

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 **25 June 2020**

**Due to government guidance on social-distancing and COVID-19 virus the Planning Committee on 25 June 2020 will not be open for members of the public to attend. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at <https://www.youtube.com/user/thurrockcouncil>.**

### 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 Qaisar Abbas, Abbie Akinbohun, Chris Baker, Daniel Chukwu, Garry Hague, Victoria Holloway and Susan Little

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### Agenda

Open to Public and Press

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**1 Apologies for Absence**

**2 Minutes**

The minutes of the Planning Committee meeting held on 8 June 2020 will be approved at the next Planning Committee meeting.

**3 Item of Urgent Business**

To receive additional items that the Chair is of the opinion should be

considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.

**4 Declaration of Interests**

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

**6 Planning Appeals 5 - 18**

**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 19/01140/OUT Intu Lakeside, West Thurrock Way, West Thurrock, Essex, RM20 2ZP 19 - 82**

**9 20/00408/FUL Manor View, Southend Road, Corringham, Essex, SS17 9EY 83 - 100**

**10 20/00048/FUL Marvy Jade, Rear of 150 and 152 London Road, Grays, Essex, RM17 5YD 101 - 110**

**11 19/01373/OUT Land Adjacent Wood View and Chadwell Road, Grays, Essex 111 - 138**

**12 19/01824/TBC Land and Garages, Defoe Parade, Chadwell St Mary, Essex 139 - 148**

**13 19/01837/TBC Riverside Business Centre, Fort Road, Tilbury, Essex, RM18 7ND 149 - 172**

**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: **17 June 2020**

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

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

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

### **Recording of meetings**

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

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

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

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

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

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Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

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- Access the modern.gov app
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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



<b>25 June 2020</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, Transportation and Public Protection.	
<b>Accountable Director:</b> Andy Millard, 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:** 19/01642/FUL

Location: 37 Sanderling Close, East Tilbury

Proposal: Change of use from landscape setting to residential curtilage and erection of 1.8m high fence [Retrospective]

- 3.2 **Application No: 19/01747/FUL**  
Location: 65 Welling Road, Orsett  
Proposal: (Retrospective) Change of use from amenity land to residential use. Erection of concrete post and timber fence along property boundary.
- 3.3 **Application No: 19/01254/HHA**  
Location: Tall Trees, 106 Lodge Lane, Grays  
Proposal: Erection of a perimeter wall to front of property with electric sliding gates for pedestrian and vehicular access (Retrospective)
- 3.4 **Application No: 19/01163/HHA**  
Location: Ladysons Farm House, Prince Charles Avenue, Orsett  
Proposal: Demolition of existing conservatory and erection of two storey rear extension with rear canopy and first floor balcony
- 3.5 **Application No: 19/01648/HHA**  
Location: 25 Whitmore Avenue, Stifford Clays, Grays  
Proposal: Single storey front extension
- 3.6 **Application No: 19/01466/HHA**  
Location: 3 Duarte Place, Chafford Hundred  
Proposal: Loft conversion with rear dormer, two front roof lights and side window
- 3.7 **Application No: 19/01744/HHA**

- Location: The Warren, Ridgwell Avenue, Orsett
- Proposal: (Retrospective) Garage conversion into habitable room
- 3.8 Application No: 19/00918/FUL**
- Location: 44 High Road, North Stifford, Grays
- Proposal: Change of use from open land (nil use) to residential use in association with 44 High Road with associated plastic grass, partly constructed children's playhouse and wooden bench outside the curtilage of 44 High Road, situated to the rear of 34 and 36 High Road
- 3.9 Application No: 19/01865/HHA**
- Location: 123 Southend Road, Grays
- Proposal: Part first floor side extension and roof alterations
- 3.10 Application No: 19/01688/HHA**
- Location: 31 Edmund Road, Chafford Hundred
- Proposal: Loft conversion including alterations to the main roofs ridge height and design and two side dormers and two side roof lights
- 3.11 Application No: 19/01608/HHA**
- Location: 87 Fullarton Crescent, South Ockendon
- Proposal: Two storey side extension, chimney stack removal and formation of a new vehicular access to the highway
- 3.12 Application No: 18/00044/BUNWKS**

Location: Land Adjacent Holly Drive And Sycamore Way, South Ockendon - (7 Laurel Drive)

Proposal: Application 15/00186/FUL seems to be being carried out even though application refused. A fence is erected around the area and work is being carried out.

**3.13 Application No: 19/01781/CLOPUD**

Location: Hill House, High Road, Orsett

Proposal: Erection of Outbuilding for Use as a Games Room, Gymnasium and Garden Room Incidental to the Enjoyment of the Dwelling

**3.14 Application No: 18/00124/BUNWKS**

Location: Sumet, Mucking Wharf Road, Stanford Le Hope

Proposal: Possible erected a dwelling without the benefit of planning permission.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 19/01180/FUL**

Location: 17 College Avenue, Grays

Proposal: Full planning application for erection of a detached dwelling (Class C3), with associated access, parking and landscaping

Appeal Decision: Appeal Dismissed

4.1.1 The main issue related to the effect on the proposed development on the character and appearance of the area, and the living conditions of the occupants of 19 College Avenue in terms of outlook and overlooking.

4.1.2 The Inspector considered that the proposal would reduce the effect of the separation between the existing single depth development in College Avenue to the mature tree planting to the south and the Quarry Hill Academy beyond.

The introduction of built form and the subsequent disruption to the general pattern of development in the surrounding area that would be harmful to the character of the area.

4.1.3 The Inspector concluded that the proposal would have an unacceptably harmful effect on the character of the area, contrary to Policies CSTP22, CSTP23 and PMD2 of the Thurrock Core Strategy 2015, Policy H11 of the Thurrock Local Plan, and the National Planning Policy Framework.

4.1.4 The Inspector considered that, given the close proximity of the proposed development with the side boundary of No 19, the proposal would be oppressive and create an enclosing effect in relation to the rear garden of that property. The Inspector also concluded that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No 19 College Avenue, in terms of outlook, contrary to Policy PMD1 of the Thurrock Core Strategy 2015.

4.1.5 The appeal was dismissed for the above reasons.

4.1.6 The full appeal decision can be found online.

**4.2 Application No: 19/00896/FUL**

Location: 2 Hall Lane, South Ockendon

Proposal: Two storey detached dwelling with new vehicular access and associated hardstanding and landscaping

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered the main issue was the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the setting of the Grade II listed buildings known as the Royal Oak Inn and the Gateway and Moat Bridge to South Ockendon Hall, the scheduled moated site of South Ockendon Hall and the scheduled Roman Barrow to the north of the Hall, and the effect on the significance of 1 and 2 Hall Lane, as non-designated heritage assets.

4.2.2 It was considered that the proposal would introduce a discordant form of development which would disrupt the undeveloped and spacious characteristics that contribute to the existing pattern of development in the surrounding area and the setting of Nos 1 and 2, as non-designated heritage assets, and the part of the setting, around the entrance to Hall Lane, of the designated heritage assets situated further to the east.

4.2.3 Importantly the Inspector noted that the designated heritage assets in the vicinity of the Hall are some distance from the entrance to Hall Lane, Nos 1 and 2 and there are several intervening cottages that would reduce the visibility between them. However, they did not find the absence of a visual connection to be a determinative factor, as it is the physical presence, form

and scale of the proposal that would be harmful to the significance of these more distant heritage assets.

4.2.4 In the final balance, the Inspector concluded that the harm to the character and appearance of the area and the setting of the non-designated heritage assets, listed buildings and Scheduled Ancient Monuments would outweigh the benefits of the proposed.

4.2.5 Accordingly the appeal was dismissed as it would have been contrary to policies PMD2, PMD4, CSTP22, and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the National Planning Policy Framework 2019.

4.2.6 The full appeal decision can be found online.

**4.3 Application No: 19/01117/FUL**

Location: 13 Crouch Road, Chadwell St Mary

Proposal: Erection of 6 bedroom house of multiple occupation on land adjacent to 13 Crouch Road with associated hardstanding.

Appeal Decision: Appeal Allowed

4.3.1 The main issues in this appeal related to the removal of permitted development rights for alterations and extensions to the proposed building, including to its roof, and for other structures within its curtilage. Therefore the main issue was whether or not the condition was reasonable and necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers.

4.3.2. It was considered by the Inspector, that the disputed planning condition would enable the Council to retain a measure of control over the future development of the site to avoid, amongst other things, overdevelopment and to protect against harm to the character and appearance of the area and the living conditions of neighbouring occupiers. However, there was no substantive evidence to suggest that future development of the appeal property enabled by full permitted development rights, would result in greater harm than similar development associated with other houses within the locality.

4.3.3 It was also considered that the permission is restricted by another condition, that the proposed development could not be occupied by any greater than six persons. Therefore, the proposal could not be occupied by more persons, unless that condition were to be breached. This exists as a further means for the Council to manage the intensification of the use of the site if they feel it necessary.

4.3.4 It was concluded that the condition is not reasonable or necessary in the interests of the character and appearance of the area or the living conditions of neighbouring occupiers. Hence, the proposal would accord with Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015).

4.3.5 The full appeal decision can be found online.

**4.4 Application No: 18/00649/FUL**

Location: Water Tower, Kirkham Road, Horndon On The Hill

Proposal: Conversion of redundant water tower to residential dwelling, with part two/part single storey rear and side extension and associated hardstanding (resubmission of 16/00399/FUL Conversion of redundant water tower to residential dwelling)

Appeal Decision: Appeal Dismissed

4.4.1 The main issue under consideration in this appeal was the effect of the proposal to the Green Belt and to the character and appearance of the wider area.

4.4.2 The Inspector considered the proposal would give rise to a modest loss of openness of the Green Belt in both a spatial and visual sense. The Inspector did not consider that the very special circumstances necessary to justify the development in the Green Belt exist.

4.4.3 Accordingly the appeal was dismissed for being contrary to policies CSSP4, PMD6 of the Core Strategy and the NPPF.

4.4.4 The full appeal decision can be found online.

**4.5 Application No: 18/01814/CLOPUD**

Location: Land Rear Of Ewen House, High Road, Fobbing

Proposal: New storage building for B8 use (warehousing) on land to the rear of Ewen House under Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015

Appeal Decision: Appeal Dismissed

4.5.1 The main issue under consideration in this appeal was the lawfulness of the proposal and whether it complied within the requirements of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Whether the proposal was lawful depend on matters of fact and law.

4.5.2 The Inspector considered it is less than probable that the site has been in Use Class B8 for ten continuous years. Therefore, the proposal to erect the new storage building would not fall within the curtilage of an existing industrial building or warehouse, in Use Class B8. The appellant had therefore not discharged the burden of proof upon him to establish, on the balance of probability, that the proposal accorded with the provisions of Condition H.2 (a) of Class H (Class H – extensions etc of industrial and warehouse), of Part 7, Schedule 2 of the GPDO. Therefore, the erection of the storage building requires planning permission.

4.5.3 Accordingly the appeal was dismissed as the proposal did not comply with the requirements of the GDPO.

4.5.4 The full appeal decision can be found online.

**4.6 Application No: 18/00322/AUNUSE**

Location: Milo, South Avenue, Langdon Hills

Proposal: Alleged Breach of planning control. The stationing of a caravan and container on the land.

Appeal Decision: Appeal Dismissed

4.6.1 The appeal was heard at a Hearing against the enforcement notice served for the alleged breach of stationing a caravan and container on the land for temporary living accommodation. Three other enforcement notice appeals were heard at the same Hearing, this appeal was with reference to notice 2.

4.6.2 The Inspector considered the main issues to be whether the appeal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and any relevant development plan policy. If the development is inappropriate development in Green Belt, whether any harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.6.3 The appeal site is at the furthest end of South Hill, near a public footpath and lies within the Green Belt. The Inspector concluded that the site constituted previously developed land and questioned whether each appeal development had a greater impact on the openness of the Green Belt than the existing development.

4.6.4 At the Hearing the Council presented photographs to demonstrate the site was previously green and heavily vegetated. The Inspector commented that the site appeared free from built development with the exception of a few



dispersed buildings. He was able to compare with the current developments at the site and maintained that it is clear the site exhibits considerably more built development and that each appeal development was visible from at least one public footpath. Furthermore, he held that there was no evidence that the replacement building provisions from Policy PMD6 or paragraph 145 of the NPPF are relevant for the temporary living accommodation which is the subject of Notice 2.

- 4.6.5 To the Inspector it was evident that, compared to what existed previously, the appeal development would have a greater visual and spatial impact on the openness of the Green Belt.
- 4.6.6 Each of the appeal developments were deemed inappropriate development in the Green Belt and does not comply with Policy PMD6 or the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should be approved except in very special circumstances. The Inspector also concluded that the harm arising from the appeal development was not outweighed by other considerations.
- 4.6.7 The Inspector upheld the enforcement notice and planning permission was subsequently refused, however, the time to comply with the notice was extended to 12 months.
- 4.6.8 The full appeal decision can be found online.

**4.7 Application No: 18/00323/AUNWKS**

Location: Milo, South Avenue, Langdon Hills

Proposal: Without the benefit of planning permission, the erection of an office building (with foundations and connecting water drainage and electricity services)

Appeal Decision: Appeal Dismissed

- 4.7.1 The appeal was heard at a Hearing against the enforcement notice served for the alleged breach of the erection of an office building (with the foundations and connecting water drainage/electricity services) Three other enforcement notice appeals were heard at the same Hearing, this appeal was with reference to notice 5.
- 4.7.2 The Inspector considered the main issues to be whether the appeal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and any relevant development plan policy. If the development is inappropriate development in Green Belt, whether any harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 4.7.3 The appeal site is at the furthest end of South Hill, near a public footpath and lies within the Green Belt. The Inspector concluded that the site constituted

previously developed land and questioned whether each appeal development had a greater impact on the openness of the Green Belt than the existing development.

- 4.7.4 At the Hearing the Council presented photographs to demonstrate the site was previously green and heavily vegetated. The Inspector commented that the site appeared free from built development with the exception of a few dispersed buildings. He was able to compare with the current developments at the site and maintained that it is clear the site exhibits considerably more built development and that each appeal development was visible from at least one public footpath. Furthermore, he held that there was no evidence that the replacement building provisions from Policy PMD6 or paragraph 145 of the NPPF are relevant for the office building which is the subject of Notice 5.
- 4.7.5 To the Inspector it was evident that, compared to what existed previously, the appeal development would have a greater visual and spatial impact on the openness of the Green Belt.
- 4.7.6 Each of the appeal developments were deemed inappropriate development in the Green Belt and does not comply with Policy PMD6 or the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should be approved except in very special circumstances. The Inspector also concluded that the harm arising from the appeal development was not outweighed by other considerations.
- 4.7.7 The Inspector upheld the enforcement notice, subject to the removal of 'with foundations and connecting water drainage and electricity services'. Planning permission was subsequently refused, however, the time to comply with the notice was extended to 12 months.
- 4.7.8 The full appeal decision can be found online.

**4.8 Application No: 18/00324/AUNWKS**

Location: Milo, South Avenue, Langdon Hills

Proposal: Without the benefit of planning permission, the erection of a dwelling on the land (including excavation of a basement as part of the dwelling) and the erection of an outbuilding on the land.

Appeal Decision: Appeal Dismissed

- 4.8.1 The appeal was heard at a Hearing against the enforcement notice served for the alleged breach of the erection of a dwelling on the land (including excavation of a basement as part of the dwelling) and the erection of an outbuilding on the land. Three other enforcement notice appeals were heard at the same Hearing, this appeal was with reference to Notice 1.
- 4.8.2 The Inspector considered the main issues to be whether the appeal constitutes inappropriate development in the Green Belt for the purposes of

the National Planning Policy Framework (NPPF) and any relevant development plan policy. If the development is inappropriate development in Green Belt, whether any harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

- 4.8.3 The appeal site is at the furthest end of South Hill, near a public footpath and lies within the Green Belt. The Inspector concluded that the site constituted previously developed land and questioned whether each appeal development had a greater impact on the openness of the Green Belt than the existing development.
- 4.8.4 At the Hearing the Council presented photographs to demonstrate the site was previously green and heavily vegetated. The Inspector commented that the site appeared free from built development with the exception of a few dispersed buildings. He was able to compare with the current developments at the site and maintained that it is clear the site exhibits considerably more built development and that each appeal development was visible from at least one public footpath.
- 4.8.5 The previous dwelling at the site was single storey with 1 bedroom and in broadly similar location to the principal dwelling subject of enforcement notice 1. The appellant considered, at the Hearing, that the previous dwelling's permitted development rights should be taken into account, but it was established that the approved permitted development extensions had not been built. Therefore, it was held that provisions within the 145(d) of the NPPF were not appropriate, in this instance, and taking them into account would not comply with PMD6.
- 4.8.6 To the Inspector it was evident that, compared to what existed previously, the appeal development would have a greater visual and spatial impact on the openness of the Green Belt. Furthermore, the new dwelling consists of at least two bedrooms in addition to other rooms including a rehabilitation room. Even with some of the basement accommodation taken into account, the dwelling was deemed materially larger than the original dwelling and, therefore, contrary to the NPPF and PMD6. The same view was reached with respect of the outbuilding subject to enforcement notice 1.
- 4.8.7 Each of the appeal developments were deemed inappropriate development in the Green Belt and does not comply with Policy PMD6 or the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should be approved except in very special circumstances. The Inspector also concluded that the harm arising from the appeal development was not outweighed by other considerations.
- 4.8.8 The Inspector upheld the enforcement notice and planning permission was subsequently refused. However, the time to comply with the notice was extended to 12 months.
- 4.8.9 The full appeal decision can be found online.

**4.9 Application No: 18/00325/AUNWKS**

Location: Milo, South Avenue, Langdon Hills

Proposal: Alleged breach of planning control. Without the benefit of planning permission, the development of two detached dwellings by conversion of two caravans and construction of foundations, decking, hardstanding and with associated services.

Appeal Decision: Appeal Dismissed

- 4.9.1 The appeal was heard at a Hearing against the enforcement notice served for the alleged breach of the development of two detached dwellings by the conversion of two caravans and construction and construction of foundations, decking, hardstanding and associated services. Three other enforcement notice appeals were heard at the same Hearing, this appeal was with reference to Notice 4.
- 4.9.2 The Inspector considered the main issues to be whether the appeal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and any relevant development plan policy. If the development is inappropriate development in Green Belt, whether any harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 4.9.3 The appeal site is at the furthest end of South Hill, near a public footpath and lies within the Green Belt. The Inspector concluded that the site constituted previously developed land and questioned whether each appeal development had a greater impact on the openness of the Green Belt than the existing development.
- 4.9.4 At the Hearing the Council presented photographs to demonstrate the site was previously green and heavily vegetated. The Inspector commented that the site appeared free from built development with the exception of a few dispersed buildings. He was able to compare with the current developments at the site and maintained that it is clear the site exhibits considerably more built development and that each appeal development was visible from at least one public footpath.
- 4.9.5 To the Inspector it was evident that, compared to what existed previously, the appeal development would have a greater visual and spatial impact on the openness of the Green Belt. Furthermore, the structures which are the subject of notice 4 were deemed materially larger than the previous caravans.
- 4.9.6 Each of the appeal developments were deemed inappropriate development in the Green Belt and does not comply with Policy PMD6 or the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should be approved except in very special circumstances. The Inspector also concluded that the harm arising from the appeal development was not outweighed by other considerations.

4.9.7 The Inspector upheld the enforcement notice and planning permission was subsequently refused, however, the time to comply with the notice was extended to 12 months.

4.9.8 The full appeal decision can be found online.

## 5.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	4											9
No Allowed	1	0											1
% Allowed	20.00%	0.00%											11.11%

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

6.1 N/A

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

7.1 This report is for information only.

## 8.0 Implications

### 8.1 Financial

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

There are no direct financial implications to this report.

### 8.2 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').

### 8.3 Diversity and Equality

Implications verified by: **Natalie Warren**  
**Strategic Lead Community Development and Equalities**

There are no direct diversity implications to this report.

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

None.

### 9.0. 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.

### 10. Appendices to the report

- None

<p><b>Reference:</b> 19/01140/OUT</p>	<p><b>Site:</b> Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP</p>
<p><b>Ward:</b> West Thurrock And South Stifford</p>	<p><b>Proposal:</b> Part demolition of existing Debenhams store and demolition of existing bus station. Alteration and extension of the northern end of the shopping centre including erection of new buildings for uses within Use Classes A1-A5 and a new multi-storey car park. Erection of a new bus station and the alteration and extension of the shopping centre on its eastern side including the erection of new buildings for uses within Use Classes A1-A5. Provision of new public realm and landscaping area. Alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements and car parking and other ancillary works and operations.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
080141 D-301-H	Location Plan	26th July 2019
080141 D-302-F	Existing Site Layout	25th February 2020
080141 D-303-F	Proposed Plans	25th February 2020
080141 D-304-G	Proposed Plans	25th February 2020
080141 D-305-F	Proposed Plans	25th February 2020
080141 D-306-G	Proposed Plans	25th February 2020
080141-D-307-F	Proposed Plans	25th February 2020
080141-D-308-A	Sections	25th February 2020
080141-D-309-B	Sections	25th February 2020
8525-SK-013 C	Proposed Plans	26th July 2019
8525-SK-014 F	Proposed Plans	25th February 2020
8525-SK-015 G	Proposed Plans	25th February 2020
8525-SK-068 D	Proposed Plans	1st April 2020

The application is also accompanied by:

- Planning Summary
- Planning and Retail Statement and Addendum
- Design and Access Statement (DAS) and Addendum (DASA)

- Environmental Statement Volumes 1 (Non-Technical Summary), II (Technical Studies); III (Technical Appendices) and Supplementary Environmental Statement
- Air Quality Assessment
- Ecological Appraisal
- Energy Statement and BREEAM Pre-Assessment Report
- Flood Risk Assessment
- Health Impact Assessment
- Phase 1 Contaminated Land Assessment
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment and Addendum
- Tree Survey Report

**Applicant:**

c/o agent

**Validated:**

24 July 2019

**Date of expiry:**

30 June 2020 (Time Extended)

**Recommendation:** Approve subject to conditions and s.106.

This application is scheduled for determination by the Council’s Planning Committee because the application is considered to have significant policy or strategic implications (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council’s constitution).

**1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL**

1.1 This application seeks outline planning permission (with all matters reserved) for the expansion of the Lakeside Shopping Centre (LSC). The development comprises the following elements:

1. Part demolition of the existing Debenhams store and demolition of the existing bus station;
2. Alteration and extension of the northern end of the shopping centre including erection of new buildings for uses within Use Classes A1-A5 and a new multi-storey car park;
3. The alteration and extension of the shopping centre on its eastern side including the erection of new buildings for uses within Use Classes A1- A5;
4. Construction of a new bus station;
5. Provision of new public realm and landscaping areas;
6. Alterations of the existing and construction of new vehicular, pedestrian and cycle access and egress arrangements, car parking and other ancillary works and operations.



1.2 The application is substantially the same as two previous applications (references 11/50433/TTGOUT and 16/01120/OUT) which were approved on 11 March 2013 and 15 March 2017 respectively. In comparison to the most recent application (reference 16/01120/OUT), this application proposes the following changes:

- The proposed bus station would be larger than previously proposed ;
- No temporary bus station as the new bus station would be constructed and brought into operation before the current bus station is demolished;
- The red line site area has been reduced in size and does not include the improvement works to the Lakeside Path to the east of Lake Alexandra, as those upgrades have been delivered as part of the leisure extension (13/00880/OUT) to the western side of the shopping mall, known as ‘ The Quay’;
- Revisions to the s106 planning obligations as follows:
  - By no longer offering the proposed bridge across Lake Alexandra but instead to safeguard landing areas for future provision of a bridge of the lake and instead improvements to the footpath connections around the northern end of the lake; and
  - No longer offering provision of the Variable Messaging System (VMS) as this has instead been secured through the leisure development (13/00880/OUT).

1.3 The following describes the development and provides references for the various elements of the proposal that will be used within this report;

**“Northern extensions”** - Part demolition and alteration of existing two-storey Debenhams store which comprises the northern part of the existing LSC mall. Extension of the northern end of the LSC mall including erection of new buildings to the north and east for uses falling within A1 (Shop), A2 (Financial and Professional Services), A3 (Restaurant & Cafe) & A5 (Hot Food Take-away) of the Uses Classes Order. Erection of a multi storey car park. These extensions are referenced and described below:

**“LSC1”** – To provide an extended shopping mall in the location of the existing Debenhams store: indicative plans show 21 units (12 on level 1 and 9 on levels 2 and 3 with mezzanine floors) over three floors and a new department store at the northern end of the extension all fronting onto the mall. To the east of the LSC, adjacent to the pedestrian entrance currently from car parks no.’s 5 and 6, this extension would provide 2 units over 2 internal levels. The height parameter of the building is between +21.07m to +23.44m Above Ordinance Datum (AOD).

**“LSC2”** – A two storey extension to the east of LSC1 within existing car park no.6 to provide standalone units accessed separately from the existing mall. The front

elevation of these units would face south fronting onto an outdoor street forming part of an area of public realm. The height parameter of the building is between +21.25m to +23.25m AOD. An enclosed service yard area would be located to the north of these units and accessed via the eastern internal road around the LSC.

**“LSC3a”** – A two storey detached building located within the proposed area of public realm stated above to provide standalone retail units accessed separately from the existing mall. Indicatively the DAS shows 3 units in this location. The height parameter of the building is between +13.45m to +19.45m AOD.

**“LSC3b”** – A two storey extension to the east of the existing mall fronting onto the new area of public realm. The height parameter of the building is between +13.45m to +19.45m AOD.

**“LSC5”** - Construction of a new multi-storey car park to the north east of the Mall in the location of the existing car park no.6. Access would be provided via the northern section of the internal road around the LSC. The car park would have 9 internal levels. The height parameter of the building is between +17.50m to +21.25m AOD.

**“Public Realm”** – As referred to above an area of public realm would be created at the south eastern part of the northern extension area where units within LSC2, LSC3a and LSC3b would front onto including an outside pedestrianized street and square linking the LSC eastern entrance, the existing eastern internal road and reduced sized car park no.5.

**“South-Eastern extensions”** - Alteration and extension of the shopping centre on its south-eastern side including the erection of new buildings for uses within use classes A1-A5. These extensions are referenced and described below.

**“New Bus Station”** – Located within existing car park no.3 the new bus station would link to the adjacent existing enclosed pedestrian bridge link to Chafford Hundred Railway Station. The indicative plans detail 13 bus stands (11 pick-up bays and 2 drop off bays) plus 8 layover bays. Undercover bus waiting areas would be created for passengers including a real time passenger information system. The height parameter of the building is between +14.14m to +15.64m AOD.

**“LSC4a”** – Single storey extension to the existing mall built over the existing service road to the east of the mall. This unit together with LSC4b, described below, are proposed to be located within and accessed from LSC4c, which proposes a new extension that would provide a covered entrance to the mall and

bus passenger waiting facility. The height parameter of the building is between +14.14m to +15.64m AOD.

