

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 **11 July 2019**

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

### Membership:

Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Abbie Akinbohun, Chris Baker, Daniel Chukwu, Garry Hague, Victoria Holloway and Susan Little

### Agenda

Open to Public and Press

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<b>2 Minutes</b>	<b>5 - 22</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 6 June 2019.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

**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).

**8 19/00265/FUL Ivy Wall House, Billet Lane, Stanford Le Hope, Essex, SS17 0AR (DEFERRED) 27 - 54**

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**11 19/00317/FUL Woodlands Koi Farm, South Avenue, Langdon Hills, Essex, SS16 6JG 99 - 118**

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

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

Agenda published on: **3 July 2019**

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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 6 June 2019 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons, Sue Shinnick and Susan Little (Substitute) (substitute for Colin Churchman)

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillors Colin Churchman

**In attendance:**

Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection  
Julian Howes, Senior Highway Engineer  
Matthew Gallagher, Principal Planner  
Tom Scriven, Principal Planner  
Caroline Robins, Locum Solicitor  
Wendy Le, Democratic Services Officer

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

**1. Minutes**

The minutes of the Planning Committee held on 25 April 2019 were approved as a true and correct record.

**2. Item of Urgent Business**

There were no items of urgent business.

However, given the number of items on the agenda that often came to Planning Committee, the Chair proposed a start time of 18.00 for future meetings. The Committee agreed to the start time of 18.00 for this municipal year.

**3. Declaration of Interests**

On planning applications 18/01830/OUT and 19/00247/FUL, Councillor Little declared that she was the Ward Councillor of Orsett and that these applications were within her ward.

**4. 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**

On behalf of the Committee, the Chair declared there had been emails sent to the Committee regarding planning application 19/00265/FUL.

Councillor Rice declared he had received emails regarding planning application 18/01830/OUT.

**5. Planning Appeals**

The report was presented by the Interim Assistant Director of Planning, Transport and Public Protection, Leigh Nicholson which outlined the planning appeals performance.

**RESOLVED:**

**That the report be noted.**

**6. 2018/19 Planning Performance Report**

The report was presented by Leigh Nicholson and provided an overview of the service's performance in the past year which had been a fantastic achievement. He drew the Committee's attention to page 30 which explained what happened beyond the consent of decisions undertaken.

Councillor Little gave praise to the Planning department, commenting how well the service had been doing and was pleased to see that there were no more cuts across the service.

**RESOLVED:**

**That the report be noted.**

**7. 19/00267/FUL Silver Springs, High Road, Fobbing, SS17 9HN (DEFERRED)**

The application was presented by the Principal Planner, Tom Scriven, who informed the Committee that there had been 1 update since the application had been last presented at Committee on 25 April 2019. This was a further letter received in objection and was already assessed within the report. The Officer's recommendation of the application remained for refusal for the reasons outlined on page 53 of the agenda:

- That the scale of the proposed development would result in inappropriate development in the Green Belt which was by definition harmful. In addition, the development would cause 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



did not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal was 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 (NPPF).

The Chair opened the item up to the Committee for questions.

*(Councillors Mike Fletcher and Gary Byrne were unable to participate on this application as they had not been present when the item was first presented on 25 April 2019.)*

Councillor Little queried the number of bedrooms in the proposed dwellings. Looking at the floor plans, the Principal Planner said each proposed dwelling consisted of 5 bedrooms.

Referring to paragraph 6.28 on page 39, Councillor Little did not think there was a need for anymore large houses. The proposed homes were not affordable and were not for social housing. In response, the Principal Planner said there was no identified need for large houses but it was not to say that there was no demand for these. Councillor Little went on to say that the current need was for smaller houses to which the Principal Planner confirmed was correct.

With no further questions, the Chair moved the item onto the debate which he started off by stating that the adjacent development known as Thames View Farm had undergone the correct procedure for development that had been through the site allocation process via the Local Plan. The Chair went on to mention the site visit that had taken place on 4 June 2019 and that the site of Silver Springs was just a back garden and should go through the same site allocation process. The Officer's recommendation for refusal was clear and concise which should be followed and the Chair would be voting with Officer's recommendation for refusal. He felt that if the application was approved, it would set a dangerous precedent for similar applications in the future.

Referring to the site visit, Councillor Rice commented on the spaciousness of the area. Mentioning paragraph 145(e) of the NPPF, he went on to say that the Committee could depart from an Officer's recommendation. The reasons that could be used for departing from Officer's recommendation would be:

- That Thurrock did not have the required 5 year housing supply and the housing supply was currently 2 years or under; and
- That DP World was situated within the area and there was a demand for houses from employees in DP World so the scheme would add economic value to the area.

Councillor Rice went on to say that there was a need for larger homes for 'Captains of the Large Industries' who would be best placed in Thurrock. He wished to make the case to depart from the Officer's recommendation as the reasons he had given were sufficient so the application could be approved.

The Chair agreed that there was substance in Councillor Rice's reasons and said that although the Local Plan was still developing, Thurrock did have an updated Core Strategy from 2011 and 2015. The recent Issues and Options Stage 2 Consultation (IO2) had identified which Green Belt sites could be released for development but the Silver Springs site was not appropriate for development at this time. The proposed development had skipped the vital steps of the site allocation process through the Local Plan and the site was considered to be a back garden at this time.

Agreeing, Councillor Little said the proposed development would result in a major change to the character of Fobbing High Road and would set a precedent for similar applications. She asked if there would be nearby school places available for the children that might live in the proposed dwellings. Answering the question herself, Councillor Little said there would be none and to enable these children to travel to their schools, the Council would have to arrange and pay for their travel.

Councillor Lawrence questioned whether anyone had noticed the industrial site within the area and on the same side of Fobbing High Road. She went on to say that although there was no development allowed on the Green Belt, some of the back gardens of Fobbing High Road did not appear to be well looked after so the proposed development would be a better fit for the area. The Principal Planner answered that if there was a change in the use of a back garden for use as a scrapyard or to store excessive amounts of waste, planning permission would likely be required. However, if this type of application was to be submitted, it would likely be considered inappropriate development on the Green Belt and refused. If a back garden was used for these purposes without permission, the Planning Enforcement Team would look into this and take enforcement action if required. There may have been historical uses for some of the back gardens but the service had no control over these. However, this reason could not be used to justify the development of other garden sites. Councillor Lawrence thought that the scrapyard and other back gardens might have been seen during the site visit.

Continuing on, Councillor Lawrence said that the proposed development's layout fitted in well with the character of the area and agreed that DP World employees were looking for houses in the area so there was a need for these houses.

Referring to Councillor Lawrence's comment on the industrial park, Steve Taylor, said that the site had been in use for over 40 years. However, the proposed development, if approved, would be a big departure from the Green Belt.

The Chair agreed that the proposed development was impressive but it still needed to go through the correct avenues.

Pointing out that there had been no objections from education, Councillor Rice said this would answer Councillor Little's earlier point regarding education. He

wished to propose an alternative recommendation that departed from the Officer's recommendation.

The Chair sought confirmation on the procedure of an alternative recommendation that departed from the Officer's recommendation from the Democratic Services Officer, Wendy Le. It was confirmed that the alternative recommendation could be proposed with reasons and provided there was a seconder to the recommendation, the Committee could take a vote on the proposed recommendation. If the proposed recommendation was rejected, the Committee would then go on to vote on the Officer's recommendation.

Councillor Rice proposed to depart from Officer's recommendation for refusal and to approve the application for the following reasons:

1. Paragraph 145 (e) of the NPPF.
2. Thurrock did not have a 5 year housing supply to which the Officer had given significant weight to within his report.
3. Thurrock had the expanding port of DP World whose employees needed homes within the area.

Councillor Rice's proposal was seconded by Councillor Lawrence so the vote on the alternative proposed recommendation for approval was undertaken.

*(Councillors Mike Fletcher and Gary Byrne were unable to vote on this application as they had not been present when the item was first presented on 25 April 2019.)*

**For:** (3) Councillors Angela Lawrence, David Potter and Gerard Rice.

**Against:** (4) Councillors Tom Kelly, Susan Little, Sue Sammons and Sue Shinnick.

**Abstained:** (0)

The proposed recommendation was rejected. The Chair proposed the Officer's recommendation for refusal and Councillor Little seconded this. Then the Committee moved on to the vote.

**For:** (4) Councillors Tom Kelly, Susan Little, Sue Sammons and Sue Shinnick.

**Against:** (2) Councillors David Potter and Gerard Rice.

**Abstained:** (1) Councillor Angela Lawrence.

Planning application 19/00267/FUL was refused planning permission.

8. **19/00379/FUL Montrose, 168 Branksome Avenue, Stanford le Hope, SS17 8DE**

Presented by the Principal Planner, Tom Scriven, the application sought planning permission to demolish the bungalow at no. 168 Branksome Avenue. In its place, the construction of a cul-de-sac of five detached dwellings was proposed which would be 4 x four bedroom and 1 x three bedroom properties.

The report outlined an earlier application (18/00316/FUL) that had been brought to Planning Committee in June 2018 which had been refused. Since the report, there had been a letter in support and a letter in objection to the application which was already covered in the Officer's report. The letter in support outlined the contribution the proposal would make towards housing need and the relevance of Annexe A9. However, it was not enough to outweigh the harm the proposed development would cause to the character of the area and that Annexe A9 was still relevant to the determination of the application.

Officer's recommendation was for refusal for the reason outlined on page 66 of the agenda:

- That the proposed development would undermine the open character of the area, contrary to policies PMD2, CSTP22 and CSTP23 of the Core Strategy and guidance in the NPPF.

The Chair opened the item up to the Committee for questions in which there was none asked. The Chair invited the registered speakers to address the Committee.

Ward Councillor, Councillor Halden presented his statement in objection to the application.

Ian Coward, Agent representative of the Applicant, presented his statement in support of the application.

The Chair moved the item onto debate and started it off by saying that the Homesteads ward was protected by policy and referred to one of the first planning applications within that ward concerning Foxfield Drive that had been refused planning permission. He went on to state that the Homesteads ward would continue to be protected from developments that would harm the character of the area.

Councillor Little commented that the site plans and layout proposals looked appealing but it would result in too many houses on the site and cause over development. She confirmed that she would not be supporting the application.

The Chair proposed the Officer's recommendation which was seconded by Councillor Little and the Committee moved on to the vote.

**For:** (8) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (1) Councillor Gerard Rice

Application 19/00379/FUL was refused planning permission.

**9. 19/00269/FUL 53-55 Third Avenue, Stanford le Hope, Essex**

The application was presented by the Principal Planner, Tom Scriven, which sought planning permission for nine detached dwellings with an associated access road, hardstanding, landscaping and bike stores, following the demolition of the two existing detached bungalows. This scheme was amended from the withdrawal of a previous application (18/01228/FUL) which originally proposed ten detached dwellings. There had been a further letter of objection which had already been considered within the report. Officer's recommendation was for refusal for the reason stated on page 82 of the agenda:

- That the proposal was considered an overdevelopment in the Homesteads Ward which was an area with spacious gardens that was considered a valuable character trait, therefore conflicted with the aims and intentions of policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015.

The Chair opened the item up to the Committee for questions to which there were none asked. The Chair invited the registered speakers to address the Committee.

Ward Councillor, Councillor Halden, presented his statement in objection to the application.

Lewis Cook, Agent representative for the Applicant, presented his statement in support of the application.

The Chair moved the item onto debate which he started off by noting that the application was similar to the previous one heard – 19/00379/FUL. He went on to reiterate that the Homesteads ward was protected by policy.

Referring to page 75 of the agenda, Councillor Rice noted that policy H11 was in the Local Plan of 1997 and was not saved. He queried whether this policy would be stricken out and no longer applicable. Leigh Nicholson explained that the H11 policy was not saved but annex 9 was saved and linked to CSTP23. He highlighted the importance of annex 9 which set out the character and landscape of the Homesteads ward.

Councillor Lawrence stated that building one less housing development made no difference and agreed with the Officer's recommendation for refusal.

The Officer's recommendation for refusal was proposed by the Chair and seconded by Councillor Byrne. The Committee moved onto the vote.

**For:** (9) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (0)

Planning application 19/00269/FUL was refused planning permission.

**10. 18/01830/OUT Land Adj Bulphan By-Pass and Church Road, Bulphan, Essex**

Presented by the Principal Planner, Matthew Gallagher, the application had one update which was a consultation response from Education regarding the two catchment schools (William Edwards Secondary School and Bulphan Primary School) in the site area. The response was that the schools were full so had no available school placements and would be under pressure for placements. If the application was to be approved, a financial contribution would be required for nursery, primary and secondary school places.

The application sought planning permission with all matters reserved (apart from access) for development that would comprise of 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and a noise attenuation buffer. From Church Road in between numbers 4 and 5 Manor Cottages, a single access road into the development was proposed. The indicative masterplan suggested a layout incorporating detached, semi-detached and short terraces of dwellings that were two-storey or two-storey with roof space accommodation.

The Applicant had put forward a case of very special circumstances that relied on the following factors:

1. That the proposed development would contribute towards the Council's 5 year housing land supply. Significant weight could be attributed to this factor but on its own, this factor would not clearly outweigh harm to the Green Belt;
2. That the proposed development was offering 40% affordable housing on-site. The Council's Core Strategy policy required a minimum of 35% for housing provision. Due to the current under-supply of housing, significant weight could be attributed to this factor;
3. That the proposed dwellings would be built to a high sustainability standard. As this was not evidenced and was also partly addressed by policy, no weight should be given to this factor;
4. That the proposed development would provide an increase in ecological value. The site had little existing value and it was queried what measures could be genuine gain or simply mitigation. This factor attracted very limited weight;
5. That the proposals would provide community facilities to Bulphan but no weight was afforded as there was no demand in Bulphan for facilities; and

6. That Bulphan village had been identified in IO2 as a potential expansion site but no weight could be afforded to this because IO2 was still in the early stages.

Therefore, the application conflicted with the NPPF and the Development Plan Policy. Officer's recommendation was for refusal for the three reasons outlined on page 109 of the agenda:

1. That the proposals were considered to be inappropriate development with reference to policy and therefore cause harm to the Green Belt and its openness.
2. That the proposal, due to its remote location, would fail to meet the environmental dimension of sustainable development.
3. That the indicative masterplan suggested a significant effect on the character of the landscape.

The Chair opened the item up to the Committee for questions.

Regarding housing provision, Councillor Rice queried whether the Council would have nomination rights to the affordable homes if the application was granted planning permission. The Principal Planner answered that the housing officer had no objections to the application and if the scheme was supported by Committee, and not called-in by the Secretary of State following referral then the s106 agreement could include nomination rights. In short, the Council would have nomination rights.

Councillor Rice questioned why highways had recommended refusal of the application. Senior Highway Engineer, Julian Howes, answered that there was concern on the access paths regarding walking and cycling routes onto the site. The proximity of the proposed access road onto Brentwood Road was not acceptable because of its strategic nature and was too close to the A128 so there had been concerns on the interaction between the two junctions.

Regarding the traffic going onto the proposed access road that linked to the A128, Councillor Rice sought clarification on how traffic would join onto the A128. Julian Howes explained that this formed some of the concerns expressed from highways because at peak times, traffic would trail back along the current roads waiting to get onto the A128. With the proposed access road, this would cause more issues and concern on the interaction between the junctions due to its proximity. Councillor Rice asked whether a roundabout might be installed as a solution if the application was to be approved.

Julian Howes explained that Brentwood Road and the surrounding area consisted of a staggered crossroad and installing a roundabout would prove to be difficult in terms of size and the link up of the 5 arms of the roads. Church Road to Bulphan and the other end of Church Road would require a large plot of land to link these to the roundabout.

Adding on, the Principal Planner explained that the consultation response from highways was based on the Core Strategy policy PMD9 which was an

objection in principle to the formation of new accesses onto this category of road. The Applicant's transport assessment had been considered which provided some information on trip generation and analysis of junctions. If the application was to be refused planning permission based on the highways response, it had to be potentially defended if it went to appeal and Officers considered that there was not enough information to enable the planning authority to defend the refusal through policy PMD9.

Continuing on, the Principal Planner referred to an appeal case that went through public inquiry where the in principle policy PMD9 objection had been raised and the Planning Inspector had used a higher test from the NPPF (instead of policy PMD9) in which traffic impacts had to be 'severe' for an application to be refused on highways ground. Hence, the highways consultation response was not enough to form a reason for refusal but the response was covered in paragraph 6.45 of the report.

Mentioning the Council's low 5 year housing supply, Councillor Rice asked whether the Planning Inspector would be mindful to approve the planning application (if it went to appeal following refusal of planning permission). Referring to the referenced Little Thurrock Marshes appeal within the report, the Principal Planner explained that the Planning Inspector had to balance a range of factors in an appeal. The 5 year housing supply on its own would not clearly outweigh the harm the proposed development would cause to the Green Belt. The added factors mentioned within the report were also not enough to outweigh the harm to the Green Belt.

Pointing out an open-sided building shown in the photos of the presentation, Councillor Little questioned whether this building counted as a footprint on the application. The Principal Planner answered that open-sided buildings did not usually create volume but that interpretation was open to debate. What had to be considered about the application was the potential harm the proposed development would cause to the Green Belt.

Stating that Brentwood Road was a known 'black spot' due to the number of accidents that happened there, Councillor Little said traffic would trail back to Church Road which was another 'black spot'. With the proposed access road, she asked where traffic would disperse to then because the other roads were lanes. She explained that on Church Road, turning right would go onto the A128 and turning left would be entering small lanes. The Principal Planner replied that the majority of traffic would be expected to move right onto Church Road and then go north or south to go onto the A128.

Adding on, Julian Howes said traffic would most likely turn right to go onto the A128. He agreed that Brentwood Road and Church Road had a high accident rate and that the majority of traffic would stick to Brentwood Road.

On the potential instalment of a roundabout, Councillor Little commented that there would be no pavements to walk on. Regarding the proposal of a shop and a pub, she stated that the area already had a shop and the pub was currently under construction following planning permission. Referring to the



extra housing for the community, she asked a rhetorical question of how many houses did a village need to be a village considering Bulphan was already called a village. She went on to say that the proposed development was on the boundary of Bulphan and the proposed development would be building on the Green Belt.

Councillor Byrne questioned whether the proposals would affect the village hall and if there was a history of building pubs on the Green Belt. The Principal Planner said that the site was adjacent to the village hall but would not be affected by construction. He was unable to provide a history of pubs built on the Green Belt. Councillor Rice pointed out that Chafford Hundred was once Green Belt and that there were now pubs on the site.

The Chair invited the registered speakers to address the Committee.

Janet McCheyne, a resident, presented her statement in objection to the application.

Ward Councillor, Councillor Johnson, presented his statement in objection to the application.

Kieron Lilley, an Agent representative on behalf of the Applicant, presented his statement in support of the application.

The Committee moved on to debate the application.

Moving back onto the proposed pub, Councillor Little reiterated the fact that Bulphan already had a pub and that the proposal of 116 dwellings was proposed on a site that was on the Green Belt. This would change the character of Bulphan and these types of proposed developments had been brought to Bulphan in the past where affordable housing had been proposed and developers had withdrawn proposals due to financial concerns. Councillor Little further expressed her concerns again on the proposed access road and current road structure of the area which was dangerous as there were issues of traffic moving onto the A128 safely. She stated that she would not be supporting the application.

Steve Taylor mentioned that he had been part of a speed watch programme which monitored the volume of traffic on the A128 and noted that traffic did have difficulty moving from other roads onto the A128 due to the speeds that vehicles travelled on the A128. The roads in the area were already busy and with the proposed development, traffic may eventually use the surrounding smaller lanes that would result in congestion.

Although the proposed scheme sounded good, Councillor Rice agreed that the issue was around the proposed access road and current road situation. On the affordable homes factor, the proposed 40% of affordable homes gave the application validity and Councillor Rice suggested a site visit to view the structure of the roads and area. He went on to say that the Applicant would need to improve the proposal on the access road as it was dangerous.

Councillor Lawrence mentioned that she had travelled along the A128 and surrounding roads on several occasions and highlighted the further dangers of the roads when it was dark. Although the affordable homes aspect of the application was appealing, the highways aspect was too dangerous so she would not be supporting the application.

Agreeing on the affordable homes aspect of the application, the Chair reminded the Committee of the NPPF regarding inappropriate development on the Green Belt. On the highways issue, the Chair said the introduction of a roundabout would likely result in congestion in the area. He went on to say that through the Local Plan, applications could go through the site allocations process where it would be assessed which Green Belt sites could be released. The Chair then went on to refer to the past proposed development within Little Thurrock Marshes as mentioned earlier and said that the proposal had been rejected by Committee and later when it had gone to appeal; it had also been rejected on Green Belt grounds. The Chair stated that he would not be supporting the application.

Going back to the suggestion of a site visit, Councillor Rice proposed this and was seconded by Councillor Shinnick. The Committee moved onto the vote for a site visit.

**For:** (2) Councillors Gerard Rice and Sue Shinnick.

**Against:** (5) Councillors Gary Byrne, Tom Kelly, Susan Little, David Potter and Sue Sammons.

**Abstained:** (2) Councillors Mike Fletcher and Angela Lawrence.

The site visit was rejected.

The Chair proposed the Officer's recommendation for refusal of the application and was seconded by the Vice-Chair. The Committee then moved onto the vote on the application.

**For:** (9) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (0)

Planning application 18/01830/OUT was refused planning permission.

*(The meeting was adjourned for a short break at 19.59 and reconvened at 20.02.)*

11. **19/00265/FUL Ivy Wall House, Billet Lane, Stanford le Hope, Essex, SS17 0AR**

Presented by the Principal Planner, Matthew Gallagher, the application had received 2 updates since publication of the agenda which were:

- An email from the Applicant that now proposed 7 affordable dwellings which met the minimum level of affordable housing provision required as outlined by the Council's planning policy. This now removed reason number 4 from the recommended reasons for refusal within the report.
- A late consultation response from the Flood Risk Manager stating there were no objections which now removed reason number 3 from the recommended reasons for refusal within the report.

The application sought planning permission for the demolition of all existing buildings on site. The proposed development in its place was short rows of terrace style houses and a single apartment block of 19 residential units consisting of 2, 3 and 4 bedroom units along with associated development. Each dwelling would have either private off street parking or garages and parking.

