

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 **19 September 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>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 18</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 15 August 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**

**6 Planning Appeals 19 - 24**

**7 Public Address to Planning Committee**

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

**8 19/00617/FUL Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL (Deferred) 25 - 64**

**9 19/00828/FUL Land Adjacent George And Dragon, East Tilbury Road, Linford, Essex (Deferred) 65 - 84**

**10 19/01095/FUL Treetops School, Buxton Road, Grays, Essex, RM16 2WU 85 - 104**

**11 19/01101/ELEC Land at London Gateway, The Manorway, Stanford le Hope 105 - 162**

**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: **11 September 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 15 August 2019 at 6.00 pm

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**Present:** 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

**In attendance:**

Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection  
Jonathan Keen, Interim Strategic Lead of Development Services  
Julian Howes, Senior Highway Engineer  
Steven Lines, Senior Highway Engineer  
Chris Purvis, Principal Planner (Major Applications)  
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.

**24. Minutes**

The minutes of the Planning Committee held on 11 July 2019 was approved as a true and correct record.

**25. Item of Urgent Business**

There were no items of urgent business.

**26. Declaration of Interests**

There were no declarations of interest.

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

The Chair declared on behalf of the Committee that correspondence had been received from the Agents on applications 19/00247/FUL, 19/00281/FUL and 19/00287/FUL.

The Vice-Chair declared he had been approached by a reporter in regards to the developments in Bulphan.

**28. Planning Appeals**

Jonathan Keen, Strategic Lead for Development Services, presented the report which outlined the planning appeals performance.

The Committee was satisfied with the report.

**RESOLVED:**

**That the Committee noted the report.**

**29. 19/00617/FUL Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL**

This item was moved up the agenda to be heard first following a request to which the Chair agreed to due to the publicity it had received. The Chair reminded the Committee that the application should be judged on its merits and that cost was not a planning consideration following the motion that had been heard and voted on at Full Council in June 2019.

Presented by Chris Purvis, Principal Planner (Major Applications), the application sought planning permission to demolish the existing buildings and external wall on the corner of High Street and New Road to allow for the development of a building which would be an extension of the Civic Offices but would appear as a building as its own entity with a link extension to the Council's existing CO2 building. The details of the proposal was set out within the report.

Officer's recommendation was for approval subject to the conditions highlighted on pages 105 – 116 of the agenda.

Councillor Byrne sought confirmation on the proposed 2 disabled parking spaces. Chris Purvis replied that 2 spaces were shown and asked Highway Officers to confirm. Julian Howes, Senior Highway Engineer, confirmed that two spaces were adequate for the development. He went on to say that there would be areas where blue badge holders could park for a limited time with their blue badges on display and that there were more spaces along New Road.

With no further questions, the Chair invited registered speakers to address the Committee.

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

Bradley Moore, Agent Representative, presented his statement in support of the application.



The Vice-Chair noted that Bradley Moore's statement had said the proposal would be contributing to Grays and sought clarification on how the town would be regenerated through this proposal. He also asked the name of the proposed plan. Bradley Moore answered that the plan was known as the Civic Offices Phase but was not private offices for council staff. That 2 out of the 3 proposed floors were open to the public to enable them to interact with the council. The Committee rooms proposed were available for public meetings and the public had the option to book the rooms.

The Vice-Chair went on to ask how the public had been involved in the consultation of the proposed plan. Bradley Moore answered that consultation had taken place through formal and informal methods. Key groups had been consulted as well as council staff and members of the public in the Grays High Street.

Regarding Grays heritage, the Chair questioned the view of Heritage Officers. In answer, Chris Purvis said that the council's Heritage Officer had commented on the removal of the existing buildings but had judged the scheme to cause a less than substantial harm to the heritage of Grays. Therefore, it fell to Planning Officers to judge through the test of the NPPF whether the less than substantial harm was outweighed through the potential public benefits the scheme would bring. Planning Officers' view was that the public benefits outweighed this less than substantial harm.

The Chair sought more detail on 'less than substantial harm'. Chris Purvis answered that there were various tests in the NPPF for less than substantial harm. Less than substantial harm generally meant that NPPF were not objecting but if public benefits would outweigh this, then the scheme could be approved.

Noting the Ward Councillor's statement, the Chair sought more detail on the loss of sunlight issue for Pullman Court residents. Answering that a Daylight and Sunlight report was included in the Officer's report, Chris Purvis went on to say that this had been assessed by the Applicant. Residents in Pullman Court would be slightly affected by the development but there would not be any substantial harm caused which had been assessed in the report.

On Mulberry Square, the Chair noted that this was a publicly accessible open space that would be lost and asked for more details on this. Chris Purvis answered that Mulberry Square was not allocated as a formal open space in the Core Strategy. However, policies in the Core Strategy aimed to retain and provide more open spaces but an assessment of the area showed a range of open spaces in the surrounding areas of the Civic Offices which included Grays Beach and Grays Park.

The Chair said there were positives and negatives to the proposal in the application and that the Core Strategy included the regeneration of Grays Town Centre. The loss of businesses as part of the proposal would be

regrettable but it would not be enough to not go ahead with the proposal. There would be many benefits to the public.

Noting the CGI building in the Officer's presentation, Councillor Rice thought it was not pleasing to the eye and looked out of place given the Grade II listed church behind. The design of the new building was big and despite what the Daylight and Sunlight report highlighted, this would affect the residents of Pullman Court. He stated that he would be voting against the application.

Agreeing with Councillor Rice on the design of the building, Councillor Bryne said he would also be voting against the application. Also agreeing, the Vice-Chair said the style of the building did not match the surroundings of the area even though it was less intrusive than what was currently in its place. The Vice-Chair went on to say that the proposed building would also effectively replace a number of existing amenities and effect the heritage of Grays.

Councillor Rice proposed an alternative recommendation to refuse the application; contrary to Officer's recommendation. For reasons of:

- Excessive built form that did not complement the grade II listed church or the surrounding area;
- That the proposed building was bulky in design; and
- Concerns on the potential loss of daylight that would affect the residents of Pullman Court who would not have envisaged this building proposal.

Councillor Shinnick seconded the recommendation. The Chair said material considerations must be taken into account and asked Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection to advise.

Leigh Nicholson advised the Committee that Councillor Rice's proposal of an alternative recommendation was based upon material planning considerations but reasons for refusal had to be material, grounded in planning policy and supported by evidence. Reasons for refusal should be also be sustainable; given that there were no objections from the Council's technical consultees on the grounds raised.

Leigh Nicholson went on to say that if Members were minded to refuse the application, it would be necessary for Officers to bring a report back to the Committee to outline the implications of making such a decision, in accordance with Chapter 5, para 7.2 C of the Council's Constitution. The Locum Solicitor, Caroline Robins, was invited to comment. She confirmed the advice and approach was correct.

The Committee moved on to the vote of Councillor Rice's alternative recommendation as outlined above.

**For:** (5) Councillors Mike Fletcher (Vice-Chair), Gary Byrne, David Potter, Sue Shinnick and Gerard Rice.

**Against:** (4) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence and Sue Sammons.

**Abstained:** (0)

As the Committee was minded to refuse the application, in line with the Constitution Chapter 5, Part 3, Section 7.3, the application was deferred to the next Committee date to enable Officers to draft a report on the implications of refusing the application.

**30. 19/00247/FUL Judds Farm, Harrow Lane, Bulphan, Essex, RM14 3RE**

Presented by Tom Scriven, Principal Planner, the application sought planning permission to demolish the existing buildings to enable the construction of 8 two-storey houses including associated amenity space, car parking spaces and landscaping. The proposal also included the construction of a detached garage to the north of the site.

Since the publication of the agenda, there had been a few updates:

- An additional comparative site plan had been submitted which had been incorporated into the Officer's presentation;
- Additional information from the Agent on the impact to the willow tree on site which was considered by the Council's Landscape and Ecology Advisor. They advised that this information resolved their concern regarding the willow tree. Therefore, the wording of the second reason for refusal would be amended to omit the words 'an adverse impact on the existing willow tree'; and
- A letter of support from the Agent had been received which had already been assessed in the report.

Officer's recommendation was to refuse the application for the reasons set out on pages 39 and 40 of the agenda.

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

Caroline Legg, Agent, presented her statement in support of the application.

The Chair sought clarification on the statement that the proposal would be adhering to the principles of sustainable development and was acceptable in the context of Green Belt as outlined in the NPPF. Tom Scriven explained that this would not necessarily apply if the proposal contradicted with other policies in the NPPF, in this case the Green Belt. Whether the proposal was sustainable or not, it was unlikely to outweigh the harm caused to the Green Belt and that harm had been identified with regard to openness.

Councillor Rice said the site was previously developed land and that the NPPF allowed for limited infilling in villages which was a reason to depart from Officer's recommendation of refusal. The proposal would not cause

substantial harm to the Green Belt as it would meet housing needs. He went on to remind the Committee of the Wellness Centre close to the application site which had been approved by the Committee recently.

Continuing on, Councillor Rice said that the borough needed executive homes for senior managers who sought good quality accommodation. He also mentioned the borough's low supply of housing and that the proposed dwellings in the plan would enhance the area. Councillor Rice thought the application should be approved and if it was wrongly decided, then the government office would assess and overturn the decision.

Pointing out the ecology and landscape section in the report, Councillor Byrne asked whether Councillor Rice would have the same opinions after reading this section. Answering that the section had been noted, Councillor Rice said the plan fitted in with the area and that a development was also taking place down the road on China Lane.

Stating that the site was Green Belt, Steve Taylor, Campaign to Protect Rural England Representative, said that Green Belt was a broad 20 miles and at its narrowest part was 5 miles. The proposed plan would severely damage the Green Belt and the application site was not on a road, it was on a lane.

Regarding the NPPF, the Chair said this potentially gave reasons for approving the application. However, using the lack of 5 year housing supply as a reason to approve the application was not ideal as it would be setting a dangerous precedent for developments to go ahead which should not be there. As for the Wellness Centre, the application site had been a derelict pub which had allowed for development to take place. The Chair stated he would be voting for the Officer's recommendation of refusal.

Councillor Rice proposed an alternative recommendation to approve the application; contrary to Officer's recommendation. For reasons of:

- The lack of a 5 year housing supply; and
- The application site was previously developed land.

The Chair pointed out that parts of the NPPF could not be 'cherry picked' and needed to be read as a whole.

Councillor Lawrence seconded Councillor Rice's proposal to approve the application.

Leigh Nicholson drew the Committee's attention to paragraph 6.21 of the report and stated that unmet housing needs was not enough to outweigh the harm to the Green Belt. As for previously developed land, the footprint of the proposed plan would extend past the existing footprint of the site, therefore encroaching onto undeveloped land. The proposal failed these tests and therefore constituted inappropriate development in the Green Belt.

The Committee moved on to the vote of Councillor Rice's alternative recommendation as outlined above.

**For:** (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**Against:** (5) Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman and Sue Shinnick.

**Abstained:** (0)

The Chair declared the alternative recommendation lost.

The Chair proposed the Officer's recommendation of refusing the application which Councillor Byrne seconded. The Committee moved on to the vote.

**For:** (4) Tom Kelly (Chair), Gary Byrne, Colin Churchman and Sue Shinnick.

**Against:** (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**Abstained:** (1) Councillor Mike Fletcher (Vice-Chair).

With a tie in the votes, in line with the Constitution, the Chair used his casting vote to vote for refusal of the application.

Planning application 19/00247/FUL was refused planning permission following Officer's recommendation.

**31. 19/00281/FUL Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage, Peartree Lane, Bulphan, Essex**

The report was presented by Tom Scriven. The application sought planning permission to demolish an existing outbuilding to erect 6 four bed dwellings along with associated hardstanding, two cart lodge style parking areas, vehicle access and landscaping.

There was one update since the publication of the agenda which was:

- Paragraph 6.44 of the report – the separation distance from plot 5 to the house on Southover was 11 metres and not 6 metres as indicated in the report. However, the third reason for refusal remained the same.

Officer's recommendation was for refusal with reasons outlined on pages 61 and 62 of the agenda.

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

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

Kieron Lilley, Applicant, presented his statement in support of the application.

The Chair questioned whether there would be an overbearing and a significant loss of light on neighbours. Referring to the presentation slides, Tom Scriven pointed out where plot 5 was situated on the plan. That it would have a 2 storey flank wall which would affect the amenity space of Southover house despite the 11 metre distance. The wall of plot 5 would be seen from the rear garden of Southover.

Pointing out the 11 metre distance, Councillor Lawrence said she received complaints from her residents about extensions that effected their daylight. Therefore, the 11 metre distance was not close and would be unfair to refuse the application on this basis. Tom Scriven pointed out that there were other reasons for refusal. He went on to explain that the impact upon light and overbearing impact of plot 5 formed 1 out of 3 reasons for refusal of the application. Other extensions may be a single storey wall which was different to a 2 storey flank wall that would be right up to the boundary lines of the site.

Referring to Kieron Lilley's statement, the Vice-Chair sought clarification on whether the site needed very special circumstances or not; as the statement had stated that the site was compliant. Tom Scriven answered that the Applicant had considered the plan to be 'limited infilling in villages' as per the NPPF. So the Applicant did not feel very special circumstances was needed as it was not an inappropriate development on the Green Belt. Officers' view was that it was inappropriate development and drew the Committee's attention to paragraph 6.5 of the report highlighting that the application site was not within Bulphan's boundary.

The Chair agreed that the issue of lighting was a good point as this had been a concern on the earlier application, 19/00617/FUL. Councillor Rice suggested that a site visit would give the Committee a better idea of the area.

Steve Taylor pointed out that the lane leading to the application site was a dead end so essentially had one way out. It was also not within walking distance to the local school and as the site was situated within the 5 mile gap of the metropolitan Green Belt, the plan was proposing to build on the Green Belt.

Councillor Lawrence stated that the statistics from the Local Plan indicated that Thurrock would lose around 5 – 10% of its Green Belt for new homes. She went on to say that these homes would be for senior managers and that the borough would need to start building in the area of Bulphan which could bring improvements to the area as well.

The Chair noted Councillor Rice's proposal for a site visit and asked for a seconder to which there was none. The site visit was rejected.

Councillor Rice pointed out that there was a difference of opinion in whether the application site was part of Bulphan village or not. The Ward Councillor had stated that it was and the Applicant had said there was fly-tipping on the site. He felt the application should be approved as it was 'limited infilling in villages' and executive homes were needed. As for the extra burden on the local school, children may not choose to attend that school and could end up attending another school.

Noting the similarity of the next planning application, 19/00287/FUL, to this one, Councillor Byrne pointed out that approving this application would also mean approving the next one. He suggested listening to both applications before going to the vote.

Agreeing on the similarity of both applications, the Chair said each application should be heard and judged on its own merits.

Referring to executive homes, Steve Taylor pointed out that there was a number of nice houses that had been on sale for a year or so which had not been bought. Councillor Rice responded that those homes were plighted because of the proposed Lower Thames Crossing. The Chair noted the need for executive homes but agreed with Steve Taylor's point.

The Vice-Chair pointed out that the fact that the application site was on Green Belt did not emit an automatic 'no' from him and building new homes would need to be undertaken somewhere in the borough soon. Accepting Officers' views, the Vice-Chair went on to say that the application site was on a lane and the proposed homes would be shoe horned at the end which was inappropriate.

Taking a different view, Councillor Lawrence said that the homes were suitable for the area as it looked to be of mid-range prices and had seen more expensive homes built elsewhere. She went on to point out that Arena Essex was Green Belt and that it was a proposed site for building homes. Green Belt sites should be approved for developments as well and not confined to brownfield sites only.

The Chair felt that if the application was approved, there would be little room for Councillors to defend developments on Green Belt or open spaces within their wards and a dangerous precedent would be set.

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

**For:** (6) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, David Potter and Sue Shinnick

**Against:** (3) Councillors Angela Lawrence, Gerard Rice and Sue Sammons.

**Abstained:** (0)

Planning application 19/00281/FUL was refused planning permission following Officer's recommendation.

**32. 19/00287/FUL Land To Rear Of Conifers Brentwood Road And Adjacent Orchard House, Peartree Lane, Bulphan, Essex**

The report was presented by Tom Scriven. The application sought planning permission to demolish an existing structure that's currently situated within the site. The proposal was to construct 8 four bed dwellings with associated hardstanding, cart lodges, vehicle access and landscaping. Access to the site is proposed to the north from Peartree Lane.

There had been one update since the agenda was published in which Members had been sent a letter of support from the Agent. The contents of this letter had already been adequately considered within the Officer's report.

Officer's recommendation was for refusal with the reasons given on pages 83 and 84 of the agenda.

Mentioning the council's lack of a 5 year housing supply, Councillor Rice felt it was a reason to depart from the Officer's recommendation for refusal. He questioned whether the application constituted 'limited infilling in villages' as part of the NPPF. Tom Scriven explained that Members had to consider all factors of the application before deciding to depart from policy. Weight on the lack of a 5 year housing supply could not be used on its own to outweigh the harm to the Green Belt. He went on to say that the application site was similar to the previous application and that it was situated outside of Bulphan village so was not considered 'limited infilling in villages'.

With no further questions from the Committee, the Chair invited the registered speakers to address the Committee.

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

Kieron Lilley, Applicant, presented his statement in support of the application.

Noting the number of proposed dwellings in the last application and this application, Councillor Byrne commented that it would be a dangerous precedent to set if this application was approved. That the area of Bulphan could become a large housing development.

Councillor Rice pointed out that the Applicant stated the site was previously developed land. That the NPPF allowed for 'limited infilling in villages'. He thought the application proposal was reasonable and considering the lack of a 5 year supply in the borough as well as the site being previously developed land; he proposed that the application could be approved.

Steve Taylor pointed out that the concern was not on whether the site was in the village or not, it was the fact that the site was situated on the Green Belt.



The Chair added that the lack of a 5 year housing supply was not a factor that could be used on its own to outweigh the harm to the Green Belt.

Leigh Nicholson referred Members to the Constitution on departing from an Officer's recommendation. He then directed Members to paragraphs 6.11 and 6.22 of the report which highlighted the application's impact on the openness of the Green Belt and was not in line with the NPPF to allow a decision departure.

Councillor Lawrence seconded Councillor Rice's alternative recommendation for approval with the reasons outlined above and with that, the Committee then went on to the vote.

**For:** (3) Councillors Angela Lawrence, Gerard Rice and Sue Sammons.

**Against:** (5) Councillors Tom Kelly (Chair), Gary Byrne, Colin Churchman, David Potter and Sue Shinnick.

**Abstained:** (1) Councillor Mike Fletcher (Vice-Chair).

The Chair declared the alternative recommendation lost.

Councillor Byrne proposed the Officer's recommendation of refusing the application which the Chair seconded. The Committee moved on to the vote.

**For:** (5) Councillors Tom Kelly (Chair), Gary Byrne, Colin Churchman, David Potter and Sue Shinnick.

**Against:** (4) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, Gerard Rice and Sue Sammons.

**Abstained:** (0).

Planning application 19/00287/FUL was refused planning permission following Officer's recommendation.

**33. 19/00828/FUL Land Adjacent George And Dragon, East Tilbury Road, Linford, Essex**

The report was presented by Chris Purvis. The application sought planning permission to erect a terrace of 3 dwellings with associated parking, refuse and cycle storage and vehicle access. This application was a resubmission of earlier planning applications that had been withdrawn.

Since the publication of the agenda, the site, which had been covered with trees, had been cleared and therefore the landscape and ecological position had changed as the landscape and ecology assessments provided within the application were now not relevant but the reasons for refusal remained the same.

Officer's recommendation was to refuse following the reasons set out on pages 132 and 133 of the agenda.

*(The Committee agreed to suspend standing orders at 20.28 until the rest of the agenda was heard).*

Regarding the removed trees, Councillor Rice questioned if these trees were listed and whether permission was needed to remove trees. Chris Purvis confirmed that the trees removed had not been covered by a Tree Preservation Order. That trees did not require planning permission to be removed and could be done before or after permission. However, it was unusual for trees to be removed during the course of a planning application.

Councillor Rice commented that there had been units on the application site before and queried the details on this. In answer, Chris Purvis said that the application site was not considered to be previously developed land based on the definition of the NPPF and that the site had blended in with the landscape of the area.

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

Chris Nixon, Agent Representative, presented his statement in support of the application.

Councillor Sammons raised concerns on access into the application site and stated that there was often heavily congested traffic on the roundabout on Princess Margaret Road. She sought views from the Highway Officers.

Steve Lines, Senior Highway Engineer, answered that the area had been assessed and it was decided that the laybys in the road could be used to alleviate the congestion by providing an additional road width.

Councillor Rice proposed that a site visit be undertaken to allow the Committee to assess the application site. Councillor Sammons seconded this and the Committee went on to the vote.

**For:** (6) Councillors Mike Fletcher (Vice-Chair), Gary Byrne, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**Against:** (3) Councillors Tom Kelly (Chair), Colin Churchman and Sue Shinnick.

**Abstained:** (0)

Application 19/00828/FUL was deferred to a later Committee date to allow a site visit to be undertaken.

**34. 19/01095/FUL Treetops School, Buxton Road, Grays, Essex, RM16 2WU**

This item was withdrawn from the agenda and deferred to a later Committee date.

**The meeting finished at 8.41 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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

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<b>19 September 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 - Development Services	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director – Planning, Transport and Public Protection.	
<b>Accountable Director:</b> Andy Millard, Interim Director – Place	

## Executive Summary

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

### 1.0 Recommendation(s)

#### 1.1 To note the report.

### 2.0 Introduction and Background

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

### 3.0 Appeals Lodged:

- 3.1 **Application No:** 19/00345/FUL  
**Location:** 36 Caldwell Road, Stanford Le Hope  
**Proposal:** New dwelling on land adjacent to 36 Caldwell Road
- 3.2 **Application No:** 18/01533/FUL  
**Location:** 253 Princess Margaret Road, East Tilbury  
**Proposal:** The demolition of no.253 Princess Margaret Road, formation of an emergency, pedestrian and cycle access together with the erection of 3no. terraced houses
- 3.3 **Application No:** 19/00458/FUL  
**Location:** 12 Lytton Road, Chadwell St Mary

Proposal: Construction of a pair of 2 bedroom semi-detached houses with associated hardstanding and additional dropped kerb.

**3.4 Application No: 19/00500/FUL**

Location: 253 Princess Margaret Road, East Tilbury

Proposal: The demolition of no.253 Princess Margaret Road, formation of an emergency, pedestrian and cycle access, erection of fencing adjacent to Princess Margaret Road and the erection of two semi-detached houses along Sandpiper Close.

**3.5 Application No: 19/00164/FUL**

Location: Land Adjacent Groves Barns And To The East Of North Road, South Ockendon

Proposal: Demolition of existing buildings and removal of existing hardstanding and redevelopment of site, including new access road, 9 dwellings with private car parking facilities 2 no. visitor car parking spaces to the north, 12no. visitor car parking spaces for the recreational fishing lakes that are currently under construction and new refuse storage facilities.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

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

Location: 43 Cherwell Grove, South Ockendon

Proposal: Single storey side and rear extension.

Decision: Appeal Dismissed

4.1.2 The main issues in this appeal were the effect of the proposal on the character and appearance of the appeal property and the surrounding area

4.1.3 It was considered by the inspector that the expanse of flat roof wrapping around the side and rear of the dwelling would be out of keeping with its original character and form, the proposal would appear overly large and dominant also the width of the side extension would overwhelm the front elevation. It was concluded that the proposal would detract from the character and appearance of the appeal property and the wider area, and would conflict with the aims of PMD1, PMD2; CSTP22 and with the guidance in the SPD

4.1.4 Accordingly the appeal was dismissed.

4.1.5 The full appeal decision can be found online.

**4.2 Application No: 18/01610/FUL**

Location: 246 Heath Road, Chadwell St Mary

Proposal: Proposed two storey infill extension to south east corner of scheme approved under ref. 16/01166/FUL (Proposed change of use from hostel to residential (Use Class C3) to form 2 new dwellings with associated external reconfigurations to both dwellings)

Decision: Appeal Dismissed

4.2.1 The main issue in this appeal was whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations and if so, would this amount to the very special circumstances required to justify the proposal.