**“LSC4b”** – A one or two storey extension to the north of multi-storey car park no.2 and south-east of the mall entrance. This unit is illustrated as a convenience store. The height parameter of the building is between +18.64m to +20.64m AOD.

**“LSC4c”** – Single storey extension which would provide a covered entrance to the mall. It would be fronted by LSC4a and LSC4b described above. This foyer would provide an enclosed waiting place for bus passengers and incorporate seating and bus telematics. The height parameter of the building is between +14.14m to +15.64m AOD.

**“Changes to highway infrastructure”** - Alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements, car parking and other ancillary works and operations. This includes the following;

**“Works 1”** - A new 2.5m wide pedestrian and cycle path is proposed to the north of the mall running east-west the north side of the northern part of the internal road around the LSC linking to two existing roundabout junctions and crossing points. To the south of the road an indicative plan shows a footpath running alongside the eastern elevation of the LSC5 and LSC2 extensions.

**“Works 2”** – To the south east of the LSC the internal road around the LSC would be revised as a result of the new bus station location. At present the access provides four traffic lanes with two in each direction. The proposed new bus station would result in changes to the access and egress onto this section of internal road changing the road layout into two lanes, one for each direction, and this will allow a formal right turn lane to be provided for access into the bus station. A dedicated dual use footway and cycleway would be created alongside the reconfigured road in this location providing access between the new bus stop location and around the southern side of the multi storey car parks and linking to the existing and recently upgraded dual use footway and cycle path adjacent to the lake and the western side of the LSC.

1.4 The tables below summarises some of the main points of detail contained within the development proposal.

*Table 1: Summary*

<b>Land Use Allocation:</b>	Core Strategy Inset Map (West): Shopping Centre
<b>Site Area:</b>	9.35ha

<b>Number of Units</b>	30-40 new shops
<b>Parking</b>	Car parking provision to match existing capacity (c.12,500 spaces) with surface car parking lost as part of the development being replaced in a new Multi-storey car park.
<b>Employment</b>	Up to 1,553 temporary construction jobs  Once completed, up to 2,930 net additional jobs at LSC. Up to 900 jobs indirectly supported elsewhere in the region through wage and supplier spending (D&A, p20)
<b>Total Capital Investment</b>	£168m over three years
<b>Current Lakeside Shopping Centre</b>	Circa 133,000 sq.m Gross Retail Space comprising over 250 shops including 4 Anchor Stores.  A food court plus 30 cafes and restaurants, banks, building societies, travel agents, leisure uses including a cinema).  Based on Economic Impact report in 2018 it is recognised that the LSC supports 7,660 permanent jobs growing to almost 10,000 jobs when taking into account indirect and induced jobs in the region.

Table 2: Development Floorspace Summary

<b>Scheme components</b>	<b>Demolition / part demolition and rebuild (GIAm<sup>2</sup>)</b>	<b>Total New Build (GIAm<sup>2</sup>)</b>	<b>Net Change (GIAm<sup>2</sup>)</b>
<i>Northern Extension (Plots LSC1, LSC2 &amp; LSC3)</i>	11,628	53,544	41,917

<i>New bus station and associated facilities</i>	155	4,762	4,607
<i>Multi-storey car park (Plot LSC5)</i>	0	24,103	24,103
<b>TOTAL</b>	11,783	82,409	70,626

Note: Figures quoted are Gross Internal Areas (GIA) – this is the area of a building measured to the internal face of the perimeter walls at each floor level and as such include communal areas such as the Mall, service corridors, lift & stair cores, service accommodation, and demise partitions.

Table 3: Development Floorspace by Use Class

<b>Use Class / Type of Use</b>	<b>Proposed net additional Gross Internal Area (sq.m)</b>
A1 (Shops)	37,651*  (*of which up to a maximum of 1,991 would be convenience goods retail the remainder comparison goods retail GIA)  Net Additional Net Sales Area (NANSA) is 30,121sq.m
A2 (Financial and Professional Services) A3 (Restaurants & Cafes) A4 (Drinking Establishments) A5 (Hot Food Takeaway)	3,053 – 4,884
<b>Subtotal</b>	<b>40,704</b>
Multi Storey Car Park	24,103
Mall space and other communal areas	5,819
<b>TOTAL</b>	<b>70,626</b>

1.5 The following planning obligations are offered with this development:

<b>No.</b>	<b>Heads of Terms</b>
1	Safeguarding of land to be used as landing areas within the applicant's land either side of Lake Alexandra to facilitate a pedestrian bridge over lake in the future

2	Provision of a Travel Plan to include future monitoring arrangements and new targets to be to be agreed for modal shift and to promote sustainable travel
3	Provision of Local Labour and Education/Training Initiatives - including A. Education and Training Facilities B. Apprenticeships C. Local Employment D. Local Procurement for business use/contractors
4	Provision of Rights of Access – <ul style="list-style-type: none"> <li>• Provide a route to be kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating.</li> <li>• For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306).</li> <li>• In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights shall be provided to enable the construction of a dual use footpath and cycleway from the A1306 along the spiral access to the Lakeside Shopping Centre.</li> </ul>
5	Provision of Complementary Planning Strategies Contribution of £185,000 for pursuing planning strategies in Grays town centre or elsewhere in the Borough of Thurrock.
6	Provision of a Basin Wide Car Park Management Regime – To supply real time car park capacity information through signage boards.

1.6 Under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017 (as amended) the proposed development falls within ‘Schedule 2’ as ‘EIA development’. The proposal includes an Environmental Statement (ES) demonstrating that an Environmental Impact Assessment (EIA) has been undertaken to accompany this planning application and this information is considered as part of the planning assessment in section 6 of this report. The EIA considers the construction and operational phases (when the development is complete and occupied) of the development as part of its assessment.

**2.0 SITE DESCRIPTION**

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

- 2.2 The surface level car parks to the east and multi-storey car parks to the south, west and north east of the mall provide circa 12,500 parking spaces. LSC has its own bus station, located externally at the northern end of the mall. This currently serves 13 principal bus routes.
- 2.3 This outline application relates to 9.35 hectares of land to the north and east of the LSC which is currently occupied by existing bus station, car parks no.s 5, 6 and 3.
- 2.4 Beyond the LSC to the north is the chalk cliff face of the Lakeside Basin and the Arterial Road, West Thurrock (A1306); to the east is the A126 dual carriageway, railway line linking Grays with Upminster and Chafford Hundred; to the south, within the Lakeside Basin, is West Thurrock Way and further commercial uses; and to the west beyond Lake Alexandra is a supermarket and an outlet retail park.
- 2.5 Chafford Hundred train station is located approximately 150m from the nearest entrance point to LSC. Access from LSC is gained by way of an enclosed footbridge link over the A126, which also links with Chafford Hundred for pedestrian access to the site. Chafford Hundred Train Station is located upon the Fenchurch Street, London to Grays line which is operated by C2C. There are a total 13 bus services serving the LSC with 7 of these operating on a frequency of 20 minutes or better. Services operate at approximately 30 minute frequency. The National Cycleway Network runs along the southern boundary of LSC site.

**3.0 RELEVANT PLANNING HISTORY**

3.1 The following table provides the planning history:

Planning Reference	Description of Application	Decision
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<p>11/50433/ TTGOUT</p>	<p>Part demolition of existing Debenhams store and demolition of existing bus station. Alteration and extension of the Northern end of the shopping centre including erection of new buildings for uses within use classes A1-A5 and a new multi-storey car park. Erection of a new bus station and the alteration and extension of the shopping centre on its Eastern side including the erection of new buildings for uses within use classes A1-A5. Provision of new public realm and landscaping area. Provision of temporary bus station comprising works to existing surface car parking area, alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements and car parking and other ancillary works and operations.</p>	<p>Approved 11.03.2013</p>
<p>16/00812/ SCO</p>	<p>Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed extension to the Intu Lakeside shopping centre (Intu Lakeside)</p>	<p>Scoping Opinion issued 08.07.2016</p>
<p>16/01120/ OUT</p>	<p>Part demolition of existing Debenhams store and demolition of existing bus station. Alteration and extension of the northern end of the shopping centre including erection of new buildings for uses within Use Classes A1-A5 and a new multi-storey car park. Erection of a new bus station and the alteration and extension of the shopping centre on its eastern side including the erection of new buildings for uses within Use Classes A1- A5. Provision of new public realm and landscaping area. Provision of Temporary Bus Station comprising works to existing surface car parking area, alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements and car parking and other ancillary works and operations.</p>	<p>Approved 15.03.2017</p>



<p>19/00263/ SCO</p>	<p>Request for an EIA Scoping opinion - Extension to the northern and eastern side of the shopping centre, a new bus station and multi-storey car park. The extension to the shopping centre will include uses within Use Classes A1 to A5. A2.15 Since issue of planning permission in 2017, the development site boundary has changed in response to other development activity at intu Lakeside.</p>	<p>Scoping Opinion Issued 01.04.2019</p>
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**4.0 CONSULTATION AND REPRESENTATIONS**

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

Two objections raising the following concerns:

- Access to the site - unsafe
- Documentation has missed the bus service 100 and this provides an important route between Lakeside and Chelmsford via Basildon

One response raising no objection but the following point:

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

4.3 ANGLIAN WATER:

No objection.

4.4 BRENTWOOD COUNCIL:

No formal comments to make.

4.5 CHELMSFORD CITY COUNCIL:

No objection.

4.6 CADENT GAS:

No objection.

4.7 CASTLE POINT COUNCIL:

No response.

4.8 DARTFORD COUNCIL:

No objection.

4.9 GRAVESHAM COUNCIL:

No objection in principle.

4.10 EDUCATION:

No education requirement is required.

4.11 EMERGENCY PLANNER:

No objection subject to condition.

4.12 ENSIGN BUS COMPANY:

No objection.

4.13 ENVIRONMENT AGENCY:

No objections subject to conditions.

4.14 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

4.15 ESSEX POLICE ARCHITECTURAL LIAISON OFFICER:

No objection subject to achieving 'Secure by Design', 'Park Mark' accreditation and the 'Safer Bus Station Award'.

4.16 FLOOD RISK ADVISOR:

No objection subject to conditions.

4.17 HIGHWAYS:

No objections subject to planning conditions and s106 obligations.

4.18 HIGHWAYS ENGLAND:

No objection.

4.19 LANDSCAPE AND ECOLOGY ADVISOR:

No objections to this application on landscape or ecology grounds.

4.20 NATIONAL GRID:

No objection.

4.21 NETWORK RAIL:

No comments to make.

4.22 PASSENGER TRANSPORT UNIT:

No objection.

4.23 PUBLIC FOOTPATH OFFICER:

No comments to make to this application.

4.24 REGENERATION:

No objection subject to s106 obligations relating to local education and training objectives.

4.25 TRANSPORT FOR LONDON:

No objection subject to conditions.

4.26 TRAVEL PLAN CO-ORDINATOR:

No objection subject to the updated Travel Plan securing new targets and the requirement of the annual travel plan monitoring fee of £525+VAT for five years.

## 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
- 6. Building a strong, competitive economy
- 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
- 15. Conserving and enhancing the natural 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:

- Air quality
- Climate change
- Design: process and tools
- Effective Use of Land
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Healthy and safe communities
- Land affected by contamination

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

### 5.3 Local Planning Policy Thurrock Local Development Framework

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)

#### SPATIAL POLICIES

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

#### THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP7 (Network of Centres)
- CSTP8 (Viability and Vitality of Existing Centres)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP13 (Emergency Services and Utilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)

- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP33 (Strategic Infrastructure Provision)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD3 (Tall Buildings)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD14 (Carbon Neutral Development)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

### 5.5 Thurrock Design Strategy

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

## 6.0 ASSESSMENT

### Procedure:

6.1 The EIA Regulations require local planning authorities to examine the information within the Environmental Statement to assess the significant effects of the proposed development on the environment (beneficial and adverse), in addition to the material planning considerations. The EIA Regulations require the likely significant effects of the development to cover the direct effects and any indirect, secondary, cumulative, transboundary, short, medium and long term, permanent and temporary, positive and negative effects of the development. The Environmental Statement considers the baseline conditions (existing conditions), construction and operational phases (when the development is occupied) as part of this assessment.

6.2 The material considerations for this application are as follows:

- I. Principle of the development
- II. Retail Impact
- III. Urban Design, Townscape and Visual Impacts
- IV. Sustainable Buildings and Energy Consumption
- V. Transport, Access and Parking
- VI. Air Quality
- VII. Noise and Vibration
- VIII. Flood Risk and Drainage
- IX. Ecology and Biodiversity
- X. Land Contamination and Ground Works
- XI. Effect on Neighbouring Properties
- XII. Cumulative Impact
- XIII. Viability and Planning Obligations
- XIV. Sustainability

#### I. PRINCIPLE OF THE DEVELOPMENT

6.3 The principle of the development has been established through two previous outline planning permissions. The first was approved in 2013 under planning reference 11/50433/TTGOUT and the second was approved in March 2017 under planning reference 16/01120/OUT (the more recent permission remains the extant permission until March 2021). The current application seeks, in effect, to renew the outline permission 16/01120/OUT but with the changes as listed in paragraph 1.2 of this report.

6.4 In granting outline planning permission for 16/01120/OUT, the Council was satisfied that the proposal accorded with a range of Development Plan policies relevant at the time of the application. Since the grant of permission in 2017, the only policy change has been through the updated versions of the NPPF in July 2018 and in February 2019. The ‘Development Plan’ remains the Core Strategy. Despite the changes to the NPPF, the principle of the development remains sound.

**II. RETAIL IMPACT**

6.5 The previous outline permission established that the development and additional retail floorspace provision was acceptable. Point 1 of policy CSTP7 refers to the ‘New Lakeside Regional Centre’ which ‘supports the transformation of the northern part of the Lakeside Basin into a new regional centre’ (note regional centre is defined in paragraph 3.25 of the Core Strategy as being a town centre). This allows for the expansion of the New Lakeside Regional Centre for an increased retail floor space of up to 50,000m<sup>2</sup> of net comparison goods floorspace and at least 4,000m<sup>2</sup> of convenience goods floorspace (Class A1 use). The policy also identifies the opportunity for expansion to include new employment and other service floorspace to broaden the employment base, commercial leisure floorspace including food and drink uses, and up to 3,000 new dwellings, consistent with the function of a regional centre.

6.6 The proposed development accords with the floor space limitations of policy CSPT7. The table below sets out the level of floorspace that would be created through the development.

<b>Use Class / Type of Use</b>	<b>Proposed net additional Gross Internal Area (sq.m)</b>
A1 (Shops)	37,651*  (*of which up to a maximum of 1,991 would be convenience goods retail the remainder comparison goods retail GIA)  Net Additional Net Sales Area (NANSA) is 30,121sq.m
A2 (Financial and Professional Services) A3 (Restaurants & Cafes) A4 (Drinking Establishments) A5 (Hot Food Takeaway)	3,053 – 4,884
<b>Subtotal</b>	<b>40,704</b>



- 6.7 The applicant's 'Planning and Retail Statement' identifies that the level of retail provision is necessary for LSC to meet demand from retailers and to maintain LSC's position in the retail hierarchy.
- 6.8 In terms of the NPPF, chapter 7 paragraph 86 seeks to ensure the vitality of town centres and requires local planning authorities to apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. The LSC is an existing centre and considered to be part of the New Lakeside Regional Centre based on the information contained within policy CSTP7 and LSC's main function is to operate as a 'primary shopping area' with a town centre role, and secondly, when compared to the requirements of chapter 7 of the NPPF, policy CSTP7 is considered to be an up to date policy. On this basis there is no requirement for the local planning authority to apply a sequential test to this application.
- 6.9 The retail impact of the proposed development is acceptable in terms of Chapter 7 of the NPPF and policy CSTP7.

### III. URBAN DESIGN, TOWNSCAPE AND VISUAL IMPACTS

- 6.10 It should be noted that the information provided in the Design and Access Statement (DAS) and the Parameters Plans are the same as the previous outline approval with the only differences being those set out in paragraph 1.3 of this report.
- 6.11 As an outline application with all matters reserved the finer details of the layout, scale, appearance, access and landscaping would be agreed through any future reserved matters application. Nevertheless the Parameter Plans are for determination with this application and these plans, if approved, will establish the extent of the development, minimum and maximum building lines and heights, and the extent of the proposed access within the site. To assist further the Design and Access Statement (DAS) provides an illustrative guide to the proposed development.
- 6.12 As stated in section 1 of this report the proposal is mainly split into two development areas at the LSC with these being the northern extension and the south-eastern extension. The Parameter Plans and DAS guidance is assessed below.

#### *Access*

- 6.13 Parameter Plan 6 'Public Realm and Vehicle Access Works' and the DAS shows the proposed new access arrangements.
- 6.14 For the northern extension the existing service access arrangements would be retained. The service access running along the eastern elevation of the LSC would be more enclosed and partly covered by the new development. The existing internal

road along the northern side of the LSC would remain with the addition of a new footway/cycleway shown on the northern side of the road which would lead to a crossing point at the existing roundabout junction to the north east car park no.6 and a new footway running along the eastern side of 'LSC5' and 'LSC2'. An ingress and egress access point into the new multi-storey car park 'LSC5' would be located along the existing northern internal road.

- 6.15 The existing internal road along the eastern side of the LSC would remain unchanged apart from revised access arrangements on its western side to include a new service access for 'LSC2' and new access arrangements into the existing car park no.5. The existing bus station location and car park no.6 and part of car park no.5 would be replaced by the northern extensions. This location would lead to the creation of external walkways and an area of landscaping as part of the public realm to a new outdoor street where retail and restaurant/cafe units would be located within a public realm area. These walkways would lead into the existing entrance currently accessed from car parks no.5 and no.6 in the north east corner of the LSC.
- 6.16 For the south-eastern extension the existing road network would be modified to accommodate the new bus station with the loss of car park no.3. The extension to the store would also be built to bridge over the existing service road at the eastern side of the LSC.

#### *Layout and Use*

- 6.17 For the northern extension the documents includes indicative details to show how the internal layout of the extensions to the store would work with 'LSC1' and 'LSC2' showing the potential arrangement of retail and non retail units along with the external areas. Within 'LSC1' the extension, internally, would represent a continuation of the existing mall.
- 6.18 Externally, within the northern extension location, areas of public realm would be created to areas 'LSC1', 'LSC2' and 'LSC3a' and 'LSC3b', which represents a modern approach found within newer shopping malls such as Westfield Stratford, which has open external areas as well as the internal shopping mall. This area of public realm would include retail and non-retail uses such as café/restaurants which would benefit from outdoor space for likely outdoor seating and dining opportunities.
- 6.19 The 'LSC5' multi storey car park and part of 'LSC2' includes an enclosed service yard that would both be sited on the eastern side of the building and would be seen by vehicles arriving from the spiral road to the Arterial Road (A1306) to the north, although elevation details are not for determination such details shall need to be carefully considered with the future reserved matters application to ensure a high quality and welcoming environment is created.

6.20 The layout of the south-eastern extension is indicatively shown in the documents to represent a continuation of the internal shopping mall to this location and provide a complete enclosed area for pedestrians leaving the LSC travelling to the existing footbridge to the Chafford Hundred railway station through 'LSC4c'. Within this extension further retail or non-retail units would front onto an enclosed concourse area which is defined as 'LSC4c' as part of the bus station with connections to the bus stands. The opportunity for a convenience store is shown in the documents indicative drawings nearest the footbridge location within the location of 'LSC4b'. Externally the layout shows the bus station occupying the existing car park and landscaping areas surrounding the bus station on this side of the LSC.

#### *Scale and Form*

6.21 Parameter Plan 5 'Minimum / Maximum heights' details the minimum and maximum building height Above Ordinance Datum (AOD) and the following Parameter Plans shows the block and massing through a series of section drawings. These are Parameter Plan 7 'Indicative Sections and Elevations Key', Parameter Plan 8 'Proposed sections AA-DD' and Parameter Plan 9 'Proposed sections EE-GG'. Furthermore the DAS demonstrates the massing and block structure of the proposed extensions.

6.22 It is recognised through Parameter Plan 5 that the northern extension to the LSC, through 'LSC1', 'LSC2' and 'LSC5' is proposed to be one storey taller than the existing buildings and this is more clearly shown in the 'indicative massing' drawing in the DAS. Taking into account the wider context of the overall LSC this increase in height is not considered to be an issue as the site is located within the Lakeside Basin which as a former quarry has a lower ground level than nearby developments. This lower ground level would allow for an increase in scale as the proposed development is located adjacent to the chalk walls of this former quarry which would help lessen the scale of the impact.

6.23 The scale and height of the south-eastern extension would be similar to the existing LSC with the highest element of the block structure shown in the indicative massing drawing in the DAS to be located nearest the existing footbridge which crosses the A126 and links to the railway station. There are no issues raised to the scale of this southern extension to the LSC.

#### *Appearance and Materials*

6.24 The overall appearance and use of materials for the extensions will be detailed in the reserved matters application with samples of materials agreed through planning condition. The DAS includes a number of illustrative photomontages to show the potential finishing of the appearance of the extensions of the LSC reflecting a modern

and contemporary design approach, which provide an updated appearance to part of the LSC bring forward high quality design as required by the relevant Core Strategy policies.

#### *Landscaping*

- 6.25 Parameter Plan 6 'Public Realm and Vehicle Access Works' shows locations of landscaping areas. The DAS details how connections would be made through landscaping and includes illustrative landscape concept plans, illustrative cross sections, illustrative planting styles and a tree strategy.

#### *Townscape and Visual impacts*

- 6.26 The northern extension would bring the LSC much closer to the road network. This would give the building more prominence particularly on the vehicular access route from the spiral road into the site from the north.
- 6.27 The ES has assessed the Townscape and Visual considerations of the development identifying that the existing townscape character is considered to be of 'low value' with the surrounding open land and residential areas to be considered of 'medium value'. The impact upon the surrounding landscape is lessened due to the LSC being located within the Lakeside Basin and where existing established landscaping and infrastructure help screen the site.
- 6.28 The ES considers that the proposed development would result in a 'high degree of change' but this would be result in a 'beneficial change to the townscape character'. The Council's Landscape and Ecology Advisor raises no objection to the development proposals.
- 6.29 In conclusion under this heading, the urban design, townscape and visual assessment of the proposed development is acceptable in terms of Chapter 12 of the NPPF and policies CSTP22, CSTP23 and PMD2.

#### IV. SUSTAINABLE BUILDINGS AND ENERGY CONSUMPTION

- 6.30 The application includes an Energy Statement and BREEAM Assessment and this is in effect a renewal of the previous outline approach to sustainable building and energy consumption. This states that energy measures will be further considered once the development progresses through to the reserved matters to demonstrate a reduction to CO<sub>2</sub> emissions in the interests of climate change. This includes sustainable construction techniques and the use of renewable energy.
- 6.31 The BREEAM Assessment demonstrates that a 'Very Good' rating can be achieved but the applicant is seeking to achieve an 'Outstanding' rating to accord with policy

PMD13. The applicant will be requiring future tenants to achieve the BREEAM 'Outstanding' rating through a 'Green Lease' arrangement but recognises that this can be difficult to achieve in shopping malls. The BREEAM rating can be secured through a planning condition requiring details of the BREEAM rating to be provided.

## V. TRANSPORT, ACCESS AND PARKING

### *Sustainability and Access*

- 6.32 The site is located in a sustainable location and can be accessed by road and rail. The road network provides good access to the A13 and M25 routes. Numerous bus routes service the LSC. The site can also be accessed by cycle and on foot from a range of directions, although the safest pedestrian route to the LSC is via the covered footbridge which also connects to the nearby Chafford Hundred rail station (155m away).
- 6.33 Various footpath and cycleway works are proposed to some of the internal roads around the LSC and these are listed in paragraphs 1.4 of the report.
- 6.34 'Works 1' would create a new footway/cycleway route connecting with the existing Northern Link Road footways and would run along the northern side of the road to the north of the LSC up until the roundabout junction where it is shown on Parameter Plan 6 to be linked to the eastern side of the northern extensions to the LSC with these details to be confirmed through the reserved matters.
- 6.35 Parameter Plan 6 shows 'Works 2' would allow access to the proposed new bus station and reduce the road widths to allow routes to be provided bordering the existing multi storey car parks to the south of the LSC. The new dual use footway and cycleway would link the new bus station to the recently completed footpath and cycle path along the western side of the LSC adjacent to the lake leading to the boardwalk area.
- 6.36 The planning obligations offer improvements to the existing footpath which runs around the northern end of Lake Alexandra to the Tesco site to the west and landing points safeguarded for a future bridge of the lake and improved access arrangements. Various rights of access would be secured through the planning obligations including provision of a footpath to be constructed along the route of the spiral road to the A1306 to allow for improved access and pedestrian links to the north. These planning obligations are similar to the previous planning permission and raise no objections from the Council's Highway's Officer.
- 6.37 All of the proposed pedestrian and cycle improvements would accord with policies CSTP14 and PMD2 and are welcomed.

*Bus Station Provision*

- 6.38 The new bus station and associated highway infrastructure would replace car park no.3. There are no objections to a new bus station in this location because it would allow for better connections with the existing footbridge and the Chafford Hundred railway station in accordance with the requirements of policy CSTP14.
- 6.39 The proposed bus station would provide 13 bus stands instead of the 8 which was previously provided through outline planning permission for 16/01120/OUT. The larger proposed bus station would result in benefits to the LSC and Chafford Hundred through a more defined transport hub offering a range of sustainable transport modes. The proposed bus station would be constructed without the need for a temporary bus station. The Council's Highway's Officer, Passenger Transport Unit, and bus operators have no objections.

*Traffic Impact and Parking*

- 6.40 In terms of vehicle movements, both the construction and operational phases trip generation forecast remains generally the same as the previous applications and has been assessed through the Transport Assessment (TA) against the baseline of 2016 and 2017 traffic surveys and assessed alongside other major planning permissions in the area since March 2017, which is the date of the previous outline permission. The TA concludes that the proposed development would not have a material impact upon the highway network and there are no objections raised by the Council's Highway Officer.
- 6.41 The ES advises that the LSC has 12,500 car parking spaces and nearly 2,000 of these are normally closed and only used during peak periods such as bank holidays and Christmas so the ES advises that there is existing car parking space capacity. The proposal would initially involve the loss of car parking but this would be staggered in terms of timings through the construction process to avoid closure of certain car parks at the same time to minimize disruption. It is stated that by the time the new bus station development is under construction the northern extension will have progressed and the new multi-storey car park "LSC5" (which would be over a total of 10 internal levels of car parking), would be available and this would allow the entire LSC to continue to provide approximately 12,500 car parking spaces to match the existing level of provision, and therefore are no objections raised in regard to policy PMD8.
- 6.42 Policy CSTP14 identifies the opportunity to introduce car parking charging and management regime, however, the applicant through the ES and TA does not consider car parking charges 'practical, sustainable or necessary' and are concerned that this would 'undermine rather than encourage regeneration in the Lakeside Basin'. If car parking charging was introduced it would need to be across the entire

Lakeside Basin otherwise it could lead to distorted car park patterns. A 'Basin Wide Car Park Management Regime' is offered as a planning obligation and can be secured through the planning obligations and would provide real time car park capacity information through signage boards and linked to the existing Vehicle Messaging Service (VMS).

