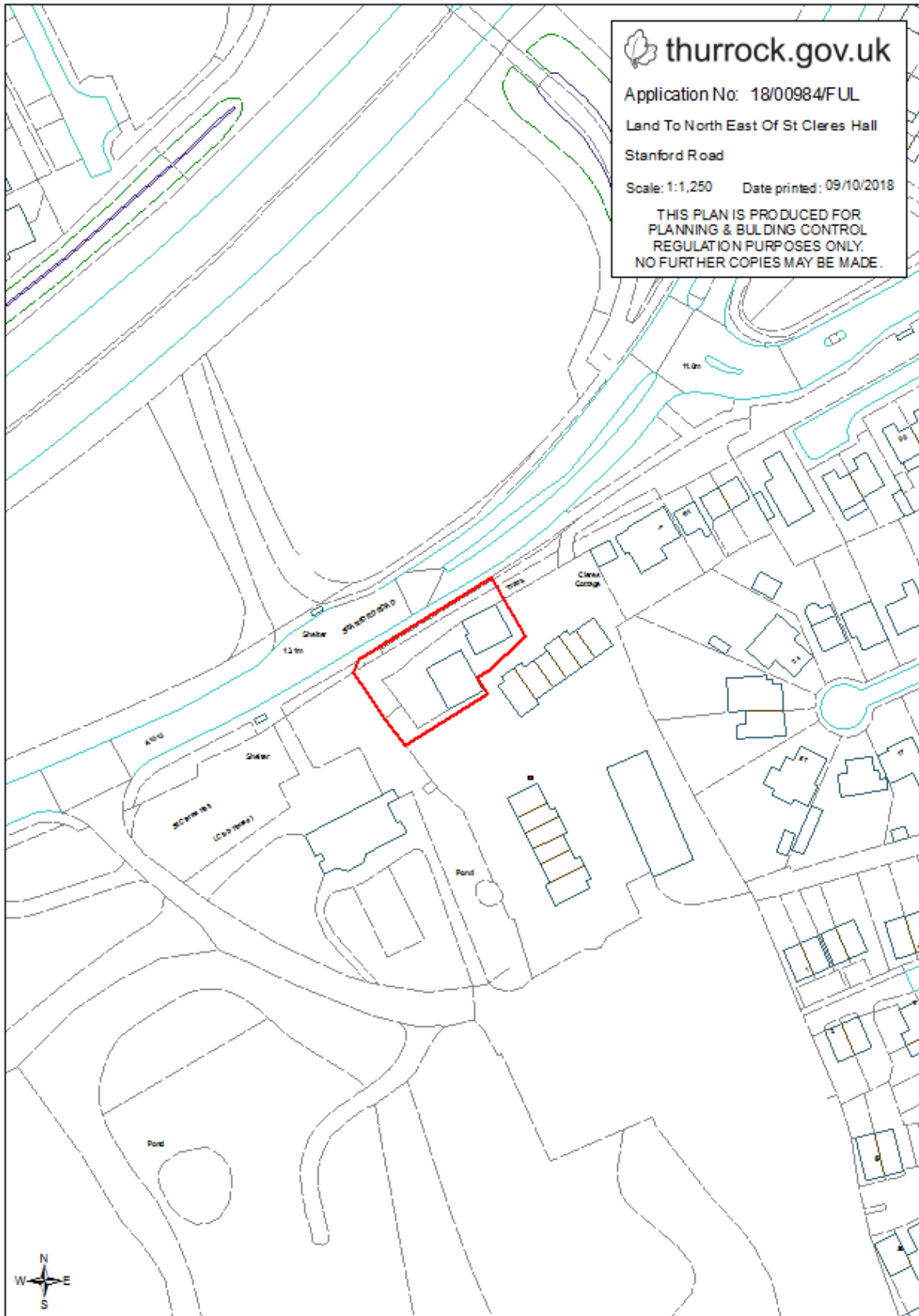
1. The proposed development would, by reason of its siting and scale result in a greater impact on the openness of the Green Belt than the previously approved development, representing inappropriate development in the Green Belt which is by definition harmful. In addition the proposal results in a loss of openness due to the substantial increase in the extent of the built form on the site. There are no circumstances put forward by the applicant which would constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
2. The proposed development, would by reason of its siting, scale, density and extent of hardstanding result in an overly dominant, incongruous and urban form of development adversely impacting upon the street scene and character of the area. The proposal would therefore be contrary to policies PMD2, CSTP22 and CSPT23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
3. The development, would by reason of its siting and scale result in a significant adverse impact upon the setting of the adjacent Grade II* Listed Building, St Clere's Hall. The massing and position of the proposed terrace would dominate the local streetscene and crowd the listed building and block intermittent historic views across the site. Therefore the proposal would be contrary to policies CSTP24 and PMD4 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

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



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Reference: 18/00986/CV	Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL
Ward: Orsett	Proposal: Application for the variation of condition no. 4 (Accordance with Plans) of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms))

Plan Number(s):		
Reference	Name	Received
C100.B	Proposed Floor Plans	11th July 2018
C101.B	Proposed Floor Plans	11th July 2018
C102.B	Proposed Floor Plans	11th July 2018
C200.B	Proposed Elevations	11th July 2018
C201.B	Proposed Elevations	11th July 2018
C250.B	Proposed Elevations	11th July 2018
C251.B	Proposed Elevations	11th July 2018
C252.B	Proposed Elevations	11th July 2018
S01.A	Location Plan	24th September 2018
S05	Proposed Site Layout	24th September 2018

The application is also accompanied by: - Planning Statement / Cover letter	
Applicant: Mr & Mrs B & J Jarvis	Validated: 12 July 2018 Date of expiry: 31 October 2018 (Extension of time agreed with Applicant)
Recommendation: Approve	

This application is scheduled for determination by the Council's Planning Committee because the previous associated application (planning application ref.

