

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 **26 November 2020**

**Due to government guidance on social-distancing and COVID-19 virus the Planning Committee on 26 November 2020 will be held virtually online. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)**

**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	<b>Apologies for Absence</b>	
2	<b>Minutes</b>	<b>5 - 18</b>
	To approve as a correct record the minutes of the Planning Committee meeting held on 22 October 2020.	
3	<b>Item of Urgent Business</b>	
	To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B	

(4) (b) of the Local Government Act 1972.

<b>4</b>	<b>Declaration of Interests</b>	
<b>5</b>	<b>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</b>	
<b>6</b>	<b>Planning Appeals</b>	<b>19 - 26</b>
<b>7</b>	<b>Public Address to Planning Committee</b>	
	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 <a href="https://www.thurrock.gov.uk/democracy/constitution">https://www.thurrock.gov.uk/democracy/constitution</a> Chapter 5, Part 3 (c).	
<b>8</b>	<b>20/01051/FUL 40 High Road, Fobbing, Essex, SS17 9HN (deferred)</b>	<b>27 - 60</b>
<b>9</b>	<b>19/01800/FUL Medina Farm, Dennises Lane, Upminster, Essex, RM14 2XB</b>	<b>61 - 88</b>
<b>10</b>	<b>19/01799/FUL Medina Farm, Dennises Lane, Upminster, Essex, RM14 2XB</b>	<b>89 - 124</b>
<b>11</b>	<b>20/00342/FUL Land Adjacent 43 and to rear of 45 to 47, River View, Chadwell St Mary, Essex</b>	<b>125 - 134</b>
<b>12</b>	<b>20/00957/FUL Bar Moor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH</b>	<b>135 - 152</b>
<b>13</b>	<b>20/00985/FUL Land Adjacent Curling Lane Helleborine and Meesons Lane, Grays, Essex</b>	<b>153 - 174</b>
<b>14</b>	<b>20/00623/FUL Waterworks, High Road, Fobbing, Essex, SS17 9JW</b>	

Report to follow.

**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: **18 November 2020**

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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

### Non- pecuniary

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

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

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

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

## 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

# Agenda Item 2

## Minutes of the Meeting of the Planning Committee held on 22 October 2020 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillor Colin Churchman

**In attendance:** Jonathan Keen, Interim Strategic Lead of Development Services  
Matthew Gallagher, Major Applications Manager  
Nadia Houghton, Principal planner  
Julian Howes, Senior Highway Engineer  
Sarah Williams, Service Manager, Education Support Service  
Caroline Robins, Locum Solicitor  
Lucy Mannion, Senior Planning Officer  
Wendy Le, Democratic Services Officer

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Before the start of the meeting, all present were advised that the meeting was being live streamed and recorded, with the video recording to be made available on the Council's website.

### 49. Minutes

The minutes of the Planning Committee held on 17 September 2020 were approved as a true and correct record.

### 50. Item of Urgent Business

There were no items of urgent business.

### 51. Declaration of Interests

There were no declarations of interests.

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

Councillor Lawrence declared that she had received a voicemail.

The Committee declared they had received an email or phone call from Hilary Goodban in regards to 19/01058/OUT.

Councillors Potter and Rice declared receiving an email from Gillian Sanders in regards to 20/01051/FUL.

### **53. Planning Appeals**

There were no questions or comments from the Committee.

**RESOLVED:**

**That the report was noted.**

### **54. 19/01058/OUT Land part of Little Thurrock Marshes, Thurrock Park Way, Tilbury (deferred)**

The report on pages 13 – 96 of the Agenda was presented by Matthew Gallagher. Since the publication of the Agenda, there had been two updates, the first was that the Applicant's representative had sent legal advice from a QC which Members had also received. The second was a letter of objection from a resident highlighting the flood risk; highway safety particularly at the junction between Churchhill Road and Dock Road; and did not feel that the reasons for approval put forward by Members were enough to outweigh the harm to the Green Belt.

Matthew Gallagher went through the application proposals and highlighted that the reasons that Members had provided for wanting to approve the report were assessed on pages 27 – 31 of the report. The benefits of the scheme and the Members reasons for wanting to depart from the Officer's recommendation in March was not considered to clearly outweigh the harm to the Green Belt, therefore a case of Very Special Circumstances (VSC) did not exist and the Officer's recommendation to refuse planning permission remained.

Referring to the trees on the site and the Ecology Adviser's notes within the report, Councillor Byrne questioned whether the shade of the trees, if left to grow, would affect the invertebrate interests on the site. Matthew Gallagher explained that the existing habitats on the site were important to invertebrates and that the current site consisted of a mix of vegetation alongside bare grounds. If the vegetation was left to overgrow, there would be increased shading and the interest to invertebrates would diminish. He referred to page 17 of the Agenda and highlighted that the site had been identified as a potential non-statutory Local Wildlife Site (LoWS) which was a material consideration as legislation required the Local Planning Authority (LPA) to take into the interests of biodiversity and wildlife conservation. If the scheme was to be approved, ecological mitigation and compensation would be required.

Councillor Lawrence commented that there had been horses on the site during the site visit and questioned whether the site had been maintained by the land owners or by volunteers. Matthew Gallagher answered that to his

knowledge, the site had not been maintained and that the horses were potentially preventing an overgrowth of vegetation which, as an indirect result, was helping to keep the diversity of the habitat. Without the horses, the vegetation would overgrow and would then become an interest to other biodiversity interests. Although the site was not yet a non-statutory designated LoWS, biodiversity habitats and protected species were material planning considerations which Members needed to consider.

The Chair noted the site was next to Asda and queried, if the application was approved, whether a safe footpath could be provided for pedestrians to walk through the site to access Asda instead of walking along the industrial estate path. It would also be in the interests of potential residents on the proposed development to have a safer footpath. Matthew Gallagher explained that the site did not connect to Asda and the access would be through the pedestrian and cycle links. There was no potential for a footpath to Asda as it involved other private land and it was not within the gift of the Applicant to access that land directly which was fenced off and that the plan was indicative only. He said that the industrial estate footpath followed along the public highway but stopped and to the right was an area with commercial vehicles, in which the Applicant had rights of access for commercial access or potentially footfall. He went on to say that the application was for outline planning permission and that the layout was for reserved matters and that the Applicant was not considering a footpath so was not up for consideration on the application. The suggested footpath as put forward by the Chair was through a strip of land that the Applicant had no control over.

Julian Howes added that pedestrian access was across the north-west of Manor Road and linked to the new cycle and footpath along Thurrock Parkway down to the south-west. The Highways Team had advised the Applicant that a solution would be needed regarding emergency access if the proposed pedestrian and cycle access was to be the main access from the site. Highways were looking to use a bridge to link in the north-west of the site and also a bridge further down where Thurrock Parkway was to form part of the pedestrian and cycle access that linked directly into Tilbury that headed underneath the A1089 bridge.

The Chair summed up the points debated so far and felt that an approval of the application was risky and that the QC's opinion was biased towards their client. He felt the scheme was a big mistake. The Vice-Chair commented that he had voted to approve the scheme initially but given the extra information on ecological impact in the Officer's report and the amount of local objections to the scheme, he was more inclined to vote to refuse planning permission.

Councillor Rice stated that he was still minded to approve the application and raised the following points:

- Referring to local objections highlighting the flood risk, he said that Tilbury benefited from a sewer system that protected them and surrounding areas from flooding; a new Tilbury floodgate would be in place in early 2021; a new barrier would be installed; and that the flood

protection barriers would be raised by at least 3 metres so Tilbury and Little Thurrock Marshes were well protected against floods.

- That the Applicant would be providing the 35% affordable homes from the scheme which equated to 56 homes for Thurrock's residents.
- That there would be 500 jobs from the Tilbury2 port expansion and would indirectly create several thousand more jobs for the work and services involved with Tilbury2. This further supported the need for local homes and the need for employment which was currently high due to the pandemic.
- That the bugs and wildlife on the site could be moved to another site.

Councillor Byrne sought clarification on the number of job opportunities as he had heard figures of 4,000 and 285 jobs that would be available. Matthew Gallagher said that according to the Port of Tilbury's business case accompanying their application for a DCO, there would be 500 jobs available when Tilbury2 was fully operational which it was not yet. He went on to say that when the Port of Tilbury expansion was considered in 2018, the LPA had secured a Skills and Employment Strategy via a s106 agreement to ensure more of those jobs would be accessible for Thurrock's residents and Tilbury residents in particular. The Port of Tilbury's employment census showed that 57% of its existing employees were Thurrock residents. Applying the 57% to the 500 available jobs would give a figure of 285.

Steve Taylor commented that the promoted affordable housing element did not state who would be eligible to purchase these and did not necessarily mean that residents would be taken off the housing waiting list. He referred to the legal implications highlighted within the report and pointed out that the real issue was the Green Belt and this particular strip of land was the last that separated Little Thurrock and Tilbury.

The Chair proposed the Officer's recommendation to refuse planning permission which was seconded by Councillor Byrne.

**FOR:** (3) Councillors Gary Byrne, Mike Fletcher and Tom Kelly.

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

**ABSTAINED:** (1) Councillor Sue Shinnick.

The Officer's recommendation was rejected.

Councillor Rice proposed an alternative motion and the reasons were summed up as follows:

1. The opening of Tilbury2 would create new job opportunities so there would be a demand for more homes.
2. There were no flood risk issues as there were flood defences in place along with invested funds as highlighted earlier.

3. Thurrock needed social housing.
4. The Applicant had worked to improve the application to provide more open spaces.
5. There would be connectivity to the site and throughout the site.
6. The site would provide homes for the Port of Tilbury and Amazon employment sites closeby.
7. The development was a 'shovel ready project'.
8. The development would generate employment for construction.

Jonathan Keen pointed out that five of the reasons given had been significantly covered within the Officer's report and were considered not enough to approve the application. Caroline Robins said that each of the given reasons had to be supported with evidence and individually weighed against the harm to the Green Belt. Members had to ensure that the benefits clearly outweighed the harm to the Green Belt.

The Committee sought clarification on weighing the benefits against the harm to the Green Belt. Officers explained that substantive evidence was needed to support the reasons that Members had given to approve the application. The previous five reasons given at the first hearing of the application on 19 March 2020 had been assessed in the Officer's report and it had been shown that these did not clearly outweigh the harm. In addition to those five reasons, Members had given three new reasons which they now had to assess and show that these clearly outweighed the harm to the Green Belt to show VSC. Members were reminded of the procedures outlined in the Constitution, Chapter 5, part 3C, 7.5.

Councillor Rice referred to the table on page 88 and felt that the weight attributed to inappropriate development and reduction in the openness of the Green Belt carried no weight and disagreed with the weight attributed by Officers. He pointed out that the site was currently inaccessible and the development would make this accessible to people and improve connectivity so the weight to provision of new public open space should be very significant. The provision of the new employment units should have significant weight for the employment reasons already mentioned. He went on to say that Thurrock had a Core Strategy with a suite of policies but there was no Local Plan or call for sites and that the Committee's decision of approval would be for the Secretary of State to judge whether the decision should be called-in. He felt the reasons given were significant enough for the Committee to approve the application. Referring to the weighting given on the table on page 88, Matthew Gallagher explained that the NPPF (para. 144) stated that 'substantial weight' had to be given to any harm to the Green Belt and that Members had no latitude to ascribe a lesser weight to the harm. However, he said that it was for Members to look at the scheme's benefits and weigh them against the harm to the Green Belt and give substantiated evidence to show the benefits would clearly outweigh the harm to the Green Belt. He also reminded Members that the Secretary of State could not be used as a safety net for making decisions on the Green Belt contrary to an Officer's decision.

Councillor Lawrence pointed out that the cycle links proposed within the application would add significant benefits as it would improve health and wellbeing for people. It gave people the opportunity to walk or cycle to work instead.

Jonathan Keen noted the eight reasons given by Members to approve the application and also the comments from Councillor Rice on open space and unemployment issues. Regarding the Core Strategy, he pointed out that the Council had a Development Plan which was the adopted Core Strategy which included policies for the Green Belt. However, putting all these together, it was not enough for the application to be approved and the decision, if Members were still minded to approve, would be referred to the Monitoring Officer to review whether the decision was lawful. If the decision was lawful, the next step would be for the Chair and the Assistant Director to agree the content of the legal agreement and any conditions which would then be referred to the Secretary of State.

With Councillor Rice putting forward the alternative motion as the proposer, Councillor Lawrence seconded this.

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

**AGAINST:** (3) Councillors Gary Byrne, Mike Fletcher and Tom Kelly.

**ABSTAINED:** (1) Councillor Sue Shinnick.

The application was approved subject to referral to the Monitoring Officer.

**55. 20/00983/ELEC Tilbury Green Power, Tilbury Freeport, Tilbury, RM18 7NU**

The report on pages 97 – 120 of the Agenda was presented by Matthew Gallagher. Since the publication of the Agenda, there had been one update which was a consultation response from Highways England who had raised no objection in regards to the proposed amendment to exclude the river jetty.

The Vice-Chair questioned whether there was a practical reason for removing the jetty. Matthew Gallagher answered that the Applicant was fairly confident that road transport would continue to be the most economically viable solution for the power station and would not need the jetty although, as explained in the report, there could be a point where river transport could become viable and the jetty would be handy at that time.

Referring to paragraphs 6.3 to 6.7, Steve Taylor sought clarification on whether there was an intention to use the river to diversify routes as that had been the intention when the application first came to Committee. He commented that there could be maintenance costs where there were issues of unauthorised access to the jetty. Matthew Gallagher explained that the jetty was within the port complex which was not easy to access. The original

application was in 2008 and national policy for energy generally encourages sustainable modes of transport, subject to cost effectiveness. The Applicant had submitted a viability statement which concluded that rail and/or river transport was more expensive than road transport. Officers had no reason to dispute the applicant's statement, however a more robust planning condition was required to require review and potential implementation of sustainable transport modes.

Councillor Rice felt use of the river was needed as it helped minimise the transport of waste on the roads. Councillor Potter felt the application to remove the jetty was disgusting as HGVs carrying waste would be used on Thurrock's roads instead and would contaminate the Thurrock's environment and air quality. Matthew Gallagher said that Highways England was the responsible body for the road network (A1089) and had raised no concerns. It would be for the Secretary of State to consider the cost effectiveness of the rail, road and river use and to make the decision. Councillor Rice commented that the Secretary of State needed to be made aware that the Port of Tilbury had a railway track that could be used and that the A1089 was already reaching its capacity which raised concerns of air quality. Matthew Gallagher explained that the nearest Air Quality Management Area (AQMA) to the site was at Calcutta Road, Tilbury but the A1089 to Tilbury Docks was not a designated AQMA.

The Chair proposed the Officer's recommendation and the Vice-Chair seconded this.

**FOR:** (7) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (1) Councillor Dave Potter.

**ABSTAINED:** (0)

#### **56. 20/01065/FUL Treetops School, Buxton Road, Grays, Essex, RM16 2WU**

The report on pages 121 – 146 of the Agenda was presented by Nadia Houghton. Since the publication of the Agenda, there had been a few updates. A consultation response from Environmental Health Officer who raised no objections subject to a CEMP condition. A consultation response from Essex Police with guidance regarding the development following the Secured by Design guidance with particular reference to the community use. This approach had been taken within the recommendation and conditions relating to the community use and it was considered that there were no objections arising as a result. A letter of support had also been received from the CEO of the Treetops Learning Community.