- 6.43 The LSC provides cycle parking facilities throughout the site and additional cycle parking provision shall be required to meet with policies CSTP14 and PMD8 and further details can be informed through a planning condition and through the future reserved matters.
- 6.44 As part of the Lakeside Leisure development an updated Travel Plan has been developed and forms one of the planning obligations offered so can be secured through the s106 agreement. The current Travel Plan promotes sustainable travel choices to follow the approach set out in policy PMD10 and therefore an updated Travel Plan would continue to accord with the requirements of policy PMD10. The Council's Travel Plan Co-ordinator raises no objections.
- 6.45 In conclusion under this heading, the development would not have an adverse impact upon the local highway network. The Council's Highway Officer and Highways England have no objections to the development subject to the planning conditions and planning obligations as set out in the recommendation section.

## VI. AIR QUALITY

- 6.46 Chapter E of the ES considers 'Air Quality' and has been considered alongside policy PMD1, the relevant guidance in the PPG and paragraph 181 of the NPPF.
- 6.47 The ES identifies existing baseline conditions identify that within the site the nitrogen dioxide (NO<sub>2</sub>) levels are generally low but along major roadside locations and junctions the levels exceed air quality limits. However, the site is not located within an Air Quality Management (AQMA).
- 6.48 Once construction is complete the operational phase of the development would require the installation of plant equipment to heat and ventilate the new development. Traffic associated with this phase would give rise to airborne pollutants.
- 6.49 The Council's Environmental Health Officer (EHO) raises no objections on air quality grounds.

## VII. NOISE AND VIBRATION

- 6.50 Chapter F of the ES considers 'Noise' and 'Vibration' alongside policy PMD1, the relevant guidance in the PPG and paragraph 180 of the NPPF.

- 6.51 The predominant noise sources are road traffic and contributory rail traffic noise. The noise assessment has considered the impact upon noise sensitive (residential) properties in the vicinity of the site near Fleming Road and Chafford Hundred.
- 6.52 Limits to hours of construction, siting of noisy plant equipment, barriers and the management of construction traffic can be imposed through the Construction Environmental Management Plan. The Council's Environmental Health Officer (EHO) raises no objections on noise grounds.

#### VIII. FLOOD RISK AND DRAINAGE

- 6.53 The site is located within the highest risk flood zone (flood zone 3) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability. The proposal would fall within the 'less vulnerable' use on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.54 Paragraph 162 of the NPPF notes that for individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. As the application is a strategic allocation within the Core Strategy Proposal's Map as a 'Shopping Centre and Parade' area the Sequential Test does not need to be applied. There is also no requirement to apply the Exception Test as the development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.55 The Flood Risk Assessment (FRA) identifies that the LSC site comprises of buildings, road infrastructure, car parking and approximately 1.15 hectares of soft landscaping. The existing surface water network diverts water around the LSC and draining into Lake Alexandra, which forms the primary surface drainage system (SuDS) for the LSC receiving the run off from a complex drainage network. The lake is maintained by a gravity outfall (weir and sluice) which discharges into the River Thames. The LSC is afforded a standard of protection against the 1 in 1000 year fluvial/tidal flood event by existing managed flood defences.
- 6.56 The proposed development would reduce run off rates as the proposal would use underground stormwater storage tanks draining to the existing drainage systems and into Lake Alexandra during the operational phase of the development. Details of the proposed drainage systems can be secured through a planning condition.
- 6.57 The development will connect to the existing foul drainage network arrangements for both the construction phase and operational phases of the development. There are



no objections raised from Anglian Water and the proposed development would comply with policy CSTP13.

- 6.58 Neither the Environment Agency nor the Council's Flood Risk Advisor have raised objection. A Flood Warning and Evacuation Plan can be agreed through a planning condition to meet the requirements of the Council's Emergency Planner.
- 6.59 Overall, the proposal would accord with policies CSTP25 and CSTP27, and the guidance contained within the NPPF and PPG.

#### IX. ECOLOGY AND BIODIVERSITY

- 6.60 The location of the proposed development is within existing developed areas which is considered to have 'low' ecological value as identified in Chapter K of the ES. The ES also identifies areas where ecology could be affected and outside of the site area are three Local Wildlife Site (LoWS) but these would not be adversely affected by the proposal.
- 6.61 The proposal would result in the loss of some existing trees and associated soft landscaping within the existing car park areas which surround the mall. These trees are considered to be of low ecological value based on their car park locations which are detached from areas where ecology is more likely to flourish.
- 6.62 A Construction Environmental Management Plan, would allow mitigation measures to be agreed to minimize any impacts upon ecology and biodiversity during the construction phase of the development. This would allow for assessing if any nesting birds, bats and reptiles are within the developable area. During the operational phase a detailed lighting scheme can control illumination to nearby landscaped areas to the north of the development along the northern edge of the former quarry chalk cliffs.
- 6.63 The Council's Landscape and Ecology Advisor raises no objections to the application but recommends a Landscape and Ecological Management Plan should be produced to help deliver long-term biodiversity benefits. Subject to conditions the proposal would be acceptable in regard policies CSTP19 and PMD7, and the guidance contained within the NPPF and PPG.

#### X. LAND CONTAMINATION AND GROUND WORKS

- 6.64 Chapter H of the ES considers 'Ground Conditions' recognising the site was developed in the base of a former chalk quarry where groundwater across the site flows into Lake Alexandra. The ES concludes that with mitigation measures in place the development would have a 'negligible' impact upon ground conditions. Subject to the recommendations in the ES being carried forward in the form of planning

conditions, there are no objections from Environmental Health or the Environment Agency.

## XI. EFFECT ON NEIGHBOURING PROPERTIES

6.65 The LSC site takes up a large area of land the nearest neighbouring uses are commercial uses to the south of West Thurrock Way and to the west of Lake Alexandra. As the proposed extensions are located on the eastern side of the LSC these commercial units would not be adversely affected by the proposed development. The nearest residential properties are located over 250m to the east of the LSC on higher ground with car parks, roads and a railway line within the separation area. The proposal would not adversely affect amenity and therefore these are no objections in regard to policy PMD1.

## XII. CUMULATIVE IMPACT

6.66 In accordance with the EIA Regulations 2017 the ES is required to take account of the cumulative effects of other schemes in the area. The ES has considered the cumulative effects in each of the environmental topic assessments taking into consideration the cumulative effects of the following either proposed or consented developments:

- The Lakeside Leisure development at the LSC (applications 13/00880/OUT and 16/01228/REM). Approved 28 November 2016 and now built out/occupied.
- Port improvements and re-development - C.Ro Ports London Ltd, Purfleet Thames Terminal, London Road, Purfleet, (ref. 16/01698/FUL). Approved 4 May 2017.
- Residential led mixed use development providing 203 dwellings and commercial uses at land to the rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred (ref. 16/00307/FUL). Approved 16 July 2018 but not implemented.
- Residential development of 367 dwellings at land to the East of Elucid Way and South of West Thurrock Way, West Thurrock (ref. 18/00887/FUL). Approved 13 February 2019.
- Large scale mixed use development including 2,850 dwellings at land East of Caspian Way and North and South of London Road, Purfleet (ref. PCRL 17/01688/OUT). Approved 20 December 2019.
- Proposed employment led regeneration of the former Coryton Oil Refinery, Thames Enterprise Park, The Manorway, Coryton, (ref. 18/01404/FUL). Pending determination.
- Large scale mixed use development including up to 2,500 dwellings at Arena Essex, Arterial Road, Purfleet (ref. 18/01671/FUL). Pending determination.

- Motorway development connecting the M25 to the A2 known as the Lower Thames Crossing Development Consent Order. Application expected in Quarter 4 2020.

6.67 The ES assesses the cumulative impact to have ‘no significant adverse effects’ based on the mitigation measures through this proposal being implemented through planning conditions/obligations.

**XIII. VIABILITY AND PLANNING OBLIGATIONS**

6.68 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

6.69 Following changes in legislation Community Infrastructure Levy Regulations (CIL), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements were sought.. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.

6.70 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:  
*a) necessary to make the development acceptable in planning terms;*  
*b) directly related to the development; and*  
*c) fairly and reasonably related in scale and kind to the development*

6.71 Through the consultation process to this application and assessing the information contained within the Council’s IRL the planning obligations are similar to the previous extant permission and in comparison the table below demonstrates the differences:

<b>No.</b>	<b><i>Heads of Terms as summarised from permission 16/01120/OUT</i></b>	<b><i>Whether these draft Heads of Terms are still offered with this application</i></b>
1	Bride Over Lake - A new footpath link through a bridge over Lake Alexandra.	No, instead the offer is for improvements to existing footpaths around the northern end of the lake (as a planning condition) and to safeguard landing areas to allow for a

		bridge over the lake in the future.
2	Footpath Link to West Thurrock Way - Provision of New or Improved Linkages through a new footpath link to West Thurrock Way in an area to be agreed.	No, footpath link has already been provided through the hotel development.
3	Public Realm Improvements and Public Realm Contribution – an offer of £100,000 for public realm works.	Yes, but as a condition instead of an obligation as all public realm improvements are within the applicant's land on the eastern side of the LSC
4	VMS (Variable Messaging System).	No, has been provided through the leisure development (13/00880/OUT)
5	Travel Plan – to include future monitoring arrangements, and A Public Transport Contribution of £325,000.	Yes, still offered, but without the transport contribution as a larger bus station is proposed with this application
6	Local Labour and Education/Training Initiatives - including A. Education and Training Facilities B. Apprenticeships C. Local Employment D. Local Procurement for business use/contractors	Yes, still offered.
7	Rights of Access – Access rights to facilitate access to South East Rapid Transit System (SERT). For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306). Provide a route to be kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating. In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights	Yes, still offered, but without the SERT as this is no longer necessary

	shall be provided to enable the construction of a footpath from the A1306 along the spiral access to the Lakeside Shopping Centre.	
8	Safeguarding Route for Pedestrian/Green Bridge to cross over West Thurrock Way - An area of land to be made available for this.	No longer required as there is already an existing level surface crossing for West Thurrock Way near to this location
9	The Bus Station – Provision of Land for Future Expansion of the Bus Station.	No longer required as this application proposes a larger bus station which would avoid the need for future expansion
10	Complementary Planning Strategies Contribution of £185,000 for pursuing planning strategies in Grays town centre or elsewhere in the Borough of Thurrock.	Yes, still offered.
11	Basin Wide Car Park Management Regime – To supply real time car park capacity information through signage boards.	Yes, still offered.

6.72 Following consideration of the above table the proposed planning obligations are set out below and have been agreed with the applicant.

<b>No.</b>	<b>Heads of Terms</b>
1	Safeguarding of land to be used as landing areas within the applicant’s land either side of Lake Alexandra to facilitate a pedestrian bridge over lake in the future
2	Provision of a Travel Plan to include future monitoring Arrangements, new targets to be to be agreed for modal shift and promotion of sustainable travel measures. Annual Travel Plan monitoring fee of £525+VAT for the annual monitoring period of 5 years following occupation
3	Provision of Local Labour and Education/Training Initiatives - including A. Education and Training Facilities B. Apprenticeships C. Local Employment D. Local Procurement for business use/contractors
4	Provision of Rights of Access – <ul style="list-style-type: none"> <li>Provide a route to be kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating.</li> </ul>

	<ul style="list-style-type: none"> <li>• For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306).</li> <li>• In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights shall be provided to enable the construction of a dual use footpath and cycleway from the A1306 along the spiral access to the Lakeside Shopping Centre.</li> </ul>
5	Provision of Complementary Planning Strategies Contribution of £185,000 for pursuing planning strategies in Grays town centre or elsewhere in the Borough of Thurrock.
6	Provision of a Basin Wide Car Park Management Regime – To supply real time car park capacity information through signage boards.

6.73 The proposed planning obligations meet with the require tests of paragraph 56 of the NPPF as they are necessary, directly related to the development and fair and reasonable related in scale and kind to the development.

XIV. SUSTAINABILITY

6.74 Paragraph 7 of the NPPF identifies that ‘the purpose of the planning system is to contribute to the achievement of sustainable development’ and paragraph 8 of the NPPF identifies that ‘achieving sustainable development means that the planning system has 3 overarching objectives, which are the ‘economic’, ‘social’ and ‘environmental’ objectives.

6.75 For the ‘economic’ and ‘social’ objectives the proposal would impact upon local and regional economies in terms of job creation and capital investment. The ES identifies that the construction phase of the development would generate up to 1,554 temporary construction jobs over a 3 year period and when completed the operational phase of the development would provide up to 3,697 jobs of which 3,087 of these would be new employment opportunities. There would be around 900 indirect jobs created in the region associated with the operational LSC. To bring forward education and training opportunities work placements would be created for both the construction and operational phase of the development (secured via planning obligations). This would assist in addressing employment and skills shortages within the area. The increased level of retail and commercial uses would widen the range of facilities and help the LSC as a shopping and leisure destination. Complimentary planning strategies would require a financial contribution for improvements for Grays town centre.

6.76 For the ‘environmental’ objective the proposal would make better use of existing urban land, would achieve a high quality design with visual improvements to the area, various improved pedestrian and cycle paths and opportunities, improved drainage

(through the loss of hardstanding areas), a maintained level of car parking to meet the needs of the development and various environmental improvements to be achieved through planning conditions and planning obligations including public realm improvements and safeguarding of access opportunities beyond the site.

6.77 Paragraph 11 of the NPPF identifies that planning decisions should apply a 'presumption in favour of sustainable development' and for decision taking this means:

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

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

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

6.78 The 'presumption in favour of sustainable development' applies in this instance as the proposed development would accord with the NPPF/PPG and policies CSSP2, CSPT7 and CSTP14, which seek to improve and regenerate the Lakeside Basin.

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

7.1 The proposed development would lead to new, additional and improved retail facilities. This would help maintain the position of the LSC as a regional shopping centre and allow it to compete with other regional shopping centres. The development would also bring economic benefits to the local area through business rates and nearly 3,700 employment opportunities.

- 7.2 The development would bring forward a high quality, modern and sustainable extension to the Intu Shopping centre, raising the profile and environment of the Lakeside Basin with facilities to which would benefit of all users. The proposed new bus station and associated new footway/cycle links would provide much needed and improved opportunities for sustainable transport usage in the area as an alternative to the high level of private vehicle usage associated with this site.
- 7.3 In addition, the development would bring forward a range of infrastructure improvements as planning obligations which shall be agreed through a s106 agreement.
- 7.4 Whilst there would be some disruption during the construction phase of the development these impacts could be controlled and would be short lived. The outcome of the development when operational would result in clear benefits to the Borough that outweigh any disruption experienced during the construction stages.
- 7.5 All other material considerations including the environmental considerations of air quality, noise, flood risk, ecology/biodiversity, ground conditions and contamination have been assessed and are acceptable subject to mitigation measures and further information being required through planning conditions and planning obligations.
- 7.6 As the development is supported by a range of Development Plan policies and the NPPF’s ‘presumption in favour of sustainable development’, the application is recommended for approval.

**8.0 RECOMMENDATION**

8.1 Approve, subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

<b>No.</b>	<b>Heads of Terms</b>
1	Safeguarding of land to be used as landing areas within the applicant’s land either side of Lake Alexandra to facilitate a pedestrian bridge over lake in the future
2	Provision of a Travel Plan to include future monitoring Arrangements, new targets to be to be agreed for modal shift promotion of sustainable travel measures. Annual Travel Plan monitoring fee of £525+VAT for the annual monitoring period of 5 years following occupation
3	Provision of Local Labour and Education/Training Initiatives - including



	<p>A. Education and Training Facilities                  B. Apprenticeships                  C. Local Employment                  D. Local Procurement for business use/contractors</p>
4	<p>Provision of Rights of Access –</p> <ul style="list-style-type: none"> <li>• Provide a route to be kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating.</li> <li>• For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306).</li> <li>• In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights shall be provided to enable the construction of a dual use footpath and cycleway from the A1306 along the spiral access to the Lakeside Shopping Centre.</li> </ul>
5	<p>Provision of Complementary Planning Strategies Contribution of £185,000 for pursuing planning strategies in Grays town centre or elsewhere in the Borough of Thurrock.</p>
6	<p>Provision of a Basin Wide Car Park Management Regime –                  To supply real time car park capacity information through signage boards.</p>

ii) And the following planning conditions:

**Submission of Reserved Matters**

1. Details of the appearance, access, landscaping, layout and scale, (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out in accordance with the details as approved. Application(s) for approval of the Reserved Matters shall be made to the Local Planning Authority not later than five years from the date of this permission. The development hereby permitted shall commence no later than one year from the date of approval of the last of the Reserved Matters.

**Reason:** To establish a timescale for the submission of Reserved Matters and implementation, having regard to the scale of development and Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Reserved Matters**

2. Development shall not commence until details of:
  - a) The Layout of the development;
  - b) The Scale of the development;
  - c) The Appearance of the development;
  - d) The Means of Access of the development, such details shall include access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
  - e) The Landscaping of the development.

Referred to here after as the 'Reserved Matters', have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the purposes of this condition, 'Development' shall exclude investigations for the purpose of assessing ground conditions.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced at outline stage, assessed and agreed and to which the Reserved Matters should adhere.

### Parameters

3. Subject to compliance with the requirements of the conditions attached to this permission, the submission of Reserved Matters for any part of the site or phase shall adhere to and demonstrate conformity with the following parameters accompanying the application:
  - (a) The minimum / maximum siting of buildings / extensions hereby permitted as detailed on 'Parameters Plan 4 – Minimum / Maximum siting', ref: 080141-D-304 G,
  - (b) The minimum / maximum heights for buildings / extensions and plant detailed on;
    - 'Parameters Plan 5 – Minimum / Maximum heights', ref: 080141-D-305 F,
    - 'Parameters Plan 7 – Indicative sections and elevations key', ref: 080141-D-307 F
    - 'Parameters Plan 8 – Proposed sections AA-DD' ref: 080141-D-308 A
    - 'Parameters Plan 9 – Proposed sections EE-GG' ref: 080141-D-309 B
  - (c) The creation of a pedestrian and cycle networks through the site or part thereof as detailed on;

- 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 G
  - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-F
- (d) The creation of landscaping and public realm works in the areas of at least the extent and distribution detailed on;
- 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 G
  - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-F
- (e) The incorporation of vehicle access works and alteration to vehicle accesses within the site detailed on;
- 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 G
  - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-F
- In addition they shall;
- (f) Utilise the plot identification references detailed on 'Parameters Plan 3 – Plot Plan', ref: 080141-D-303 F
- (g) Not exceed the maximum number of storeys identified for each plot stated at Table C3.4 of the Environmental Statement (Volume 2, Chapter C, p10 (July 2019)).

**Reason:** To ensure that individual Reserved Matters and phases follow the parameters assessed, considered and established at outline stage and do not prejudice the ability to deliver the development in a manner which is coherent and compliant with polices CSSP5, CSTP7, CSTP14, CSTP15, CSTP16, CSTP18, CSTP19, CSTP22, CSTP23, PMD2, PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Phasing of Development

4. The development shall not commence until a detailed programme of phasing of the development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include:
- a) A plan defining the extent of the works comprised within each phase;
  - b) Details of the quantum of floorspace to be created within each phase;
  - c) The infrastructure works to be included and undertaken within each phase, including:
    - Pedestrian and cycle networks
    - Landscaping and public realm works

- Vehicle access works and alteration to vehicle accesses within the site
  - New bus station
  - Surface and foul water drainage
- d) A timetable for the implementation and completion of works within each phase including infrastructure;
- e) Detail of the timing for the provision and opening of the new bus station.

The development shall be carried out in accordance with the approved Phasing Strategy.

**Reason:** To ensure the timely delivery of the development and associated infrastructure. To comply with polices CSSP2, CSSP5, CSTP14, CSTP16, CSTP18, CSTP19, CSTP20, CSTP22, CSTP27, PMD2, PMD10, PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Development Thresholds**

5. (A) The development hereby permitted shall not exceed the maximum net change in floor area per scheme component specified in Table 1 below;

<b>TABLE 1 – Development floor space</b>			
<b>Scheme components as referenced on Parameters Plan 3 – Plot Plan ref: 080141-D-303 B</b>	<b>Gross Internal Area of areas to be demolished (GIA sq.m)</b>	<b>Maximum Gross Internal Area (GIA) of New Build in sq.m</b>	<b>Net change (GIA sq.m)</b>
Northern Extension (LSC 1, 2, 3a and 3b)	11,628	53,544	41,917
Bus station and associated facilities (including LSC4a, b and c)	155	4,762	4,607

Multi Storey Car Park (LSC5)	n/a	24,103	24,103
<b>TOTAL</b>	<b>11,783</b>	<b>82,409</b>	<b>70,626</b>

(B) In addition to (A) above, the development and uses hereby permitted shall not exceed the maximum floor areas specified in Table 2 below;

<b>TABLE 2</b>	
<b>Use Class / Type of Use</b>	<b>Maximum Net Additional Gross Internal Area in sq.m (NAGIA)</b>
Use Classes A1, (Shops), A2 (Financial and Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and A5 (Hot Food Takeaway) combined	40,704
Multi Storey Car Park	24,103
Mall space and other communal areas	5,819
<b>TOTAL</b>	<b>70,626</b>

(C) Each application for Reserved Matters pursuant to condition 2 part (a) 'Layout' and part (b) 'Scale' incorporating additional floorspace shall be accompanied by:

- i) A schedule of accommodation and floor space proposed within that phase(s) and the quantum and nature of floorspace to be lost / demolished with reference to the breakdown of floor space detailed in Parts (A) and (B) above;
- ii) Details of how the development proposed would ensure that the remaining development will not exceed the maximum floor area requirements of Parts (A) and (B) of this condition. This shall include an updated schedule of accommodation and floor space to be delivered by further phase(s) of development having regard to Parts (A) and (B) of this condition.

The RICS definition of Gross Internal Area contained in the Code of Measuring Practice 6th Edition shall be used for all calculations of GIA.

**Reason:** To ensure that the development is carried out in accordance with the approved plans and the other submitted details including the EIA and Retail Impact Assessment assessed in relation to the development. To ensure that individual Reserved Matters and phases do not prejudice the ability to deliver the

development hereby permitted in an acceptable manner. Furthermore, to ensure the development does not give rise to an un-permitted reduction in the finite retail floorspace allocation for Lakeside which will assist in the creation of a Regional Town Centre (as detailed in Policy CSTP7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Floor Areas and Uses**

- 6. (A) Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), the development hereby permitted shall at no point exceed the total for floorspace within Use Classes A1, A2, A3, A4 and A5 specified in table 3 below. In addition, within that total the development shall not exceed the maximum floors area within the range specified for each Use Class or group of Use Classes detailed in Table ‘3’ below. Unless otherwise agreed as part of the Reserve Matters application, no mezzanine floors shall be installed within any building.

<b>TABLE ‘3’</b>		
<b>Use Class / Type of Use</b>	<b>Maximum Net Additional Gross Internal Area in sq.m (NAGIA)</b>	<b>Maximum Net Additional Net Sales Area in sq.m (NANSA)</b>
Use Class A1 (Shops)	35,820 - 37,651	28,657 - 30,121
Use Classes A2 (Financial and Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and A5 (Hot Food Takeaway) combined	3053 - 4,884	-
<b>TOTAL</b>	<b>40,704</b>	<b>-</b>

(B) Notwithstanding (A) detailed above and the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), the maximum Net Additional Net Sales Area (NANSA) for Use Class A1 (Shops) (both convenience and comparison) shall not exceed 30,121sq.m of which no more than 1,991sq.m shall be convenience goods retail. The 1,991sq.m of convenience goods retail shall be within no more than three retail units.

(C) Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), except within the convenience goods retail units referred to in Part (B) above and the Use Class A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-away) uses hereby permitted, there shall be no retail sales of convenience goods including food within the retail units hereby permitted except whereby they are ancillary to the sale of comparison goods and in any event;

- i) the sales area of convenience goods is restricted to no more than 3% of the Net Sales Area of the retail unit in which they are located; and
- ii) for the provision of a customer café up is restricted to no more than 3% of the Net Sale Area of the retail unit in which they are located (to a maximum of 500sq.m in the Department Store and 250sq.m in any other retail unit).

(D) Notwithstanding the above and the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (as amended), the use of the plots LSC1 to LSC4 (inclusive) shall accord with the Use Classes specified on Parameters Plan 3 (ref: 080141-D-303 F) subject to the development hereby permitted not exceed the maximum floor areas specified for each Use Class or group of Use Classes detailed in the Table (3) above.

(E) Upon request, the applicant shall within 56 days provide the Local Planning Authority with a written schedule of units within the extensions and buildings hereby permitted, their current use and floor area.

With regards Gross Internal Area the RICS definition contained in the Code of Measuring Practice 6th Edition shall be used.

**Reason:** To ensure that the development is carried out in accordance with the approved plans, EIA, Retail Impact Assessment and the other submitted details assessed in relation to the development. To ensure that the development does not give rise to a greater portion of the finite quantum of both convenience and comparison shopping floorspace which is a key element in assisting to facilitate and deliver a Regional Town Centre within the Lakeside Basin. With regard (E), to facilitate monitoring of compliance with the condition.

### **Environmental Statement**

7. The development (including all Reserved Matters and other matters submitted pursuant to this permission) shall be carried out in accordance with the mitigation measures set out in the Environmental Statement (July 2019) and Supplementary

Environmental Statement (February 2020) submitted with the Outline Planning Permission, unless otherwise provided for in any of the conditions or subject to any alternative mitigation measures as may be approved in writing by the Local Planning Authority, provided that such measures do not lead to there being any significant environmental effects other than those assessed in the Environmental Statement and Supplementary Environmental Statement.

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

### **BREEAM Pre Commencement**

8. Development shall not commence until a certificate issued by an accredited Building Research Establishment consultant has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the extensions and building(s) can achieve a BREEAM 'Outstanding' Rating. This shall be supplemented by details of any measures that would need to be secured by the development fit out and a mechanism by which these will be secured. The development shall be built in accordance with the agreed measures and shall achieve a BREEAM 'Outstanding' rating, unless a report has been submitted to and approved in writing by the Local Planning Authority providing a reasoned justification as to why it is not technically or economically viable.

**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 LDF Core Strategy and Policies for the Management of Development (2015).

### **BREEAM Post Construction**

9. A BREEAM post construction review shall be undertaken confirming the BREEAM rating achieved for the extensions and buildings hereby permitted (with the exception of the multi-storey car park). This shall be submitted to the Local Planning Authority within 6 months of the completion of the development and in any event within 6 months of receipt by the applicant of a written request made by the Local Planning Authority in the event that not all phases are undertaken or completed.

**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 LDF Core Strategy and Policies for the Management of Development (2015).