The Applicant had put forward a case for very special circumstances to justify the inappropriate development as follows:

1. That Thurrock's Local Plan was not updated from 1997 but no weight had been afforded to this as Thurrock's Core Strategy was last updated in 2015;
2. That the proposed development would contribute towards the Council's housing land supply. Significant weight should be attached to this;
3. That the scheme met the 3 dimensions of sustainable development within the NPPF. However, the scheme failed the environmental aspects and attracted only limited weight;
4. That the site was previously developed land but no weight could be given to this factor;
5. That the harm to the Green Belt was limited but Officers considered that there was definitional harm, harm to openness and harm to Green Belt purposes. No weight should be afforded to this factor;
6. That the NPPF presumption was in favour of sustainable development but as set out in the report, the 'tilted balance' did not engage in the Green Belt so weight could be attributed to this factor; and
7. That the scheme would now meet the minimum provision of affordable housing so significant weight should be given to this factor.

There were initially 4 reasons given for the Officer's recommendation for refusal stated on page 134 but as mentioned, reasons 3 and 4 were no longer relevant. The reasons now for refusal were:

1. That the application for the site was located within the Green Belt and the proposals were considered inappropriate development on the Green Belt in line with policy so would cause harm to it.

2. That the proposed development would result in a cramped layout with little consideration to landscaping which would be visually intrusive and fail to contribute positively to the character of the area.

The Chair opened the item up to the Committee for questions.

Referring to the photographs shown in the presentation, Steve Taylor noted an area on the site that was identified as a car park and asked how the area was accessed. The Principal Planner answered that the car park was not within the boundary of the site and served the use of the adjacent Crooked Billet pub.

With no more questions from the Committee, the Chair invited the registered speaker to address the Committee.

Councillor Piccolo, Ward Councillor, presented his statement in objection to the application.

The Chair questioned whether the car park at the Crooked Billet was relevant to the application. In answer, the Principal Planner said that the application did not rely on parking outside of its site boundary. The application proposed 34 draft standard parking spaces which were slightly short of the Council's draft policy of 39 parking spaces so had to consider if this would form a reason for refusal of the application. At certain times, there would be a pressure on parking spaces on the proposed development and could result in an overspill into the Crooked Billet's car park. However, it was considered that this impact would not be severe.

*(The Committee agreed to suspend standing orders at 20.25 to allow the rest of the items on the agenda to be heard and discussed.)*

Referring to the site plan layout, Steve Taylor said that he had counted the car park spaces laid out within the plan and had counted 28 car park spaces. He sought clarification on the number of proposed car park spaces. Referring to paragraph 6.22, the Principal Planner confirmed that it was 34 car park spaces and from the site layout plan, some of the car park spaces proposed required in-tandem parking.

Councillor Little thought that there was a likely chance of overspill from the proposed development into the Crooked Billet's car park. She did not think that in-tandem parking was ideal and that the proposed plan was dense and was not in character with the area, not to mention the fact that the proposed development was on the Green Belt.

Noting that the current building was on the Green Belt and had been there for over 200 years, Councillor Lawrence asked whether there had been planning permission sought for the swimming pool that was currently on the site. She mentioned that she had also seen another house behind the main building. The Principal Planner was not familiar with the early history of the site but

replied that planning laws had not come into effect until 1948 so pre-existing buildings may have already been on the site before then. The conservatory at the back of the building may have benefitted from permitted planning development rights along with the swimming pool and other related outbuildings. The site was a large plot and permitted development rights would allow for a number of outbuildings. However, overall, the building would be considered as one dwelling on the Green Belt.

Noting the planning history of the site within the report, Councillor Rice mentioned that there had been a change on the use of the main dwelling to a rest home. He questioned the size of the dwelling at the time of this change. The Principal Planner explained that the change of use in the dwelling did not imply building works and from looking at the photographs of the site, the dwelling did not appear to have a side extension. The current use of the dwelling was for a single dwelling use so the rest home change may not have been implemented.

Councillor Rice sought clarification on how many of the units proposed would be for affordable homes. The Principal Planner answered that it would be 7 out of the 19 proposed dwellings which would equate to roughly 36% for affordable homes.

With no further questions, the Committee moved on to debate the item.

Noting the number of affordable homes, Councillor Rice thought this was a good amount and suggested that a site visit might be ideal to view the size and examine what would be proposed on the site.

The Chair noted the clear and concise reasons for refusal given within the Officer's report and that the site was on the Green Belt. Referring to the 34 proposed car park spaces, he felt this would most likely result in an overspill into the Crooked Billet's car park and that the proposed plan itself was dense.

Adding to this, Councillor Little said the development would require hardstanding which would take up a lot of the Green Belt and she also did not think in-tandem parking was a good idea. The proposed plan was dense and the development would not be a happy place for people to live in.

With Councillor Rice proposing the site visit and Councillor Lawrence seconding it, the Committee moved on to the vote.

**For:** (5) Councillors Mike Fletcher, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

**Against:** (4) Councillors Gary Byrne, Tom Kelly, Susan Little and Sue Sammons.

**Abstained:** (0)

With the results of the vote on the site visit, planning application 19/00265/FUL was deferred to a later Committee meeting to enable the site visit to take place.

**12. 19/00247/FUL Judds Farm, Harrow Lane, Bulphan, Essex, RM14 3RE**

This planning application was withdrawn from the agenda and deferred to a later Committee meeting.

**13. 19/00499/ELEC Tilbury Green Power, Tilbury Freeport, Tilbury, RM18 7NU**

Presented by the Principal Planner, Matthew Gallagher, the application sought the agreement of the Planning Committee on the contents of paragraphs 6.30 to 6.40 which would form the consultation response of the planning authority to the Department for Business, Energy and Industrial Strategy. The Principal Planner referred to late consultation responses to the Secretary of State from Highways England, Natural England and the Defence Infrastructure Organisation.

The application sought to amend a s36 Electricity Act consent and associated deemed planning permission to increase Tilbury Green Power's electrical power by 20 megawatts which would take them up to 80 megawatts and to vary a number of planning conditions referring to phase 2 of the development. The majority of proposed changes to conditions were not considered controversial.

The Principal Planner pointed out condition number 11 which addressed the design and layout of the power station may impact on the nearby receptors – residents and businesses. Attention was also drawn to the proposed amendments to condition numbers 55 and 56 and it was recommended that comments and queries were raised on these items. Thurrock Council was a consultee in the application and the decision was for the Secretary of State to make. The Committee was recommended to agree on the proposed consultation response at paragraphs 6.3 – 6.40 of the agenda.

The Chair opened the item up to the Committee for questions.

Councillor Little questioned whether the proposal would affect the volume of traffic on the A1089. As the Applicant was requesting flexibility to potentially allow all feedstock to be delivered by road, the Principal Planner said this would result in an increase in HGV movements. Councillor Little went on to express her concerns on the amount of food waste that regularly occurred on the A1089 which attracted a lot of pests. The Principal Planner replied that there were some existing controls in place that checked the contents of vehicles and to ensure the appropriate sheeting was installed within vehicles on-site but this did not extend to the road network. There would be an increase in HGV movements but as the A1089 was part of the strategic road network, it was for Highways England (HE) to make this case in their consultation response to the Government department. If HE and Thurrock

Council were to maintain objections to the application, it could result in a public enquiry.

With sheeting requirements in vehicles, Councillor Little asked if this was 'policed' and also asked if the Committee could request that controls were also put in place to ensure waste was not spilled. The Principal Planner explained that it was not within the planning authority's right to suggest new planning conditions and could only comment on the proposed amendments contained within the report. However, there was already an existing condition on pest/vermin controls and planning conditions would not cover what may or may not happen on vehicles on route to the site.

The Vice-Chair mentioned that there had been past concerns over dust particles in Tilbury and asked whether there was an opportunity for the Committee to make a recommendation on air quality. The Principal Planner replied that planning condition number 64 would require the Applicant to submit a monitoring report on air quality during the operation of phase 2 of the power station. He went on to say that the application would be subject to separate environmental permits issued by the Environment Agency and that air quality had already been covered.

On the A1089, Councillor Rice agreed that a condition should be proposed to prevent spillage on the road and pointed to condition 57 in appendix 1. The area surrounding the site was large and the A1089 was also used by Tilbury 2 so a representation should be made to HE to put the case forward regarding a condition on the A1089. Councillor Rice went on to say that there was scant attention paid to the residents of Orsett Heath and that there needed to be more trees planted around the area along with more bunds to protect the surrounding residents. This should also be included in the case to HE. The A1089 would also gain an increase in vehicle movements with the proposed change of the power station and result in an increase in pollution to the area.

On conditions 57 – 60 in appendix 1, the Principal Planner explained that these existing conditions had been based on the former East of England Plan catchment areas which had been revoked so the relevance of those catchments was no longer valid. The Applicant sought to remove these conditions and source material elsewhere based on the proximity principle. The planning authority was not objecting to these conditions falling away because these had been based on the old East of England plan's catchment areas. Tilbury 2 had given their Development Consent Order and the associated increase in the volume of traffic had been factored into the transport assessment but it was up to HE to highlight this factor in their consultation response. HE was also a consultee in the application and the decision was ultimately for the Secretary of State to make. The Principal Planner went on to say that the planning authority could include in their consultation response an informative that they were aware of the information provided from HE and could ask the Secretary of State to consider any implications there may be from the increase of vehicle movements. However, the planning authority would not be able to propose any new conditions as they were only a consultee to the application.

In response, Councillor Rice said a representation could be made to the Secretary of State regarding the residents' health and put in a request for extra trees to be planted to screen out the pollution. The Principal Planner replied that the air quality had been satisfied through the environmental permit and reiterated that the planning authority was only able to comment on the proposed amendments to conditions. Councillor Little answered that the planning authority could put questions forward and consider sending a letter with the suggestions.

Leigh Nicholson stated that it was not possible to impose conditions on the application but an informative could be added referring to the Highways England response and asking the Secretary of State to consider impacts on the strategic road network. Officers could agree the informative to be provided through the Chair and incorporate into the planning authority's consultation response to the Secretary of State.

With this the Committee moved on to the vote on the agreement of the proposed amendments.

**For:** (9) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (0)

Planning application 19/00499/ELEC was agreed on.

**The meeting finished at 9.13 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**



<b>11 July 2019</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead of Development Services	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection.	
<b>Accountable Director:</b> Andrew Millard, Interim Director of Place	

## Executive Summary

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

### 1. Recommendation(s)

#### 1.1 To note the report.

### 2. 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. Appeals Lodged:

#### 3.1 Application No: 19/00196/HHA

Location: 7 Runnymede Road  
 Proposal: Loft Conversion with rear dormer and two rooflights.

#### 3.2 Application No: 18/01693/HHA

Location: 183 Abbots Drive, Stanford Le Hope  
 Proposal: Single storey side extension, garage conversion and first floor rear extension.

#### 3.3 Application No: 19/00037/HHA

Location: 28 Alderton Road, Orsett

Proposal: Loft conversion with rear dormer and front roof light.

**Application No: 19/00125/FUL**

Location: Endlebury, Kirkham Road, Horndon On The Hill, SS17 8QE

Proposal: Single storey annexe

3.4 **Application No: 18/01041/FUL**

Location: Dahlia Cottage, Kirkham Shaw, Horndon On The Hill, SS17 8QE

Proposal: Two bedroom bungalow

3.5 **Application No: 18/01818/HHA**

Location: 41 Cherwell Grove, South Ockendon, RM15 6AX

Proposal: Single storey side and rear extension.

#### 4. Appeals Decisions:

The following appeal decisions have been received:

4.1 **Application No: 18/01803/HHA**

Location: 61 King Edward Drive

Proposal: Hip to gable roof extension, three front rooflights, insertion of new windows to the northern flank elevation and alteration to the roof including a first floor rear extension with Juliet balcony.

Decision: Dismissed

##### Summary

4.1.1 The main issue under consideration in this appeal was the effect of the proposal on the character and appearance of the dwelling and the wider area.

4.1.2 The Inspector considered the scale and design of the rear addition would be unduly dominant and disproportionate to the host dwelling, given its existing scale and form. The Inspector commented *“as a rear extension, the proposal would not be highly visible in the street scene, but the mismatched eaves height of the dwelling and the rear wing, and the overall bulk, would be apparent in views from the public realm via gaps between buildings”*

4.1.3 Accordingly the appeal was dismissed for being contrary to Policies PMD2 and CSTP22 of the Core Strategy and criteria in the Design Guide: Residential Alterations and Extensions 2017.

**5. Forthcoming public inquiry and hearing dates:**

5.1 **Application No: 18/01802/FUL**

Location: Beauchamp Place, Malvern Road, Grays

Proposal: Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom

Dates: 6 August 2019 (3 days)

**6. 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	3	7	3										13
No Allowed	1	0	0										1
% Allowed	33.33%	0%	0%										7.7%

**7. Consultation (including overview and scrutiny, if applicable)**

N/A

**8. Impact on corporate policies, priorities, performance and community impact**

8.1 This report is for information only.

**9. 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: **Tim Hallam**

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

**11. Appendices to the report**

- None

**Report Author:**

Jonathan Keen,  
Interim Strategic Lead of Development Services,  
Place.

# Agenda Item 8

Planning Committee 11.07.2019	Application Reference: 19/00265/FUL
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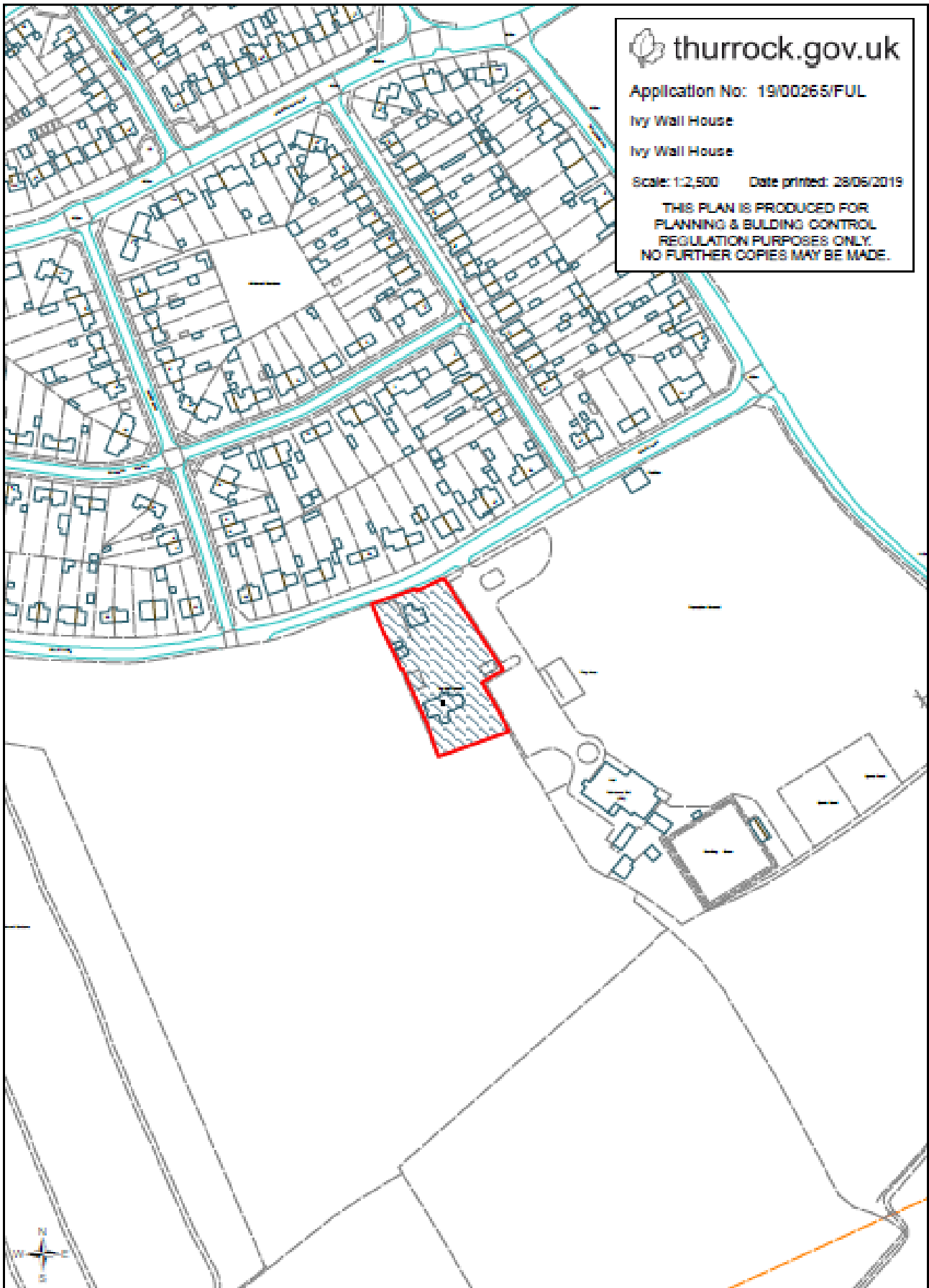
<b>Reference:</b> 19/00265/FUL	<b>Site:</b> Ivy Wall House Billet Lane Stanford Le Hope Essex SS17 0AR
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Demolition of existing dwelling house and ancillary buildings and the construction of a new residential development consisting of 19 dwellings, new vehicle access, parking, amenity space, landscaping along with other associated development

<b>Plan Number(s):</b>		
Reference	Name	Received
795.001 Rev. 00	As Existing Site Location Plan	20 February 2019
795.201 Rev.00	Proposed Site Plan	20 February 2019
795.203 Rev.00	House Type 1	20 February 2019
795.204 Rev.00	House Type 2	20 February 2019
795.205 Rev.00	Apartment Block	20 February 2019
795.206 Rev.00	Streetscenes	20 February 2019

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Planning Statement – Phase 2 Planning</li> <li>- Design and Access Statement – DAP Architecture</li> <li>- Preliminary Ecological Assessment – Ethos</li> <li>- Arboricultural Implication Assessment (AIA) – Sharon Hosegood Associates</li> <li>- Transport Statement – Ardent</li> <li>- Flood Risk &amp; Surface Water management Statement- Ardent</li> </ul>	
<b>Applicant:</b> Mr John Saunders	<b>Validated:</b> 21 February 2019 <b>Date of expiry:</b> 12 July 2019 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refuse planning permission	

## 1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 6<sup>th</sup> June 2019 Planning Committee meeting to enable a site visit to take place. Members visited the site on 27<sup>th</sup> June 2019.
- 1.2 The application remains recommended for refusal on the basis of reasons 1 and 2 as set out in the attached report. However, since the last meeting the applicant has supplied additional information to address the third and fourth reason for refusal.
- 1.3 In relation to reason 3, the applicant has provided additional information (in the form of an updated Flood Risk Assessment and drainage plan) to address the holding objection from Essex County Council Flood Risk Team. The Flood Risk Team has responded to confirm they have removed their holding objection and now do not object to the proposal, subject to conditions being imposed on any consent granted.
- 1.4 In relation to reason 4, the initial offer within the application was for 4 dwellings as affordable houses, which represented only 21% of the total development (policy CSTP2 requires 35%). The applicant has contacted the Council and revised this offer to a policy compliant affordable housing offer of 7 dwellings, totalling 36% of the total being proposed.
- 1.5 Whilst the additional information and amendments have resolved reasons 3 and 4, reasons 1 and 2 remain unresolved. The additional information does not outweigh the identified harm in terms of the impact upon the Green Belt and the character of the area. Therefore the recommendation remains to refuse the application for reasons 1 and 2.
- 1.6 A copy of the original report presented at the 6<sup>th</sup> June 2019 meeting is attached.



 thurrock.gov.uk

Application No: 19/00265/FUL

Ivy Wall House

Ivy Wall House

Scale: 1:2,500

Date printed: 28/06/2019

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NO FURTHER COPIES MAY BE MADE.

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Planning Committee 06.06.2019	Application Reference: 19/00265/FUL
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<b>Reference:</b> 19/00265/FUL	<b>Site:</b> Ivy Wall House Billet Lane Stanford Le Hope Essex SS17 0AR
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Demolition of existing dwelling house and ancillary buildings and the construction of a new residential development consisting of 19 dwellings, new vehicle access, parking, amenity space, landscaping along with other associated development

<b>Plan Number(s):</b>		
Reference	Name	Received
795.001 Rev. 00	As Existing Site Location Plan	20 February 2019
795.201 Rev.00	Proposed Site Plan	20 February 2019
795.203 Rev.00	House Type 1	20 February 2019
795.204 Rev.00	House Type 2	20 February 2019
795.205 Rev.00	Apartment Block	20 February 2019
795.206 Rev.00	Streetscenes	20 February 2019

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Planning Statement – Phase 2 Planning</li> <li>- Design and Access Statement – DAP Architecture</li> <li>- Preliminary Ecological Assessment – Ethos</li> <li>- Arboricultural Implication Assessment (AIA) – Sharon Hosegood Associates</li> <li>- Transport Statement – Ardent</li> <li>- Flood Risk &amp; Surface Water management Statement- Ardent</li> </ul>	
<b>Applicant:</b> Mr John Saunders	<b>Validated:</b> 21 February 2019 <b>Date of expiry:</b> 7 June 2019 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refuse planning permission	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr. G. Rice, Cllr. J. Potheary, Cllr. S. Liddiard, Cllr. O. Gerrish and Cllr. B. Rice (in accordance with Part 3 (b) 2.1 (d)(i) of the Council’s constitution) to consider the proposal against Green Belt policy.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 This application seeks planning permission for the demolition of all existing buildings on the site and the construction of 19 residential units and associated development (comprising access, parking and turning areas, bin storage, fencing and garden areas) at the site known as Ivy Wall House.

1.2 The proposed development would comprise short rows of terrace style houses located within and along the site frontage and a single apartment block that together would contain a total of 19 residential units consisting of 2, 3 and 4 bedroom units. Each dwelling would have either private off street parking or garages and parking.