4.2.2 The Inspector concluded there would be harm to the Green Belt and applied substantial weight in respect to it. The Inspector found that significant harm would be caused to the character and appearance of the area. The Inspector found there were no very special circumstances that would outweigh the harm to the Green Belt and accordingly the proposal was found to be contrary to the guidance in the NPPF and Policies PMD6, PMD2 and CSTP22 of the Core Strategy which together seek to protect the Green Belt and its character and appearance.

4.2.3 Accordingly, the appeal was dismissed.

4.2.4 The full appeal decision can be found online.

**4.3 Application No: 18/01136/HHA**  
Location: 2 Marie Close, Corringham  
Proposal: Retention of roof canopy to existing pool plant room.  
Decision: Appeal Dismissed

4.3.1 The main issue under consideration in this appeal was the harm to the Green Belt.

4.3.2 The Inspector considered that the proposed development would be inappropriate development in the terms set out in the National Planning Policy Framework (NPPF) and lead to a loss of openness to the Green Belt.

4.3.3 Accordingly, the appeal was dismissed as it was considered to contravene paragraph 144 of the 2019 NPPF, which protects Green Belt.

4.3.4 The full appeal decision can be found online.

**4.4 Application No: 19/00043/OUT**  
Location: 40 High Road, Fobbing  
Proposal: Outline planning permission with all matters (except for scale) reserved for construction of 4 detached single storey dwellinghouses (affordable) with associated parking  
Decision: Appeal Dismissed

4.4.1 The main issue under consideration in this appeal was the harm to the Green Belt

4.4.2 The Inspector considered that the proposed development would be inappropriate development in the terms set out in the National Planning Policy Framework (NPPF) and lead to a moderate loss of openness to the Green Belt.

4.4.3 Accordingly, the appeal was dismissed as it was considered to contravene paragraph 11 of the NPPF, which protects Green Belt.

4.4.4 The full appeal decision can be found online.

**4.5 Application No: 18/00781/HHA**  
Location: 4 Treetops Close, Grays  
Proposal: Construction of new garage  
Decision: Appeal Dismissed

4.5.1 The main issue under consideration in this appeal was the effect of the proposed garage on the functioning of the downstairs cloakroom of 5 Treetops Close.

4.5.2 The inspector considered that the proposed development would adversely affect the living condition of the occupant contrary to Policies PMD1 and PMD2 of the Thurrock Core Strategy and Policies for Management of Development which together seek appropriate design and to ensure that development does not harm the living conditions of neighbours.

4.5.3 Accordingly the appeal was dismissed.

4.5.4 The full appeal decision can be found online.

## 6.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	3	7	3										13
No Allowed	1	0	0										1
% Allowed	33.33%	0%	0%										7.7%

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

7.1 N/A

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



8.1 This report is for information only.

## 9.0 Implications

### 9.1 Financial

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

There are no direct financial implications to this report.

### 9.2 Legal

Implications verified by: **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: 19.09.2019

Application Reference: 19/00617/FUL

<p><b>Reference:</b> 19/00617/FUL</p>	<p><b>Site:</b> Thurrock Council Civic Offices New Road Grays Essex RM17 6SL</p>
<p><b>Ward:</b> Grays Riverside</p>	<p><b>Proposal:</b> Demolition of existing buildings and external wall on the corner of High Street and New Road and refurbishment and extension of Council offices comprising a 3 storey building with raised parapet to the west of existing building (CO2), to provide 147 sq m (GIA) of Class B1 (a) office space on the ground floor as a registry office and 2,163 sq m of Sui Generis floor space on part of the ground floor providing new public service points, meeting rooms and an ancillary cafe and on the upper floors providing a Council Chamber, Committee Rooms and Members Services, together with cycle parking, roof plant and plant enclosure, hard and soft landscaping, seating areas and benches, infrastructure and associated works.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
18124-LSI-A1-01-DR-A-1201 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-01-DR-A-1301 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-02-DR-A-1202 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-02-DR-A-1302 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1179 Rev B	Existing Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1180 Rev B	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1199 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1200 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1300 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-R2-DR-A-1316 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-RF-DR-A-1315 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1170 Rev B	Location Plan	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1175 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1176 Rev B	Proposed Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1177	Site Layout	3rd May 2019

18124-LSI-A1-ZZ-DR-A-1250 Rev A	Existing Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1350 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1355 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1356 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1357	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1358	Proposed Elevations	3rd May 2019
18124-LS1-A1-ZZ-DR-A-1370 Rev A	Sections	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1371 Rev A	Sections	3rd May 2019
19007_BT3	Landscaping	3rd May 2019
ASU-THU-LA-L100	Landscaping	3rd May 2019
2018/4416/001	Proposed Plans	19th June 2019

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Acoustic report
- Arboricultural Assessment and Method Statement
- Daylight and Sunlight Report
- Ecological Impact Assessment
- Energy Report
- Geo-environmental Site Investigation Report
- Heritage Statement
- Landscape Design Strategy and Landscaping Plan
- Manual for Managing Trees on Development Sites
- Statement of Community Involvement
- Sustainability Report and BREEAM Assessment
- SUDs Statement and Addendum
- Transport Statement and Addendum
- Travel Plan

**Applicant:**

Thurrock Council

**Validated:**

3 May 2019

**Date of expiry:**

25 September 2019 [Time Extended]

**Recommendation:** Approve subject to conditions

**1.0 BACKGROUND**

1.1 This planning application was considered by the Planning Committee on 15 August 2019 where Members were minded to refuse planning permission for the following reasons:

- *Excessive built form that did not complement the church as a grade II listed building, or the surrounding area;*
- *That the building that was bulky in design; and*
- *Concerns that a loss of daylight would affect the residents of Pullman Court who would have not envisaged this building proposal.*

1.2 In accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer's recommendation. This report assesses the reasons formulated by the Committee.

1.3 The 15 August 2019 Planning Committee report is appended to this report as Appendix 1.

## **2.0 CONSULTATION AND REPRESENTATIONS**

2.1 Following the Committee's deferral the following additional consultation has taken place to assess Members reasons of refusal.

### **2.2 DESIGN COUNCIL:**

Recognise that the proposed development responds to the High Street and Town Centre, which is considered to comprise of a series of civic "set pieces", including the Old Courthouse, the State Cinema and the Church and this response would contribute as a marker of its own at the southern end of the High Street.

### **2.3 LISTED BUILDINGS AND CONSERVATION ADVISOR:**

The proposed scheme would result in 'less than substantial harm' to the significance of the listed church.

### **2.4 URBAN DESIGN OFFICER:**

No objections.as the proposed built form of the proposed development would not compete with or upstage the church as the massing is lower than the existing Civic Offices, Pullman Court and the College. The proposed colonnades on the ground floor would help break up the bulk of the building and atrium would split the building into three parts allowing clear views of the church from within the building. The architectures would be of high quality.

### 3.0 ASSESSMENT

#### DESIGN, LAYOUT, IMPACT UPON THE AREA AND HERITAGE IMPACT

- 3.1 Policies CSTP22 and CSTP23 both seek to secure high quality design, character and distinctiveness for new developments and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings. In terms of heritage, policy PMD4 seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. Through chapter 16 of the NPPF guidance is provided to ensure the significance of heritage assets are sustained and enhanced, and that proposed development makes a positive contribution to local character and distinctiveness.
- 3.2 Members were minded to refuse planning permission for the following design reasons:
- Excessive built form that did not complement the church as a grade II listed building, or the surrounding area;
  - That the building that was bulky in design;
- 3.3 Since the August Planning Committee and in response to the Member's reasons for deferral further consultation has taken place with the Design Council and the Council's Urban Design Officers.
- 3.4 The Design Council advise that they raise no objections to the proposed built form, bulk or height with regard to the streetscene and the grade II listed church building. They recognise that the proposed development responds to the High Street and Town Centre, which is considered to *'comprise of a series of civic "set pieces", including the Old Courthouse, the State Cinema and the Church'* and this site would contribute as *'a marker of its own at the southern end of the High Street'*.
- 3.5 The Council's Urban Design Officers advise as follows:

- The impact would not be 'harmful' and would have neutral impact upon the setting of St Peters & St Pauls grade II listed church;
- The proposed building would open up views to the church from New Road as it is set back from the building line;
- The setting is within a town centre which is under-going development, as such the setting changes nature over time. In this case the development is sensitive to its historic setting;
- The architecture would be of high quality and has consideration to massing and articulation. The entranceway atrium, for example, gives views from inside the building toward the church;
- The massing is lower than the existing civic offices C02 (5 storeys), consented number 76 High Street (5 storeys) and college building (3.5 including rooftop plant);
- A colonnade is proposed on the ground floor which would help to break up the bulk of the building and an atrium which splits the building into three parts. The architecture would not lead to a bulky or large building overall;
- Overall it does not compete with or upstage the church.

3.6 In addition to the consultation responses, the applicant's agent has provided further information explaining the design approach to the proposed development. The agent advises that *'the scheme design acts as a transition to the lower scale of the High Street at the Pullman Tavern to the much larger scale of the council building C02, South Essex College and the consented 5 storey scheme at 76 High Street'*. In terms of height *'the massing of the building is based on a response to the existing street pattern of development. Emphasis is on the block closest to the church to act as the high point, or 'tower' of the arrangement of the masses, a relationship seen in many civic buildings'*. With regard to the benefits to the streetscene and the listed church building *'the alignment of the building on High Street has also been stepped back by 1.5m to provide a clear line of vision of the Church looking west of New Road, giving prominence to the Church'*.

3.7 Turning to the heritage impact, as stated in the original committee report [Appendix 1] paragraph 196 of the NPPF requires any harm arising to heritage assets to be balanced in the decision making process. The applicant's agent advises that *'it is considered that the development would cause a minor impact to the setting of the Church, and therefore 'less than substantial' harm to its significance'*. The Council's Listed Buildings and Conservation Advisor agrees the proposed development would result in 'less than substantial harm' to the significance of the listed church.

- 3.8 In applying the 'less than substantial harm' test the decision maker should weigh in the balance, any public benefits that might arise from the scheme. In this case, the development would achieve:
- Improved vistas of the church;
  - High architectural quality;
  - Improved access to the High Street for all visitors and staff;
  - Improved community facilities arising from the development including:
    - meeting spaces,
    - areas for events and ceremonies,
    - new Registry Office, and
    - a new café with a south facing public seating area; and
  - An energy efficient building achieving BREEAM 'Outstanding' status.
- 3.9 In applying this balancing exercise it is considered that the significant public benefits from the proposal would outweigh the less than substantial harm.
- 3.10 In summary, it is considered that the proposed development would be acceptable and subject to conditions controlling the use of high quality finishing materials, it is considered the proposal would serve to create a high quality, distinctive landmark civic building in Grays. The proposed development is considered acceptable with regard to policies CSTP22, CSTP23, PMD2 and PMD4 and the NPPF.

#### EFFECT ON NEIGHBOURING PROPERTIES

- 3.11 Policy PMD1 seeks to minimise impacts upon amenity from new development. The nearest buildings to the site is the dentist surgery directly to the north and the nearest residential properties are the flats at Pullman Court to the north and north east of the site. The distance between the proposed building and Pullman Court would be approximately 16m, to the dentist to the north approximately 10m, and to the church approximately 35m, which all raise no objection regarding building to building distances in terms of physical proximity.
- 3.12 With regard to the impact upon the neighbouring properties Members were minded to refuse planning permission for the following reason:
- Concerns that a loss of daylight would affect the residents of Pullman Court who would have not envisaged this building proposal.
- 3.13 The Pullman Court development is located in a town centre location and the majority of the flats on the southern side of the building face the Council's



existing office building, with a communal amenity space in between. The application includes a Daylight and Sunlight assessment based on the relevant Building Research Establishment [BRE] guidelines and its objective is to assess the impact of the proposed development upon all surrounding properties.

- 3.14 The Daylight and Sunlight assessment advises that a total of 84 windows from Pullman Court were analysed as part of the report (all of the properties in the Pullman Court building). The assessment concludes *'it was found that all of the residential properties analysed met the BRE Guidelines' target values for daylight in terms of Vertical Sky Component (VSC) and for sunlight in terms of Annual Probable Sunlight Hours (APSH). All habitable rooms meet the BRE Guidelines' target values for daylight distribution'*. Therefore the development would meet the guidelines for daylight and sunlight.
- 3.15 There would be a slight reduction in sunlight to the Pullman Court communal amenity space as a result of the proposed development but it should be noted that this communal amenity space does not presently meet the BRE guidelines. To the north of the site there are no other residential properties that would be affected in terms of the Daylight and Sunlight assessment.
- 3.16 Accordingly the proposal would not lead to adverse harm upon the residential amenities of the occupiers of the flats in Pullman Court in regard to policy PMD1.

#### **4.0 CONCLUSIONS AND REASONS FOR APPROVAL**

- 4.1 Officers have considered Member's views but consider the proposal would serve to create a high quality, distinctive landmark civic building in Grays. It is considered that the building would sensitively respond to the surrounding development, particularly the grade II listed church. The loss of existing buildings and uses is considered, on balance, to be acceptable, given the public benefits that would result from the development. There would be no harm arising to the amenities of nearby occupiers. The proposal represents a key regeneration project for Grays and the development is supported by the Grays Town Centre Framework. The proposal is therefore in accordance with national and local policies and guidance.
- 4.2 The matters of concern raised by the Committee have been carefully considered, however as detailed above, there are not considered any viable objections to the scheme that would support a refusal.

#### **5.0 RECOMMENDATION**

- 5.1 Approve, subject to the conditions as set out in the previous committee report attached as Appendix 1.

Planning Committee: 15.08.2019

Application Reference: 19/00617/FUL

<b>Reference:</b> 19/00617/FUL	<b>Site:</b> Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
<b>Ward:</b> Grays Riverside	<b>Proposal:</b> Demolition of existing buildings and external wall on the corner of High Street and New Road and refurbishment and extension of Council offices comprising a 3 storey building with raised parapet to the west of existing building (CO2), to provide 147 sq m (GIA) of Class B1 (a) office space on the ground floor as a registry office and 2,163 sq m of Sui Generis floor space on part of the ground floor providing new public service points, meeting rooms and an ancillary cafe and on the upper floors providing a Council Chamber, Committee Rooms and Members Services, together with cycle parking, roof plant and plant enclosure, hard and soft landscaping, seating areas and benches, infrastructure and associated works.

<b>Plan Number(s):</b>		
Reference	Name	Received
18124-LSI-A1-01-DR-A-1201 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-01-DR-A-1301 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-02-DR-A-1202 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-02-DR-A-1302 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1179 Rev B	Existing Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1180 Rev B	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1199 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1200 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1300 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-R2-DR-A-1316 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-RF-DR-A-1315 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1170 Rev B	Location Plan	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1175 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1176 Rev B	Proposed Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1177	Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1250 Rev A	Existing Elevations	3rd May 2019

18124-LSI-A1-ZZ-DR-A-1350 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1355 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1356 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1357	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1358	Proposed Elevations	3rd May 2019
18124-LS1-A1-ZZ-DR-A-1370 Rev A	Sections	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1371 Rev A	Sections	3rd May 2019
19007_BT3	Landscaping	3rd May 2019
ASU-THU-LA-L100	Landscaping	3rd May 2019
2018/4416/001	Proposed Plans	19th June 2019

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Acoustic report
- Arboricultural Assessment and Method Statement
- Daylight and Sunlight Report
- Ecological Impact Assessment
- Energy Report
- Geo-environmental Site Investigation Report
- Heritage Statement
- Landscape Design Strategy and Landscaping Plan
- Manual for Managing Trees on Development Sites
- Statement of Community Involvement
- Sustainability Report and BREEAM Assessment
- SUDs Statement and Addendum
- Transport Statement and Addendum
- Travel Plan

**Applicant:**

Thurrock Council

**Validated:**

3 May 2019

**Date of expiry:**

23 August 2019 [Time Extended]

**Recommendation:** Approve subject to conditions

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the demolition of the existing buildings and external wall on the corner of High Street and New Road to allow

for the extension of the Civic Offices. The key elements of the proposal are set out in the table below:

<b>Site Area [Gross]</b>	0.18 ha		
<b>Height</b>	16.5m		
<b>Uses and Floorspace</b>	<b>Use Class</b>	<b>Maximum Floorspace [m<sup>2</sup>]</b>	
	Sui Generis including new public service points, meeting rooms, a Council Chamber, Committee Rooms and Members Services, and an ancillary cafe	2,163	
	B1 – Office floorspace	147	
	<b>Total [All Uses]</b>	<b>2,310</b>	
<b>Access</b>	<ul style="list-style-type: none"> <li>- Pedestrian Access via the new main entrance to the High Street</li> <li>- Pedestrian Access for the registrar office via an access along the northern elevation of the building from the High Street</li> <li>- Pedestrian Access from the existing CO2 building via the new link extension at ground floor, first floor and second floor level.</li> </ul>		
<b>Car parking</b>	Two new disabled parking bays to the High Street		

- 1.2 The ground floor area would comprise of a customer service hub, meeting rooms, registry office and a café. The registry office would comprise a ceremony garden on the north eastern side of the building and the café would include an outdoor seating area on the south side of the building. To utilise the building effectively areas of the ground floor have been designed to allow for the exhibition of public art.
- 1.3 As a result of the proposal, the main entrance to the Council building would be located on the western elevation of the extension, fronting onto the High Street.
- 1.4 The first floor would comprise of the Council Chamber, three committee rooms, including one that can also be used as a larger ceremonial room. The second floor would comprise of three areas for rooms associated with political groups.

- 1.5 To the east of the new building a link would be created allowing access to the ground, first and second floor levels of the existing Council Offices. All floor levels would include two lift areas, stairwells, toilet facilities, store and servicing facilities. The roof of the building would include a plant room, an area for potential photovoltaics and an area for a sedum/brown roof.
- 1.6 The extension would take the form of a 3 storey [16.5m high] building of a contemporary design which would align with the orientation of the High Street. Joining the extended building to the existing Council offices would be a link extension. The proposed extension would use brick as one of the main building materials for the façade of the building in different forms with large areas of glazing to allow natural light into the building.
- 1.7 The main entrance to the building would be from the High Street on the west elevation. A separate registrar service entrance would be provided to the northern side of the building accessed from the High Street. Staff would continue to access the building via the existing New Road entrance.
- 1.8 There is no basement car park or extension to the existing basement car park proposed beneath this development. The proposal would result in the loss of 3 car parking spaces from basement car park, which would still provide 172 spaces, which alongside other allocated staff car parking within the multi-storey car in the town centre would ensure adequate provision remains available. Two disabled parking bays would be provided on the eastern side of the High Street immediately outside of the building's western elevation.
- 1.9 New hard and soft landscaping is proposed to enhance the scheme and the wider area. Paving materials would match the surrounding area. Soft landscaping would be used to the north and east of the building as part of the ceremonial area to the registry office to create a woodland garden feature. To the south of the building soft landscaping would be used to surround an outside seating area to the café use.

## **2.0 SITE DESCRIPTION**

- 2.1 The site of the proposed extension measures 0.18 hectares. The existing buildings fronting New Road and the High Street are two storey traditional formed buildings which have commercial uses on the ground floor comprising of a news agent, a take-away, a barber, and a café use. Mulberry Square to the north of these, within the site, is an area of open space comprising of seating areas and surrounding grassland with several trees. Mulberry Square has two

pedestrian entrances, one onto New Road and one onto the High Street, and this route provides a pedestrian route from New Road to the High Street.

2.2 Just outside the northern boundary of the site are a mix of buildings including traditional two storey buildings, in use as a dentist surgery and a former public house and flatted development. To the east is the existing Council Office building. To the south is the South Essex college building and public square. To the west of the High Street is the Grade II listed St Peter's and St Paul's church.

2.3 The site is in close proximity of Grays railway station to the west and in close proximity to the bus station and the shopping area of the High Street, which is to the northern side of the railway line and can be accessed via the existing pedestrian crossing.

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the relevant planning history:

Reference	Description	Decision
89/00866/FUL	Development of new five storey civic offices	Approved 08.06.1990

### 4.0 CONSULTATION AND REPRESENTATIONS

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

#### 4.2 PUBLICITY:

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

Ten written representations have been received raising the following:

- Loss of amenity;
- Overlooking properties;
- Possible excessive noise;
- Loss of views of church;
- Loss of sunlight;
- Loss of privacy;
- Loss of views

- No benefit to the community;
- Out of character;
- Construction work will result in excessive noise;
- Impact on traffic with future congestion;
- Additional traffic;
- Increased pollution;
- Environmental pollution;
- Loss of heritage to Grays through loss of the public gardens/memorial gardens;
- Wildlife habitat destroyed;
- Devalue property;
- Waste of public money.

The following comments have been made by Grays Riverside Ward Councillors (Councillor Fish, Councillor Kerin and Councillor Jane Potheary):

- Loss of Grays Heritage through loss of old High Street buildings
- Loss of local independent businesses
- Loss of amenity space – Mulberry Square
- Better protection is needed for residents of Pullman Court

#### 4.3 ANGLIAN WATER:

No objection subject to condition.

#### 4.4 CADENT GAS:

No objection subject to condition.

#### 4.5 ENVIRONMENTAL HEALTH:

No objection subject to condition.

#### 4.6 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to conditions.

#### 4.7 FLOOD RISK ADVISOR:

No objections subject to conditions.

#### 4.8 HIGHWAYS:



No objections subject to conditions.

4.9 LANDSCAPE AND ECOLOGY ADVISOR:

No objections subject to conditions.

4.10 LISTED BUILDINGS AND CONSERVATION ADVISOR:

No objection subject to conditions.

4.11 PUBLIC HEALTH:

No objection subject to conditions.

4.12 TRAVEL PLAN CO-ORDINATOR:

A revised travel plan is required through a planning condition.

4.13 URBAN DESIGN OFFICER:

No objections subject to conditions

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework

The revised NPPF was published on 19 February 2019 and sets out the government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 [6] of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land

- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

## 5.2 Planning Policy Guidance

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

- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Ensuring the vitality of town centres
- Flood Risk and Coastal Change
- Natural Environment
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking

## 5.3 Local Planning Policy Thurrock Local Development Framework [2015]

The “Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 [Promotion of Sustainable Growth and Regeneration in Thurrock]<sup>1</sup>

### SPATIAL POLICIES

- CSSP2 [Sustainable Employment Growth]

### THEMATIC POLICIES

- CSTP6 [Strategic Employment Provision]
- CSTP7 [Network of Centres]
- CSTP8 [Viability and Vitality of Existing Centres]<sup>2</sup>
- CSTP20 [Open Space]
- CSTP22 [Thurrock Design]
- CSTP23 [Thurrock Character and Distinctiveness]<sup>2</sup>
- CSTP24 [Heritage Assets and the Historic Environment]
- CSTP25 [Addressing Climate Change]<sup>2</sup>

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 [Minimising Pollution and Impacts on Amenity]<sup>2</sup>
- PMD2 [Design and Layout]<sup>2</sup>
- PMD3 [Tall Buildings]<sup>3</sup>
- PMD4 [Historic Environment]<sup>2</sup>
- PMD5 [Open Spaces, Outdoor Sports and Recreational Facilities]<sup>3</sup>
- PMD7 [Biodiversity, Geological Conservation and Development]<sup>2</sup>
- PMD8 [Parking Standards]<sup>3</sup>
- PMD10 [Transport Assessments and Travel Plans]<sup>2</sup>
- PMD12 [Sustainable Buildings]<sup>2</sup>
- PMD13 [Decentralised, Renewable and Low Carbon Energy Generation]
- PMD16 [Developer Contributions]<sup>2</sup>

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

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options [Stage 1] document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document.

### 5.5 Thurrock Design Strategy

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

development in Thurrock. The Design Strategy is a supplementary planning document [SPD] which supports policies in the adopted Core Strategy.

## 5.6 The Grays Town Centre Framework

The Grays Town Centre Framework was published in 2017 and its purpose is to 'provide a spatial concept for the town centre that will guide development and enhancement in the future'.

## 6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Loss of Existing Buildings and Uses
- III. Loss of Open Space
- IV. Design and Layout and Impact upon the Area
- V. Heritage Impact
- VI. Traffic Impact, Access and Car Parking
- VII. Drainage
- VIII. Ecology and Biodiversity
- IX. Noise
- X. Effect on Neighbouring Properties
- XI. Energy and Sustainable Buildings
- XII. Land Contamination and Ground Works

### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site falls within the town centre area of Grays as defined on the LDF Proposal Map but is located outside of main 'shopping areas' on the map and is not identified for any specific use. Policy CSSP2 identifies Grays as a 'Key Strategic Economic Hub' and seeks to expand, inter alia, public sector services. Policy CSTP7 supports the regeneration of Grays town centre and identifies that the town centre 'will become the focus for cultural, administrative and education functions whilst providing retail development complementary to the Lakeside Basin'. Policy CSTP8 for existing centres encourages 'diversification and improvement of the range and quality of facilities including retail, employment, leisure and entertainment, community, culture and education'. Through policy CSTP10 'the Council will support the provision of high quality, accessible community facilities to serve new and existing communities'.