### **On Site Energy Measures**

10. The Development shall be undertaken in accordance with the measures set out in the 'Outline Energy Strategy' (July 2019) and the 'BREEAM Assessment' (July 2019), which includes:

- Passive and energy efficient design measures;
- The inclusion of energy efficient plant;
- Low carbon technologies including Air Source Heat Pumps and a Photovoltaic array of a minimum of 671 m<sup>2</sup>;
- Additional Solar Hot Water System to serve the 3rd floor toilets of the existing mall;

unless amendments or alternatives to the 'Outline Energy Strategy' (July 2019) and the 'BREEAM Assessment' (July 2019) have been submitted to and approved in writing by the Local Planning Authority.

Each application for Reserved Matters for buildings or extensions pursuant to condition 2 part (a) 'layout' and part (c) 'appearance' attached to this permission shall contain a statement advising how it has regard to the 'Outline Energy Strategy' (July 2019) and the 'BREEAM Assessment' (July 2019), or any amendments and alternatives, and incorporated, as appropriate, the measures contained therein including;

- i) Detail how the proposed building design(s) realise(s) opportunities to incorporate passive and energy efficient design measures;
- ii) Detail how this phase will contribute to the development as a whole securing energy from decentralised and renewable or low carbon sources;
- iii) Detail how the proposal includes energy efficient plant.

Development shall be carried out in accordance with the approved details prior to occupation of the development. In addition to the above, the applicant will undertake the measures to encourage retail tenants to maximise their energy efficiency design and operation.

**Reason:** To ensure the proposal incorporates energy efficiency measures and renewable or low-carbon technology to minimise emissions, in order to minimise the environmental effects of the development and in accordance with policies PMD12, PMD13 and PMD14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Landscape Scheme**

11. The Reserved Matters details to be submitted in accordance with Condition 2 Part (e) 'Landscaping' shall include a Landscape Scheme relating to the site (or phase in according with the phasing plan) and shall include details of:

- a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced;
- b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance;
- c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) Surfacing materials;
- e) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428:1989 and BS5837:2012;
- f) Pit design for tree planting within streets or areas of hard landscaping;
- g) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works;
- h) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins;
- i) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site;
- j) Whether such land shall be accessible by the public;
- k) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application (including the installation of bird, bat and invertebrate roosting and nesting boxes);
- l) Programme of Implementation and maintenance and a Landscape and Ecological Management Plan.

The Landscaping Scheme and associated works shall be carried out in accordance with the approved programme that has been approved as part of the Reserved Matters. Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation. Management and maintenance of the open space and landscaped shall be in accordance with the approved details.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the ES and to accord with policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Landscaping Works for land to the East of the Shopping Centre**

12. Development shall not commence until a scheme of landscaping enhancement works to cover the area of land to the east of the shopping centre between the new bus station and plots LSC 3a and LSC 3b, which falls outside of the application site but within land owned by the applicant and is identified for public realm improvements, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall include hard and soft landscaping details. The approved landscaping works shall be implemented prior to the occupation of plots LSC 3a and LSC 3b, unless alternative timing for implementation is approved as part of details submitted pursuant to condition 4 (phasing). The approved landscaping works shall be retained and maintained at all times thereafter. Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the ES and to accord with policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Movement Network**

13. Application(s) for approval of Reserved Matters for a phase pursuant to Condition 2 Parts (a) 'Layout' and (d) 'Means of Access' shall include (where applicable) the following details:

- a) Movement network including layout of internal roads, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways and crossings. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients and materials. It shall also detail how that phase fits into a comprehensive movement network for the totality of the site and links off site;

- b) External lighting (including to roads, car parking areas, footways / cycleways) and shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation. The external lighting shall be provided in accordance with the approved details and timescales;
- c) Street furniture;
- d) Surface finishes;
- e) Cycle parking;
- f) Amended layout for car parking;
- g) Signage;
- h) Drainage (including to roads, car parking areas, footways / cycleways);
- i) Timescale for the provision of this infrastructure. Footpath / cycle paths shall be a minimum of 3m wide.

The development shall be carried out in accordance with the approved details and timescales or in accordance with any variation first agreed in writing by the Local Planning Authority.

**Reason:** The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of safety, amenity, sustainability and meeting the objectives of creating a Regional Town Centre. To accord with Policies CSSP2, CSSP5, CSTP14, CSTP16, CSTP18, CSTP22, CSTP27, PMD2, PMD10, PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **New Bus Station**

14. The Reserved Matters for the new bus station hereby permitted shall be implemented broadly in accordance with drawing numbers:

- 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 G
- 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-F
- Indicative layout plan ref: 8525-SK-068 Rev D

And shall include:

- a) Details of the layout of the bus station including the surrounding road layout and the provision of 13 bus stands (11 pick-up bays and 2 drop off bays) and 8 layover bays;
- b) Details of the bus stands and kerbs;

- c) Details of signage;
- d) A detailed swept path analysis of the proposed layout of the bus station;
- e) Details of the testing of the proposed layout using a bus or buses designed to use the bus station;
- f) Details of Real Time Passenger Transport Information (RTPI) displays within the new bus station and wider Lakeside Shopping Centre;
- g) Details of the bus driver's facilities at the new Bus Station;
- h) Details of measures to provide a safe and secure environment is provided for users of the bus station and bus station staff;
- i) Details of undercover waiting areas for passengers;
- j) Details of the pedestrian crossing and footways to provide access to all bus bays from the centre and to provide a link to existing connections to Chafford Hundred;
- k) A wayfinding strategy;
- l) Appropriate road safety measures including pedestrian restraint measures;
- m) The installation of charging points for electric vehicles;
- n) Details of the public realm areas to the east of the new retail units ref: LSC4a and LSC4b;
- o) Details of pedestrian and cycle links to the bus station.

Development shall be carried out in accordance with the approved details. Following the opening of the bus station, no development shall be undertaken to preclude access to the bus station by scheduled bus services. The signage, RTPI, Quality Bus Partnership measures and drivers facilities shall be retained and maintained unless otherwise first agreed in writing with the Local Planning Authority.

Notwithstanding condition 4 (phasing), the bus station shall be constructed, completed and operational prior to the occupation of any retail floorspace hereby permitted.

**Reason:** To ensure that the Reserved Matters are accompanied with adequate details of the new bus station, associated infrastructure and the potential for future expansion. In the interests of providing facilities that promote the use of public transport, in accordance with policies CSSP3, CSTP14, CSTP15 and CSTP16 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Link to Chafford Hundred Rail Station**

15. Development shall not commence of that phase (approved in accordance with condition 4 of this permission) within which the New Bus Station is proposed, a

detailed scheme for the improvement / renovation of the lift core from Lakeside Shopping Centre to the bridge that leads to Chafford Hundred Rail Station shall be submitted to and approved in writing with the Local Planning Authority. Such details shall include but not necessarily be limited to;

- a) Upgrading the lifts;
- b) Improvements to the internal fabric of the stair core;
- c) Details of access to and from the lift core to the surrounding public realm and buildings;
- d) Details of any restriction upon the hours of use / access;
- e) Timescale for the works.

Notwithstanding the above, the stair and lift core shall be accessible from outside the bus station and store, unless otherwise agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details and timescale. The level of access agreed shall be maintained (unless in the event of an emergency or maintenance).

**Reason:** The application does not give particulars sufficient for the consideration of the detail. To ensure that sufficient access is provided to the bridge and Chafford Hundred and associated rail station outside the opening hours of the store. To securing more sustainable movement patterns and improved accessibility for pedestrians in accordance with policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Footway Improvements**

16. Development shall not commence until details of the footway improvement works to be constructed to the north eastern end of the lake have been submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall be broadly in accordance with details provided on drawing Potential Footway Improvements Around Northern Lake ref: 8525-SK-063 D and the footways shall be 3m in width unless existing constraints limit delivery of this width. The footway improvement works as approved shall be carried out prior to occupation of the development and then maintained and retained clear of obstruction at all times thereafter.

**Reason:** To promote sustainable forms of transport and reduce reliance on the use of private cars, in the interests of the environment, sustainability, highway safety and amenity, in accordance with policies CSTP14, PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## Cycle Parking

17. Applications for approval of Reserved Matters for a phase including retail development pursuant to Condition 2 (parts (a) 'Layout' (d) 'Means of Access' shall include; details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the development. Such provision shall be in accordance with the following standard (unless a variation to these standards is first agreed in writing with the Local Planning Authority): 1 space per 500sq.m of additional retail floorspace. Such cycle parking facilities as approved under Reserved Matters shall be installed on site prior to the occupation of the units they serve and shall thereafter be permanently retained for sole use for cycle parking.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity, in accordance with policies CSTP14 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## Remediation Scheme

18. Development (other than that required to be carried out as part of an approved scheme of remediation) must not commence until parts 1 to 4 of this condition have been complied with. The Remediation Strategy may include details of phasing. In the event that the remediation is phased, no development within that phase shall commence until parts 1 to 4 of this condition have been complied with.

(PART 1) Site Characterisation and Remediation Strategy;

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority:

- A) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The site investigation results and the detailed risk assessment (B) and,

based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 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.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

(PART 2) Implementation of Approved Remediation Scheme;

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation) or in the event of a phased Remediation Strategy, the commencement of that phase. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(PART 3) Verification Plan;

Following completion of measures identified in the approved remediation scheme and prior to occupation of any part of the permitted development or in the event of a phased Remediation Strategy, the occupation of that phase, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. 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 (a long-term monitoring and maintenance 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 Local Planning Authority.

(PART 4) Reporting of Unexpected Contamination;

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that phase until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.



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

### **Landfill/ Ground Gas**

19. The development/use hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:

- a) determine the existence, depth, extent and character of any filled ground.
- b) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.

A copy of the site survey findings together with a scheme to bring the site to a suitable condition in that it represents an acceptable risk including detailing measures to contain, manage and/or monitor any landfill gas with a potential to reach the site shall be submitted to and agreed in writing with, the Local Planning Authority prior to, the commencement of development hereby permitted. Formulation and implementation of the scheme shall be undertaken by competent persons. Such agreed measures shall be implemented and completed in accordance with the agreed scheme. No deviation shall be made from this scheme.

Should any ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in the scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be implemented in accordance with the agreed scheme.

The developer shall give one month's advanced notice in writing to the Local Planning Authority of the impending completion of the agreed works. Within four weeks of completion of the agreed works a validation report undertaken by competent person or persons shall be submitted to the Local Planning Authority for written approval.

**Reason:** Chapter H of the ES indicates that there are elevated ground gas concentrations existing within the proposed development site and recommends further investigation. The report recommends gas protection measures post

construction for the development (section H6.15 to H6.17). To ensure that any potential risks arising are properly assessed and that the development incorporates any necessary measures and subsequent management measures to satisfactorily deal with contamination / gases in the interests of amenity and public health and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Piling**

20. Piling or any other foundation designs using penetrative methods shall not be used unless a detailed geotechnical and geo-environmental ground investigation report has been submitted to, and agreed in writing by, the Local Planning Authority demonstrating that there is no resultant unacceptable risk to groundwater and that a scheme of mitigation can be implemented to avoid excessive noise implications upon nearby residential amenities and commercial operators. The development shall be carried out in accordance with the approved details.

**Reason:** Contamination has been identified at the site. The foundation piles in or through contaminated land has the potential to mobilise contaminants which can result in their release into the groundwater as identified in ES Volume 2 Chapter H para H6.16-17. Mitigation is required to keep the groundwater in the vicinity of the site free from pollution and in the interests of nearby residential amenity and commercial operators to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Construction Vehicle Routing**

21. Prior to the commencement of development a scheme for the routing of all construction vehicles shall be submitted to and agreed in writing with the Local Planning Authority. The scheme (and any amendments) so approved shall be operated at all times.

**Reason:** In the interests of the safe and efficient operation of the highway network and highway safety in accordance with policies CSTP14 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Construction Environmental Management Plan**

22. Prior to the commencement of demolition, remediation or development on any phase of the development, a site wide Construction Environment Management Plan (SW-CEMP) shall be submitted to, and approved in writing by, the Local

Planning Authority covering the totality of development. The SW-CEMP shall be in accordance with the details contained in the outline application (including ES Volume 2 Chapter C para C4.7 to C4.10 and Chapter E para E6.0 to E6.2) and shall include, but not be limited to, details of:

- a) Management structure with roles and responsibilities
- b) Audit process
- c) Risk register and risk management process
- d) Training programme
- e) External communication strategy
- f) Performance monitoring procedure
- g) Action plan for non compliance and incidence management

Areas to be dealt with within the SW-CEMP shall include:

1. Transport
2. Air quality
3. Ecology
4. Ground conditions and contamination
5. Noise & vibration
6. Water

This shall incorporate details of:

- i) The location of the construction compound;
- ii) Hours and duration of any piling operations;
- iii) Vehicle haul routing in connection with construction, remediation and engineering operations;
- iv) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- v) Construction access(es) and any temporary access(es);
- vi) Temporary parking requirements;
- vii) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems);
- viii) Details of any temporary hardstandings;
- ix) Details of temporary hoarding;
- x) Method for the control of noise together with a monitoring regime (incorporating the mitigation measures detailed in ES Volume 2 Chapter F para F6.1 to F6.4);
- xi) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;

- xii) Measures to control dust and other particulate emissions including those measures detailed in ES Volume 2 Chapter E para E6.1 to E6.2 Dust and air quality mitigation and monitoring;
- xiii) Water management including waste water and surface water discharge;
- xiv) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- xv) Ecology and environmental protection and mitigation;
- xvi) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- xvii) Measures to report and deal with areas of unforeseen contamination that may be encountered during construction;
- xviii) Details of construction phasing and which areas will be covered by a site / phase specific SS-CEMP.

Development shall be undertaken in accordance with the SW-CEMP. A site or phase specific Construction Environment Management Plan (SS-CEMP) shall be prepared for each phase or stage of development, each shall accord with the SW-CEMP. The SS-CEMP shall deal with constraints and impacts associated with a specific phase or site and shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development within a phase detailed within the SW-CEMP. All works and development shall be carried out in accordance with the approved SW-CEMP / SS-CEMP and the measures contained therein.

**Reason:** In the interests of protecting amenity, highway safety, sustainability, minimising impact upon the environment and ecology and ensuring that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, to accord with the ES and policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Waste Management Plan**

23. Development shall not commence until a detailed Waste Management Plan (WMP) has been submitted to and approved by the Local Planning Authority in writing. The WMP shall include details of:
- a) The anticipated nature and volumes of construction waste;
  - b) Measures to minimise waste and maximise re-use;
  - c) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
  - d) Any other steps to ensure the minimisation of waste during construction;

- e) The location and timing of provision of facilities pursuant to criteria (b), (c) and (d) above.

Unless otherwise agreed in writing, thereafter the implementation, management and monitoring of construction waste shall be undertaken in accordance with the agreed details.

**Reason:** To ensure the sustainable management of construction waste in accordance with the ES and policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Hours of Construction**

24. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 07:00 - 18:00 hours, Saturdays 07:00 - 1300 hours unless in association with an emergency or except as otherwise first agreed in accordance with the provisions of a Code of Construction Practice submitted to and agreed in writing with the Local Planning Authority. All site deliveries for the purposes of construction of the development hereby permitted should take place between the above hours unless in association with an emergency or except as otherwise in accordance with the provisions of a Code of Construction Practice submitted to and agreed in writing with the Local Planning Authority.

**Reason:** In the interests of nearby residential amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Link to Chafford Hundred Rail Station**

25. During the construction phases access shall be maintained to the lift and stair core on the western end of the bridge that links Lakeside Shopping Centre to Chafford Hundred Rail Station. All areas requiring access to and from the lift and stair core shall be hoarded off as necessary to safely segregate construction activity from members of the public and appropriate signage installed.

**Reason:** To maintain access to the bridge and public transport facilities in accordance with policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Publically Accessible Design**

26. All publically accessible areas as part of the development shall be designed to be

accessible to and usable by disabled people, including wheel chair users, people with sight impairment and people with prams and pushchairs. Any application for Reserved Matters pursuant to Condition 2 Parts (a) 'Layout', (d) 'Means of Access or (e) 'Landscaping' shall be accompanied by an access statement. The statement shall demonstrate that all parts of the relevant phase of development, including the car parks and all external public areas, shall be designed to be accessible for all, including people with disabilities. Such details to include: How the layouts, including entrances, internal and external circulation spaces, car parking areas, directional signs, lighting levels and other relevant facilities are accessible, adaptable or otherwise accommodate those with mobility difficulties or visual impairments. Such provision to make the development fully accessible shall be carried out in accordance with the approved details and made available before each phase of the development is first occupied and thereafter maintained as such.

**Reason:** In the interests of the amenities of future users and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 (as amended) and policy CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Shopmobility and Disabled Parking Provision**

27. Prior to the occupation of any part of the development, details of the provision for Shopmobility centre and disabled parking spaces serving the development hereby permitted together with a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. The measures outlined in approved scheme shall be undertaken in accordance with the agreed scheme and timescale and thereafter maintained as such.

**Reason:** The application does not contain such details. The relocation of the bus station may have implications for the existing shopmobility provision. In the interests of the amenities of future users and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 (as amended) and policy CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Materials**

28. Development shall not commence on any phase until samples of the materials to be used in the external construction (including surfacing materials for buildings

and hard landscaping) for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved materials.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

**Reason:** In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Secure By Design**

29. The Reserved Matters application pursuant to condition 2 Parts (a) 'Layout' and Part (c) 'Appearance' shall include a statement detailing the measures proposed to be incorporated into the development in order for the totality of the development hereby permitted, or those areas which qualify, to achieve Secure by Design accreditation, a 'Park Mark accreditation and the 'Safer Bus Station Award'. The development, or any phase of development, shall not be occupied until the applicant has demonstrated in writing to the Local Planning Authority that it has achieved Secure by Design accreditation for those areas that qualify.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in NPPF and policy CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Northern Street**

30. The Reserved Matters application pursuant to condition 2 Parts (a) 'Layout' and Part (c) 'Appearance' incorporating the northern extensions reference LSC1, LSC2, LSC3a and LSC3b shall include a statement detailing the proposals conformity with the following design principles set out in the Design and Access Statement (p32) accompanying the outline permission;

- a) Orientate buildings to provide optimum street frontage;
- b) Create a building line in harmony with the existing built environment;
- c) Maximise active street frontage;
- d) Avoid designs which are inward looking and which present blank frontages;
- e) Provide level access across the public realm;

- f) Provide good pedestrian access;
- g) How building ref: LSC2 will have an active eastern frontage.

**Reason:** To accord with the Design and Access Statement accompanying the application. To promote high quality design in accord with Chapter 12 'Achieving well-designed places' of the NPPF, and policies PMD2 and CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Width of Public Square**

31. Notwithstanding the illustrative sections, the Parameter Plans and condition 3, the street between buildings LSC2 and LSC3a shall have a minimum effective width of 10m when measured from the south elevation of LSC2 to the north elevation of LSC3a.

**Reason:** Such measures are necessary as the lower ends of the width parameters proposed (i.e. from 7m) would impact upon the ability of this space to accommodate seating areas on-street and provide landscaping and sufficiently generous pedestrian movement network. Furthermore, with the potential height of the buildings (LSC3a up to 13m and LSC2 up to 17m) reducing the width below 10m could make this space feel unduly narrow. To promote high quality design in accord with NPPF Chapter 12 'Achieving well-designed places', and policies PMD2 and CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Car Parking Adjacent to the Public Square**

32. The Reserved Matters submission pursuant to condition 2 Part (d) 'means of access' shall include details of the 'surface car park' detailed to the south of extension LSC3a and the public square on Parameters Plan 6 – 'Landscaping / public realm and vehicle access works', ref: 080141-D-306 G. Notwithstanding the illustrative detail accompanying the application, this part of the car park shall be designed to exclude car parking abutting or immediately parallel to the public square and building LSC3a. Furthermore, measures shall be employed to preclude unauthorised parking and to aid pedestrian and wheelchair permeability from the adjacent car park to the new public square.

**Reason:** The illustrative detail accompanying the application details a row of car parking abutting a significant proportion of the southern boundary of the proposed public square (DAS, p79, p102-103). This would not aid permeability or enhance the setting of the square. To promote high quality design in accord with Chapter 12 'Achieving well-designed places' of the NPPF, and policies PMD2 and



CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015)..

### Surface Water Drainage

33. Development shall not commence, with the exception of demolition, 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:

- a) Limiting discharge rates to the 1 in 1-year Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. If this is proven to not be feasible then rates shall be limited to as close as feasibly possible with a 50% betterment of the brownfield rates being the absolute last resort.
- b) If greenfield rates are not restricted to then detailed brownfield calculations shall be provided. When calculating the brownfield runoff rate, surveying and modelling should be undertaken to confirm how the site currently drains. This shall take into account limits of the current pipe sizes and any orifice sizes or flow controls.
- c) 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 - 30% climate change event, with the 1 in 100 year plus 40% climate change being maintained within the highway system.
- d) Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 30% climate change critical storm event.
- e) Final modelling and calculations for all areas of the drainage system.
- f) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall be carried out prior to occupation of the development. It should be noted that the submission of the above information shall be subject to the most up to date design criteria held by the LLFA.

**Reason:** To assess and prevent the pollution of groundwater and flooding through development, to improve and protect water quality, to improve habitat and amenity, and to ensure that there are adequate arrangements determined for the

future maintenance of the surface water drainage system, in accordance with policies CSTP25, CSTP27, PMD1, PMD2 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Surface Water Maintenance and Management**

34. Prior to occupation of the development a maintenance plan detailing the maintenance and management arrangements of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided in details submitted. The maintenance plan shall be implemented as approved 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 policies CSTP27, PMD1, PMD2 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Surface Water Yearly Logs**

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

**Reason:** To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policies CSTP27, PMD1, PMD2 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Surface Water Clearance of Existing Pipes**

36. The development hereby permitted shall not be commenced until the pipes within the extent of the site, which are to be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

**Reason:** To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site in accordance with policies CSTP27, PMD1, PMD2 and PMD15 of the adopted Thurrock LDF Core Strategy

and Policies for the Management of Development (2015).

### **Flood Warning and Evacuation Plan (FWEP) – Site Wide**

37. Prior to or concurrently with the first Reserved Matters, a site wide Flood Warning & Evacuation Plan (FWEP) shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures within the FWEP shall be made available for inspection by all users and shall be displayed in a visible locations around the site at all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015)

### **Plant Noise**

38. The Rated Sound Level,  $L_{A,r,T,r}$ , from any plant, together with any associated ducting shall not exceed a level of 5 dB below the Background Sound Level,  $L_{A90,15min}$  at the boundary of the nearest noise sensitive premises. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS4142:2014. Prior to operation of any plant a validation test shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority. The plant and equipment shall be operated and maintained at all times thereafter in accordance with the approved validation testing results.

**Reason:** To accord with the mitigation measures set out within the ES accompanying the planning application, in the interests of amenity of sensitive receptors and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Ventilation of Hot Food Uses**

39. Prior to the occupation of any unit within the development for Use Class A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-away) purposes, details of any mechanical ventilation or other plant associated with such a unit shall be submitted to and approved by the Local Planning Authority such details to include specification of filtration, deodorising systems (where applicable), noise output and termination points. The approved ventilation equipment and / or other plant shall be installed and commissioned prior to the occupation of that unit and shall be maintained in proper working order thereafter throughout the occupation of the unit for Use Class A3 (Restaurants and Cafes),

A4 (Drinking Establishments) and A5 (Hot Food Take-away) purposes.

**Reason:** The application contains no such details. Such measures are required in the interests of amenity and to accord with LDF Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Class A5 (Hot Food Take Aways)**

40. Notwithstanding conditions attached to this permission, the location of any A5 (Hot Food Take-away) shall be submitted to and agreed in writing with the Local Planning Authority together with details of vehicular access arrangements. The unit(s) shall not be used for A5 (Hot Food Take-away) unless the details are first agreed in writing. The unit shall only be used in accordance with the approved details and such details shall be maintained thereafter throughout the occupation of the unit for Use Class A5.

**Reason:** The application contains no such details. Such measures are required in the interests of amenity in accordance with policies PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Notification**

41. The Local Planning Authority shall be notified in writing within 7 days of the dates of the following:

- a) Implementation of planning permission;
- b) Commencement of a new phase of development;
- c) Completion of each phase of development;

**Reason:** To enable the Local Planning Authority to control and monitor the site to ensure compliance with the planning permission.

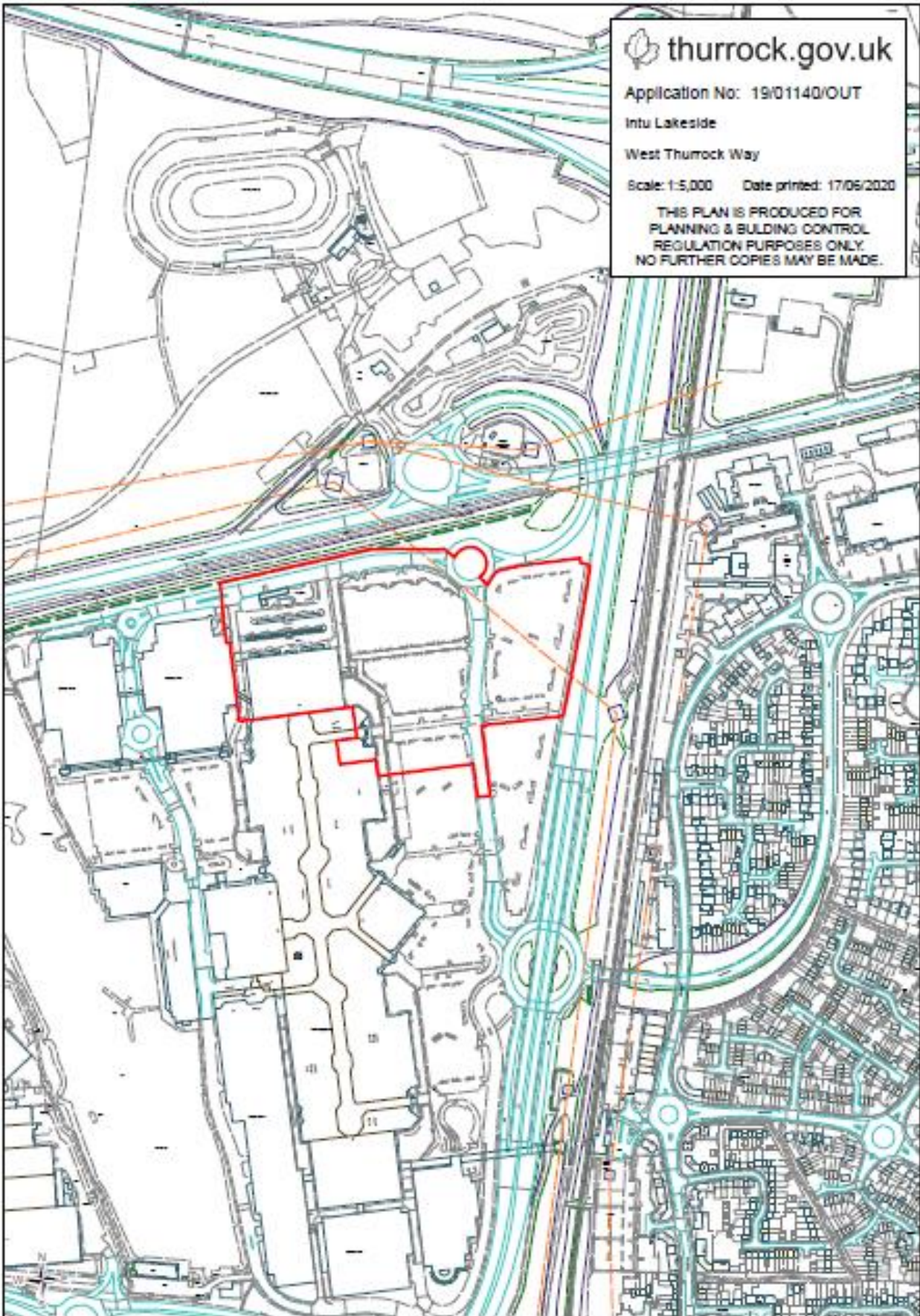
### **Positive and Proactive Statement:**

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

**Documents:**

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

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



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<b>Reference:</b> 20/00408/FUL	<b>Site:</b> Manor View Southend Road Corringham Essex SS17 9EY
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Use of land for a four pitch gypsy/traveller site with layout comprising the siting of six mobile homes, two touring caravans, one day room and a static caravan used as a day room

Plan Number(s):		
Reference	Name	Received
J003547-DD-01	Site Location Plan	1 April 2020
J003547-DD-02 Rev A	Existing Site Layout	1 May 2020
J003547-DD-03 Rev A	Proposed Site Layout	13 May 2020

The application is also accompanied by:

- Covering letter

<b>Applicant:</b> Mr R Ward	<b>Validated:</b> 3 April 2020  <b>Date of expiry:</b> 26 June 2020 (extension of time agreed with applicant)
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**Recommendation:** Refuse planning permission

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic implications (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution).