The Chair referred to a previous planning application near the current application's site where there had been traffic issues along Buxton Road. There had been a discussion of a potential roundabout at Treetops School that would link to the new rugby clubs nearby and he sought more detail on

this. Nadia Houghton explained that the current access arrangements via Buxton Road had been considered to be acceptable for the recently approved new school given the school's size and existing capacity. There had been discussions regarding the proposal of a new roundabout off to the north of Stanford Road which had been ongoing for a year and the Council was still considering its options regarding this. The Chair felt road infrastructures were important as most roads in Thurrock were at capacity and needed to be considered to avoid potential problems in the future.

The statement of support from Paul Smith, CEO of Treetops Learning Community, was read out by Democratic Services.

Councillor proposed the Officer's recommendation which was seconded by Councillor Shinnick.

**FOR:** (8) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Dave Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (0)

**ABSTAINED:** (0)

The application was approved, subject to conditions.

*(Suspending orders were agreed at 8.10pm to allow the Committee to continue until the end of the Agenda).*

*(The Chair announced that item 12 would be heard before item 11.)*

**57. 20/01053/FUL 63 Wharf Road, Stanford Le Hope, Essex, SS17 0DZ**

The report on pages 167 – 178 of the Agenda was presented by Nadia Houghton.

The Vice-Chair questioned what local amenity would be lost as the site was overgrown and could not be accessed. Nadia Houghton explained that there was a small path around the back of existing homes that allowed residents to access their bins. The new development would be built very close to existing homes and there would be a poor outlook for the proposed bungalows as it would face directly into the back of those existing homes. She explained that the proposed development was a particular form of backland development that would be out of character with the area.

Councillor Rice asked whether two cars could pass in the proposed 4.8m access. Julian Howes confirmed that two cars would be able to pass in the proposed 4.8m access but that there would be pedestrian access issues. He explained that it was not just a matter of pedestrian visibility but the Applicant had also not shown the potential visibility splays for vehicles either. The junction would have several cars coming out and there were also issues regarding stagger on Cabbons Crescent.

Steve Taylor questioned whether there were trees and shrubbery around the area where the proposed 4.8m access would be. Nadia Houghton answered that the actual access would be just over half the width of bungalow no.63 as the Applicant also proposed four parking spaces adjacent to the access along with a pedestrian footpath; a landscaped strip between the four parking spaces and bungalow no. 61 so the width would not be the full 4.8m mentioned.

The statement of objection from Keith Mager, a resident, was read out by Democratic Services.

The statement of objection from Ward Councillor, Terry Piccolo, was read out by Democratic Services.

The statement of support from Gary Coxall, the Agent, was read out by Democratic Services.

Councillor Rice questioned the difference between the current application and the previous application 08/01054/FUL that had been approved at Committee in 2009. Nadia Houghton explained that the 2009 application had proposed for eight dwellings and had sought to remove bungalow no. 57. The layout was very similar to the current application and the 2009 application had also been recommended for refusal with almost identical reasons to the current application particularly relating to the overdevelopment cramped nature of the site and layout; the amenity impacts; concerns about the access; and the backland development and its impact on the character of the area. Members at the consideration of the 2009 application had resolved to grant planning permission subject to a legal agreement that the eight bungalows would be secured for over 55's. No such agreement had been secured and there were also issues in relation to the red line plan so no planning permission had ever been issued and the Applicant withdrew the 2009 planning application. With the current application and since the 2009 application, new planning policies had been introduced in the NPPF in 2012 and in Chapter 12 in particular and the PPG in 2014, that highlighted layout designs and character which further supported the justifiable national and local planning policy reasons to refuse the current application.

The Chair commented that the proposed development was cramped and dense and noted the habitat that had been mentioned in the speaker statements. He mentioned the need to secure the bungalows for over 55's. Councillor Rice commented that the previous application had been approved for eight dwellings and the current application was for seven dwellings. He mentioned an application in Orsett Heath with proposed bungalows that had been approved at Committee a few years ago even though that development had been cramped and said that Thurrock had a lack of bungalows. He felt the proposed development was well situated, close to local shops and that Stanford Le Hope needed regeneration. He mentioned that he had also seen the site. The Chair did not feel the comparison between the current

application and the Orsett Heath application was fair as the Orsett Heath application had been recommended for approval.

Nadia Houghton explained that the Orsett Heath application was different to the current application as those dwellings had larger front and rear gardens was accessed on a private road and had been recommended for approval. The site on the Orsett Heath application had also had some built form on site already. She highlighted that each application had to be judged on its own merits.

Steve Taylor questioned whether the tree line along the school playing field would be removed; where the proposed properties in that area would face and if the school would be overlooked by the proposed properties. Nadia Houghton answered that the proposed properties would overlook the primary school playing field. The trees would not be removed as it belonged on the site of the school.

The Chair proposed the Officer's recommendation and Councillor Byrne seconded this.

**FOR:** (3) Councillors Gary Byrne, Mike Fletcher and Tom Kelly.

**AGAINST:** (3) Councillors Dave Potter, Gerard Rice, and Sue Shinnick

**ABSTAINED:** (2) Councillors Angela Lawrence and Sue Sammons.

In line with the Constitution, the Chair used his casting vote to vote for the Officer's recommendation and the application was refused planning permission.

*(The meeting was adjourned at 8.55pm and recommenced at 9pm).*

**58. 20/01051/FUL 40 High Road, Fobbing, Essex, SS17 9HN**

The report on pages 147 – 166 of the Agenda was presented by Lucy Mannion.

Steve Taylor mentioned that the dropped kerb shown in the Officer's presentation used to have a gate behind the hedge row that was used to hay from there to the farm across the road.

The statement of support from Nick Westlake, the Agent, was read out by Democratic Services.

Councillor Byrne questioned what features of the proposed dwellings indicated that it was designed for over 55's such as a ramp. Lucy Mannion answered that there were no specific features indicating that the dwellings were for over 55's and that anyone could live there.

Councillor Rice questioned if the proposed dwellings were secured for over 55's. Lucy Mannion answered that the location was not suitable for over 55's and that an agreement could be secured for over 55's to purchase the homes but this could potentially be overcome by future buyers.

Steve Taylor noted that the previous application for four proposed dwellings had been refused and the current application now proposed five dwellings. He questioned whether the Applicant had discussed the application with the LPA before submitting it. Lucy Mannion said that the Applicant had not approached the LPA for advice or discussion before submitting the application since the refusal of the first application.

Councillor Lawrence thought that the location of the proposed development was ideal as it was not in a busy area. She also pointed out that there would be changes to the Green Belt soon through the Development Plan and that Thurrock needed to be more forward thinking before other bigger companies took these opportunities of developments. The Vice-Chair noted the speaker statement and thought there was a local need for homes for older people and that there was not a good supply of homes for over 55's. He felt more weight should have been attached to specialist older people's home need and that some of the case of VSC put forward by the Applicant should be considered again.

Councillor Rice pointed out that the Applicant, as part of the s106 agreement, would remove the Permitted Development Rights (PDR) to ensure the proposed bungalows would remain bungalows forever. He stated that there was a lack of bungalows in Fobbing and that there was a planning application down the road that was for 180 homes. He referred to the correspondence from Gillian Sanders who had given a history of the site in that a home had been on that site but had been bombed in the war and had never been replaced. He said the site was not within the Fobbing Conservation area; the proposed development was well connected to the central village with bus stops nearby that arrived every hour and that the internal designs of the proposed dwellings were good as they were single storey with rear gardens.

The Chair did not feel that the comments regarding the previous building on site in 1939 was relevant to the application. Officers explained that there had been no remains of the home from 1939 on the site and that if the remains had moulded into the landscape, leaving no built form on land behind, it would not constitute as Previously Developed Land (PDL). This was highlighted within the NPPF and the Planning Inspector in the previous application that was refused had clarified that the site was not PDL.

Regarding changes to the Green Belt, Jonathan Keen highlighted that permission should not be given through small planning applications such as the one before Committee and release of Green Belt sites had to be considered on a strategic level taking into local infrastructure. In regards to Green Belt spatial designations, he said that even though these could not be seen, it did not mean that it would not be harmful. He highlighted the appeal decision for the previous refused application from August 2019 in that the

Planning Inspector had raised harm to the Green Belt refused on those grounds; and had raised concern about the design and appearance of the buildings which was the same as in the current scheme. Matthew Gallagher added that the Green Belt was primarily intended to keep land open although openness could have a visual aspect, the Green Belt was a primarily a spatial designation. Noting the comments regarding the Fobbing Waterworks application, he said that each case should be judged on its own merits.

Councillor Lawrence thought the designs of the bungalows were innovative as old bungalows required a lot of work. She felt the open plan design in the proposed dwellings would work out better for over 55's. Steve Taylor commented that the farmland was not public land but gave a visual openness. Referring to the PDR mentioned in the speaker statement, he commented that the bungalow could be passed down to a younger person who would be able to appeal the PDR in the future. Councillor Byrne pointed out that Members needed to look at the plan and not the age the proposed dwellings were for. He thought the location was too far from local amenities.

The Chair proposed the Officer's recommendation and was seconded by Councillor Byrne.

**FOR:** (2) Councillors Gary Byrne and Tom Kelly.

**AGAINST:** (6) Councillors Mike Fletcher, Angela Lawrence, Dave Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**ABSTAINED:** (0)

The Vice-Chair proposed an alternative motion and the reasons were summed up as follows:

1. The bungalows were of a tailored and specialist design for over 55's to enable these to be adapted to their needs.
2. The location was sustainable as there were two bus stops nearby.
3. There was a merit in the design as it was innovative and adaptable.
4. The site was not within the Fobbing Conservation area.
5. There would be employment opportunities through the construction phase.
6. To prevent neighbouring towns from merging into one.
7. The development was a 'shovel ready project'.

There was a debate over the sixth reason as the earlier approval of 19/01058/OUT had merged the towns of Tilbury and Little Thurrock together. Councillor Rice pointed out that the development would not result in unrestricted sprawl and prevent build up within the area. Jonathan Keen said that the application would be deferred to the next Committee meeting as Officers would need to assess the reasons provided by Members and the impacts of approving the application.

The Chair noted that the Applicant had stated that they would commence works within a year if the application was approved, instead of the usual three years. Matthew Gallagher explained that the wording 'commencement' did not necessarily mean that construction work of the site would be completed but instead, a trench, for example, could be dug as 'commencement' of works.

With the Vice-Chair proposing the alternative recommendation to approve, Councillor Rice seconded this.

**FOR:** (6) Councillors Mike Fletcher, Angela Lawrence, Dave Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (2) Councillors Gary Byrne and Tom Kelly.

**ABSTAINED:** (0)

The application was deferred to enable Officers to assess the impacts of approving the application. The report would be brought back to the next Committee.

**59. 20/00905/FUL Land Part of St Cleres Hall Adjacent to James Court, Stanford Road, Stanford Le Hope, Essex**

The report on pages 179 – 198 was presented by Lucy Mannion. There had been one update to the report which was from the Applicant highlighted their dismay at the objections raised in the speaker statement.

Councillor Lawrence raised concerns on the entrance to the site from Stanford Road as it was dangerous where cars cut across houses to get to the other side of the road. She felt these concerns had a knock on effect and should be resolved before approving the current application. Lucy Mannion said that the Council was aware of the issues but that these were outside the remit of the current application before the Committee. Julian Howes explained that the original application had access through St Cleres Golf Club access and barriers had been erected to prevent cars from cutting across London Road to the houses and going over the kerbs. Recently, a vehicle was grounded at the site trying to avoid the barriers but the on-going issue of parking would be a planning enforcement issue.

The Committee noted the incomplete works of the car park on the site and questioned whether the failure of the incomplete works could be incorporated as a condition within the current planning application. Officers explained that the car park was outside of the red line boundary of the site application and could not add as a condition to the current application. The development of the current site would enable better access to the existing residents. However, the car park issue could be looked at as an enforcement case where concerns would be actioned.

The statement of objection from Ward Councillor, Terry Piccolo, was read out by Democratic Services.

The Chair sought clarification on the number of car park visitor spaces. Julian Howes explained that there was 1 car park visitor space between the proposed five dwellings as the proposed development was in a medium accessibility area so was close to local amenities and transport.

The Vice-Chair proposed a site visit to see the issues of the incomplete car park works that had been raised in the speaker statement and the development of the first site. Councillor Rice seconded the site visit.

**FOR:** (6) Councillors Gary Byrne, Mike Fletcher, Dave Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (2) Councillors Tom Kelly and Angela Lawrence.

**ABSTAINED:** (0)

The application was deferred for a site visit.

**The meeting finished at 10.20 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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

# Agenda Item 6

<b>26 November 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, 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: 20/00168/HHA

Location: 26 Whitmore Avenue, Stifford Clays

Proposal: Single storey front extension

- 3.2 Application No:** **20/00488/FUL**
- Location: 1 Quarry Mews, Purfleet
- Proposal: Retrospective planning permission for erection front boundary fence, the erection of side and rear boundary wall with the change of use from amenity land to residential use
- 3.3 Application No:** **20/00096/FUL**
- Location: Tywinds, Warren Lane, Grays
- Proposal: Construction of 2 x 1 bedroom flats with a vehicle crossover
- 3.4 Application No:** **20/00526/FUL**
- Location: 101 Feenan Highway, Tilbury
- Proposal: Erection of new dwelling with associated hardstanding and vehicular access. Ground floor rear extension to existing dwelling and new vehicular access.
- 3.5 Application No:** **19/00807/OUT**
- Location: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate, Towers Road, Grays
- Proposal: Outline planning application for light industrial units, use class B1 (c) with associated hardstanding and acoustic fencing following partial demolition of existing warehouse building. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved).
- 3.6 Application No:** **19/01518/FUL**
- Location: 7 Churchill Road, Grays
- Proposal: Erection of new 1no 2bed dwelling to flank wall of existing property with vehicular access and associated landscaping

**3.7 Application No: 20/00251/FUL**

Location: 32 Lancaster Road, Chafford Hundred, Grays

Proposal: Demolition of existing double garage, subdivision of existing plot and the construction of a new detached dwelling, including off-street parking, private garden amenity space and associated development

**3.8 Application No: 20/00633/CLOPUD**

Location: Glenfield, Brentwood Road, Bulphan

Proposal: Outbuilding incidental to the main dwelling

**3.9 Application No: 20/00713/PHA**

Location: 64 Moore Avenue, South Stifford, Grays

Proposal: Single storey rear extension with a depth of 6 metres, maximum height of 3.27 metres and eaves height of 3 metres

**3.10 Application No: 20/00610/FUL**

Location: Land To Rear Of 14 Corringham Road, Stanford Le Hope

Proposal: Demolition of existing single storey vacant garage unit and erection of a two storey four bedroom residential dwelling with living space in the roof, internal garage and associated amenity and parking areas. Resubmission of 19/01094/FUL [Demolition of existing garage and erection of three storey residential building providing 2 no. 2 bedroom residential units with undercroft parking]

#### **4.0 Appeals Decisions:**

The following appeal decisions have been received:

##### **4.1 Application No: 18/00044/BUNWKS**

Location: Land Adjacent Holly Drive And Sycamore Way, South Ockendon

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

Appeal Decision: Appeal Allowed

4.1.1 The appeal was against an Enforcement Notice served on an alleged change of use of Land from open Green Belt to enclosed residential amenity land for use in connection with No 7 Laurel Drive and associated operational development.