16/01446/FUL) was determined at Planning Committee due to its major scale and strategic implications for the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission to vary the details of the approved plans on the consented scheme (application ref. 16/01446/FUL) under section 73 of the Town and Country Planning Act 1990. The approved scheme granted permission to redevelop the site to erect a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping. Work on site is well underway and some minor non-material amendments to the previously approved scheme have been previously sought and agreed under reference 17/00864/NMA.
- 1.2 The current proposals seek to amend the internal layouts of some of the rooms, uses and facilities.
- 1.3 The primary proposed changes are the removal of the proposed 2 bedroom Manager’s flat on the first floor of the consented scheme to be replaced with a staff room, staff kitchen, separate sex staff showers and further staff w/c facilities. There are also other alterations to the window sizing and alterations to the floor plans and internal layout.
- 1.4 There would be no material change to the size of the external footprint, the amount of floor area provided and the overall volume of the development would remain as previously consented.
- 1.5 A summary of the current proposal is provided in the table below:

Site Area:	2.15 hectares	
Layout	Ground floor	Internal configuration to the ground floor, 8x treatment rooms, including areas allocated areas for Cardio Scan and Assessment Room, Cryotherapy Ice Lab, Gravity Colonic Irrigation; 2x Consultation Rooms; First Aid Room, swimming pool with associated w/c and changing facilities;, sauna; steam room; , lobby, 1x office dance studio, boot room/store room, 1x W/C (adj to office), lounge, dining room, kitchen, undercover parking space, plant room and service building, house refuse storage and other storage areas.
	First Floor	14 Guest bedrooms with ensuite bathrooms and proposed staff welfare facilities to replace managers apartment

	Second Floor	7 guest bedrooms with ensuite bathrooms.
	One lift and one stairwell would connect all levels along with internal and external hallways/walkways.	
Building Height:	Part 3 storey(10.7m)/part 2 storey (approximately 6.7m) and with a contemporary flat roof finish	
Car Parking:	34 parking spaces in the northern half of the site and 12 cycle spaces.	

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the southern side Fen Lane, west of Harrow Lane. Until recently, the 2.15Ha site consisted of the fire damaged Harrow Inn public house and restaurant in two separate buildings. Following the grant of planning permission in 2017 for the construction of a Wellness Centre, the original buildings have been demolished. At the time of publication, construction works were well underway on the Wellness Centre.
- 2.2 The site is found within the Bulphan Fenland and is bounded to the north by Fen Lane, west by Harrow Lane, east and south by pasture land.
- 2.3 The site is located in the Metropolitan Green Belt and is surrounded by open fenland. The majority of the site is located within the highest Flood Risk Zone 3, with the most easterly half of the site located in flood zones 2 and 1 moving eastwards, as identified on the Environment Agency flood maps.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
18/00994/FUL	Proposed ancillary Manager's accommodation with double garage.	Pending Consideration and found elsewhere in the agenda
17/01506/FUL	Proposed ancillary residential detached dwelling with non-adjoining double garage.	Withdrawn (previously Deferred at Committee)
16/01446/FUL	Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping.	Approved (and implemented)

17/00854/NMA	Application for a proposed non-material amendment to amend of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms) and associated access improvements, parking and landscaping.)	Approved
17/00376/CONDC	Discharge of conditions 3[Samples of Materials], 5[Design Details], 6[Landscaping Plan], 7[Sight Splays], 9 [CEMP], 10[FWEP], 11[Drainage Strategy], 12[Surface Water Maintenance Plan] from approved planning application 16.01446.FUL.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

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

4.3 HIGHWAYS:

No objection.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 ENVIRONMENTAL HEALTH OFFICER:

No objection.

4.6 FLOOD RISK MANAGER:

No objection.

4.7 LANDSCAPE AND ECOLOGY:

No objection.

4.8 HEALTH AND SAFETY:

No objection.

4.9 PUBLIC RIGHTS OF WAY:

No objection, guidance in relation to the Public Right of Way.

4.10 EMERGENCY PLANNING

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

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

- Climate change
- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Health and wellbeing
- Natural Environment
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy

5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was subsequently amended in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹
- CSSP2 (Sustainable Employment Growth)
- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP9 (Well-being: Leisure and Sports)
- CSTP19 (Biodiversity)
- 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 the Management of Development:

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

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

- 6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under s.73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent unaffected. Accordingly, if the current application is approved both the original (ref.16/01446/FUL) and the current (ref.18/00986/CV) would comprise 'self-contained' planning permissions, although the latter permission can be assumed to represent the more up to

date consent and would meet the demands of user occupiers.

6.2 Accordingly, when considering an application under s.73, the Council as Local Planning Authority should consider matters related to the conditions only and not the planning permission(s) itself.

6.3 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Highways
- IV. Neighbour Amenity
- V. Surface Water Drainage and Flood Risk
- VI. Landscape and Ecology

I. PRINCIPLE OF THE DEVELOPMENT

6.4 This application seeks permission to vary Condition 4, relating to the approved plans, of the original planning approval ref. 16/01446/FUL. The principle of the development has been previously established.

6.5 The following shows a comparison of the floorspace and volume between the approved buildings and the new proposed plans:

	Area (Footprint)	Volume
Previously Approved Scheme (16/01446/FUL)	880 sqm	5600 cubic metre
Current Proposal	880 sqm	5600 cubic metre
Difference	0 sqm	0 cubic metre

6.6 As can be seen from the table above, there would be no change to the footprint or volume of the building and, therefore, the revised plans would not harm the character, openness and appearance of the Green Belt at this point beyond what has already been approved in the original permission (application ref.16/01446/FUL).

6.7 Accordingly the development is considered to be in accordance with policy, and it does not need to be justified further via the demonstration of very special circumstances.

- 6.8 The Council's Health and Safety Officer has confirmed that the proposed layout changes satisfy the Wellness Centre's Health and Safety requirements without the necessity of any expansion of the building. Additionally, there is capacity within the proposed layout for Duty Manager facilities and accommodation if required by the applicant.
- 6.9 In conclusion under this heading, the principle of the development has already been established and the proposed variation to the internal layout would not conflict with Core Strategy Policy PMD6 or the NPPF.

II. DESIGN AND LAYOUT

- 6.10 The application seeks to amend the internal layout mainly to accommodate the proposed staff welfare facilities on the first floor and reconfigured rooms to the ground floor. Minor alterations to doors and window heights to the ground floor are also proposed. In terms of overall design, the amended plans continue to show a crisply finished contemporary building that would be similar in approach to the previously approved scheme. The proposed changes would be considered appropriate to the context of the site. The proposal complies with policies PMD1 and PMD2 of the Core Strategy.

III. HIGHWAYS

- 6.11 The previously approved access and parking arrangements for the site would remain unchanged.
- 6.12 Furthermore condition 7 of 16/01446/FUL relating to sight splays, has been discharged and it is considered the matters related to parking provision at the site have already been resolved. The Council's Highways Officer consequently has no objections to the development and the proposal complies with policies PMD8 and PMD9 of the Core Strategy.

IV. NEIGHBOUR AMENITY

- 6.13 The site would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The proposed amendments to the proposals would not alter this position. Policy PMD1 is considered to be satisfied in this regard.

V. SURFACE WATER DRAINAGE AND FLOOD RISK

- 6.14 The Flood Risk Manager, the Emergency Planning Team and the Environment Agency have been consulted with regards to the current application and have made no further comment. Furthermore, conditions 10, 11 and 12 of the original consent have been discharged and it is considered these matters have already been resolved.