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

<b>Site Area (Gross)</b>	0.36 ha						
<b>Height</b>	2.5 storey houses and two storey flat block						
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>TOTAL</b>	
	Houses	0	0	13	2	15	
	Flats	0	4	0	0	4	
	<b>TOTAL</b>	<b>0</b>	<b>4</b>	<b>13</b>	<b>2</b>	<b>19</b>	
<b>Car parking</b>	34 spaces						
<b>Amenity Space for houses</b>	All houses would have access to a private garden, minimum size 50 sq.m to maximum size 120 sq.m						
<b>Flats</b>	Communal amenity space.						
<b>Density</b>	52 units per ha for the whole site						

**2.0 SITE DESCRIPTION**

- 2.1 The application site is situated on the southern side of Billet Lane approximately 70m east of its junction with Adams Road. The site is approximately rectangular in shape with a frontage of 50m and a depth of 90m with an overall site area of approximately 0.36Ha. The topography of the site is generally level and the site is located in the low risk flood zone (Zone 1).
- 2.2 Set within private established gardens which are behind a 1.8m high wall, and towards the rear (south) of the site is a large two-storey dwelling house that is externally finished with facing brickwork and a plain tiled roof. In addition to the dwelling house, there are several outbuildings on-site and a swimming pool located close to the eastern boundary.
- 2.3 The site has a single vehicle crossover along Billet Lane which provides access into the site. Off street parking is located on the hard-paved areas of the site towards the front of the dwelling house. Extensive vegetation is located throughout the site including hedgerows and large mature trees along the boundaries which alongside the wall helps to contain the site from outside views. A Tree Preservation Order ref. 25/1984 protects a number of trees on-site.
- 2.4 The northern side of Billet Lane opposite the site is defined by established post-war housing that mainly consists of two-storey semi-detached and detached dwellings. Surrounding the application site to the south, east and west are large open recreational fields used by a number of sporting clubs including Stanford Wanders Football Club and a Lawn Bowls Club. The Crooked Billet public house building is located to the south-east (rear) of the site with an associated car parking area immediately to the east.
- 2.5 Land on the southern side of Billet Lane, including the application site and adjoining uses are within the Metropolitan Green Belt.

**3.0 RELEVANT HISTORY**

Reference	Description	Decision
73/00079/OUT	Detached bungalow	Refused
82/00103/OUT	Bungalow and garage	Refused
86/00016/FUL	Change of use to rest home - internal alterations and side extension	Approved

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

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

##### **PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters sent to 14 surrounding properties, press advert and public site notice which has been displayed nearby. The application has been advertised as a major development and a departure from the development plan. Eight letters of objections have been received citing the following concerns:

- Lack of infrastructure (schools, doctors, hospitals and surgeries);
- Increase in traffic;
- Lack of parking;
- Increased pollution;
- Overlooking;
- Out of character;
- Increase in noise;
- Litter/smells;

The following consultation replies have been received:

4.3 ANGLIAN WATER:

No objection, with conditions.

4.4 ARCHAEOLOGY:

No objection, with conditions.

4.5 EDUCATION:

No objection with s106 contribution.

4.6 ENVIRONMENTAL HEALTH:

No objection, with conditions.

#### 4.7 FLOOD RISK MANAGER:

Holding objection on the grounds of inadequate information.

#### 4.8 HIGHWAYS:

Further information required relating to parking layout, cycle parking, sight lines and junction spacing.

#### 4.9 LANDSCAPE & ECOLOGY:

The site has low ecological value although a planning condition is required for a bat survey. A contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required. The density of the development affords little opportunity for new planting.

### 5.0 POLICY CONTEXT

National Planning Guidance

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

The revised NPPF was published on 24 July 2018 (and subsequently updated with minor amendments on 19 February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*
  - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

<sup>1</sup> *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...*

<sup>2</sup> *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

As the proposals include an element of residential development, paragraph 11(d) is also relevant to a degree in respect of the five year supply of deliverable housing. The Council's most recently published figure for housing land supply (July 2016) refers to a supply of between 2.5 to 2.7 years and it is to be expected that this figure has reduced as completions on large development sites has progressed. However, as the site is within the Green Belt the 'tilted balance' in favour of granting permission is not engaged. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes.
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

## 5.2 National Planning Practice Guidance (NPPG)

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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
- Planning obligations

- Use of Planning Conditions

### 5.3 Local Planning Policy

#### 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 28 February 2015. The following policies apply to the proposals:

Overarching Sustainable Development Policy:

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

Spatial Policies:

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

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP15 (Transport in Greater Thurrock)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness).

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD16 (Developer Contributions)

### 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. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

#### 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 With reference to process, this application has been advertised as being a major development and as a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with regard to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' an application that a local planning authority is minded to approve for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

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

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic and highway impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Developer contributions
- VII. Other matters

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

6.3 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

6.4 The site is identified on the 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.

6.5 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 "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*". At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. Paragraph 145 (d) refers to "*the replacement of a building, provided the building is in the same use and not materially larger than the one it replaces*" as being appropriate. However, the replacement buildings are clearly substantially larger in both footprint and volume to the existing situation. Therefore, the current proposal for residential development does not fall within the categories which are exceptions to the presumption against inappropriate development. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy..

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 As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. It is clear from the site layout plan that built development, accompanying curtilages etc. and parking areas would occupy the vast majority of the site. The proposals would comprise a substantial amount of new built development on a site currently occupied by a single dwelling with ancillary outbuildings. Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.
- 6.8 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.
- 6.9 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.10 The site is located on the southern side of Billet Lane which forms the edge of the built-up area at the south-east of Stanford-le-Hope. Stanford-le-Hope, which merges with Corringham north of the A1014, can reasonably be described as a large built-up area (in combination with Corringham). The proposal would represent a considerably more intensive form of built development than the existing single dwelling and a harmful addition of new urban form on the site. As Billet Lane forms a clear boundary between the built-up area to the north and open land to the south it is considered that development of the site as proposed would harm the Green Belt purpose of checking the unrestricted sprawl of large built-up areas, albeit to a modest degree.
- b. to prevent neighbouring towns from merging into one another*
- 6.11 There is no town located to the south or south-east of Stanford-le-Hope and consequently development would not conflict with this Green Belt purpose.

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

- 6.12 With regard to the third Green Belt purpose, the proposal would involve more intensive built development (19 dwellings) on what is currently a single dwelling and associated residential curtilage. It is therefore clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness character of the Green Belt.

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

- 6.13 Stanford Le Hope is not a historic town and the proposal is not within an area which has special character. Therefore, 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*

- 6.14 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 development is inconsistent with the fifth purpose of the Green Belt. The development of this Green Belt site as proposed could discourage, rather than encourage urban renewal. Members will be aware that a new Local Plan for the Borough is being prepared and it is recognised that the release of some Green Belt land may be required in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP1) recognises the scenario of some Green Belt release. Although the new Local Plan may well identify locations for the release of Green Belt land, the document is at a very early stage and cannot be afforded weight in the decision-making process.
- 6.15 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

- 6.16 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.

6.17 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*".

6.18 Paragraph 7.45 of the applicant's Planning Statement sets out the applicant's case for very special circumstances which are assessed below:

a) *The proposal cannot be tested against a fully up-to-date Local Plan.*

#### Consideration

The Council originally adopted the LDF Core Strategy in 2011 but this was updated to ensure compliance with the NPPF and amended in 2015. The Core Strategy policies referring to the Green Belt are up to date and consistent with the NPPF. The proposal can therefore be tested against relevant local and national policies for the Green Belt and this assessment is provided above. This factor should be given no positive weight in the balance of considerations.

b) *The emerging draft Local Plan has far to go before its adoption after making an uncertain start.*

#### Consideration

As above, the local and national planning policies for the Green Belt are up to date. The Council is currently working on a new Local Plan and has recently consulted on the Issues and Options (Stage 2 Spatial Options and Sites) document. No

decisions have been made in relation to new housing sites and Green Belt release. However, this does not fetter the local planning authority from reaching an informed decision on the current proposal based on established Green Belt planning policies.

- c) *The Council has only a 2.5 - 2.7 year land supply and will require many more homes than those with planning permission to provide a 5 year housing land supply.*

### Consideration

The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).

The current proposals would provide a limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

- d) *The proposal meets with The Three Dimensions of Sustainable Development as set out in paragraph 7 of the Framework.*

### Consideration

Paragraph 8 of the NPPF defines economic, social and environmental objectives for achieving sustainable development. Although the proposals would introduce some economic and social advantages (such as the introduction of any new population, including additional spending in the local economy) these factors do not outweigh the environmental objective of, inter-alia "*protecting and enhancing our natural ... environment*". The proposals cannot be said to meet all three dimensions and only limited weight should be given to this factor.

- e) *The proposals, furthermore, provide a positive use for the site which will contribute to housing supply in a district which has a significant need for new homes and no opportunity to increase supply in the short-term other than*

*through beneficial windfalls such as the application site. The Council does not have a five-year land supply and has failed to identify and then meet the full, objectively assessed needs for market and affordable housing in the housing market area.*

### Consideration

This argument largely repeats (c) above and, in light of the above analysis, the contribution towards housing supply is afforded significant weight.

*f) The site is brownfield (previously developed land) in a sustainable location. The Council's emerging Local Plan strategy, echoed by the Planning White Paper, is to prioritise previously developed over open Green Belt land. The NPPF seeks to prioritise the use of previously developed land.*

### Consideration

The definition of 'Previously Developed Land' at Annex 2 of the NPPF states:

*“Previously developed land:*

*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.”*

This definition specifically excludes “*land in built-up areas such as residential gardens*”. As the site is in the Green Belt it could not reasonably be described as comprising land within a large built up area. Nevertheless, paragraph 145 (d) is applicable and referred to above. No weight should be attached to this factor.

*g) There is limited harm to the Green Belt by definition but there is no additional substantial harm;*

### Consideration

The analysis above concludes that there is definitional harm, harm to openness and harm to Green Belt purposes (a) (c) and (e). It is not agreed that harm is "limited". This factor attracts no weight.

*h) The planning system according to the NPPF should be looking favourably on proposals for sustainable development, and to leave this brownfield site and develop other Green Belt land ahead of it, when it can positively contribute to sustainable development both through the economic activity of construction itself and through the fact that new homes here means less on the Green Belt elsewhere, fails to embrace the spirit of sustainable development.*

### Consideration

The presumption in favour of sustainable development (paragraph 11 of the NPPF) does not apply to "*the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*" including Green Belt. The applicant seems to consider that by developing this site other Green Belt sites will be protected. As the site is, de-facto, in the Green Belt this argument is counter-intuitive and attracts no weight.

*i) The application includes 4 affordable homes within a Borough that is short of affordable homes.*

### Consideration

Core Strategy policy CSTP2 (The Provision of Affordable Housing) states that in order to address the current and future need for affordable housing in Thurrock, the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. It is worth emphasising that this policy refers to a minimum provision of 35% affordable housing. The applicant refers to the provision of 4 affordable units equating to 21% of the total number of units. The proposals are therefore not policy compliant and the application is not accompanied by a financial viability report to test the level of affordable housing which the development could sustain. Although the provision of some affordable housing is welcome, it is not known whether 4 units is appropriate or whether the proposals could sustain policy compliant affordable housing. Consequently it is not possible to conclude on this point.

6.19 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	a) No up to date Local Plan to test application against	No weight
Reduction in the openness of the Green Belt		b) Draft Local Plan timeline not certain	No weight
Conflict with a number of the purposes of including land in the Green Belt – purposes (a) (c) and (e).		c) Lack of 5 years housing supply	Significant weight
		d) Meets three dimensions of sustainable development – par 7 NPPF	Limited weight
		e) Housing supply	Significant weight (as per c) above)
		f) site is previously developed land	No weight
		g) No substantial harm to Green Belt	No weight
		h) Sustainable development	No weight
		i) Four affordable units	No



	provided	conclusion can be reached
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6.20 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly (emphasis added) outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purposes (a) and (e). Several factors have been promoted by the applicant as considerations amounting to the ‘Very Special Circumstances’ necessary to justify inappropriate development 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’.

6.21 In accordance with the NPPF, the harm has to be *clearly* outweighed by factors so as to amount to very special circumstances. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows that the application should be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

## II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

6.22 With reference to car parking provision, the site is considered to be in an area of low accessibility, as the properties would be further than 1km from the town centre and more than 400m walk to the closest bus stop.

Given the location of the site in an area of low accessibility, the Council’s draft parking standards require an increased level of parking provision. There are 34 parking spaces proposed at the site; this falls short of the requirement of 39, as 0.25spaces are required per unit for visitor parking (19x0.25 = 5 spaces). The Highways Officer suggests that failure to provide sufficient, accessible parking spaces will be likely to result in parking over spilling onto the public highway, contrary to Policy PMD8 of the Core Strategy, leading to harm to pedestrian and highways safety. However, Members are reminded that the Council’s 2012 parking standards are in draft form and therefore must be considered as advisory and not an adopted policy document. Furthermore, Billet Road is not subject to parking or

waiting restrictions. As a matter of judgement it is considered that any visitors to the site could park in adjacent roads without demonstrable harm to highways safety. Members are reminded that paragraph 109 of the NPPF states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. It is not considered that a small shortfall against a draft standard would form a robust reason for refusing planning permission.

- 6.23 The site is currently accessed from Billet Lane via a crossover close to the site’s western boundary. The proposals include a relocation of the access to the centre of the Billet Lane frontage. The proposed access is for 19 new properties (an addition of 18 units) accessing from a location which is closer to the existing adjoining public house entrance than the current access. The Highways Officer considers that the new access could create inconvenience and conflict on the highway, causing harm to highways safety, contrary to Policy PMD9 of the Core Strategy. However as a matter of judgement it is considered that there would be no ‘severe’ impacts on the road network.
- 6.24 It is concluded that there are no highways or parking concerns of overriding importance which would justify a refusal on highways grounds.

### III. SITE LAYOUT AND DESIGN

- 6.25 The northern side of Billet Lane is characterised by two-storey, semi-detached residential properties.
- 6.26 The layout would comprise six blocks of dwellings, with rows of short terrace style housing and an apartment block at the north-western corner. The layout has been designed to have a new entrance off Billet Lane centrally along the frontage of the site. An apartment block would be located to the west of the access along with a row of terraced housing on the east which would front on to Billet Lane. A new cul-de-sac would serve the remainder of the properties. The cul-de-sac would consist of four blocks of terraced housing (although the two to the rear of the site are linked).

The density of the development, at 52 dwellings per hectare (dph), would be materially greater than the existing housing to the north. For example, the Billet Lane / Conrad Road / Burgess Avenue / Adams Road street block immediately north has a density of c.20 dph. Without prejudice to Green Belt considerations, although the NPPF encourages the effective use of land the layout of the site is cramped compared with the prevailing character to the north.

- 6.27 Annex 1 (Criteria Relating to the Control of Development in Residential Areas) of the Local Plan (1997) has been 'saved' and provides some appropriate guidance regarding layout. Annex 1 refers to a minimum rear garden length of 12m. Proposed rear garden depths vary between 10m and 14m, although only two plots meet the suggested 12m depth. Annex 1 also refers to minimum rear garden areas for dwellinghouses, related to internal floorspace. The proposals include a range of garden sizes from c. 50sq.m. to c.100sq.m. However, the majority of gardens are at the lower end of this range. Allied to shallow rear garden depths this is an indication of overdevelopment of the site.

Although some defensible front garden space and set-back from the pavement would be provided along the Billet Road frontage, the remaining dwellings have negligible separation between front doors / windows and footpaths and parking areas. Within the site, the hardsurfaced parking and turning area would visually dominate the site leaving no space for meaningful soft landscaping. It is concluded that the proposals would result in a cramped overdevelopment of the site.

#### IV. LANDSCAPE AND ECOLOGY

- 6.28 The applicant's preliminary ecological appraisal confirmed that the site is of generally low ecological value although it is considered that the buildings had some potential for roosting bats. The report details the emergence surveys that are required in order to confirm presence /absence. A condition is necessary to require these surveys to be carried out and any necessary licencing requirements met prior to commencement.
- 6.29 There are no trees on site other than a single Willow which is dead. One off-site tree would require a crown reduction to facilitate construction as detailed in the applicant's arboricultural report. The draft method statement details measures to minimise the effects on the tree's roots. If permission is granted a condition is sought requiring a full method statement to be submitted and approved by the LPA prior to commencement.

Accordingly, no objection is raised on landscape and ecology grounds.

#### V. AMENITY AND NEIGHBOURS

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

- 6.31 The new properties would be adjacent to The Crooked Billet pub. Whilst there may be noise generated via the opening hours of the pub and through patrons accessing and leaving this site, this would not be uncommon and it is not considered an objection could be substantiated in terms of impact on neighbour amenity.

## VI. DEVELOPER CONTRIBUTIONS

- 6.32 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.33 The applicant indicates that they would provide 4 dwellings as affordable houses, which represents only 21% of the total development. The policy compliant level is 35%, as required within policy CSTP2, and the Council would therefore expect 6 dwellings. No viability assessment has been put forward to justify the shortfall, and as such the proposal is contrary to Policy CSPT2 of the Core Strategy in relation to affordable housing provision.
- 6.34 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

## VII. OTHER MATTERS

- 6.35 The Council's Archaeology Advisor has advised that '*the Historic Environment Record shows the proposed development lies within an area of known archaeological deposits. The proposed development sits in close proximity a sequence of records comprising cropmark complexes of probable multi-period date (EHER 14700, 47364, and 47050). The cropmarks to the west contain a probable trackway which will bisect the proposed development area. That to the east contains a series of ring ditches and enclosures of probable prehistoric date. There is therefore the potential for multi-period archaeological remains being identified on the site*'. Therefore, a condition regarding trial trenching and excavation would need to be added to an approval.

6.36 The application site is not within medium or high Flood Risk Zones (2 or 3), however it is major application. The Flood Risk Manager has been consulted with regards to the application and has raised a holding objection, as there is a lack of detail submitted in relation to site drainage, discharge points, lack of details about SuDS features and other matters. Accordingly, the proposal is contrary to Policies PMD15 and CSTP27 of the Core Strategy.

## **7.0 CONCLUSIONS AND REASONS FOR REFUSAL**

7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and in particular whether there are considerations which clearly outweigh harm and amount to very special circumstances such that a departure from normal policy can be justified. The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing increased built development and the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also harm Green Belt purposes (a) (c) and (e).

7.2 The applicant has cited a number of factors which are promoted by them as outweighing harm and constituting the very special circumstances necessary to justify inappropriate development. The weight which can be attached to these factors is considered in detail in the paragraphs above. It is only the contribution towards housing supply, which can be afforded significant weight. On its own this factor does not clearly outweigh harm and this position has been set out by Ministers and by Inspectors at appeal. The proposals are therefore contrary to national and local planning policies for the Green Belt. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended on Green Belt grounds.

7.3 The proposals fail to provide policy compliant affordable housing and no financial viability information has been submitted to justify the shortfall. Finally the layout of the site and provision of amenity spaces is unsatisfactory. The proposals would result in a cramped overdevelopment of the site.

## **8.0 RECOMMENDATION**

8.1 Refuse planning for the following reasons:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (a) and (e) as described by paragraph 134 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 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 (as amended) 2015).
2. The proposed development would by reason of its cramped layout, lack of appropriate landscaping and unsatisfactory provision of residential amenity space result in a cramped overdevelopment of the sit , which would be visually intrusive and would fail to contribute positively to the character of the area or contribute positively to local views and as such it would be contrary to part 12 of the National Planning Policy Framework 2019 and policies CSTP22, PMD1 and PMD2 of the Core Strategy 2015.
3. Insufficient evidence has been submitted to demonstrate that the proposed development could provide acceptable surface water drainage and storage calculations. The proposal is therefore contrary to policies PMD15 and CSTP27 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 2019.
4. The proposals would fail to deliver the level of affordable housing provision required by adopted Council planning policy and no evidence, in the form of a financial viability report, has been submitted to justify the level of affordable housing proposed. The proposals are therefore contrary to Policy CSTP2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015).

Informative:

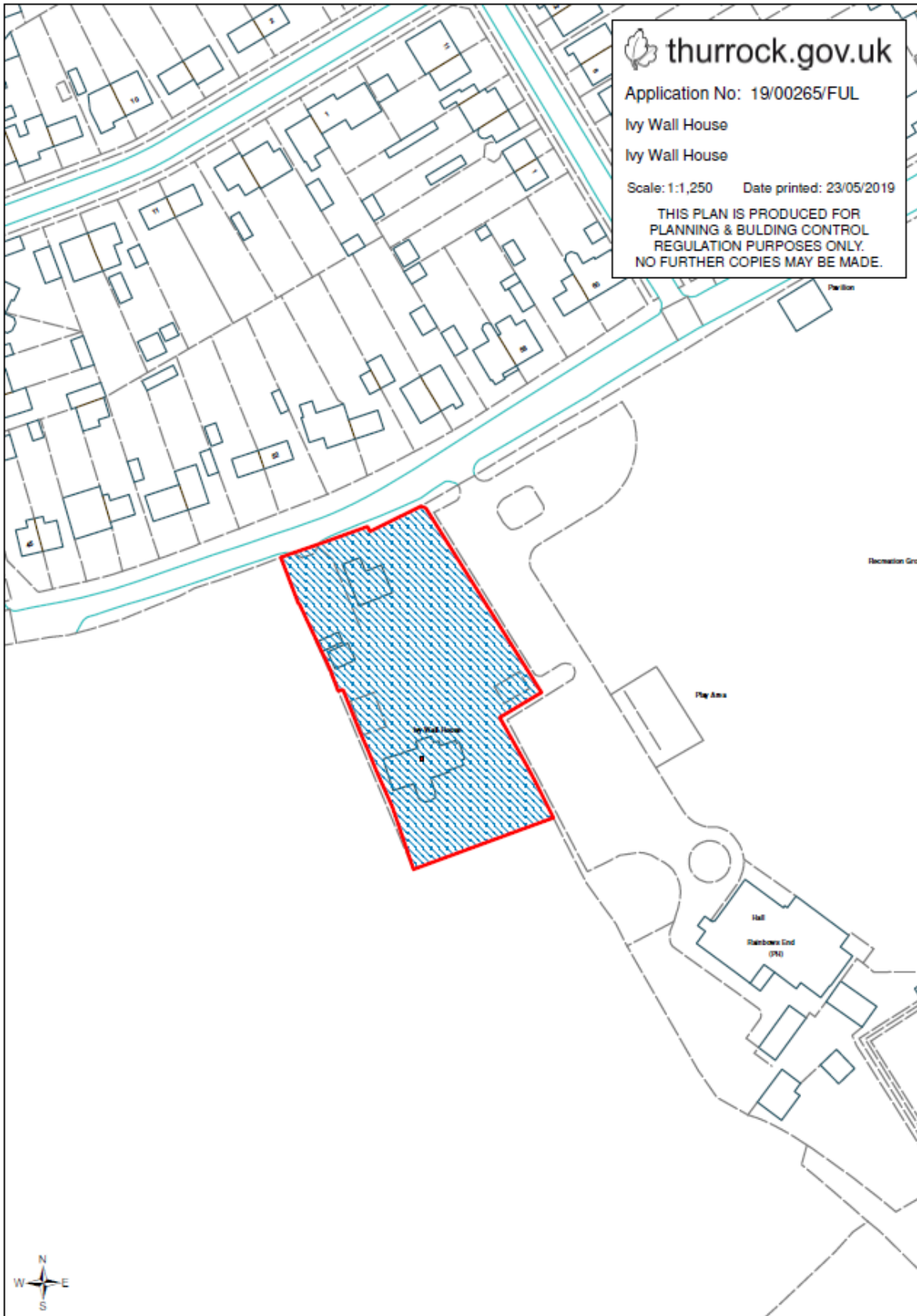
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

**Documents:**

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

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





<b>Reference:</b> 19/00281/FUL	<b>Site:</b> Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage Peartree Lane Bulphan Essex
<b>Ward:</b> Orsett	<b>Proposal:</b> Erection of 6 detached dwellings with associated amenity space, vehicular parking/access roads and strategic landscaping including the demolition of outbuildings

<b>Plan Number(s):</b>		
Reference	Name	Received
01C	Proposed Plans	8th April 2019
02C	Proposed Plans	8th April 2019
03D	Location Plan	8th April 2019
04E	Proposed Site Layout	8th April 2019
05E	Site Layout	8th April 2019
07B	Proposed Plans	8th April 2019
09A	Site Layout	8th April 2019
08	Existing Elevations	4th March 2019
06A	Proposed Elevations	11th March 2019
10	Proposed Plans	11th March 2019
11	Proposed Plans	11th March 2019

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Arboricultural Report;</li> <li>- Design &amp; Access Statement;</li> <li>- Preliminary Ecological Appraisal</li> </ul>	
<b>Applicant:</b> Smart Planning	<b>Validated:</b> 4 March 2019  <b>Date of expiry:</b> 19 <sup>th</sup> July (Extension of time agreed with applicant)
<b>Recommendation:</b> Refusal	

The planning application is scheduled for determination by the Council’s Planning Committee because it has been called in by Councillors G Rice, J Potheary, S Liddiard, C Kent, J Kent and S Shinnick to examine Green Belt Policy.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks permission to demolish an existing outbuilding, which sits on the boundary shared with Peartree Cottage, and to erect six 4 bed dwellings with associated hardstanding, two cart lodge style parking areas, vehicle access and landscaping. The six properties would be densely packed together within the application site, which is approximately 0.35 hectares in size. Access to the site is proposed to the south from Peartree Lane.