4.1.2 The appellant had appealed on 4 grounds, but the starting point for consideration was ground (b) – that the development had not occurred as a matter of fact.

4.1.3 The Inspector considered that the Land had not been subsumed into the appellant's garden and considered that the appellant had maintained the Land as a buffer, maintaining the trees and other vegetation and was not persuaded that the Land had changed in character to one of a domestic nature.

4.1.4 Accordingly, the appeal on ground (b) succeeded, as the Inspector found no change of use, the Notice was quashed and no consideration of any other grounds was needed.

4.1.5 The full appeal decision can be found online.

##### **4.2 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

Appeal Decision: Appeal Allowed

- 4.2.1 The application was for a Certificate of Lawfulness, rather than a Planning Application and the question for the Inspector was not one of planning judgement, but a legal determination.
- 4.2.2 The Inspector considered there would be a functional relationship between the building and the main dwelling and he considered that the building would be used incidentally to the main house.
- 4.2.3 The appeal was allowed as the Inspector found the building to be lawful.
- 4.2.4 The full appeal decision can be found online.

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

Location: Sumet, Mucking Wharf Road, Stanford Le Hope  
Proposal: Erected a dwelling without the benefit of planning permission  
Appeal Decision: Appeal Dismissed (Please see below for full description)

- 4.3.1 The appeal was against an Enforcement Notice served against an unauthorised dwelling. The dwelling had been constructed without planning permission in the Green Belt and close to a Grade II\* listed building. The Council served an Enforcement Notice to remedy the harm caused to the listed building and the Green Belt.
- 4.3.2 The appellant had appealed on 3 grounds: ground (b) – that the development had not occurred as a matter of fact; ground (d) that the alleged development is immune from enforcement action due to passage of time and ground (g) that the compliance period is too short and a longer period should be granted.
- 4.3.3 ground (b) – The Inspector agreed with the Council that the structure on site is of such a size and permanence that as a matter of fact and degree it should be regarded as a building; the Inspector agreed with the Council that the description of the structure should be a bungalow. The appeal on ground (b) therefore failed.
- 4.3.4 ground (d) – The Inspector agreed with the Council that as the structure should be considered to be a building, the 4 year time period applied and that as the building commenced in late 2017 or early 2018, with the Enforcement Notice being served in February 2020, the development was not immune from enforcement action. The appeal on ground (d) therefore failed.
- 4.3.5 ground (g) – The Council had sought a 3 month compliance period and the appellant a 12 month compliance period. The Inspector considered a compromise period of 6 months should be given to allow the current occupiers time to find new accommodation. The appeal on ground (g) therefore succeeded.

4.3.6 Members will note that the Appeal Decision is described as allowed, but this is only for one part of the Notice, the compliance period (this is how decisions of this type are described by the Inspectorate). The Enforcement Notice served by the Council has been upheld, but varied. The Council has succeeded in enforcing against an authorised dwelling that was causing harm to a listed building and the Green Belt and this will be removed.

4.3.7 The full appeal decision can be found online.

**4.4 Application No: 20/00499/HHA**

Location: 1 Clover Court, Grays

Proposal: Single storey side and rear extension

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered that the main issues were the effect on the character and appearance of the application site and surrounding area.

4.4.2 The Inspector observed that the property is of a quite simple design; the proposal would more or less double the ground floor footprint of the dwelling house, and it would project above the boundary fence that encloses part of the side garden and the whole of the rear garden. It was considered by the Inspector that the size and location of the proposed extension, together with its flat roof design, would be excessive in scale and would not respect the appearance of the property. It was also noted that the expanse of flat roofing would result in a feature with a box like appearance, which represents poor design and appears unsympathetic to the host dwelling appearance.

4.4.3 Further it was also considered the width of the side extension would appear at odds with the set back of front and side elevations of dwellings that characterise the pattern of development in Churchill Road and the other streets leading off it. It was concluded that the proposed development would cause unacceptable harm to the character and appearance of the property and the surrounding area and accordingly the appeal was dismissed.

4.4.4 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	
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Total No of Appeals	5	4	5	4	7	0	4						29
No Allowed	1	0	2	2	0	0	3						8
% Allowed	20.00%	0.00%	40.00%	50.00%	0%	0%	75.00%						27.59%

## **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 Smith**  
**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

# Agenda Item 8

Planning Committee: 26 November 2020

Application Reference: 20/01051/FUL

<b>Reference:</b> 20/01051/FUL	<b>Site:</b> 40 High Road Fobbing Essex SS17 9HN
<b>Ward:</b> Corringham and Fobbing	<b>Proposal:</b> Five single storey detached dwelling houses for the over 55s with associated parking and amenity areas

<b>Plan Number(s):</b>		
Reference	Name	Received
F1PGF/01	Fibonacci 1 Proposed Floor Plans	12 August 2020
F1PGF/02	Fibonacci 2 Proposed Floor Plans	12 August 2020
F1PGF/03	Fibonacci 3 Proposed Floor Plans	12 August 2020
F1PE/04	Fibonacci 1 Proposed Elevations	12 August 2020
F2PE/05	Fibonacci 2 Proposed Elevations	12 August 2020
F2PE/06	Fibonacci 3 Proposed Elevations	12 August 2020
PSLP1:500S	Proposed Site Layout 1:500 Scale	12 August 2020
SLP1:1250	Site Location Plan 1:1250 Scale	12 August 2020

The application is also accompanied by:

- Design & Access Statement
- Explanation Statement
- Transport Assessment
- Various Fibonacci Spiral Plans

<b>Applicant:</b> Mr Ricky Jeffs	<b>Validated:</b> 12 August 2020 <b>Date of expiry:</b> 30 November 2020 (Extension of Time agreed with applicant)
<b>Recommendation:</b> Refuse	

## 1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 22 October 2020 Members considered a report assessing the above proposal. The report recommended that planning permission be refused because:

- 1 *The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The circumstances put forward by the applicant would not amount to very special circumstances to clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.*
- 2 *The proposed dwellings, by reason of their design, scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area contrary to policies CSCP22, CSCP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.*

- 1.2 A copy of the report presented to the October Committee meeting is attached.
- 1.3 At the October Committee meeting Members were minded to resolve to grant planning permission for the proposed development based upon the following reasons:
  1. *Tailored Bungalows – Specialist and limited height (so they could only be bungalows)*
  2. *Sustainable village location – (as there were 2 bus stops nearby with an hourly service)*
  3. *Innovative Internal Design – (Lend to be adapted & Adapt to own need)*
  4. *Employment in Construction Phase*
  5. *Shovel Ready (The applicant had stated they would start as soon as they could)*
- 1.4 In accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer's recommendation. This report also assesses the reasons formulated by the Committee.

## 2.0 FACTUAL UPDATES

- 2.1 The applicant has previously indicated they would complete a s106 to restrict the occupation of these properties to over 55s only and for the permitted development rights to be removed. There is currently no reason to suggest that the applicant would object to reasonable and necessary contributions.

### **3.0 CONSULTATION AND REPRESENTATIONS**

- 3.1 Since the previous Committee report was published there have been no additional representations.

### **4.0 PLANNING ASSESSMENT & IMPLICATIONS**

- 4.1 As required by the Constitution, an outline of the implications of making a decision contrary to the Officer recommendations is provided below. The recommended reason for refusal from the October Committee report is set out in italics below, with the implications considered subsequently.

#### **4.2 REASON 1: PRINCIPLE OF DEVELOPMENT AND HARM TO THE GB**

1. *The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The circumstances put forward by the applicant would not amount to very special circumstances to clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.*

#### **4.3 Implications of approving the application contrary to recommendation**

As noted in the report to the October Committee, the proposals do not accord with relevant policies in the Core Strategy and NPPF. Consequently, the application has been advertised as a departure from the development plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would not engage as the description of the development falls within outside the ambit of paragraph 4 of the Direction. Therefore, the local planning authority (LPA) can issue the formal decision for the application without submitting to the Secretary of State.

- 4.4 Officers consider that the proposals potentially conflict with national policies on important matters (i.e. Green Belt). Furthermore, any resolution to grant planning permission would be at odds with the findings of the Planning Inspector appointed by the SOS to consider the earlier appeal for a similar, and smaller, proposal.
- 4.5 A further practical implication of any resolution to grant planning permission is the potential inability for the local planning authority to be able to resist similar proposals involving inappropriate development in the GB. Paragraph 47 of the NPPF states that:

*“Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.”*

- 4.6 “*Planning law*” comprises s70 (2) of the Town and Country Planning Act 1990 and s38 (6) of the Planning and Compulsory Purchase Act 2004, which are reproduced below for ease of reference:

s70 (2) Town and Country Planning Act 1990 –

*In dealing with an application for planning permission or permission in principle the authority shall have regard  
(a) the provisions of the development plan, so far as material to the application*

S38 (6) Planning and Compulsory Purchase Act 2004 –

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*

- 4.7 Although each planning application must be judged on its individual merits, if the clear opinion of Officers that there are no material considerations (i.e. no considerations or benefits which would amount to very special circumstances (VSC)) which would warrant a decision being taken otherwise than in accordance with the development plan.

4.8 REASON 2:

- 2 *The proposed dwellings, by reason of their design, scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the*

*proposal would have a significant adverse impact upon the generally open character of this area contrary to policies CSCP22, CSCP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.*

- 4.9 The 'design' reason of refusal remains applicable and still stands. The proposal would introduce a dense, urban development within an open area. This matter has not been addressed by the applicant. In the recently dismissed appeal the Inspector was concerned about the layout, in paragraph 23 he stated "*Since they [the new properties] would not follow the general building line which is characteristic of the area, they would appear an incongruous feature in the street scene. This would be contrary to Policy CSCP22 of the CSPMDFR which states that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context. It would fail to strengthen the sense of place, as required by Policy CSCP23 of the CSPMDFR and would fail to contribute positively to the character of the area in which it is proposed.*

The present scheme would have even more of an unacceptable adverse impact to character, as there is an additional property when compared to the previously refused scheme.

4.10 Assessment of the Committee's reasons for being minded to grant permission

The following list of reasons were raised by Members as reasons to approve the application and these are considered in more detail below to assess whether these comprise the Very Special Circumstances necessary for approving inappropriate development in the Green Belt. The reasons are:

1. *Tailored Bungalows – Specialist and limited height (so they could only be bungalows)*
2. *Sustainable village location – (as there were 2 bus stops nearby with an hourly service)*
3. *Innovative Internal Design – (Lend to be adapted & Adapt to own need) ]*
4. *Employment in Construction Phase*
5. *Shovel Ready (The applicant had stated they would start as soon as they could)*

4.11 *Reason 1: Tailored Bungalows – Specialist and limited height (so they could only be bungalows)*

Assessment

- 4.12 There is not any design element which is innovative or ground-breaking within the layout or design. The proposed buildings have a regular shaped floor plan with no

clearly identifiable distinction between them and any other regular property. If the application were to be approved a planning condition could be used to ensure that the properties are occupied by the over 55s only. A planning condition could also be used to remove normal permitted development allowances for extensions, including upward extensions. However this would not restrict an occupant from applying for planning permission for future extensions and there is nothing within the plans or supporting documents to differentiate these properties. This matter should be afforded no weight in the consideration of the application.

- 4.13 *Reason 2: Sustainable village location – (as there were 2 bus stops nearby with an hourly service)*

#### Assessment

- 4.14 The site is not considered to be within a sustainable location. It is situated to the edge of the village, outside the established residential frontage. Fobbing is a linear settlement, which is located mostly along the main road (High Road). The facilities which are available within the village, the pub, church and church hall are all located in what would have been the historic centre of the village. This centre is over a mile walk from the application site, also there are no shops, GPs or dentists within the village.
- 4.15 Members considered the bus stops with an hourly service to constitute a sustainable village location. The mere proximity of a bus stop would not tip the balance from the site not being sustainable to being sustainable. Should older occupiers not be very mobile, then getting a bus which would only stop at specific places would be difficult. The limited bus timetable would make access difficult for potential occupiers. If 'specialist' housing for the elderly is being proposed then it is reasonable for the occupants to have easy and convenient access to a range of supporting services. This type of housing should be located in urban areas with better links. The location is not 'sustainable' in this regard. This factor therefore carries no weight.

- 4.16 *Reason 3: Innovative Internal Design – (Lend to be adapted & adapt to own need)*

#### Assessment

- 4.17 The actual appearance of the buildings with the design of the facades is considered to be poor as they appear almost utilitarian. Additionally the appearance is unbalanced and confused creating an awkward finish. There are large areas of blank wall which contribute to the unattractive aesthetics of the properties.
- 4.18 Notwithstanding the above, Members considered the internal design constitutes a benefit as the layout is more open plan than bungalows which are available within

the local area. This, Members considered would enable the buildings to be adapted to needs of a specific resident, such as for disabled access. As a general point the planning system does not concern itself with the internal arrangement of dwellings aside from the assessment of reasonable internal space and the number of bedrooms which can influence car parking requirements. The internal layout of dwellings can change without any need for planning permission. Therefore this factor carries no weight in the Green Belt assessment.

4.19 Reason 4. *Employment in Construction Phase*

Assessment

- 4.20 Members were receptive to the applicant's claims of jobs being provided for 50 workers during the construction phase and that these would be Thurrock people and therefore provide income into the local economy. There is no evidence to back up the claim of the number of workers and it is impossible to confirm that this would be, or indeed could be the case. It is not clear the particular skillset of Thurrock residents would be available at the correct time throughout the build out to ensure that only local labour would be used. Whilst the applicant states there would be 50 jobs created, some of these are likely to be very short term as the site is small. The overall construction period would be short, so the benefits of the jobs would not be long term. Therefore, this is not considered a circumstance that could provide any weight towards Very Special Circumstances

4.21 Reason 5. *Shovel Ready (The applicant had stated they would start as soon as they could)*

Assessment

This factor is promoted by the applicant and Members as a benefit of the proposals.

A number of national newspapers reported that in early June 2020 that the Government issued an urgent call for "shovel-ready" projects to help the economy recover from the damage caused by the coronavirus lockdown. The Financial Times reported:

*"...the government has asked elected mayors and local business leaders in England for ideas that would create jobs and be finished within 18 months. The Financial Times has seen the letter sent on June 10 by Robert Jenrick, housing secretary, to mayors and the 38 local enterprise partnerships (LEPs), who are responsible for economic growth. Proposals are requested by June 18, underlining the urgency of the economic crisis. As well as schemes previously pitched for government funds, "we are willing to consider exceptional, additional shovel-ready capital projects that*

*can be delivered within 18 months”, the letter said. “Where considering new projects, these must deliver on two overarching objectives — driving up economic growth and jobs and supporting green recovery.” Suggestions include modernising town centres; road, rail and cycling infrastructure; broadband improvements; research and development centres; and skills training programmes”.*

- 4.22 In this context, it is not considered that a residential development of just 5 dwellings would constitute a shovel-ready, large scale infrastructure capital project.
- 4.23 Commencement can be conditioned for within 1 year, but this can be as minor as digging a trench. The Council can't require completion within a timeframe as this is unreasonable. Therefore, the project being shovel ready is not afforded any weight towards Very Special Circumstances.