6.3 The Grays Town Centre Framework (GTCF) was published in 2017 and its purpose is to 'provide a spatial concept for the town centre that will guide development and enhancement in the future'.

- 6.4 The GTCF includes a Concept Plan for the site including land allocated for new Civic Centre development and within the Concept Plan the framework states: *“The momentum generated with the building of the South Essex College should support further the growth of the town centre along the High Street towards the riverside. One of the greatest opportunity sites in this area is Mulberry Square to the west of the Civic Offices. Development here could create a new frontage on to the High Street and animate the route to the River. The Council is currently looking at options for this site - which could include an extension of the Council’s own premises to create improved public services in the very heart of the town centre”*.
- 6.5 In light of the above there are no objections to the principle of re-development of this site which would be reflective of the Council’s vision through the Grays Town Centre Framework, and through policies CSSP2, CSTP7, CSTP8 and CSTP10 which all support employment growth and diversification of uses with specific reference to Grays as a Key Strategic Economic Hub, the site’s location within the town centre, and the requirement to support the provision of high quality accessible community facilities to serve the community.

## II. LOSS OF EXISTING BUILDINGS

The proposed development would involve the loss of retail and commercial space through the demolition of the existing buildings located on the north east corner of the High Street and New Road. A single residential flat would also be lost as part of the proposal.

- 6.6 The loss of these buildings and uses has to be balanced against the wider benefits of the development. It is recognised that the proposal would include a new café which would offset the loss of the Angel Café and the policy position is clear that through policies CSSP2, CSTP7, CSTP8, CSTP10 and the Grays Town Centre Framework the proposed development is supported. On balance, the loss of these buildings and their associated uses is considered acceptable.

## III. LOSS OF OPEN SPACE

- 6.7 Policy CSTP20 seeks ‘to ensure that a diverse range of accessible public open spaces...is provided and maintained to meet the needs of the local community’. PMD5 seeks to ‘safeguard all existing open spaces, outdoor sports and recreational facilities. Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted unless:

- i. Conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users; or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss;
  - ii. Proposals would not negatively affect the character of the area and/or the Greengrid’.
- 6.8 Although not formally allocated in the Core Strategy the development would result in the loss of open space in Mulberry Square. To compensate for this loss it is proposed to provide public seating and outdoor space to the south of the building in two areas: towards the corner of the High Street and New Road and through a seating area to the café use with surrounding landscaping. Additional landscaping and an area of open space would be located to the north east of the building associated with the proposed registry office use as a ceremony garden.
- 6.9 These proposed landscaped areas would offer improved areas of open space which would compensate for the loss of Mulberry Square. The improved open areas in and around the site would be usable for residents and visitors and would also improve the quality of the street scene. On the opposite side of the High Street an existing area of open space and to the front of the college building there is a public square with seating. Further to the south there are seating areas along the River Thames at Grays Town Wharf. Accordingly, in this regard the proposal is acceptable.

#### IV. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.10 Policies CSTP22 and CSTP23 both seek to secure high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings.
- 6.11 The proposed development has been subject to two formal Design Reviews which took place in August 2018 and in February 2019. Over the course of the Design Reviews the scheme has evolved and developed. A summary of the February 2019 Design Review states:

*“The extension to Thurrock Council’s office building in Grays presents an important statement on the ambition for quality design in Thurrock and the initiation of the regeneration and enhancement of Grays Town Centre. It is crucial that this project delivers demonstrable public benefit to residents, workers and visitors to Grays. We consider the brief and location of the site to*

*be a once in a life time opportunity to deliver a truly civic building and ensure that the final place is the best it can be”.*

- 6.12 The proposed demolition of the existing buildings on the corner of the High Street and New Road allows for the proposed building to be sited so it would be set back from the New Road street frontage in a similar alignment to the existing Council Offices on the northern side of New Road. This arrangement would also allow for vistas of the church to be opened up so the church is more visible when heading west along New Road. The proposed western elevation would allow for the façade to front onto the High Street and appear as a distinctive building in this part of the High Street and from the nearby railway station as a key arrival point to Grays.
- 6.13 The proposed building would be set away from the northern and eastern boundaries which reduces the impact upon neighbouring buildings and uses and would allow for a more private space to be created for the registry ceremonial garden to the north east corner of the building.
- 6.14 In terms of scale and massing the proposed building reflects the overall character of the area. Importantly, in terms of height, it would be lower than, and would not compete with the historic church building to the western side of the High Street.
- 6.15 The architectural approach to the building strikes the correct balance between contemporary urban design and civic presence. One light buff brick type would be used as the main material to this building but would be applied in a range of styles from a traditional brick laying stretcher coarse to soldier coarsing, banding and projecting features. The choice of brick colour is to reflect existing development within the area and the quality of the brick is essential to the success of the design. The size and pattern of the proposed floor to ceiling windows would articulate the building and contrast well with brick façade. Other design features, including chamfering and colonnade brick piers would provide rhythm to the building. A jettied first floor element to the Council chamber on the west elevation, coupled with increased levels of glazing at this point would serve to highlight the chamber as a central feature of the new civic building.
- 6.16 In conclusion under this heading, subject to conditions controlling the use of high quality finishing materials, it is considered the proposal would serve to create a high quality, distinctive landmark civic building in Grays. The proposed development is considered acceptable with regard to policies CSTP22, CSTP23 and PMD2, and the NPPF.

## V. HERITAGE IMPACT

- 6.17 Policy PMD4 seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. Through chapter 16 of the NPPF guidance is provided to ensure the significance of heritage assets are sustained and enhanced, and that proposed development makes a positive contribution to local character and distinctiveness.
- 6.18 The Grays Parish Church of St Peter and St Paul is a heritage asset as it is a grade II listed building and has a significant presence in Grays town centre. The applicant's Heritage Statement considers the church to have 'a medium-high aesthetic value and medium historic, communal and evidential value'. The Heritage Statement recognises that the setting of this listed building has changed significantly since its original construction through the development of the existing Council Offices and the South Essex College building. The Heritage Statement accompanying the application considers that the development 'would not result in harm to its setting or significance and the impact upon be neutral'.
- 6.19 The Council's Listed Buildings and Conservation Advisor recognises that the proposed development would have an impact upon the setting of the Listed Building 'narrowing the scope of vistas to and from the church, particularly up and down the High Street'. Whilst these comments are noted it should be recognised that demolition of the existing buildings and siting the proposed development in line with the front building line of the existing Council Offices would open up vistas of the church along New Road, and with regard to the High Street the proposed development would set back when compared to the existing development so is not considered to impact vistas to and from the church. It is therefore considered that the improved vistas towards the church would help enhance the significance of this listed building in regard to the requirements of policy PMD4
- 6.20 In accordance with paragraph 196 of the NPPF the Council's Listed Buildings and Conservation Advisor considers the impact upon the church and assesses the impact to be 'less than substantial harm to the significance of the church'. The NPPF requires 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The improved vistas of the church are considered to be of public benefit. Similarly, the introduction of a civic building of high architectural standard in close association with the Church is considered appropriate in terms of the townscape hierarchy. In applying this balancing exercise it is considered that the public benefits from the proposal would outweigh the less the substantial harm identified by the Council's Listed Buildings and Conservation Advisor but



overall it is considered that the proposal would have neutral impact upon setting of the church.

- 6.21 The buildings that are to be demolished have no statutory listing and are not locally listed. Whilst they are historic, there would be no reason to object to the loss of those buildings.
- 6.22 There are no objection to the Council's Listed Buildings and Conservation Advisor recommendations for conditions for building recording purposes. The Essex County Council Archaeology Officers also advises of the need for archaeology conditions. Subject to conditions the proposed development is considered acceptable with regard to policy PMD4 and would have 'less than substantial harm' when applying the necessary tests from the NPPF.

## VI. TREES AND LANDSCAPING

- 6.23 Policy CSTP20 seeks 'to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational spaces is provided and maintained to meet the needs of the local community'. Policy PMD2 seeks to protect natural landscape features such as trees for their landscape and wildlife value.
- 6.24 None of the existing trees are protected by Tree Preservation Orders. The results of the Tree Survey accompanying the application shows that none of the trees of considered to be of 'high quality' [category A] trees. Two of the trees are of 'moderate quality' [category B] and the rest are considered to be of 'low quality' [category C]. Only the Maple tree would remain to the front of the south west corner of the existing Council Offices.
- 6.25 Despite the removal of tress to facilitate the building, the proposal illustrates a number of replacement trees and planting which would mitigate the loss of the existing trees. The landscaping scheme submitted with the application would introduce a landscaped bund around the outdoor café area to the south of the proposed building and ceremony garden area to the north east of the proposed building. The hard landscaping includes brick paviers, gravel and public seating areas. Presently the area on this corner of the High Street has a hard frontage. The proposed soft planting on the southern side of the building would vegetate this area and the high quality paviers on the western side would bring the visual appearance of the area up to modern standards.
- 6.26 The Council's Landscape and Ecology Advisor raises no objections subject to the landscaping scheme being implemented with details agreed though a planning condition, to accord with the policy requirements of PMD2.

## VII. ECOLOGY AND BIODIVERSITY

- 6.27 Policy CSTP19 seeks measures to contribute to biodiversity in the Borough through positive biodiversity management. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity.
- 6.28 The applicant's Ecological Impact Assessment confirms 'the site supports common and widespread habitats of low ecological value and has low suitability for foraging and community bats and breeding birds'. The assessment recommends the installation of bat tubes in the fabric of the building, bird nesting boxes and the provision of native planting, which can all be secured through a planning condition.
- 6.29 The Council's Landscape and Ecology Advisor raises no objections subject to an ecology enhancement condition to allow for swift nest boxes and ensure the recommended mitigation measures in the Ecological Impact Assessment are carried out. The proposed mitigation measures accord with the objectives of policies CSTP19 and PMD5.

## VIII. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.30 Given the site's location within Grays town centre it is considered a highly accessible location, within close proximity to the rail station and bus station for public transport services. Vehicular access to the site would remain as existing, which allows for some staff to park within the basement car park. A separate registrar access is proposed to allow for drop off for ceremonial services. Pedestrian access to the site would be via a level threshold through the main entrance from the High Street. An internal link extension would provide access to the existing Council Offices. The proposed access arrangements are acceptable with regard to policy PMD9 and paragraph 108 of the NPPF.
- 6.31 The Council's Highway Officer raises no objection subject details of proposed improvements to New Road and the High Street being agreed through a planning condition.
- 6.32 The proposal would result in the loss of 3 car parking spaces from the existing basement car park, retaining 172 spaces. Two disabled parking spaces would be provided along the High Street in close proximity to the front entrance of the building. Although the development would provide additional floorspace a

number of staff would be relocated from the existing Council Offices building. The Council's Highway Officer raises no objection on parking grounds.

- 6.33 The proposal would result in a total of 52 cycle spaces for staff [in the basement, including existing and new provision] and 26 for visitors [to south west of the Council Offices]. The Council's Highway Officer raises no objection to proposed cycle provision.
- 6.34 The applicant's Travel Plan aims to actively encourage sustainable travel to and from the site by promoting sustainable transport options and initiatives including car sharing, use of public transport, cycle parking on site, the provision of information via a transport notice board/travel information point, as well ongoing monitoring. A revised Travel Plan will be secured through the use of a planning condition.

#### IX. DRAINAGE

- 6.35 The site is located in a low risk flood area [Flood Zone 1] based on the Environment Agency flood maps. However, the proposal needs to adequately deal with drainage and a Sustainable Urban Drainage System strategy [SUDS] is proposed using techniques such as soakaways, permeable paving and attenuation tanks which will restrict flow and reduce surface run off. The Council's Flood Risk Advisor raises no objection, although planning conditions are needed for full details of the surface water drainage system to be agreed. Anglian Water have no objections subject to detailed being agreed for surface water management through a planning condition; the proposal is acceptable with regard to policies CSTP27 and PMD15.

#### X. NOISE

- 6.36 Policy PMD1 seeks to safeguard amenity from noise and vibration pollution.
- 6.37 The applicant's Acoustic Report demonstrates that noise surveys were undertaken during October 2018 and the nearest sensitive noise receptors are the residents in the properties at the Pullman Court to the north. The Acoustic Report identifies that there will be 'no impact on neighbouring properties'. The use of the registry garden would result in noise externally from the building but such uses would be for short periods of time during the daytime only and the Acoustic Report considers there would be no impact upon the nearest noise sensitive receptors. The use of external plant would also be below the existing background noise levels.

- 6.38 The Council's Environmental Health Officer raises no objections subject to the recommendation of the Acoustic Report being implemented through a planning condition, and for the construction phase of the development a Construction Environmental Management Plan (CEMP) condition is needed. Subject to conditions, it is considered that the proposal would with policy PMD1.

#### XI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.39 Policy PMD1 seeks to minimise impacts upon amenity from new development. The nearest buildings to the site is the dentist surgery directly to the north and the nearest residential buildings are those associated with flats at Pullman Court to the north and north east of the site. The distance between proposed building and Pullman Court would be approximately 16m, to the dentist to the north approximately 10m, and to the church approximately 35m, which all raise no objection regarding building to building distances in terms of physical proximity.
- 6.40 The applicant's Daylight and Sunlight Report has assessed the impact of the proposed development upon all surrounding properties in regard to the relevant BRE guidelines. The report identifies that whilst the proposal would be different from the existing layout, all the properties would meet the guidelines for daylight and sunlight if the extension were to be constructed. Whilst there would be a slight reduction in sunlight to the communal amenity space, the internal rooms would not be impacted upon, accordingly the proposal would not lead to adverse harm upon the residential amenities of the occupiers of the flats in Pullman Court.

#### XII. ENERGY AND SUSTAINABLE BUILDINGS

- 6.41 Policy PMD13 sets a requirement for the use of decentralised, renewable or low carbon sources for new developments. Policy PMD12 sets a BREEAM 'Outstanding' requirement by 2019. These policies are compliant with the aims of paragraphs 153 and 154 of the NPPF and guidance within the PPG.
- 6.42 The proposed building has been designed to achieve a BREEAM target of 'Outstanding', which would accord with policy PMD12 and the use of photovoltaic panels and heat pumps would accord with policy PMD13.

#### XIII. LAND CONTAMINATION AND GROUND WORKS

- 6.43 With regard to land contamination, policy PMD1 seeks to minimise pollution and impacts upon amenity and the natural environment with a requirement for

suitable mitigation measures to be imposed through planning condition or obligation.

- 6.44 The applicant's Geo Environmental Site Investigation Report explains that a desk study and subsequent intrusive investigation was undertaken in October 2018 with results identifying that there are no significant risks to controlled waters and therefore no remediation works are required. The report recommends that ground works are monitored for any previously undetected or suspected materials, which can be secured through a CEMP. Subject to the imposition of a CEMP condition the Council's Environmental Health Officer raises no objections with regard to policy PMD1.

## **7.0 CONCLUSIONS AND REASONS FOR APPROVAL**

- 7.1 The proposal would serve to create a high quality, distinctive landmark civic building in Grays. The building would positively respond to the sensitivity of surrounding development, particularly the grade II listed church. The loss of existing buildings and uses is considered, on balance, to be acceptable, given the public benefits that would result from the development. The proposal represents a key regeneration project for Grays and the development is supported by the Grays Town Centre Framework and policies CSSP2, CSTP7, CSTP8 and CSTP10.

Matters of detail concerning noise, sustainability, access, ecology and landscaping are all considered to be acceptable. Where appropriate and necessary, planning conditions are recommended. Taking all material considerations into account, it is considered the proposals are supported by the relevant policies contained within the Core Strategy and the NPPF.

## **8.0 RECOMMENDATION**

- 8.1 Approve, subject to the following conditions:

### **Standard Time Limit**

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

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

### **Approved Plans**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
18124-LSI-A1-01-DR-A-1201 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-01-DR-A-1301 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-02-DR-A-1202 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-02-DR-A-1302 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1179 Rev B	Existing Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1180 Rev B	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-B1-DR-A-1199 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1200 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-GF-DR-A-1300 Rev A	Proposed Floor Plans	3rd May 2019
18124-LSI-A1-R2-DR-A-1316 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-RF-DR-A-1315 Rev A	Proposed Plans	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1170 Rev B	Location Plan	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1175 Rev B	Existing Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1176 Rev B	Proposed Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1177	Site Layout	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1250 Rev A	Existing Elevations	3rd May 2019

18124-LSI-A1-ZZ-DR-A-1350 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1355 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1356 Rev A	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1357	Proposed Elevations	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1358	Proposed Elevations	3rd May 2019
18124-LS1-A1-ZZ-DR-A-1370 Rev A	Sections	3rd May 2019
18124-LSI-A1-ZZ-DR-A-1371 Rev A	Sections	3rd May 2019
19007_BT3	Landscaping	3rd May 2019
ASU-THU-LA-L100	Landscaping	3rd May 2019
2018/4416/001	Proposed Plans	19th June 2019

**Reason:** For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### Materials

- No development (other than site investigation, levelling and ground works) shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. In addition details of the brick type, size and bonding method, all surface materials [including those to the public realm outside the site], rainwater goods, and glazing details [in section drawings] shall also be submitted. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance

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

### **Brick Panel Sample**

4. No development (other than site investigation, levelling and ground works) shall commence until a brick panel no less than 1m<sup>2</sup> showing a sample of the brickwork, colour, patterning and joint profile of mortar courses, has been constructed and made available for inspection on site. The details shall be approved in writing by the Local Planning Authority before any part of the development is begun and the development shall be carried out in accordance with the details as approved.

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

### **Landscape Protection**

5. Prior to the commencement of any works on the site the Maple tree identified as tree T10 in the 'Arboricultural Assessment and Method Statement' dated 25 April 2019 shall be protected by chestnut paling fencing or heras fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub [including hedges] without the previous written consent of the Local Planning Authority.

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

### **Landscaping Scheme**

6. No development (other than site investigation, levelling and ground works) shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a detailed scheme of landscaping, which shall include details of all proposed trees, shrubs, planting details, level changes, lighting furniture, a programme of maintenance and a programme



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

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

### **Ecology Mitigation and Enhancements**

7. Prior to first occupation of the development permitted the ecological effects and mitigation/compensation/enhancement measures as detailed within the 'Ecology Impact Assessment' dated May 2019 shall be implemented and shall be maintained and retained at all times thereafter.

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

### **Programme of Historic Building Recording**

8. No demolition shall commence until a programme of historic building recording has been secured on the buildings at 81 and 83 High Street and 1 and 2 New Road with details of the programme of historic building recording to be submitted to and approved in writing by the Local Planning Authority. The programme of historic building recording shall only commence in accordance with the details as approved.

**Reason:** In the heritage interests of the site in accordance with policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Submission of historic building recording**

9. Within 6 months following completion of the programme of historic building recording an approved historic building report shall be submitted to the Local Planning Authority for record keeping purposes.

**Reason:** In the heritage interests of the site in accordance with policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Programme of Archaeological Work**

10. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall include a mitigation strategy detailing the excavation/preservation strategy following the completion of this work.

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

### **Archaeological Post Excavation Assessment**

11. Within 3 months following completion of fieldwork a post-excavation assessment shall be submitted to and approved in writing by the Local Planning Authority. This post-excavation analysis shall include preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

### **Proposed Highway Improvements**

12. No development shall commence until details of the proposed improvements to New Road and High Street have been submitted to and approved in writing by the Local Planning Authority. The details shall include the layout, surface materials, any security measures, dimensions and construction specification of the proposed improvements. The highway

improvements shall be implemented in accordance with the details as approved and shall be maintained and retained as such thereafter.

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

### **Disabled Parking Provision**

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

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

### **Drop off access details**

14. Prior to first occupation of the development hereby permitted details showing the layout, dimensions and construction specification of the proposed access to the highway for the drop off zone has been submitted to and approved in writing by the Local Planning Authority. The access to the drop off zone shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted and shall be maintained and retained as such at all times thereafter.

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

### **Travel Plan**

15. Prior to the first operational use of the development hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the building and shall include specific details of the operation and management of the

proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

### **Surface Water Drainage System**

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

- Limiting discharge rates to 3.4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

**Reason:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Maintenance Plan**

17. No development shall take place until a Maintenance Plan detailing the management and maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. The Maintenance Plan shall be implemented as approved and retained as such at all times thereafter.

**Reason:** To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Yearly Logs**

18. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan as detailed in the above condition. These must be available for inspection upon a request by the Local Planning Authority.

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

### **Noise Mitigation**

19. Prior to the first operational use of the development the noise mitigation and recommendation measures as identified in the 'Acoustic Report' reference 18-0101-0 R02 shall be applied to the operational phase of development

and any noise generating source/use shall be maintained in accordance with the noise mitigation and recommendation measures as identified in the 'Acoustic Report' reference 18-0101-0 R02 shall be retained at all times thereafter.

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

### **Decentralised, Renewable or Low Carbon Technologies**

20. Prior to the commencement of development, details of measures to demonstrate that the development will achieve the generation of at least 15% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and operational upon the first use of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the Local Planning Authority.

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

### **BREEAM**

21. The development hereby permitted shall be built to a minimum standard of 'Outstanding' under the Building Research Establishment Environmental Assessment Method (BREEAM), unless otherwise agreed in writing with the Local Planning Authority. Within 6 months of the first use of any of the building(s) a copy of the Post Construction Completion Certificate for the building(s) BREEAM rating shall be submitted to the Local Planning Authority.

**Reason:** To ensure that the development meets the objectives of energy efficiency in new building design and construction set out in Policy PMD12 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development [2015].