**2.0 SITE DESCRIPTION**

2.1 The application site is ‘Z’ shaped and adjoins the north and eastern boundary of the adjacent property at Southover. It also borders the western and southern boundary of another adjacent property at Peartree Cottage. A modest sized building is positioned abutting the site boundary with Peartree Cottage which is proposed to be demolished as part of the current application.

2.2 The site is currently overgrown with trees/vegetation and it is not easily viewed from the adjacent highway. Access to the site is from the south and whilst there is some hardstanding present at the site the applicant has not provided details of this within the submitted plans.

2.3 The surrounding area is mainly rural in character with a mix of land uses spread through Peartree Lane. There are a small number of residential properties which generally have generous sized gardens and are spaciouly separated.

2.4 The site lies within Metropolitan Green Belt and also lies within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is not within a high flood risk zone.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
61/00005/FUL	Residential (3 plots) - Adjacent to Peartree Cottage	Refused
59/00076/FUL	Poultry House	Approved
58/00615/FUL	Chalet Bungalow	Approved
58/00615A/FUL	Chalet Bungalow (amended block plan)	Approved

58/00615B/FUL	Chalet bungalow (amended plan)	Approved
58/00615C/FUL	Chalet Bungalow (revised plan)	Approved
57/00645/FUL	Rebuilding two Boiler Houses	Approved
49/00594/FUL	Greenhouses	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](http://www.thurrock.gov.uk/planning)

##### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Twenty-five written comments have been received, which are summarised below;

- Access to Peartree Lane and the site;
- Additional traffic;
- Peartree Lane is narrow and has no formal road surface;
- Insufficient parking provision, including for visitors;
- Recent accidents along Peartree Lane;
- Out of Character with surrounding landscape;
- Overlooking/Overshadowing/Overbearing neighbouring properties;
- Plot sizes are significantly smaller than character of area;
- Possible excessive noise;
- Loss of privacy;
- Harm to Green Belt land;
- Loss of Amenity;
- Loss of Green Space/Wildlife would be destroyed;
- Overlooking from balconies;
- Design is out of character to the surrounding properties;
- Two storey properties / heights of the buildings omitted from plans:
- Houses would appear over dominant;
- There are 15 dwellings in Peartree Lane and the combined development with the application to the south of Peartree Lane (ref. 19/00287/FUL) would result in another 14 houses;
- Impact to health and well-being of neighbouring properties;
- The land within the site has already been cut back and a large proportion of the vegetation at the site has been destroyed;
- Surface water drainage concerns and potential flood risk because the land is made up of clay;

- The need for un-met housing in the area does not meet the very special circumstances to allow such a development nor is the site a small infill plot and
- Concerns over the services and general infrastructure for this area- Loss of value to adjacent properties.

**ENVIRONMENT AGENCY:**

No comment received.

**ANGLIAN WATER:**

No comment.

**NATURAL ENGLAND:**

No objection, subject to legal agreement.

**ESSEX AND SUFFOLK WATER:**

No objection.

**HEALTH AND SAFETY EXECUTIVE:**

No objection.

**ESSEX POLICE:**

Further information required.

**HIGHWAYS:**

No objection, subject to conditions and Section 106 agreement.

**LANDSCAPE AND ECOLOGY ADVISOR:**

Objection raised.

**HOUSING:**

No objection.

**ENVIRONMENTAL HEALTH OFFICER:**

No objection subject to conditions.

FLOOD RISK MANAGER:

Holding objection raised.

EDUCATION:

No education contribution required.

## **5.0 POLICY CONTEXT**

### **5.1 National Planning Policy Framework (NPPF) (2019)**

The revised NPPF was published on 24 July 2018 and again in February 2019. 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:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 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 (now known as Ministry of Housing, Communities and Local Government) 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
- 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)
- CATP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk;

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)

- PMD15 (Flood Risk Assessment)

Saved Annexe 1 of the 1997 Local Plan, sets out requirements in relation to plot size and amenity space.

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

#### 5.4 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. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

#### 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, Layout and Impact to Neighbouring Amenity
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flooding and Site Drainage
- VI. Other Matters

#### 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 Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state 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 to this.
- 6.5 The Design and Access Statement submitted consider that the proposal falls within the NPPF exception to inappropriate development as defined in paragraph 145(e) which relates to limited infilling in villages. The application site is situated to the north of Peartree Lane, where residential properties are sporadically and spaciouly laid out, as a result of historic development, down a narrow countryside lane. The application site is located within the Metropolitan Green Belt and situated approximately 0.5 km north of Bulphan village. The site is isolated from any local amenities and situated along a remote country lane with limited access to Bulphan village. Additional residential development along Peartree Lane would have limited access to the nearest village. Evidently, as outlined above, the application site is outside of a village settlement and situated along an isolated road off of the Bulphan By-Pass.
- 6.6 Furthermore, in a recent appeal decision received by the Council against a refused application at Robinson Road, close to Horndon on the Hill (ref. 18/01131/PIP and ref. APP/M1595/W/19/3220683), where the limited infilling of villages was cited as a relevant exception to inappropriate development in the Green Belt, the Inspector came to a view that:



- 6.7 *'Unlike the compact development at Horndon-on-the-Hill that is set around a formalised street pattern, the development along Robinson Road is relatively sporadic and Robinson Road itself is narrow and hosts attributes of a countryside lane. Whilst there is existing residential development along Robinson Road, I do not consider this location to have the characteristics of a village, therefore I do not consider the site would constitute infilling within a village. As such, the proposal would not fall within the exception criteria and therefore the proposal, by definition, would be inappropriate development.'*
- 6.8 The application site, as established above, is similarly situated along a remote country Lane north of Bulphan Village. The village has a structured street pattern and layout, whereas the pattern of development along Peartree Lane is more sporadic demonstrated by the size of the plots, irregular layout and the varied land uses in the surrounding area. Furthermore, the remoteness of Peartree Lane is further exemplified by Peartree Lane being a no through road, unusually narrowly with poor quality road surfacing. As with the appeal example above, the application site is not considered as part of the village settlement above.
- 6.9 Consequently, the proposals constitute inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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

- 6.10 Having established that the proposal would represent 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.
- 6.11 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.
- 6.12 In response to each of these five purposes:

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

- 6.13 The site is situated within Bulphan but outside of Bulphan Village. 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.

*B. to prevent neighbouring towns from merging into one another*

- 6.14 The development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

- 6.15 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 proposed development would spread the built form across a significant proportion of the site where there is currently no built form. It is important to note that the proposed dwellings, cart lodges, hardstanding and associated vehicle access/roads extend beyond the footprint of the existing building. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location 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*

- 6.16 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*

- 6.17 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 erection of six detached dwellings with associated hardstanding/vehicle accesses and fencing is inconsistent with the fifth purpose of the Green Belt.
- 6.18 In light of the above analysis, it is considered that the proposals would be contrary to purposes (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

6.19 The application site is currently occupied by a relatively modest single storey building. It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. The table below demonstrates the extent of the built form which would be introduced on this site.

	Floorspace	Footprint (sq.m)	Volume (m <sup>3</sup> )
Existing Structure (To be demolished)	74 sq.m	80 sq.m	553 sq.m
Proposed Dwellings (plots 1-6)	1185 sq.m	718 sq.m	4465 m3
Proposed Cart lodges (x2)	-	78 sq.m	135 m3
<b>Proposed Total</b>	<b>1185 sq.m</b>	<b>796 sq.m</b>	<b>4460 m3</b>
<b>Difference from existing structures</b>	<b>+1501% increase</b>	<b>+895% increase</b>	<b>+706% increase</b>

6.20 In view of the above, the existing building at the site is very modest in size, footprint and floor space. The proposed development would introduce an excessive amount of built form on what is effectively open land. The footprint and floor space would significantly increase by 895% and 1501% respectively. The amount of hardstanding and volume of structures would be also significantly increased. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.

6.21 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘Very Special Circumstances’, either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether ‘very special circumstances’ exist, factors put forward by an applicant which are generic or capable of being easily

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

- 6.22 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*".
- 6.23 The Design and Access Statement submitted indicates that the applicant considers the proposed development constitutes appropriate development in the Green Belt. For reasons noted above, the Council takes the view that the proposal constitutes inappropriate development. In correspondence with agent they confirmed that they have not submitted Very Special Circumstances as they do not consider this represents inappropriate development. However, they have submitted a number of other material considerations which they feel weigh in favour of the development. Given the Council's view of the development these have been assessed in terms of whether they represent Very Special Circumstances which would clearly outweigh the harm to the Green Belt. The further material considerations submitted are as follows;

a) Shortfall of housing supply

- 6.24 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).
- 6.25 The current proposals would, with six units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify

inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

*b) All dwellings to a high sustainability standard*

- 6.26 The Design and Access Statement submitted with the application suggests that all dwellings are to be a high sustainability standard, but little detail or information has been supplied to verify this assertion. The agent confirms that each dwelling would exceed building regulation standards. However, high standards of sustainability is to be expected on all development. Therefore no weight is afforded to this factor.

*c) Making good Peartree Lane from the junction with Brentwood Road up to the site access*

- 6.27 The road surface of Peartree Lane is in poor condition and the applicant has suggested making improvements to the condition of the road, as a material consideration in favour of development. However, Peartree Lane is a private road and the condition of the road would be a private matter between the relevant landowners. The highways officer has supported the improvement of Peartree Lane, and the comments from the Highways Officer regarding improvements to a section of Brentwood Road are noted. However, these improvements are to mitigate the additional number of vehicular movements that would take place on this road and therefore this is afforded no weight as a very special circumstance.

*d) Tidying of the site including removal of areas of existing poor quality hardstanding and fly tipped material. Development of the site will also remove the potential for future fly tipping*

- 6.28 The application site is somewhat overgrown with trees and vegetation. The applicant suggests that having residential development on open land would be a better form of land use, which deters inadvertent uses of the land, such as fly tipping. They also suggest that the removal of existing poor quality hardstanding would improve the appearance. Whilst the removal of existing abandoned structures and hardstanding could represent an improvement it is considered that the resultant development is significantly out of character with the area. Importantly, the site could be tidied and secured without the need for development of this type and therefore this factor should be afforded no weight.

*e) 'Achieving Sustainable Development' and Promoting Healthy and Safe Communities*

- 6.29 The applicant considers that proposed development would be economically sustainable due to the number of jobs generated during construction phase and would also have environmental and social benefits. However, the application site has limited accessibility in terms of access to local services to support the

community's health, social and cultural well-being and, for these reasons, the proposal would be contrary to the social role of planning.

- 6.30 Moreover, neighbour comments have mentioned sightings of various forms of wildlife, included protected species, such as slow worms and woodpeckers. The proposal would result in the development of a large proportion of the site and therefore any ecological benefits are likely to be limited
- 6.31 In terms of promoting Healthy and Safe Communities the applicant states the current application is in accordance with the NPPF's guidance. However, Essex Police has commented that no details have been submitted to supplement the application and maintain they would require finer detail relating to the boundary treatments and physical security measures
- 6.32 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure and create jobs in the short time. However there would not be a significant long term impact due to the limited number of units. Therefore this factor is afforded very limited weight.

f) *Making Effective Use of Land*

- 6.33 The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development. However, paragraph 117 explicitly refers to previously-developed or brownfield land. The glossary definition of brownfield land diverts to the definition of previously developed land. The NPPF states that even on land that was last occupied by a permanent structure, it should not be assumed, that the whole curtilage should be developed and further asserts that land last occupied by buildings are exempt from being considered Previously Developed Land where the remains of the permanent structure or fixed have blended into the landscape
- 6.34 From the site visit, the existing building appears not to have been used for a significant period of time, in addition the vegetation within the site has significantly overgrown the building and as a result it is not readily visible from the adjacent highway. Additionally, from the consultation comments and aerial photos of the site, it is clear that vegetation has been removed from the site, but there still remains a large amount of vegetation on the site. Therefore, the existing structure at the site has blended into the landscape and the site cannot be considered as Previously Developed Land.
- 6.35 The proposal involves the demolition of an existing moderately sized building located centrally within the site and would introduce various built form across the site and associated vehicle access roads and hardstanding. Effectively, the proposal would create a densely packed, urban style residential development that includes 6

detached dwellings and two cart lodges, resulting in an urbanised environment on a largely open plot of land along a country lane. Thus, reference to NPPF’s ‘making effective use of land’ is not considered appropriate in the context of Green Belt land, especially where it has been established the site is neither brownfield land nor previously developed land. As a result, this is afforded no weight in the assessment of the impact upon the Green Belt.

6.36 A summary of the weight which has been given to the various Green Belt considerations is provided below;

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	Lack of 5 year housing supply	Significant
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.		All dwellings to a high sustainability standard	No weight
		Making good of Peartree Lane	No weight
	Achieving Sustainable Development / Promoting Healthy and Safe Communities	Very limited weight	
		Making Effective Use of Land	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 both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm has been considered earlier in this report. 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 combines at this location to comprise ‘very special circumstances’.

6.38 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies PMD6, 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 2019.

## II. DESIGN, LAYOUT AND IMPACT TO NEIGHBOURING AMENITY

- 6.39 The proposal would introduce a densely packed residential development within an area where each established residential plot is unique in size and layout. The immediate locality has a rural character with a sporadic layout and generously sized plots where properties are generally low in height such as bungalows and chalet style properties.
- 6.40 In addition, the Landscape and Ecology Advisor has commented on the densely mixture of young woodland at the site and he notes that whilst the trees individually are generally low quality the woodland makes an important contribution towards the rural character of the area. Overall, the advisor expressed concerns on the density of the scheme and the impact to the rural character of immediate locality.
- 6.41 The Design and Access Statement considers *'the scale of the proposed dwellings being two storey is in kind with existing properties in the vicinity. This will ensure that they will sit inoffensively in their surroundings'*
- 6.42 The proposed development would consist of two storey properties and an urbanised layout created by the vehicle hardstanding which would appear out of character. Furthermore, as indicated above, a significant amount of built form would be introduced on an open site. The proposed development would introduce 6 additional properties within a plot of 0.35 hectares which is a density quite out of character with the area. Consequently, the proposal would become highly visible and out of character with the immediate locality of Peartree Lane.
- 6.43 Saved Annexe 1 of the 1997 Local Plan, sets out requirements in relation to plot size and amenity space. These standards were designed to ensure adequate outdoor space for new dwellings. Plots 1 and 2 would have very short garden depths for large properties of 9.5m and 8.5m respectively. Saved Annexe A1.2(iii) requires a minimum garden depth of 12m. For properties of this scale it is considered that the



properties should have a minimum of 125 sq.m in line with Annexe A1.2(i). The proposed site plan indicates that plots 1 and 2 would have garden areas of 180 sq.m and 134 sq.m respectively, however, having measured the plans it appears that both plots would have private amenity space below 110 sq.m. Given the spacious layout of the existing properties along Peartree Lane and how densely packed together the proposal is, in combination with the short garden depths of plots one and two, it is considered the proposal would represent overdevelopment.

- 6.44 The flank wall of the two storey property at Plot 5 would be approximately 11m from the rear wall of the property to the south at Southover. Given the relatively short garden depth of the neighbouring property it is considered that the dwelling types characterised by this development consisting of two storey dwellings, at approximately 9.5m in height, would represent an overbearing feature abutting the northern boundary of Southover. This neighbour commented that the flank wall would be 6m from their kitchen window as Southover is closer to the rear boundary than indicated on the plans. As a result the dwelling at Plot 5 would result in overshadowing an overbearing impact upon this neighbour.
- 6.45 Given the above, the scale of the built form proposed at the site and the urbanised layout, the proposal would result in an adverse impact upon the amenity of the neighbour at Southover, and appear out of character and harmful to the street scene and immediate area. Thus, the proposed development constitutes overdevelopment of the site and proposed development would conflict with PMD1, PMD2, CSTP22 and CSPT23 of the Core Strategy and the NPPF.

### III. IMPACT UPON LANDSCAPE AND ECOLOGY

- 6.46 The Landscape and Ecology Advisor has been consulted on the current application and has considered the Preliminary Ecology report submitted. Broadly, the conclusions of the report are agreed but he considers that as a result of the material on the site there could be reptiles present and maintains a reptile survey and method statement may be appropriate. These could be managed by condition if the application was being recommended favourably.
- 6.47 Natural England has advised that the site falls within the 'Zone of Influence' (Zoi) for one of more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Thurrock Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.

- 6.48 The Landscape and Ecology Advisor, as noted above, comments on the contribution of the woodland to the rural character of the area. He expressed concerns with the high density of the scheme and the limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development. On this basis, the proposed development is contrary to PMD2 and CSTP22 of the Core Strategy and the criteria of the NPPF.

#### IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.49 The Highways Officer commented that the site is within an area of low accessibility and the proposed development would generate a high proportion of vehicle movements. As a result, a Section 106 contribution would be sought for improvements to the section of road between Peartree Lane and the A128. Notwithstanding the recommendation of the application, no further highway objections have been raised to the proposal subject to imposing conditions relating to swept path analysis, details of refuse strategy and providing a Construction, Environment Management Plan [CEMP].

#### V. FLOODING AND SITE DRAINAGE

- 6.50 The application site is not within a high flood risk zone, however, there have been a number of comments received in relation to site drainage. A number of the comments indicate that as a result of the clay soil within the immediate area, Peartree Lane is prone to flooding and is often water logged.
- 6.51 The Flood Risk Manager has been consulted with regards to the above application and has raised a holding objection, as there is a lack of detail submitted in relation to site drainage, and consequently a potential risk of flooding at the site.
- 6.52 Given the number of comments received regarding site drainage, particularly relating poor drainage of the clay soil within the immediate area, and the comments from the Flood Risk Manager, it is necessary that the applicant provide a Sustainable Drainage System (SUDS) to demonstrate how surface water would be managed and the impact of the development to the application site and to neighbouring sites. The applicant has failed to provide any such SUDS evidence. A residential development of this scale, with the associated hardstanding, could increase the risk of further surface water flooding in the wider area and to the future occupiers of the site. The proposed development would, therefore, conflict with Policies PMD15 and CSTP27 of the Core Strategy.

#### VII. OTHER MATTERS.

- 6.53 The Environmental Health Officer raised no objection, subject to the submission of a Construction Environmental Management Plan (CEMP), hours of construction condition and an asbestos survey being undertaken prior to any demolition.
- 6.54 Comments have been received in relation to the accuracy of the red line boundary outline around the application site. After a Land Registry search, it transpired that ownership the application site outlined in red was not fully within the applicant's ownership. As a consequence of this information, the applicant has since publicised the red lined boundary of the application via a certificate D since the ownership of the verge to the south of the site is unknown. The applicant has now complied with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to the declaration of landownership and notification for the planning application.
- 6.55 Comments have been received from the owner of a neighbouring property who contends that they have not provided their consent for the removal of these trees; the ownership of the trees is considered a civil matter and not a material planning consideration.
- 6.56 Comments have been received that the proposed development would result in the loss in value of the properties along Peartree Lane. However, this is not a material planning consideration.
- 6.57 Comments have been received that indicate the application was not effectively advertised. The application has been advertised in the local press, neighbour letters have been sent and a site notice has been posted nearby. Additionally, all neighbours notified originally have been further consulted and a further site notice posted in relation to the receipt of the Certificate D certificate of ownership notification. All appropriate and proper procedure with regards to the consultation and public notification of the application, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015, has been carried out

## **7.0 RECOMMENDATION**

- 7.1 Refuse for the following reasons:

**Reason:**

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. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special

circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and 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 2019.

2. The proposed development would, by reason of its design, density and unduly urban layout, appear as overdevelopment within this rural setting given the surrounding pattern and nature of buildings. The introduction of two storey properties, associated cart lodges and vehicle hardstanding would appear out of character within the immediate locality and would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore 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 2019.
3. The proposed dwelling on Plot 5, would, by reason of its siting and scale result in a significant loss of light and overbearing impact upon the neighbouring dwelling Southover, harmful to the residential amenity of this neighbour. The proposal is therefore contrary to Policy PMD1 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 2019.
4. The applicant has failed to address whether there would be an increased risk of flooding from this development, how the risk of flooding would be mitigated or how site drainage and run off from the site and to the surrounding area would be managed. The proposal is therefore contrary to Policies PMD15 and CSTP27 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 2019.