#### Other matters raised

- 4.24 There were some additional reasons in support of the proposal raised at the October committee meeting which cannot be used as Very Special Circumstances. These included the fact members considered the proposal would ‘prevent neighbouring towns merging into one another’ (NPPF 134. b) (the fact a proposal is not contrary to one of the purposes of the Green Belt cannot be a Very Special Circumstance) and the proposal would not be harmful to the Fobbing Conservation Area (the site is not in the Conservation Area). Whilst this was confirmed at the meeting, they are mentioned here for clarity. The lack of harm to Green Belt purposes cannot be put forward as a Very Special Circumstances.

#### Summary

- 4.25 Members of the Planning Committee are reminded of the content of NPPF paragraph 144 which states:

*“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) outweighed by other considerations.”*

- 4.26 Members are also reminded of the recent appeal decision for a lesser development of four single storey dwellings at the site which was dismissed in August 2019. The Inspector concluded in paragraph 33 of the appeal decision 33. *The proposal would be inappropriate development in the terms set out in the Framework and lead to a moderate loss of openness to the Green Belt. It would also harm the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. No considerations have been put before me*

*which would outweigh the totality of the harm. Consequently, very special circumstances do not exist and the proposal would conflict with the Framework.*

- 4.27 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 Very Special Circumstances to exist. If the balancing exercise is finely balanced, then Very Special Circumstances will not exist. For this application it is considered that the benefits of the proposals do not clearly outweigh the GB harm and as a consequence Very Special Circumstances do not apply.
- 4.28 The five reasons put forward by Members for approving this development have been carefully considered but do not clearly outweigh the identified harm to the GB. Furthermore the approach taken in the above mentioned appeal is relevant in considering Very Special Circumstances and these do not clearly or decisively outweigh the harm to the GB. Therefore the reason for refusal has not been addressed for the development to be considered acceptable.

## **5.0 LEGAL IMPLICATIONS OF DECISION**

- 5.1 Members are reminded that in making their decision, they are required to comply with the general law, national and local policies and the Council's Constitution. Only material considerations can be taken into account and reasons given must be cogent, clear and convincing. In addition, considerations and reasons must be evidence based.
- 5.2 It is important to note that deviation from the above would potentially be unlawful and challengeable in the courts.
- 5.3 If Members are mindful of departing from the contents and recommendations of the officer reports, they are required strictly to adhere to the legal rules and principles of decision making.
- 5.4 As a matter of law, under s. 38(6) Town and Country Planning Act, planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.
- 5.5 The policies contained in the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015 are current and carry the legal status of the development plan.
- 5.6 Accordingly, to permit a departure from the Core Strategy, considerations are required to be 'material'. This is an imperative and a legal requirement.

- 5.7 This application is contrary to the development plan, and a grant of planning permission in this case would be referred to the Secretary of State. However, referral to the Secretary of State is not a material consideration and cannot legally be taken into account or support a reason to grant planning permission.
- 5.8 In addition, unless underpinned by clear and cogent evidence, opinions and anecdotes are not material considerations and cannot legally be taken into account when making a decision or to support a reason. Further, reasons supporting a motion to approve the application against officer recommendation are required to be material planning considerations, with cogent supporting evidence. Disagreement with officer recommendation should be supported by clear and material reasoning, with evidence, and should importantly avoid involving a point of law.
- 5.9 The site is located within the Green Belt and decisions concerning Green Belt applications must be made strictly in accordance with:
1. Green Belt Policy and
  2. Current Green Belt boundaries

This means speculation as to the outcome of a future Green Belt review as part of the Local Plan process cannot be taken into account when considering the planning application and/or could not be afforded weight.

- 5.10 In addition to being contrary to the development plan the development proposes inappropriate development in the Green Belt, which is 'by definition, harmful to the Green Belt' (NPPF paragraph 143).  
As a matter of national policy the NPPF paragraph 144 states:

*'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.'*

This paragraph is required to be followed in its entirety.

- 5.11 Planning permission for development in the Green Belt should only be granted if the benefits are shown clearly to outweigh the potential harm to:
1. The Green Belt and
  2. Any other harm resulting from the proposal

and the planning balance gives rise to very special circumstances.

- 5.12 A recent appeal case<sup>1</sup> clarifies the meaning of the term ‘clearly’ in paragraph 144 NPPF to mean ‘not just marginally, but decisively’.

Accordingly, very special circumstances will not exist unless the benefits are shown to outweigh the harm clearly and decisively.

Note: that the NPPF unequivocally requires the scales to be tipped in favour of harm unless outweighed clearly (i.e. decisively) by benefits.

- 5.13 If the outcome of this planning balance is not clear (i.e. decisive), then, according to NPPF 144, very special circumstances will not exist, and planning permission should be refused.
- 5.14 NPPF paragraph 144 expressly requires harm to the Green Belt to be given substantial weight. The summary in the October officer report showed that in itself, the harm to the Green Belt clearly outweighs the benefits in this case, and officers recommend planning permission should be refused.

#### Summary of Legal Advice

- 5.15 From a legal (as well as a planning perspective): In addition to being contrary to the development plan, the application also proposes inappropriate development in the Green Belt. The officer assessment of the planning balance of all the benefits and all the harms weighs clearly, heavily and decisively to harm, indicating the proposals are positively harmful to the Green Belt. Accordingly, officers advise that no very special circumstances exist in this case and recommend planning permission should be refused.
- 5.16 Failure to follow the legal process would be unlawful and could result in a High Court Challenge.

## 6.0 OVERALL CONCLUSIONS

As required by the Constitution the implications of the Committee approving this application, which is a departure from national and local planning policies, are set out above. This report goes on to analyse the 5 reasons for approving the application contrary to recommendation provided by the Committee. These reasons to a large

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<sup>1</sup> APP/Q4625/W/193237026 Oak Farm, Hampton Lane, Catherine De Barnes Solihull B92 0jB decision date: 14<sup>th</sup> February 2020 (Continuing Care Retirement Community under Use Class C2 with wellness centre in Green Belt)

degree reflect the benefits of the scheme promoted by the applicant. It is not considered that these reasons clearly outweigh the identified harm to the Green Belt and therefore the reasons for refusal have not been addressed sufficiently for the development to be considered acceptable. The reasons for refusal therefore remains relevant.

## 7.0 RECOMMENDATION

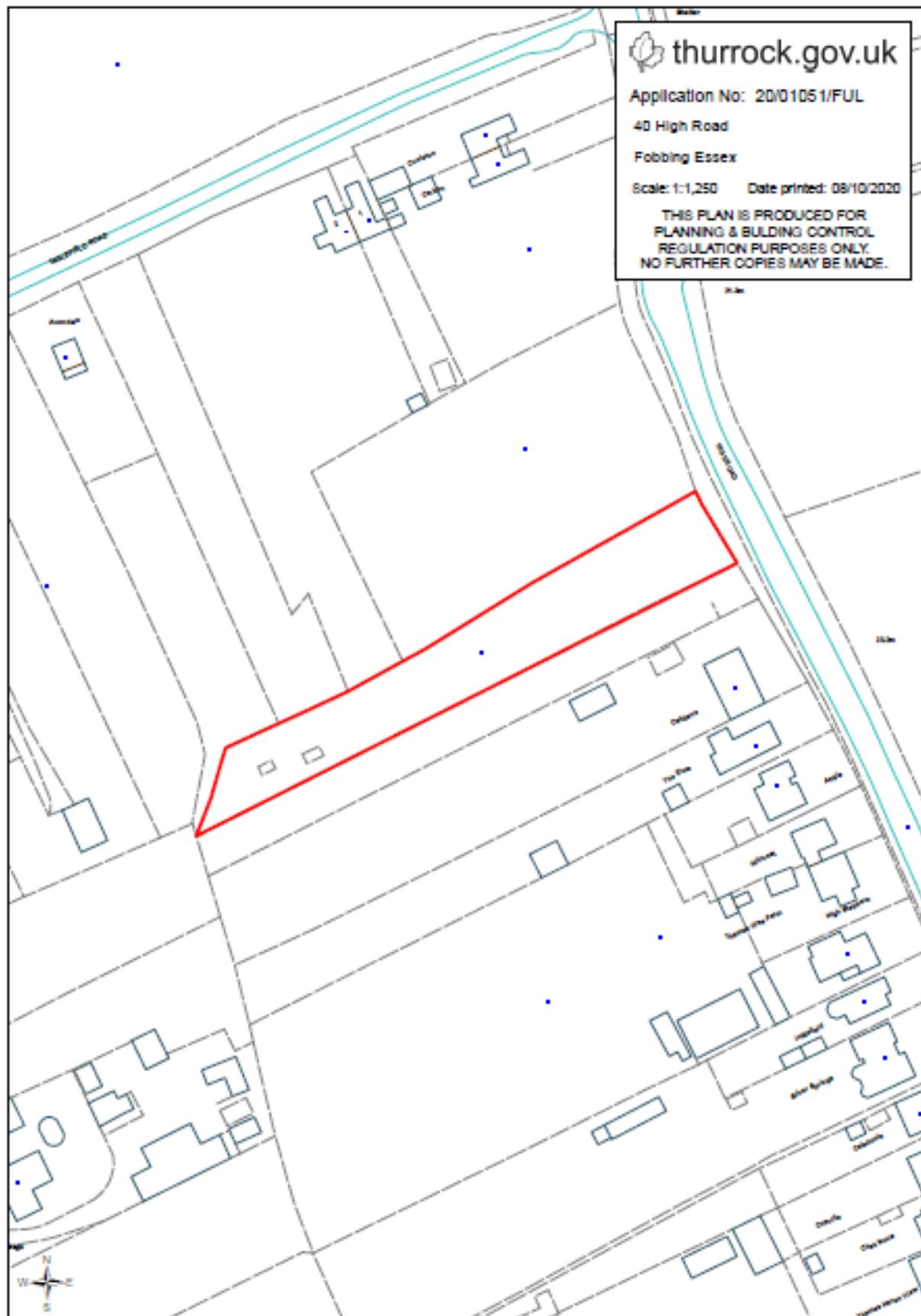
The Committee is recommended to refuse planning permission for the following reasons:

- 1 *The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The circumstances put forward by the applicant would not amount to very special circumstances to clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.*
- 2 *The proposed dwellings, by reason of their design, scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area contrary to policies CSCP22, CSCP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.*

### 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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Planning Committee 22 October 2020	Application Reference: 20/01051/FUL
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<b>Reference:</b> 20/01051/FUL	<b>Site:</b> 40 High Road Fobbing Essex SS17 9HN
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Five single storey detached dwelling houses for the over 55s with associated parking and amenity areas

<b>Plan Number(s):</b>		
Reference	Name	Received
F1PGF/01	Fibonacci 1 Proposed Floor Plans	12 August 2020
F1PGF/02	Fibonacci 2 Proposed Floor Plans	12 August 2020
F1PGF/03	Fibonacci 3 Proposed Floor Plans	12 August 2020
F1PE/04	Fibonacci 1 Proposed Elevations	12 August 2020
F2PE/05	Fibonacci 2 Proposed Elevations	12 August 2020
F2PE/06	Fibonacci 3 Proposed Elevations	12 August 2020
PSLP1:500S	Proposed Site Layout 1:500 Scale	12 August 2020
SLP1:1250	Site Location Plan 1:1250 Scale	12 August 2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Design &amp; Access Statement</li> <li>- Explanation Statement</li> <li>- Transport Assessment</li> <li>- Various Fibonacci Spiral Plans</li> </ul>	
<b>Applicant:</b> Mr Ricky Jeffs	<b>Validated:</b> 12 August 2020 <b>Date of expiry:</b> 26 October 2020 (Extension of Time agreed with applicant)
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs G Rice, S Shinnick, L Worrall, V Holloway and Kerin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess

the impact of the proposal on the amenity of local area.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for five single storey residential properties (all for over 55 year olds) situated in a linear arrangement, running perpendicular from the road, on the plot at 40 High Road Fobbing.

## 2.0 SITE DESCRIPTION

- 2.1 The site is accessed directly from High Road Fobbing, beyond the area which is designated as an established residential frontage. The site is overgrown and presently appears as a distinct boundary to the main part of Fobbing Village. The broadly rectangular site is long and thin (155m x 20m) and is within Green Belt. The site covers 0.37 hectares.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
20/00719/FUL	Five single storey detached dwellinghouses for the over 55s with associated parking and amenity areas	Withdrawn by applicant
20/00333/FUL	Three single storey detached dwellinghouse and one single storey semi detached dwellings for over 55's (C3 use) and a separate dentist (D1 use)	Withdrawn by applicant
19/00043/OUT	Outline planning permission with all matters (except for scale) reserved for construction of 4 detached single storey dwellinghouses (affordable) with associated parking	Refused and dismissed on Appeal
07/00018/OUT	Detached 3 bedroom bungalow and detached garage.	Refused
01/00089/OUT	Outline planning application for 3 bedroom chalet bungalow	Refused
84/00743/OUT	Bungalow	Refused
81/00784/OUT	Private dwelling	Refused
76/00611/OUT	Detached House Appeal lodged, appeal refused.	Refused
55/00129/FUL	Use of land for erection of bungalow.	Refused

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There were comments received from seven different addresses, six of these were in support of the proposal, with one objection. The matters raised in support are summarised as:

- Homes for neglected sector community/benefit the community
- Tidy up site/landscaping
- No impact to the surroundings

The objection was in regard to the site being within Green Belt, which should not be built on.

4.3 ENVIRONMENTAL HEALTH

No objections, subject to conditions.

4.4 ESSEX POLICE

No objections, subject to conditions.

4.5 HIGHWAYS

No objections, subject to conditions.

4.6 LANDSCAPE AND ECOLOGY

No objections, subject to conditions and RAMS mitigation.

**5.0 POLICY CONTEXT**

**National Planning Policy Framework (NPPF)**

5.1 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;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
12. Achieving well-designed places;
13. Protecting Green Belt land;
15. Conserving and enhancing the natural environment.

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

In March 2014 the 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: process and tools
- Determining a planning application
- Green Belt
- Housing and economic needs assessment
- Housing for older and disabled people
- Housing: optional technical standards
- Use of Planning Conditions

#### 5.3 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:

##### Spatial Policies

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

##### Thematic Policies

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)

- CSTP23 (Thurrock Character and Distinctiveness)

## 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)

### 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

### Background

In 2019 planning permission was sought for *outline planning permission with all matters (except for scale) reserved for construction of 4 detached single storey dwellinghouses (affordable) with associated parking* (ref: 19/00043/OUT) The application was refused on the following two grounds:

1) Green Belt - The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The very special circumstances put forward by the applicant would not clearly outweigh the harm to the Green Belt.

2) Design & Layout - The proposed dwellings, by reason of their scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area.

The current application is similar in offering a specific type of housing which is single storey and is set out with a similar layout covering the same areas of the site. The current application is different in that it provides an additional unit, so there are now 5 units, whereas there were previously 4 units proposed.