### **Construction Environmental Management Plan (CEMP)**

22. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Local Planning Authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development
  - (b) Hours and duration of any piling operations,
  - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (d) Details of construction any access or temporary access, and details of temporary parking requirements;
  - (e) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
  - (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (g) Details of any temporary hardstandings;
  - (h) Details of temporary hoarding;
  - (i) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
  - (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
  - (k) Measures to reduce dust with air quality mitigation and monitoring,
  - (l) Measures for water management including waste water and surface water discharge;
  - (m)A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
  - (n) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
  - (o) A Site Waste Management Plan,
  - (p) Details of security lighting layout and design; and
  - (q) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

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

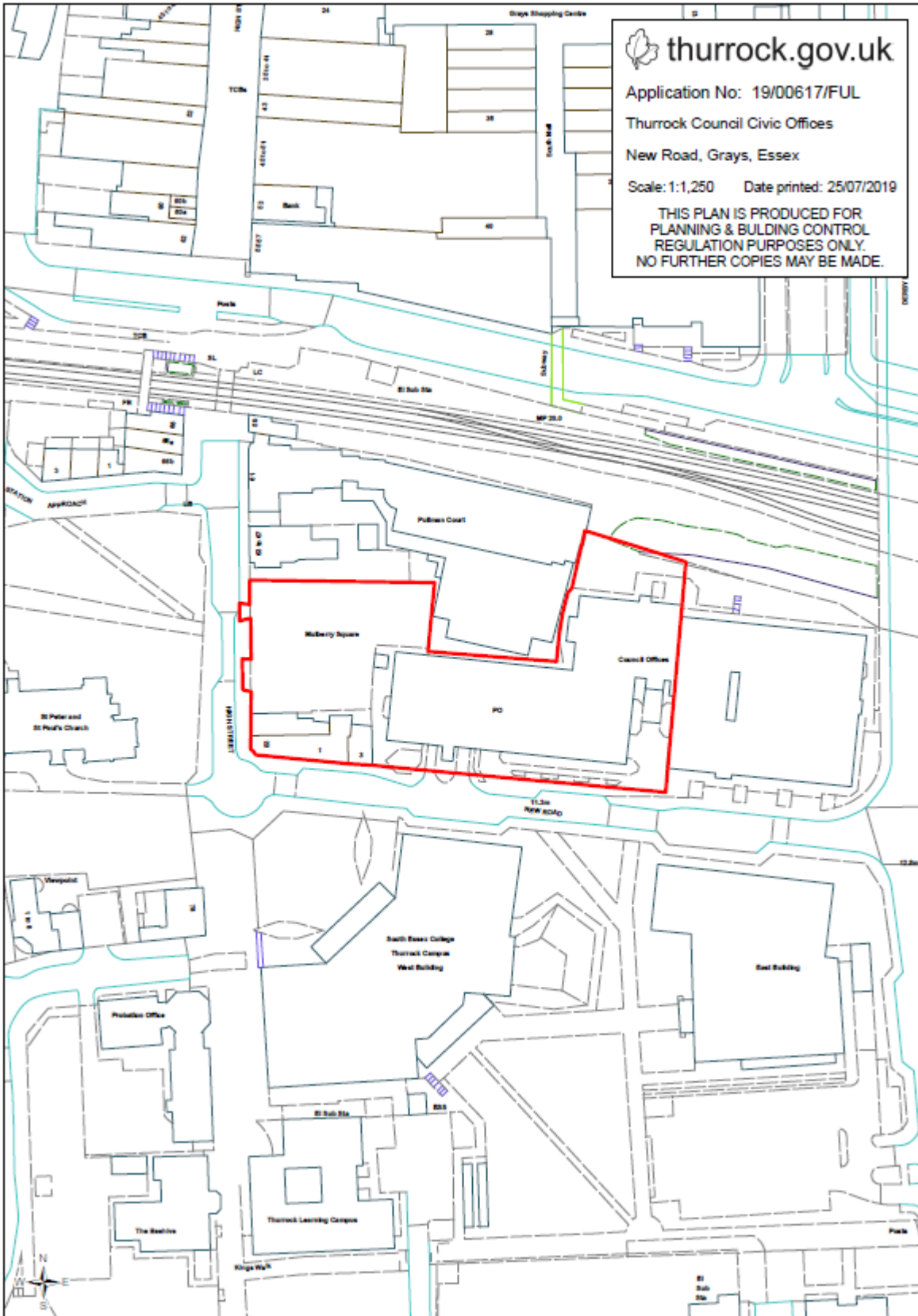
### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **Documents:**

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





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# Agenda Item 9

Planning Committee 19.09.2019

Application Reference: 19/00828/FUL

<b>Reference:</b> 19/00828/FUL	<b>Site:</b> Land Adjacent George And Dragon East Tilbury Road Linford Essex
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Three residential dwellings, hardstanding providing associated parking, refuse and cycle storage and creation of a vehicle access

<b>Plan Number(s):</b>		
Reference	Name	Received
184510-SK01 Rev A	Site Plan – Refuse Collection Lay By Option	3rd June 2019
DAPA-207-01	Proposed Plans – Bin and Cycle Stores	3rd June 2019
972-202-03	Site Layout Plan	3rd June 2019
972-204-03	Proposed Roof Plans	3rd June 2019
972-205-03	Proposed Elevations	3rd June 2019
972-205-03	Proposed Plans	3rd June 2019
972.203.03	Proposed Ground Floor Plans	3rd June 2019
972.206.03	Proposed Street Scene	4 <sup>th</sup> June 2019
972.001_00	Location Plan	3rd June 2019

The application is also accompanied by:

- Arboriculture Impact Assessment Report
- Design Appendix
- Ecological Appraisal
- Green Belt Justification Statement
- Landscape Appraisal

<b>Applicant:</b> Mr Saunders	<b>Validated:</b> 4 June 2019 <b>Date of expiry:</b> 23 <sup>rd</sup> September (Agreed Extension of Time)
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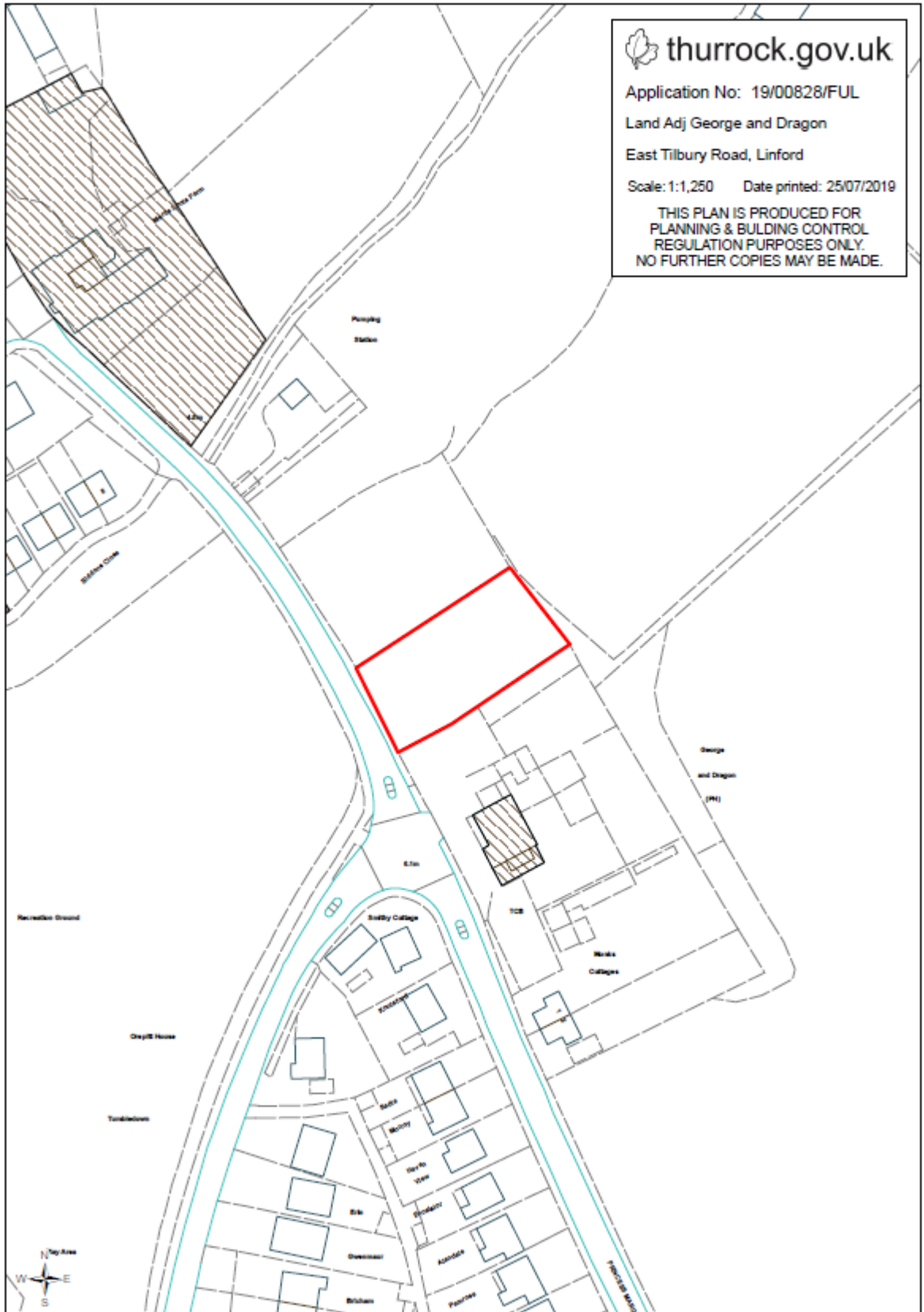
**Recommendation:** Refuse**1.0 UPDATE**

- 1.1 Consideration of this application was deferred at the 15 August 2019 Planning Committee meeting to enable a site visit to take place.
- 1.2 Members visited the site on 5 September 2019.
- 1.3 The application is recommended for refusal as set out in reasons 1 - 3 on the attached report.

**Documents:**

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

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



 **thurrock.gov.uk**  
Application No: 19/00828/FUL  
Land Adj George and Dragon  
East Tilbury Road, Linford  
Scale: 1:1,250 Date printed: 25/07/2019  
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Planning Committee 15.08.2019	Application Reference: 19/00828/FUL
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<b>Reference:</b> 19/00828/FUL	<b>Site:</b> Land Adjacent George And Dragon East Tilbury Road Linford Essex
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Three residential dwellings, hardstanding providing associated parking, refuse and cycle storage and creation of a vehicle access

<b>Plan Number(s):</b>		
Reference	Name	Received
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DAPA-207-01	Proposed Plans – Bin and Cycle Stores	3rd June 2019
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972-204-03	Proposed Roof Plans	3rd June 2019
972-205-03	Proposed Elevations	3rd June 2019
972-205-03	Proposed Plans	3rd June 2019
972.203.03	Proposed Ground Floor Plans	3rd June 2019
972.206.03	Proposed Street Scene	4 <sup>th</sup> June 2019
972.001_00	Location Plan	3rd June 2019

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Arboriculture Impact Assessment Report</li> <li>- Design Appendix</li> <li>- Ecological Appraisal</li> <li>- Green Belt Justification Statement</li> <li>- Landscape Appraisal</li> </ul>	
<b>Applicant:</b> Mr Saunders	<b>Validated:</b> 4 June 2019 <b>Date of expiry:</b>

	30 July 2019
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application has been called in by Cllr G Rice, Cllr D Chukwu, Cllr M Kerin, Cllr T Fish and Cllr L Worrall in accordance with Part 3 (b) 2.1 (d)(ii) 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 terrace of three dwellings, with associated parking, refuse and cycle storage and vehicle access. The 3-bedroom properties would have unequal, shallow-pitched roofs ranging from 6m to 7.5m in height.
- 1.2 The application is a resubmission of earlier planning applications (18/00780/FUL and 19/00020/FUL) which were both withdrawn by the applicant following advice that the applications would likely be 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 0.12ha in area. The site is accessed from East Tilbury Road, adjacent to the car park of the George and Dragon public house.
- 2.2 The site is located in the Metropolitan Green Belt and is currently free from development, covered in trees, shrubs and other vegetation.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
65/00835/OUT	Residential Development (Outline)	Refused
68/01033/OUT	Demolition of existing pair of cottages and erection of one pair of semi-detached agricultural workers houses (Outline)	Refused
70/01184/FUL	Erection of two dwellings	Refused
77/00768/OUT	Clinic with Doctor's Surgery - Resident Doctor and Caretaker Flats (OUTLINE)	Refused
78/00527/OUT	Clinic Building with resident Doctor and Caretaker	Refused



	Flat. (OUTLINE)	
78/00616/OUT	Clinic Building with Doctor's Flat. (OUTLINE)	Approved
79/00509/FUL	Bungalow and surgery	Approved
80/01121/OUT	One dwelling	Refused
83/00092/FUL	Bungalow & Surgery. (Renewal of THU/509/79).	Refused
18/00780/FUL	Terrace of three dwellings with new access, associated hardstanding and bin and cycle stores.	Withdrawn
19/00020/FUL	Terrace of three dwellings with new access, associated hardstanding and bin and cycle stores.	Withdrawn

**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. The application has been advertised as a departure from the Development Plan. One comment has been received objecting to the proposal on the following grounds:

- Access to site is unsuitable
- Out of character with the surrounding area.

**4.3 CADENT GAS:**

No objection..

**4.4 HEALTH AND SAFETY EXECUTIVE:**

No objection.

**4.5 ESSEX COUNTY COUNCIL ARCHAEOLOGICAL ADVICE:**

No objections; subject to conditions.

**4.6 HIGHWAYS:**

No objections, subject to conditions.

#### 4.7 LANDSCAPE AND ECOLOGY ADVISOR:

Recommend refusal.

### 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
- Green Belt
- 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:

##### Spatial Policies:

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

##### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSSP4 (Sustainable Green Belt)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

##### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)

[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.

#### 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
- 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. 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.
- 6.5 The applicant has argued that the site is Previously Developed Land and the development is therefore appropriate in the Green Belt. The NPPF defines Previously Developed Land (i.e. brownfield sites) as excluding *"land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"*. The previous residential dwellings that occupied the site were demolished approximately 40 years ago and are no longer visible on site, therefore the site is no longer considered to be Previously Developed Land and this exception does not apply.
- 6.6 It follows that as a matter of fact, 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
- 6.7 Having established that the proposals constitute inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.8 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 is their openness and permanence. The built development would occupy the site which is currently free of built form. The proposed

dwellings with a combined footprint of c. 330 sq.m and a height of 7.5m on land which is currently open would clearly reduce the openness of the site. Loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.9 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.

6.10 In response to each of these five purposes:

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

6.11 The site is located between East Tilbury and Linford, at the edge of existing built-up area. However, the site is small and contained and the proposal would not therefore result in the sprawling of an existing large built up area and there would be no harm to this purpose of the Green Belt.

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

6.12 As noted above, the site is located in between East Tilbury and Linford. As the proposal would comprise 3 dwellings only it would not infill the existing gap completely, are there would be no harm to this purpose of the Green Belt.

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

6.13 With regard to the third Green Belt purpose, the proposal would involve built development on a 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*

6.14 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*

6.15 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. For these reasons it is considered that the proposals conflict with this Green Belt purpose.

6.16 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 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

6.17 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 provision 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.

6.18 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*".

6.19 The applicant's Green Belt Justification Statement sets out the applicant's case for very special circumstances which are summarised and assessed below:

*a) The proposal is limited infill on a brownfield site*

6.20 The applicant argues that the site was previously occupied by residential dwellings.

Consideration

6.21 The NPPF defines Previously Developed Land (i.e. brownfield sites) as excluding 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'. The previous dwellings have not existed for approximately 40 years and are no longer visible on site, therefore the site is no longer considered to be Previously Developed Land. No weight is therefore afforded to this justification.

*b) The quality of design*

6.22 The case put forward is that the proposed for three dwellings are of exceptional design, and by way of enabling development for future landscape management, would amount to 'Very Special Circumstances'.

Consideration

6.23 Thurrock seeks to ensure all development is of high quality design and therefore no weight should be afforded to this consideration.

*c) Limited Green Belt impact*

6.24 The applicant argues the proposed development would not significantly increase the amount of new development, with the proposal being modest in its scale and number of proposed dwellings.

Consideration

6.25 By virtue of paragraph 145, the construction of new buildings in the Green Belt should be considered inappropriate and by definition harmful. At present there is no development on site and the introduction of three new dwellings would clearly have an adverse impact upon openness. No weight should be given to this justification.

*d) Landscape and ecology value*

6.26 The applicant has stated that the boundary features and introduction of new trees is particularly valuable within this area of Essex; increasing and improving this allocation would enhance both its wildlife and landscape value; diversification by



planting new native trees and occasional exotics would accompany the staged removal of younger regeneration species and the planting of edge and understory shrubs and hedges would improve habitat diversity and enhance character.

### Consideration

The Council's Landscape and Ecology Advisor objects to the application and recommends refusal. No landscape scheme has been provided to show how the loss of the trees could be mitigated. There is a lack of adequate assessment of the existing trees on the site and a corresponding lack of any consideration to suitable landscape measures to mitigate the effects. It is therefore recommended that the scheme be refused on landscape grounds.

Similarly, no Ecological Assessment has been provided with the application. The trees have significant amounts of dense ivy growing on them which could provide roosting opportunities for bats as well as nesting birds. There are hedges linking from this site to Linford Woods, a Local Wildlife Site, to the northeast. This could provide a suitable commuting route for bats. The lack of ecological assessments means that the LPA is not able to assess the potential impacts that the scheme would have these protected species and their roosts. The Landscape and Ecology Advisor recommends the scheme is refused on ecology grounds due to the lack of adequate assessment to enable the LPA to be able to make an informed decision as to the potential impacts on European Protected Species.

This factor should therefore be given no weight in the balance of considerations.

*e) Maintains the openness of the Green Belt with enhancement of unmaintained brownfield scrub land.*

- 6.27 The applicant argues that through the careful landscape strategy the development would maintain the openness of the Green Belt.

### Consideration

- 6.28 The addition of new buildings to the site would, by definition within the NPPF, be harmful to the openness of the Green Belt. The site is not defined as a brownfield site within the parameters of the NPPF. The appropriateness of the landscape consideration undertaken is considered above. No weight should therefore be afforded to this justification.

*f) The site is surrounded by development*

- 6.29 The applicant states that "*the site lies within a pocket of greenbelt but is surrounded on the south between Mucking Road and Princes Margaret Road and East Tilbury Road/Buckingham Hill Road*".

### Consideration

- 6.30 Given that the site is located within the Green Belt, it serves the five purposes of the

Green Belt as outlined within the NPPF. No weight should therefore be afforded to this justification.

6.31 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) The proposal is nothing more than limited infill on a brownfield site	No weight
Reduction in the openness of the Green Belt		b) The quality of design	No limited weight
Conflict with a number of the purposes of including land in the Green Belt – purposes (c) and (e)		c) Limited Green Belt impact	No weight
		d) Landscape and ecology value	No weight
		e) Maintains the openness of the Green Belt with enhancement of unmaintained brownfield scrub land.	No weight
		f) The site is surrounded by development	No weight

6.32 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 (c) 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’.

6.33 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt clearly outweighs the accumulation of factors described above, therefore failing to justify inappropriate development.

**II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS**

6.34 The plans provided demonstrate sufficient parking provision for the residential units and there would be no detrimental impact on access. Therefore, notwithstanding the

overriding in-principle objection based upon Green Belt grounds, the proposal complies with Core Strategy policy PMD2 and PMD8.

### III. SITE LAYOUT AND DESIGN

- 6.35 The NPPF focuses on the importance of good design. Section 12 of the NPPF sets out the need for new development to deliver good design. Paragraphs 124 -125 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.36 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.37 Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.38 Policy CSTP22 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context
- 6.39 The overall design and appearance of the proposed development is considered to be high quality design in itself. However, the contemporary design and materials palette coupled with the relative high density result in a somewhat urban feel, which is not in keeping with the character of the George and Dragon public house which has a rural feel within a spacious and open site layout. The juxtaposition of modern, semi-urban design against the existing rural setting would be serve to create a development which would not respond to the context of the location. The design is therefore considered inappropriate for the location, contrary to Core Strategy policies CSTP22 and PMD2.

### IV. LANDSCAPE AND ECOLOGY

- 6.40 Policy PMD7 requires that all development proposals demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on site, or mitigated where this is unavoidable.
- 6.41 The Council's Landscape and Ecology Advisor has advised there is a lack of adequate assessment and consideration to mitigate the effects of the proposed development. No justification has been provided as to why the loss is unavoidable. The application therefore fails to satisfy the requirements of Core Strategy Policy PMD7.
- 6.42 Since the previous scheme was submitted the Essex Coast RAMS strategy has been produced. The site is within the Essex Coast RAMS zone of influence. Without mitigation the proposed development is likely to have a significant effect on the

Thames Estuary and Marshes SPA.

## V. AMENITY AND NEIGHBOURS

- 6.43 The proposed development would be suitably distant from other residential premises not to impact on the outlook or amenities of any nearby occupiers. Notwithstanding the overriding in-principle objection based upon Green Belt grounds the proposal complies with Policy PMD1, in terms of neighbouring amenity.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed development represents the construction of three new dwellings in the Green Belt. The applicant has argued that the site is previously developed land, however the residential premises on site were demolished about 40 years ago and the remains of the permanent structure or fixed surface structure have blended into the landscape. The condition of the land does not meet the government's definition of Previously Developed Land and the proposal therefore constitutes inappropriate development within the Green Belt. In addition, the introduction of built form within the site would lead to a loss of openness and directly contradict purposes (c) and (e) of the NPPF. 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. No very special circumstances have been demonstrated to warrant a departure from policy being made.
- 7.2 There has been insufficient assessment and consideration to mitigate the impacts of the proposal on the local landscape and in terms of ecology. The proposal is therefore also contrary to policy PMD7 of the Core Strategy and the NPPF.
- 7.3 The contemporary design and materials palette is unsympathetic to the character of the adjoining premises and wider area, contrary to policies CSTP22 and PMD2 of the Core Strategy.

## 8.0 RECOMMENDATION

- 8.1 Refuse, 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 (c) 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. Insufficient evidence has been submitted to demonstrate that the proposed development provides adequate mitigation for the impacts upon landscape and ecology. The proposal is therefore contrary to the National Planning Policy Framework 2019 and policy PMD7 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015).
3. The proposed development, by reason of its unsympathetic design, and density relative to the adjacent site of the neighbouring public house, would fail to contribute positively to the character of the area or local views and as such it would be contrary to part 12 of the National Planning Policy Framework 2019 and policies CSTP22 and PMD2 of the Core Strategy 2015.

**Informative:**

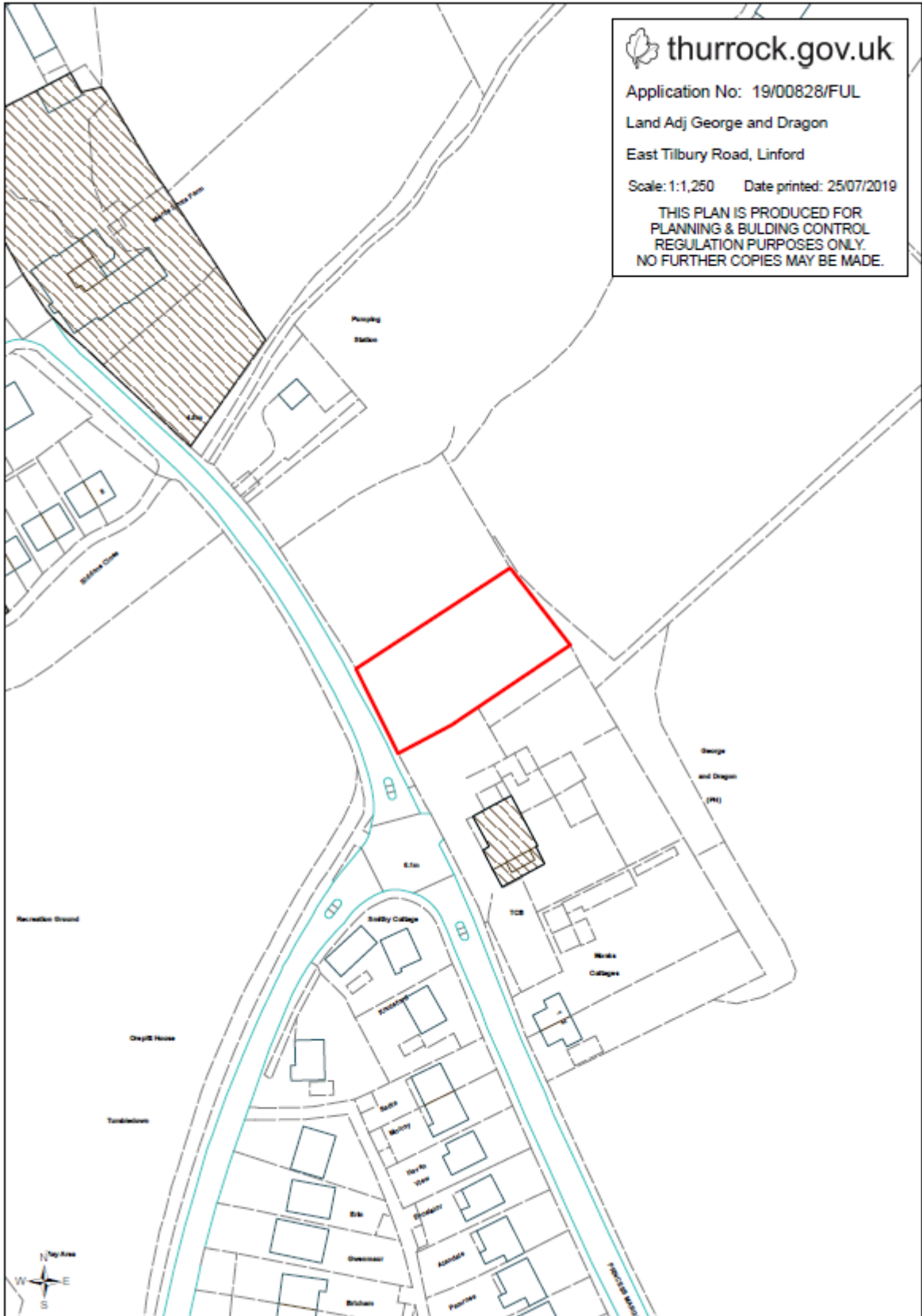
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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)



 **thurrock.gov.uk**  
Application No: 19/00828/FUL  
Land Adj George and Dragon  
East Tilbury Road, Linford  
Scale: 1:1,250 Date printed: 25/07/2019  
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<b>Reference:</b> 19/01095/FUL	<b>Site:</b> Treetops School Buxton Road Grays Essex RM16 2WU
<b>Ward:</b> Little Thurrock Blackshots	<b>Proposal:</b> Temporary permission for the siting of a double demountable classroom unit to the rear of the school site for a duration of 1 year in order to allow the school to accommodate pupils with special educational needs (while the planning application (ref. 19/00725/FUL) for the construction of the Treetops Free School is determined and development commenced on part of the new school for children)

<b>Plan Number(s):</b>		
Reference	Name	Received
Site Plan	Site Plan	17th July 2019
HD----/--	Proposed Plans and Elevations	17th July 2019
Location Plan	Location Plan	17th July 2019

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Design and Access Statement</li> <li>- Flood Map for Planning</li> </ul>	
<b>Applicant:</b> Treetops School	<b>Validated:</b> 18 July 2019  <b>Date of expiry:</b> 12 September 2019
<b>Recommendation:</b> Approve, subject to: (i) referral to the Secretary of State; and (ii) conditions.	