VI. LANDSCAPING AND ECOLOGY

- 6.15 There are no proposed changes to the previously approved landscaping for the scheme. The Landscape and Ecology Officer has also been consulted and raised no objections.

7.0 CONCLUSION

- 7.1 The application seeks, via s73, permission for a number of amendments to the approved scheme, necessitating changes to the wording of condition 4. These changes are considered to be acceptable.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions.

Condition(s):

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.

USE

2. The development hereby permitted shall be used as a health and wellness centre as described in the planning application and for no other purposes whatsoever.

Reason: For the avoidance of doubt and to further define the scope of this permission given the site's sensitive location within the Green Belt.

MATERIALS

3. The materials to be used in the construction of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC 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 Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015]

PLAN NUMBERS

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

Plan Number(s):		
Reference	Name	Received
C100.B	Proposed Floor Plans	11th July 2018
C101.B	Proposed Floor Plans	11th July 2018
C102.B	Proposed Floor Plans	11th July 2018
C200.B	Proposed Elevations	11th July 2018
C201.B	Proposed Elevations	11th July 2018
C250.B	Proposed Elevations	11th July 2018
C251.B	Proposed Elevations	11th July 2018
C252.B	Proposed Elevations	11th July 2018
S01.A	Location Plan	24th September 2018
S05	Proposed Site Layout	24th September 2018

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

DESIGN DETAILS

5. The design details of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the character and visual amenities of the area, in accordance with Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

LANDSCAPING PLAN

6. The hard and soft landscaping scheme of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

Reason: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

SIGHT SPLAYS

7. The sight splay details of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

Reason: In the interests of highway safety and efficiency in accordance with Policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

PARKING LAYOUT

8. Prior to the occupation of the buildings hereby approved, the proposed parking area, as indicated on Drawing No WCB.14, shall be suitably surfaced, laid out and drained in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority and constructed concurrently with the remainder of the development hereby approved.

Reason: To ensure that satisfactory off-street car parking provision is made in accordance with the Local Planning Authority's standards and in the interests of highway safety as identified under CS Policies PMD2 and PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

9. The construction arrangements for the development hereby permitted shall be strictly in accordance with the CEMP details approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

Reason: To ensure that the proposed development does not cause pollution in and to ensure the construction phase does not materially affect the free-flow and safe movement of traffic on the highway, in the interests of highway efficiency, safety and amenity and to ensure the development is in accordance with Policy PMD1 in of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015 and in accordance with NPPF.

FLOOD WARNING EVACUTATION PLAN

10. The Flood Evacuation and Emergency Response Plan (FWEP) of the development hereby permitted shall be strictly in accordance with the FWEP details approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

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 [2015].

DRAINAGE STRATEGY

11. The surface water drainage scheme details of the development hereby permitted shall be strictly in accordance with the surface water drainage scheme approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

Reason: To ensure that adequate measures for the management of [surface / foul] water are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

SURFACE WATER MAINTENANCE PLAN

12. The surface water maintenance plan for the development hereby permitted shall be strictly in accordance with the surface water maintenance plan approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

Reason: To ensure that adequate measures for the management of [surface / foul] water are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

ANNUAL LOGS OF SURFACE WATER MAINTENANCE PLAN

13. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a 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 under condition 12 development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015]

Informative:

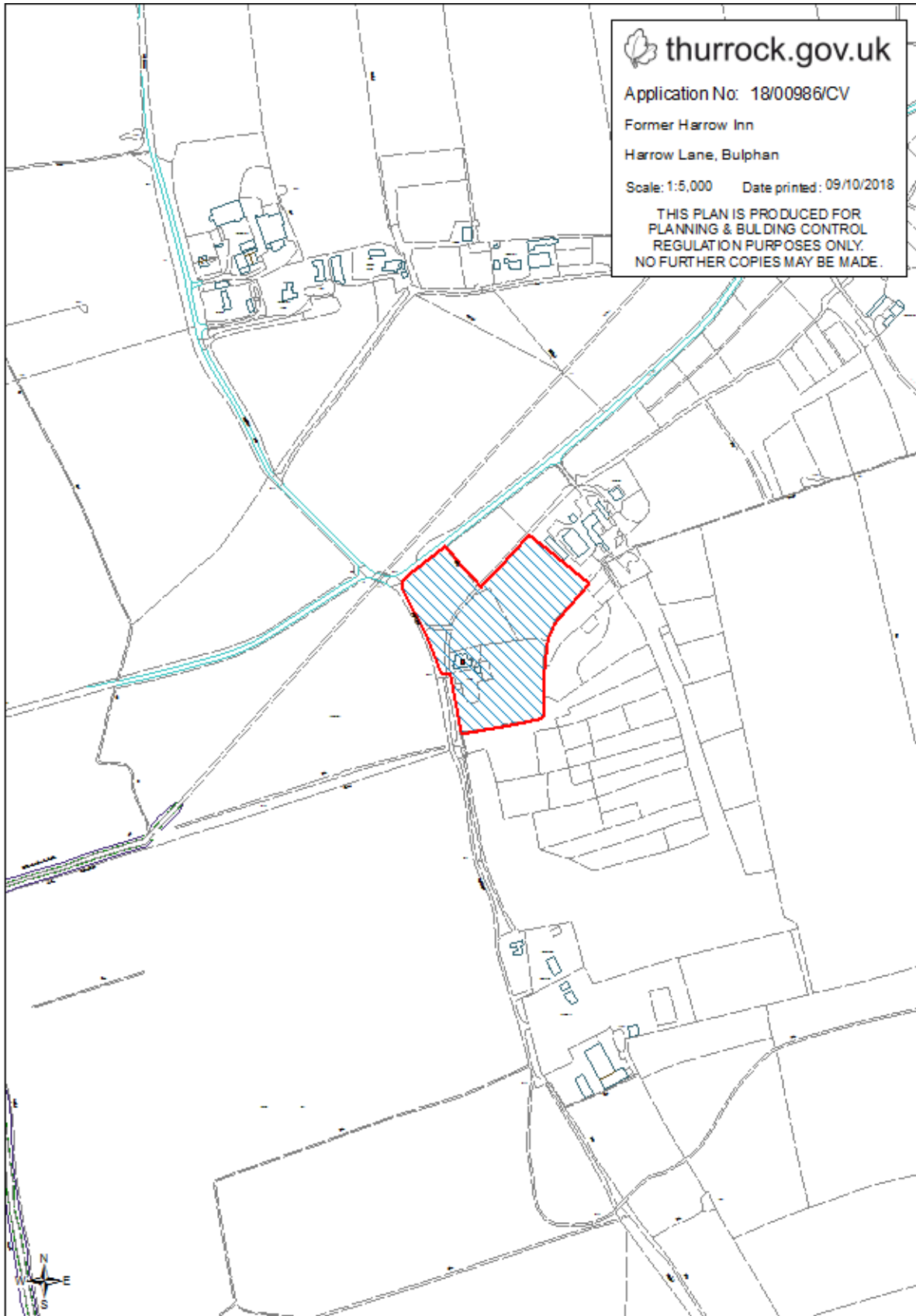
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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Reference: 18/00994/FUL	Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL
Ward: Orsett	Proposal: Proposed ancillary Manager's accommodation with double garage.