**Informative(s):-**

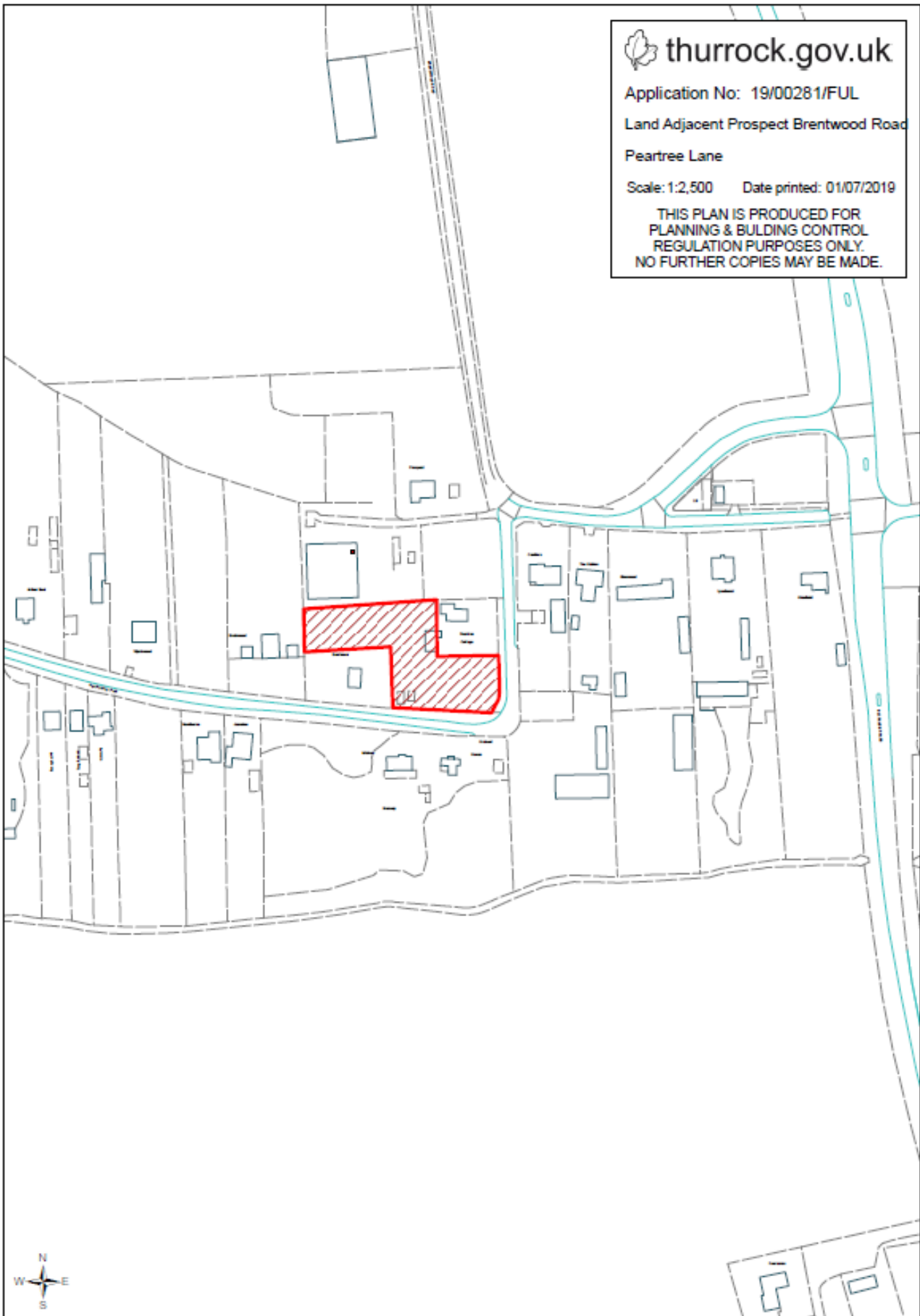
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

**Documents:**

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

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



<b>Reference:</b> 19/00287/FUL	<b>Site:</b> Land To Rear Of Conifers Brentwood Road And Adjacent Orchard House Peartree Lane Bulphan Essex
<b>Ward:</b> Orsett	<b>Proposal:</b> Erection of 8 detached dwellings with associated amenity space, vehicular parking/access roads and strategic landscaping following the demolition of existing outbuilding

<b>Plan Number(s):</b>		
Reference	Name	Received
08B	Existing Plans	25th February 2019
05C	Proposed Plans	8th March 2019
06C	Proposed Plans	8th March 2019
07A	Proposed Elevations	8th March 2019
09A	Proposed Plans	8th March 2019
10A	Proposed Plans	8th March 2019
11	Proposed Plans	8th March 2019
12	Proposed Plans	8th March 2019
13	Proposed Plans	8th March 2019
03E	Roof Plans	30th May 2019
14	Proposed Plans	30th May 2019
01C	Location Plan	30th May 2019
02E	Proposed Site Layout	30th May 2019
04D	Proposed Plans	30th May 2019

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Arboricultural Report;</li> <li>- Design &amp; Access Statement;</li> <li>- Preliminary Ecological Appraisal</li> </ul>	
<b>Applicant:</b> Smart Planning	<b>Validated:</b> 4 March 2019 <b>Date of expiry:</b> 17 July 2019 (Extension of time agreed with applicant)

**Recommendation: Refusal**

This planning application is scheduled for determination by the Council’s Planning Committee because it has been called in by Councillors G Rice, J Pothecary, S Liddiard, C Kent, J Kent and S Shinnick to examine Green Belt Policy.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks permission to demolish an existing structure situated centrally within the application site and to erect eight 4 bed dwellings with associated hardstanding, cart lodges and, vehicle access/hardstanding and landscaping. Access to the site is proposed to the north from Peartree Lane.

**2.0 SITE DESCRIPTION**

2.1 The application site is rectangular shaped and borders properties at Orchard House, Conifers, The Gables and Glenwood along the eastern boundary of the site. There is a main river ‘New Mardyke’ directly south of the application site.

2.2 A large proportion of the land is covered in vegetation, but there are a few low level structures which appear to have been abandoned a number of years ago. Access to the site is from the north, although the level of hardstanding which serves this access is limited. Details of the hardstanding have not been included within the application.

2.3 The surrounding area is mainly rural in character with a mix of land uses spread through Peartree Lane. There are a small number of residential properties which generally have generous gardens and are spaciouly separated.

2.4 The site lies within Metropolitan Green Belt and also lies within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is not within a high flood risk zone, although, a main river directly borders the site to the south.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
88/00901/OUT	Erection of One Dwelling (Outline)	Refused
82/00342/OUT	3 Residential Units (Outline)	Refused



81/00569/FUL	Agricultural building with open sides for change of use to storing fire damaged goods subject to Loss Adjusters survey.	Refused
76/00821/FUL	Use of land for parking cars rendered scrap by accident damage, pending clearances necessary for their removal for salvage.	Refused
61/00056/FUL	Erection of 9 mushroom sheds	Approved
60/00402/FUL	Erection of three Mushroom Sheds	Approved
56/00297/FUL	Use of land - Dwelling House	Refused

**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

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

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Twenty one written comments have been received, which are summarised below;

- Access to Peartree Lane and the site;
- Additional traffic;
- Peartree Lane is narrow and has no formal road surface;
- Insufficient parking provision, including for visitors;
- Recent accidents along Peartree Lane;
  
- Out of Character with surrounding landscape;
- Overlooking/overshadowing/overbearing neighbouring properties;
- Plot sizes are significantly smaller than character of area;
- Possible excessive noise;
- Loss of privacy;
- Harm to Green Belt land;
- Loss of Amenity;
- Loss of Green Space/Wildlife would be destroyed;
- Overlooking from balconies;
- Design is out of character to the surrounding properties;
- Two storey properties / heights of the buildings omitted from plans;
- Houses would appear over dominant;

- There are 15 dwellings in Peartree Lane and the combined development with the application to the south of Peartree Lane (ref. 19/00287/FUL) would result in another 14 houses;
  - Impact to health and well-being of neighbouring properties;
  - Surface water drainage concerns and potential flood risk area because the land is made up of clay;
  - Wildlife siting of, hedgehogs, adders, bumble bees, woodpeckers, owls, birds, foxes and other wildlife nearby;
  - The need for un-met housing in the area does not meet the very special circumstances to allow such a development nor is the site a small infill plot;
  - Concerns of the services and general infrastructure for this area and
- Loss of value to adjacent properties;

NATURAL ENGLAND:

No objection, subject to legal agreement.

ENVIRONMENT AGENCY:

No objection subject to Anglian Water being notified. An environmental permit for flood risk activities near to a fluvial main river.

ANGLIAN WATER:

No objections.

ESSEX POLICE:

Further information required.

ESSEX AND SUFFOLK WATER:

No objection.

HEALTH AND SAFETY EXECUTIVE:

No objection.

HIGHWAYS:

No objection, subject to conditions and Section 106 agreement.

**LANDSCAPE AND ECOLOGY ADVISOR:**

Objection raised.

**FLOOD RISK MANAGER:**

Holding objection raised.

**HOUSING:**

No objection.

**EDUCATION:**

No education contribution required.

**ENVIRONMENTAL HEALTH OFFICER:**

No objection subject to conditions.

**5.0 POLICY CONTEXT****5.1 National Planning Policy Framework (NPPF) (2019)**

The revised NPPF was published on 24 July 2018 and revised in February 2019. 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
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

**5.2 Planning Practice Guidance**

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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
- 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)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk);

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>

- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)

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

#### 5.4 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. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

#### 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, Layout and Impact to Neighbouring Amenity
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flooding and Site Drainage
- VI. Other Matters

#### 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 Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state 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.

6.5 The application site is located within the Metropolitan Green Belt and situated approximately 0.5 km north of the Bulphan village. The application site borders Orchard House, Conifers, The Gables and the Mardyke River to the south. However these properties are not located in any structured manner. From the site visit, it appears there is some hardstanding surrounding the built structure which is located centrally within the site, furthermore, aerial photos appear to indicate the site was previously used as a scrap/storage yard which is further supported by neighbour comments received. While the Design and Access Statement mentions hardstanding at the site, the existing site plan submitted does not provide details of this.

6.6 The Design and Access Statement submitted asserts the proposal falls within the NPPF exception to inappropriate development as defined in paragraph 145(g) ‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development’. The NPPF’s definition of Previously Developed Land (PDL) is set out below;

- 6.7 *'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...'*
- 6.8 It then goes on to say;
- 6.9 *This excludes...land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 6.10 In this instance the site is occupied by a single building which is surrounded by an area of hardstanding. Whilst the site is no longer in use the built structure and hardstanding remain. During a site visit it was clear that whilst part of the site is overgrown the main area of hardstanding and the structure itself have not entirely blended into the landscape. As a result it is considered that, from the site visit and the evidence from the aerial photos, that part of the site constitutes PDL. However, as set out in the NPPF, it should not be assumed, the whole curtilage should be developed.
- 6.11 Where an application site constitutes PDL the proposed development would not constitute inappropriate development if it would not have a greater impact on the openness of the Green Belt than the existing development. In this instance the proposal results in significant level of built form of a far greater scale and mass spread across a wider proportion of the site encroaching into areas of the site which have not previously been developed. It would also include extensive areas of hardstanding and means of enclosure such as fencing which would further impact upon openness. Therefore the proposal would clearly and unequivocally have a greater impact upon the openness of the Green Belt. As a result it would not fall within the above referenced exception to inappropriate development in the Green Belt.
- 6.12 Consequently, the proposal comprises of inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

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 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.

6.14 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.

6.15 In response to each of these five purposes:

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

6.16 The site is situated within Bulphan but outside of Bulphan Village. 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.

*B. to prevent neighbouring towns from merging into one another*

6.17 The development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

6.18 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 proposed development would spread across a larger proportion of the site including areas where there is currently no built form. It is important to note that the proposed dwellings, cart lodges, hardstanding and associated vehicle access/roads extend beyond the footprint of the existing building. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location 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*

6.19 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*



6.20 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 erection of eight detached dwellings with associated hardstanding/vehicle accesses and fencing is inconsistent with the fifth purpose of the Green Belt.

6.21 In light of the above analysis, it is considered that the proposals would be contrary to purposes (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

6.22 The application site currently contains a single structure along with an area of hardstanding (although this is not detailed within the plans). It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. The table below demonstrates the harms to the Green Belt.

	<b>Floorspace</b>	<b>Footprint (sq.m)</b>	<b>Volume (m<sup>3</sup>)</b>
Existing Structure (To be demolished)	345 sq.m	345 sq.m	1998 sq.m
Proposed Dwellings (plots 1 - 8)	1420 sq.m	1069 sq.m	7393 sq.m
Proposed Cart lodges (x2)	-	78 sq.m	135 sq.m
<b>Proposed Total</b>	<b>1420 sq.m</b>	<b>1147 sq.m</b>	<b>7528 sq.m</b>
<b>Difference from existing structures</b>	<b>+311 %</b>	<b>+232 %</b>	<b>+276%</b>

6.23 In view of the above, the existing building at the site is very modest in size, footprint and floor space. The proposed development would introduce an excessive amount of built form across the majority of the site, including areas which are currently open. The additional footprint and floor space that would be introduced would be significantly increased by 232% and 311% respectively. The hardstanding and volume introduced at the site would also be significantly increased. Evidently, the

matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.

- 6.24 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.
- 6.25 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*".
- 6.26 The Design and Access Statement submitted indicates that the applicant considers the proposed development constitutes appropriate development in the Green Belt. For reasons noted above, the Council takes the view that the proposal constitutes inappropriate development. In correspondence with the agent they confirmed that they have not submitted Very Special Circumstances as they do not consider this inappropriate development. However, they have submitted a number of other material considerations which they feel weigh in favour of the development. Given the Council's view of the development these have been assessed in terms of whether these constitute Very Special Circumstances which would clearly outweigh the harm to the Green Belt. The submitted further material considerations are as follows;

a) Shortfall of housing supply

- 6.27 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).
- 6.28 The current proposals would, with eight units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

*b) All dwellings to a high sustainability standard*

- 6.29 The Design and Access Statement submitted with the application maintains that all dwellings are to be a high sustainability standard, but little detail or information has been supplied to verify this assertion. The agent confirms that each dwelling would exceed building regulation standards. High standards of sustainability is to be expected on all development. Therefore no weight is afforded to this factor.

*c) Making good of Peartree Lane from the junction with Brentwood Road up to the site access*

- 6.30 The road surface of Peartree Lane is in poor condition and the applicant has suggested making improvements to the condition of the road, as a material consideration in favour of development. However Peartree Lane is a private road and the condition of the road would be a private matter between the relevant landowners. The highways officer has supported the improvement of Peartree Lane, and the comments from the Highways Officer regarding improvements to a section of Brentwood Road are noted. However, these improvements are to mitigate the additional number of vehicular movements that would take place on this road and therefore this is afforded no weight as a very special circumstance.

*d) Tidying of the site including removal of areas of existing poor quality hardstanding and fly tipped material. Development of the site will also remove the potential for future fly tipping*

- 6.31 The application site is somewhat overgrown with trees and vegetation. The applicant suggests that having residential development on open land would be a better form of land use, which deters inadvertent uses of the land, such as fly tipping. They also

suggest that the removal of existing poor quality hardstanding would improve the appearance. Whilst the removal of existing abandoned structures and hardstanding could represent an improvement it is considered that the resultant development is significantly out of character with the area. Importantly, the site could be tidied and secured without the need for development of this type and therefore this factor should be afforded no weight.

e) 'Achieving Sustainable Development' and Promoting Healthy and Safe Communities

- 6.32 The applicant considers that proposed development would be economically sustainable due to the number of jobs generated during construction phase and would also have environmental and social benefits. However, the application site has limited accessibility in terms of access to local services to support the community's health, social and cultural well-being and, for these reasons, the proposal would be contrary to the social role of planning.
- 6.33 Moreover, neighbour comments have mentioned sightings of various forms of wildlife, included protected species, such as slow worms and woodpeckers. The proposal would result in the development of a large proportion of the site and therefore any ecological benefits are likely to be limited.
- 6.34 In terms of promoting Healthy and Safe Communities the applicant states the current application is in accordance with the NPPF's guidance. However, Essex Police has commented that no details have been submitted to supplement the application and maintain they would require finer detail relating to the boundary treatments and physical security measures.
- 6.35 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure and create jobs in the short time. However there would not be a significant long term impact due to the limited number of units. Therefore this factor is afforded very limited weight.

f) Making Effective Use of Land

- 6.36 The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development. Paragraph 117 refers to previously-developed or brownfield land. In this instance, as set out earlier in the report it is considered that part of the site constitutes PDL. However, it is clarified within this section of the NPPF that there is an exception to this "*where this would conflict with other policies in this Framework*". As identified earlier in the report the proposal would conflict with the Green Belt policies set out within the framework as it represents inappropriate development which fails to demonstrate very special circumstances which clearly

outweigh the harm. Therefore, no weight is afforded to this factor.

6.37 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	Lack of 5 year housing supply	Significant
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.		All dwellings to a high sustainability standard	No weight
		Making good of Peartree Lane	No weight
		Achieving Sustainable Development / Promoting Healthy and Safe Communities	Very limited weight
	Making Effective Use of Land	No weight	

6.38 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 both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. 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 combines at this location to comprise ‘very special circumstances’.

6.39 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no

planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD6, 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 2019.

## II. DESIGN, LAYOUT AND IMPACT TO NEIGHBOURING AMENITY

- 6.40 The proposal would introduce a densely packed residential development and layout within an area where each established residential plot is unique in size and layout. The immediate locality has a rural character with a sporadic layout and generously sized plots where properties are generally low in height such as bungalows and chalet style properties.
- 6.41 A vehicle access road from the southern corner of Peartree Lane would extend into the development site, which would serve 8 large detached properties in close proximity to one another. Plot 8 would be approximately 15m from Peartree Lane and the views into the application site would be of an urbanised residential development within a rural lane.
- 6.42 Along the eastern boundary, the flank wall of plot 8 would be within 0.8m of the shared boundary with Orchard House. There is an outbuilding in close proximity in within the curtilage of Orchard House, but the flank wall would be approximately 11m from the flank wall of the neighbouring property.
- 6.43 Notwithstanding the above, the Plots 7 and 8 are both unusually close to the eastern boundary and for plots that are two storeys, approximately 9.5m in height and comprise of 4 bedrooms. Furthermore, Plots 1, 2, 3 and 4 would have very short garden depths for large properties with garden depths between 7.7 metres to 9.4m. Also as a result of the revised site location plan, the area of Plot 1 has been compromised and it also considered the garden depth for this plot is not sufficient at 9.5m, as measured on the plans. Saved Annex A1.2(iii) of the 1997 Local Plan requires a minimum garden depth of 12m. Therefore, in view of the spacious character and layout of the properties along Peartree Lane and how densely packed together the proposal is, along with the short garden depths of Plots 1-4, it is considered the proposed site would represent overdevelopment of the site and an urban appearance harmful to the character of the area.
- 6.44 The Landscape and Ecology Advisor also comments on the amenity value of the trees and hedges and the contribution these make to the rural character of the area. He considers that as a result of the proposed scheme there would be limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development.

- 6.45 Given the above, the scale of the built form proposed at the site and the urbanised layout would, if permitted, appear out of character and harmful to the street scene and the character of the area. Thus, the proposed development constitutes overdevelopment of the site and would conflict with Policies PMD2, CSTP22 and CSPT23 of the Core Strategy and the NPPF.

### III. IMPACT UPON LANDSCAPE AND ECOLOGY

- 6.46 The Landscape and Ecology Advisor has been consulted on the current application and has considered the Preliminary Ecology Assessment (PEA) submitted. Broadly, the conclusions of the report are that the site is of low ecological value. However, during the site visit the presence of juvenile slow worms were found which confirms the presence of protected species. Planning conditions could be used to ensure a reptile mitigation plan is submitted prior to any works commencing if the application was being recommended favourably.
- 6.47 The site visit also revealed there was a large building which is on the western boundary shared with the adjacent property at Orchard House, although the building was not included within PEA. The built structure is covered in dense Ivy, the agent maintains the building is not within the application site. However, in the event that the building was found to be within the site it could be covered by the suggested condition requiring further surveys if the application was being recommended favourably.
- 6.48 Natural England has advised that the site falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Thurrock Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.
- 6.49 The Landscape and Ecology Advisor also comments on the amenity value of the trees and hedges that are growing along the perimeters of the site and the contribution these make to the rural character of the immediate area. He further contends that the density of the proposed development is considered to be out of character within the immediate locality. The surrounding residential sites are mainly single storey and characterised with large gardens. He raises the further concern that as a result of the proposed scheme there would be limited space available to facilitate soft landscaping to mitigate the visual harm of the proposed development.

- 6.50 The Environment Agency commented on the application and originally raised an objection to the application. The objection related to the use of a non-mains foul drainage system in an areas served by a public sewerage system. The agent has now confirmed that the foul sewerage will be connected to the existing mains sewer and that at the time of submission the applicant was unaware there was a mains provision in this location. The Environment Agency were consulted regarding the update and advised that this would resolve their concern.

#### IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.51 The Highways Officer advises that the site is within an area of low accessibility and the proposed development would generate a high proportion of vehicle movements. As a result, Highways would seek a Section 106 contribution for improvements to the section of road between Peartree Lane and the A128. Notwithstanding the recommendation of the application, no highway objections have been raised to the proposal subject to imposing conditions relating to swept path analysis, details of refuse strategy and providing a Construction, Environment Management Plan [CEMP].

#### V. FLOODING AND SITE DRAINAGE

- 6.52 The application site is not within a high flood risk zone, however, there have been a number of comments received in relation to site drainage. A number of the comments indicate that as a result of the clay soil within the immediate area, Peartree Lane is prone to flooding and is often water logged.
- 6.53 The Flood Risk Manager has been consulted with regards to the above application and has raised a holding objection, as there is a lack of detail submitted in relation to site drainage and a potential risk of flooding at the site.
- 6.54 The application site to the south borders the Mardyke River and plots 5, 6 and 7 would be less than 13m from the river. While there have been no objections from the Environment Agency, it has advised that an environmental permit would be required for flood risk activities should the applicants wish to conduct works within 8m of a fluvial main river. The New Mardyke River to the south is deemed a designated main river. If the application was to be recommended for approval, an appropriate informative would be included.
- 6.55 Given, the poor drainage of the clay soil within the immediate area, and the comments from the Flood Risk Manager, it was considered necessary that the applicant provide a Sustainable Drainage System (SUDS) to demonstrate how surface water would be managed and the impact of the development to the



application site and to neighbouring sites. The applicant has failed to provide any such evidence. A residential development of this scale, with the associated hardstanding, could increase the risk of further surface water flooding in the wider area and to the future occupiers of the site. The proposed development would, therefore, conflict with Policies PMD15 and the CSTP27 of the Core Strategy.