This application is scheduled for determination by the Council's Planning Committee because it constitutes a major application for development in the Green Belt, which also represents a departure from the Core Strategy and NPPF, and as defined in the Council's constitution under Section 2, 2.1 (a).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks temporary planning permission for the siting of a double demountable classroom unit to the rear of the Treetops School site for a maximum duration of 12 months. The classroom would measure 16.8m x 9.8m and would have a maximum height of 3.5m. The classroom is required to provide additional SEN teaching facilities for the Treetops Academy School following the confirmed intake of students for September 2019.

## 2.0 SITE DESCRIPTION

- 2.1 The Treetops Academy is located to the northern part of the application site and accessed via Buxton Road. Playing fields are located further to the south; residential development along Buxton Road and Carlton Road is located to west; the A1089 is to the immediate east and undeveloped land lies to the immediate north with Stanford Road beyond.
- 2.2 The site of the proposed classroom is on the edge of the playground to the far east of Treetops school. The site is located within the Metropolitan Green Belt. The site is located in a low flood risk zone.

## 3.0 RELEVANT HISTORY

There is extensive history for the original Treetops School. The most relevant history relating to the replacement school approved in 2006 and the current proposals is as follows:

Application Reference	Description	Decision
06/00170/TTGFUL	Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works, all taking permanent access from Buxton Road (construction access from Stanford Road).	Approved
07/00148/TTGFUL	Amendments to planning permission 06/00170/TTGFUL (Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works).	Approved
10/00976/TBC	New school kitchen and dining room plus pupil changing facilities.	Approved
11/00099/FUL	Erection of single storey building	Withdrawn



	comprising canteen and shop	
11/00359/FUL	Erection of single storey building comprising canteen and shop	Approved
12/00279/FUL	New 4000msq car park, with soft and hard landscaping and lighting.	Approved
14/00971/FUL	Replacement teaching building	Approved
19/00725/FUL	Erection of a new 140 pupil SEN school with associated parking and landscaping	Pending Consideration

#### 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. 10 comments have been received objecting to the application on the following grounds:

- Access to site
- Additional traffic
- Environmental pollution
- Litter / odour
- Overlooking property
- Possible excessive noise

4.3 SPORT ENGLAND:

No objections.

4.4 HIGHWAYS:

No objections, subject to condition.

4.5 LANDSCAPE AND ECOLOGY ADVISOR:

No objections.

4.6 EDUCATION:

No objections, fully support proposal as it will enable to be placed locally rather than educated outside of the Borough.

#### 4.7 ENVIRONMENTAL HEALTH OFFICER:

No objections.

### 5.0 POLICY CONTEXT

#### National Planning Guidance

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

The NPPF was published on 27th March 2012, and amended on 24 July 2018 and again 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:

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

#### Planning Practice Guidance

- 5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a number 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
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision-taking
- Travel plans, transport assessments and statements in decision-taking
- Use of planning conditions.

## **Local Planning Policy**

### Thurrock Local Development Framework (2015)

- 5.3 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was then amended in 2015. The Adopted Interim Proposals Map shows the site within the Green Belt. The following Core Strategy policies would apply to any future planning application:

#### Spatial Policies

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

#### Thematic Policies

- CSTP9: Well Being: Leisure and Sports
- CSTP12: Education and Learning
- CSTP25: Addressing Climate Change
- CSTP27: Management and Reduction of Flood Risk<sup>2</sup>

#### Policies for management of development

- PMD1: Minimising Pollution and Impacts on Amenity<sup>2</sup>
- PMD2: Design and Layout<sup>2</sup>
- PMD6: Development in the Green Belt<sup>2</sup>
- PMD8: Parking Standards<sup>3</sup>
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans<sup>2</sup>

[Footnote: <sup>1</sup>New Policy inserted by the Focused Review of the LDF Core Strategy. <sup>2</sup>Wording of

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

#### 5.4 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 areas:

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

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

6.2 The site lies in the Green Belt. 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 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, however, the proposed installation of classrooms does not fall into any of the exceptions listed.
- 6.5 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.
- 6.6 The temporary classroom would be located partly on the edge of the hardsurfaced play area and partly on a landscaped part of the Treetops Academy site and as such the proposal would, broadly, be located on the same area as the main development at the school. Whilst the proposed double classroom unit would be located within the existing complex of school buildings which would limit the impact to openness the proposal would nonetheless constitute inappropriate development in the Green Belt with reference to the NPPF and policies CSSP4 and PMD6.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.7 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.

6.8 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 to the easternmost point of the Treetops School site. The temporary double demountable classroom would be wholly within the area of land occupied by the school and would not be outside of the existing school grounds. For the purposes of the NPPF, the site is considered to be immediately adjacent to a 'large built up area'. It would not therefore result in the sprawl of an existing built up area.

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

6.11 The 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 the siting of a double demountable classroom for a temporary period on land which is currently used as the edge of the hard playground area and landscaped edging to the site. Notwithstanding the area of hard playground the area is free of other built form. 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*

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

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

- 6.14 In this case, there is a clear requirement for the classroom to be sited within the SEN school site which the children would be attending in September 2019. Given the rationale for the classroom it is not considered reasonable to expect the development to be located elsewhere.
- 6.15 In light of the above analysis, it is considered that the proposals would be contrary to purpose (c) of the five reasons for including land in the Green Belt. Substantial weight should be afforded to this factor.
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 The planning application sets out the applicant's Very Special Circumstances which are assessed below:
- a) *Previous planning permission and Urgent need for a SEN school within the Borough and*
  - b) *lack of special educational needs education provision in Thurrock for September 2019*
- 6.19 The applicant has referred to planning permission which was granted in 2006 and 2007 for a phased development of two schools; the 2006 permission sought the total demolition of the former Torrells School and its replacement with buildings to accommodate two special need schools and a respite/post 16 facility. The SEN schools were intended to be replacements for the existing Treetops and Beacon Hill schools in Grays and South Ockendon. Phase 1 was built (Treetops Academy), however, phase 2 was not built due to funding issues at the time. The previous school on the site was demolished to facilitate the permission for the two schools, however, its slab and foundations remain on site. The applicant was able to demonstrate that Very Special Circumstances existed at that time for the new school with respect to the siting and the need for the schools. The applicant states that those circumstances have not altered and the objective in Thurrock has therefore always been to provide two SEN schools on the site.
- 6.20 The applicant states that following Thurrock's strong reputation for SEN education in the Borough, there has been a significant increase in applications for SEN pupil places in Thurrock in the last year. Currently there are only two SEN providers available within Thurrock Local Authority. Both Treetops Academy and Beacon Hill Academy which cater for pupils with profound and multiple learning difficulties (PMLD) are at capacity and can no longer take any pupils with an Autistic Spectrum Disorder (ASD) diagnosis. The existing Treetops Academy is currently oversubscribed in anticipation of the new school (subject of planning application 19/00725/FUL which is pending consideration) and has already had to re-purpose rooms to accommodate pupils as a temporary measure.
- 6.21 The Thurrock Pupil Place Planning document, 2018 confirms a significant need for more school provision by 2020, as a result of the demographic shift from London and due to Thurrock being a key part of the regeneration of the Eastern region. Existing school sites are unable to cater for the demand but are supporting additional pupils where they can in the lead up to the potential opening of the SEN Free School.

#### Consideration



- 6.22 The planning history does show that permission was granted for the two phases for the school development. The Council's Education Team concur with the statement and support the application on the basis that it would provide the much needed accommodation to address the shortfall in specialist provision for the next academic year and enable pupils to go to schools locally rather than be educated outside the Borough.
- 6.23 The Education Team has confirmed that there are currently 12 pupils, who have been identified as needing the Applied Behaviour Analysis and Verbal Behaviour (ABA-VA) provision. These pupils are receiving support but within a mainstream setting which often means there are significant challenges to overcome to meet the needs of these pupils that cannot be met in a mainstream school.
- 6.24 The current proposal would allow these 12 places to be provided at the existing Treetops SEN School, consisting of 6 pupils per classroom base, whilst assessment of application 19/00725/FUL for the new Treetops SEN Free School progresses. If the class base is not installed at the Treetops School, the applicant is fearful that there will be a minimum of 12 children who will need to continue to be educated at other schools in the Borough which provide inadequate provision for these specific SEN pupil needs.
- 6.25 Policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the headings of "Primary Education" and "Secondary Education") new build, refurbishment and expansion of existing mainstream primary and secondary schools. This development plan policy therefore identifies the general need for new build primary and secondary schools as items of key infrastructure.
- 6.26 Policy CSTP12 (Education and Learning) sets out a general approach for special needs education provision which includes:
- “(ii) Completion of the special education campus at Buxton Road, Grays by relocating Beacon Hill school there from South Ockendon.”
- 6.27 Therefore, in general terms the Core Strategy policies support the provision of education facilities, including SEN schools at this location.
- 6.28 Under the heading of 'Promoting healthy communities' paragraph NPPF para 94 of the NPPF states:

*“The government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- give great weight to the need to create, expand or alter schools*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

6.29 Although not a part of either the NPPF or PPG, the national policy paper “Planning for Schools Development” (2011) is relevant to this application. This paper sets out a commitment to support the development and delivery of state-funded schools through the planning system. Furthermore the policy paper refers to the Government’s belief that the planning system should operate in a *“positive manner”* when dealing with proposals for the creation, expansion and alteration of state-funded schools. Finally, the policy paper sets out the following principles:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority;
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

6.30 The matter of providing high quality education facilities is a key Council objective. There are presently no schools in Borough that could provide the number of SEN pupil places that could be provide by this application and the

number of places. The funding is available for the provision and development could commence in earnest if permission were to be granted and the decision is not called in.

6.31 In conclusion under this heading, it is considered that this factor should be given very significant weight in the determination of the application as a very special circumstance.

Summary of Very Special Circumstances

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

<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	Previous planning permission and urgent need for a SEN school within the Borough	Very significant Weight
		Lack of special educational needs education provision in Thurrock for September 2019	Very significant weight
Reduction in the openness of the Green Belt			

6.33 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as ‘very special circumstances’ and it is for the Committee to judge:

- i. the weight to be attributed to these factors;

- ii. Whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'very special circumstances'.

6.34 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. DESIGN, LAYOUT, AMENITY AND LANDSCAPE IMPACTS

6.35 The classroom would be situated on the edge of the hard surfaced play area and landscaped area at the eastern edge of the existing school site. The site has been carefully chosen by the school to ensure the least impact upon neighbour amenity and privacy. The site has also been selected to enable no adverse impact with regard to early site preparation works or progression with the proposed new Treetops SEN Free School should permission be granted.

6.36 The siting of the classroom would result in a very small area of hard surfaced play area being unavailable for a temporary period. However, the vast majority of the play area would remain available. On the basis that there would be no permanent loss of any formal playing field or play areas, there is no objection from Sport England in this regard.

6.37 The classroom is of a modular design and form. The building is not considered to be of the high standard of design required for permanent retention however it is recognised that the building is necessary in the short term to meet the needs of the school. On this basis, no objection is raised in terms of the design or form of the building.

6.38 On the basis of the above, it is considered that the temporary siting, design, landscape and amenity impacts of the proposal would be acceptable and accord with Core Strategy Policies CSTP22, PMD1 and PMD2.

## III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

6.39 The Treetops School is currently accessed by vehicles via the end of Buxton Road and the existing school complex includes car parking and drop off facilities as most children are brought to school by bus or by private vehicle and there is a need for facilities to be provided within the school for access to the school. The development would allow the school to accept up to 12 additional SEN pupils. The applicant has stated that the likely additional vehicles are expected to access the school twice daily as a result of the proposed increase

in pupils. These vehicles would be in the form of one minibus and potentially 8 private taxis per drop off and pick up.

- 6.40 Given the existing schools in the immediate vicinity, there would be a concern if the impact of the vehicles accessing the school were to migrate on to the public highway. The applicant has assured the Council that it would provide additional measures within the school site to ensure that any increase in parking and drop off on site would be adequately managed and mitigated ensuring no additional vehicles would be parked on the highway or waiting to enter the site. This would be secured via the submission and agreement of a car park management plan which would address the access to and management of the dropping off/ picking up area and car parking areas within the school. If appropriately managed, the school could ensure that the additional 12 pupils would not lead to any migration of vehicles on to the highway. A suitable planning condition has been included securing this car park management plan.
- 6.41 In addition, it is noted that the proposal seeks only a one year temporary permission for a two classroom unit, whilst the planning application for the new Treetops SEN Free School is fully considered. Part of the consideration of this other planning application involves the detailed assessment of the additional traffic that would be likely to be generated by a new 140 place SEN school and its impact on the current highway network.
- 6.42 However, for the purposes of this current application and subject to the car park management plan condition, the Council is satisfied that the proposal for the temporary double classroom base would comply with all Core Strategy policies in relation to highway matters.

#### IV OTHER MATTERS

- 6.43 The comments from neighbours in relation to potential noise and disturbance and amenity are noted. The proposed classroom would be sited on part of the land which was previously occupied by buildings, is for a small number of children and would be located close to existing school buildings. Accordingly, it is not considered that the proposals would be harmful to the privacy or amenity of the neighbour occupiers located on Buxton Road. With regards to other residential properties, the proposed classroom is to be located close the eastern boundary of the site, which is in proximity to the A1089. Given the background surroundings it is not considered the proposal would lead to an appreciable increase in noise or loss of amenity for other properties in this area.

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

- 7.1 The application seeks temporary planning permission for a double classroom for a maximum of 12 months to allow the school to accommodate additional SEN pupils in the Borough. The site is located in the Metropolitan Green Belt and the proposal constitutes inappropriate development however, as a matter of judgement, Very Special Circumstances have been demonstrated which clearly outweigh the in principle harm and other harm which might occur. The proposal would result in no amenity, landscape or highway impacts which would prevent planning permission being granted for temporary permission.

## 8.0 RECOMMENDATION

- 8.1 Grant planning permission subject to:

**A:** Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination

and

**B:** The following conditions

### TEMPORARY PERMISSION

1. The planning permission hereby granted shall be for a temporary period only, expiring on 15 August 2020, on or before which date the double classroom bases hereby approved shall be removed from the site and the land reinstated to the written satisfaction of the Local Planning Authority.

Reason: To define the scope of the planning permission hereby granted which is on the basis of the urgent need for special educational needs provision, in the interests of the visual amenities of the locality and the site's location in the Green Belt, in accordance with Policies PMD1, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### ACCORDANCE WITH PLANS

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

<b>Plan Number(s):</b>
------------------------

Reference	Name	Received
Site Plan	Site Plan	17th July 2019
HD----/--	Proposed Plans and Elevations	17th July 2019
Location Plan	Location Plan	17th July 2019

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

### **CAR PARK MANAGEMENT PLAN**

- 3 Before the use of the classroom base hereby approved commences, a car park management plan shall be submitted to and agreed in writing by the Local Planning Authority and thereafter retained for the lifetime of the use of the classroom base for SEN pupils. The car park management plan shall include, but not be limited to, the submission of detailed plan demonstrating how the existing drop off, pick up and car parking areas will operate and be managed by the staff at the school on a daily basis when the school is open to ensure that there will be no additional vehicles overspilling or waiting on the highway network.

Reason: In the interests of visual and neighbour amenity and highway and pedestrian safety in accordance with policies PMD1, PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **CONSTRUCTION TRAFFIC ROUTING**

4. All vehicles accessing the site in connection with the construction of the temporary classroom bases shall use the existing construction access via Stanford Road. No vehicles shall access via Buxton Road.

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 (as amended 2015).

### **HOURS OF CONSTRUCTION**

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

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

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained.

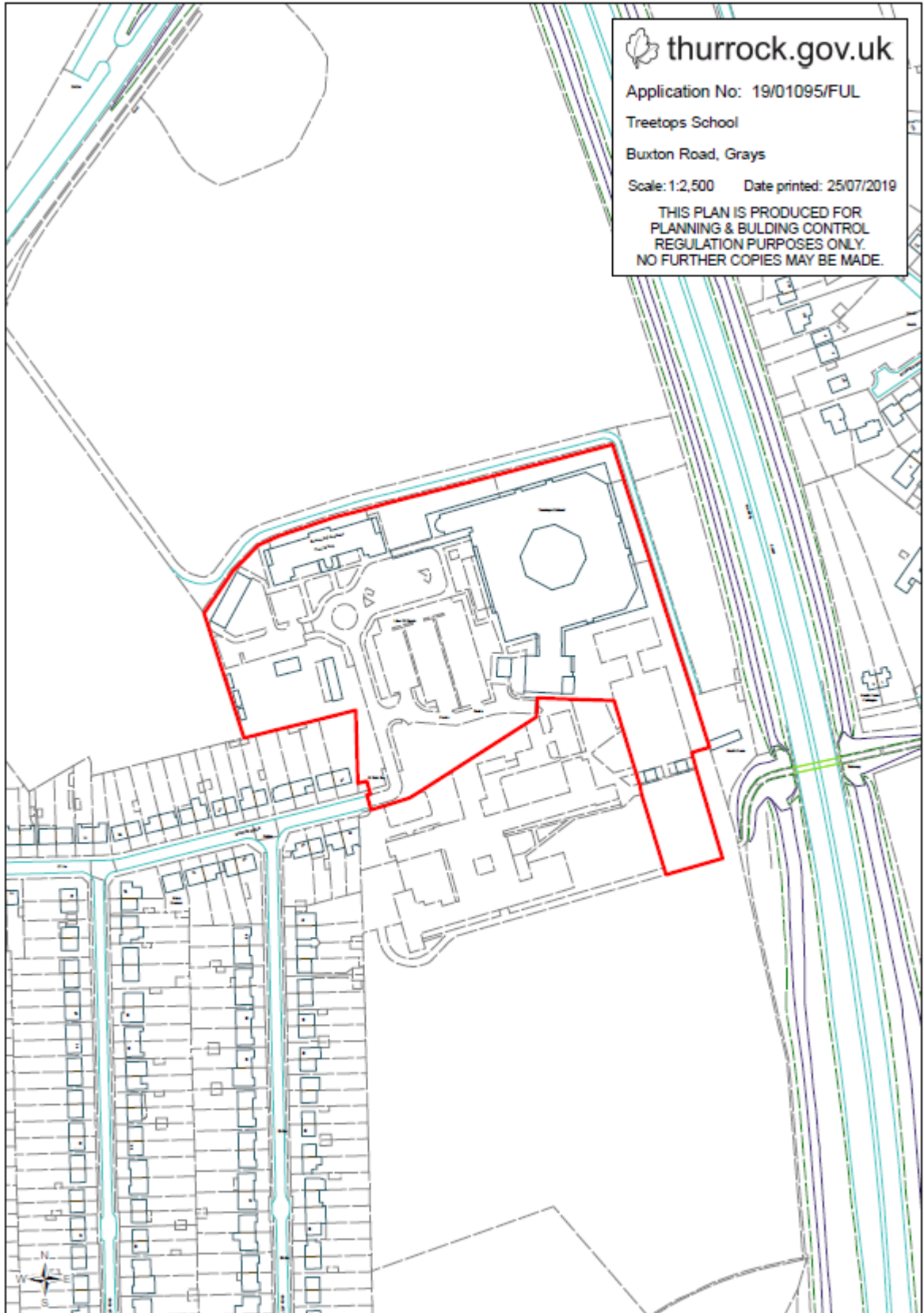
Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Documents:**

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

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





 **thurrock.gov.uk**  
Application No: 19/01095/FUL  
Treetops School  
Buxton Road, Grays  
Scale: 1:2,500    Date printed: 25/07/2019  
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<p><b>Reference:</b> 19/01101/ELEC</p>	<p><b>Site:</b> Land at London Gateway The Manorway Stanford-le-Hope</p>
<p><b>Ward:</b> Corringham and Fobbing</p>	<p><b>Proposal:</b> Proposed variation of s36 (Electricity Act) consent and deemed planning permission for the construction and operation of an electricity generating station (known as Gateway Energy Centre) - proposed variation to: (a) amend the description of development to retain the permitted generating capacity of 1250MW but to allow, within Development Option (ii), for the incorporation of a Battery Energy Storage System (BESS) with a rated electrical output of up to 320MW; (b) allow a different and smaller area of land to be safeguarded for future carbon capture equipment should Development Option (ii) be progressed, compared to the larger area of land associated with Development Option (i); (c) further extend the time limit for commencement of the development to the end of 2023; and (d) better allow for a phased development of Gateway Energy Centre by including a new condition to require a phasing scheme to be submitted and approved and by varying other conditions to specify where relevant that certain conditions only apply to a specific phase and not to other phases and that under certain conditions the approval of details may be applied for and granted on a phase-by-phase basis.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
63114-PBP-0025	Red Line Boundary	17.07.19
2746D_DWD_001	Gateway Energy Centre – Site Location Plan	17.07.19

The application is also accompanied by:

- Covering letter
- Schedule 1 – Compliance with Regulation 3 of the 2013 Variation Regulations
- Schedule 2 – Proposed List of Consultees
- Original s36 consent and deemed planning permission granted 4 August 2011
- 2014 varied consent and deemed planning permission granted 18 November 2014

- 2016 varied consent and deemed planning permission granted 3 August 2016
- 2019 application proposed variation to the s36 consent and deemed planning permission – track change document
- 2019 application proposed variation to the s36 consent and deemed planning permission – clean version
- Gateway Energy Centre Environmental Statement Further Information Document (June 2019) including:
  - Gateway Energy Centre 2019 Updated Flood Risk Assessment (June 2019)
  - Gateway Energy Centre 2019 Transport Report Addendum (June 2019)
- Gateway Energy Centre Non-Technical Summary of the Environmental Statement Further Information Document
- Gateway Energy Centre Updated Carbon Capture Readiness (CCR) Feasibility Study (June 2019) including:
  - Carbon Capture Readiness ‘CCS Site for Development Option (i)’ Plan Ref. 1620002349-018-00004 Rev. P02; and
  - Carbon Capture Readiness ‘CCS Site for Development Option (ii)’ Plan Ref. 1620002349-018-00005 Rev. P02
- Draft Explanatory Memorandum (2019); and
- Historic documents relating to the previous Gateway Energy Centre variation applications and associate development

**Applicant:**  
Gateway Energy Centre Limited (GECL)

**Validated:**  
17 July 2019  
**Date of expiry:**  
30 September 2019

**Recommendation:** That Planning Committee agree that the content of paragraphs references 6.3 to 6.54 (below) comprise the consultation response to be provided by the relevant planning authority to the Department for Business, Energy & Industrial Strategy.

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 This report considers the issues raised by an application submitted by GECL to the Secretary of State (SoS) for Business, Enterprise & Industrial Strategy (BEIS – formerly the Department for Energy & Climate Change (DECC)) to vary an existing s36 (Electricity Act 1989) consent and associated deemed planning permission for the construction and operation of a proposed electricity generation station on part of the London Gateway logistics park site at The Manorway, Stanford-le-Hope.