The applicant appealed the decision. In dismissing the appeal the Inspector noted:

*Paragraph 33. The proposal would be inappropriate development in the terms set out in the Framework and lead to a moderate loss of openness to the Green Belt. It would also harm the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. No considerations have been put before me which would outweigh the totality of the harm. Consequently, very special circumstances do not exist and the proposal would conflict with the Framework.*

*Paragraph 23. Although the dwellings would be single storey, which would limit views of the dwellings from outside of the site, I am not persuaded on the evidence before me that they would not be visible from the public domain. Since they would not follow the general building line which is characteristic of the area, they would appear an incongruous feature in the street scene. This would be contrary to Policy CSCP22 of the CSPMDFR which states that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context. It would fail to strengthen the sense of place, as required by Policy CSCP23 of the CSPMDFR and would fail to contribute positively to the character of the area in which it is proposed, as required by Policy PMD2 of the CSPMDFR.*

*Paragraph 13. Given the scale of the development, I do not consider it would reasonable to secure a planning obligation by condition, nor would it be reasonable to require that the dwellings would be affordable by condition. In the absence of a mechanism to ensure that the proposed dwellings would be affordable, I am unable to give this matter weight. Moreover, I have been provided no substantive evidence that the appeal dwellings would meet local community needs. I therefore do not consider that the appeal would meet the exception set out in Paragraph 145 f) of the Framework.*

The current proposal is similar to the previously refused application and the current proposal does not introduce any additional reasons whereby the application can be deemed acceptable.

6.1 The assessment below covers the following areas:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic impact and parking
- III. Design, layout and impact upon the area
- IV. Ecology
- V. RAMS Mitigation
- VI. Other matters

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 Under this heading, it is necessary to refer to the following key questions:

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

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

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

6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the "*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*" Paragraph

143 states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*” At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy.

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

6.5 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

6.6 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

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

6.7 In response to each of these five purposes:

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

6.8 The site is located in a rural location, on the edge of the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any ‘large built up areas’. As a result the development would not result in the unrestricted sprawl of a built up area and therefore would not conflict with this purpose.

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

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

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

- 6.10 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The four single storey residential units would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

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

- 6.11 The site is not within Fobbing Conservation Area and it is not considered that the proposal would harm the character of a historic town.

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

- 6.12 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. Allowing unrestricted development on land outside the urban area would conflict with the aim of directing development towards the urban area. Therefore the proposed dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

- 6.13 In light of the above analysis, it is considered that the proposals would be contrary to purposes c and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

- 6.14 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances (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 very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether ‘very special circumstances’ exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent

being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being ‘very special circumstances’. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.15 With regard to the NPPF, paragraph 143 states that ‘*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*’. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities “*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

6.16 The applicant has put forward the following consideration forward to demonstrate very special circumstances within the Design and Access statement submitted with this application:

- 1) Addresses Housing Need in the Borough
- 2) Provides specialist retirement home accommodation tailored to local need where the demand is ‘critical’
- 3) Very well-connected, sustainable central village location (i.e. not remote or isolated)
- 4) Previously developed site (existing dropped curbed access)
- 5) Currently Thurrock as an authority is not delivering sustainable development for the people living in the Borough, in social and economic terms in particular. This application shall help correct this shortcoming.
- 6) Innovative internal design

These are assessed below:

*1) Addresses Housing Need in the Borough*

6.17 The applicant puts forward the need for housing within Thurrock as a consideration towards proving very special circumstances.

Consideration

6.18 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh GB harm to constitute the very special circumstances 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 recent Green Belt appeal decision (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 very special circumstances”. Accordingly the benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.

- 6.19 The current proposal would, consisting of 5 units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. Nonetheless, the matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

*2) Provides specialist retirement home accommodation tailored to local need where the demand is ‘critical’*

- 6.20 The applicant put forward the ‘critical’ need for older peoples housing as a consideration towards VSCs.

Consideration

- 6.21 There is no evidence that these houses are specifically required for people within Fobbing. There is no substantive evidence that the dwellings would meet local community needs. As noted later in this report the location is not easily accessible or near to local facilities which are considered as an integral factor for older people’s housing. Specialist older person’s accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents. The proposal has none of these and the units are standard residential properties.

Additionally, as noted above, within the previous appeal decision the Inspector noted that a legal agreement to ensure the properties were affordable was deemed unreasonable due to the small scale of the proposal. This would be the same in regard to ensuring the properties are for older peoples housing.

- 6.22 The principle of increasing the supply of housing for the elderly is recognised but for the Borough’s specific needs to be met such accommodation would need to be suitable in all respects. There is nothing provided within the application which makes the proposal unique to the needs of older people. The properties are standard

dwellings. Additionally, the location of this site is not considered to be a suitable location for older people and therefore only limited weight can be afforded to this consideration towards very special circumstances.

*3) Very well-connected, sustainable central village location (i.e. not remote or isolated)*

- 6.23 The applicant states that the proposal site is within a sustainable location, therefore suitable for older people's housing.

Consideration

- 6.24 The site is not considered to be within a sustainable location. It is situated to the edge of the village, outside the established residential frontage. Fobbing is a linear settlement, which is located mostly along the main road. The facilities which are available within the village, the pub, church and church hall are all located in what would have been the historic centre of the village. This centre is over a mile walk from the application site, also there are no shops within the village. There are some buses which serve the village, but these are infrequent and, at best, offer a bus every couple of hours. There are no GPs or dentists within the village either. Therefore, it is difficult to see how the site can be termed sustainable and therefore suitable for older people's housing. The applicant states that site is within a central village location, this is not agreed as it is clearly not well-connected and is remote from facilities. Therefore no weight can be afforded to this consideration towards very special circumstances.

*4) Previously developed site (existing dropped curbed access)*

- 6.25 The applicant considers the site is previously developed land (PDL) as there is an existing dropped kerb.

Consideration

- 6.26 There is no built form on the site and it is clear that there has been no built form on the site for some time. Whilst there was previously a dwellinghouse at the site, this is no longer there being demolished in the 1930s, and the site is now open. The NPPF Annex 2 Glossary confirms that PDL excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. The Planning Inspector on the previous appeal in 2019 for a similar development at the site clearly stated they did not consider the site to be PDL. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

*5) Currently Thurrock as an authority is not delivering sustainable development for the people living in the Borough, in social and economic terms in particular. This application shall help correct this shortcoming.*

#### Consideration

- 6.27 The fifth factor towards VSCs is somewhat confusing, the applicant does not justify the statement which is generic and needs explanation. When considering this specific site, the proposal is offering five units and in social and economic sustainability terms this is not significant irrespective of the (unclear) particular shortcomings which the applicant is referring to.
- 6.28 Further to this, Paragraph 11 of the NPPF states that the presumption in favour of sustainable development would apply unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt designation is classified as a protected area and there are clear reasons within the Framework for refusing the development due to the impact upon the Green Belt. Therefore the presumption in favour of sustainable development would not constitute a factor towards very special circumstances and is afforded no weight.

#### *6) Innovative internal design*

- 6.29 The applicant states they consider the proposal offers a high-quality innovative design shaped around the site circumstance available.

#### Consideration

- 6.30 The proposal is for single storey residential properties, the applicant does not specify what is *innovative* about the proposal. There does not seem to be any offering which is inventive or ground-breaking within the layout or design. As this point has not been clarified within the application this factor cannot be afforded any weight towards very special circumstances.
- 6.31 A summary of the weight which has been placed on the various Green Belt considerations is provided below;

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	Housing Need	Very significant

Reduction in the openness of the Green Belt		weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.	Specialist older people's housing tailored to local need	Limited weight
	Sustainable central village location	No weight
	Previously developed land	No weight
	Correct lack of sustainable social and economic development	No weight
	Innovative internal design	No weight

- 6.32 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly 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'.
- 6.33 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. In this instance it is considered that 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. 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. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.34 The proposal would utilise a single access road which would be positioned along one side boundary in order to provide access to the rear of the site. Concerns have been raised by the Council's Highway Officer with regards to the suitability of the access onto High Road, the increase in the intensity of the use and the ability of the internal access road to accommodate all necessary vehicle movements including access by refuse vehicles. Whilst these concerns are noted it is considered that there is adequate scope within the site to alter the layout to provide a suitable internal road layout. In addition the matters relating to the use of the access point and the provision of suitable visibility splays could be addressed through appropriate conditions.
- 6.35 The proposed site plan indicates there would be two parking spaces per dwelling and visitor spaces. This would be sufficient to provide a suitable level of parking for future occupants.

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

- 6.36 The National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.37 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.
- 6.38 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.
- 6.39 Policy CSTP23 of the Core Strategy states the Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.
- 6.40 Whilst there are a number of existing single storey buildings in the surrounding area these are set in relatively informal layouts. The proposed dwellings would be single storey in scale and would extend in a formal layout towards the rear of the site. Whilst in isolation such a scale is preferable to two storey dwellings it would result in the introduction of a level of built form at a scale which would appear urban and significantly out of character to the rear of High Road. Therefore in conjunction with the position of the proposed dwellings this would lead to a level of bulk and massing which would appear out of character in the area to the rear of High Road. Given the

above the proposal would result in a significant adverse impact upon the generally open character of this area contrary to policies Cstp22, Cstp23 and PMD2 of the Core Strategy and the requirements of the NPPF.

- 6.41 The actual appearance of the buildings with the design of the facades is concerning as they appear almost utilitarian. Additionally the appearance is unbalanced and confused creating an awkward finish. There are large areas of blank wall which contribute to the unattractive aesthetics of the properties. From the Design and Access Statement it appears the applicant is proposing a modern appearance. Presently, the details of how the design shown on the plans could be interpreted to create an attractive modern building are not clear.
- 6.42 It should also be noted that the scheme is similar to the previous submission which was dismissed on appeal where the Inspector supported the Council's view:

Within paragraph 23 the Inspector stated: "*Since they would not follow the general building line which is characteristic of the area, they would appear an incongruous feature in the street scene. This would be contrary to Policy Cstp22 of the CSPMDFR which states that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context. It would fail to strengthen the sense of place, as required by Policy Cstp23 of the CSPMDFR and would fail to contribute positively to the character of the area in which it is proposed, as required by Policy PMD2 of the CSPMDFR.*"

Within paragraph 24 "*The appeal scheme would also conflict with the Framework, which sets out the importance of achieving well-designed places and seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.*"

This supports the view that this form of development would be significantly out of character with the area.

- 6.43 With regards to neighbouring amenity the proposed dwellings would be located away from the nearest residential neighbours. In addition the dwellings would be single storey in scale. The relationship with neighbouring dwellings would ensure that there would not be a significant loss of light, overbearing impact or loss of privacy to neighbouring properties.
- 6.44 With regards to the amenity of future occupiers there would be sufficient space to provide suitable light and outlook to habitable rooms. The proposed dwellings would benefit from a suitable level of privacy. The rear gardens would be of sufficient size to provide suitable amenity for future occupiers.
- 6.45 As noted above, the amenity of both existing and the prospective residents in terms of loss of light, overbearing impact or loss of privacy to neighbouring properties is

considered acceptable. Nevertheless, there are significant concerns regarding the layout of the buildings and detailed design of the facades. Therefore, the proposal is considered contrary to the NPPF and policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

#### IV. ECOLOGY

- 6.46 The site has potential to support protected species, which would likely be restricted to nesting birds. The Council's Landscape and Ecology Advisor has confirmed that to avoid disturbing any nesting birds it would be necessary for any vegetation clearance to take place outside birds nesting season. They also advised that *there is potential for the site to be used by badgers as it is surrounded by areas of more established trees. If planning permission is granted a condition is sought requiring a badger survey to be undertaken to confirm that no badgers are present, to avoid a potential offence being committed.*
- 6.47 It is considered that the proposal would not unacceptably impact upon protected species as the above matters can be dealt with through planning conditions.

#### V. RAMS MITIGATION

- 6.48 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence and therefore it would be necessary for the local planning authority to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably, such a contribution could be secured via an appropriate legal agreement.

#### VI. OTHER MATTERS

- 6.49 The Police have raised concerns regarding the proposal due to the layout whereby the buildings are set back from the road and therefore there would be limited surveillance which is a safety concern. Therefore, should the application be recommended favourably a condition requiring Secure by Design would be required.

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

- 7.1 The proposed development is sited within the Green Belt and would not fall within one of the exceptions to inappropriate development as set out in the NPPF. Therefore it would result in inappropriate development in the Green Belt which is by definition harmful to openness.

- 7.2 The proposal would also introduce a significant built form into an area which is currently open and has little development. Therefore, the development would encroach upon the openness of the Green Belt resulting in actual harm to openness. The applicant has not advanced any circumstances that would amount to very special circumstances that could overcome the strong presumption against this type of proposal. The development is therefore contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF and is therefore harmful by definition.
- 7.3 The application is very similar to the previous application 19/00043/OUT which was dismissed on appeal and this application has not advanced any material considerations to alter this conclusion and would be more harmful to the Green Belt as it includes an extra dwelling.
- 7.4 The scale of the development and the formal layout would result in an urbanising appearance out of character to the rear of properties along High Road. Additionally, the detailed design of these properties appear unbalanced and unattractive. Therefore, the proposal is contrary to policies Cstp22, Cstp23 and PMD2 of the Core Strategy and the requirements of the NPPF.

## **8.0 RECOMMENDATION**

- 8.1 Refuse planning permission for the following reason(s):

- 1 The proposal represents an inappropriate form of development within the Green Belt, which is by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness. The circumstances put forward by the applicant would not amount to very special circumstances to clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.
- 2 The proposed dwellings, by reason of their design, scale, layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area contrary to policies Cstp22, Cstp23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the requirements of the National Planning Policy Framework 2019.