#### VII. OTHER MATTERS.

- 6.56 The Environmental Health Officer raised no objection, subject to the submission of a Construction Environmental Management Plan (CEMP), hours of construction condition and an asbestos survey being undertaken prior to any demolition, if the application was to receive a favourable recommendation.
- 6.57 Given the possible previous use(s) of the site there is the potential for some contamination on site. In order to ensure that there is no adverse risk to future occupiers an intrusive investigation would be necessary along with a risk assessment base upon these results. Depending on the outcome of such work a remediation strategy may be required. These steps could be secured through a suitable condition on any permission granted.
- 6.58 Comments have been received in relation to the accuracy of the red line boundary outlined around the application site. Having liaised with the agent, further plans, including a revised site location plan revising the red line boundary, have been submitted along with changes to Plot 1 to accommodate the amendments to the site boundary. Following this, neighbours have been re-notified accordingly by individual letters and an additional site notice erected nearby.
- 6.59 Comments have been received that indicate the application was not effectively advertised. The application has been advertised in the local press, neighbour letters have been sent and a site notice has been posted nearby. As noted above, following the revised plans, the consultation period has been extended and also includes additional residents along Peartree Lane. All appropriate and proper procedure with regards to the consultation and public notification of the application, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015, has been carried out.
- 6.60 Comments have been received that the proposed development would result in the loss in value of the properties along Peartree Lane; however, this is not a material planning consideration.
- 6.61 Neighbour letters received suggest that the trees have recently been cut down and query the site boundaries. The ownership of the trees are not a planning

consideration, but a civil matter, and the agent has confirmed the site boundary as outlined in red on the site location plan is correct.

## 7.0 RECOMMENDATION

Refuse for the following reason(s):

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. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (c) and (e) as described by paragraph 134 of the NPPF. Furthermore, the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and 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 2019.
2. The proposed development would, by reason of its design, density and urban layout, appear as an overdevelopment within this rural setting given the surrounding pattern and nature of buildings. The introduction of two storey properties, associated cart lodges and vehicle hardstanding would appear out of character within the immediate locality and would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore 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 2019.
3. The applicant has failed to address whether there would be an increased risk of flooding from this development, how the risk of flooding would be mitigated or how site drainage and run off from the site and to the surrounding area would be managed. The proposal is contrary to Policies PMD15 and CSTP27 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 2019.

### **Informative(s):-**

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

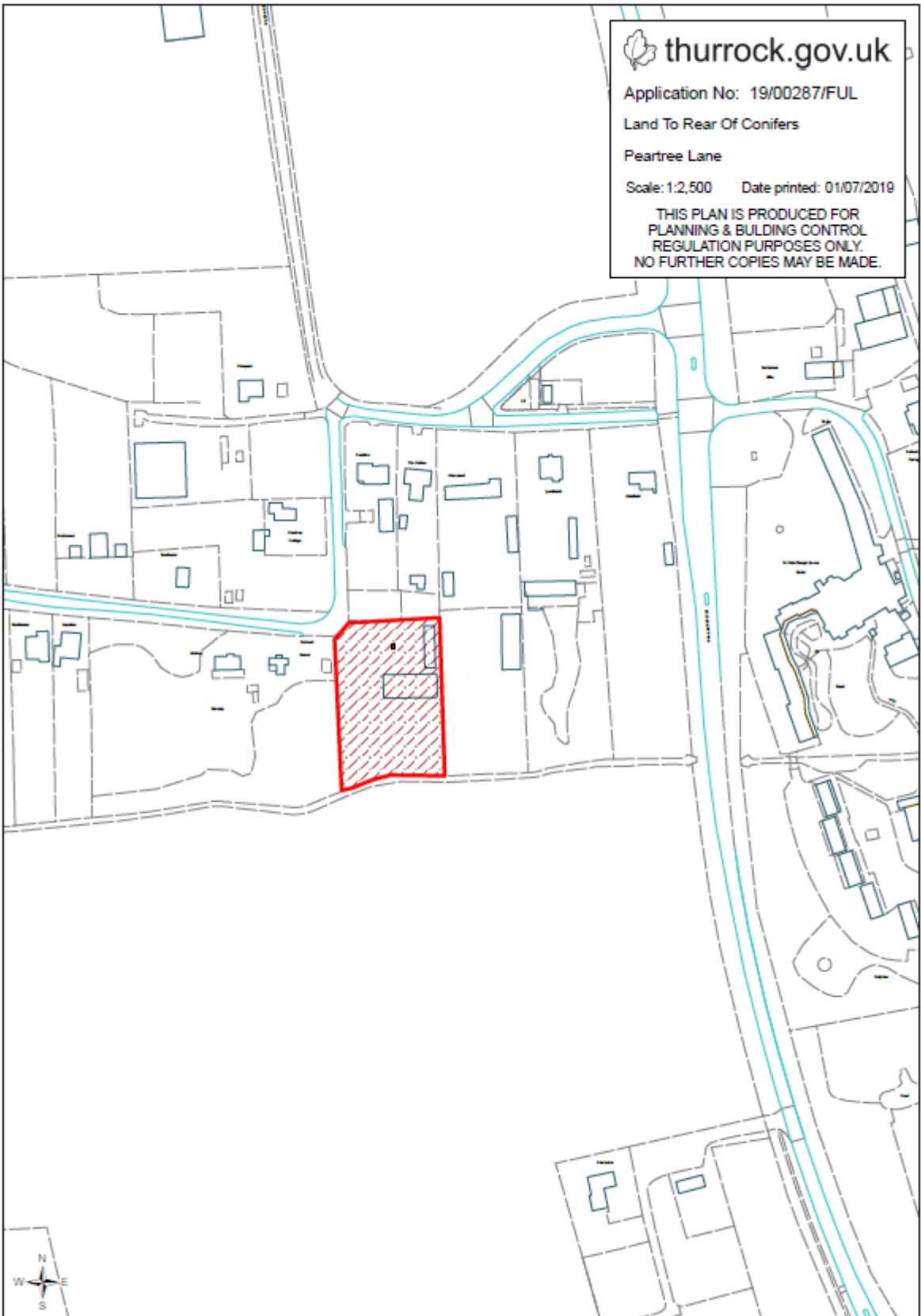
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it

has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**Documents:**

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

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



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<b>Reference:</b> 19/00317/FUL	<b>Site:</b> Woodlands Koi Farm South Avenue Langdon Hills Essex SS16 6JG
<b>Ward:</b> Orsett	<b>Proposal:</b> Construction of a storage building incorporating ancillary workshop (resubmission of 18/00681/FUL Single storey agricultural storage and ancillary workshop for Koi farm (resubmission of 17/00795/FUL Construct a single storey workshop and storage building))

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Site Location Plan	28 February 2019
JC/1 Rev A	Proposed Elevations and Floor Plans	28 February 2019
JS/2 Rev A	Proposed Elevations and Roof Plans	28 February 2019
0-001	Location Plan	28 February 2019
JC/BP/1	Existing and Proposed Site Layout	20 June 2019

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Planning Statement</li> <li>- Cuttlebrook Koi Farm Advisory Letter</li> <li>- Summary Statement</li> </ul>	
<b>Applicant:</b> Mr Cross	<b>Validated:</b> 1 March 2019  <b>Date of expiry:</b> 12 July 2019 (Extension of time agreed with applicant)
<b>Recommendation:</b> Grant planning permission, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr S Liddiard, Cllr L Worrall, Cllr Q Abbas, Cllr T Fish and Cllr M Fletcher in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution to consider the proposal against Green Belt policy.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks planning permission to erect a storage and ancillary workshop building in the north western corner of the site. The building would be 5.4m to the ridge with a steep pitched roof. The style would be of a traditional barn design with a hipped in roof and timber finish. The proposed building would have a footprint of approximately 210sq.m arranged in an 'L' shape. The purpose of the building, as described by the applicant, is to provide a bio-secure area and a storage area for machinery and equipment associated with Woodlands Koi Farm.
- 1.2 The application is a resubmission of 18/00681/FUL which was refused on the basis that the proposal constituted inappropriate development within the Green Belt and no very special circumstances had been demonstrated to warrant a departure from policy being made.

**2.0 SITE DESCRIPTION**

- 2.1 The site is broadly rectangular in shape and is 1.4 ha in area. The site is accessed from South Avenue which is a narrow access track leading to Old Hill Avenue, which in-turn leads to South Hill (B1007). The site is located in the Green Belt in an elevated position close to Langdon Hills. The Langdon Ridge Site of Special Scientific Interest (SSSI) which is designated for its nationally important grasslands, meadows, woodlands and invertebrate assemblage is located immediately north and north-east of the site. The site is operated as a koi farm with a number of fish ponds, a residential dwelling, outbuildings and a mobile home.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
83/00467/FUL	Lay out ponds for the use of breeding and the sale of Koi Carp fish	Approved
05/00119/FUL	Temporary siting of mobile home.	Approved
08/00791/FUL	Demolition of existing dwelling and construction of a new two bedroom dwelling.	Approved
15/00349/HHA	Erection of a residential extension to form annexe	Refused
16/00686/FUL	Detached granny annexe to rear of the existing property.	Refused
17/00795/FUL	Construct a single storey workshop and storage building	Refused
17/00970/HHA	Demolish existing outbuildings and construct a single storey pitched roof games room	Refused

18/00681/FUL	Single storey agricultural storage and ancillary workshop for Koi farm (resubmission of 17/00795/FUL Construct a single storey workshop and storage building)	Refused
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**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. The application has been advertised as a departure from the Development Plan. There were no comments received.

**4.3 ENVIRONMENTAL HEALTH:**

No objection, subject to condition (hours of construction).

**4.4 HIGHWAYS:**

No objection, subject to condition (construction environment management plan).

**4.5 LANDSCAPE AND ECOLOGY:**

No objection.

**4.6 NATURAL ENGLAND:**

Refer to standing advice for the local planning authority to consider potential impacts on species. Generic advice on the potential environmental impacts which could affect the nearby SSSI provided.

**5.0 POLICY CONTEXT**

National Planning Guidance

**5.1 National Planning Policy Framework**

The revised NPPF was published on 24 July 2018 and subsequently amended on 19

February 2019. 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
6. Building a strong, competitive economy
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

## 5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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
- Use of Planning Conditions

## 5.3 Local Planning Policy

### 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 28 February 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)

### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)

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

## 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document. This consultation has now closed and the responses will be used to inform progress of the Local Plan.

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

- I. Principle of development and impact of the Green Belt
- II. Access, traffic and highways impacts

- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours

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 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 “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”. At paragraph 145 the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, however para. 145 sets out a limited number of exceptions where the construction of new buildings could be acceptable comprising:

- a) buildings for agriculture and forestry
- b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

- 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
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- f) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continued use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

6.5 Although the applicant's description of the proposal includes reference to an "agricultural storage building" it is necessary to consider this point in more detail. S.336 of the Town and Country Planning Act 1990 defines "agriculture" as including:

*"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".*

The applicant's Planning Statement (paragraph 2.2) states that the:

*"fish farm breeds and grows ornamental fish species and also includes the breeding of common carp which can be sold for food ... There are two clay lakes, which will be stocked for growing on common and mirror carp, which will be sold as food for the Eastern European market, which is part of their staple diet, commonly eaten at Christmas".*

6.6 Although the Planning Statement suggests that carp "*can / will be sold for food*" and could therefore qualify as livestock as defined by s336 (above), the wording of the Statement is somewhat vague. As is usual for planning applications involving agricultural uses, Officers have commissioned an independent report from consultants Reading Agricultural Consultants (RAC). This report contains the following appraisal:

*"At the outset it is important to note that the rearing of fish for sport fishing (Carp and Tench) or as pets (Goldfish and Koi Carp) is not agriculture, and does not fall within the definition of agriculture in the Town and Country Planning Act. However, the current application states that two of the ponds are dedicated to "growing on common and mirror carp, which will be sold as food for the Eastern European market..." It is*

*not clear what proportion of the fish are for food production. As such, the proposed development does not neatly fall to be considered as an acceptable exception to Green Belt policy and very special circumstances will need to be demonstrated”.*

6.7 As it has not been clearly demonstrated that the proposed building is solely or mainly required for agricultural use, the proposal must be considered inappropriate development with reference to paragraph 145 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and in line with paragraph 144 of the NPPF “substantial weight” should be attached to this harm.

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

6.8 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.

6.9 As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. It is clear from the site layout plan that built development would occupy part of the site which is currently free of built form. The proposals would comprise a new built development with a footprint of c.210 sq.m. and a height of 5.4m on a part of the site which is currently open. Therefore, it is considered that the amount and scale of development proposed would reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.10 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.

6.11 In response to each of these five purposes:

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

6.12 The site is located within a rural area outside the main large built-up areas of Corringham to the south-east and Laindon / Basildon to the north. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. The proposals would not therefore result in the sprawling of an existing large built up area and there would be only very limited harm to this purpose of the Green Belt.

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

6.13 As noted above, the site is located in a relatively isolated position between Corringham and Laindon / Basildon. Although the proposal would result in new build development in-between these towns, the harm to this purpose of the Green Belt would be limited. The development would not conflict to any significant degree with this Green Belt purpose.

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

6.14 With regard to the third Green Belt purpose, the proposal would involve built development on a part of the site which is currently open and free of any built form. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. Therefore, the development proposed would encroach upon the countryside in this location contrary to this Green Belt purpose.

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

6.15 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*

6.16 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. Nevertheless, the building is clearly required for the business use on-site and would provide workshop, storage and quarantine areas required by the business. For operational reasons it would seem illogical for the building to be located separately from the business. For these reasons it is considered that the proposals do not conflict with this Green Belt purpose.

6.17 In light of the above analysis, it is considered that the proposals would be contrary to purpose (c) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to this factor alongside the definitional harm resulting from inappropriate development and harm to openness.

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

- 6.18 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.
- 6.19 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*".
- 6.20 The applicant's Planning Statement Summary sets out the applicant's case for very special circumstances which are summarised and assessed below:
- a) *Part of the fish farm is used to breed fish which are bred to be eaten*
- 6.21 The applicant has stated that the business breeds fish for food as well as ornamental Koi Karp. The NPPF (paragraph 145 a)) allows buildings for agriculture.
- Consideration
- 6.22 The case put forward by the applicant describes the site as providing both ornamental fish and fish bred for food for human consumption; the latter would be deemed to fall

within the description of agriculture. However, the balance of these different strands of the business has not been quantified. It would appear that the business is mainly focussed on the sale of ornamental fish, nonetheless it is important to note that the business does have an agricultural element. This factor should be given moderate weight in the balance of considerations.

b) *It is a rural business which employs local people*

6.23 The applicant states that the business is an established rural business which employs local people. National planning policies support rural businesses to grow and improve their business.

#### Consideration

6.24 The Koi Farm is an established rural business, dating back to 1983 when the original planning permission was granted. The NPPF is clear on the need to support business, especially within rural areas. Within chapter 6 of the NPPF (*Building a strong, competitive economy*), there is a section titled “*Supporting a prosperous rural economy*”. Paragraph 83 states that (inter-alia):

*“Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and*
- b) *the development and diversification of agricultural and other land-based rural businesses.*

6.25 The Council employed a specialised agricultural consultant, Reading Agricultural Consultants (RAC), to review the application. The appraisal provided by RAC confirms:

*“ ... By any standards, even for fish farms, the farm is small at 1.4 ha. Nevertheless, this does not detract from the principle that certain categories of livestock will require protection from the vagaries of the British climate, particularly if rearing or producing replacement stock. It is also clear that the site has suffered substantial losses from theft in the past which has jeopardised the performance of the business ... there are no serviceable buildings on the holding ... secure storage is currently provided in the unfinished dwelling on the site. In order to determine whether the proposed building is reasonably necessary, an assessment has to be made of the space requirements of the business. It is indicated that a 61 sq.m. bio-secure area incorporating the hatchery will be sited in the building. These requirements seem reasonable ... The workshop appears appropriate, as does the remainder of the allotted areas ... RAC accepts that the size of the building is appropriate.”*

6.26 Therefore, despite the small size of the fish farm, the consultant advises that the provision of some form of building is reasonable and that the size (i.e. floorspace of the building is appropriate). Therefore, it is concluded that the proposal is necessary to enable the business to sustain itself. It is also important to note that the house at the site is currently being used to store equipment. This factor should be given significant weight in the balance of considerations.

*c) A number of outbuildings on the site were removed by the applicant*

6.27 The applicant has removed number of outbuildings from the site and should these have been retained they could have been 'traded up' for equivalent built form on the site.

#### Consideration

6.28 No evidence has been put forward to support this contention. Therefore, this cannot be considered as a very special circumstance and this factor should be given no weight in the balance of considerations.

*d) The only permanent building at the site is being used for storage*

6.29 The applicant is having to use the dwellinghouse as a storage building and resides in the mobile home.

#### Consideration

6.30 As stated above the agricultural consultant has confirmed that it is their professional view that the proposed building is justified in terms of the business. This is supported by the present use of the dwellinghouse to store equipment, which is clearly evident from the site visit. Therefore, the only permanent and secure building at the site is being utilised for the business when this should be residential. There are other buildings and structures on the site which are not secure and it is considered reasonable to secure their removal. As the proposal has been clarified as necessary for the rural business it is considered that this factor should be given moderate weight in the balance of considerations.

*e) Machinery and equipment have been stolen from the site*

6.31 The applicant has been victim to loss of a significant equipment due to theft. They consider that should the equipment be housed inside a building then the likelihood



of further theft from the site would be reduced.

### Consideration

6.32 The issue of theft from the site is unfortunate despite the present scenario at the site, with high fences, guard dogs and CCTV. As the theft still took place with the protection already in place it is considered that the storage building would not necessarily fully deter any further theft although a secure storage building would assist. Under the heading of 'Design', NPPG states:

6.33 *"Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation."*

6.34 Therefore, it is considered that this factor should be given moderate weight in the balance of considerations.

#### *f) Providing a necessary bio-secure tank area*

6.35 The applicant seeks to upgrade and modernise their business and an important part of this is a bio-secure quarantine facility. This is a basic fundamental requirement and the proposed building would provide this necessary area.

### Consideration

6.36 As stated above the agricultural consultant has confirmed that it is their professional view that the proposed building is justified in terms of the business. With NPPF support for rural business the bio-secure element within the proposed building is considered as essential infrastructure to modernise and progress the established business. The bio-secure area provided within the proposed building is necessary for the rural business. It is considered that this factor should be given significant weight in the balance of considerations.

#### *g) Quality design of building which to fit into the rural area*

6.37 The proposed building is not traditional commercial use in design and is more of a traditional Essex-style barn. They consider this is more appropriate within the

surroundings and would not harm aesthetics of the area unlike a metal ‘shed’ type structure.

Consideration

6.38 The Council’s agricultural advisor has stated that the proposed building is unnecessarily complicated in design. However, the design and finish of the proposed building is significantly more attractive and fitting within this rural area than a more practical structure would be. The applicant has chosen to construct a more traditional barn building, which although more expensive, will be aesthetically preferable within a Green Belt setting. As the building is considered appropriate for the needs of the business the Council cannot object to the applicant deciding on a higher standard of design. Nonetheless, it is considered that this can be afforded only limited weight to the balance of considerations.

6.39 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	a) Part of the fish farm is used to breed fish which are bred to be eaten	Moderate weight
Reduction in the openness of the Green Belt		b) It is a rural business which employs local people	Significant weight
Conflict with a number of the purposes of including land in the Green Belt – purpose (c).		c) A number of outbuildings on the site were removed by the applicant	No weight
		d) The only permanent building at the site is being used for storage	Moderate weight
		e) Machinery and equipment have been stolen from the site	Moderate weight
		f) Providing a necessary bio-secure tank area	Significant weight

	g) Quality design of building which to fit into the rural area	Limited weight
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6.40 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly (emphasis added) outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purpose (c). Several factors have been promoted by the applicant as considerations amounting to the ‘very special circumstances’ necessary to justify inappropriate development 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’.

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

II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

6.42 The site is large and there is ample room for parking of vehicles. Access to the site is taken from a private road and there would be no detrimental impact on access or parking issues. Therefore, the proposal complies with Core Strategy policy PMD8.

6.43 The Council’s Highways Officer has advised a Construction Environment Management Plan should be conditioned, however in this instance it is considered that this would be unnecessary due to the size of the proposal.

III. SITE LAYOUT AND DESIGN

6.44 The overall design and appearance of the building is considered to be appropriate given the rural nature of the site. The proposed building is of a traditional barn design and therefore it is considered to be appropriate for the location. Therefore, the proposal complies with Core Strategy policy PMD2.

IV. LANDSCAPE AND ECOLOGY

6.45 Natural England’s initial screening of this planning application has identified that this

proposed development has the potential to adversely affect a Site of Special Scientific Interest (SSSI) designated for its woodland interest, as the relevant Impact Risk Zones have been triggered. The Council is then required to review a number of matters as to whether the proposed development would affect the ancient woodland. It is considered that the proposal is not located within an area, nor is of sufficient scale, to affect the SSSI.

- 6.46 The Council's Landscape and Ecology Advisor has advised they consider the site is screened by adjacent woods and hedges and therefore views of the proposed building would be localised. The proposed site for the building does not contain any habitat features of ecological value. There is no objection to the proposed development on landscape or ecology grounds. Accordingly, no objection is raised on landscape and ecology grounds.

## V. AMENITY AND NEIGHBOURS

- 6.47 The building would be suitably distant from other premises not to impact on the outlook or amenities of any nearby occupiers. However, there are other residential properties within the area and it is considered acceptable to limit hours of construction on site by condition. Therefore, the proposal complies with Core Strategy policy PMD1.