- 1.2 s36(c) of the Electricity Act 1989 (inserted by s20 of the Growth and Infrastructure Act 2013) allows for the SoS to vary a s36 consent and the process for an applicant to seek a variation is set out in the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013. A guidance note (July 2013) accompanying the Regulations confirms that the SoS has the power to make “such variations as appear to be appropriate”. However, paragraph 26 of the guidance notes that the variation procedure is not intended as a way of authorising any change to a developer’s plans that would result in development that would be fundamentally different in character or scale from what is authorised by the existing consent.
- 1.3 The Council is defined as the ‘relevant planning authority’ and is required to be consulted by BEIS along with the following bodies:
- Natural England;
  - Historic England;
  - NATS (National Air Traffic Services);
  - Met Office
  - Defence Infrastructure Organisation;
  - Environment Agency;
  - Highways England;
  - Civil Aviation Authority; and
  - Health and Safety Executive.
- 1.4 A formal consultation was received from BEIS dated 22<sup>nd</sup> July 2019 requesting that any comments from the relevant planning authority are submitted no later than 30<sup>th</sup> September 2019. Paragraph 8 (1) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 states:
- 8(1) The appropriate authority (SoS) may cause a public inquiry to be held into a variation application if it considers it appropriate to do so having considered -*
- (a) any representations made about a variation application to the appropriate authority –*
- (i) which a relevant planning authority makes within two months of the date on which a copy of the application was served on it under regulation 5(2)(b); and*
  - (ii) which any other person makes on or before the date specified*

*in accordance with regulation 5(5)(b)(iii),  
where those representations are not withdrawn; and  
(b) all other material considerations.*

The SoS therefore has discretionary power to hold a public inquiry to consider a variation application and in considering whether to hold such an inquiry the SoS must consider any representations submitted by the relevant planning authority or any other person where those representations are not withdrawn.

- 1.5 Members of the Planning Committee will be aware that with the enactment of the Planning Act 2008 a different consenting regime for onshore electricity generating stations with a capacity of more than 50MW was introduced. Under this Act such proposals are defined as Nationally Significant Infrastructure Projects (NSIPs) where permission is granted via a Development Consent Order issued by the relevant SoS. However, as the GECL proposal was submitted before 1<sup>st</sup> March 2010 (when the requirement to submit applications for large energy projects to the Infrastructure Planning Committee - now the Planning Inspectorate came into force) the provisions of the Electricity Act 1989 apply.
- 1.6 By way of background, the s36 consent and deemed planning permission were originally granted in 2011 to authorise the construction and operation of a combined cycle gas turbine (CCGT) generating station. In November 2014 the Secretary of State granted a variation to the s36 consent to increase the capacity of the development from 900MW to 1250MW alongside minor amendments to the related deemed planning permission. More recently in August 2016 the Secretary of State granted a variation to the s36 consent to:
- a) allow for the construction and operation of either –
    - i) up to two Combined Cycle Gas Turbine (“CCGT”) units (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment); or
    - ii) one CCGT unit (including a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment) and one or more Open Cycle Gas Turbine (“OCGT”) plants, with the OCGT units having a combined electrical output of less than 300MW (including for each OCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment)
  - b) extend the time limit for the commencement of the Development to allow a further 5 years from the date of the varied consent.
- 1.7 In summary, the current submission to the SoS seeks to further vary the s36 consent and deemed planning permission to:

- a) amend the description of development to retain the permitted generating capacity of 1250MW but to allow, within development option (ii), for the incorporation of a Battery Energy Storage System (BESS) with a rated electrical output of up to 320MW;
  - b) allow a different and smaller area of land to be safeguarded for future carbon capture equipment should Development Option (ii) be progressed, compared to the larger area of land associated with development option (i);
  - c) further extend the time limit for commencement of the development to the end of 2023; and
  - d) better allow for a phased development of GEC by including a new condition to require a phasing scheme to be submitted and approved and by varying other conditions to specify where relevant that certain conditions only apply to a specific phase and not to other phases and that under certain conditions the approval of details may be applied for and granted on a phase-by-phase basis.
- 1.8 The proposals for amendments to the s36 consent and deemed planning permission are fully set out as track changes at Appendix 1 to this report.
- 1.9 For ease of reference, the technologies described in the proposals are briefly summarised below:

*Combine Cycle Gas Turbine (CCGT): comprises an assembly of heat engines working in-tandem from the same heat source to drive generators. After the first engine completes its cycle, the temperature still within the system is extracted and used by a second engine.*

*Open Cycle Gas Turbine (OCGT): comprises a free-standing engine in which compressed air is combusted to drive a turbine. Exhaust gases are not recirculated but are released into the atmosphere.*

*Battery Engine Storage System (BESS): comprises a group of batteries to store electrical energy. Technologies could include lithium-ion batteries stored within structures such as containers. The stored electrical energy can be supplied almost instantaneously to the grid at times of high demand.*

*Carbon Capture Readiness (CCR): the ability of a new large combustion plant of more than 300 MW capacity to incorporate or allocate space for the capture, transportation and storage of carbon emissions.*

*Carbon Capture and Storage (CCS): the process of capturing waste carbon dioxide transporting it to a storage site and depositing it where it will not enter*

*the atmosphere.*

1.10 Part 2 of the applicant's 2019 Environmental Statement Further Information Document provides a summary of the rationale for the elements of the variation application as follows.

1.11 Rationale that GEC remains at up to 1250 MW output but shall include in Development Option (ii) a BESS with a rated electrical output of up to 320 MW (alongside the CCGT unit and the OCGT unit(s)):

*“Under Development Option (ii), a BESS will complement the proposed CCGT unit and OCGT unit(s) at the GEC site and will be able to provide essential support to the electricity system by storing and discharging energy, delivering significant benefits in meeting the UK’s ‘Energy Trilemma’ (the challenges of ensuring security of supply, decarbonising and containing costs).*

*In particular, in decarbonising and supporting the UK’s commitment to net zero-carbon emissions by 2050, the BESS will support the further integration of zero-carbon renewable energy technologies (such as solar PV and wind). The BESS will enable energy produced from renewable technologies during times of low demand and / or during favourable generation conditions to be stored and subsequently discharged during times of peak demand. The use of an energy storage system for this is essential because favourable generation conditions for renewable sources frequently do not coincide with periods of peak demand. Using solar PV as an example, the BESS will enable energy produced during the day to be stored and ‘time-shifted’, such that energy can be available during the period of peak evening demand.*

*To highlight the scale and ambition of the 2019 Variation Application, a 320 MW BESS with a 4-hour discharge capability (1.3 GWh) would be one of the largest in the world at the current time. In a UK context, recent statistics indicate that the UK currently has 3300 MW of operational storage capacity (including hydro projects), with 450 MW being operational large-scale (>1 MW) battery storage. Within this context, a BESS with a rated electrical output of up to 320 MW represents approximately 10% of total operational storage capacity and just over approximately 70% of operational large-scale battery storage capacity, and would be enough capacity to fully charge 32,000 electric vehicles.*

*Furthermore, whilst the average size of applications for large-scale battery storage continues to rise (from a 2016 average of 10 MW to a 2018 average of 27 MW), the scale of the 2019 Variation Application is such that it is over 10-times the average for such projects”.*

1.12 Rationale that the commencement of GEC shall take place no later than 31 December 2023 and to better allow for a phased development of GEC by varying conditions and include a new condition to specify and require, where



relevant, that:

- certain conditions only apply to a specific phase of the proposed development, and not to other phases;
- a scheme for the phasing of the works comprised in the proposed development be submitted and approved; and,
- under certain conditions, the approval of details may be applied for and granted on a phase-by-phase basis:

*“The rationale for the commencement deadline extension and phased development is to maximise the potential for GEC to secure a 15-year contract(s) in future Capacity Market Auctions and, in recognition of their differing economics, be able to participate as separate Capacity Market Units within the Capacity Market Auction, thereby maximising the potential to successfully secure a 15-year Capacity Market Award, and consequently secure financing of the relevant project(s).*

*At the time of writing the Capacity Market is suspended as a result of a recent judgement by the European Union Court of Justice. The European Commission is currently addressing the requirements of the judgement, which include whether the Capacity Market is compatible with State Aid rules. If the European Commission considers that the Capacity Market is compatible with the rules, it is possible with the Capacity Market may be reinstated in Q4 2019. On this basis, the current understanding is that the Capacity Market Auctions (or a similar mechanism) could be held early next year (2020) with both three year ahead (T-3) and four year ahead (T-4) auctions held. Subsequently, annual T-4 auctions would be held.*

*GEC has participated in four Capacity Market Auctions, under Development Option (i) as CCGT Capacity Market Units, and to date has not been successful in securing a Capacity Market Award.*

*Based on the current understanding, the commencement deadline extension would allow five opportunities for participation in the Capacity Market Auction (i.e. the 2020 T-3 (first delivery year 2022 – 2023), the 2020 T-4 (first delivery year 2023 – 2024), the 2021 T-4 (first delivery year 2024 – 2025), the 2022 T-4 (first delivery year 2025 – 2026) and the 2023 T-4 (first delivery year 2026 – 2027)).*

*By means of a comparison with similar developments, InterGen’s Spalding Energy Expansion project has participated in three Capacity Market Auctions with both CCGT Capacity Market Unit and OCGT Capacity Market Unit configurations. To date, only the OCGT Capacity Market Unit has been successful in securing a 15-year Capacity Market Award (in the 2016 T-4 (first delivery year 2020 – 2021))”.*

#### 1.13 Rationale for variations regarding CCR:

*“The rationale for the variations regarding CCR and designated site is to allow GECL, at the time of notification to the Secretary of State and Thurrock Borough Council which one of the Development Options has been selected, to dispose of the CCS site associated with the Development Option not selected”.*

## **2.0 SITE DESCRIPTION**

- 2.1 The site is located on the eastern part of the London Gateway logistics park site (the former Shellhaven oil refinery site), to the south of The Manorway, north of the River Thames and generally to the east of Corringham and Stanford-le-Hope. The site comprises open unused land, open areas formerly used as construction compounds for the London Gateway Port development as well as areas currently used for car parking. The site boundary has been drawn to include the former Gate 3 access point and internal road from The Manorway. The recently constructed east-west estate road serving London Gateway logistics park, known as Ocean Boulevard, is close to the western side of the site.
- 2.2 The site is rectangular in shape though, as mentioned above, has been drawn to include access onto The Manorway. The area required for the permanent electricity generating station (c.11.3 hectares) measures approximately 280m x 390m. The application site also includes an L-shaped temporary construction laydown area to the north and west of the permanent site, which will be used during the construction of the generating station. This laydown area measures a maximum of 480m x 600m, with an area of 17.8 hectares.
- 2.3 The Manorway (A1014) generally runs east to west and forms the northern extent of the London Gateway site. The former Shellhaven site had three points of access onto The Manorway, referred to as Gates 1, 2 and 3. The application site is located approximately 400m to the south of Gate 3, the easternmost access point and the site boundary has been drawn to include the section of access road linking to this gate. However, the London Gateway development is now served by the new dual-carriageway access road which was completed in recent years. Operational traffic associated with London Gateway is required to use this new access road. Gates 1 and 2 are only available as emergency accesses although Gate 3 is available as a construction access. The Manorway is a single carriageway road east of Gate 2 but widens to a dual carriageway between Gate 2 and the junction with the A13. The Thameshaven branch railway line and sidings for London Gateway port run east to west through the southern part of the former refinery site and are located c.120m to the south of the application site. Beyond this railway line and sidings is the London Gateway container port.

- 2.4 To the east of the site, and to the east of the Gate 3 access road, is a further unused railway siding. Immediately east of this railway siding is the Shell UK Oil Products Ltd tank farm located c.130m to the east of the site. Parts of the application site are located within the inner, middle and outer consultation zones drawn around this hazardous storage use. To the east of the tank farm is the Coryton gas-fired electricity generating station which is approximately 600m to the east. To the west of the site is London Gateway logistics park site.
- 2.5 In the wider area surrounding the site, flat and low lying agricultural land lies to the north of The Manorway and to the west of the London Gateway site. Isolated residential properties at Oozedam Farm and Great Garlands Farm are the closest dwellings to the site and are located approximately 990m to the north east of the site and 2.2km to the west of the site respectively. The built-up areas of Corringham and Fobbing are located a minimum of 2.4km to the north-west of the site. As noted above, ground levels on the former refinery site and the adjacent Petroplus site are flat and low lying with typical elevations of 2 – 3m AOD. Therefore, the site is defined as within Flood Zone 3a, which is at a high risk of flooding (although it is protected by tidal defences). Ground levels rise to the north-west of the site, in the form of a distinct river terrace, with ground levels at Corringham and Fobbing between 20 – 30m AOD.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Historically the site formed an undeveloped part Corringham Marshes but was developed after the Second World War for purposes associated with former Shellhaven oil refinery. The refinery use ceased in the late-1990s and buildings and structures associated with this use were subsequently cleared. The application site lies within the south-eastern corner of the site of the London Gateway commercial and logistics park, which was granted outline planning permission by the Secretary of State on 30<sup>th</sup> May 2007 (application reference 02/00084/OUT). In summary, this permission granted consent for up to c. 938,600 sq.m. of Class B8 (storage and distribution), Class B2 (general industry) and Class B1 (business) floorspace with associated development on a site area of c.268 hectares. Although this permission was technically implemented via the construction of a section of roadway, no buildings were constructed via this permission. In November 2013 the Council made the 'London Gateway Logistics Park Local Development Order (LDO) which grants permission for a development of c.830,000 sq.m. of Class B1, B2 and B8 development and associated development. Internal estate roads and drainage infrastructure serving the LDO site has been constructed, along with five large-scale commercial buildings with occupiers including UPS, Lidl, Made.com and Dixons Carphone. The area which is subject to the LDO excludes the site area

of GEC. The southern and eastern fringes of the application site are also positioned within the “limits of deviation” of a number of works which are authorised by the London Gateway Harbour Empowerment Order 2008 which permits the construction of the adjacent container port. These works are:

- Work No. 6 – road access into the port (within southern fringe of the site);
- Work No. 7 – a road from Gate 3 to the Thames Haven branch railway line (within eastern fringe of the site);
- Work No. 9 – double track railway north of the existing Thames Haven branch railway line (within southern fringe of the site);
- Work No. 10 – a railway consisting of loading, reception and shunting sidings (within southern fringe of the site);
- Work No. 23 – a bitumen product pipeline (within southern fringe of the site).

These works have been completed, although the Harbour Empowerment Order continues to have effect as not all of the consented berths have been constructed.

- 3.2 In March 2012 the former Thurrock Development Corporation granted full permission (ref. 11/50286/TTGFUL) for the construction of an underground gas pipeline, an above ground installation (AGI) and associated ancillary development. This development provides the infrastructure to link GEC to the national transmission system for gas via a new pipeline linking to an existing AGI located on the western side of Butts Lane, south of St. Clere’s golf course. This permission was technically implemented via the construction of a section of road to serve the new AGI, however the remainder of the approved development has not been progressed.
- 3.3 In February 2013 the Council granted full planning permission (ref. 12/01085/FUL) for a high voltage electrical connection between the GEC site and the existing National Grid substation located adjacent to the Coryton power station. This permission also included an extension to the National Grid substation to accommodate the new generating capacity from GEC.

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

- 4.1 As this is an application submitted by GEC to the SoS pursuant to the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 there is no requirement for the relevant planning authority to undertake any formal consultation or notification. Instead the applicant is required to include within their submission to the Department for Business, Energy & Industrial Strategy (BEIS - formerly DECC) a statement of what account has

been taken of views expressed by persons consulted by the applicant. The application includes, at part 5 of the 2019 Environmental Statement Further Information Document details of pre-submission consultations with stakeholders. This confirms that GECL consulted with the following bodies:

- BEIS;
- DP World (London Gateway);
- Environment Agency;
- Essex County Council (Historic Environment);
- Highways England;
- Natural England; and
- Thurrock Council

4.2 On submission of the application GEC also formally consulted the following statutory and non-statutory consultees:

- Thurrock Council;
- Environment Agency;
- Natural England;
- Historic England;
- NATS (National Air Traffic Services);
- Civil Aviation Authority;
- Ministry of Defence;
- Met Office;
- Health and Safety Executive;
- Highways England;
- National Grid;
- Castle Point Borough Council;
- Essex County Council (Archaeology);
- Medway Council;
- Buglife;
- Essex Wildlife Trust;
- Corringham & Fobbing Community Forum;
- Stanford Community Forum;
- Essex County Fire & Rescue Service;
- Essex Amphibian & Reptile Group;
- Essex Badger Protection Group;
- Essex Mammal Group;
- Essex Police;
- National Grid Property Ltd;
- RSPB;

- SPEAC;
- Essex & Suffolk Water;
- Thurrock Biodiversity Action Group;
- Thurrock Wildlife Society;
- Port of London Authority;
- DP World London Gateway;
- Thames Oilport;
- Thames Water;
- Network Rail;
- British Pipeline Agency; and
- Members of Parliament for the South Basildon & East Thurrock, Basildon & Billericay; Castle Point, Chatham & Aylesford and Thurrock constituencies.

4.3 The application has also been advertised via press notices placed in the London Gazette and Thurrock Gazette.

4.4 BEIS has received the following consultation responses which have been forwarded to the local planning authority for information:

4.5 CASTLE POINT BOROUGH COUNCIL:

No comment.

4.6 ENVIRONMENT AGENCY:

The Agency provide a detailed response to BEIS covering the issues of flood risk, flood risk activity permitting, contaminated land, environmental permitting, waste management and discharges to water. In response to the updated Flood Risk Assessment, the Agency agree that condition no. 41 could be varied as informed by the updated Assessment.

4.7 HISTORIC ENGLAND:

No comment.

4.8 HEALTH & SAFETY EXECUTIVE:

No comment.

4.9 MET OFFICE

No comment.

4.10 MINISTRY OF DEFENCE:

No comment.

4.11 NATS:

No comment.

4.12 PORT OF LONDON AUTHORITY:

No objection, subject to there being no amendment to condition no.15 of the deemed planning permission which requires an investigation into the use of river transport during the construction and decommissioning of the development.

4.13 A number of relevant internal departments have been consulted and replies received as follows:

4.14 ENVIRONMENTAL HEALTH:

No comments offered further to those already made in relation to the existing consent and deemed planning permission.

4.15 HIGHWAYS:

Note that existing conditions within the deemed planning permission address the preparation of a Construction Environment Management Plan and a Construction Transport Management Plan.

*(NB – the requirements to submit a CEMP and CTMP are unaffected by the proposed amendments which only seek to introduce a reference to phasing).*

4.16 FLOOD RISK MANAGER:

No objection as there is no substantial change to the built development proposed and therefore no changes to the previously approved drainage strategy.

4.17 EMERGENCY PLANNING:

As the site is located within Flood Zone 3a (High Risk) a flood warning and

evacuation plan will be required for the construction and operational phases of the development.

*(NB – proposed condition no.41A of the deemed planning consent addresses this issue).*

## **5.0 POLICY CONTEXT**

### **5.1 National Policy Statements (NPS)**

As noted above the TGP was consented under the Electricity Act 1989 as the proposal was submitted prior to the provisions of the Planning Act 2008 coming into force. Proposals for onshore generating stations with a capacity of more than 50mW submitted after 1<sup>st</sup> March 2010 qualify as NSIPs where consent is obtained via a DCO. The Planning Act 2008 requires that applications for a DCO are determined by the SoS in accordance with relevant National Policy Statements (NPS). Although the existing consent and current submission were not considered under the Planning Act 2008, the following NPS are nevertheless relevant to the consideration of the application.

#### **5.2 Overarching National Policy Statement for Energy (EN-1)**

Identifies a general need for new electricity infrastructure projects including the role of fossil fuel electricity generation. Paragraph 3.6.2 of EN-1 states that, inter-alia, gas will continue to play an important role in the electricity sector – providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply. Part 4 of EN-1 covers assessment principles for considering NSIP proposals which include criteria for good design, the consideration of combined heat and power (CHP), Carbon Capture and Storage (CCS) and Carbon Capture Readiness (CCR). Finally, part 5 addresses generic impacts including air quality, traffic and transport impacts.

#### **5.3 National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)**

Confirms that fossil fuel generating stations play a vital role in providing reliable electricity supplies and a secure and diverse energy mix as the UK makes the transition to a low carbon economy. Part 2 of EN-2 refers to the factors influencing site selection by developers and the Government's policy criteria for fossil fuel generating stations, including CHP and CCR. EN-2 also sets out the Government's policy on the impacts of generating stations comprising air



emissions, landscape and visual, noise and vibration and water quality and resources.

## 5.4 National Planning Guidance

### National Planning Policy Framework (NPPF)

The revised NPPF was published on 24<sup>th</sup> July 2018 (and subsequently updated with minor amendments on 19<sup>th</sup> 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. 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 headings and content of the NPPF are relevant to the consideration of the current proposals:

6. Building a strong, competitive economy;
9. Promoting sustainable transport;
12. Achieving well-designed places; and
14. Meeting the challenge of climate change, flooding and coastal change.

## 5.5 Planning Policy Guidance (NPPG)

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

- Air quality;
- Climate change;
- Design;
- Environmental Impact Assessment;
- Flood risk and coastal change;
- Healthy and safe communities;
- Land affected by contamination;
- Natural environment;
- Noise;
- Travel Plans, Transport Assessments and Statements; and

- Use of planning conditions.

## 5.6 Development Plan

### 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:

- CSSP3 (Infrastructure)

Thematic Policies:

- CSTP13 (Emergency Services and Utilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD3 (Tall Buildings)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)

### 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). The responses are being reviewed to inform the Local Plan.

### 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 As set out above, this application is submitted to the SoS for consideration and decision, although the Council as the relevant planning authority is invited by BEIS to submit its views. The purpose of this report is to provide the Committee with an appraisal of the proposed variation to the s36 consent and deemed planning permission in order to inform a consultation response to BEIS. Also as confirmed above, before determining the application the SoS may cause a discretionary public inquiry to be held if it is deemed appropriate to do so having considered the representations received and all other material considerations.
- 6.2 The structure of the assessment below sets out the variations applied for (with reference to the track-changes at Appendix 1) and a suggested response.

Proposed Variation of s36 (Electricity Act 1989) Consent
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- 6.3 Paragraph 1: Proposed addition of a reference to the incorporation of a Battery Energy Storage System (BESS).

**Response:** No objection – the proposed addition of this technology will not affect the proposed total capacity of the generating station (up to 1250 MW). The HM Government and OFGEM document titled “Upgrading Our Energy System Smart Systems and Flexibility Plan July 2017” refers inter-alia to the potential of energy storage.

- 6.4 Paragraph 2 (a) (i) and (a) (ii): proposed insertion of the terms “Development Option (i)” and “Development Option (ii)” respectively.

**Response:** No objection to these proposed changes which are intended to provide clarity in subsequent references to the Development Options

- 6.5 Paragraph 2 (a) (ii) (1): proposed addition of a rated electrical output for the CCGT unit.

**Response:** No objection – the applicant’s justification and explanation for this proposed change refers to the extent of the CCS site required for Development Option (ii).

- 6.6 Paragraph 2 (a) (ii) (3): proposed addition of a BESS alongside a rated electrical output of the BESS.

**Response:** No objection – the proposed change confirms the introduction of a BESS with an associated electrical output.

- 6.7 Paragraph 3: proposal that only the CCGT shall be designed to have the ability for extracting steam from the electricity generating cycle.

**Response:** No objection – it is only the CCGT which has a steam cycle associated with its operation.

- 6.8 Paragraph 4 (1): proposed addition of reference to the 2019 variation application.

**Response:** No objection – the proposed change reflects the current submission.

- 6.9 Paragraph 4 (1A): proposed reference to “Development Option” rather than “gas turbine technology option” and “technology” rather than “gas turbine technology”.

**Response:** No objection – the proposed amendment is consistent with proposed amendments to 2 (a) (i) and 2 (a) (ii).

- 6.10 Paragraph 4 (2): proposed commencement of Development not later than 31.12.2023

**Response:** No objection – extensions to the time period for commencement have already been accepted.

- 6.11 Paragraph 4 (3): proposed clarification that the associated definitions apply to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.12 Paragraph 4 (3) (a): proposed clarification that “capture equipment” applies to the CCGT unit(s).

**Response:** No objection – the proposed amendment provides clarification.

- 6.13 Paragraph 4 (3) (b): proposed clarification that “CCS proposal” applies to the CCGT unit(s).

**Response:** No objection – the proposed amendment provides clarification.

- 6.14 Paragraph 4 (3) (d): proposed amendment to ensure that each Development Option is associated with a specific CCS site and that following notification only one CCS site is retained as a designated site.

**Response:** No objection – the proposed amendment provides clarification that only one CCS site is retained following notification of the Development Option.