Plan Number(s):		
Reference	Name	Received
10893.P100.C	Proposed Floor Plans	10th September 2018
10893.P200.B	Proposed Elevations	10th September 2018
10893.P110	Proposed Elevations	12th July 2018
10893.S01	Location Plan	12th July 2018
10893-S02	Proposed Site Layout	12th July 2018
10893-S03	Proposed Site Layout	12th July 2018
JD/HI/01	Landscaping	12th July 2018

The application is also accompanied by: <ul style="list-style-type: none"> - Design & Access Statement - Flood Risk Assessment - Letter in Response to Health & Safety Officer comments - Gallagher Insurance letter re Glasshouse Fire Strategy Report 	
Applicant: Mr & Mrs B & J Jarvis	Validated: 11 July 2018 Date of expiry: 31 October 2018 (Extension of Time as Agreed with the Applicant)
Recommendation: Refusal	

The application is scheduled for determination by the Council's Planning Committee because the previous associated application (application ref.16/01446/FUL) was determined at Planning Committee due to its major scale and strategic implications for the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the erection of Manager’s accommodation which would be ancillary to the approved Wellness Centre (application ref.16/01446/FUL) at the site, including the erection of a double garage that includes space for storage. The design of the Manager’s accommodation would be almost square/cube shaped and for the purpose of this report, the dwelling will at times refer to the Manager’s residence as ‘The Cube’.
- 1.2 The internal layout of The Cube is separated into two sections. The ground floor of The Cube would have two separate entrances. The first would be for the Manager’s work space which includes a meeting training room and Manager’s office with an en-suite bedroom towards the rear that includes a kitchenette for the use of the Duty Manager when covering. The second entrance leads to the residential part of the property, which would be for the occupation of the Manager and their family. The ground floor would provide a kitchen/dining room which leads to a substantial rear garden and ground floor w/c and stairwell leading to the first floor. The first floor would provide a lounge and two bedrooms each with an ensuite bathroom.

2.0 SITE DESCRIPTION

- 2.1 The application site is situated within the curtilage of the former Harrow Inn public house and restaurant which is now under construction as the Wellness Centre on the southern side Fen Lane.
- 2.2 The site is located in the Metropolitan Green Belt and is surrounded by open fenland. The majority of the site is located within the highest Flood Risk Zone 3, with the most easterly half of the site located in flood zones 2 and 1 moving eastwards, as identified on the Environment Agency flood maps.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
18/00986/CV	Application for the variation of condition no. 4 (Accordance with Plans) of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms)	Pending Consideration and found elsewhere on this agenda
17/01506/FUL	Proposed ancillary residential detached dwelling with non-adjoining double garage.	Withdrawn (previously deferred at

		Committee)
16/01446/FUL	Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping.	Approved
17/00854/NMA	Application for a proposed non-material amendment to amend of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms) and associated access improvements, parking and landscaping.)	Approved
17/00376/CONDC	Discharge of conditions 3[Samples of Materials], 5[Design Details], 6[Landscaping Plan], 7[Sight Splays], 9 [CEMP], 10[FWEP], 11[Drainage Strategy], 12[Surface Water Maintenance Plan] from approved planning application 16/01446/FUL.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 Neighbours have been notified via individual letter, a site notice has been erected nearby and an advertisement has been placed in a local newspaper. No written comments have been received at the time of writing the report. The overall consultation period expires on 5th October 2018. Should any comments be received, these will be further presented at Planning Committee.

4.3 HIGHWAYS:

No objection.

4.4 ENVIRONMENT AGENCY:

No objection, standard advice received

4.5 EMERGENCY PLANNING:

No objection.

4.6 FLOOD RISK MANAGER:

Comments awaited at time of writing.

4.7 LANDSCAPE & ECOLOGY

Object.

4.8 HEALTH AND SAFETY:

Standard Health and Safety advice given.

4.9 PUBLIC RIGHTS OF WAY:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government

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

- Climate change
- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Natural Environment
- Use of Planning Conditions

Local Planning Policy

5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was subsequently amended in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

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

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- 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 the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation);
and
- PMD15 (Flood Risk Assessment)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].

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flood Risk and Site Drainage

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 Under this heading, 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

6.3 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

6.4 Paragraph 133 within Chapter 13 of the NPPF 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 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories.

6.5 The site was considered during the original consented scheme (ref. 16/01446/FUL) to fall within the NPPF's definition of Previously Developed Land. Following the demonstration of Very Special Circumstances, planning permission was granted for the Wellness Centre, but that decision was very carefully balanced. The proposal would introduce a new detached dwelling and detached double garage onto the site with 3 metre high fencing around a substantial private rear garden, in addition to the approved Wellness Centre. The proposal would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

- 6.6 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.
- 6.7 Paragraph 134 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.
- 6.8 In response to each of these five purposes:
- A. to check the unrestricted sprawl of large built-up areas*
- 6.9 The site is located in an isolated location, outside the village of Bulphan. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site, in excess of the area previously granted consented. Whilst the development would be contained within the overall boundaries of the site it would be distant from the approved Wellness Centre. If permitted, the development would increase the risk of other similar open areas of land being developed resulting in the sprawl of development from this site. The development would conflict with this purpose.
- B. to prevent neighbouring towns from merging into one another*
- 6.10 The development would not conflict with this Green Belt purpose.
- C. to assist in safeguarding the countryside from encroachment*
- 6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The Cube would be at a distance from the Wellness Centre and the footprint of the previous built form on the site. It is important to note that the Wellness Centre occupies the approximate location of the demolished buildings and the section of land that was previously developed. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location; the Manager's accommodation along with the

double garage would be situated along the southern boundary, with 3 metre fencing surrounding the rear garden, and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

D. to preserve the setting and special character of historic towns

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

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

- 6.13 In general terms, the 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 proposed Manager's accommodation, garage and associated fencing surrounding the rear garden along with the proposed hardstanding are inconsistent with the fifth purpose of the Green Belt.

- 6.14 In light of the above analysis, it is considered that the proposals would be contrary to purposes a, c and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

- 6.15 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.