## 1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for a permanent gypsy/traveller site with four pitches comprising a total of six mobile homes, two touring caravans, one day room and a static caravan to be used as a day room. The site presently has temporary

planning permission which was granted at appeal for five years for a change of use to a four pitch gypsy and traveller residential site, involving the development of three day rooms, a stable/day room block, and the siting of up to eight caravans, of which no more than four would be mobile homes.

**2.0 SITE DESCRIPTION**

- 2.1 The site is located on the northern side of Southend Road (B1420), adjacent to the residential property known as Willow Cottage. Located to the north east is the junction with the A13, (Five Bells Roundabout) where there are sporadic commercial uses such as a petrol station and caravan sales site.
- 2.2 The site is approximately 62 metres in length and 45 metres in depth. The site is within the Green Belt.
- 2.3 The land has been occupied by the applicants since March 2013. In 2013 the land was resurfaced with scalplings, the vehicular access widened and the land fenced off and subdivided into four pitches, with construction of stable and utility blocks, fencing, and siting of static caravans.
- 2.4 Prior to the current occupation, the site had not been put to any particular use in recent years. Aerial photographs taken in 2004 show the land to be characterised by dense vegetation with a building sited close to the northwest boundary. In 2004 there was a narrow access taken from Southend Road and what appeared to be two skips within the site.

**3.0 RELEVANT PLANNING HISTORY**

3.1 The following table provides the planning history:

Application Ref.	Description of Proposal	Decision
13/00328/FUL	Siting of four caravans, four utility blocks and space for touring caravans and cars, fencing. Construction of three stables.	Refused
14/00016/FUL	Change of use, for a temporary period of five years, to a four pitch Gypsy and Traveller residential site, involving the retention of an existing shed/barn and the development of three day rooms, a stable/day room block, and the siting of up to eight caravans, of which no more than four would be mobile homes, together with landscaping.	Allowed on appeal
18/01132/CV	Variation of details reserved by condition no. 3 (approved plans) of appeal planning	Refused



	<p>permission ref. APP/M1595/A/14/2217368 (Council ref: 14/00016/FUL -Change of use, for a temporary period of five years, to a four pitch Gypsy and Traveller residential site, involving the retention of an existing shed/barn and the development of three day rooms, a stable/day room block, and the siting of up to eight caravans, of which no more than four would be mobile homes, together with landscaping) to amend layout on plots 1 &amp; 2, changes to fencing and tarmac hardstanding instead of gravel</p>	
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**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

**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.

Twenty two (22) objections raising the following concerns:

- Increase in mobiles homes at the site
- Increase in traffic
- Access to the site unsafe
- Security with travellers nearby
- Conditions for temporary consent not complied with
- Pitches are being sub-let to travellers not consented by the temporary permission
- Foul and surface water drainage
- Permanence of buildings
- Tarmac is permanent unlike the gravel
- Out of character with the area
- Disturbance from horses
- Green Belt policies – not appropriate for a traveller site
- Impact upon local services such as health care and education facilities

**4.3 ANGLIAN WATER**

No objections

**4.4 CADENT GAS**

No objections.

#### 4.5 ENVIRONMENTAL HEALTH:

No objections, with condition.

#### 4.6 HIGHWAYS:

No objections.

#### 4.7 LANDSCAPE AND ECOLOGY

No objections.

### 5.0 POLICY CONTEXT

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

The revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 5. Delivering a sufficient supply of homes;
- 11. Making effective use of land;
- 13. Protecting Green Belt land;
- 15. Conserving and enhancing the natural environment;

#### 5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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 the determination of this planning application include:

- Appeals

- Before submitting an application
- Brownfield land registers
- Design: process and tools
- Determining a planning application
- Effective use of land
- Enforcement and post-permission matters
- Green Belt
- Housing needs of different groups
- Natural environment
- Noise
- Use of planning conditions
- Water supply, wastewater and water quality

### 5.3 Planning Policy for traveller sites (PPTS)

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

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28 February 2015. The following policies apply to the proposals:

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)

#### THEMATIC POLICIES

- CSTP3 (Gypsies And Travellers)
- CSTP18 (Green Infrastructure)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

### 5.5 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

#### 5.6 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

#### **Background:**

6.1 In 2015 planning permission was granted at appeal for the change of use of the land for a temporary period of five years, to a four pitch gypsy and traveller residential site, involving the development of three day rooms, a stable/day room block and the siting of up to eight caravans, of which no more than four would be mobile homes. In allowing the appeal, the Planning Inspector granted a personal permission to the applicant. The temporary permission expires on 16<sup>th</sup> July 2020.

6.2 The assessment below covers the following areas:

- I. Plan designation and principle of development
- II. Residential impacts
- III. Highways impacts
- IV. Other matters

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

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

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

i. Whether the proposals constitute inappropriate development in the GB

6.4 All of the site is located within the GB and consequently all of the built development proposed would be sited on the GB. Therefore adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting GB land).

6.5 Paragraph 133 of the NPPF confirms that the Government attaches great importance to GBs and states that the

*“fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GB are their openness and their permanence”.*

With regard to proposals affecting the GB, paragraph 143 states that

*“Inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances”.*

Paragraph 144 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.6 With reference to proposed new buildings in the Green Belt, paragraph 145 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the GB than the existing development; or
  - not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 6.7 A permanent four pitch gypsy/traveller site does not fall into any of the exceptions listed at (a) to (g) in the paragraph above. Consequently, the proposals comprise inappropriate development with reference to the NPPF.
- 6.8 Consideration also needs to be given to Department of Communities and Local Government 'Planning Policy for Traveller Sites' [published in August 2015]. This document sets out the Government's planning policy for traveller sites. The document has been produced to be read in conjunction with the NPPF. Policy E of the document reinforces the guidance within the NPPF and states that Traveller sites, both temporary and permanent, in the Green Belt are inappropriate development which is by definition harmful to it and should not be approved except in very special circumstances.
- 6.9 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (2015) is consistent with national policy on GB matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the GB. In order to implement this policy, the Council will:
- maintain the permanence of the boundaries of the GB;
  - resist development where there would be any danger of coalescence; and
  - maximise opportunities for increased public access, leisure and biodiversity.

In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the GB provided it meets as appropriate the requirements of the NPPF. Consequently, it is a straightforward matter to conclude that the development constitutes inappropriate development in the GB.

ii. The effect of the proposals on the open nature of the GB and the purposes of including land within it

6.10 The analysis in the paragraphs above concludes that the gypsy/traveller site development is inappropriate development which is, by definition, harmful to the GB (NPPF para. 143). However, it is also necessary to consider whether there is any other harm (NPPF para. 144).

6.11 As noted above paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of permanent built development in an area which was previously open. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

6.12 It is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The intended permanency of the development would therefore impact upon openness.

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

6.14 In the context of impact on the openness of the GB, it is also necessary to consider the proposals against the scheme allowed on appeal (14/00016/FUL) and the relevant conclusions reached by the Planning Inspector (paragraph 28):

*From the terms of the PPTS it has already been established that the appeal proposal is inappropriate development, which is, by definition, harmful, even taking into account it is only for a temporary period. The introduction of static caravans, tourers, utility/day rooms, hardsurfacing, stables and associated domestic paraphernalia would harm the openness of the Green Belt. The hardstandings and shed, present before the Ward family occupied the appeal site, along with the boundary fencing and gates, already reduce the openness of the Green Belt in that urbanising features exist where once they did not. Whilst it is likely that the appeal site has been used for*

*purposes other than agriculture, over the years, due to the limited intensity of use and the lack of lawful status, the weight given to off-setting the harm caused by the appeal proposal against any previous use or development is significantly reduced. In such circumstances, the gypsy and traveller site would cause a loss of openness in the Green Belt, temporarily encroaching upon the countryside, in conflict with the purposes of including land in the Green Belt. The harm would be limited and not permanent, but nevertheless carry some weight against the appeal, adding appreciably to the substantial harm by reason of inappropriateness. The development would conflict with RCS Policies PMD6 and CS policy CSSP4 the Framework and PPTS.*

6.15 To summarise the Inspector's conclusions on the subject of openness, the development would diminish openness (as a spatial concept) on the site itself.

6.16 Paragraph 134 of the NPPF sets out the five purposes which the GB 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.

6.17 a) to check the unrestricted sprawl of large built-up areas

The site is located in a rural location. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area.

6.18 b) to prevent neighbouring towns merging into one another

The development would not conflict with this Green Belt purpose.

6.19 c) to assist in safeguarding the countryside from encroachment

With regard to the third Green Belt purpose, the proposal would involve built development on what was an open and undeveloped part of the site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this purpose.

6.20 d) to preserve the setting and special character of historic towns;



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

- 6.21 e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land)

In general terms, the development could occur in the urban area. So, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals.

- 6.22 In conclusion under the headings (i) and (ii) it is concluded that the current proposals would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with GB purposes (c) and (e). In accordance with paragraph 144 of the NPPF substantial weight should be afforded to this harm

- iii. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development

- 6.23 Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities “should ensure that substantial weight is given to any harm to the Green Belt. VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

- 6.24 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC 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 VSC (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the GB. The provisions of VSC 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 VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

6.25 The Planning Statement and additional representations submitted by the applicant to accompany the application sets out the applicant's case for VSC under the following main headings:

1. Site is existing
2. Lack of gypsy sites – unmet need
3. Best interests of the children

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

6.27 1. Site is existing

The applicant states the application proposes to retain the existing site, albeit with an alternative layout and positioning of the mobile homes to that which was granted at appeal. The existing landscaping would be retained in full and a condition which seeks to ensure the retention of the landscaping could be imposed.

6.28 Consideration

As detailed above, in allowing the appeal on the site the Inspector considered that the site was acceptable in a specific form *and for a limited period only*. The Inspector made it clear that it was acceptable due to the temporary nature of the permission. This is further established by the conditions which were attached to the permission to ensure that the land was restored to open countryside after the temporary permission expires on 16 July 2020.

6.29 It is considered that limited weight should be given to this matter in consideration of the application.

6.30 2. Lack of gypsy sites – unmet need

The applicant cites the recent upheld appeal at Beauchamp Place, Malvern Road (APP/M1595/W/19/3225961). The applicant highlights the unmet need for gypsy and traveller sites and the likely time period, with the Inspector considering *'it is likely to be 2024/25 when the first new sites are available for occupation and this is with a fair wind.'*

6.31 Consideration

Planning Policy for Traveller Sites' (August 2015) states that Local Planning Authorities should set pitch targets within their Local Plan. Policy CSTP3 (of the amended 2015 Core Strategy) details the approach of the Council to gypsy and

traveller accommodation within the Borough and sets out a target of 87 additional pitches for the Plan period to 2026 (the Core Strategy was originally adopted in December 2011).

- 6.32 The Thurrock Gypsy Traveller Accommodation Assessment (GTAA) Need Summary Report, of January 2018 indicates a need for 10 additional pitches for Gypsy and Traveller households that meet the planning definition, 38 additional pitches for households that may meet the definition and 37 for households that do not meet the planning definition up to 2033.
- 6.33 The requirements of the GTAA will be addressed through the new Local Plan. This will allow for planned provision in the Borough.
- 6.34 Policy H 'Determining planning applications for traveller sites' contained within the Planning Policy for Traveller Sites (August 2015) requires, amongst other things, the Local Planning Authority to consider the existing local level of provision and need for sites and the availability of alternative accommodation for the applicants. There are no known available sites within the Borough where four pitches would be available within Council owned sites. However this does not justify the development in this Green Belt location.
- 6.35 The issue of whether or not there is a shortfall in the supply of traveller sites on its own will be unlikely to comprise very special circumstances to justify inappropriate development in the Green Belt.
- 6.36 The Council acknowledges the present lack of 5 year supply for gypsy and traveller sites. Nevertheless, as with any development within GB it is important that the correct process is followed. It does not follow that because there is a lack of supply at this time, that permission should be granted for a permanent development on this site.
- 6.37 The Inspector previously afforded the matter of unmet need significant weight, however this was for a temporary permission. The present application is for a permanent permission and this is a very different consideration.
- 6.38 3. Best interests of the children

The applicant states that the "best interests of the children" are of paramount importance. There are presently 10 young children at the site, who it is said would have to lead a roadside existence, be taken out of education and be unable to access healthcare. The appeal in 2015 drew attention to personal circumstances of the family and the implications that would arise from refusing this application to retain the use of the site that would significantly impact the mental health and well-being of all of the children resident on the application site.

6.39 Consideration

The personal circumstances presented by applicants are an important consideration in the planning balance. In this case, the applicants have not expanded upon this factor and have relied on the previous appeal decision. There is no evidence to indicate that alternative sites have been considered.

6.40 In a practical sense, health and education facilities could be accessed from other locations and there is no spatial reason why these facilities could only be accessed by the development of this GB site. Accordingly, it is recommended that the personal circumstances of the applicant are given limited weight in the consideration of the application and alone do not outweigh the harm caused by the proposed development.

6.41 The following sections of this report further assess the other material planning considerations of the application in terms of whether the circumstances detailed above could, when taken together, be considered to be very special.

6.42 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	Site is existing	Very limited weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Lack of gypsy sites – unmet need	Significant weight
		Best interests of the children	Limited weight

6.43 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors

have been promoted by the applicant as 'Very Special Circumstances' and it is for the Committee to judge:

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

- 6.44 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment.
- 6.45 There are no planning conditions which could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

## II. RESIDENTIAL IMPACTS

- 6.46 The development is located in close proximity to Willow Cottage which is situated to the west of the site. The dwelling sits well back on its plot with much of the garden area to the front. The ground levels drop down from Manor View, meaning Willow Cottage is at a lower level. During the assessment of the previous appeal, the Planning Inspector considered that on the basis that any buildings and structures were brought in from the common boundary with Willow Cottage by at least 7 metres and effective landscaping was provided, the amenities of the neighbours would be safeguarded
- 6.47 Whilst it is recognised that the permanent use of the land would be a different prospect for neighbouring properties than the current temporary arrangements, in light of the proposed layout of the site and the previous appeal decision it is not considered that an objection on the grounds of neighbour amenity could be substantiated.

## III. HIGHWAYS IMPACTS

- 6.48 The Council's Highway Officer has raised no objection to the development proposal. Accordingly, no objection is raised on highways grounds.

#### IV. OTHER MATTERS

- 6.49 The development does not presently give concern regarding additional pressure to healthcare or schools in the area.
- 6.50 The adjoining neighbours have raised concerns about the drainage at the site. Drainage was installed on the site and the matter has been investigated by the enforcement team. Drainage was found to be on site and there have been no comments received from the Environmental Health Officer in regards to this application. No objection is therefore raised in this regard.

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

- 7.1 The proposed development is inappropriate development in the Green Belt which is by definition harmful. In addition, the proposed development is considered to be an unacceptable urbanising feature which is harmful to the openness and would erode the rural character of the Green Belt. Substantial weight should be given to any harm to the Green Belt.
- 7.2 The development would seriously conflict with Policies CSSP4 and PMD6 of the Core Strategy, the NPPF and Policies E and H of Planning Policy for Traveller Sites (August 2015). The circumstances of the applicants and their needs have been carefully considered however it is not considered that these factors clearly outweigh the harm caused to the Green Belt together with the other harm identified. No very special circumstances therefore exist to enable an exception to policy to be made in this instance.
- 7.3 The proposal would, if permitted, result in the urbanisation of this rural site, resulting in significant harm to the character and appearance of this rural area contrary to the above policies and guidance.

#### 8.0 RECOMMENDATION

- 8.1 REFUSE for the following reasons:
1. The proposed development is inappropriate development in the Green Belt which is by definition harmful. In addition, the proposed development is considered to be an unacceptable urbanising feature which is harmful to the openness and rural character of the Green Belt. The proposal is therefore contrary to Policies PMD6 and CSSP4 of the Core Strategy, the National Planning Policy Framework and Planning Policy for Traveller Sites (August 2015). The information put forward by the applicant has been carefully considered, but does not amount to the very special circumstances that would be required to enable an exception to policy to be made in this instance.

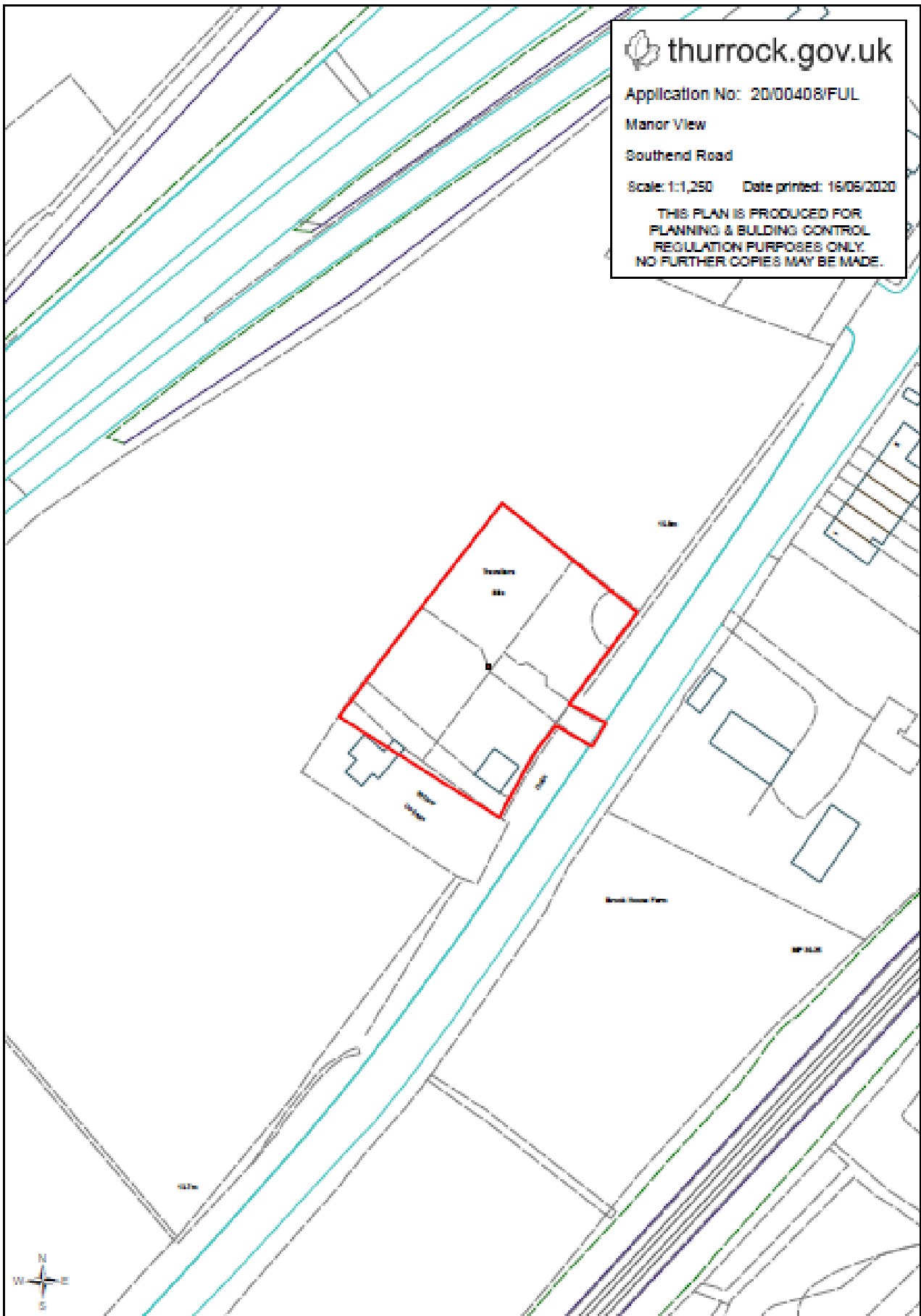
### Positive and Proactive Statement

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

### **Documents:**

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

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



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<b>Reference:</b> 20/00048/FUL	<b>Site:</b> Marvy Jade, Rear Of 150 and 152 London Road Grays Essex RM17 5YD
<b>Ward:</b> Grays Riverside	<b>Proposal:</b> Retention of existing containers in the rear yard (for storage purposes)

Plan Number(s):		
Reference	Name	Received
01	Existing and Proposed Plans	27th January 2020
02	Site Layout	27th January 2020

The application is also accompanied by: <ul style="list-style-type: none"> <li>• Design and Access Statement</li> </ul>	
<b>Applicant:</b> Mr Jude Dicson	<b>Validated:</b> 10 February 2020  <b>Date of expiry:</b> 6 April 2020  <b>Extension of Time (as agreed):</b> 30 June 2020
<b>Recommendation:</b> Refuse Permission	

This application is scheduled for determination by the Council’s Planning Committee because the application has been called in by Cllrs Fish, Kerin, Muldowney, Potheary and Shinnick in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s Constitution to consider concerns relating to odour nuisance and the obstruction of the highway during deliveries.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks retrospective planning permission for the siting of two containers in the yard found to the rear of 150 and 152 London Road.
- 1.2 The application has been submitted following enforcement complaints (reference 19/00275/AUNUSE) in relation to the use of the site for the siting of containers used for the storage of dried fish.

## **2.0 SITE DESCRIPTION**

- 2.1 The containers are sited in the yard area behind 150 and 152 London Road, adjacent to Parker Road. There is an existing vehicle access directly from Parker Road into the site.
- 2.2 To the south of the site is a parade of shops at ground floor with residential flats above at first floor. Residential properties are situated to the immediate east of the site on Meesons Lane and London Road, to the immediate west on London Road and to the immediate north on Parker Road.

## **3.0 RELEVANT HISTORY**

- 3.1 The application site is situated to the rear of both 150 and 152 London Road. There is no directly relevant planning history.
- 3.2 Following complaints from local residents and evidence gathered by the Environmental Health department, an Odour Abatement Notice was served on 27<sup>th</sup> April 2020. This Abatement Notice requires the operators to cease the production of odours and the operator had until 26<sup>th</sup> May 2020 to comply with the terms of the Notice.

## **4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council's web-site at: [www.thurrock.gov.uk/planning/20/00048/FUL](http://www.thurrock.gov.uk/planning/20/00048/FUL)

### **PUBLICITY:**

- 4.2 The application has been publicised by the display of site notices and consultation with neighbouring properties.
- 4.3 Six letters of objection have been received raising the following concerns:
- Access to the site;
  - Additional Traffic;
  - Litter/Smells;
  - Out of Character;
  - Environmental Pollution;

- Unacceptable Materials;
- Application form states that containers are to be used for various materials and the Design & Access Statement states the containers would be used for electrical goods;
- Thurrock Council Environmental Officers had observed a smell from the containers;
- Hours of operation have not been adequately explained or how these would be monitored at the site and how the garage with shutters facing Parker Road would also operate;
- No explanation of the potential noise impacts at the site and
- No explanation of the vehicles accessing the site nor the types of deliveries.

The following non-material planning comments have also been received:

- Applicant has not demonstrated how the storage of electric goods would meet the WEEE Regulations 2013 and
- The site is currently operating a forklift truck.

4.4 A letter has also been received from Cllrs Potheary, Kerrin and Fish, who have raised concern in relation to the following:

- Impact to the neighbouring residential properties that are unable to use gardens.
- A strong fish smell from the containers and
- Severe traffic resulting from deliveries to the site.

4.5 HEALTH AND SAFETY EXECUTIVE:

No objection.

4.6 HIGHWAYS:

No objection.

4.7 ENVIRONMENTAL HEALTH:

Environmental Health commented that it has received a number of complaints regarding odour from the application site alleging that the source of complaint was from the storage/handling of fish.

The application states that, 'the containers will be used to store used electrical goods. They will not be used to store any other items.' On the basis of this proposed end-use, Environmental Health advice that the proposal should not give rise to such complaints and there are no objections in this regard provided the storage of used electrical goods is the only activity on site.

## 5.0 POLICY CONTEXT

### 5.1 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 expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

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

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

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

6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land.

## 5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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 the determination of this planning application include:

- Effective use of land
- Enforcement and post-permission matters
- Healthy and safe communities
- Use of planning conditions

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

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015.

The Adopted Interim Proposals Map shows the site as land without notation, or white land, where it is broadly considered that the same or similar uses will prevail.

The following Core Strategy policies in particular apply to the proposals:

THEMATIC POLICIES:

- CSTP23: Thurrock Design

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT:

- PMD1: Minimising Pollution and Impacts on Amenity

- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy

#### 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, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing the Local Plan.

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the development;
- II. Design and Layout
- III. Impact to Neighbouring amenity;
- IV. Traffic Impact, Access and Car Parking;
- V. Flood Risk and Site Drainage

#### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The area which forms the application site is land that was once associated with Nos 150 and 152 London Road. Information ascertained by officers indicate that the yard area has been separate from the commercial and residential units for at least 10 years. Although there is no planning history for the use of the yard area it appears that it has been used separately from the commercial and residential premises for some time.

The buildings that face onto London Road at Nos 150 and 152 can both be lawfully used for A1 (retail) purposes. This type of use is reflective in many such parades of commercial units.

- 6.3 Complaints were received about the stationing and use of containers in the yard area in July 2019. Whilst this application would not change the land use designation, planning permission is required for the stationing of containers for storage use. Given the previous use of the yard, it is considered that the principle of a storage use of the land would be difficult to substantiate. Nonetheless, consideration must therefore be given to the physical impact of the storage containers in the location.