- 6.15 Paragraph 4 (3) (e): proposed reference to the submitted 2019 Updated CCR Feasibility Study.

**Response:** No objection – the addition reflects the latest submission.

- 6.16 Paragraph 4 (3) (f): proposed clarification that carbon dioxide emissions subject to the “CCS proposal” relate to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirement relates to the CCGT unit(s) only.

- 6.17 Paragraph 4 (4): proposed clarification that “designated site” requirements apply to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.18 Paragraph 4 (5) (a): proposed clarification that reporting requirements apply to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.19 Paragraph 4 (11) (b): proposed clarification that condition nos. (3) to (10) shall cease effect on decommissioning of the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity.

Proposed Variation of Deemed Planning Permission
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- 6.20 Paragraph 1 (Definitions) – BS4142: proposed amendment to refer to latest version of the BS document.

**Response:** No objection – the amendment refers to the up-to-date British Standard document.

- 6.21 Paragraph 1 (Definitions): – additional definition “the commencement of each phase of the Development”.

**Response:** No objection – the amendment allows for the phasing of the Development.

- 6.22 Paragraph 1 (Definitions): – additional definition “the commissioning of each phase of the Development”.

**Response:** No objection – the amendment allows for the phasing of the Development.

- 6.23 Paragraph 1 (Definitions): proposed revised definition of “Development” to reflect the Development Options”.

**Response:** No objection – the amendment reflects the latest proposal.

- 6.24 Paragraph 1 (Definitions): – additional definition “Environmental Statement”.

**Response:** No objection – the additional reference adds clarity.

- 6.25 Paragraph 1 (Definitions): – amended definition of the “LPA” to delete reference to the former TTGDC.

**Response:** No objection – the proposed amendment adds clarity.

- 6.26 Paragraph 1 (Definitions): – proposed removal of definition for “main Development”.

**Response:** No objection – this definition is no longer relevant.

- 6.27 Condition no. 3 (Time Limits): proposed amendment that commencement of the Development shall be no later than 31<sup>st</sup> December 2023.

**Response:** No objection – extensions to the time period are considered to be acceptable given the nature of use and surrounding pattern of development, existing and proposed.

- 6.28 Condition no. 3A (Phasing): - proposed new condition to accommodate phasing of the Development and replace former condition nos. 8 (vii) and 12 (relating to phasing).

**Response:** No objection – the proposed new condition adds clarity in requiring the submission and approval of a scheme for the phasing of works comprised in the Development.

- 6.29 Condition nos. 4 – 7 (Dust and Dirt Suppression): - proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA to condition nos. 4 and 6.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.30 Condition nos. 8 – 10 (Layout and Design): - proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA to condition no. 8.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.31 Condition no. 11 (Layout and Design): – proposed amendment to date of the Institution of Lighting Engineers technical document.

**Response:** No objection – the proposed amendment reflects the most up-to-date guidance document.

- 6.32 Condition no. 12 (Layout and Design): – proposed deletion of this condition which requires the development to proceed in accordance with the layout and design scheme.

**Response:** No objection – replaced by new wording within condition no. 8.

- 6.33 Condition no. 13 (Travel Plan): - proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.34 Condition no. 14 (Monitoring of Traffic Movements): - proposed references to phases of the Development, replacement of “Highways Agency” with “Highways England” and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA. Reference to “Highways England” provides an update.

- 6.35 Condition nos. 15 and 16 (Use of Water for the Delivery of Materials and Plant): - proposed references to phases of the Development and replacement of “Highways Agency” with “Highways England”.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. The terminology which refers to “Highways England” is the update for this condition.

- 6.36 Condition nos. 17 and 18 (Use of Rail for the Delivery of Materials and Plant): - proposed references to phases of the Development and replacement of “Highways Agency” with “Highways England”.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. The terminology which refers to “Highways England” is the update for this condition.

- 6.37 Condition nos. 23 and 24 (Construction and Outage Heavy Commercial Vehicle



Traffic): - proposed references to phases of the Development, replacement of “Highways Agency” with “Highways England” and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. . Reference to “Highways England” provides an update. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.38 Condition no. 24A (Construction and Outage Heavy Commercial Vehicle Traffic): proposed addition of the word “environmental” in relation to new or materially different effects and addition of reference to the Environmental Statement.

**Response:** No objection – the proposed amendment provides clarity.

- 6.39 Condition no. 25 (Construction and Construction Noise): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.40 Condition no. 29A (Construction and Construction Noise): proposed addition of the word “environmental” in relation to new or materially different effects and addition of reference to the Environmental Statement.

**Response:** No objection – the proposed amendment provides clarity.

- 6.41 Condition no. 30 (Operational Noise): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

- 6.42 Condition no. 34 (SuDS): proposed references to phases of the Development, replacement of “Environment Agency” with “Local Lead Flood Authority” and reference to the updated FRA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development and provide further clarity.

6.43 Condition nos. 35 and 36 (Prevention of Contamination of Watercourses): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

6.44 Condition no. 41 (Flood Risk): proposed reference to the updated FRA.

**Response:** No objection – the proposed amendment provides clarity.

6.45 Condition no. 41A (Flood Risk): proposed new condition to require, prior to the commencement of each phase of Development, the submission and approval of a scheme of flood resilience and flood evacuation measures.

**Response:** No objection – the proposed condition will ensure that the relevant phase of the Development would remain operation and safe in the event of a flood.

6.46 Condition nos. 42, 43 and 44 (Archaeology): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

6.47 Condition nos. 45, 46, 47 and 48 (Contamination): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

6.48 Condition nos. 50, 51 52 and 53 (Landscaping): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to

Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.49 Condition no. 54 (Biodiversity Enhancement Measures): proposed insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.50 Condition no. 55 (Air Pollution Monitoring): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

- 6.51 Condition nos. 56 and 57 (Decommissioning Management Plan for the Site): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

- 6.52 Condition nos. 58 and 59 (Use of Waste Heat): proposed clarification that requirements for the use of waste will apply to the proposed CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.53 Condition no. 61 (Environmental Statement): proposed reference to the current application.

**Response:** No objection – the proposed amendment provides clarity.

- 6.54 Condition no. 62 (Notification Regarding Development Option): proposed new condition requiring GECL to notify the SoS and LPA which Development Option has been selected prior to commencement.

**Response:** No objection – the proposed new condition would add clarity.

## 7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The purpose of this report is to provide the SoS (BEIS) with the Council’s views on an application to amend the s36 (Electricity Act) consent and deemed planning permission for the Gateway Energy Centre facility. In summary, the

proposed amendments:

- change the description of development to allow, within development option (ii), for the incorporation of a Battery Energy Storage System (BESS) with a rated electrical output of up to 320MW, whilst retaining the overall capacity of 1,250MW;
- allow a different and smaller area of land to be safeguarded for future carbon capture equipment should Development Option (ii) be progressed, compared to the larger area of land associated with Development Option (i);
- extend the time limit for commencement of the development to the end of 2023; and
- better allow for a phased development of the generating station by including a new condition to require a phasing scheme to be submitted and approved and by varying other conditions to specify the submission and approval of details on a phase by phase basis

7.2 A number of minor amendments are also proposed in order to update previously submitted supporting information or provide further clarity and precision. As set out above, the proposals do not raise any significant planning issues and it is recommended that 'no objections' are raised by the local planning authority.

## 8.0 RECOMMENDATION

8.1 That Planning Committee agree that the content of paragraphs references 6.3 to 6.54 (above) comprise the consultation response to be provided by the relevant planning authority to the Department for BEIS.

### **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)

**Appendix 1**

Proposed amendments to s36 Consent and Deemed Planning Permission – track changes to the ‘clean’ version of the 2016 decision (new text in **bold** – deleted text ~~struck through~~)

Our ref: 01.08.10.04/462C

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT  
1989

**DIRECTION UNDER SECTION 90(2ZA) OF THE TOWN AND COUNTRY  
PLANNING ACT 1990  
TO VARY THE CONDITIONS OF THE DEEMED PLANNING PERMISSION**

CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY  
GENERATING STATION (**INCORPORATING A BATTERY ENERGY STORAGE  
SYSTEM**) OF UP TO 1250 MW  
AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

~~COMPRISING EITHER:~~

- ~~(i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT(S) OR~~
- ~~(ii) ONE COMBINED CYCLE GAS TURBINE UNIT WITH OPEN CYCLE GAS  
TURBINE UNIT(S)~~

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 **and section 90(2ZA) of the Town and Country Planning Act 1990** hereby varies the consent **and deemed planning permission** granted for ~~the gas fired~~ **an** electricity generating station **of up to 1250 MW** at The Manorway, Stanford-le-Hope, ~~in the County of Essex~~ in accordance with the variations shown in **underlined**, italic text **marked with a superscript of “3”** in the Annex.

~~3 August 2016~~

**Insert date of variation consent**

~~Giles Scott~~**Name**  
Head of Energy Infrastructure Planning & Coal Liabilities  
Department for Business, Energy and Industrial Strategy

Our ref: 01.08.10.04/462C

DEPARTMENT OF ENERGY AND CLIMATE CHANGE  
CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY  
GENERATING STATION (**INCORPORATING A BATTERY ENERGY STORAGE  
SYSTEM) OF UP TO 1250 MW**  
AT THE MANORWAY,  
STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

(i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT(S) OR

(ii) ONE COMBINED CYCLE GAS TURBINE UNIT **OF UP TO 630 MW,**  
~~WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300 MW AND A~~  
**BATTERY ENERGY STORAGE SYSTEM OF UP TO 320 MW**

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Energy and Climate Change (“the Secretary of State”) hereby consents to the construction, on the area of land outlined red on FIGURE 63114-PBP-0025, attached hereto, of a gas fired electricity generating station (**incorporating a Battery Energy Storage System (“BESS”)**) at The Manorway, Stanford-le-Hope in the County of Essex (“the Development”), and to the operation of that generating station. This consent is granted to Gateway Energy Centre Limited, its assigns and successors (“the Company”).
2. The Development shall be up to 1250 MW capacity and comprise:
  - (a) Either:
    - (i) **Development Option (i), comprising:**

Up to two Combined Cycle Gas Turbine (“CCGT”) units (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or,
    - (ii) **Development Option (ii), comprising:**
      - (1) One CCGT unit **with a rated electrical output of up to 630 MW** (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), ~~and~~

(2) one or more Open Cycle Gas Turbine (“OCGT”) units with the OCGT units having a combined rated electrical output of less than 300 MW<sup>2</sup> (including for each OCGT unit: a gas turbine; and, associated equipment) **and**

<sup>2</sup> 300MW refers to the OCGT(s) not the CCGT and the OCGT(s)

**(3) a BESS with a rated electrical output of up to 320 MW (including: batteries; associated enclosures; control and protection systems; temperature control systems; and power conversion systems).**

- (b) air cooled condensers and auxiliary cooling;
  - (c) gas receiving facility;
  - (d) one or more electrical switchyards;
  - (e) ancillary plant and equipment; and
  - (f) the necessary buildings (including administration offices) and civil engineering works.
3. The ~~Development~~ **CCGT unit(s)** shall be designed so as to have the capability for extracting steam from the electricity generating cycle.
4. This consent is granted subject to the following conditions:
- (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent and the application dated 26 February 2010 as varied by the application dated 12 August 2014 and 25 February 2016 **and 24 June 2019**, subject to any minor changes which may be approved by the LPA pursuant to the requirements of deemed planning permission.
  - (1A) The Company shall notify the Secretary of State and Thurrock **Borough** Council (as the relevant planning authority) which one of the ~~gas turbine technology~~ **Development** eOptions in paragraph 2(a) of this consent has been selected prior to commencement of the Development and provide details of the capacity of each ~~gas turbine~~ technology to be used.
  - (2) The commencement of the Development shall **take place** not be later than

~~five years from 3 August 2016~~ **31 December 2023.**

(3) The following definitions apply **to the CCGT unit(s)** for the purposes of Conditions (4) to (10). **The following definitions, and conditions (4) to (10), do not apply to the OCGT unit(s) or the BESS:**

(a) “capture equipment” means the plant and equipment required to capture the target carbon dioxide **emitted by the CCGT unit(s)** and identified as such in the current CCS proposal;

(b) “CCS proposal” means a proposal for the capture, transport and storage of the target carbon dioxide **emitted by the CCGT unit(s)**, which identifies the proposed technology, transport route and storage location;

(c) “current CCS proposal” means:

(i) the CCS proposal set out in the Feasibility Study and assessed in accordance with the guidance entitled “Carbon Capture Readiness (CCR) A guidance note for Section 36 Electricity Act 1989 consent applications<sup>3</sup>; or

<sup>3</sup>[http://www.decc.gov.uk/Media/viewfile.ashx?FilePath=What%20we%20do\UK%20energy%20supply\Development%20consents%20and%20planning%20reform\electricity\1\\_20091106164611\\_e\\_@@\\_ccrguidance.pdf&filetype=4](http://www.decc.gov.uk/Media/viewfile.ashx?FilePath=What%20we%20do\UK%20energy%20supply\Development%20consents%20and%20planning%20reform\electricity\1_20091106164611_e_@@_ccrguidance.pdf&filetype=4)

(ii) if a revised CCS proposal has been identified under Condition (9), the proposal which has most recently been so identified;

(d) ~~“designated site” means the land hatched yellow on FIGURE 3-B, annexed hereto,~~ **“CCS site for Development Option (i) and “CCS for Development Option (ii) means the areas of land cross-hatched green on Figure 1620002349-018-00004 (P02) and Figure 1620002349-018-00005 (P02) respectively, annexed hereto, allocated to the Development Options in paragraph 2(a) of this consent respectively as the area where the Company proposes to locate the capture equipment;**

**“designated site” means, following notification to the Secretary of State and Thurrock Borough Council (as the relevant planning authority) which one of the Development Options in paragraph 2(a) of this consent has been selected, the CCS site for the Development Option so notified;**



- (e) “Feasibility Study” means the documents entitled Gateway Energy Centre CCR Feasibility Study and dated February 2010, the “Gateway Energy Centre Updated CCR Feasibility Study” dated July 2014, and “~~the~~ **The Assessment of the CCR Compliance of the Proposed Gateway Energy Centre Report dated July 2014**” and “**Gateway Energy Centre 2019 Updated CCR Feasibility Study**” dated June 2019;
- (f) “target carbon dioxide” means as much carbon dioxide emitted by the ~~Development~~ **CCGT unit(s)** when it is operating at full capacity as it is reasonably practicable to capture for the purposes of permanent storage, having regard to the state of the art in carbon capture and storage technology; and
- (g) “the report” means the report to be submitted in accordance with Condition (5)
- (4) Until such time as the ~~Development~~ **CCGT unit(s)** is decommissioned, the Company shall not, without the written consent of the Secretary of State:
- (a) dispose of any interest in the designated site; or
- (b) except for use as a laydown area during the construction of the Development and ending at the commissioning of the Development, do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to diminish the Company’s ability, within two years of such occurrence, to prepare the designated site for the installation and operation of the capture equipment.
- (5) The Company shall make a report to the Secretary of State:
- (a) on or before the date on which three months have passed from the commissioning of the ~~Development~~ **CCGT unit(s)**; and
- (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.
- (6) The report shall provide evidence that the Company has complied with Condition (4):
- (a) in the case of the first report, since this consent was granted; and
- (b) in the case of any subsequent report, since the making of the previous

report and explain how the Company expects to continue to comply with Condition (4) over the next two years.

- (7) The report shall state whether the Company considers that some or all of the technology referred to in the current CCS proposals will not work, and explain the reasons for any such conclusion.
- (8) The report shall identify any other impediment of which the Company is aware, as a result of which it considers that any aspect of what is proposed in the current CCS proposals is likely or certain not to be technically feasible.
- (9) Reports which identify such an impediment shall state, with reasons, whether the Company considers it technically feasible to overcome the impediment (referred to in Condition 4(8) above) by adopting revised CCS proposals, and, if so, include such proposals.
- (10) The report shall state, with reasons, whether the Company has decided to seek any additional regulatory clearances, or to modify any existing regulatory clearances, in respect of its current CCS proposals in the period referred to in Condition (6)(a) or (b), as appropriate.
- (11) Conditions (3) to (10) shall cease to have effect as soon as any of the following events occurs:
  - (a) the capture equipment is installed; or
  - (b) the ~~Development~~ **CCGT unit(s)** is decommissioned; or
  - (c) the Secretary of State's consent not to install capture equipment has been obtained in writing.

DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER  
SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990

CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY  
GENERATING STATION (**INCORPORATING A BATTERY ENERGY STORAGE  
SYSTEM**) OF UP TO 1250 MW  
AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

(i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT (S);

OR

(ii) ONE COMBINED CYCLE GAS TURBINE UNIT **OF UP TO 630 MW**, WITH  
OPEN CYCLE GAS TURBINE UNIT(S) **OF LESS THAN 300 MW AND A BATTERY  
ENERGY STORAGE SYSTEM OF UP TO 320 MW**

5. The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions:

Definitions

(1) In these Conditions unless the context otherwise requires –

"BS 4142 ~~1997~~**2014**" means British Standard 4142: ~~1997~~**2014** - Method for rating **and assessing** industrial noise ~~affecting mixed residential and industrial areas~~ **and commercial sound**;

"Bank Holiday" means a day that is, or is to be observed as, a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

"CEEQUAL" means the assessment and awards scheme for improving sustainability in civil engineering and the public realm (<http://www.ceequal.co.uk/index.html>);

"CHPQA Standard issue 3" means the CHPQA Standard document issued in January 2009 which sets out the definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance (CHPQA) programme;

“the commencement of the Development” means the date on which work on the Development agreed with the LPA shall be taken to be begun in accordance with section 56 of the Town and Country Planning Act 1990, as amended;

**“the commencement of each phase of the Development” means the date on which a specified phase of the Development shall be taken to be begun in accordance with section 56 of the Town and Country Planning Act 1990, as amended;**

"the commissioning of the Development" means the date on which, following completion of the testing of the Development, the Development first supplies electricity on a commercial basis;

**“the commissioning of each phase of the Development” means the date on which, following completion of testing of the specified phase of the Development, such phase first supplied electricity on a commercial basis;**

"the Company" means Gateway Energy Centre Limited and its assigns and successors;

“the Development” means a gas fired electricity generating station **(incorporating a Battery Energy Storage System (“BESS”))** of up to 1250 MW at The Manorway, Stanford-le-Hope, Essex, comprising either;

**(i) Development Option (i), comprising:**

Up to two Combined Cycle Gas Turbine (“CCGT”) unit(s) (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or:

**(ii) Development Option (ii), comprising:**

(1) one CCGT unit **with a rated electrical output of up to 630 MW** (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), ~~and~~

(2) one or more Open Cycle Gas Turbine (“OCGT”) units with the OCGT units having a combined rated electrical output of less than 300 MW<sup>4</sup> (including for each OCGT unit: a gas turbine; and, associated equipment); **and**

<sup>4</sup> 300MW refers to the OCGT(s) not the CCGT and the OCGT(s)

**(3) a BESS with a rated electrical output of up to 320 MW (including: batteries; associated enclosures; control and protection systems; temperature control systems; and, power conversion systems)**

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;

"Environment Agency" means the Environment Agency and its successors;

**"Environmental Statement" means the documents titled "Gateway Energy Centre Environmental Statement" dated February 2010, "Gateway Energy Centre Environmental Statement Further Information Document" dated December 2010, "Gateway Energy Centre Environmental Statement Further Information Document" dated August 2014, "Gateway Energy Centre Environmental Statement Further Information Document" dated February 2016 and "Gateway Energy Centre 2019 Environmental Statement Further Information Document" dated June 2019;**

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"Highways England" means the Executive Agency of the Department for Transport responsible for operating, maintaining and improving the strategic road network in England and its successors;

~~"the LPA" means Thurrock Council and/or Thurrock Thames Gateway Development Corporation, as applicable, and their successors;~~

~~"the main Development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development;~~

"Natural England" means Natural England and its successors;

"operating weight" in relation to a goods vehicle has the meaning given by section 138 of the Road Traffic Act 1984;

“outage” means major maintenance, modification and rehabilitation programmes which involve the delivery and/or removal of material to and from the Site;

“Permitted Preliminary Works” means:

- (i) erection of signage;
- (ii) installation and diversion of utility services within the Site;
- (iii) surveys and geotechnical surveys;
- (iv) decontamination measures approved pursuant to Condition (45);
- (v) temporary fencing of the Site;
- (vi) provision of wheel cleansing facilities required pursuant to Condition (4);
- (vii) construction of a new access road;
- (viii) preparation of contractors’ laydown area(s) within the Site;
- (ix) installation of contractors’ accommodation within the Site; and
- (x) provision for temporary contractors’ facilities necessary for (i) to (ix) above within the Site;

"the Site" means the area of land outlined red on FIGURE 63114-PBP-0025, annexed **attached** hereto; and

“SuDS” means a sustainable drainage system comprising all treatment and drainage systems including any pipework, swales, reed beds, ponds, filter trenches, attenuation tanks and detention basins.

### The Site

- (2) The construction of the Development shall only take place within the Site.

Reason: To ensure that no construction takes place beyond the boundary of the area this is the subject of this planning permission.

### Time Limits and Phasing of the Development

- (3) The commencement of the Development shall take place ~~before the expiry of five years from 3 August 2016~~ **not later than 31 December 2023.**
- (3A) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a scheme for the phasing of the works comprised in the Development has been submitted to and approved in writing by the LPA. The Development shall only proceed in accordance with the scheme approved unless otherwise agreed in writing by the LPA.**

Reason: **Condition (3) is** ~~To~~ to strike a balance between the time it may take to put in place the necessary pre-commencement measures required **for the Development**, including for example – tendering, obtaining the necessary financing, design of the proposal (including its layout and main plant foundations); and minimising the impact of any period of uncertainty for those who may be affected pending the decision to begin construction works. **Condition (3A) is to better allow for the Development to be commenced in phases.**

#### Suppression of Dust and Dirt

- (4) Except for the Permitted Preliminary Works, the commencement of ~~any~~ **each** phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes **associated with the construction of the specified phase of the Development.** Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the LPA and shall be maintained throughout the period of the construction of the **specified phase of the** Development ~~except in so far as any variation of the scheme has been approved~~ **unless otherwise agreed** in writing by the LPA.
- (5) All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the **specified phase of the** Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (4).
- (6) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until there has been

submitted to, approved in writing by, and deposited with the LPA a scheme employing all reasonable measures for the suppression of dust during the period of the construction **of the specified phase** of the Development. The measures approved in the scheme shall be employed throughout the period of construction **of the specified phase of the Development** ~~except in so far as any variation to it has been approved~~ **unless otherwise agreed** in writing by the LPA.

- (7) All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and/or out of the Site shall be sheeted.

Reason: To ensure that mud and deleterious material is not deposited on the public highway.

#### Layout and Design

- (8) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme which shall include provisions for:
- (i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the **specified phase of the Development**;
  - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
  - (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site **associated with the specified phase of the Development**;
  - (iv) details of ground levels and heights of all permanent buildings and structures together with cross-sections through the Site **associated with the specified phase of the Development** showing existing and proposed ground levels;
  - (v) details of all new or modified permanent fencing and gates required on the Site **associated with the specified phase of the Development**;
  - (vi) details of artificial lighting required during the operation of the



**specified phase of the Development.; and**

~~(vii) phasing of works included in the scheme.~~

**Each phase of the Development shall proceed only in accordance with the scheme approved pursuant to Condition (8) unless otherwise agreed in writing with the LPA.**

- (9) **For each phase of the Development** ~~the scheme approved pursuant to Condition (8) shall follow the principles set out within section 3 of the document entitled “Gateway Energy Centre Environmental Statement Revised Design and Access Statement December 2010”.~~
- (10) Notwithstanding any details approved by the LPA pursuant to Condition (8), and subject to due consideration of cost, constructability and safe maintenance and operation at the detailed design stage, **each phase of the Development** shall be constructed to achieve a CEEQUAL rating of “very good”, or such standards that may replace CEEQUAL in whole or in part prior to the commencement of the **specified phase of the Development** providing that such changes are no more onerous on the costs of constructing the **specified phase of the Development**.
- (11) The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document “Guidance Notes for the Reduction of Obtrusive Light: GNO1 2005~~11~~”, nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.
- ~~(12) The Development shall proceed only in accordance with the scheme approved pursuant to Condition (8) except in so far as any variation to it has been approved in writing by the LPA.~~

Reasons: Condition (8) is to enable the ~~Council~~**LPA** to exercise reasonable and proper control over the design and appearance of the Development. Condition (9) is for the Development to be designed to a high standard and blend in with neighbouring developments. Condition (10) is ensure that the environmental sustainability of the development is maximised. Condition (11) is to reduce light pollution and disturbance to ecological interests and highway safety.