- 6.16 With regard to the NPPF, paragraph 143 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 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"*.
- 6.17 The Design & Access Statement submitted sets out the applicant's Very Special Circumstances to justify inappropriate development in the Green Belt, they are:
- a) The need for Manager's accommodation;
 - b) The Health and Safety grounds deemed required for the operation of the business;
 - c) The Wellness Centre would become financially unviable;
 - d) Insurance purposes;
 - e) Improved security to the wider site;
 - f) Pre-application history and a CABE review;
 - g) The occupation and use of The Cube should be tied to the Wellness Centre;
 - h) Minor additional accommodation in the Green Belt.
- a. Manager's need for accommodation
- 6.18 The applicant considers the Manager's accommodation to be integral to the success of the Wellness Centre and suggests that Very Special Circumstances identified for the Wellness Centre should also apply to the Manager's accommodation.
- 6.19 The applicant's desire to live adjacent to their new business is appreciated however the 'need' for the accommodation appears to be nothing more than that. No essential need for the detached dwelling has been demonstrated. There is no indication that the provision of this accommodation and staffing facilities could not be provided within the Wellness Centre building by way of a revised layout. Indeed, the applicant has submitted another application (ref 18/00986/CV) found elsewhere on this agenda, which seeks approval for internal changes to the layout of the Wellness Centre building to create staff and welfare facilities.
- 6.20 Accordingly this factor is not given any weight in the determination of the application as a Very Special Circumstance.
- b. Health and Safety
- 6.21 Following the approval of the Wellness Centre, the applicant commissioned a specialised Health and Safety review which recommends that staff should be allocated separate welfare facilities from paying guests, including toilets,

showers as well as a rest room where they may have their lunch away from the guests.

6.22 The Design and Access Statement suggests that there is a Health and Safety requirement for the Manager to be present during all operational hours. The applicant cites the operational hours of the Wellness Centre as a justification for a full time manager on site. The applicant maintains the primary reason for an onsite manager would be to deal with issues/emergencies outside of general operational hours.

6.23 The Council's Health and Safety Officer has considered the material submitted by the applicant and offers the following comments;

'We have not advocated that live-in space for the site manager is justified in either the main building or in a separate residential property from a health and safety perspective...

'...we conclude that there are no grounds for citing health and safety as a requirement to build an adjacent residential property on the site of the main wellness building to house a site manager and his/her family or to provide similar accommodation within the main building for that matter.'

6.24 Further to the Council's Health and Safety Officer's comments, it is noted that the proposal would be physically detached from the main Wellness centre building; neither the Duty Manager nor the overall Manager of the site would be located within the main building should any need arise. This fact weakens the applicant's argument for the essential need for an on-site manager.

In light of the above, it follows that the arguments based upon health and safety requirements cannot be given any weight in the determination of this application.

c. The Wellness Centre would become financially unviable

6.25 The applicant maintains that in order to accommodate the Manager's flat (as originally approved) would involve the loss of 7 rooms in the Wellness Centre, which would render the approved scheme financially unviable. The applicant maintains in the Design & Access Statement that;

6.26 *'...the centre will require a fully time manager. The need for this role to be available 24 hours a day. In the same way as a Hotel operates there are always staff available...The proposal is to form a 3 bed unit (for a manager and family to be resident on site at all times). The use of off-site facilities would render the overall facility unworkable due to access to the site and time to travel in an emergency.'*

6.27 No evidence has been supported to uphold the applicant's claim in relation to the viability of the scheme. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

d. Insurance purposes

- 6.28 As noted above, the applicant maintains that Health and Safety is a Very Special Circumstance which has been afforded no weight. In addition, the applicant asserts that for building insurance purposes the facility will not be able to operate without the proposed amendments made to the layout of the Wellness Centre (under consideration in application ref. 18/00986/CV which is reported elsewhere in this agenda) including the provision of the detached Manager's dwelling. A letter from the applicant's insurance company has been submitted in support of the applicant's case. The letter simply states that due to the operational hours of the facility, i.e. 24 hours, the business will require the presence of a senior manager and offers suggestions on how to address this. The letter does not maintain or stipulate that erecting a detached two storey dwelling, with a garden, fencing and a double garage are all essential for insurance purposes; it is the applicant's desire to provide a detached dwelling for the use of the Manager.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

e. Improved security to the wider site

- 6.29 The need to ensure the site is secure has been submitted as a Very Special Circumstance. The applicant maintains that security staff will not be able to provide the same level of care to the Centre's guests and that CCTV cameras would not be suitable at the site. The suitability or otherwise of CCTV cameras has not been expanded upon or justified from a security, insurance or health and safety perspective; it is also recognised that the existing Wellness Centre has provision for an on-site Manager presence. Insufficient evidence has been submitted by the applicant with regards to the security at the site.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

f. Pre-application history and a CABE review;

- 6.30 Prior to the application for the Wellness Centre (ref.16/01446/FUL) being submitted, the scheme was subject to a CABE Design Review. The applicant maintains: 'the original application detailed sufficient scope for the need for the Wellness Centre and its bespoke nature - as such this application is being sought for the same purpose'.
- 6.31 The planning history and the response from CABE is noted, however, this application proposes development that did not form part of the CABE discussion and is afforded little weight in consideration of this current application. The CABE review related to the original scheme as considered (under application ref. 16/01446/FUL), which related to the proposed Wellness Centre, amongst other issues, as one main building and focussed upon its

appearance, design and its setting within the rural landscape. No new review has been undertaken for this application or proposal.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

g. The occupation and use of The Cube should be tied to the Wellness Centre

6.32 The applicant makes reference to the potential to tie the occupation and use of the Manager’s dwelling to the Wellness Centre. However, as set out above, there is considered to be no demonstrable need for the detached dwelling to support the business. The factor should be given no weight in the determination of the application as a Very Special Circumstance.

h. Minor additional accommodation in the Green Belt

6.33 The applicant suggests the proposal represents a minor addition and has no further impact to the to the openness character of the Green Belt. A comparison table is provided below for Member’s reference.