### **Documents:**

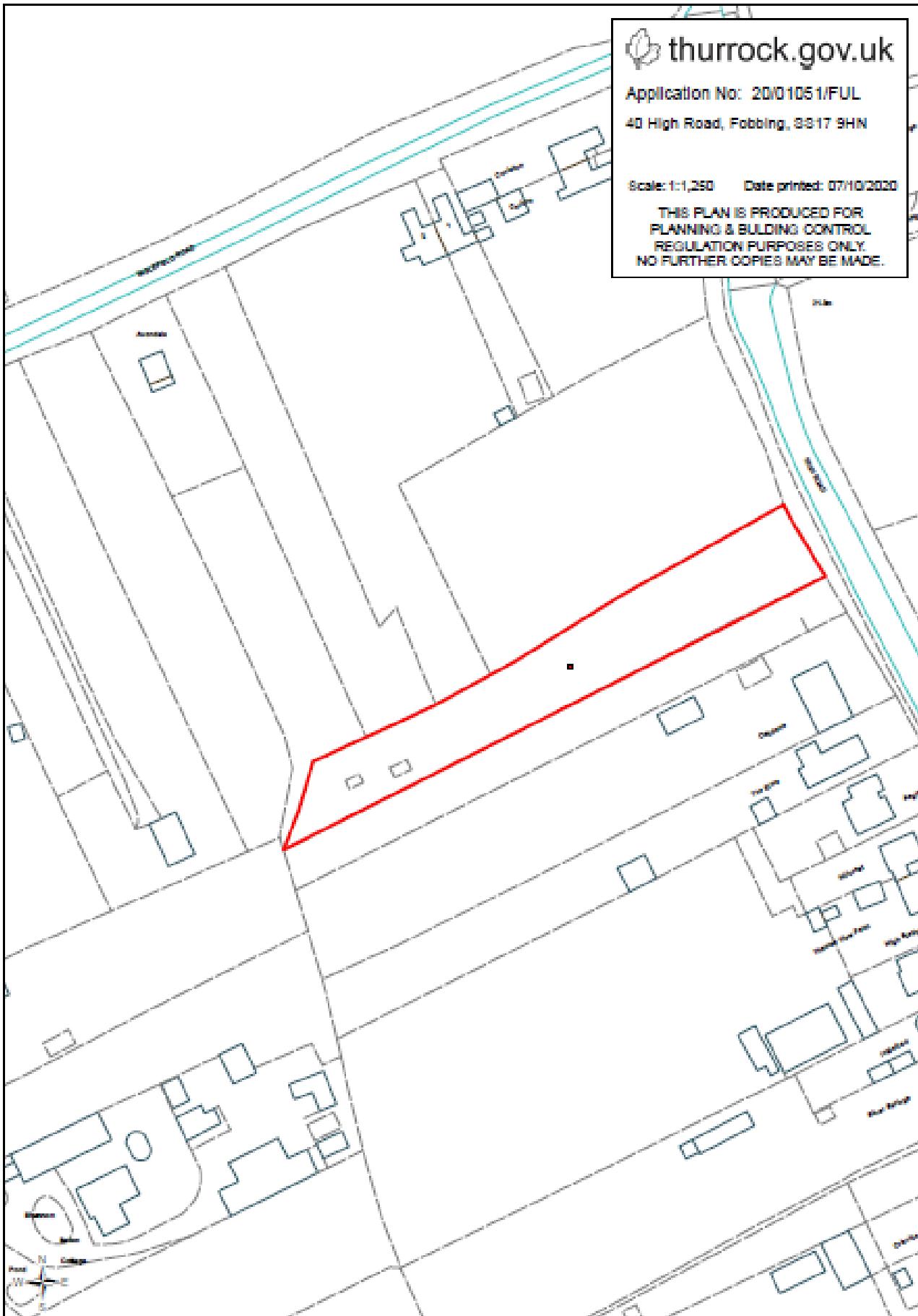
**APPENDIX 1**

Planning Committee 22 October 2020

Application Reference: 20/01051/FUL

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 9

Planning Committee: 26 November 2020

Application Reference: 19/01800/FUL

<b>Reference:</b> 19/01800/FUL	<b>Site:</b> Medina Farm Dennises Lane Upminster Essex RM14 2XB
<b>Ward:</b> Ockendon	<b>Proposal:</b> Engineering works to improve drainage and re-restore previously worked land

<b>Plan Number(s):</b>		
Reference	Name	Received
1616/L	Location Plan	12th December 2019
1616/A/1	Application Plan (1) – Thurrock Mineral Extraction	12th December 2019
1616/A/2	Application Plan (2) – Thurrock Engineering Works	12th December 2019
1616/A/3	Application Plan (3) – Havering Mineral Extraction	12th December 2019
1616/A/4	Application Plan (4) – Havering Engineering Works	12th December 2019
1616/CO/1	Composite Operations Plan	12th December 2019
1616/CS/1	Illustrative Cross Section – Drainage Scheme	12th December 2019
1616/FD/1	Proposed Fencing Details	12th December 2019
1616/R/1	Proposed Restoration	12th December 2019

The application is also accompanied by:

- Cover Letter
- Supporting Statement, with accompanying appendices comprising -
- Appendix 1: Havering Decision Notice
- Appendix 2: Landscape & Visual Appraisal
- Appendix 3: Extended Phase 1 Habitat Survey
- Appendix 4: Amphibian Survey
- Appendix 5: Protected Species Report
- Appendix 6: Hydrogeological Impact Assessment

- Appendix 7:Flood Risk Assessment
- Appendix 7: Agricultural Land Classification and Soil Resources
- Appendix 9: Archaeological Desk-Based Assessment
- Appendix 10: Noise Assessment
- Appendix 11: Air Quality Assessment
- Appendix 12: Transport Assessment
- Surface Water Strategy

**Applicant:**

Ingrebourne Valley Ltd

**Validated:**

20 January 2020

**Date of expiry:**30 November 2020  
(Extension of time  
agreed)**Recommendation:** Grant planning permission, subject to conditions

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr B Johnson, Cllr R Gledhill, Cllr A Jefferies, Cllr D Potter and Cllr A Lawrence in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to consider the proposal on the grounds of the impact upon the Green Belt.

## 1.0 SUMMARY

- 1.1 A total of four separate but related planning applications have been submitted, to two planning authorities, covering an area of land totalling 17 hectares located west of the M25 motorway and south of Dennises Lane. The application sites comprise two fields referred to by the applicant as an eastern field (Field A) and a western field (Field B).
- 1.2 In summary, the applications propose engineering works to restore Field A, which has been previously worked for mineral deposits and the excavation of minerals with subsequent restoration on Field B. As the local authority boundary between Thurrock and the London Borough of Havering is aligned east-west and parallel and to the south of Dennises Lane, fields A and B are 'split' between the two authorities. Therefore, a total of four planning applications have been submitted as follows:

<u>Application Ref.</u>	<u>Authority</u>	<u>Site</u>	<u>Proposal</u>	<u>Site Area</u>

19/01799/FUL	Thurrock	Field B	Extraction of minerals with subsequent restoration	5.6 Ha
19/01800/FUL	Thurrock	Field A	Engineering works to restore site	9 Ha
P1865.19	LB Havering	Field B	Extraction of minerals with subsequent restoration	0.9 Ha
P1866.19	LB Havering	Field A	Engineering works to restore site	1.5 Ha

- 1.3 As separate planning authorities, LB Havering and Thurrock are entitled to reach their own separate decisions for those applications within their jurisdiction. Therefore, and as the applications are functionally linked, in order to undertake the extraction, infilling and restoration all four planning applications would need to be approved. In the scenario when either authority refuses an application the 'combined' scheme could not be undertaken.

## 2.0 DESCRIPTION OF PROPOSAL

- 2.1 The application seeks permission for engineering works to improve drainage and re-restoration of previously worked land at Medina Farm (Field A). In simple terms, the proposed works will address the differential settlement, which has occurred since the field was worked for minerals and subsequently infilled. The existing topsoils and subsoils will be stripped and stored to expose the previous restoration material. This material will then be reshaped and additional material imported to re-shape the landform and produce a shallow-dome shaped landform across both Fields A and B. The material to be imported onto Field A will comprise non-mineral material (overburden, unsaleable minerals or basal clay) from Field B to the west. The applicant confirms that no material will be imported from outside of the development area (Fields A and B) to complete the proposed engineering operations on Field A.
- 2.2 This development is closely linked to the application ref. 19/01799/FUL which seeks permission for mineral extraction, import of material and restoration within the western field (Field B).

### 2.3 Access

Access to the site will utilise the existing junction with Dennises Lane with all vehicles routeing to and from the west. The applicant estimates that extraction activities will generate 64 HGV (two-way) movements per day on average, rising to 142 (two-way) daily movements when extraction (Field B only) and restoration are occurring simultaneously. The existing access will improved and a hardcore-surfaced compound area created at the north-western corner of Field B.

## 2.4 Operational Details

Site preparation works comprising the removal of a hedgerow separating Fields A and B and the stripping and storage of topsoil and subsoils to form 3m high bunds around the perimeter of the site are proposed. Engineering works will consist of importation of material from Field B and shaping landform with plant to 'marry-up' with the adjoining field. Final restoration of the site will involve the spreading of subsoils and topsoils across both fields to create a shallow dome-shaped landform to enable the drainage of surface water to attenuation ponds at the south-eastern and south-western corners. Proposed ground levels on Field A would increase from existing levels of between 16m-18m to between 16m-21m. After restoration, the fields would return to agricultural use. Proposed hours of operation are 7am to 7pm Mondays to Fridays only.

## 3.0 **SITE DESCRIPTION**

- 3.1 The application site is a largely rectangular area of land on the southern side of Dennises Lane, bordered to the south by Baldwin's Farm, land within the applicant's ownership and subject to planning reference 19/01800/FUL to the east, with Pea Lane Fishery beyond, and open land to the west. The application site lies within the Metropolitan Green Belt and is currently used for the grazing of horses.
- 3.2 There is a public right of way (public footpath no. 1) located 150m to the east, adjacent to the M25 and Dennis Road, however this would not be impacted by the proposed development. An underground gas pipeline runs parallel and to the south of Dennises Land within the site. Existing ground levels across both fields range from 16m at the eastern boundary to 20m at the north-western corner of Field B
- 3.3 The wider development site sits astride the local authority boundary between Thurrock and Havering, therefore four separate but linked applications have been submitted. These are summarised in the table below:

<b>Authority</b>	<b>Description</b>	<b>Application Plan</b>
Thurrock	Mineral extraction and restoration	1616/A/1
Thurrock	Re-restoration engineering	1616/A/2
Havering	Mineral extraction and restoration	1616/A/3
Havering	Re-restoration engineering	1616/A/4

- 3.4 There are a number of historic and active landfill sites surrounding Medina Farm and located within both Thurrock and LB Havering. Although not shown on Environment Agency mapping, the applicant suggests that British Geological Survey Mapping and a walkover survey indicate that Field A has been subject to landfilling.

#### **4.0 RELEVANT HISTORY**

Application Ref	Description of Proposal	Decision
19/01799/FUL	Extraction of minerals and reclamation material and importation of inert materials, ancillary plant and buildings with restoration back to agriculture.	Pending Consideration
20/00035/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Engineering works to improve drainage and re-restore previously worked land (Planning application ref. 19/01800/FUL).	Environmental Impact Assessment Not Required
20/00036/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Extraction of minerals and reclamation material and importation of inert materials, ancillary plant and buildings with restoration back to agriculture (ref. 19/01799/FUL).	Environmental Impact Assessment Not Required
79/01149/MIN	Extraction of material, including overburden, suitable for incorporation in the permanent works of the M25 Motorway	Approved

From the above table it is notable that the excavation of minerals has previously been undertaken on Field A (ref. 79/01149/PMIN).

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

##### **5.1 PUBLICITY**

The application has been advertised by way of individual neighbour notification letters and by press advertisement. The application has been advertised as a major development. No responses have been received.

## 5.2 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)

### 5.3 LB HAVERING:

No response received.

### 5.4 ESSEX COUNTY COUNCIL (ARACHAEOLOGY):

No archaeological conditions are recommended.

### 5.5 ESSEX COUNTY COUNCIL (MINERALS & WASTE):

No response received.

### 5.6 CADENT GAS:

Gas infrastructure is located just outside the northern site boundary of the site. Although work within the designated site will not affect gas infrastructure, the applicant should be aware that Cadent would need to be consulted about the protection methods required should the vehicle movements entering and exiting the site involve those vehicles crossing the pipelines.

### 5.7 NATURAL ENGLAND:

No objection.

### 5.8 ENVIRONMENTAL HEALTH OFFICER:

No air quality, noise or objections to the proposed operations subject to the implementation of recommended mitigation measures.

### 5.9 FLOOD RISK MANAGER:

Maintains a holding objection based on proposed discharge rates, water treatment and off-site flood risk during construction.

### 5.10 HIGHWAYS:

No objection, comments raised in relation to vehicle routing and the relationship of the site to the applicant's other operations.

#### 5.11 LANDSCAPE AND ECOLOGY ADVISOR:

No landscape or ecology objections, subject to conditions.

### 6.0 POLICY CONTEXT

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

The revised NPPF was published on 19th 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:

2. Achieving sustainable development
6. Building a strong, competitive economy
9. Promoting sustainable transport
13. Protecting Green Belt land
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
17. Facilitating the sustainable use of minerals.

#### 6.2 National Planning Practice Guidance (PPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 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
- Flood Risk and Coastal Change
- Green Belt
- Historic environment
- Land affected by contamination

- Land Stability
- Minerals
- Natural Environment
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

6.3 The NPPG states that planning for the supply of minerals has a number of special characteristics that are not present in other development as follows:

- Minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited;
  - Working is a temporary use of land, although it often takes place over a long period of time;
  - Working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
  - Since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
  - Following work, land should be restored to make it suitable for beneficial after-use.

6.4 With regards to restoration, the NPPG states that the responsibility for the restoration and aftercare of mineral sites, including financial responsibility lies with the minerals operator and, in the case of default, with the landowner.

6.5 Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

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

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

## THEMATIC POLICIES

- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP21 (Productive Land)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP29 (Waste Strategy)
- CSTP31 (Provision of Minerals)
- CSTP32 (Safeguarding Mineral Resources)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- 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)
- PMD15 (Flood Risk Assessment)

### 6.6 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.

## 7.0 ASSESSMENT

The following key issues are relevant to the consideration and determination of this application:

- I. Plan designation and principle of development
- II. Conformity with waste policies
- III. Assessment of proposed landform
- IV. Impact upon amenity and air quality
- V. Access and highway impacts
- VI. Effect upon ecology and nature conservation
- VII. Flooding, surface water management and protection of water resources
- VIII. Archaeology and cultural heritage
- IX. Footpath and working areas
- X. Other Matters

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

The site is located within the Green Belt. Paragraph no. 146 of the NPPF states that:

*“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”.* The list of “not inappropriate” development includes ‘engineering operations’ (paragraph no. 146 (b)). As set out below, it is not considered that the proposed development would conflict with any of the following five purposes of including land in the Green Belt detailed at paragraph no. 134 of the NPPF:

- the development would not give rise to the unrestricted sprawl of any large built-up areas, being located between the settlements of South Ockendon and Upminster;
- the development would not result in the neighbouring towns of South Ockendon and Upminster merging into one another to any material degree;
- it is not considered that the development would result in any long term encroachment into the countryside;
- the proposed development would not impact on the setting and special character of historic towns; and
- the development would not prejudice the regeneration of urban areas.

7.2 With regards to the impact upon openness, the proposal for Field A involves restoration of a previously worked and infilled site. Whilst stockpiles and perimeter bunds will have an impact on the spatial and visual aspects of Green Belt openness,

it is considered that this impact is not significant and would be limited to a temporary period of up to four years. Restoration of the site and the creation of a shallow domed landform would not significantly impact on openness. Consequently, as it is considered that the proposals would not harm openness and would not conflict with the purposes of including land with the Green Belt, the proposals can be considered as appropriate development and it is not necessary to consider whether very special circumstances exist.

#### 7.3 II. CONFORMITY WITH DEVELOPMENT PLAN POLICIES FOR WASTE

Core Strategy CSCP29 (Waste Strategy) refers at part 5. (II.) to landfill and states that:

*Proposals for new landfilling will be resisted unless part of a necessary scheme to achieve approved restoration levels at a mineral working site. The Council will require satisfactory restoration in accordance with the aftercare and restoration policy within the MWDPD and seek appropriate after uses for waste management sites where they are not proposed to stay within a waste management use. Proposals for landraising above approved restoration levels will not be supported.*

7.4 In this case, the proposals do not involve the importation of 'waste' material onto Field A from outside the development area, as the applicant intends to transfer non-mineral material (overburden, unsaleable minerals or basal clay) from the adjoining Field B. The original planning permission for mineral extraction and restoration of the site dates from the late 1970s and precise details of the approved post-restoration landform are unknown. However, from a site visit it is apparent that Field B has experienced a degree of differential settlement resulting in a number of small-scale undulations in the surface. This characteristic is common in the older landfill sites in the Borough.