Travel Plan

- (13) **Except for the Permitted Preliminary Works**, the commencement of **each phase of the Development** shall not take place until a Travel Plan **associated with the specified phase of the Development** has been submitted to and approved in writing by the LPA. Such Plan shall include the following provisions:
- (i) provisions for pedestrian and cycle access to the Site **associated with the specified phase of the Development**;
  - (ii) the planning of working practice to minimise peak travel flows;
  - (iii) the appointment of a co-ordinator responsible for the implementation and review of the Travel Plan;
  - (iv) discussions with a public transport provider for the provision of public transport to and from the Site **associated with the specified phase of the Development** during the construction of the **specified phase of the Development** and during **any associated** outages;
  - (v) travel arrangements for persons employed during the construction of the **specified phase of the Development** and during **any associated** outages;
  - (vi) the Travel Plan to be reviewed on a monthly basis during construction **of the specified phase of the Development** and on an annual basis during operation **of the specified phase of the Development**, unless otherwise agreed in writing with the LPA;
  - (vii) any amendments to the Travel Plan (whether or not following a periodic review pursuant to (vi) above) shall not be implemented without the written agreement of the LPA;
  - (viii) details of incentives to personnel to encourage them to reduce the use of single occupancy cars as the means of getting to and from the Site **associated with the specified phase of the Development** during the construction **of the specified phase** of the Development and during **any associated** outages; and
  - (ix) details of how on-Site parking will be managed and monitored during the construction **of the specified phase** of the Development and during **any associated** outages.

The approved Travel Plan shall be implemented when personnel are first

on Site **associated with the specified phase of the Development** and shall remain in force throughout the period of the operation **of the specified phase** of the ~~d~~Development or any earlier period as may be ~~approved~~ **agreed** in writing by the LPA.

Reason: To encourage the use of sustainable transport methods.

#### Monitoring of Traffic Movements

- (14) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until a scheme for monitoring and reporting vehicular traffic movements associated with the construction and operation **of the specified phase** of the Development and any **associated** outages, has been submitted to and approved in writing by the LPA, in consultation with the Highways England and Local Highways Authority. The approved scheme shall include the details and measures identified in the document ~~entitled~~ "Gateway Energy Centre Transport Report December 2010" and "Gateway Energy Centre Transport Report Addendum January 2016" **and "Gateway Energy Centre 2019 Transport Report Addendum" dated June 2019** and be adhered to throughout the period of the construction and operation **of the specified phase** of the Development and any **associated** outages, ~~except in so far as any variation has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with the Highways England and the Local Highways Authority.

Reason: To encourage the use of sustainable transport methods.

#### Use of Water for the Delivery of Materials and Plant

- (15) Except for the Permitted Preliminary Works, the construction **of each phase** of the Development shall not take place until the Company has carried out an investigation as to whether direct or near direct access to the River Thames can be utilised for the transportation of materials and plant (such as bulk loose cement and aggregates, and abnormal and indivisible loads) associated with the construction and decommissioning **of the specified phase** of the Development. The results of the investigation shall be submitted to, approved in writing by, and deposited with the LPA.
- (16) In the event that the results of the investigation approved pursuant to Condition (15) conclude that it is viable and economic, then the material and plant identified shall be not be transported to the Site **associated with the specified phase of the Development** via public roads, unless otherwise agreed in writing by the LPA, in consultation with the Highways

England.

Reason: To alleviate the impact of heavy commercial traffic on the arterial and local road networks if transportation by water is a viable option.

#### Use of Rail for the Delivery of Materials and Plant

(17) Except for the Permitted Preliminary Works, the construction **of each phase** of the Development shall not take place until the Company has carried out an investigation as to whether the rail network can be utilised for the transportation of materials and plant (such as bulk loose cement, aggregates and steel) associated with the construction and decommissioning **of the specified phase** of the Development. The results of the investigation shall be submitted to, approved in writing by, and deposited with the LPA.

(18) In the event that the results of the investigation approved pursuant to Condition (17) concludes that it is viable and economic, then the material and plant identified shall be not be transported to the Site **associated with the specified phase of the Development** via public roads, unless otherwise agreed in writing by the LPA, in consultation with the Highways England.

Reason: To alleviate the impact of heavy commercial traffic on the arterial and local road networks if transportation via the rail network is a viable option.

#### Construction and Outage Heavy Commercial Vehicle Traffic

(19) condition deleted

(20) No heavy commercial vehicle traffic shall enter or leave the Site on any Saturday during December and the first week in January.

(21) Without prejudice to the restrictions specified in Condition (20) no heavy commercial vehicles associated with the construction of the Development or an outage shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Saturday     1000 – 1600

unless such movement:

- (a) is associated with an emergency; or
  - (b) **if** entering the Site originates in the administrative area of the LPA; or
  - (c) **if** leaving the Site has its final destination in the administrative area of the LPA; or
  - (d) is with the prior written approval of the LPA; or
  - (e) is an abnormal or indivisible load authorised by the Highways England pursuant to the Road Vehicles (Authorisation of Special Types) (General) Order 2003.
- (22) Without prejudice to the restrictions specified in Conditions (20) and (21) no traffic associated with the construction of the Development or an outage shall enter or leave the Site on any Sunday or Bank Holiday or on any other day during the following hours:
- |                  |                                    |
|------------------|------------------------------------|
| Monday to Friday | 0700 – 0900 and 1700 – <b>1800</b> |
| Saturday         | 0700 – 0800 and 1700 – 1800        |
- unless such movement:
- (a) is associated with an emergency; or
  - (b) **if** entering the Site originates in the administrative area of the LPA; or
  - (c) **if** leaving the Site has its final destination in the administrative area of the LPA; or
  - (d) is with the prior written approval of the LPA.
- (23) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until a Transport Management Plan has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Highways England and the Local Highways Authority. The approved plan shall include the measures detailed in section 14 of the document entitled “Gateway Energy Centre Transport Report December 2010” ~~and~~, **as amended by section 11 of the document titled “Gateway Energy Centre Transport Report Addendum January 2016” and section 8 of the document titled “Gateway Energy Centre 2019 Transport Report Addendum” dated June 2019**, to be adhered to throughout the period of the construction **of the specified**

**phase** of the Development and any **associated** outages until such time as the **specified phase of the** Development is decommissioned, ~~except in so far as any variation to the plan has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with the Highways England and the Local Highways Authority.

- (24) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until a scheme detailing the route(s) which traffic would take to and from the Site **associated with the specified phase of the development** has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Highways England and the Local Highways Authority. The approved scheme shall include provision for notices of any route(s) approved to be displayed at the Site entrance and exit and notified to drivers. The approved scheme shall be adhered to throughout the period of the construction **of the specified phase** of the Development and any **associated** outages until such time as the **specified phase of the** Development is decommissioned, ~~except in so far as any variation to the scheme has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with the Highways England and the Local Highways Authority or the traffic movement originates in the administrative area of the LPA.

- (24A) Where the words 'is with the prior written approval of the LPA' appear in Conditions (21) and (22), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the LPA that the approval is unlikely to give rise to any materially new or materially different **environmental** effects from **those assessed in the Environmental Statement and arising from** traffic entering or leaving the site on the days and hours specified in those Conditions.

Reason: To ensure the safe and efficient use of the strategic road network and local roads.

#### Construction and Construction Noise

- (25) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include details of how noise, airborne pollutants, vibration, smoke, and odour from construction work **associated with the specified phase of the Development** will be controlled and mitigated. The Construction Environmental Management

Plan will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)). The construction of the Development shall be completed in accordance with the approved Plan ~~except in so far as any variation to the plan has been approved~~ **unless otherwise agreed** in writing by the LPA.

- (26) No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday, or on any other day except between the following hours:

Monday to Saturday 0700 – 1900

unless such work –

- (a) is associated with an emergency;
- (b) is carried out with the prior written approval of the LPA; or
- (c) ~~such work~~ does not cause existing ambient background noise levels to be exceeded.

- (27) Without prejudice to the restriction specified in Condition (26) no impact piling shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 09.00 – 18.00

Saturday 09.00 – 13.00

unless such work –

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the LPA.

- (28) In any instance where a time limitation referred to in Conditions (26) and (27) is not adhered to, the Company shall as soon as possible notify the LPA and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

- (29) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, 2009 + A1 2014: Code of practice for noise and vibration control on construction and open sites – Part 1 – Noise, Part 2 - Vibration.

- (29A) Where the words ‘is carried out with the prior written approval of the LPA’

appear in Conditions (26) and (27), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the LPA that the approval is unlikely to give rise to any materially new or materially different **environmental effects from those assessed in the Environmental Statement and arising** from work undertaken on the days and hours specified in those Conditions.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development.

### Operational Noise

- (30) The commissioning **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a programme for the monitoring and control of noise generated by the normal commercial operation **of the specified phase** of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 ~~4997~~**2014**) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the LPA and such measurements shall be given to the LPA as soon as they are available. At the approved measurement locations noise levels during the operation **of the specified phase** of the Development shall not exceed the levels specified in the approved programme, except in so far as any variation to the programme has been approved in writing by the LPA or in an emergency. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.
- (31) In any instance where a noise level approved pursuant to Condition (30) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the LPA with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents and businesses affected by the emergency of the reasons for the emergency and the expected duration.
- (32) Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the LPA of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of



09.00 and 17.00 hours and on a day other than a Saturday, Sunday, Bank Holiday or public holiday.

Reason: To ensure the proper control of noise during the operation of the Development.

#### Noise Complaints Procedure

- (33) If a local resident or local business complains direct to the Company or the Company has been notified in writing by the LPA of any complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the LPA, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the LPA on request.

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents.

#### SuDS

- (34) Except for the Permitted Preliminary Works, the commencement of **each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the ~~Environment Agency~~ **Local Lead Flood Authority**, a scheme for SuDS. Such SuDS shall include the details and measures contained in the document entitled "Gateway Energy Centre Supplementary Flood Risk Assessment December 2010" ~~and identified on FRA FIGURE 1 of that document~~ **as amended by the document titled "Gateway Energy Centre 2019 Updated Flood Risk Assessment" dated June 2019**, and be put in place in accordance with the approved scheme.

Reason: To ensure that a sustainable drainage system is put in place.

#### Prevention of Contamination of Watercourses

- (35) Except for the Permitted Preliminary Works, the commencement of **each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, in

consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site **associated with the specified phase of the Development**. Such facilities shall be put in place in accordance with the approved scheme.

(36) The scheme referred to in Condition (35) shall include:

- (i) measures to ensure that no leachate or any contaminated surface water from the part of the Site ~~relevant to the particular phase~~ **associated with the specified phase of the Development** shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
- (ii) provision for trapped gullies in car parks, hardstandings and roadways;
- (iii) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system, or be removed to an off-Site licensed facility for treatment;
- (iv) provisions to distinguish between temporary and permanent parts of the works; and
- (v) phasing of works **included in the scheme**.

(37) Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

(38) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

(39) All bunded compound(s) referred to in Condition (38) containing acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.

- (40) Any storage facility to which Conditions (38) or (39) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

### Flood Risk

- (41) The Development shall be carried out in accordance with the details and measures contained in the document entitled "Gateway Energy Centre Supplementary Flood Risk Assessment December 2010", **as amended by the document titled "Gateway Energy Centre 2019 Updated Flood Risk Assessment" dated June 2019** and shall include for the provision of safe route(s) into and out of the Site and for any place of refuge for Site staff or visitors to be provided at a minimum of 3.7 metres AOD, the details of which shall be submitted to and approved in writing by the LPA.

- (41A) The commencement of each phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, details of the flood resilience and flood evacuation measures for the specified phase of the Development.**

Reason: To ensure there is no increase in the risk of flooding, both at the Site and to third parties, as result of the Development, and to accord with ~~Planning Policy Statement 25 "Development and Flood Risk"~~ **Practice Guidance "Flood Risk and Coastal Change"**.

### Archaeology

- (42) The commencement **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, a scheme of archaeological investigation and an associated implementation programme.

- (43) The scheme approved pursuant to Condition (42) shall provide for:
- (i) archaeological field evaluation works in accordance with a specification and written timetable approved by the LPA;
  - (ii) archaeological field evaluation works to be completed and reported on prior to finds of national importance being evaluated and, where practicable, preserved in situ; and

(iii) phasing of works **included in the scheme**.

(44) Any further investigations and recording of such finds as are considered necessary by the LPA shall be undertaken prior to the construction of ~~any part of the specified phase of~~ the Development on that part of the Site where such finds are identified, ~~and in the case of finds of national importance~~ in accordance with the phasing of works approved pursuant to Condition (43)(iii), ~~except in so far as approved~~ **unless otherwise agreed** in writing by the LPA.

Reason: To allow the surveying of the site for archaeological artefacts and the recovery of any important archaeological discovery before construction of the main Development begins.

### Contamination

(45) The commencement ~~of each phase~~ of the ~~d~~Development shall not take place until a scheme to deal with the risks associated with contamination of the Site **associated with the specified phase of the Development** has been submitted to, approved in writing by, and deposited with the LPA. The scheme shall include details of the following matters:

- (a) a preliminary risk assessment identifying:
- all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the ~~s~~**Site associated with the specified phase of the Development** indicating sources, pathways and receptors; **and**
  - potentially unacceptable risks arising from contamination at the ~~s~~**Site associated with the specified phase of the Development;**
- (b) a site investigation scheme based on (a) to provide information for an **risk assessment of the risk to covering** all receptors that may be affected, including those off-Site; and
- (c) the results of the Site ~~i~~nvestigation and risk assessment pursuant to (b) and a method statement based on those results giving full details of the remediation measures required, how they are to be undertaken and the timing of the remediation measures; and

- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (46) The measures approved pursuant to Condition (45) shall be adhered to ~~except in so far as any variation to them has been approved~~ **unless otherwise agreed** in writing by the LPA.
- (47) Prior to commencement of ~~the main~~ **each phase of the** Development, a verification report demonstrating completion of the works set out in the approved remediation strategy pursuant to Condition (45)(c) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the Site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA.
- (48) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the LPA in accordance with that plan. On completion of the monitoring programme a final report demonstrating that all long-term Site remediation criteria **(for the Site associated with the specified phase of the Development)** have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the LPA. In the event that the verification report to be submitted pursuant to Condition (47) indicates that the remediation was not effective the Company shall submit a programme of contingency action for approval in writing by the LPA.
- (49) In the event that contamination is found at any time when carrying out the approved development that was not previously identified under Condition (45), work on that part of the Site shall cease immediately and shall be reported in writing to the LPA. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy in respect of such contamination must be undertaken and submitted to and approved in writing with the LPA prior to the resumption of work on that part of the Site.

Reason: To ensure that contamination is controlled and not allowed to cause harm to the health of human beings nor impact on the integrity of environmentally sensitive areas nor pose a risk to controlled waters.

### Landscaping

- (50) Except for Permitted Preliminary Works the commencement of **each phase of the** Development shall not take place until a scheme of landscaping, which shall take into account sections 11 and 12 of the document entitled "Gateway Energy Centre Environmental Statement Volume 1 February 2010" has been submitted to and approved in writing by the LPA
- (51) The scheme referred to in Condition (50) shall deal with the general provision of screening, shrub and tree planting and grassed areas and means of integrating **the specified phase of** the Development with the surrounding landscape and shall include details of the following matters:
- (i) planting (which should be mainly of locally native species, ideally with a local provenance);
  - (ii) management of existing and new planted areas including protection of existing planting during construction **of the specified phase of the Development;**
  - (iii) restoration of areas affected by construction works;
  - (iv) details of grass seed mix for areas of the Site **associated with the specified phase of the Development** to be restored to grassland;
  - (v) details of the height, type, size and species of the shrubs and trees to be planted; and
  - (vi) phasing of works included in the scheme.
- (52) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works ~~referred~~ **approved pursuant to** in Condition (51)(vi) and no later than the appropriate planting or sowing season following the completion of the construction **of the specified phase** of the Development and shall be carried out in accordance with the scheme approved ~~under~~ **pursuant to** Condition (50), ~~unless any variation has been approved~~ **unless otherwise agreed** in writing by the LPA. Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise ~~approved~~ **agreed** in writing by the LPA.

- (53) Upon completion of the scheme of landscaping approved pursuant to Condition (50) a schedule of landscape maintenance and/or a landscape management plan shall be submitted for approval in writing by the LPA. The measures contained in the approved schedule and/or plan shall be adhered to throughout the operation **of the specified phase** of the Development ~~subject to any variation that has been approved~~ **unless otherwise agreed** in writing by the LPA.

Reason: To ensure proper landscaping for the Development.

#### Biodiversity Enhancement Measures

- (54) The commencement of the Development shall not take place until a scheme of Environmental Enhancement Measures (incorporating a management plan), which shall take into account section 12 of the document entitled "Gateway Energy Centre Environmental Statement Further Information Document December 2010, has been submitted to and approved in writing by the LPA, in consultation with Natural England and the Environment Agency. The approved measures shall be adhered to in accordance with the approved scheme ~~except in so far as any variation to them has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with Natural England and the Environment Agency.

Reason: To ensure that any adverse impact on wildlife is properly compensated for.

#### Air Pollution Monitoring

- (55) The commissioning **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the LPA a scheme for the monitoring of nitrogen oxide (NOx) in the area. The scheme shall include the measurement location or locations from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 24 months prior to the commissioning **of the specified phase** of the Development and for the final measurement to be taken not more than 24 months after **the specified phase of** the Development is commissioned. The Company shall work with the LPA, supplying full details of the measurements obtained in accordance with the scheme, as soon as possible after they become available, and ensure that such monitoring is integrated within the LPA's air quality strategy. In addition, the Company shall support the annual modelling for the air quality review and assessment process whilst the **specified phase**

**of the** Development is in operation.

Reason. In the interest of air quality.

#### Decommissioning Management Plan for the Site

(56) Within 6 months of ~~the~~ **a specified phase of the** Development ceasing to be used for the purposes of electricity generation the Company shall submit to the LPA, for approval in writing, a scheme for the demolition **of the specified phase** of the Development.

(57) The scheme referred to in Condition (56) shall include:

- (i) details of all structures and buildings which are to be demolished;
- (ii) details of the means of removal of materials resulting from the demolition;
- (iii) the phasing of the demolition and removal **works included in the scheme**;
- (iv) details of any proposed restoration works; and
- (v) the phasing of the restoration works.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity generation.

#### Use of Waste Heat

(58) The commissioning of the ~~Development~~ **CCGT unit(s)** shall not take place until sufficient plant and pipework has been installed to facilitate the future supply of heat to the boundary of the Site under Condition (59) at a later date if opportunities to do so are identified pursuant to Condition (59).

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

(59) Prior to the commissioning of the ~~Development~~ **CCGT unit(s)**, an updated CHP Feasibility Review assessing potential opportunities for the use of heat from the ~~Development~~ **CCGT unit(s)** shall be submitted to, approved in writing by, and deposited with, the LPA. This shall provide for the ongoing monitoring and full exploration of potential opportunities to use heat from



the ~~Development~~ **CCGT unit(s)** as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 3), and for the provision of subsequent reviews of such opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to, approved in writing by, and deposited with, the LPA. Any plant and pipework installed to the boundary of the Site to enable the use of heat shall be installed in accordance with the approved details.

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

#### Immaterial Changes to Conditions by the Council

- (60) Where the words, “unless otherwise agreed in writing by the Council” or “with the prior written approval of the Council” appear, such agreement or approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that the agreement or approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ~~e~~**Environmental Statement**.

Reason: To make clear that where provision is made for the Council to agree to variations to the application of planning conditions, the scope of any such variations will be limited to immaterial changes.

#### Environmental Statement

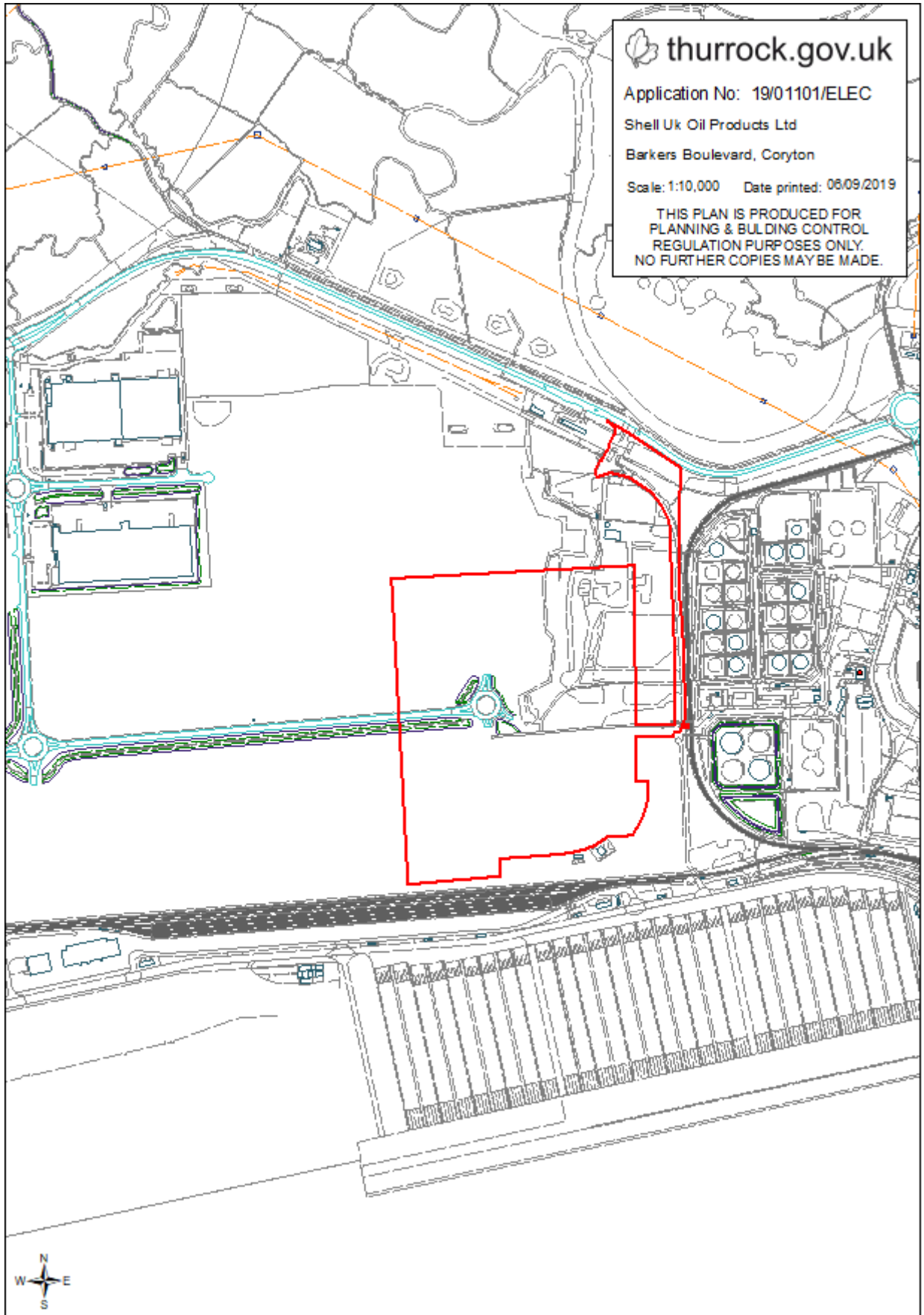
- (61) The environmental effects of the Development must not exceed those assessed in the Environmental Statement.

Reason: To ensure that the ~~d~~**Development** consented has no greater environmental impact than that considered in the original application dated 26 February 2010, as varied by the applications dated 12 August 2014 and 25 February 2016 **and 24 June 2019**.

#### Notification regarding Development Option

- (62) **The Company shall notify the Secretary of State and Thurrock Borough Council (as the relevant planning authority) which one of the Development Options has been selected prior to commencement of the Development and provide details of the capacity of each technology to be used.**

**Reason: To ensure enforceability.**



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