Approved Application (16/01446/FUL)	Footprint (sq.m)	Volume (m3)	Height (m)
Previous pub / restaurant building	500	4500	n/a
Previous Building Total	500	4500	n/a
Approved Wellness Centre	880	5600	8m / 10.7 m (lowest / highest points)
Increase from original buildings	380	1100	

Current Proposal (18/00994/FUL)	Footprint (sqm)	Volume (m3)	Height (m)
Detached Accommodation	84.63	567.02	6.7
Detached garage	53.94	167.95	3.58
Proposed total	138.57	734.97	-
Increase from original buildings (including the built	518.57	1834.97	

form from approved scheme 16/01446/FUL)			
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- 6.34 As demonstrated in the table above, the proposal would represent a significant increase in the footprint and volume over and above the original buildings at the site. The proposed dwelling would provide a floor area which would normally be comparable to a modern 3-bedroom house. Similarly, the double garage, at 53.94 sq.m could be comparable to the area occupied by modest two bedroom flats. Furthermore, the additional garden space at 344 sq.m enclosed with 3 metre fencing and the 334 sq.m hardstanding is considered excessive and harmful domestic features in the Green Belt.
- 6.35 This factor should be given no weight in the determination of the application as a Very Special Circumstance.
- 6.36 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Manager's need for accommodation	No weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		Health and Safety	No weight
		Financially unviable	No weight
		Insurance Purposes	No weight
		Improved security to the site	No weight
		Pre-application history / CABE Review	No Weight
		Cube to be tied with Wellness Centre	No weight
		Minor additions within the Green Belt	No weight

- 6.37 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 not

considered to be the full extent of the harm. Further assessment, elsewhere in this report, assesses the other harm to landscape. 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'.

6.38 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the Very Special Circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT

6.39 The proposed detached dwelling, double garage, private garden area and driveway would be located closer to the western boundary of the site than the main Wellness Centre and therefore closer to Harrow Lane. As already stated, the landscape is predominantly flat, fenland and the additional development would be highly visible from Harrow Lane and the public right of way running immediately south of the proposal. Notwithstanding the in principle objection to the development, and whilst there is no fundamental concern raised in relation to the design of the building, the development would be clearly visible and would have a demonstrable negative impact upon the rural fenland setting. This matter is considered in more detail below.

III. IMPACT UPON LANDSCAPE AND ECOLOGY

6.40 The application site is within a flat, fenland landscape which is typified by long open views, with a sparse settlement pattern. The development would appear very apparent in this environment.

6.41 The Council's Landscape and Ecology Advisor has objected to the application on the basis that the development would be significant and detrimental to visual amenity and harmful to the openness character of the fenland area. Concern has also been raised to the 3-metre-high fence in the current proposal. The development is considered to conflict with Policies PMD2, CSTP22 of the Core Strategy and the criteria of the NPPF.

IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

6.42 The vehicular access from Harrow Lane would remain as approved (ref. 16/01446/FUL) and serve as the main access/exit to the Wellness Centre.

The approved secondary access is now proposed to serve the ancillary detached dwelling. The Council's Highways Officer has raised no objections to the scheme on highway grounds.

V. FLOOD RISK AND SITE DRAINAGE

- 6.43 The site is located within the highest Flood Risk Zone (flood zone 3 – an area with high probability of flooding that benefits from flood defences), with the most easterly half of the site located in flood zones 2 and 1 moving eastwards, as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 – Flood Zones'. Where the buildings are proposed to be located is in the high Flood Risk Zone 3. This means that the site is subject to a high probability of flooding.
- 6.44 As the site falls within a high risk flood zone the Sequential Test needs to be assessed. The Sequential Test aims to steer new development to locations away from high risk flood zones. The proposal falls within a 'more vulnerable' use according to PPG's 'Table 2 – Flood Risk Vulnerability Classification'. The applicant has not provided any Sequential Testing evidence to demonstrate that the dwelling could not be located in a lower risk flood zone. The proposal therefore fails the Sequential Test.
- 6.45 As a more vulnerable use, Table 3 of the PPG – Flood Risk Vulnerability and Flood Zone 'Compatibility' details that the Exception Test is required to assess this more vulnerable use. For the Exception Test to be passed the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk' [first part], and demonstrate that the development will be 'safe for its lifetime' [second part].
- 6.46 The Environment Agency raise no objection to the application subject to satisfying both the Sequential and Exceptions Tests. The proposal seeks to erect what is essentially a residential dwellinghouse and double garage at the site. As noted elsewhere in this report, the site is deemed as Previously Development Land, and permission has been granted for commercial purposes. The applicant has not demonstrated how the proposed dwelling would provide wider sustainability benefits to the community and consequently fails to meet the first part of the Exception Test. In relation to the second part, the applicant has provided a Drainage Strategy seeking to demonstrate that the site would have adequate drainage to enable the site to be safe for its lifetime. Notwithstanding the Drainage Strategy submitted, the applicant has not passed the Sequential Test or part one of the Exceptions Test in relation to the sustainability benefits of the proposal. Consequently, it is considered that the proposal is contrary to the objectives of Core Strategy Policies CSTP27, PMD15 and the NPPF in relation to flood risk.

7.0 CONCLUSIONS

- 7.1 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to

the Green Belt. In this instance the circumstances put forward are not considered to clearly outweigh the harm to the openness of the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

8.0 RECOMMENDATION

8.1 Refuse for the following reasons;

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause actual loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.
2. The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The proposed development would, by virtue of the siting of the buildings and forms of enclosure close to the site boundaries and the public right of way, be likely to be detrimental to visual amenity, the openness and character of the flat, fenland area. The proposal would therefore be contrary to Policies PMD2, CSTP22 of the Core Strategy and the National Planning Policy Framework 2018.
3. The proposal, by virtue of the flood risk information submitted for this more vulnerable use, fails to meet both the Sequential and Exceptions Tests as required and subsequently fails to adequately demonstrate that the development will be safe and not increase flood risk elsewhere. The proposal would be contrary to Policies CSTP27 and PMD15 of the Core Strategy and the National Planning Policy Framework 2018.