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposed development represents the construction of a new building in the Green Belt. Whilst the applicant had argued the building would be for agriculture, this has not been sufficiently quantified and it appears the site is mainly used for breeding of ornamental or pet fish. Therefore, the proposal constitutes inappropriate development within Green Belt. In addition the development would increase the volume of built form on the site, leading to loss of openness and encroachment into countryside. Substantial weight should be given to this harm and accordingly the proposal is considered contrary to Policy PMD6 of the Core Strategy and the NPPF.
- 7.2 The applicant's has therefore submitted a very special circumstance case; the amalgamation of different factors as examined above are considered, as a matter of judgement, sufficient to clearly outweigh the harm that would be caused in this instance.
- 7.3 Subject to planning conditions there are no objections to the proposals with regard to highways issues, impact on ecology and amenity.
- 7.4 As a matter of judgement, it is considered that the proposals should be supported

however this planning application requires close scrutiny with particular regard to Green Belt considerations and the Committee should take a balanced view, taking into account all of the relevant material considerations described above.

**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 and documents:

<b>Plan Number(s):</b>		
Reference	Name	Received
(No Nos.)	Site Location Plan	28 February 2019
JC/1 Rev A	Proposed Elevations and Floor Plans	28 February 2019
JS/2 Rev A	Proposed Elevations and Roof Plans	28 February 2019
0-001	Location Plan	28 February 2019
JC/BP/1	Existing and Proposed Site Layout	20 June 2019

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

**DEFINITION OF USE**

- 3 The building shall only be used as a store, workshop and bio-secure area in connection with the fish breeding business on the site and for no other purpose including any purpose as defined within Class B1/B8 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

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

## **HOURS OF CONSTRUCTION**

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

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

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **REMOVAL OF EXISTING BUILDINGS – 3 MONTHS**

- 5 Within 3 months following the first operational use of the building hereby approved the existing mobile home, dilapidated outbuildings and containers as identified 1 to 4 on drawing no. JC/BP/1 on the site shall be demolished and the resulting material removed from the site. The local planning authority shall be notified in writing of the first operational use of the building within 10 working days of that event.

Reason: The development has only been approved on the basis that the dwelling house on the site would no longer be needed for storage and therefore the mobile home and other structures should be removed from the site, in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMMERCIAL)**

- 6 Notwithstanding the provisions of Part 8, Class A of Schedule 2 to the Town and Country Planning [General Permitted Development] Order 2015 [as amended] [or any Order revising, revoking and re-enacting that Order] no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building subject of this permission shall be carried out without planning permission having been obtained from the local planning authority.

Reason: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policies PMD1 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

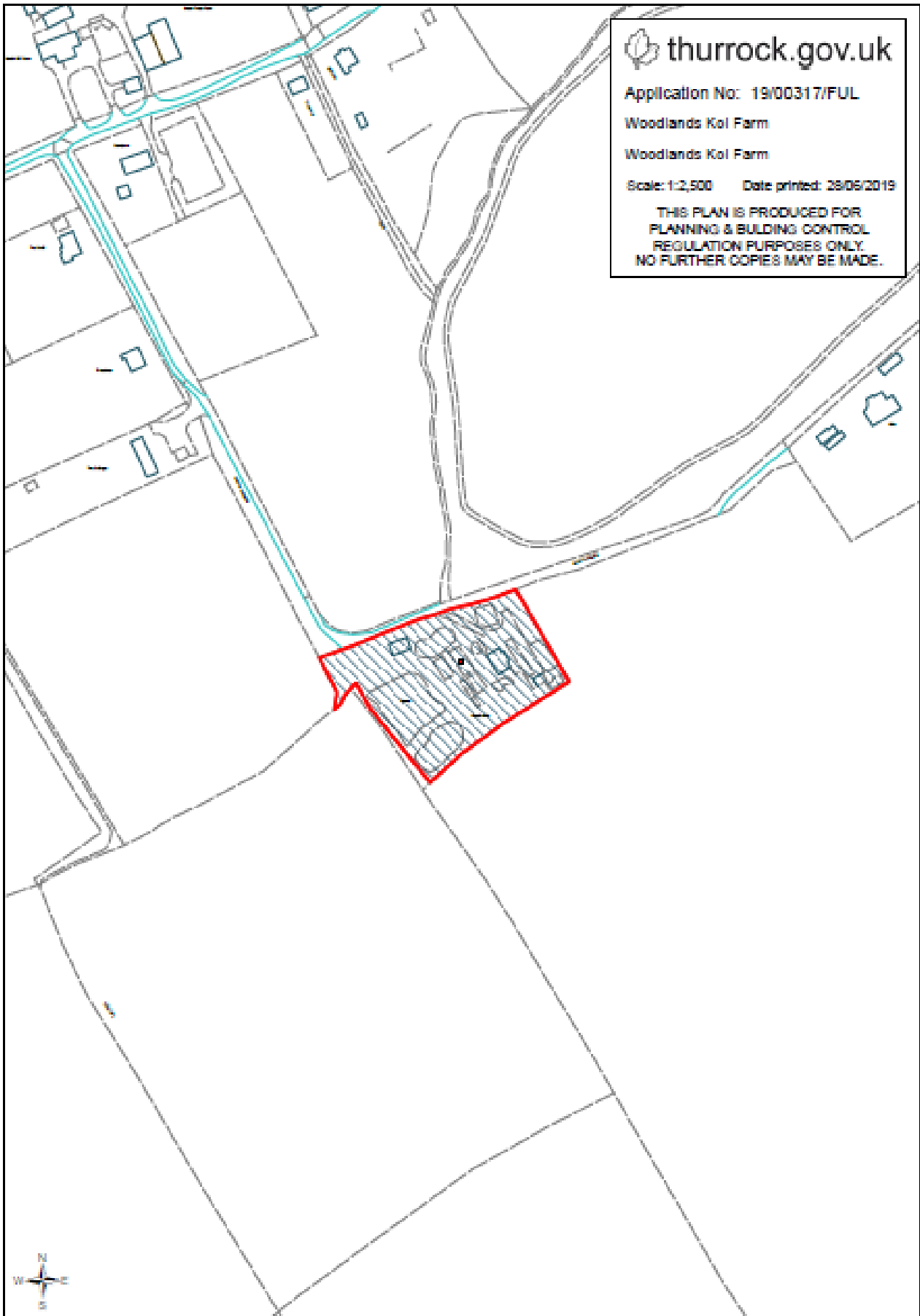
**1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by 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](http://www.thurrock.gov.uk/planning)



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# Agenda Item 12

Planning Committee 11.07.19	Application Reference: 19/00573/CV
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<b>Reference:</b> 19/00573/CV	<b>Site:</b> Land east of Purfleet Thames Terminal and south of railway line London Road Purfleet
<b>Ward:</b> West Thurrock and South Stifford	<b>Proposal:</b> Application for the removal or variation of condition following grant of planning permission: proposed variation to condition no. 3 (replacement of approved plans) and condition no. 4 (amendment of construction phasing) of planning permission ref. 18/00404/FUL (Development of a car storage building with associated site works and ecological mitigations).

<b>Plan Number(s):</b>		
Reference	Name	Received
0110 Rev. 0	Site Plan	11.04.19
0111 Rev. 0	Site Plan – Planning	11.04.19
0301 Rev. 1	Ground Floor	11.04.19
0302 Rev. 0	First Floor	11.04.19
0303 Rev. 0	Second Floor	11.04.19
0304 Rev. 0	Third Floor	11.04.19
0305 Rev. 0	Fourth Floor	11.04.19
0306 Rev. 0	Fifth Floor	11.04.19
0307 Rev. 0	Elevations	11.04.19
0308 Rev. 0	Sections S1, S2, S3 and S4	11.04.19
0309 Rev. 0	Sections S5, S6, S7 and S8	11.04.19
0310 Rev. 0	3D View	11.04.19
1101 Rev. 1	Overview Staircase 1	11.04.19
1102 Rev. 1	Overview Staircase 2	11.04.19
1103 Rev. 1	Overview Staircase 3	11.04.19
1104 Rev. 1	Refuge Tunnel - Overview	11.04.19
1105 Rev. 0	Refuge Tunnel - Sections	11.04.19
1106 Rev. 1	Overview Staircase 4	11.04.19
1107 Rev. 1	Overview Staircase 5	11.04.19
1108 Rev. 1	Overview Staircase 6	11.04.19
1109 Rev. 1	Overview Staircase 7	11.04.19
1110 Rev. 1	Overview Staircase 8	11.04.19
1111 Rev. 1	Overview Staircase 9	11.04.19

The application is also accompanied by:

- Planning Statement;
- Design and Access Statement;
- Environmental Statement Addendum Volume 1 – Text and Figures;
- Environmental Statement Addendum Volume 2 – Technical Appendices
- Environmental Statement Non-Technical Summary
- Flood Risk Assessment Addendum
- Landscape and Visual Appraisal Addendum

**Applicant:**

Purfleet Real Estate Ltd.

**Validated:**

12 April 2019

**Date of expiry:**

2 August 2019

**Recommendation:** Approve, subject to conditions.

**1.0 DESCRIPTION OF PROPOSAL**

**1.1 Brief Summary**

This application seeks to vary conditions attached to a planning permission (ref. 18/00404/FUL) for the development of a car storage building (with ancillary works) on land to the east of the Purfleet Thames Terminal, operated by C.RO Ports London Ltd. The application seeks permission to vary two conditions which address: firstly the list of approved plans for the development (condition no. 3); and secondly the phasing of the development and in particular a requirement that there should be no increase in capacity at the port terminal associated with the development until a new roundabout and security gate complex (subject to a separate grant of planning permission ref. 16/01574/FUL) are operational (condition no. 4). This application is scheduled for determination by the Planning Committee because the proposal represents a similar scheme to an earlier application considered by the Committee (ref. 18/00404/FUL) and as the application is accompanied by an Environmental Statement (ES).

1.2 The current relevant conditions attached to 18/00404/FUL and the proposed amendments are summarised below:

1.3 Condition no. 3 currently reads:

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

6169\_SK001

*Redline Plan*

6169\_SK002

*Location Plan*

<i>L898-BLP-00-GF-DR-S-0002 Rev. P03</i>	<i>Car Storage Site Plan</i>
<i>L898-BLP-00-GF-DR-S-0003 Rev. P01</i>	<i>Car Storage Site Plan - (Planning)</i>
<i>L898-BLP-00-00-DR-S-0001 Rev. P02</i>	<i>Car Storage - Ground Floor</i>
<i>L898-BLP-00-01-DR-S-0001 Rev. P02</i>	<i>Car Storage - First Floor</i>
<i>L898-BLP-00-02-DR-S-0001 Rev. P02</i>	<i>Car Storage - Second Floor</i>
<i>L898-BLP-00-03-DR-S-0001 Rev. P02</i>	<i>Car Storage - Third Floor</i>
<i>L898-BLP-00-04-DR-S-0001 Rev. P02</i>	<i>Car Storage - Fourth Floor</i>
<i>L898-BLP-00-05-DR-S-0001 Rev. P02</i>	<i>Car Storage - Fifth Floor</i>
<i>L898-BLP-00-06-DR-S-0001 Rev. P02</i>	<i>Car Storage - Sixth Floor</i>
<i>L898-BLP-00-ZZ-DR-S-0101 Rev. P01</i>	<i>Typical Fire Egress Stair Details</i>
<i>L898-BLP-00-ZZ-DR-S-0102 Rev. P01</i>	<i>Typical Fire Fighting Lift and Fire Egress Stair Details</i>
<i>L898-BLP-00-ZZ-DR-S-1001 Rev. P01</i>	<i>North Elevation</i>
<i>L898-BLP-00-ZZ-DR-S-1002 Rev. P01</i>	<i>East Elevation</i>
<i>L898-BLP-00-ZZ-DR-S-1003 Rev. P01</i>	<i>South Elevation</i>
<i>L898-BLP-00-ZZ-DR-S-1004 Rev. P01</i>	<i>West Elevation</i>
<i>L898-BLP-00-ZZ-DR-S-1005 Rev. P01</i>	<i>Section 1-1</i>
<i>L898-BLP-00-ZZ-DR-S-1006 Rev. P01</i>	<i>Section 2-2</i>
<i>L898-BLP-00-ZZ-DR-S-1007 Rev. P01</i>	<i>Section 3-3</i>
<i>L898-BLP-00-VS-DR-S-0001 Rev. P01</i>	<i>3D View and Standard Notes</i>

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

1.4 The current proposal would replace all of these plans with revisions to include the following main changes from the approved scheme:

- reduction in to the total number of car storage spaces from 9,888 to 8,755;
- reduction from a 6-storey to a 5-storey building, with associated decrease in height from c.26m to c.20.4m (to top of stair enclosures);
- changes to the arrangement of lighting columns to the top deck of the building;
- changes to internal access ramps and other internal details;
- removal of fire lifts
- changes to layout of ecological areas.

1.5 The car storage building as shown on the revised plans would be a smaller structure in footprint (as well as height) compared to the approved scheme. The maximum dimensions of the current proposal would be 213m (measured N to S) x 132m (measured E to W) compared to 207m x 173m as approved. However the revised proposals introduces surface-level open storage on the eastern, northern and western sides of the building (590 spaces), whereas the approved scheme has no open car storage. Nevertheless, there would be no reduction in the total area available for ecological mitigation.

1.6 The proposed revision to the wording of condition no. 3 would read as follows:

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

0110 Rev. 0	Site Plan
0301 Rev. 1	Ground Floor
0302 Rev. 0	First Floor
0303 Rev. 0	Second Floor
0304 Rev. 0	Third Floor
0305 Rev. 0	Fourth Floor
0306 Rev. 0	Fifth Floor
0307 Rev. 0	Elevations
0308 Rev. 0	Sections S1, S2, S3 and S4
0309 Rev. 0	Sections S5, S6, S7 and S8
1101 Rev. 1	Overview Staircase 1
1102 Rev. 1	Overview Staircase 2
1103 Rev. 1	Overview Staircase 3
1104 Rev. 1	Refuse Tunnel - Overview
1105 Rev. 0	Refuge Tunnel - Sections
1106 Rev. 1	Overview Staircase 4
1107 Rev. 1	Overview Staircase 5
1108 Rev. 1	Overview Staircase 6
1109 Rev. 1	Overview Staircase 7
1110 Rev. 1	Overview Staircase 8
1111 Rev. 1	Overview Staircase 9

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

1.7 Condition no. 4 currently reads:

*“The development hereby permitted shall be carried out in accordance with the construction phasing set out in Chapter 4.0 the Environmental Statement submitted with the application and there shall be no increase in capacity (associated with this application) at the Terminal until the roundabout and security gate complex (subject to planning permission ref. 16/01574/FUL) are operational, unless otherwise agreed in writing with the local planning authority.*

*Reason: In order to comply with the terms of the submitted application and the associated assessments”.*

1.8 The justification for this condition comprises a need to ensure that additional commercial vehicle movements associated with increases in port capacity at the car

storage building do not impact on the existing Air Quality Management Area (AQMA no. 10) located along a stretch of London Road both east and west of the existing port access road and including residential properties at Jarrah Cottages, Joslin Road, Lockyer Road and Linden Close. The extant condition therefore requires the new access arrangements (avoiding the AQMA) to be operational before the approved car deck becomes operational. On the assumption that movements of new cars, via transporters, from the terminal to dealerships etc. would be via the existing terminal access (located within the AQMA) the additional movements would be in conflict with objectives for improving air quality. Therefore, the extant condition requires construction and operation of a new terminal access (permission ref. 16/01574/FUL) avoiding the AQMA, before operation of the car deck.

- 1.9 The current proposal essentially proposes the operation of the car deck prior to the construction of the new access. In support of the application, the applicant refers to delays encountered in the delivery of the new access as a result of necessary relocation / diversion of gas main infrastructure. As a result, operation of the new access is not expected until mid to late 2021. In the meantime, the port has assessed the implications of Brexit on the business and considers it likely that more storage space will be required for vehicles awaiting dispatch as a result of new and increased customs arrangements. The port therefore seeks to add storage capacity now rather than delaying until 2021. Assuming a construction start on-site of August 2019 the ES states that construction of the building would be completed in July 2020.
- 1.10 The proposed arrangements for movements within the terminal are set out within the TA addendum as follows:
- imported / exported vehicles will continue to be transported under their own power within the terminal i.e. to and from the roll-on roll-off berths / car storage building / pre-delivery inspection building
  - for dispatch from the site cars would be collected from the 'North Park' part of the terminal for collection by car transporters (with an average capacity for 9 cars)
  - Car transporters would enter and leave 'North Park' via Jurgen's Road, located immediately east of the terminal, which in turn connects to London Road a short distance to the west of the HS1 viaduct and Stonehouse Corner roundabout junction.
- 1.11 Compliance with arrangement would mean that cars imported / exported from the proposed car storage building would not travel through the Jarrah Cottages AQMA.
- 1.12 The proposed revision to the wording of condition no. 4 would read as follows:

*"The development hereby permitted shall be carried out in accordance with the*

*construction phasing set out in Chapter 4.0 of the Environmental Statement Addendum dated April 2019 submitted with the application, unless otherwise agreed in writing by the local planning authority”.*

**2.0 SITE DESCRIPTION**

2.1 The site comprises a roughly triangular-shaped land parcel bordered by the Purfleet – Grays railway line to the north, Stonehouse Sewer (main river) and the Unilever site to the west and the private access road serving Purfleet aggregates terminal to the east. The site is largely occupied by open rough grassland. Historic Ordnance Survey mapping suggests that this area formed part of the adjacent margarine works from approximately the 1940’s and a railway siding crossed the site from north-east to south-west. This siding was partially covered by a long shed building and a series of storage silos were positioned at the end of the siding. The railway sidings and associated structures have now been removed. The site is unused and largely overgrown with vegetation. The site extends to approximately 5.3Ha in area. The site is located within the high risk flood zone (Zone 3a), although benefits from tidal defences adjacent to the River Thames. The site is allocated by the Core Strategy policies map as land for new development within a primary industrial and commercial area.

**3.0 RELEVANT HISTORY**

Reference	Description of Proposal	Decision
49/00131/FUL	New soap works	Approved
54/00315/FUL	Erection of factory premises	Approved
54/00388/FUL	Erection of industrial buildings	Approved
74/01061/FUL	Land to be used for parking of commercial vehicles	Approved
99/00378/FUL	Temporary storage of motor vehicles	Approved
02/00509/TBC	Construction of a two lane single carriageway road from London Road. A new roundabout, a new bridge and other ancillary works	Withdrawn
02/00515/FUL	Construction of a new access to the east of Van Den Bergh foods to the new access road from London Road	Approved
12/00954/FUL	Erection of a Class B8 warehouse and ancillary offices, car parking, manoeuvring area and hard standing and landscaping	Finally disposed of
16/00644/FUL	Construction of a private estate road on land to the east of Purfleet Thames Terminal, south of railway line	Approved

<p>16/00877/SCO</p>	<p>Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed expansion of port facilities to increase capacity and improve operational efficiencies comprising (i) new primary site access in the form of a new roundabout at the London Road / Jurgen's Road junction (ii) secondary (optional) access onto London Road (iii) internal four lane bridge crossing the Purfleet - Grays railway line (iv) new internal access road network (v) realignment of internal railroad tracks (vi) demolition / removal and replacement of existing berths and construction of new berths (vii) surface multi-purpose storage and multi-storey car decks (viii) new container yard equipment and (ix) new workshop, hanger and employees' facilities</p>	<p>Advice Given</p>
<p>16/01574/FUL</p>	<p>Demolition of existing structures and construction of new roundabout and highway works at Stonehouse Corner/London Road, new secure site entrance and exit facilities, along with landscaping, drainage and associated works.</p>	<p>Approved</p>
<p>16/01698/FUL</p>	<p>Full planning permission for the demolition of existing buildings and structures and the erection of new buildings, structures, port infrastructure (including road, railways, tracks, gantries and surfacing) landscaping, drainage, and other ancillary works in association with continued use of the port for the storage and transfer of trailers, containers and cars, including the erection of a car storage building on the former Paper Mills land, a workshop in South Park, and a new areas of open storage and transfer trailers, containers and cars on land at Purfleet Farm and south of the railway line. Outline planning permission for the expansion of the existing Pre-Delivery Inspection Building.</p>	<p>Approved</p>

18/00404/FUL	Development of a car storage building with associated site works and ecological mitigations.	Approved
19/00121/CONDC	Application for the approval of details reserved by condition nos. 10 (Ground contamination) of planning permission ref. 18/00404/FUL (Development of a car storage building with associated works and ecological mitigations.).	Advice Given
19/00194/CONDC	Application for the approval of details reserved by condition no. 11 (Contamination Risk Assessment and Site Investigation) of planning permission ref. 18/00404/FUL (Development of a car storage building with associated site works and ecological mitigations.)	Advice Given
19/00343/CONDC	Application for the approval of details reserved by condition no 6 (Ecological Mitigation) of planning permission ref. 18/00404/FUL (Development of a car storage building with associated site works and ecological mitigations.)	Advice Given
19/00422/CONDC	Application for the approval of details reserved by condition no. 17 (Archaeological Investigation) no. 18 (Archaeological Mitigation Strategy) of planning permission ref. 18/00404/FUL (Development of a car storage building with associated site works and ecological mitigations.)	Pending Consideration
19/00428/CONDC	Application for the approval of details reserved by condition no. 5 (Construction Environment Management Plan) of planning permission ref. 18/00404/FUL (Development of a car storage building with associated site works and ecological mitigations).	Pending Consideration
19/00813/CONDC	Application for the approval of details reserved by condition no 14 of planning permission ref 18/00404/FUL (Development of a car storage building with associated site works and ecological mitigations)	Pending Consideration
19/00814/CONDC	Application for approval of details reserved by condition no. 15 (Foundation design) of planning permission ref. 18/00404/FUL	Under Consideration



	(Development of a car storage building with associated site works and ecological mitigations.)	
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3.1 From the table above, attention is drawn to planning permission ref. 16/01698/FUL which includes the current application site and permits the storage and transfer of containers, trailers and cars on this land parcel. Planning permission ref. 16/00644/FUL is also relevant and grants consent for the construction of an internal port estate road linking the current site to the remainder of the port complex to the west.

**4.0 CONSULTATIONS AND REPRESENTATIONS**

4.1 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters (55 in total), press advert and public site notices which have been displayed adjacent to the site. The proposals have been advertised as a major development and accompanied by an Environmental Statement. The following replies have been received.

4.2 Local Residents:

Two letters of objection have been received referring to:

- impacts on air quality;
- traffic congestion; and
- new access arrangements should be implemented first

4.3 Consultation Responses:

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

4.4 ENVIRONMENT AGENCY:

No reply received.

4.5 PURFLEET-ON-THAMES FORUM:

No reply received.

4.6 ANGLIAN WATER:

No reply received.