## II. DESIGN AND LAYOUT

- 6.4 Policy PMD2 of the Core Strategy 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.
- 6.5 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.6 In considering applications, the Council is keen to support viable business where they can be carried out without harm to residents and the local environment. In the case of the current application, the site is located in close proximity to a number of residential properties. Care has to be taken within these environments.
- 6.7 The two containers are sited to the rear of 150 and 152 London Road and are visible from Parker Road to the western boundary. The containers are generic shipping containers of the design, size and type that would often be expected in commercial areas. Whilst they are sited to the rear of commercial premises, the site is in a predominantly residential area.
- 6.8 The use of containers as a solution for the storage of goods in this type of area conflicts with the Council's policies in relation to design and visual amenity, particularly because of the residential location. The containers, by reason of the size, design and prominence from public vantage points are unacceptable. The containers cause harm to the character and visual amenities of the area and are an unwelcome feature to the local street scene
- 6.9 In conclusion under this heading, given the visual prominence of the containers from the public realm it is considered that the siting of the containers results in harm to the

visual amenities of the location detrimental to the appearance and character of the street scene. The application is consequently considered to be contrary to Policies CSTP22 and PMD2 for this reason.

### III. IMPACT TO NEIGHBOURING AMENITY

- 6.10 Policy PMD1 of the Core Strategy indicates that developments will not be permitted where it would cause unacceptable effects on the amenities of the area; the amenity of neighbouring occupants, or the amenity of future occupiers of the site.
- 6.11 A number of comments have been received in relation to the current use of the containers which have been used to store dried fish. A consequence of the storage of dried fish within these containers was that the Council received reports of an unpleasant fish odour emanating from the containers when deliveries and collection occurred.
- 6.12 The Council has taken action, via the service of an Odour Abatement Notice using public protection powers, to control the issue. This has resulted in the use of the containers for the storage of dried fish ceasing. It is noted that the Council's Environmental Health Officer has no objections to the storage of used electrical goods (subject to agreement and control via the Environment Agency).
- 6.13 The applicant advises within the application that it is his intention to store used electrical goods. The storage of non-food goods would be unlikely to result in any loss of amenity to nearby occupiers as a result of smells emanating from the site. However the containers remain entirely unacceptable in terms of design and visual appearance.

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

- 6.14 A number of the neighbour comments received expressed concern regarding the deliveries to the site and the impact to the adjacent highway on Parker Road. As detailed earlier in the report, the area is separate from Nos 150-152 London Road.
- 6.15 The site is operating as a storage use at present and the storage containers are just on one part of the site. Vehicular activity and deliveries would already be occurring to this site. It is also likely that deliveries and servicing for the nearby retail units on London Road would occur along Parker Road as opposed to on London Road.
- 6.16 London Road is a Level 2 Urban Road and the concerns with deliveries and their impact to the highway are noted. Whilst the proposed use for storage of electrical goods is separate from the uses carried out in the buildings that face onto London Road the Highways Officer has been consulted and does not consider that the



deliveries relating to the containers on the site would lead to any intensification of Vehicle movements to the site. As a consequence the Highways Officer has raised no objections to the application on highway grounds

- 6.17 In light of the above, it is considered that the application complies with Policies PMD8 and PMD9 of the Core Strategy (2015).

#### V. FLOOD RISK AND SITE DRAINAGE

- 6.18 The site is located within high flood risk zone 3 where there are already flood defences in place. The application does not change the use of the Land and accordingly a Flood Risk Assessment is not required. The application is unlikely to lead to any further risk by way of flooding or surface water drainage.

### 7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The application seeks retrospective planning permission for the siting of two containers to be used for storage purposes.
- 7.2 The containers are intended to be permanently sited and are highly visible from Parker Road. The siting of the containers results in harm to visual amenity which is detrimental to the appearance and character of the street scene.
- 7.3 The application is recommended for refusal. In the event the application is refused, planning enforcement action will follow to seek the removal of the containers from the land.

### 8.0 RECOMMENDATION

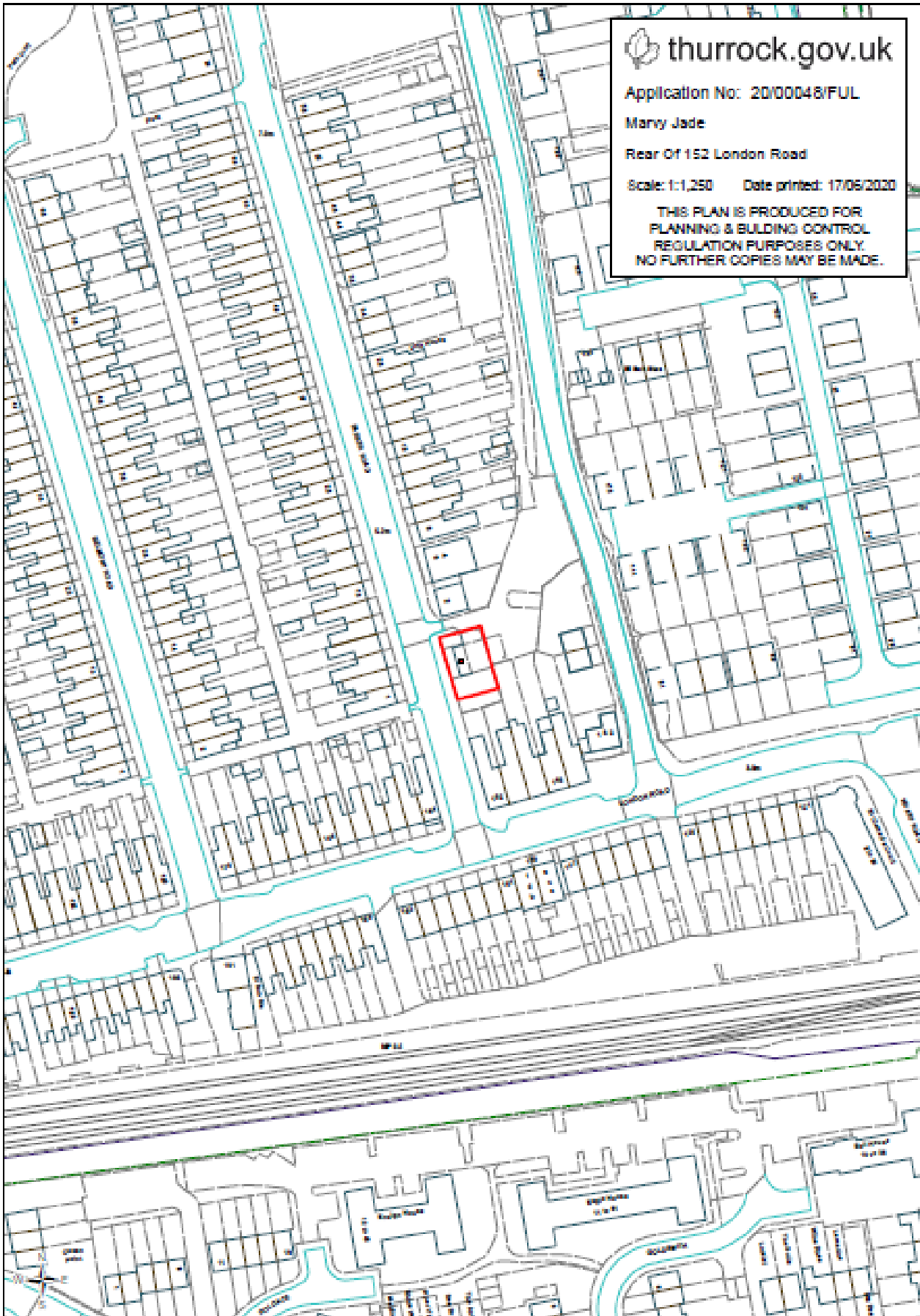
- 8.1 Refuse for the following reason:

1. The containers are visually prominent in Parker Road and, by virtue of their utilitarian appearance and materials are harmful to the visual amenities of the location detrimental to the appearance and character of the street scene. The siting of the containers is consequently considered to be contrary to Policies CSTP23 and PMD2 of the Core Strategy (2015) and design guidance in the NPPF.

#### **Documents:**

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

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



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# Agenda Item 11

Planning Committee 25 June 2020	Application Reference: 19/01373/OUT
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<b>Reference:</b> 19/01373/OUT	<b>Site:</b> Land adjacent Wood View and Chadwell Road Grays Essex
<b>Ward:</b> Little Thurrock Rectory	<b>Proposal:</b> Outline planning application (all matters reserved) for 75 residential units consisting of 57 houses and 18 apartments

Plan Number(s):		
Reference	Name	Received
200	Site Location Plan	10th September 2019
201	Proposed Site Layout (indicative)	10th September 2019
210	Indicative Plans and Elevations	10th September 2019
211	Indicative Plans and Elevations	10th September 2019
212	Indicative Plans and Elevations	10th September 2019
213	Indicative Plans and Elevations	10th September 2019

The application is also accompanied by:

- Planning Support Statement / Design & Access Statement (ref SPL Ref:18.5410);
- Viability Assessment (November 2019: Arebray Development Consultancy);
- Transport Statement (October 2019: Beacon Transport Planning);
- Preliminary Ecological Appraisal (February 2017 (ref P2820.5.0):agb Environmental);
- Arboricultural Impact Assessment (June 2017 (ref P2820.6.0):agb Environmental);
- Noise Assessment, Technical Report, dated by 14 July 2017 (R6785-1 Rev 0), by 24 Acoustics
- Surface Water Drainage Strategy (December 2018 rev 00 (Project No. 07127));
- Flood Risk Assessment (March 2017 (ref P2820.4.0): agb Environmental);
- Phase 1 Ground Contamination Desk Study (March 2017 (ref 2820.3.0): agb Environmental)

<b>Applicant:</b> Mr D MacDonald	<b>Validated:</b> 03 February 2020  <b>Date of expiry:</b> 17 July 2020 (Extension of time agreed with applicant)
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**Recommendation:** Refuse planning permission

The planning application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy implications and constitutes a departure from the Development Plan. The application

has also been called-in by Councillors J Redsell, E Rigby, B Maney, A Jefferies, M Fletcher, B Johnson for matters regarding Green Belt (GB), landfill, overdevelopment and on highways grounds.

**1.0 BRIEF SUMMARY**

- 1.1 This application seeks outline planning permission for a residential scheme comprising of 57 houses and 18 flats with all matters reserved. Detached, semi-detached and terraced dwellings are proposed and indicative plans have been submitted for these house types. Some of these house types have been allocated car ports.
- 1.2 The site plan indicates an illustrative layout and the indicative point of access would be from Wood View on the site’s northern boundary and towards the eastern end of the site. Areas of hardstanding are also proposed to accommodate a new vehicular access and new associated roads.

**2.0 DESCRIPTION OF PROPOSAL**

- 2.1 The table below summarises some of the main points of detail contained within the development proposal:

Site Area	2.57 Ha
Residential Development Number of Dwellings:	<u>Market Housing</u> 6 no. five bed houses 12 no. four bed houses 29 no. 3 bed houses  TOTAL 47 units  <u>Affordable Housing</u> 10 no. two bed houses 12 no. two bed flats 6 no. one bed flats  TOTAL 28 units (35%)

- 2.2 This is an application for outline planning permission with all matters reserved. Limited indicative details have been provided with regard to the appearance, landscaping and scale of the residential units. The illustrative site layout plan indicates the arrangement and the quantum development proposed, as set out in the table above. Details of appearance, landscaping, layout and scale are reserved for future approval, if outline planning permission were to be granted.

- 2.3 Access is also a reserved matter, but the applicant is still required to demonstrate the proposed location(s) of access points. A single point of access has been indicated on the illustrative site layout plan located on the Wood View road frontage, opposite its junction with Culverin Avenue. Permission is sought for 75 residential units and this figured should be viewed as a maximum. The mix of unit residential units, shown in the table above, should be interpreted as indicative.

### **3.0 SITE DESCRIPTION**

- 3.1 The site comprises of a triangular-shaped parcel of open land, extending to c.2.57 hectares in area situated between Wood View to the north and Chadwell Road to the south. The site appears to be used for the grazing of livestock.
- 3.2 To the south, the application site is located directly opposite USP College and the north of the site is bordered by single and two-storey residential properties of varied character fronting Wood View.
- 3.3 The application site is within the Green Belt as defined by the Core Strategy (2015) proposals map. None of the site forms part of any designated site of nature conservation. The site is within the low risk flood area (Zone 1) and is a short distance from an historic landfill site located to the east.

### **4.0 RELEVANT HISTORY**

- 4.1 No relevant planning history.

### **5.0 CONSULTATIONS AND REPRESENTATIONS**

#### **5.1 PUBLICITY:**

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

The application has also been advertised as a major development and a departure from the Development Plan.

- 5.2 Thirty two letters of objection have been received raising the following concerns;
- inappropriate access to the site;
  - additional traffic and congestion;
  - environmental pollution;

- possible excessive noise;
- out of character;
- infrastructure, especially roads, are at full capacity;
- GP surgery, schools and amenities are oversubscribed;
- litter/smells;
- loss of amenity;
- additional parking pressures;
- loss of GB land would lead to loss of wildlife;
- loss of water pressure;
- loss of views across the site from the north;
- concerns with site drainage and flooding;
- site is used for farming and there is a covenant to prevent housing use;
- overlooking / loss of privacy from residential units directly opposite;
- materials unacceptable;
- sale of alcohol causing disturbance;
- site was previously a landfill and concerns with contamination at the site and implications to health;
- this development does not fit with the strategic plan for the borough;
- access to site is via the Quantum development roundabout and already congested;
- the requirement to show exceptional circumstances, has not been met by the application; and
- loss of oak trees at the site.

### 5.3 CONSULTATION RESPONSES:

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

5.4 ANGLIAN WATER:

Advisory comments provided,

5.5 ARCHAEOLOGICAL HERITAGE ADVICE:

No objection, subject to conditions.

5.6 CADENT:

Advisory comments provided regarding gas assets within or close to the site.

5.7 EDUCATION:

s.106 contribution required to mitigate impact of development.

5.8 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

5.9 ESSEX FIELD CLUB:

Objection raised regarding loss of habitat.

5.10 ESSEX POLICE:

Advisory comments provided relating to lighting, boundary treatment and Secure By Design.

5.11 FLOOD RISK MANAGER:

No objection, subject to conditions.

5.12 HIGHWAYS;

Further information required regarding road layout and other matters. (NB – as this is an application seeking outline planning permission with all matters reserved, these details are not for consideration at this stage).

5.12 HOUSING:

Express a preference for one / two-bed affordable housing units.

### 5.13 NATURAL ENGLAND;

Site is within Zone of Influence of the Essex Coast RAMS designation and mitigation is required.

## 6.0 POLICY CONTEXT

### 6.1 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 expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

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

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

The assessment of the proposals against the development plan set out below refers to a number of policies, reflecting the nature of the proposals.



As the proposals comprise of residential development, paragraph 11(d) is relevant to a degree in respect of the five year supply of deliverable housing. The Council's most recently published figure for housing land supply (July 2016) refers to a supply of between 2.5 to 2.7 years and it is to be expected that this figure has reduced as completions on large development sites have progressed. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission would ordinarily be engaged. However, the 'tilted balance' does not apply to land designated as Green Belt (paragraph 11 (d) (i) and (ii)).

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

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

## 6.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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 the determination of this planning application include:

- Appropriate Assessment
- Climate change
- Effective use of land
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Historic environment
- Natural environment
- Noise

- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability
- Waste

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP5: Neighbourhood Renewal
- CSTP15: Transport in Greater Thurrock
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development

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

#### 6.4 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, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing the Local Plan.

#### 6.5 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.

### 7.0 **ASSESSMENT**

#### 7.1 Procedure:

With reference to procedure, this application has been advertised as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for any referral as a departure relates to the GB and therefore the application will need to be referred under paragraph 4 of the Direction. The Direction allows the Secretary of State a period of 21 days within

which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

7.2 The assessment below covers the following areas:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic Impact and car parking
- III. Flooding and site drainage
- IV. Planning obligations/contributions
- V. Other matters
- VI. Overall balancing exercise

7.3 I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON 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 GB and the purposes of including land within it; and
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

7.4 1. Whether the proposals constitute inappropriate development in the GB

The site is identified on the Core Strategy Proposals Map as being within the GB where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the GB in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB to accord with the requirements of the NPPF.

7.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs 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 of the NPPF states that

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.*

Paragraph 144 goes on to state that local planning authorities should ensure that “*substantial weight*” is given to any harm to the GB and that VSC will not exist unless the potential harm to the GB by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.6 With reference to proposed new buildings in the GB, paragraph 145 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the GB than the existing development; or
  - not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.7 The proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. The application site is an open green space with no current built form. A recent site visit also recorded that the majority of the site has some agricultural use comprising the grazing of livestock. Consequently, as the application seeks outline permission for 75 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Metropolitan GB, which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 144), substantial weight should be given to this harm.

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

The analysis in the paragraphs above concludes that the proposal is inappropriate development which is, by definition, harmful to the GB (NPPF para. 143). However, it is also necessary to consider whether there is any other harm (NPPF para. 144).

7.9 As noted above paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of GBs being described as their openness and their permanence. Although this is an application for outline planning permission with all matters reserved, it is apparent from the indicative drawings that built development and accompanying curtilages. would be spread across the majority of the application site. The proposals would comprise a substantial amount of new built development in an area which is currently open. Advice published in NPPG (Jul 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation

7.10 It is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volumes. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally the development would generate traffic movements associated with the residential use and it is considered that this activity would also impact negatively on the openness of the GB. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

7.11 With regard to the visual impact and the GB assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. Ground levels in the area and across the site slope downwards from north to south and the Noise Assessment report indicates that a 2 metre high acoustic fence is necessary and has been included in the acoustic model. The acoustic fence is

required to minimise noise levels to the external amenity areas of dwellings. It is appreciated the current application seeks an outline consent for residential development and the layout and appearance of the development are reserved matters. Nevertheless, it is considered that the development of the site as proposed would clearly harm the visual component of openness.

7.12 The proposal would therefore reduce openness as both a spatial and visual concept.

7.13 Paragraph 134 of the NPPF sets out the five purposes which the GB 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.

7.14 In response to each of these five purposes:

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

The site is situated within the GB immediately adjacent to the large built up area of Little Thurrock / Grays located to the north and to the west of the site. The proposal would extend built form into the open parcel of land where there is currently no built development and would therefore result in some sprawling of the Little Thurrock / Grays urban area. For the purposes of the NPPF, the proposal would therefore result in the sprawling of the adjacent large built up area as demonstrated by an urban form of development on an open parcel of GB land immediately adjacent to Little Thurrock / Grays.

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

The site is generally located on the eastern edge of Little Thurrock and further east of the site lies Chadwell St. Mary. The application site is a considerably distance from Chadwell St. Mary and is separated by the A1089(T) Dock Approach Road. Therefore it is considered that the proposal would not result in the confluence of any towns and the development would not conflict materially with this GB purpose.

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

With regard to the third GB purpose, the proposal would involve built development on a site which is currently open and undeveloped. The proposed built development

would spread across the whole site and it is important to note that the proposed dwellings would inevitably require parking spaces, garage/cart lodges, hardstandings, associated vehicle accesses and roads. 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 this purpose of the GB.

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

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

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

In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why GB land is required to accommodate the proposals. The erection of 75 residential units with associated hardstandings, vehicle accesses and fencing etc. is inconsistent with the fifth purpose of the GB.

7.19 In conclusion under the headings (i) and (ii) it is considered that the current proposals would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with GB purposes (a), (c) and (e). In accordance with 144 of the NPPF substantial weight should be afforded to this harm.

7.20 3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to VSC necessary to justify inappropriate development

Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities -

*“should ensure that substantial weight is given to any harm to the Green Belt. VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*

7.21 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC 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 VSC (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.



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

7.22 The Planning Support Statement submitted to accompany the application sets out the applicant's case for VSC under the following main headings

- a) Lack of a 5 year housing land supply;
- b) Delivering a sufficient supply of homes (NPPF – Paragraphs 59 and 68); and
- c) Importance to GB purposes.

7.23 Also, while not submitted as a formal case for VSC, the applicant references the following sections of the NPPF as relevant justifications to be considered;

- d) Achieving sustainable development
- e) Making effective use of land
- f) Achieving well-designed places

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

7.25 *a) Lack of a 5 Year Housing Land Supply*

*Consideration*

The issue of housing land supply (including affordable housing) has been considered by the Committee regularly with regard to proposals for residential development in the GB and it is acknowledged that there is presently a lack of 5 year housing supply. The most recently published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of date*". Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period

from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is accepted that supply is less than the five year (+20%) requirement.

7.26 The current proposals would, with 75 units, be of some benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards VSC and should be accorded significant positive weight in the consideration of this application. In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh GB harm to constitute the VSC justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2019) does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a very recent appeal decision from February 2020 (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that “*even so, unmet need on its own, is highly unlikely to amount to vsc*”. Accordingly the very significant benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the VSC necessary to justify inappropriate development.

7.27 *b) Delivering a sufficient supply of homes (NPPF – Paragraphs 59 and 68)*

The applicant refers to the following content from the NPPF. Paragraph 59 of the NPPF states:

*‘To support the Government’s objectives of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without necessary delay’.*

Paragraph 68 of the NPPF states:

*‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should;*

*c) support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within settlement for homes’*

### 7.28 Consideration

This factor is related to the issue of five year housing land supply considered above. It is acknowledged the application site may constitute a small-medium sized site and could make a contribution to meeting the housing requirements within the Borough. However, the site is within the Green Belt and paragraph 143 of the NPPF clearly states that *'inappropriate development is, by definition harmful, to the Green Belt and should not be approved except in very special circumstances'*. Although policies within the NPPF refer to supporting the delivery of new housing development this single factor on its own would not clearly outweigh the identified harm to the GB so as to comprise the VSC needed to justify inappropriate development. Furthermore the presumption in favour of sustainable development set out by the NPPF does not apply to the GB (para. 11 (d) (i)).

### 7.29 c) Importance to Green Belt Purposes

#### Consideration

The matter of the value of the site in contributing to the purposes of the GB has been addressed above. The applicant maintains the application site does not make a significant contribution to the purposes of the GB and cites 'The Thurrock Strategic GB Assessment Stages 1a and 1b (January 2019) to justify their position. The Thurrock Strategic GB Assessment Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the GB in terms of their 'contribution' to three of the five GB purposes. The site is identified as forming part of strategic parcel no. 31 and paragraph 6.1.13 (conclusions) includes this parcel in a recommendation for more detailed scrutiny and assessment. Furthermore, the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock GB Assessment Stages 1a and 1b as a technical document that "...does not specifically identify any sites or broad areas of GB for development as any decision on the need to amend the boundary of the GB in Thurrock must be taken as part of the wider plan-making and evidence development process...". Consequently, the conclusions of the GB Assessment have only very limited weight in the consideration of this case. As set out above, it is considered that the development of the site as proposed would be harmful to a number of the purposes of including land in the GB.

### 7.30 d) 'Achieving Sustainable Development'

The applicant considers that the proposed development would be economically sustainable due to the number of jobs generated during the construction phase and would also have environmental and social benefits.

### 7.31 Consideration

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 7). At para. 11 the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking para. 11 (c) and (d) confirm the application of the presumption in favour of sustainable development as:

*(c) approving development proposals that accord with an up-to-date development plan without delay; or*

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The footnote (6) from the above extract includes the Green Belt as an area or asset of particular importance. Succinctly put, land designated as GB provides a strong reason for refusing the erection of 75 units as proposed and the current proposal could not be viewed as 'Achieving Sustainable Development' since this would directly contravene the NPPF's policies on 'Protecting Green Belt land' (Chapter 13).

7.32 In summary, under this heading, the proposal would result in new dwellings which would result in local expenditure and create jobs in the short term during construction. However there would not be a significant long term positive impact due to the limited number of units. Therefore this factor is afforded very limited weight.

### 7.33 e) Making Effective Use of Land

The applicant sites the NPPF chapter 'Making effective use of land' as material consideration for development.

### 7.34 Consideration

Paragraph 117 explicitly refers to previously-developed land (PDL) or brownfield

land. The NPPF glossary definition of brownfield land reverts to the definition of previously developed land. The NPPF states that even on land that was last occupied by a permanent structure, it should not be assumed, that the whole curtilage should be developed.

7.35 Evidence from a recent site visit reveals there are no existing buildings at the site and is in fact an open plot of land used to graze livestock; the site cannot therefore constitute PDL. The NPPF warns that the exception of PDL is not relevant “*where this would conflict with other policies in this Framework*”. Notwithstanding the above, as identified earlier in the report, the proposal would conflict with the GB policies set out within the framework as it represents inappropriate development which fails to demonstrate VSC which clearly outweigh the harm.

7.36 The proposal seeks outline consent for a residential development which would introduce various built forms across the site and associated vehicle access roads and hardstanding. Effectively, the proposal would create an urban style residential development that includes 75 residential units, resulting in an urbanised environment on an open plot of land. Thus, reference to NPPF’s ‘*making effective use of land*’ is not considered relevant or appropriate in the context of Green Belt land, especially where it has been established the site is neither brownfield land nor PDL. As a result, this factor is afforded no weight in the assessment of the impact upon the Green Belt.

7.37 f) Achieving well-designed places

The applicant maintains that paragraphs 124 to 132 of the NPPF sets out the requirement for good design and is a key aspect of sustainable development.

7.38 Consideration

The application submitted is in outline form with all matters reserved. Illustrative details of the site layout have been supplied with some elevation / floor plans of some of the units proposed, however these plans have been confirmed by the agent as indicative plans only. Therefore, matters relating to appearance are not required to be considered within the parameters of the current outline application. In any case the NPPF and the Council’s own planning policies require a high standard of design and therefore the achievement of a well-designed place should not be seen as an optional extra. As a result, this factor is afforded no weight in the assessment of the impact upon the Green Belt.

7.39 With reference to the applicant’s case for VSC, an assessment of the factors promoted is provided in the analysis above. It is concluded that although very significant weight can be attached to the benefit of the contribution towards housing land supply, the other factors promoted by the applicant attract only limited weight or

should be afforded no weight at all. As paragraph 144 of the NPPF requires that for VSC to exist harm to the GB and any other harm must be clearly outweighed by other considerations, a summary of harm against benefit is provided later in this report.