Informatives:-

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

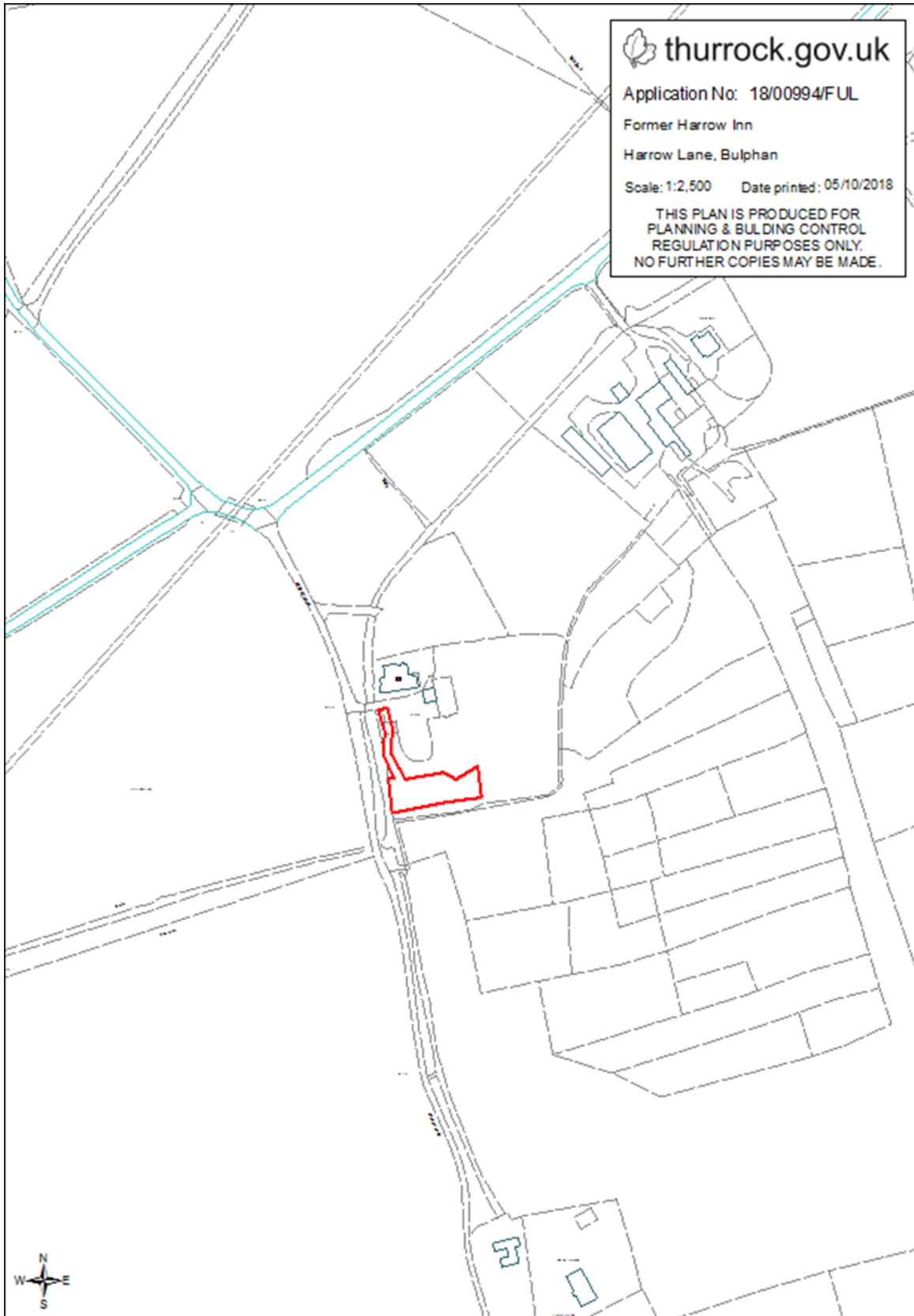
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy

the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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Reference: 18/01035/TBC	Site: East Tilbury Library Princess Avenue East Tilbury Essex RM18 8ST
Ward: East Tilbury	Proposal: Refurbishment of library including new entrance ramp, changes to fenestration, external draught lobby and accessible parking spaces

Plan Number(s):		
Reference	Name	Received
2018/ETL/EXG/001	Site Layout	20 July 2018
2018/ETL/01/002	Existing Floor Plan	20 July 2018
2018/ETL/EXG/003	Existing Elevations	20 July 2018
2018/ETL/03/301 Rev b	Proposed Floor Plan	18 September 2018
2018/ETL/03/302 Rev D	Proposed Elevations	18 September 2018
2018/ETL/03/304 Rev b	Proposed Block Plan	18 September 2018
2018/ETL/03/305 Rev D	Entrance Ramp Plans	18 September 2018
N/A	Location Plan	20 July 2018

The application is also accompanied by: - N/A	
Applicant: Thurrock Council	Validated: 24 July 2018 Date of expiry: 19 October 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 This application seeks planning permission for the refurbishment of the library including a new entrance ramp, changes to fenestration, external draught lobby and accessible parking spaces.

2.0 SITE DESCRIPTION

- 2.1 The application site is located to the rear of Stanford House in East Tilbury. Vehicular access to the site is via Princess Road which serves a car park to the front of the building. The site comprises the library building itself, the parking area and a small area of curtilage which is grassed. The library is currently not in use following an incident of fire.
- 2.2 Much of the surrounding area is in residential use, but there is a club which adjoins the site to the west.
- 2.3 Ground levels are approximately level across the site and the entire application site is located within the high risk flood zone (Zone 3). The site is within East Tilbury Conservation Area.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
01/00447/TBC	Repositioning of entrance doors and infill of porch area	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There was one comment received in support of the application.

4.3 EMERGENCY PLANNING:

Recommend a Flood Warning Evacuation Plan is provided.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 ENVIRONMENTAL HEALTH:

No objection, subject to condition.

4.6 HIGHWAYS:

No objection.

4.7 HISTORIC BUILDINGS ADVISOR:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework

5.1 The NPPF was published on 27 March 2012 and amended on 24 July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

Planning Policy Guidance

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

- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Use of Planning Conditions

Thurrock Local Development Framework (2015)

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

THEMATIC POLICIES

- CSTP10 (Community Facilities)
- CSTP22 (Thurrock Design)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD8 (Parking Standards)

[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 Local Plan

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

Thurrock Design Strategy

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

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Appearance
- III. Flood Risk
- IV. Effect on the Conservation Area
- V. Impact on Neighbour Amenity
- VI. Highways and parking

I. PRINCIPLE OF DEVELOPMENT

- 6.2 Policy CSTP10 aims to ensure the delivery of community facilities within the Borough. The Council will support the provision of high quality, accessible community facilities to serve new and existing communities, regenerate communities and raise the profile of Thurrock as a destination for culture and the arts.
- 6.3 The application proposes the refurbishment of the library building after a fire which rendered it unusable. The proposal is considered necessary to bring the community facility back into use.
- 6.4 The proposal complies with Policy CSTP10 and the proposal is acceptable in principle.

II. DESIGN AND APPEARANCE

- 6.5 The appearance of the building would broadly remain the same as before the fire damage. The brickwork would remain as existing but the timber windows would be replaced by aluminium units, which would update the aesthetics of the building and improve energy efficiency. There would be a relatively small extension to the building with a draught lobby, which would add 3.85 square metres to the footprint of the building.
- 6.6 The proposed L-shaped ramp would be located at the main entrance of the building to the south east elevation and would include a hand rail. The ramp would be satisfactorily related to the existing building.
- 6.7 In conclusion under this heading, the proposal is considered to be of an appropriate form and design in relation to the original building and the immediate location, complying with Policies PMD2 and CSTP22 of the Core Strategy.

III. FLOOD RISK

- 6.8 The application site lies within flood zone 3. The Environment Agency (EA) considers that the vulnerability classification in regards to flood risk is

unchanged by this development. Therefore, their flood risk standing advice should be used when determining this application. The EA does not require the submission of a Flood Risk Assessment.