7.5 The proposals would change the current landform to create a shallow dome shape across both Fields. Such a landform would enable a proper surface water drainage strategy. In light of the limited extent of the proposed works, the short timescale (up to 4 years) and the fact that material would be transferred from Field B to Field A it is considered that there are no significant conflicts with the intentions of policy CSCP29.

#### 7.6 III. ASSESSMENT OF PROPOSED RESTORATION, AFTER USE AND AFTERCARE

7.7 Paragraph 205(e) of the NPPF states '*When determining planning applications, local planning authorities should....provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances*'.

7.8 Adopted Core Strategy policy CSTP29 (Waste Strategy) states at (5) (II.) that; '*proposals for new landfilling will be resisted unless part of a necessary scheme to achieve approved restoration levels at a mineral working site*'. The Core Strategy envisaged that certain saved policies within the Essex Minerals Local Plan (EMLP) Adopted First Review (November 1996) would be replaced within the Minerals and Waste DPD (MWDPD). Given the stage the MWDPD reached, those Policies in the EMLP have not been replaced to date. However, Policy MLP8 of the EMLP remains relevant and contains a number of requirements which are considered to be consistent with the NPPF, most notably;

- Planning permission will not normally be given for the working of minerals unless the land concerned is capable of being restored within a reasonable time to a condition such as to make possible an appropriate and beneficial after-use.
- Where filling material is necessary, permission will not be given until it is shown that suitable material will be available and that the compatibility of the landfill has and leachate monitoring and control structures and processes with the afteruse is demonstrated.
- where permission is given, conditions will be imposed to secure;
  - (i) Progressive working and restoration
  - (ii) Aftercare and maintenance of the restored land for not less than 5-years, and;
  - (iii) A beneficial afteruse of the restored land including the use of areas that remain waterfilled

7.9 Policy MLP9 of the EMLP relates to working and reclamation and states; '*In considering planning applications for mineral working or related development, the Mineral Planning Authority will permit only those proposals where the provisions for working and reclamation contained in the application are satisfactory and the implementation of the proposals is feasible*'

#### Proposed restoration

7.10 It is proposed that the overall site (comprising both Fields A and B) is restored to a shallow dome-shaped agricultural field. The application is supported by a Landscape and Visual Impact Assessment which concludes that, while there would be moderate significant effects on landscape character during the works, following restoration the overall effects would be negligible-beneficial following the restoration of farmland and replanting of a better-quality hedge. The assessment of visual effects found that due to topography and existing vegetation the effects of the scheme would be localised, being experienced not more than 200m beyond the site. The nearest residential properties are screened from direct views and other surrounding land uses are not considered sensitive. The LVIA therefore concludes that the scheme would not have

significant adverse visual effects. The Council's landscape and ecology advisor agrees with this assessment.

#### Phased nature of restoration

- 7.11 The NPPG advises Local Mineral Plans to include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place (Paragraph: 037 Reference ID: 27-037-20140306). As detailed in the NPPG progressive or 'rolling' restoration and aftercare minimises the area of land occupied at any one time by the mineral working. This is desirable unless doing so would be likely to adversely affect the standard of reclamation achieved, or would be impractical having regard to the type of operation and nature of the site. EMLP Policy MLP8 has an expectation that proposals will involve progressive working and restoration.
- 7.12 The site will be restored in a progressive manner. The applicant suggests that the restoration works will be completed no more than four years after the commencement of extraction (on Field B) and it is considered that this is a reasonable timeframe and would ensure the reclamation of the site at the earliest opportunity, in accordance with policy.
- 7.13 The site will be restored to a shallow dome-shaped agricultural field, with a slight increase in height across the two fields to ensure sufficient drainage. For reference, existing levels across Fields A and B range between 16m at the eastern boundary to 20m at the north-western corner. The proposed levels would increase from 21m in the centre of the site to 18m at the boundaries. The drainage gradient would be in the region of a 1 in 40 to 1 in 80 slope, designed to guide surface water to the north, east, south and west of the site where it will be collected by drainage ditches. These drainage ditches lead to the two attenuation ponds, located in the south-east and south-west corner respectively.
- 7.14 Neither the Environment Agency nor the Council's Environmental Health Department have raised any objections in relation to the material that is proposed to be used in the restoration, subject to appropriate planning conditions. It should be noted that the development requires a separate environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.
- 7.15 IV. IMPACT UPON AMENITY AND AIR QUALITY

The application is accompanied by an Air Quality Assessment and a Noise Assessment. The site is in a relatively isolated position with regard to neighbouring residential properties, although residential uses are positioned to the south-west of the site at Baldwins Farm and to the east at Medina and Dennises Cottages.

- 7.16 Operational plant would comprise 1 or 2 excavators to be used for stripping of soils and creation of the perimeter bunding in association with articulated dump trucks. Reclamation and restoration would also be undertaken by HGV's with a dozer to spread inert materials.
- 7.17 The applicant is proposing operating hours of 07:00 – 18:00 Mondays to Fridays with no works on Saturdays, Sundays or Bank Holidays.
- 7.18 The Noise Assessment concludes that, with appropriate mitigation and control measures, noise levels associated with the excavation, reclamation and restoration of the site would be acceptable and would comply with the requirements of the NPPF. The Council's Environmental Health Officer has reviewed the applicant's Noise Assessment and is satisfied that, if the recommendations within the report are implemented, operations will be in accordance with BS 5228-1+A1. 2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites. Part 1: Noise. This matter can be addressed through use of a planning condition.
- 7.19 The applicant's Air Quality Assessment assesses the potential impacts of road vehicle exhaust emissions and fugitive dust on a number of receptors both within Thurrock and LB Havering. The Assessment concludes that impacts from exhaust emissions (nitrogen dioxide and particulates) are likely to be negligible at all receptors and therefore not significant. An assessment of disamenity dust concludes slight effects at three receptor locations and negligible impacts at one receptor location. Particulates would have negligible impacts on human health. The overall significance of the impacts of fugitive dust is assessed as not significant. In order to keep dust emissions within acceptable tolerances, the applicant's assessment includes a number of in-built or embedded mitigation measures based around good operating and management practices.
- 7.20 The Environmental Health Officer has reviewed the submitted air quality assessment and does not foresee any issues with the operational side of the development. The Officer confirms that all modelled receptors indicate a negligible significance for air quality for the nearest receptors. The proposed mineral extraction and reclamation activities is also far enough away from the declared AQMA's not to cause a significant impact.
- 7.21 In conclusion under this heading, and subject to mitigation measures being secured by planning conditions, it is considered that the proposal would not cause unacceptable effects on the amenities of neighbouring occupiers and as such the proposals accord with Core Strategy Policy PMD1 (Minimising pollution and impacts on amenity).

## 7.22 V. ACCESS AND HIGHWAY IMPACTS

Vehicular access to the site would be taken from an existing ‘farm track’ which serves Baldwins Farm which is located to the south. The farm track connects to the local highway network (Dennises Lane) a short distance to the north. It is important to note that the section of farm track in-between the proposed site compound / car park is located with LB Havering. Furthermore, Dennises Lane both east and west of the site is also within LB Havering. Indeed it is only that part of Dennises Lane located east of the M25 motorway which is a ‘Thurrock’ road.

- 7.23 The applicant has submitted a Transport Assessment which includes the following assessment of trip generation (based on a five-day working week i.e. c.250 operational days per year):

Mineral Extraction –

32 daily HGV arrivals & departures (64 daily two-way HGV movements)

Importation of Restoration Material –

39 daily HGV arrivals & departures (78 daily two-way HGV movements)

Simultaneous Mineral Extraction & Importation of Restoration Material –

71 daily HGV arrivals & departures (142 daily two-way HGV movements)

However, as both the demand for sand and gravel and the availability of inert infill material is reliant on the market, there is likely to be day to day variation in HGV movements. Therefore, the applicant’s assessment assumes a worst case of a maximum 100 daily HGV arrivals & departures (200 daily two-way HGV movements), with a maximum AM peak of 20 two-way HGV movements in an hour.

- 7.24 With reference to HGV routing, the assessment confirms that restoration material would be routed to the site via the A13 / A1306 / Launder Lane / Warwick Lane / Bramble Lane / Dennises Lane and extracted sand and gravel would be transported from the site either to Rainham Quarry (within LB Havering) or to the A1306 for onward distribution. Therefore HGV movement associated with both import and export of material would use LB Havering roads to access the strategic road network. It is not intended to route HGV’s to the east and therefore Thurrock roads would be avoided.
- 7.25 Consequently, it is a matter for LB Havering to determine whether the impact of HGV movements on the Havering road network would be acceptable. Although pre-submission scoping correspondence with LB Havering highways officers suggests that junction capacity and HGV routing within Havering is not a cause for concern.

## 7.26 VI. EFFECT UPON ECOLOGY AND NATURE CONSERVATION

No part of the site forms part of any statutory or non-statutory ecological or nature conservation designation, although the site does lie within impact zones drawn around a nearby SSSI (in this case the Ingrebourne Marshes SSSI within LB Havering). Therefore, Natural England have been consulted but has raised no objections.

- 7.27 With regard to existing habitats on the site, the applicant's Habitat Survey Report confirms that both Fields A and B comprise improved grassland, with sections of hedgerow in between the fields and along the northern boundary and a tree line along the western boundary of Field B. The open grassland is considered by the applicant to be of low ecological value and although the hedgerow is of more interest it is nevertheless of limited ecological value. The central hedgerow between Fields A and B will be removed although the applicant anticipates that no trees will need to be removed.
- 7.28 The application is accompanied by species surveys for protected or notable species and the results of these surveys are summarised below:

- Great Crested Newts (GCN)

Although there are no waterbodies on the site, the presence of GCN in the wider landscape is known. The habitats on-site are capable of supporting overwintering newts. Further surveys are recommended.

- Birds

The site provides breeding habitat for birds and the removal of vegetation should be undertaken outside of the breeding season. Mitigation in the form of new planting with bird boxes is recommended.

- Bats

The site provides some roosting, foraging and commuting resources for bats. Further surveys and mitigation (bat boxes / sensitive lighting) is recommended.

- Invertebrates

The habitat on-site has negligible value for notable invertebrates. The proposed restoration scheme offers the opportunity for enhancement of habitat.

- Reptiles

No reptiles were encountered on-site. Further surveys are recommended.

- 7.29 The Council's Landscape and Ecology Advisor has considered the applicant's ecological appraisal and notes that although the surveys were undertaken in 2017, the habitats remain broadly as described and given the relatively low value of much of the habitat the applicant's assessment is considered to be acceptable. The Advisor confirms that most of the site comprises species poor grassland of negligible ecological value, however features such as the hedges, adjacent watercourses and

woodland mean that the site is considered to have some potential to support GCN, bats, reptiles and breeding birds. The applicant's species surveys recorded no reptiles, while low numbers of bats were recorded foraging and commuting along the boundary hedges. The loss of the hedge through the site is considered to have some adverse effects on commuting bats until restored, however given the low level of use it is agreed that the effects would not be significant.

- 7.30 The Advisor agrees that the proposed provision of attenuation ponds on the southern boundary would be beneficial as they will create improved habitat for foraging. It is also agreed that, while largescale wildflower grassland creation would not be appropriate if the site is to be returned to agriculture, other measures detailed in the ecology report such as providing buffers beside the new hedge and the enhancement of the boundary hedges should be adopted. The applicant confirms the precautionary reptile method statement will be adopted and an ecological clerk of works will oversee the works. Consequently, there are no objections to this scheme on ecology grounds, subject to conditions.
- 7.31 VII. FLOODING, SURFACE WATER MANAGEMENT AND PROTECTION OF WATER RESOURCES

The site is shown on the Environment Agency's Flood Risk map to be located entirely in Flood Zone 1 (low probability). This represents land assessed as having less than a 1 in 1,000 annual probability of flooding from rivers or the sea. However as the site area exceeds 1Ha a flood risk assessment (FRA) has been submitted, supplemented by a Surface Water Drainage Strategy.

- 7.32 The FRA has considered the risk of flooding from groundwater as the level of groundwater varies between 0.5m and 2m below ground levels. However, the site (Field B) will be worked using framing and de-watering techniques, thereby reducing the possibilities for flooding from groundwater sources.
- 7.33 Once both Fields A and B have been restored there will be a reduction in infiltration rates and therefore an increase in surface water run-off. The proposed surface water management plan includes the creation of perimeter ditches which will discharge surface water into attenuation ponds located in the south-eastern and south-western corners of the site.
- 7.34 With reference to surface water drainage issues, the Flood Risk Manager has maintained an objection to the proposals based on:
- limitation of discharge rates from the site;
  - confirmation that surface water run-off from the site will be treated; and
  - minimisation of off-site flooding from surface water during construction.

However, it is considered that this ‘objection’ actually seeks compliance with prescribed run-off rates, water treatment standards and a run-off route. Therefore the comments from the Flood Risk Management do not impede the potential grant of planning permission subject to appropriate planning conditions.

#### 7.35 VIII. ARCHAEOLOGY AND CULTURAL HERITAGE

Field A has been previously worked for minerals and subsequently infilled and therefore has no archaeological potential. The proposals would not impact to any material degree on any listed buildings or conservation areas located close to the site.

### 8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

Although this site is within the Green Belt, it is considered that the proposals would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Assessed against planning policies for waste, the proposed restoration would not cause any material harm to the objectives of the relevant Core Strategy policy. Subject to mitigation measures to be secured via planning conditions, there would be no harm to ecological interests and no harm to nearby receptors as a result of noise or impact on air quality. Similarly there are no flood risk or heritage objections, subject to conditions. HGV movements and routing would impact on roads within LB Havering and a number of planning conditions would address highways matters. It is concluded that the proposals comply with relevant policies and, subject to conditions, it is recommended that planning permission is granted.

### 9.0 RECOMMENDATION

Grant planning permission subject to the following conditions:

#### TIME LIMIT – COMMENCEMENT

1. The development to which this permission relates must be commenced no later than five years from the date of this permission. Written notification of the date of commencement shall be sent to the local planning authority within seven days of such commencement.

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.

#### ACCORDANCE WITH PLANS

2. The development hereby permitted shall be carried out in accordance with the plans, particulars and specifications submitted and hereby approved:

- Location Plan- Drawing No. 1616/L v2, dated 28/11/2019;
- Application Plan (2)- Thurrock Engineering Works- Drawing No. 1616/A/2 v2, dated 28/11/2019;
- Application Plan (4)- Havering Engineering Works- Drawing No. 1616/A/4 v1, dated 28/11/2019;
- Composite Operations Plan – Drawing No. 1616/CO/1 v5, dated 28/11/2019;
- Illustrative Cross Section - Drainage Scheme- Drawing No. 1616/CS/1 v1, dated 28/06/2018;
- Proposed Fencing Details- Drawing No. 1616/FD/1 v2, dated 28/11/2019;
- Proposed Restoration- Drawing No. 1616/R1 v4, dated 28/11/2019.