4.7 ESSEX FIRE & RESCUE SERVICE:

No reply received.

4.8 ESSEX COUNTY COUNCIL (ARACHEOLOGY):

Offers no comments.

4.9 HIGHWAYS ENGLAND:

Offer no objection.

4.10 NETWORK RAIL:

No reply received.

4.11 NATURAL ENGLAND:

Offers no comments.

4.12 ENVIRONMENTAL HEALTH OFFICER:

Agrees with the findings of the Environmental Statement Addendum that the proposal will not adversely affect the noise environment or air quality already identified for this development.

4.13 FLOOD RISK MANAGER:

No objection, provided that all previous planning conditions relating to drainage remain in place.

4.14 HIGHWAYS:

No objections – subject to a s278 (Highways Act 1980) agreement being in place for the implementation of the approved revised access arrangements at a later date.

4.15 LANDSCAPE & ECOLOGY:

The reduced height of the proposal will marginally reduce visual impact. The proposed changes to the approved scheme will not adversely affect any additional ecological interests.

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018 (and subsequently updated with minor amendments on 19th February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*
  - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

<sup>1</sup> *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...*

<sup>2</sup> *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

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

- 6. Building a strong, competitive economy;
- 9. Promoting sustainable transport;
- 12. Achieving well-designed places;

14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural environment.

## 5.2 National Planning Practice Guidance (NPPG)

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Natural Environment;
- Travel plans, transport assessments and statements in decision-taking; and
- Use of Planning Conditions.

## 5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP2 (Sustainable Employment Growth)

Thematic Policies:

- CSTP6 (Strategic Employment Provision);
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury);
- CSTP17 (Strategic Freight Movement and Access to Ports);
- CSTP19 (Biodiversity);
- CSTP22 (Thurrock Design);
- CSTP27 (Management and Reduction of Flood Risk) and
- CSTP28 (River Thames).

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity);
- PMD2 (Design and Layout);
- PMD7 (Biodiversity, Geological Conservation and Development);
- PMD9 (Road Network Hierarchy);
- PMD10 (Transport Assessments and Travel Plans); and
- PMD15 (Flood Risk Assessment).

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

### 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. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) in December 2018, the consultation has now ended and the responses are being considered as progress is made on the Local Plan..

## 6.0 ASSESSMENT

### 6.1 Procedure

The original planning application for the car storage building (ref. 18/00404/FUL) was accompanied by an Environment Statement (ES) submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If the current application were to be approved the legal effect would be a new planning permission. Consequently, to comply with the above regulations, the application is submitted with an ES Addendum which considers the environmental effects of the development during construction and operation and includes measures to prevent, reduce or offset any significant adverse effects on the environment. The contents of the ES Addendum replicate the original ES and comprise:

1. Introduction;
2. EIA Methodology;
3. Description of Reasonable Alternatives and Design Iteration;
4. Description of Proposed Development;
5. Ecology and Nature Conservation;
6. Traffic and Transport;
7. Air Quality;
8. Noise and Vibration;

9. Cumulative Assessment; and
10. Summary of Mitigation Measures.

- 6.2 The Council has a statutory duty to consider environmental matters and an EIA is an important procedure for ensuring that the likely effects of new development are fully understood and fully taken into account before development proceeds. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted but also facilitates the drafting of planning conditions and legal agreements in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.
- 6.3 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations as necessary.
- 6.4 As mentioned above, this is an application under s73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under s73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent intact and unaffected. Accordingly, if the current application is approved both the original consent (18/00404/FUL) and the current proposal (19/00573/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.
- 6.5 The assessment below assesses the proposed changes to the planning conditions with regard to impacts on relevant environmental topics, including ecology, transport, air quality and noise.
- 6.6 Condition no. 3 (Approved Plans):

As noted above, the current proposal would result in a smaller building footprint than the consented scheme, albeit a proposed new area of surface-level car storage located to the north, east and west of the building would partly occupy the space taken by the consented building. Accordingly, the overall footprint of the proposed

development (i.e. building and surface-level car storage) is very similar to the consented scheme.

- 6.7 With regard to impacts on ecological interests, the report presented to Planning Committee for application ref. 18/00404/FUL noted that although the site is not designated for nature conservation importance, parts of the site comprise open mosaic habitat on previously developed land which is a habitat of principal importance. Similar to both the site-wide permission for the terminal (ref. 16/01698/FUL) and the extant permission, the current scheme would involve the loss of a substantial part of this habitat. However, an ecological mitigation area 0.32 Ha in area is proposed located adjacent to the eastern, southern and western boundaries of the site. The extent and arrangement of this area is similar to the approved scheme. The landscape and ecology advisor has advised that there are no objections to the current proposal on ecological grounds.
- 6.8 The site lies within an impact risk zone drawn around the West Thurrock Lagoon and Marshes SSSI (located south-east of the site), albeit in the outer-most concentric zone. In these circumstances Natural England has been consulted and their consultation response expresses no comments on the submission.
- 6.9 The current scheme would involve a reduction of 1,113 in the total number of cars stored on-site from 9,888 (consented) to 8,755 (current proposal). Access / egress arrangements onto the surrounding road network are considered separately under the assessment of condition no. 4. Similarly noise and air quality considerations are assessed under the heading of condition no. 4.
- 6.10 The 2018 planning application was accompanied by a landscape and visual impact assessment (LVIA) which considered the impacts of a 26m high building (measured to the top of the lift enclosures). The 2018 assessment concluded that given the landscape character of the site, which is characterised by industrial uses, utilities and transport infrastructure, the impact of a 26m (max.) high building on landscape and visual receptors would be negligible. The current proposal would reduce the overall height of the building by one storey and from a maximum height of 26m to 20.4m. A LVIA addendum accompanies the current application and concludes that the conclusions of the original assessment remain valid, that is, a negligible impact. This conclusion is agreed by the landscape and ecology advisor.
- 6.11 Condition no. 4 (Construction Phasing):

The proposed amendment to condition no. 4 would allow the operation of the car storage building (from an estimated date towards the end of 2020) before the construction of the approved new access and roundabout (permission ref. 16/01574/FUL) which may not be operational until mid-late 2021. As referred to

above, the requirements of the current condition limit an increase in the capacity of the terminal associated with the car storage building until the new access is operational. Also referred to above are the proposed movements for cars and car transporter vehicles during the period between when the car storage building becomes operational and the first use of the new access (described in the ES Addendum as the 'Operational Interim Scenario')..

6.12 Highways / Transport Issues:

Although the applicant's TA refers to a proposed opening date of mid-late 2021 for the new access arrangements, as delivery is partly dependent on diversion of services it cannot be guaranteed that the timeline will be met. Planning permission for the access was granted in May 2017, subject to a condition that development must commence no later than May 2020. Although the majority of pre-commencement planning conditions have been discharged, not all have. The variation to condition no. 4 seeks an alternative access arrangement for cars stored on the car deck and, as a worst-case scenario, it must be assumed that the alternative arrangements could operate on a permanent basis, given the current uncertainty regarding delivery of the consented access.

6.13 With regard to impacts on traffic and transportation, the TA Addendum refers to the reduced capacity of the revised car storage building (reducing from 9,888 to 8,755 spaces) and the intended arrangement whereby all traffic associated with the building will access and exit onto the public road network using the existing London Road / Jurgen's Road junction. The Addendum assumes a dwell-time of c. 23 days for cars at the building and, to inform a robust assessment, assumes the building will operate at full capacity. With a storage capacity of 8,755 cars, these assumptions equate to an annual throughput of 139,545 vehicles on-site. As noted above, these movements do not impact on the public highway as they comprise internal movements within the port complex from the roll-on / roll-off berths to the storage building. With regard to the export of vehicles from the site, the TA Addendum assumes an average of 9 vehicles will be carried on each car transporter resulting in 15,505 transporters visiting the site per annum (i.e. 31,010 two-way movements). On an average week the Addendum assumes 602 two-way transporter movements and on the busiest day (Wednesday) 138 two-way movements. These movements would be spread throughout the day and the Addendum assumes 8 two-way movements in the A.M. peak hour (08.00-09.00) and 6 two-way movements in the P.M. peak hour (17.00-18.00). These assumptions are summarised in the table below:

Car storage building capacity	8,755 vehicles
Annual maximum of vehicles on-site	8,755 vehicles x 365 days ÷ 22.9 day dwell time = 139,545 vehicles



Transporters	139,545 vehicles ÷ 9 (average transporter capacity) = 15,505 transporters (31,010 two-way movements).
Average Weekly Transporter Movements	602 (two-way)
Peak Day Transporter Movements	138 (two-way)
Peak Hour Transporter Movements	A.M. 8 (two-way) P.M. 6 (two-way)

- 6.14 As car transporters would join the road network at the Jurgen’s Road / London Road junction, the TA Addendum includes an assessment of effects on the operation of this junction. The TA assumes that transporters would exit Jurgen’s Road turning right onto London Road and access the Strategic Road Network (A13 or M25) via Stonehouse Lane or the A1090 Purfleet Bypass / Arterial Road.
  
- 6.15 Based on existing (2016) conditions the Addendum considers that the junction operates well within capacity, with a maximum ratio of flow to capacity (RFC) of 0.25 in the A.M. peak. For information, RFC values of 0.85 are typically regarded as the level where congestion occurs and where intervention is required. The Addendum models the operation of the junction for a future traffic baseline with committed developments (including Purfleet Centre) and the operation of the proposed car storage building. This modelling shows a maximum RFC of 0.43 in the P.M. peak which remains well within the 0.85 RFC referred to above. The applicant therefore considers that the proposed variation to condition no. 4 will have no material impact on the operating capacity of this junction which will continue to operate within capacity.
  
- 6.16 The consultation response from the Highways Officer refers to the approved car storage building and the consideration, when that proposal was determined, that significant impact on the highway network was unlikely (as vehicle movements would occur inside the port estate – with the exception of vehicle exportation). The Highways Officer therefore raises no objection, subject to a s278 agreement (Highways Act 1980) being in place for the implementation of the revised port access at a future date. However, national Planning Practice Guidance is clear that planning conditions cannot be used to require compliance with other regulatory requirements as the test of necessity and relevance to planning will not be met (Paragraph: 005 Reference ID: 21a-005-20140306). As the TA Addendum demonstrates that the London Road / Jurgen’s Road junction will continue to operate within capacity, there are no technical highways objections to the proposal. Condition no. 20 (below) also requires the submission, approval and operation of a routing strategy for HGVs. Nevertheless, the Highways Officer has pointed out that adopted Core Strategy policy PMD9 presumes against the intensification of use of existing accesses and

has therefore requested that the separate agreement under the Highways Act (s278) is completed. The completion of a s278 agreement would provide some certainty that the approved new terminal access would be completed. However, as noted, above it is not possible for a planning condition to require the applicant to enter into an agreement under non-planning legislation. In order to provide some comfort the applicant has agreed to provide a side letter confirming that they fully intend to conclude the s278 agreement (currently in preparation) associated with the approved roundabout and security gate complex (Ref 16/01574/FUL). Discussions with the applicant have also resulted in the drafting of a further planning condition to require a HGV monitoring strategy to ensure that HGV movements associated with the operation of the car deck would not exceed the levels presented and assessed in the TA Addendum. The monitoring strategy would cover the 'Operational Interim Scenario', that is the time period between the first operation of the car deck and the first operation of the new terminal access.

#### 6.17 Air Quality / Noise Issues:

The ES accompanying the original planning application (ref. 18/00404/FUL) referred to recorded concentrations of nitrogen oxides (NO<sub>2</sub>) in exceedance of air quality objective standards at locations along London Road (Jarrah Cottages) and the Arterial Road (A1306). AQMAs have been designated in response. The original ES considered the impacts of construction related dust and traffic emissions and concluded that impacts would not be significant. As the revised storage building would be a smaller structure, the conclusions of the original ES are unchanged. With regard to traffic emissions associated with the operational phase, as movements of car transporters would not pass through the London Road AQMA the conclusions of the original ES are unchanged (i.e. there would be no significant impacts on air quality). The Environmental Health Officer agrees with this conclusion.

6.18 Similarly the conclusions of the original ES, referring to construction and operational noise, are unaffected by the proposed revisions to the car storage building and the proposals do not give rise to any additional impacts above those previously considered.

#### 6.19 Major Hazard Sites:

The site is located within the 'outer' consultation zone drawn around the Vopak West Thurrock hazardous installation and also within the 'inner', 'middle' and 'outer' zones drawn around the Civil and Marine Slag Cement Ltd hazardous installation. The Health and Safety Executive (HSE) directs local planning authorities to utilise their Planning Advice Web App consultation system in order to generate a consultation response. With reference to the proposed storage use on the Unilever land the system has been used to generate a response which "does not advise against" the

granting of planning permission. This response is on the basis that the proposed car deck is a storage facility which is not normally occupied (i.e. vehicles are driven to the storage building, stored for an average of 23 days and then moved for collection by transporters).

6.20 Impact of the proposals on the emerging Purfleet Centre Redevelopment Scheme:

The report on the 'site-wide' planning application (ref. 16/01698/FUL) presented to Planning Committee in April 2017 included an assessment of the Terminal proposals on the Purfleet Centre project. At that time an outline planning permission for the project (ref. 11/50401/TTGOUT) had been granted but it was considered unlikely that this permission would be implemented. Since April 2017 a revised outline planning application has been submitted (17/01668/OUT) and this application was presented to Committee in April 2019 where Members resolved to grant outline permission subject to:

- referral to the Secretary of State;
- planning conditions;
- completion of a s106 agreement & undertaking;
- completion of a s111 agreement; and
- approval of mitigation measures by Highways England.

At the time of writing Highways England has not agreed mitigation measures and the s106 and s111 have not been completed.

6.21 The current application site is physically separate from the Purfleet Centre and is also some considerable distance (c. 1km) away. In these circumstances it is considered that the proposals would not conflict with the submitted masterplan proposals for Purfleet Centre.

## 7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

This application is submitted pursuant to s73 of the Town and Country Planning Act 1990 and seeks variations to two planning conditions attached to the full planning permission for the car storage building. The proposed changes to condition no. 3 (approved plans) would result in a smaller building footprint and height, albeit with an area of open vehicle storage introduced. The overall vehicle storage capacity at the site would reduce. There are no landscape, visual or ecological objections to the proposal. The effect of varying condition no. 4 would be to enable the storage building to operate before construction of the new port access / gate arrangements (approved separately). Car transporters serving the car storage building would enter and leave the port terminal via the existing London Road / Jurgen's Road junction,

thereby avoiding HGV movements, associated with the development, through the nearby London Road AQMA (Jarrah Cottages). There are no, noise or air quality objections to this revision. The Highways Officer considers that ideally the s278 (Highways Act) agreement to deliver the new access should be in place now, but it is not possible to use a planning condition to require this outcome. However, the applicant has provided a 'letter of comfort' to confirm their intention to complete the s278 (which is currently in draft). This letter and a new planning condition requiring HGV monitoring are acceptable. As noted above, where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. The grant of planning permission under section 73 should therefore repeat the relevant conditions from the original planning permission.

## 8.0 RECOMMENDATION

APPROVE the application, subject to the following conditions:

1. Within the following conditions the definitions listed below apply -

### Site Preparation Works:

Includes the following enabling work required to prepare the site for development:

- site clearance works
- demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations
- removal of existing and surplus rubble
- removal of services including service trenches
- archaeological and ground investigations
- remedial work
- carrying out CAT scans to confirm all existing services are clear
- the erection of a hoarding line
- providing piling matting
- providing clear health and safety information
- piling works.

### Advanced Infrastructure Works:

Includes the following enabling infrastructure:

- installing drainage infrastructure
- installing services and utilities
- construction of foundations and ground floor/level slab
- ground levelling works.

### Construction Works:

Superstructure works above the ground floor level/slab required to erect a building or structure.

Landscape Works:

Surface landscaping works required to implement internal routes, storage areas and green infrastructure.

First Operation:

Refers to the first commencement of the use of a building or land.

2. The development hereby permitted must be begun not later than 7<sup>th</sup> June 2021.

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

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

0110 Rev. 0	Site Plan
0301 Rev. 1	Ground Floor
0302 Rev. 0	First Floor
0303 Rev. 0	Second Floor
0304 Rev. 0	Third Floor
0305 Rev. 0	Fourth Floor
0306 Rev. 0	Fifth Floor
0307 Rev. 0	Elevations
0308 Rev. 0	Sections S1, S2, S3 and S4
0309 Rev. 0	Sections S5, S6, S7 and S8
1101 Rev. 1	Overview Staircase 1
1102 Rev. 1	Overview Staircase 2
1103 Rev. 1	Overview Staircase 3
1104 Rev. 1	Refuse Tunnel - Overview
1105 Rev. 0	Refuge Tunnel - Sections
1106 Rev. 1	Overview Staircase 4
1107 Rev. 1	Overview Staircase 5
1108 Rev. 1	Overview Staircase 6
1109 Rev. 1	Overview Staircase 7
1110 Rev. 1	Overview Staircase 8
1111 Rev. 1	Overview Staircase 9

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

4. The development hereby permitted shall be carried out in accordance with the construction phasing set out in Chapter 4.0 of the Environmental Statement Addendum dated April 2019 submitted with the application unless otherwise

agreed in writing with the local planning authority.

Reason: In order to comply with the terms of the submitted application and the associated assessments.

5. The development hereby permitted shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) dated January 2019 submitted to the local planning authority under application reference 19/00428/CONDC.

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

6. The development hereby permitted shall be carried out in accordance with the Ecological Mitigation and Management Plan (EMMP) dated 9<sup>th</sup> April 2019.

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

7. All vegetation to be retained on the site shall be protected by chestnut paling 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 construction works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing and no changes in ground level may be made or underground services installed within the spread of any tree or shrub (including hedges) without the previous written consent of the local planning authority.

Reason: To ensure that all existing vegetation to be retained is properly protected in the interests of visual amenity and to accord with Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

8. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the bird breeding season (1st March to 31st July) except where a suitably qualified ecological consultant has confirmed in writing to the local planning authority that such clearance works would not affect any nesting birds. In the event that an active bird nest is discovered outside of this period and once works have commenced, then a suitable stand-off period and

associated exclusion zone shall be implemented until the young have fledged the nest.

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

9. No construction works shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:  
Monday to Friday 0800 - 1800 hours  
Saturdays 0800 - 1300 hours  
unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1700 hours on weekdays.

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

10. Prior to Site Preparation Works a Scheme of Investigation based on the Contamination Risk Assessment shall be carried out in accordance with the details submitted to the local planning authority under application reference 19/00121/CONDC.

Reason: Reason: To ensure that risks from land contamination to future users of the site and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

11. Prior to Advanced Infrastructure Works the Contamination Risk assessment and Site Investigation shall be conducted in accordance with the approved Scheme of Investigation and Contamination Risk Assessment, and the Phase 3 Risk Assessment and Remediation Strategy shall be carried out in accordance with the details submitted to the local planning authority under application reference 19/00194/CONDC.

Reason: To ensure that risks from land contamination to future users of the site and neighbouring land are minimised, together with those risks to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

12. Prior to first operation, the Contamination Remediation Scheme shall be implemented as approved and a Verification Report shall be submitted and approved in writing by the local planning authority. The submitted details shall include:
  - a. results of sampling and monitoring; and
  - b. a long term monitoring and maintenance plan with arrangements for contingency action.

Reason: To ensure that risks from land contamination to future users of the site and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

13. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to future users of the site and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

14. Prior to Advanced Infrastructure Works, details of finished site levels and the associated levelling and infilling works required shall be submitted to, and approved in writing by, the local planning authority. The development shall accord with the agreed details.

Reason: In order to protect the amenities of surrounding occupiers and to ensure the satisfactory development of the site in accordance with policies PMD1 and



PMD2 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

15. Prior to Advanced Infrastructure Works, details of foundation design and other works below existing ground shall be submitted to, and approved in writing by, the local planning authority. The development shall accord with the agreed details.

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

16. The development shall accord with the details of the surface water drainage scheme submitted with the application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate measures for the management of surface water are incorporated into the development in accordance with policy PMD15 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

17. Site Preparation Works shall be carried out in accordance with the Written Scheme of Archaeological Investigation submitted under to the local planning authority application reference 19/00422/CONDC.

Reason: To ensure that investigation and recording of any archaeological remains takes place in accordance with Policy PMD4 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

18. Advanced Infrastructure Works shall be carried out in accordance with the Archaeological Mitigation Strategy submitted to the local planning authority under application reference 19/00422/CONDC. All works shall be carried out in accordance with the approved Mitigation Strategy.

Reason: To ensure that investigation and recording of any archaeological remains takes place in accordance with Policy PMD4 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

19. Prior to Landscaping Works, details of the design, colour and materials of all boundary treatments shall be submitted to, and approved in writing by, the local planning authority. The boundary treatments shall be installed in accordance

with the approved details prior to operation.

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

20. Prior to first operation, a routing strategy for HGVs shall be submitted to, and approved in writing by, the local planning authority. Thereafter, operation shall be in accordance with the agreed strategy.

Reason: In the interests of highway and pedestrian safety and amenity in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

21. Prior to first operation, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to, and approved in writing by, the local planning authority. The approved FWEP shall be operational upon first use of the Development Component and shall include details of internal refuge facilities, signage and an on-site warning system.

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

22. Prior to the first operational use of the development details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority. 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 operational use of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of 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 (as amended) (2015).

23. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and its Addendum submitted with the planning application, unless otherwise provided for in any of the conditions or

subject to any alternative mitigation measures as may be approved in writing with the local planning authority, provided that such measures do not lead to there being any significant environmental effects other than those assessed in the Environmental Statement and its Addendum.

Reason: To ensure that the development is carried out in accordance with the principles of mitigation set out in the Environmental Statement and its Addendum in order to minimise the environmental effects of the development and ensure compliance with a range of development plan policies set out within the planning committee report.

24. Prior to first operational use of the development, a HGV monitoring strategy shall be submitted to and approved in writing by the local planning authority. HGV Monitoring shall be carried out in accordance with the approved strategy until the roundabout and security gate complex (subject to planning permission ref. 16/01574/FUL) are operational, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that HGV movements generated by the approved development are in accordance with the levels assessed in the Environmental Statement Addendum and Transport Statement Addendum submitted with the Application and in order to limit impacts on road safety and capacity in accordance with Policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) (2015).

### **Informative**

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

The local planning authority has acted positively and proactively in determining this application by 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](http://www.thurrock.gov.uk/planning)