- 6.9 The standing advice from the EA states that the application does not need to meet the sequential or exception test as it is an application for the same use. Whilst the comments of the Emergency Planner are noted, in light of the response from the EA and given the application is for a refurbishment it is not considered a flood warning evacuation plan is reasonably required. However, whilst it wouldn't be reasonable to require an evacuation plan as a condition, it would be appropriate to add an informative to any consent granted to make the applicant aware of the importance of ensuring that the library is suitably prepared for a flood event.

IV. EFFECT ON THE CONSERVATION AREA

- 6.10 The proposal is within East Tilbury Conservation Area. As the proposal would improve and enhance an existing building, the Council's Historic Building Advisor has raised no objection. Accordingly, the proposal satisfies Policy PMD4.

V. IMPACT ON NEIGHBOUR AMENITY

- 6.11 The proposed refurbishment of the library would not impact negatively on the area in general or be harmful to the occupiers of the neighbouring properties. The proposal accords with Policy PMD1 in this respect.

VI. HIGHWAYS AND PARKING

- 6.12 The Council's Highways Officer has confirmed that the proposed access and parking at the site are acceptable. Therefore the proposal accords with Policy PMD8 in this respect.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is for refurbishment of an existing library building, which is a community facility which has been damaged by fire. The proposal is acceptable in terms of principle and matters of detail, therefore approval is recommended.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following 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.

PLANS

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

Plan Number(s):		
Reference	Name	Received
2018/ETL/EXG/001	Site Layout	20 July 2018
2018/ETL/01/002	Existing Floor Plan	20 July 2018
2018/ETL/EXG/003	Existing Elevations	20 July 2018
2018/ETL/03/301 Rev b	Proposed Floor Plan	18 September 2018
2018/ETL/03/302 Rev D	Proposed Elevations	18 September 2018
2018/ETL/03/304 Rev b	Proposed Block Plan	18 September 2018
2018/ETL/03/305 Rev D	Entrance Ramp Plans	18 September 2018
N/A	Location Plan	20 July 2018

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

MATERIALS AND FINISHES AS DETAILED WITHIN APPLICATION

- 3. The materials to be used on the external surfaces of the development hereby permitted shall be implemented as detailed within the application.

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].

HOURS OF WORK

- 4. No 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 08.00 to 18.00 hours on Monday to Friday and 08.00 to 13.00 hours on Saturdays with no work on Sundays and Bank holidays.

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].

INFORMATIVES

1 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.

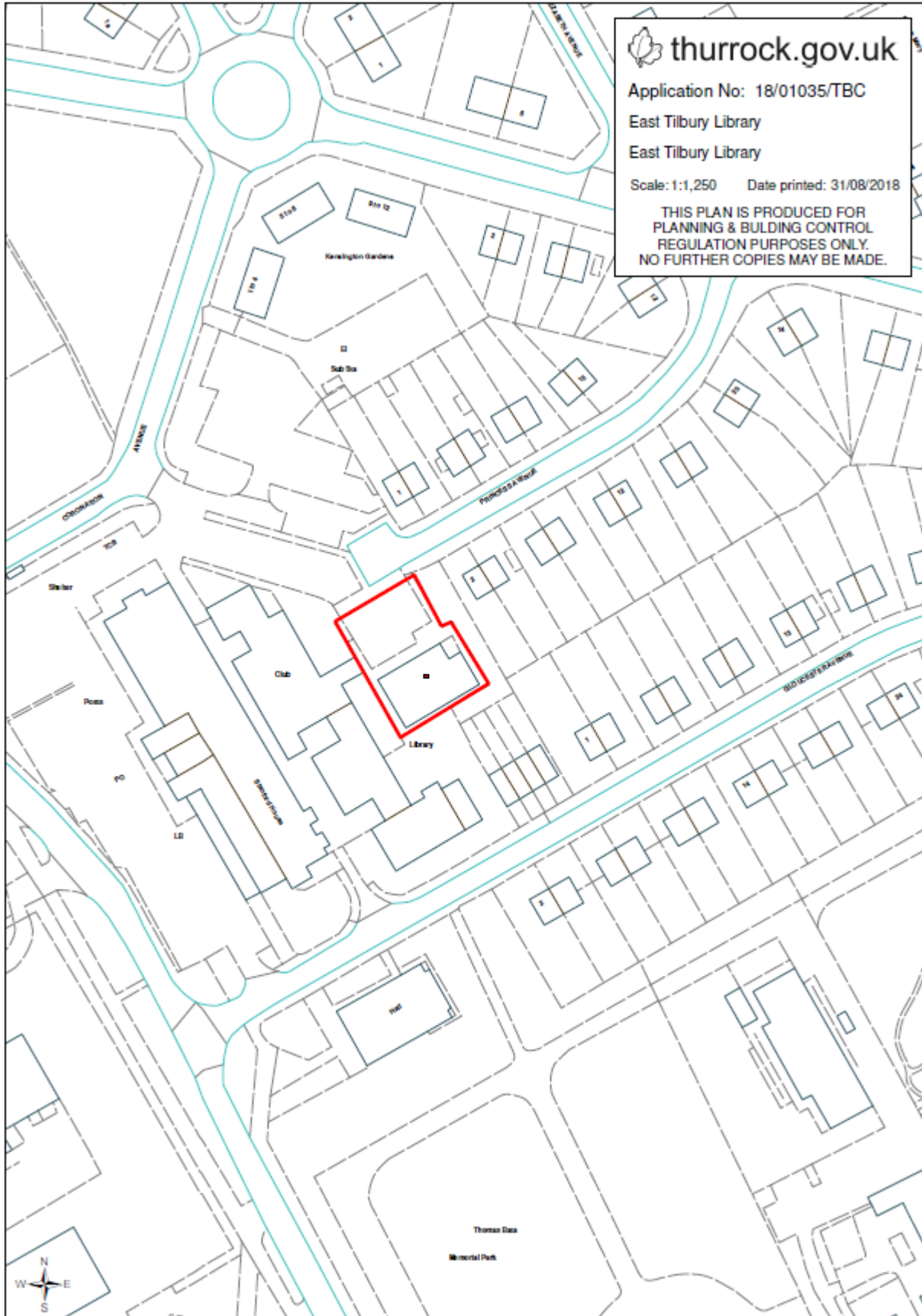
2 Flood Warning and Evacuation Plan

The applicant is advised that, given the location of the site within Flood Zone 3 a site specific Flood Warning and Evacuation Plan should be prepared and sustained for the lifetime of the site. This should give consideration to adequate arrangements for safe evacuation of staff, visitors and users of the site in the event of a potential flood scenario.

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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