## II. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 7.40 Highways England and the local highways authority has been consulted on the application. Highways England maintain that they have an interest in the potential impact the development may have on the Strategic Road Network (SRN) and that the impact to the A1089(T) is of particular concern. Highways England's interest lies in establishing whether there would be any adverse safety implications or material increase in queues / delays on the SRN as a result of the development.
- 7.41 Having reviewed the applicant's Transport Statement, Highways England considers that, from the forecast traffic flows and likely routing of the trips to and from the development, it is considered unlikely there would be any impact on the SRN as a result from the proposed development. However, it has been noted by Highways England that, as the application site is approximately 1.3 miles from the A1089(T), there may be construction impacts from the proposed development. Accordingly, Highways England have recommended a Construction Traffic Management Plan (CTMP) to assess the construction impacts and whether this would affect the safe operation of the SRN. Should the application be recommended for approval, an appropriately worded condition could be added.
- 7.42 The Council's highways officer has also been consulted on the application and, in summary, has offered comments concerning the internal road layout and the proposed new access. The highways officer comments that the proposal would need to be assessed in terms with compliance with the Design Manual for Roads and Bridges (DMRB) and maintains this would be required to understand whether the potential access arrangements are suitable. The safety concerns of the highways officer are appreciated, particularly concerning the implications of the potential 4-arm mini roundabout, but as this application seeks outline planning permission, with all matters reserved, the applicant is only required to demonstrate where potential access point(s) are proposed. A single point of access has been identified on the indicative proposed site plan and therefore the statutory planning requirements are satisfied.
- 7.43 Therefore, at this stage the applicant is not required to provide precise details relating to design standards, layout or parking arrangements for the proposed development. In light of this, the local planning authority cannot legitimately request further details within an outline application, where vehicle access to the site and layout are reserved matters to be considered at a later stage should outline planning permission be granted.

### III. FLOODING AND SITE DRAINAGE

- 7.44 The Council's flood risk manager has been consulted and initially issued a holding objection due to insufficient details being supplied. However, the applicant has submitted a further Surface Water Drainage Strategy and the flood risk manager has since removed the previous objection, subject four planning conditions.
- 7.45 These conditions mainly relate to further detailing of a surface water drainage scheme, a scheme to minimise off-site flood cause by surface water run-off and ground water, a maintenance plan detailing the maintenance arrangements and the requirement for the applicant and/or any successor to maintain yearly logs in accordance with the maintenance plan. Therefore, should the application be approved, these details could be considered within the parameters of any reserved matters application or application for the approved of details reserved by planning condition.

### IV. PLANNING OBLIGATIONS / CONTRIBUTIONS

- 7.46 The application seeks outline consent for 75 residential units with an indicative mix of one, two, three, four and five-bed properties. The applicant has submitted a Viability Assessment, which concludes at paragraph 1.3 that the site will be able to provide policy compliant affordable housing and s106 contributions and would remain viable. Furthermore, the Council's Housing Officer has confirmed that it is the Council's preference for one and two-bed residential units and the applicant has confirmed that 28 one and two-bed units would be allocated as affordable housing units. Consequently, this would ensure the proposal provides 35% policy compliant affordable housing.
- 7.47 A number of comments from residents have mentioned the local area is already oversubscribed for local amenities such as schools and GP surgeries. The Council's education department has been consulted and have commented that contributions would be required to meet the demands on local nurseries, primary and secondary schools created by the development. Having liaised with the agent on the matter, the applicant has in principle agreed to pay the contributions.
- 7.48 With regard to local GP surgeries, NHS England has been consulted on the current application but no comment has been received.
- 7.49 Natural England has advised that the site falls within the 'Zone of Influence' (ZoI) for one of more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex

authorities, including Thurrock Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.

## V. OTHER MATTERS

7.50 The Council's environmental health officer (EHO) advises with regard to air quality, there are no issues concerning the proposal. However, concerning the construction of the development, it is requested that a Construction Environmental Management Plan (CEMP) should be submitted to address specific environmental matters during construction. Should the application be recommended for approval a CEMP could be appropriately conditioned.

7.51 With regards to the issue of noise, the EHO notes that the submitted Noise Assessment suggests that a 2 metre high fence should be installed as a noise barrier to mitigate harm from noise on potential occupiers of the development. Paragraph 5.2 of the Assessment states;

*'It is proposed that a 2 m high fence runs along the site boundary with local roads and this has been included in the acoustic model. This fence should be a close board construction with a minimum surface density of 12kg/m2.'*

Paragraph 6.4 of the Noise Assessment further states:

*'Noise levels in external amenity areas are predicted to be lower....across the majority of the site and have been minimised by provision of a 2 m high boundary fence and are therefore considered to be acceptable in planning terms.'*

7.52 The applicant's noise modelling therefore includes the provision of 2 metre fencing to be constructed around the site boundary. However, having liaised with the EHO further on the matter, the following comments were received:

*'Without the fencing around the site it would still technically be possible for all dwellings to achieve the BS8233:2014 guide internal levels with an enhanced glazing specification. To meet the guidelines the windows will have to be closed, hence acoustic ventilation will be necessary. The applicant would also need to re-model the noise to determine the required glazing and ventilation specifications.'*

*External living spaces such as gardens cannot be so easily protected to meet WHO guidelines where levels are high. Barriers of one form or other, are necessary.....*



*Exceeding the WHO guidelines....indicates that the quality of the amenity provided will be increasingly degraded as the levels increase above the upper 55dB LAeq,16h threshold.'*

7.53 The installation of 2 metre high acoustic fencing would therefore be needed to ensure the quality of the proposed residential amenity spaces. Given the extensive road frontage to Wood View and Chadwell Road the extent of such fencing in this location would be significant in order to mitigate noise level impacts for future occupants of the site and ensure the quality of those external amenity spaces. In light of the currently open nature of the site, the extent of acoustic fencing would also potentially create an overbearing / over dominant impact within the immediate locality to the detriment of visual amenity and contrary to Policy PMD1 and PMD2, CSTP22 and CST23 of the Core Strategy. Such fencing would also harm the open nature of the GB.

7.54 VI. OVERALL BALANCING EXERCISE

As mentioned above, paragraph 144 of the NPPF requires that other considerations or benefits of the development should clearly outweigh *“the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal”* for VSC to exist. An analysis of all material planning factors is required in order to assess the full extent of *“any other harm resulting from the proposal”*. In addition to the analysis above and for convenience, a summary of the GB harm, any other harm and the weight which should be placed on the various benefits and considerations promoted by the applicant is provided in the table below;

<b>Summary of GB harm, any other harm and benefit / considerations referred to by the applicant</b>			
<b>Harm</b>	<b>Weight</b>	<b>Benefits / Factors Promoted</b>	<b>Weight</b>
Visual impact of acoustic barrier on openness of GB	Significant	Lack of 5 year housing supply	Very significant
Inappropriate development in GB	Substantial		
Reduction in the openness of GB			
Conflict (to varying degrees) with a number of the purposes of including land in the GB – purposes a, c and e.		Delivering a sufficient supply of homes	No weight
		Importance to GB Purposes	Very limited weight

	Achieving Sustainable Development'	Very limited weight
	Making Effective Use of Land	No weight
	Achieving well-designed places	No weight

7.55 As ever, in reaching a conclusion on GB 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 GB with reference to inappropriate development, loss of openness, harm to a number of GB purposes and visual harm associated with acoustic mitigation. Several benefits and factors have been promoted by the applicant as VSC and it is for the Committee to judge:

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

7.56 Where a proposal represents inappropriate development the applicant must demonstrate VSC which clearly (emphasis added) outweigh the harm to the GB. A very recent decision dismissing an appeal against the refusal of a continuing care retirement centre in the West Midlands GB (APP/Q4625/W/19/3237026) addressed the GB balancing exercise and concluded:

*“When drawing this together, it is my judgement that the other considerations advanced by the appellants would result in a very finely balanced decision. However, for VSC to exist, the other considerations would need to clearly outweigh the substantial harm to the GB by reason of inappropriateness, openness and purposes of the GB ... In other words, for the appeal to succeed, the overall balance would have to favour the appellants’ case, not just marginally, but decisively.”*

7.57 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly or decisively outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. The applicant has not advanced any factors which would singly or in combination amount to VSC that could clearly outweigh the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD6 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

**8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

8.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the GB and whether there are any factors or benefits which clearly outweigh harm such that a departure and comprise the VSC necessary for a departure from normal policy to be justified. The proposals are 'inappropriate development' in the GB would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although varying degrees of positive weight can be given to some of the benefits of the proposals, the identified harm must be clearly or decisively outweighed for VSC to exist. It is concluded that the benefits of the development do not clearly outweigh harm and consequently the application is recommended for refusal.

## 9.0 RECOMMENDATION

9.1 The Committee is recommended to:

Refuse planning permission for the following reasons:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Core Strategy set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary Green Belt purposes (a), (c) and (e) as described by paragraph 134 of the NPPF. The identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 13 of the National Planning Policy Framework 2019.
2. The proposal would, by reason of the likely siting and scale of the proposed acoustic fencing necessary to mitigate the impact of noise and ensure that the quality of amenity spaces are not degraded, result in an overbearing and over-dominant impact harmful to visual amenity. The proposal is therefore contrary to Policy PMD1, PMD2, CSTP22 and CST23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and chapter 12 of the National Planning Policy Framework 2019.

**Informative(s):-**

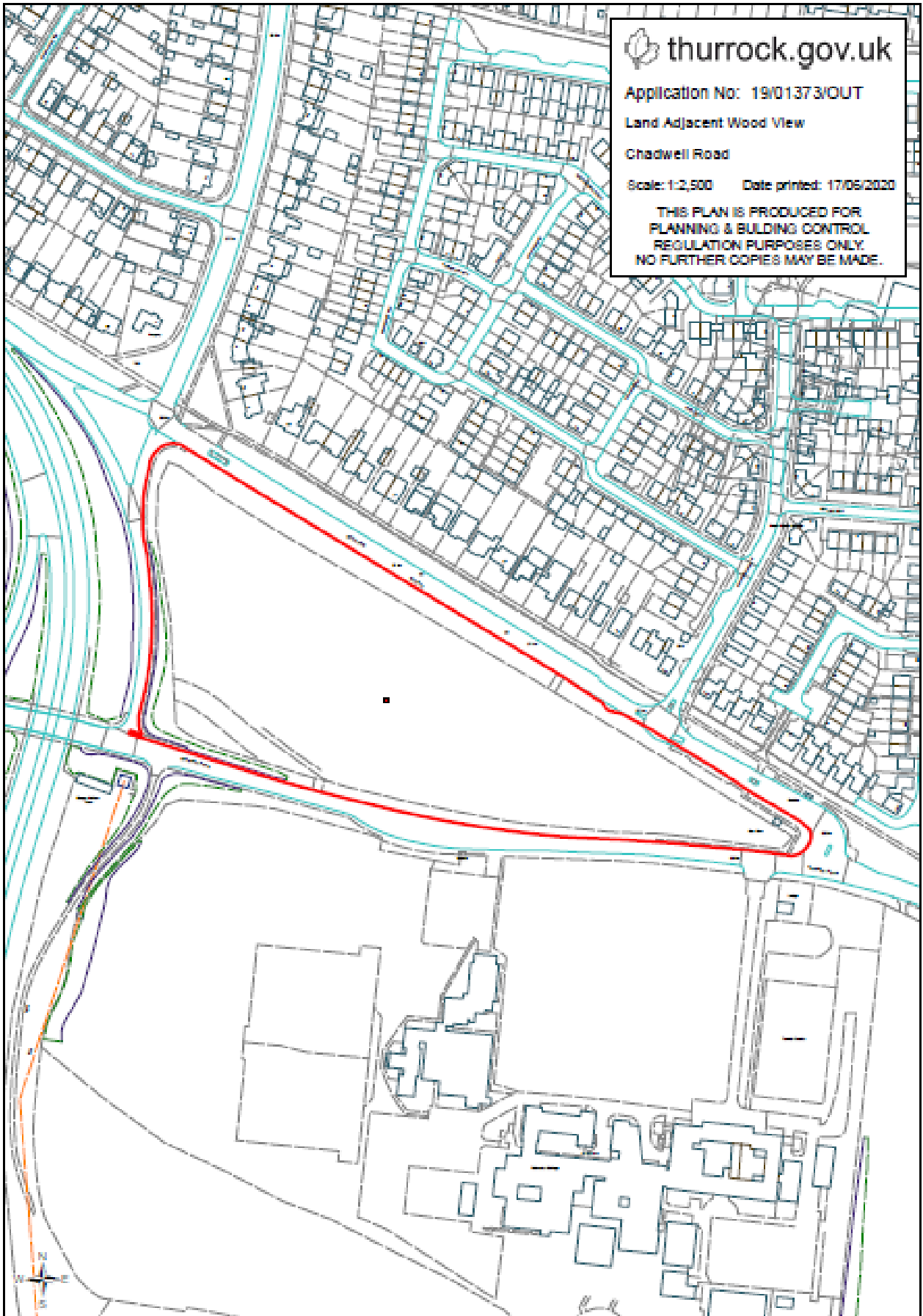
1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

**Documents:**

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

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



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<b>Reference:</b> 19/01824/TBC	<b>Site:</b> Land And Garages Defoe Parade Chadwell St Mary Essex
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Conversion of existing garages to form 2No. 2b/3p Bungalows including access and 2no off street parking spaces.

Plan Number(s):		
Reference	Name	Received
19036 - EArch - PL - ST - DR - A - 0005 - P01	Location Plan	17th December 2019
19036 - EArch - PL -DR - EL - A - 0012 - P01	Proposed Elevations	17th December 2019
19036 - EArch - FE - DR - ST - A - 0005 - P04	Proposed Site Layout	1st April 2020

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Design and Access Statement</li> <li>- Photos showing similar schemes</li> </ul>	
<b>Applicant:</b> Thurrock Council	<b>Validated:</b> 18 December 2019  <b>Date of expiry:</b> 29 June 2020 (Extension of time agreed with Applicant)
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the Council is the applicant and landowner (in accordance with Part 3 (b) Section 2 2.1 (b) of the Council's constitution).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to convert two existing redundant garage blocks into two x 2 bedroom bungalows for older residents.

The conversion would include a mono-pitch roof running the width of each building, with windows serving living accommodation facing across a shared garden area which includes a car parking space for each property. The proposal also includes bin and cycle stores to either side of the vehicular access.

## **2.0 SITE DESCRIPTION**

2.1 The application site is an existing redundant garage court of two blocks containing a total of twelve garages at the corner of Longhouse Road and Delargy Close adjacent to Defoe Parade.

2.2 The immediate surrounding area is mainly comprised of commercial units, blocks of flats, bungalows and two storey dwellings with mixed design and external finishes.

2.3 The site is relatively flat and has no formal land designation within the Core Strategy.

## **3.0 RELEVANT HISTORY**

3.1 There is no relevant planning history.

## **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)

### **4.2 PUBLICITY:**

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. No comments have been received regarding the proposal.

### **4.3 ENVIRONMENTAL HEALTH:**

No objection, subject to conditions.

### **4.4 HIGHWAYS:**

No objection, subject to conditions.

### **4.5 CORPORATE PROPERTY:**

No objection

## **5.0 POLICY CONTEXT**



### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19<sup>th</sup> February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

5. Delivering a sufficient supply of homes
11. Making effective use of land;
12. Achieving well-designed places;

### 5.2 National Planning Practice Guidance (NPPG)

In March 2014 the former 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 the determination of this planning application include:

- Design
- Determining a planning application
- Effective use of land
- Housing supply and delivery
- Use of planning conditions

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

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

Overarching Sustainable Development Policy:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

Spatial Policies:

- CSSP1: Sustainable Housing and Locations

#### Thematic Policies:

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

#### Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards

### 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, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

### 5.5 Thurrock Design Strategy

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

## 6.0 **ASSESSMENT**

### 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design, Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Living Standards and Private Amenity Space
- V. Traffic Impact, Access and Car Parking
- VI. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 Paragraph 117 of the NPPF encourage planning policies and decisions to promote an effective use of urban land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The site is within a residential area with no specific land designation. Therefore, the principle of additional residential units is acceptable, subject to compliance with the relevant development management policies.
- 6.3 The scheme is presented as an innovative re-use of a site which currently has the potential to attract anti-social behaviour, and that may have limited redevelopment potential, providing contemporary housing provision for older residents.

## II. DESIGN, LAYOUT AND IMPACT UPON THE AREA

- 6.4 The conversion of the garages would involve an alteration to the roof to result in a long mono-pitch that would run the width of each building and would also allow for a high-level window to the rear serving the second bedroom.
- 6.5 The proposed dwellings would utilise the footprint and basic massing of the existing garages and therefore their relationship to surrounding buildings, curtilages and highways would remain as already established.
- 6.6 The proposed accommodation would consist of a kitchen / dining / living room, two bedrooms, a hall, bathroom / wc, a small utility area and a store.
- 6.7 The NPPF makes it clear that 'planning.... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'. The high standard design of the contemporary style extension would relate well to the character of the area in general.
- 6.8 It is considered that the proposals represent a highly innovative alternate use for the redundant garage structures which otherwise be would be difficult to redevelop for other uses.
- 6.9 On this basis, the proposal would demonstrate a high quality of design founded on an understanding of, and a positive response to the local context. It would also respond to the sensitivity of the site and positively contribute to the character of the area considering the present state of the site. The proposal would therefore be in keeping with Policies CSTP22, PMD1 and PMD2 of the Core Strategy and the NPPF.

## III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.10 The immediate neighbouring buildings are set well away from the application site, the

closest residential building on Longhouse Road is approximately 20m away from the garages.

- 6.11 The proposed properties would be of a lower height than most of the surrounding buildings and neighbouring residential properties would experience minimal impact arising from this proposal. It is considered there would be limited impact in terms of overlooking, overshadowing or loss of privacy to the neighbouring property.

#### IV. LIVING STANDARDS AND PRIVATE AMENITY SPACE

- 6.12 The two bungalows would face each other closely, although they would be 'handed' rather than mirrored so the living rooms would not directly face each other. The distance between dwellings would be 6.7m and the area between the properties would be used as a shared amenity space with parking.
- 6.13 The internal floor space for each unit would be in excess of the Council's minimum requirements for 2 bedroom properties. There would be suitable light and outlook to all habitable rooms.
- 6.14 Owing to the constrained nature of the garage court, no private amenity space is shown on the submitted plans however a shared communal area would be provided for both units and the site is within easy walking distance of local amenities and public open space along Brentwood Road. As such and on balance, it is not considered necessary to require dedicated private outdoor amenity space for these properties. No objection is therefore raised under this heading.

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

- 6.15 The existing garages on the site are unused and therefore it is considered that the proposal would not represent the loss of existing parking spaces. The existing access would be widened to accommodate the proposal and two off-street parking spaces would be provided, one for each bungalow. The application site is located close to the local amenities and a public car parking spaces within the adjacent Defoe Parade.
- 6.16 The Council's Highways Officer has raised no objections to the proposal but has recommended that a condition should be imposed upon any consent granted to ensure sufficient space to allow wheelchair access is provided.
- 6.17 Subject to such conditions, the proposals are considered to satisfy the relevant criteria of the Policies PMD2 and PMD8.

### 7.0 CONCLUSION

- 7.1 The proposed dwellings are considered acceptable in scale and character, with no

adverse implications in terms of privacy and amenity for existing and future residents.

- 7.2 The level of parking provision is considered to be acceptable in the context of the location of the proposal and it would effectively put to use an urban land in keeping with the NPPF.
- 7.3 The proposal is therefore acceptable and in accordance with Policies CSTP22, PMD1, PMD2 and PMD8 of the Core Strategy.

**8.0 RECOMMENDATION**

- 8.1 Approve subject to the following planning conditions:

**TIME LIMIT**

- 1 The development hereby permitted shall be begun before the expiration of three 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.

**PLANS LIST**

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

Plan Number(s):		
Reference	Name	Received
19036 - EArch - PL - ST - DR - A - 0005 - P01	Location Plan	17th December 2019
19036 - EArch - PL -DR - EL - A - 0012 - P01	Proposed Elevations	17th December 2019
19036 - EArch - FE - DR - ST - A - 0005 - P04	Proposed Site Layout	1st April 2020

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

**MATERIALS AND FINISHES AS DETAILED WITHIN APPLICATION**

- 3 The materials to be used on the external surfaces of the development hereby permitted shall be implemented as detailed within the application.

**Reason:** In the interests of visual amenity and to ensure that the proposed

development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **HOURS OF CONSTRUCTION**

4. 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).

### **DETAILS OF ACCESS**

5. Prior to the alteration of the access to the development, hereby approved, a block plan shall be submitted to the Local Planning Authority showing the layout, dimensions and construction specification of the proposed access to the highway. Thereafter the development shall be carried out strictly in accordance with the detail approved.

**Reason:** In the interests of highway safety.

### **PARKING AREA**

6. Prior to the occupation of the proposed development hereby approved, the approved parking area shall be suitably surfaced, laid out and drained in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority. The parking area shall be permanently retained and maintained for its designated purpose.

**Reason:** To ensure that satisfactory off-street car parking provision is made in accordance with the Local Planning Authority's standards and in the interests of highway safety.

### **Occupation of Units**

7. The development hereby permitted shall not be occupied other than for purposes within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order. Furthermore, the said accommodation shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.

**Reason:** To ensure the development is used for the purposes identified in the submitted planning application and to ensure the specialised accommodation provided is retained to serve the identified need to ensure a variety of homes in the Borough.

**Informative:**

Highways Works

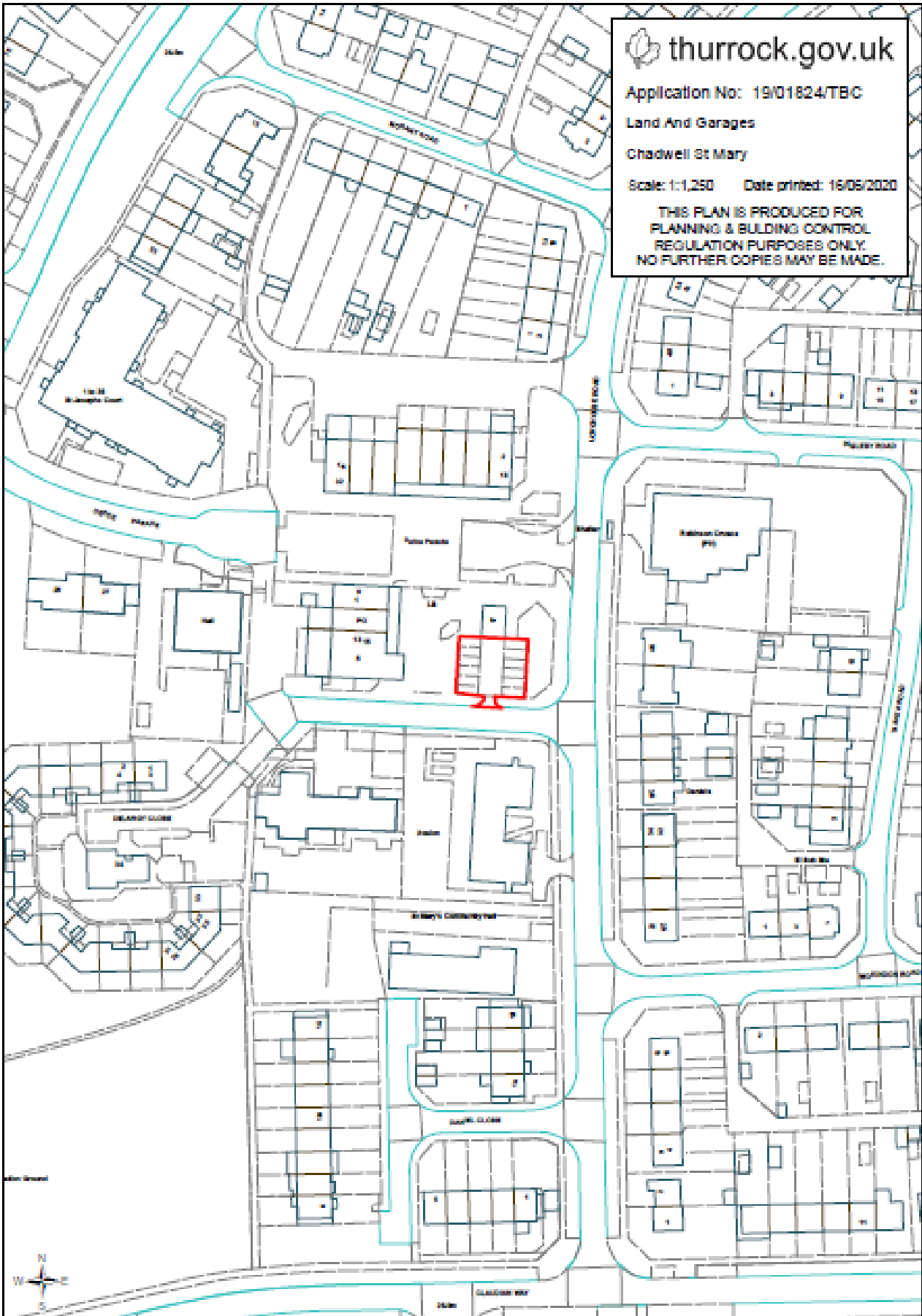
1. Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works to apply for a Section 278 Agreement.

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

**Documents:**

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

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



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<b>Reference:</b> 19/01837/TBC	<b>Site:</b> Riverside Business Centre Fort Road Tilbury Essex RM18 7ND
<b>Ward:</b> Tilbury Riverside And Thurrock Park	<b>Proposal:</b> Expansion to include the provision of 20 new business units and associated car parking

<b>Plan Number(s):</b>		
Reference	Name	Received
A/FGTILBURY.10/0	Proposed Drainage Strategy	19 <sup>th</sup> December 2019
A/FGTILBURY.10/02	External Works Construction Treatment	14 <sup>th</sup> April 2020
16677UG-01	Subtronic Survey (West Side)	19 <sup>th</sup> December 2019
16677UG-02	Subtronic Survey (East Side)	19 <sup>th</sup> December 2019
J32400	Topographic Survey (East Side)	19 <sup>th</sup> December 2019
J32400	Topographic Survey (West Side)	19 <sup>th</sup> December 2019
PL01 (2303)	Proposed Site Cross Section	19 <sup>th</sup> December 2019
PL01 (2001)	Proposed Ground Floor Plan	19 <sup>th</sup> December 2019
PL100	Reference Images	19 <sup>th</sup> December 2019
PL101 Rev A	Site Plan	14 <sup>th</sup> April 2020
PL102	North Elevation	19 <sup>th</sup> December 2019
PL103	South Elevation	19 <sup>th</sup> December 2019
PL104	East Elevation	19 <sup>th</sup> December 2019
PL105	West Elevation	19 <sup>th</sup> December 2019
PL06 Rev A	Location Plan	14 <sup>th</sup> April 2020
PL107	Site Photos	19 <sup>th</sup> December 2019
PL109	Photomontage	19 <sup>th</sup> December 2019
PL110	RHP and Frankham Comparisons	19 <sup>th</sup> December 2019
PL111	Axonometric	19 <sup>th</sup> December 2019
PL112	Phase 1 – Revised Shared Entry Arrangement	14 <sup>th</sup> April 2020
PL113	Phase 1 – Temporary Car Parking Establishment	14 <sup>th</sup> April 2020
PL114	Phase 2 – New Business Unit Site Establishment	14 <sup>th</sup> April 2020

PL115 Rev A	Proposed Cycle Enclosures	14 <sup>th</sup> April 2020
PL116	Proposed Cycle Enclosures	14 <sup>th</sup> April 2020
PL125	Parking Analysis	14 <sup>th</sup> April 2020
Figure 3.3	Swept Path Analysis – Large Refuse Around Site	14 <sup>th</sup> April 2020
Figure 3.4	Swept Path Analysis – 12m Rigid Vehicle	14 <sup>th</sup> April 2020
MBSK2000304-01 Rev P1	Swept Path Analysis	14 <sup>th</sup> April 2020
MBSK2000304-02 Rev P1	Swept Path Analysis	14 <sup>th</sup> April 2020
MBSK2000304-02 Rev P1	Swept Path Analysis – 16.5m Artic	14 <sup>th</sup> April 2020
MBSK2000304-04 Rev P1	Swept Path Analysis - Low Loader	14 <sup>th</sup> April 2020
MBSK2000304-05 Rev P1	CEMP Route	14 <sup>th</sup> April 2020
MB/B/01	Kerb Details	14 <sup>th</sup> April 2020
MB/C/01	Flexible Pavement Construction Detail in New/Extended Area	14 <sup>th</sup> April 2020
MB/C/02	Proposed Flexible Pavement Tie-In Construction Detail	14 <sup>th</sup> April 2020
MB/C/03	Block Paving Construction Detail in Existing Car Park	14 <sup>th</sup> April 2020
MB/C/04	Block Paving Construction Detail in New Build Areas	14 <sup>th</sup> April 2020
MB/C/05	Permeable Paving Construction Detail	14 <sup>th</sup> April 2020

The application is also accompanied by:

- Design and Access Statement – (V2) Frankham (December 2019)
- Client Supporting Statement
- Energy Statement – (V2) Frankham (February 2016)
- External Lighting Report - (V1) Frankham (December 2015)
- Flood Risk Assessment Monson - (Rev D 8<sup>th</sup> June 2020)
- Drainage Strategy & Sustainable Drainage Management And Maintenance Plan - Monson (9157 - Issue A, 17<sup>th</sup> March 2020)
- Generic Risk Assessment on Ground Investigation (V1) 18<sup>th</sup> March 2016
- Preliminary Risk Assessment Phase 1 – CET Structures Ltd (September 2015)
- Interpretive Report on Ground Investigation Rev 1 - CET Structures Ltd (September

2015) - Generic Risk Assessment – Rev VO - CET Structures Ltd (October 2015) - Historic Environment Desk-Based Assessment –Oxford Archaeology (V2) (December 2019) - Archaeology Desk Based Report – (V2) (December 2019) - Preliminary Ecological Assessment - PJC (August 2015) - Preliminary Ecological Appraisal – The Ecology Partnership (November 2019) - Preliminary Invertebrates Assessment – Colin Plant Associates (2 <sup>nd</sup> December 2015) - Reptiles Survey - The Ecology Partnership (November 2019) - Reptiles Survey - The Ecology Partnership (October 2015) - Essex Recorders partnership Datasearch Report (The Essex Field Club)(12th August 2015) - Stakeholder Engagement Report (December 2019) - Transport Statement - Mayer Brown (V3) (December 2019) - Frankham – Response to Highway Consultation (31 <sup>st</sup> March 2020)	
<b>Applicant:</b> Thurrock Council	<b>Validated:</b> 19 December 2019 <b>Date of expiry:</b> 29 June 2020 <b>(Extension of Time as Agreed with Applicant)</b>
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council’s Planning Committee because the application has been submitted by the Council, who is the applicant for the application and is the landowner, (in accordance with Part 3 (b) Section 2 2.1 (b) of the Council’s constitution).

**1.0 DESCRIPTION OF PROPOSAL**

1.1 This application seeks planning permission for the construction of a detached building hosting 20 new business units with a mix of B1(c), B2 and B8 uses. The building would measure 68m in length by 16.5m in width with an overall height of 7m providing 1,300 sq.m floorspace. The scheme would also reconfigure the existing parking areas to provide additional spaces to meet the requirements of the new and existing business units.

The proposal is identical to a previous scheme which was granted planning permission in 2016 under planning application reference 16/00406/TBC. Due to complex site constraints, the approved scheme was placed on hold whilst further funding avenues were investigated. A recent award of £2.36 million ‘Local Growth Fund’ grant from the South East Local Enterprise Partnership was recently secured,

meaning that the scheme can resume.

- 1.2 Thurrock Council’s Enterprise Hubs Programme was approved by Cabinet in July 2014. The provision of enterprise units - well-designed flexible workspace with flexible terms - is a key part of the Council’s Regeneration Strategy which seeks to support economic growth and create employment opportunities. Tilbury Riverside Business Centre is part of the Council’s Enterprise Units Programme which seeks to support economic growth and create new job opportunities through the provision of good-quality workspace targeted at start-up, small and medium businesses.

**2.0 SITE DESCRIPTION**

- 2.1 The site is a roughly triangular shaped area with the existing L-shaped business centre located to the southwestern half of the site with car parking to the north-eastern half of the site. Access is taken from Fort Road to the immediate west. The building would be located immediately behind the existing centre on an area that is currently used for car parking.
- 2.2 Tilbury Fort lies 40 metres to the east, and the River Thames lies 90m to the south. To the west and north, there are areas of hardstanding, used by the Maritime Transport Vehicle depot and the Fortress Distribution Park.
- 2.3 There is a ditch network around the Centre and Development Site, though not directly adjacent to it. The site is located in Flood Risk Zone 3.

**3.0 RELEVANT HISTORY**

Reference	Description	Decision
16/00406/TBC	Expansion to include the provision of 20 new business units and associated car parking	Approved
02/01223/FUL	Construction of Enterprise Workshop Units, Studios and Offices	Approved

**4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council’s web-site at: [www.thurrock.gov.uk/planning/16/00406/TBC](http://www.thurrock.gov.uk/planning/16/00406/TBC)
- 4.2 PUBLICITY:

The application has been publicised by the display of site notices, a newspaper advertisement and consultation with neighbouring properties. The application has

also been advertised as affecting the setting of a listed building and for wider publicity.

4.3 Two letters have been received, one from a tenant at the site and another on behalf of the Port of Tilbury London Ltd, raising the following concerns:

- Access;
- Access and manoeuvring of larger vehicles to and within the site; and
- Parking;
- Traffic generation;
- Amenity of occupiers;
- Impact on setting of Tilbury Fort.

4.4 ENVIRONMENT AGENCY:

No objection subject to conditions.

4.5 ESSEX COUNTY COUNCIL – ARCHAEOLOGY:

No objection, subject to conditions.

4.6 HISTORIC ENGLAND:

No objections.

4.7 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

4.8 FLOOD RISK MANAGER:

No objection, subject to conditions.

4.9 HERITAGE ADVISOR:

No objection, subject to conditions.

4.10 HIGHWAYS:

No objections, subject to conditions

#### 4.11 LANDSCAPE AND ECOLOGY:

No objection, subject to conditions.

#### 4.12 EMERGENCY PLANNER:

Proposal should adhere to the Environment Agency advice.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Policy Framework

The revised NPPF was published on 19<sup>th</sup> February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

#### 5.2 Planning Practice Guidance

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

- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Natural Environment
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking

- Use of Planning Conditions

### 5.3 Local Planning Policy

#### Thurrock Local Development Framework (2015)

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

#### SPATIAL POLICIES

- CSSP2: Sustainable Employment
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### THEMATIC POLICIES

- CSTP6: Strategic Employment Provision
- CSTP19: Biodiversity
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

### 5.4 Thurrock Local Plan

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

Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

## 5.5 Thurrock Design Strategy

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

## 6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of Development
- II. Design and Relationship of Development with Surroundings
- III. Heritage Impacts
- IV. Access and Parking
- V. Landscape and Ecology
- VI. Drainage and Flood Risk
- VII. Contaminated Land

### I. PRINCIPLE OF DEVELOPMENT

6.2 The land to which the application relates is designated as a Primary Industrial and Commercial Area where policies CSSP2 (Sustainable Employment Growth) and CSTP6 (Strategic Employment Provision) apply. The Council's Economic Development Strategy and the adopted Core Strategy identify Tilbury as a growth hub where economic growth and regeneration will be concentrated to address key challenges including the need to provide for a varied business offer and employment opportunities.

6.3 The Tilbury Riverside Business centre is an important part of the Council's offer of accommodation for small businesses in the Borough. The conversion of the former Magistrates Court as a business centre in Grays and the proposed extension of the Tilbury Riverside Centre are part of a growing portfolio of business accommodation that the Council is providing to meet the needs of businesses based in Thurrock.

6.4 The lack of suitable accommodation for new and small businesses is recognised as



one of the barriers to growth. As such, Thurrock Council is actively developing a broad range of Enterprise Units across the Borough. As well as strengthening the local economy, these Enterprise Units provide a revenue stream which is used to meet savings targets and support a range of regeneration activities across the Borough.

- 6.5 Spatial Policy CSSP2 of the adopted Core Strategy identifies the role of Tilbury in providing for economic growth and identifies the expansion of the Tilbury Riverside Business Centre as a Flagship Development and this is reinforced by Thematic Policy CSTP6. The development is therefore supported in principle by the Council's Economic Development Strategy and the current adopted Local Plan. The Council's adopted vision for Tilbury recognises the need for the Council to work with a range of stakeholders to address a wide range of issues, an important one being employment and the quality of jobs available to local people; the expansion of the Tilbury Riverside Business Centre is one of a range of projects aimed at delivering the vision and as such there are no land use objections to the proposal.

## II. DESIGN AND RELATIONSHIP OF DEVELOPMENT WITH SURROUNDINGS

- 6.6 The building would be of a modern design featuring shallow pitched roofs and parapet; the walls would be finished in naturally coloured horizontal timber cladding, dark grey coloured metal framed clear glass and doorways, and the roof would be light grey with circular opening roof lights screened behind the parapets.
- 6.7 The building would be located immediately behind the existing centre on an area that is currently used for car parking. Car parking would be extended to the east and the areas for car parking and the servicing of the workshops would be to the rear and east of the buildings and not exposed from public vantage points. The south elevation of the building would face towards the existing business centre. Areas of glazing are proposed on the widest elements of the building in the north and south elevations.
- 6.8 Overall, the design and external appearance of the building is considered to be acceptable and appropriate for a site of this nature and would complement the existing business centre. The proposal would comply with Policies PMD1 and PMD2 with regard to scale, mass, appearance and design.

## III. HERITAGE IMPACTS

- 6.9 Core Strategy Policy PMD4 recognises the archaeological, architectural and historic heritage that exists in Thurrock and seeks to preserve and enhance those assets for the benefit of future generations by controlling development which might affect their fabric or setting.
- 6.10 Several heritage assets are located nearby the application site. Tilbury Fort is located

to the immediate east of the site. The site is as an outstanding example of a late seventeenth century fort, which retains its original layout. It is a Scheduled Monument and the 1772 Officers Barracks are grade II\* listed. To the southeast of the application site is the Worlds End Public House, which is grade II listed.

- 6.11 To the southwest the River Station was constructed in 1924 as a combined railway station, baggage hall, ticket office and floating pontoon, serving as London's cruise liner terminal. The buildings are grade II\* listed.
- 6.12 The Council's Heritage Advisor and Historic England have been consulted on the proposals. The Council's Heritage Advisor has commented that the position of the proposed building set at the centre of the site means that key views from the adjacent heritage assets would not significantly change. The water meadow setting to Tilbury Fort is a significant feature, but the application site makes a limited contribution to its setting, as it was not directly associated with the series of defensive moats surrounding the Fort or its strategic surveillance of the eastern approach. The Heritage Advisor concluded that the scheme will cause less than substantial harm to Tilbury Fort by further eroding the open landscape setting of the seventeenth century Fort.
- 6.13 Historic England has commented that the industrial setting would move marginally closer towards Tilbury Fort, but as seen in the existing industrial context and due to its subservient form would not adversely affect its setting. Likewise the Riverside Station and the Worlds End would not be adversely affected. The Council's Heritage Advisor and Historic England raise no objections to the development on heritage grounds subject to conditions relating to materials, landscaping and boundary treatments.

#### IV. ACCESS AND PARKING

- 6.14 The proposal seeks to provide a total of 145 parking spaces, including 17 spaces for electric vehicle charging and 8 disabled accessible spaces, for the development and existing business centre. At present there are 98 parking spaces available, including 6 disabled accessible spaces. The level of parking provision is considered to be acceptable and no objection is raised by the Council's Highway Officer, subject to conditions.

#### V. LANDSCAPING AND ECOLOGY

- 6.15 The Council's Landscape and Ecology Advisor considers that the development would not have significant adverse effects on the landscape setting or visual amenity. With regard to ecological matters, the site contains a small area (0.2ha) of unmanaged grass and scrub that is considered to be of value at a local level however the site has

been found to contain low populations of adder and common lizard, both of which are species protected under the Wildlife and Countryside Act 1981.

- 6.16 The Reptile Survey report accompanying the application recommends that the reptiles are translocated off-site. The Council's Landscape and Ecology Advisor agrees that the adjacent fields are not suitable receptors and therefore it is recommended that the reptiles are translocated to a suitable Essex Wildlife Trust site such as Thameside Nature Park. The details of the reptile translocation could be dealt with by a suitably worded planning condition.
- 6.17 In conclusion under this heading, the Council's Landscape and Ecology Advisor raises no objections and subject to conditions, the development would comply with the landscape and ecology objectives identified under Policies PMD2 and CSTP19.

#### VI. DRAINAGE AND FLOOD RISK

- 6.18 The site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a new single building of 20 units, use classes B1(c), B2 and B8, which is classified as a 'less vulnerable' development in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. The application is therefore required to pass the Sequential Test and to be supported by a site-specific flood risk assessment.
- 6.19 The site benefits from the presence of flood defences, which defend Purfleet, Grays and Tilbury to a 1 in 1000 annual probability standard of protection. The site is also influenced by the Thames Estuary 2100 Plan. The Council's Flood Risk Manager has raised no objections, subject to sustainable urban drainage conditions being imposed. The Council's Emergency Planner has raised no objections to the development subject to adherence to the Environment Agency advice and the securing of a detailed Site Specific Flood Warning and Evacuation Plan (FWEP) via planning condition which must be maintained for the lifetime of the development.

#### VII. CONTAMINATED LAND

- 6.20 The Environment Agency has raised no objections to the development subject to planning conditions being imposed on any consent granted to control contaminated land and drainage matters. The Council's Environmental Health Officer concurs with this view and has advised that it would be prudent to keep a watching brief for any unforeseen contamination during ground works. If any such contamination is encountered then an intrusive investigation would be required a further risk assessment and remediation strategy should be submitted to the Local Planning

Authority should the risk assessment and investigation prove it necessary. Appropriate conditions have been included within the recommendation.

**7.0 CONCLUSIONS AND REASONS FOR APPROVAL**

7.1 The development of 20 business units for B1(c), B2 and B8 uses within the existing Tilbury Enterprise Centre site would comply with the primary employment and commercial land use designation for the site and would be acceptable. Consequently, there are no objections to the principal of the land use. Subject to appropriate planning conditions there are no objections to the proposals on the grounds of flood risk, ecology, ground conditions, parking, impact on amenity, design or impact on landscape.

**8.0 RECOMMENDATION**

8.1 Approve, subject to compliance with the following conditions:

**Time Limit**

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

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

**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
A/FGTILBURY.10/0	Proposed Drainage Strategy	19 <sup>th</sup> December 2019
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PL111	Axonometric	19th December 2019
PL112	Phase 1 – Revised Shared Entry Arrangement	14 <sup>th</sup> April 2020
PL113	Phase 1 – Temporary Car Parking Establishment	14 <sup>th</sup> April 2020
PL114	Phase 2 – New Business Unit Site Establishment	14 <sup>th</sup> April 2020
PL115 Rev A	Proposed Cycle Enclosures	14 <sup>th</sup> April 2020
PL116	Proposed Cycle Enclosures	14 <sup>th</sup> April 2020
PL125	Parking Analysis	14 <sup>th</sup> April 2020
Figure 3.3	Swept Path Analysis – Large Refuse Around Site	14 <sup>th</sup> April 2020
Figure 3.4	Swept Path Analysis – 12m Rigid Vehicle	14 <sup>th</sup> April 2020
MBSK2000304-01 Rev P1	Swept Path Analysis	14 <sup>th</sup> April 2020
MBSK2000304-02 Rev P1	Swept Path Analysis	14 <sup>th</sup> April 2020
MBSK2000304-02 Rev P1	Swept Path Analysis – 16.5m Artic	14 <sup>th</sup> April 2020
MBSK2000304-04 Rev P1	Swept Path Analysis - Low Loader	14 <sup>th</sup> April 2020
MBSK2000304-05 Rev P1	CEMP Route	14 <sup>th</sup> April 2020
MB/B/01	Kerb Details	14 <sup>th</sup> April 2020
MB/C/01	Flexible Pavement Construction Detail in New/Extended Area	14 <sup>th</sup> April 2020
MB/C/02	Proposed Flexible Pavement Tie-In Construction Detail	14 <sup>th</sup> April 2020

MB/C/03	Block Paving Construction Detail in Existing Car Park	14 <sup>th</sup> April 2020
MB/C/04	Block Paving Construction Detail in New Build Areas	14 <sup>th</sup> April 2020
MB/C/05	Permeable Paving Construction Detail	14 <sup>th</sup> April 2020

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

**Samples of Materials**

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

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

**Contaminated Land**

- 4 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary (undifferentiated) and Principal aquifers, nearby watercourses, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121).

### **Remediation Strategy**

5. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. 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 (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary (undifferentiated) and Principal aquifers, nearby watercourses, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121).

### **Monitoring of Contamination**

6. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and

confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary (undifferentiated) and Principal aquifers, nearby watercourses, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121).

### **Unforeseen Contamination**

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary (undifferentiated) and Principal aquifers, nearby watercourses, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121).

### **Surface Water Drainage**

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary (undifferentiated) and Principal aquifers, nearby watercourses, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121).

### **Piling**

9. Piling or any other foundation designs using penetrative methods shall not be



permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentalagency.gov.uk/scho0501bitt-e-e.pdf>

Reason: Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

### **Drainage**

10. Prior to any commencement of development on site details shall be submitted to and approved in writing by the Local Planning Authority regarding the pre and post development runoff rates and evidence confirming approval for proposed discharge destination.

Reason: The proposed development is located in an Area of Critical Drainage and therefore as a predeveloped site is required to return runoff rates to greenfield levels in accordance with CS (2015) Policies CSTP27 and PMD15.

### **Archaeological Investigations**

11. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

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

### **Construction Management Plan**

12. Prior to the commencement of the works subject to this consent hereby approved, a Construction Management Plan and Waste Management Plan shall be submitted to and agreed in writing prior to the commencement of the works hereby approved. The details shall include;
  - I. Details of measures to minimise fugitive dust, including wheel washing, during construction demolition and stockpiling of materials;

- II. A Waste Management Plan;
- III. Details of any security lighting or flood lighting proposed including mitigation measures against light spillage outside the site boundary;
- IV. Details of crushing and/or screening of demolition and excavation materials including relevant permits;
- V. Contingency plan, remediation scheme and risk assessment for any unforeseen contamination found at the site;
- VI. Details of measures to minimise noise and vibration during construction and demolition to comply with the recommendations (including those for monitoring) set out in Parts 1 and 2 of BS5228:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.
- VII. Details of any piling methodology to be used;

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

Reason: To ensure that the proposed development does not cause pollution in accordance with Policy PMD 1 of the Core Strategy (2015) and in accordance with NPPF 2019.

### **Hours of Work**

13. No demolition, building work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays or before 9am or after 1pm on Saturdays and not at all on Sundays or Bank Holidays. If impact piling is proposed the hours of piling should be further limited to 9am to 5pm Monday to Fridays.

Reason: In the interests of the amenity of surrounding occupiers

### **Hard and Soft Landscaping Plan**

14. No construction works in association with the erection of the development hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - (a) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - (b) Finished levels and contours;
  - (c) Means of enclosure and boundary treatments;

- (d) Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units including any private cycle store, signs and lighting);
- (e) External surface material for parking spaces, pedestrian accesses.
- (f) Tree protection measures and details of the proposed management of the retained trees and hedges
- (g) Any preserved trees which it is proposed to remove and their suitable replacement elsewhere within the site

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

Reason: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Core Strategy (2015).

### **Biodiversity Management Plan**

15. Prior to the [demolition of existing building[s] / commencement of development / site clearance], a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the local planning authority. The Biodiversity Management Plan shall be based upon the details proposed within the Method Statement included in the invertebrate assessment accompanying the planning application and shall include details of:
- I. phasing of operations;
  - II. the further survey work undertaking [including a further reptile and invertebrate surveys], the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan;
  - III. methodologies for translocation of protected species [where relevant];
  - IV. suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
  - V. the methods for the protection of existing species in situ [where relevant];

- VI. any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
- VII. general ecological mitigation applying to the program of construction works;
- VIII. an assessment of the works required for management and who will undertake such works,
- IX. a monitoring programme in accordance with the Method Statement.

The Biodiversity Management Plan shall be implemented in accordance with the approved plan and timescale. Any translocation undertaken shall be verified in writing to the local planning authority by an independent qualified ecologist within 28 days of undertaking the translocation.

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

### **Parking Layout**

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

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

### **Car Parking**

17. Prior to the commencement of development details of [loading / unloading areas / turning spaces / vehicle parking] shall be submitted to and agreed in writing with the local planning authority. The development shall be constructed in accordance with the agreed details prior to the first operational use and shall thereafter be permanently retained for such purposes.

Reason: To ensure that adequate provision is made for the [loading / unloading / turning / parking of vehicles] in the interests of highways safety in accordance with Policy PMD8 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

### **Cycle Parking**

18. Prior to the first operational use of the development hereby approved details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the building[s] hereby permitted shall be submitted to and agreed in writing with the local planning authority. The agreed facilities shall be installed on site prior to the first occupation of the building[s] / site hereby permitted and shall thereafter be permanently retained for sole use as cycle parking for the users and visitors of the development.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

### **Refuse and Recycling**

19. Prior to the commencement of development the detailed design of structures for the storage of refuse and recycling containers to serve the business centre buildings shall be submitted to, and agreed in writing by, the Local Planning Authority. Provision of refuse containers and the structures to secure those containers shall be made in accordance with the standard prevailing at the time of detailed design submission. The refuse stores and containers shall be provided in strict accordance with the approved details prior to the first occupation of the new business building. Thereafter, refuse stores shall be permanently retained in the approved form.

Reason: To ensure suitable provision is made for the storage of refuse and recyclables, in the interests of amenity and sustainability.

### **Flood Risk**

20. The development shall be carried out in accordance with the submitted Flood Risk Assessment produced by Monson and dated 8th June 2020. The submitted Flood Risk Assessment will be approved by the Environment Agency and demonstrate that the development is safe and does not increase flooding elsewhere.

Reason: To protect current and future users of the development from flooding.

### **FWEP**

21. Prior to the [first operational use / occupation] of any building located within Environment Agency Flood Zones 2 and 3, as detailed in the Monson Consultants Flood Risk Assessment Rev. D dated 8<sup>th</sup> June 2020. or as detailed in any subsequent

amendment to the extent of these Flood Zones published by the Environment Agency, a Site Specific Flood Evacuation and Emergency Response Plan for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon first [use / occupation] of the development and shall be permanently maintained thereafter.

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

## **INFORMATIVES**

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

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

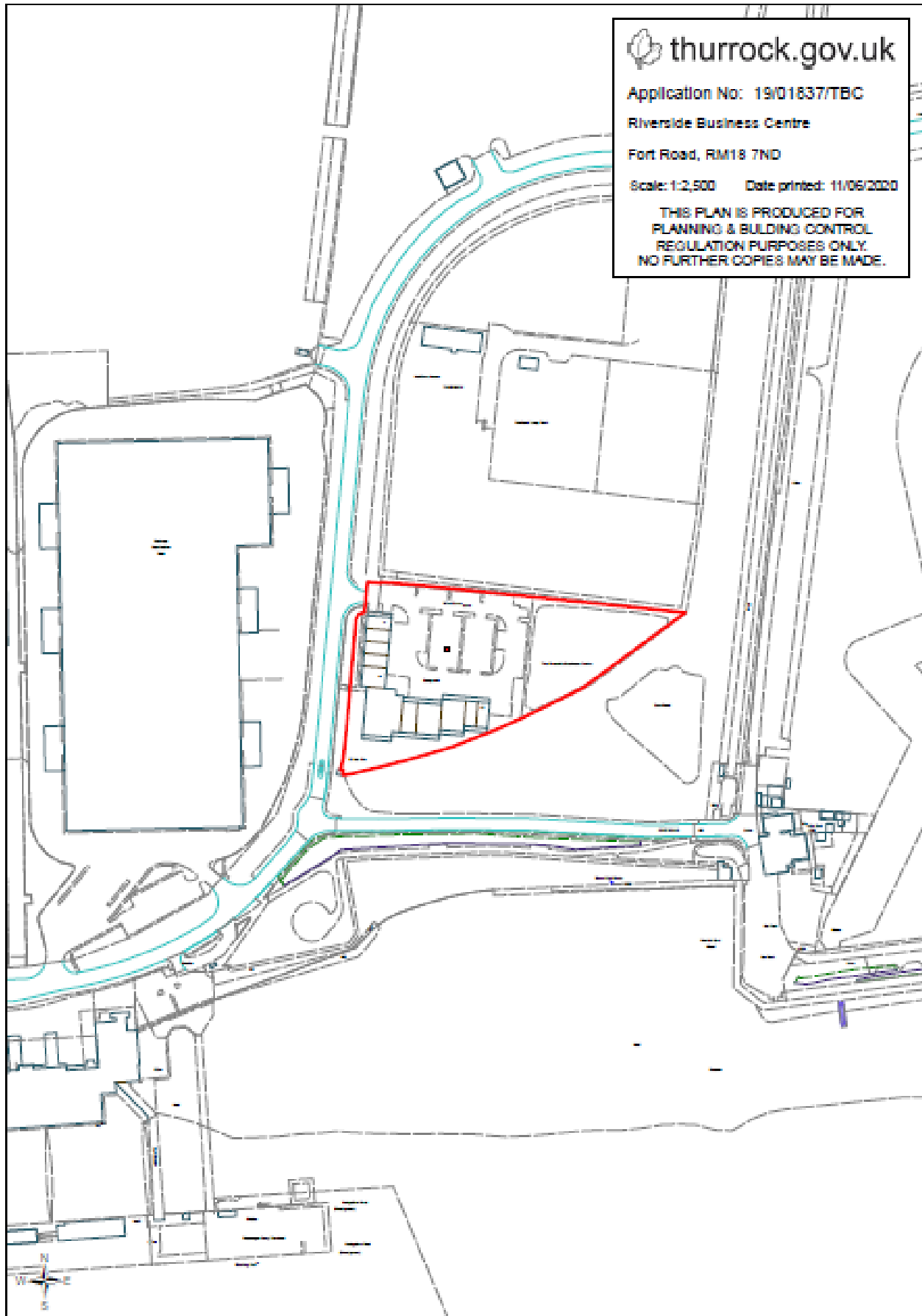
- 2 Archaeological Advice

The applicant's attention is drawn to the letter from Essex County Council's Archaeology Team dated 6<sup>th</sup> January 2020 regarding archaeological investigations advice.

### **Documents:**

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

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



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