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

### **TIME LIMIT - OPERATIONS**

3. The development hereby permitted shall be limited to a period of 4 years, from the notified date of commencement, by which time all operations shall have ceased and the site restored in accordance with Drawing No. 1616/R1 v4 and Drawing No. 1616/FD/1 v5.

Reason: In order to comply with the terms of the submitted application and to ensure the reclamation and restoration of the site at the earliest opportunity in compliance with local and national planning policies for minerals.

### **TEMPORARY PLANT ETC.**

4. Any buildings, plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 4 years from the date of notified commencement.

Reason: In order to comply with the terms of the submitted application and to ensure the reclamation and restoration of the site at the earliest opportunity in compliance with local and national planning policies for minerals.

### **TEMPORARY CESSATION OF WORKS**

5. In the event that operations are terminated or suspended for a period in excess of 12 months, the excavated area and all other disturbed land shall be restored in accordance with a restoration scheme that has been submitted to and approved in writing by the local planning authority. The approved restoration scheme shall be completed within 12 months of the date on which the local planning authority notified the operator in writing that operations had been terminated or suspended for 12 months.

Reason: To ensure the satisfactory restoration of this Green Belt site in the event that operations are suspended in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **INERT MATERIAL**

6. Only inert material shall be used on the eastern field for the purposes of infilling and restoration.

Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **NO STORAGE OR STOCKPILING**

7. With the exception of environmental bunds specifically identified on the approved plans, no storage of materials or stockpiling shall take place on any part of the site.

Reason: In order to protect the visual amenities of the surrounding area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **OPERATING HOURS**

8. Except in emergencies, when the local planning authority shall be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:
  - a) 07:00 hours to 18:00 hours Monday to Friday; and
  - b) no other times including Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of protecting local amenity in accordance with policy

PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **HYDROLOGICAL MONITORING**

9. No development shall take place until an updated hydrological monitoring and mitigation plan has been submitted to and approved in writing by the local planning authority. This plan shall seek to mitigate for any adverse hydrological and water quality impacts, if they arise, during the development, and mitigation shall include measures to suspend operations authorised by this permission, until such impacts are resolved.

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

### **ACCORDANCE WITH SURFACE WATER DRAINAGE STRATEGY**

10. The development hereby permitted shall be undertaken in accordance with the submitted Surface Water Drainage Strategy dated April 2020.

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

### **RETENTION OF TOPSOIL**

11. All topsoil, subsoil indigenous to the site and soil making material imported shall be retained on the site and used in the restoration hereby permitted.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

### **TOPSOIL HANDLING**

12. No topsoil or subsoil shall be stripped or handled unless it is in a dry and friable condition and no movement of soils shall take place when the moisture content of the upper level of the soil is equal to, or greater than, that at which the soil becomes plastic; or when there are pools of water on the soil surface.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

**BUNDS**

13. No development shall take place until details and a programme for the forming, planting and maintenance of soil storage bunds around the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the retention of material on site to achieve satisfactory restoration and in the interests of visual amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**TOPSOIL STRIPPING**

14. No stripping or handling of topsoil or subsoil shall take place until a scheme of soil movement and scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted at least three months prior to the commencement of soil stripping and shall clearly identify the origin, intermediate and final location of soils for use in agricultural restoration together with details of quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

**NOTICE OF SOIL STRIPPING**

15. The operator shall notify the local planning authority for minerals and waste at least five working days in advance of the intention to start stripping soils from any part of the site.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

**NOTICE OF FINAL TOPSOIL PLACEMENT**

16. The operator shall notify the local planning authority at least five working days in advance of the commencement of the final subsoil and topsoil placement to allow a site inspection to take place.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

## **RESTORATION MATERIAL**

17. The uppermost 0.5m of the infill material shall be free from rubble and stones greater than 150mm in diameter and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery. The infill material shall be covered with a minimum of 0.8m of even depth subsoil and 0.4m of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To assist in the restoration of the site to a beneficial after use.

## **FINAL LANDFORM**

18. Final landform and surface restoration levels shall accord with the landform, and contours shown on Drawing No. 1616/R1 v4. The restored site shall also include components as depicted on Drawing No. 1616/FD/1 v2.

Reason: To minimise the impact upon the landscape and ensure proper restoration of the site in accordance with the approved plans and in accordance with policies PMD1, CSTP29, CSTP23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **AFTERCARE SCHEME**

19. No infilling shall take place until an aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use has been submitted to, and approved in writing by, the local planning authority prior to commencement of infilling.

Reason: To ensure proper restoration of the site in accordance with the approved plans and in accordance with policies PMD1, CSTP29, CSTP23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **NOISE LEVELS**

20. Noise levels from operations undertaken in association with the development hereby permitted shall not exceed 55dB(A)LAeq, 1h (free field) when measured at the noise sensitive properties defined in the submitted Noise Assessment. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the aforementioned noise sensitive properties

to demonstrate compliance with the above acceptable level.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **NOISE MITIGATION**

21. The development hereby permitted shall be undertaken in accordance with the noise monitoring and control measures outlined within the submitted Noise Assessment, dated December 2019.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **AIR QUALITY**

22. The development hereby permitted shall be undertaken in accordance with the control measures outlined within the submitted Air Quality Assessment, dated 28th March 2019.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **EXTERNAL LIGHTING**

23. No development shall take place until a scheme for the lighting of external areas of the development, including the access roads and working areas but excluding vehicle lights, has been submitted to and approved in writing by the local planning authority for minerals and waste. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights together with proposed hours.

Reason: In the interests of amenity and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **PD ALLOWANCES**

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-

enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the local planning authority.

Reason: In the interests of visual amenity and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **LANDSCAPING SCHEME**

25. A landscape scheme containing details of the replacement hedge, enhancements to the existing hedges and ecological enhancement measures, including a timetable for implementation shall be submitted and approved by the local planning authority prior to the cessation of works. The landscaping scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its surroundings and provides opportunities for new landscaping and habitat creation in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **ATTENUATION PONDS**

26. Details of the design of the attenuation ponds including habitat enhancement measures and a timetable for implementation shall be submitted to and approved by the local planning authority prior to the cessation of works. The attenuation ponds shall be formed in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its surroundings and provides opportunities for new landscaping and habitat creation in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **ECOLOGICAL CLERK OF WORKS**

27. A suitably qualified ecological clerk of works will supervise key stages of the works including initial site clearance.

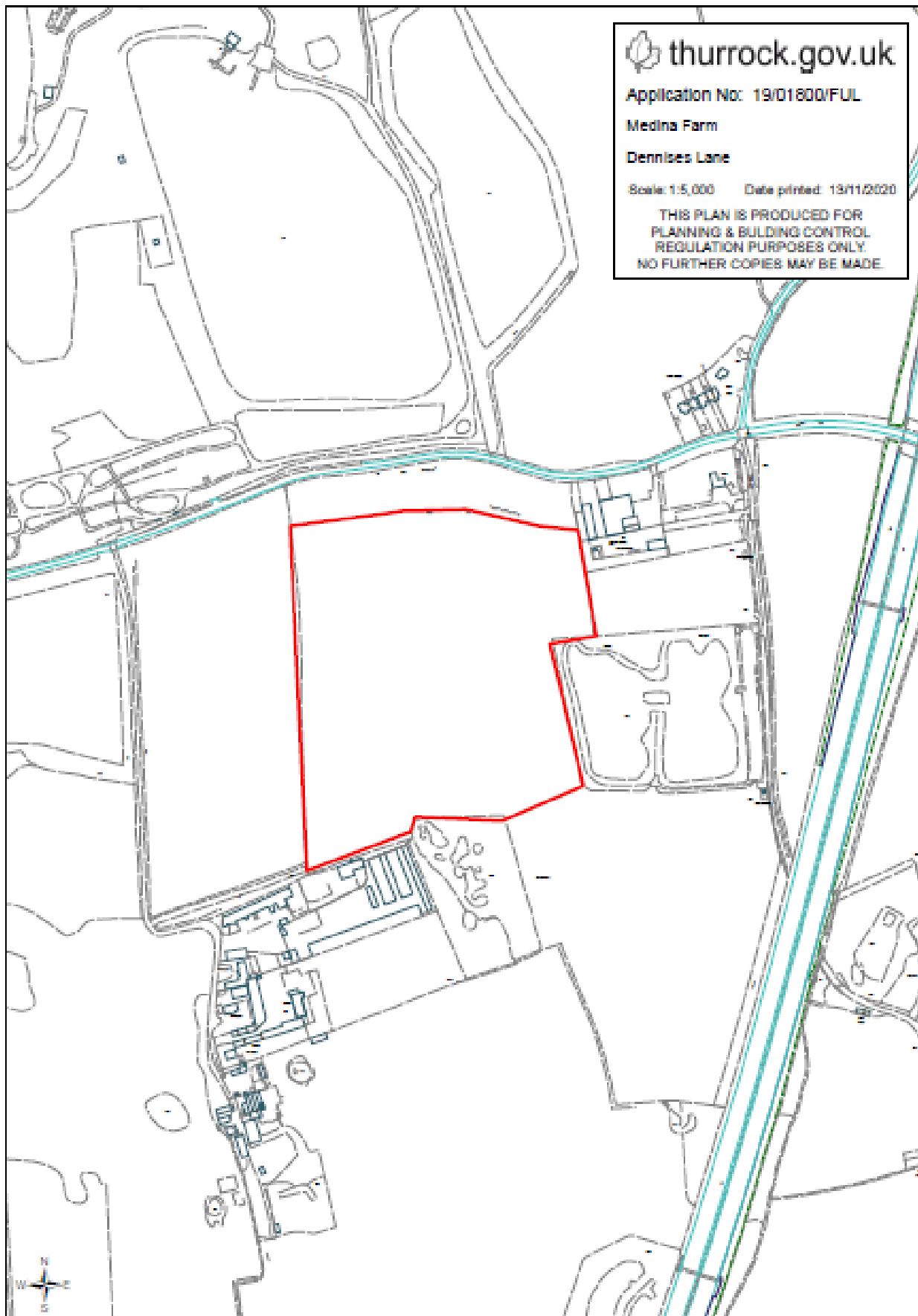
Reason: In order to protect the ecological interests on the site in accordance

with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Documents:**

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

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



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# Agenda Item 10

Planning Committee: 26 November 2020

Application Reference: 19/01799/FUL

<b>Reference:</b> 19/01799/FUL	<b>Site:</b> Medina Farm Dennises Lane Upminster Essex RM14 2XB
<b>Ward:</b>	<b>Proposal:</b> Extraction of minerals and reclamation material and importation of inert materials, ancillary plant and buildings with restoration back to agriculture.

<b>Plan Numbers:</b>		
Reference	Name	Received
1616/L	Location Plan	11th December 2019
1616/A/1 V5	Application Plan (1) – Thurrock Mineral Extraction	22nd January 2020
1616/A/2	Application Plan (2) – Thurrock Engineering Works	11th December 2019
1616/A/3	Application Plan (3) – Havering Mineral Extraction	11th December 2019
1616/A/4	Application Plan (4) – Havering Engineering Works	11th December 2019
1616/CO/1	Composite Operations Plan	11th December 2019
1616/CS/1	Illustrative Cross Section – Drainage Scheme	11th December 2019
1616/FD/1	Proposed Fencing Details	11th December 2019
1616/R/1	Proposed Restoration	11th December 2019

The application is also accompanied by:

- Cover Letter
- Supporting Statement, with accompanying appendices comprising -
- Appendix 1: Havering Decision Notice
- Appendix 2: Landscape & Visual Appraisal
- Appendix 3: Extended Phase 1 Habitat Survey
- Appendix 4: Amphibian Survey
- Appendix 5: Protected Species Report
- Appendix 6: Hydrogeological Impact Assessment
- Appendix 7:Flood Risk Assessment

- Appendix 7: Agricultural Land Classification and Soil Resources
- Appendix 9: Archaeological Desk-Based Assessment
- Appendix 10: Noise Assessment
- Appendix 11: Air Quality Assessment
- Appendix 12: Transport Assessment
- Surface Water Strategy

<b>Applicant:</b> Ingrebourne Valley Ltd	<b>Validated:</b> 20 January 2020 <b>Date of expiry:</b> 30 November 2020 (Extension of time agreed)
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**Recommendation:** Grant planning permission, subject to conditions

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr B Johnson, Cllr R Gledhill, Cllr A Jefferies, Cllr D Potter and Cllr A Lawrence in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to consider the proposal on the grounds of the impact upon the Green Belt.

## 1.0 SUMMARY

- 1.1 A total of four separate but related planning applications (to 2 planning authorities) have been submitted to cover an area of land totalling 17 hectares located west of the M25 motorway and south of Dennises Lane. The application sites comprise two fields referred to by the applicant as an eastern field (Field A) and a western field (Field B).
- 1.2 In summary, the applications propose engineering works to restore Field A, which has been previously worked for mineral deposits and the excavation of minerals with subsequent restoration on Field B. As the local authority boundary between Thurrock and the London Borough of Havering is aligned east-west and parallel and to the south of Dennises Lane, fields A and B are 'split' between the two authorities. Therefore a total of four planning applications have been submitted as follows:

<u>Application Ref.</u>	<u>Authority</u>	<u>Site</u>	<u>Proposal</u>	<u>Site Area</u>
19/01799/FUL	Thurrock	Field B	Extraction of minerals with subsequent restoration	5.6 Ha

19/01800/FUL	Thurrock	Field A	Engineering works to restore site	9 Ha
P1865.19	LB Havering	Field B	Extraction of minerals with subsequent restoration	0.9 Ha
P1866.19	LB Havering	Field A	Engineering works to restore site	1.5 Ha

- 1.3 As separate planning authorities, LB Havering and Thurrock are entitled to reach their own separate decisions for those applications within their jurisdiction. Therefore, and as the applications are functionally linked, in order to undertake the extraction, infilling and restoration all four planning applications would need to be approved. In the scenario when either authority refuses an application the 'combined' scheme could not be undertaken.

## 2.0 DESCRIPTION OF PROPOSAL

- 2.1 This application seeks permission for mineral extraction, the importation of restoration material and restoration works at Field A. The development would also include ancillary plant and buildings, with car parking for staff, a weighbridge and demountable structures providing office and rest space.
- 2.2 The proposal would involve the extraction of c.200,000 tonnes of sand and gravel. Following extraction, the void would be restored with imported inert material, although there would be a period of time when both extraction and restoration activities were operating simultaneously. The application confirms that c.250,000 m<sup>3</sup> (420,000 tonnes) of inert material will be required for the restoration of both Fields. Extraction and restoration activities would occur in a north-to-south direction across the site. The applicant estimates that the extraction of sand and gravel would take between one and two years, with the restoration of the 'void' taking a further one to two years.
- 2.3 This development is inherently linked to the application ref 19/01800/FUL which seeks permission for engineering works to improve drainage and re-restore previously worked land within the eastern field. The proposed restoration plan therefore shows a single final landform across both Field A and Field B.

### Access

- 2.4 Access to the site will utilise the existing junction with Dennises Lane with all vehicles routeing to and from the west. The applicant estimates that extraction activities will generate 64 HGV (two-way) movements per day on average, rising to 142 (two-way) daily movements when extraction and restoration are occurring simultaneously. The existing access will improved and a hardcore-surfaced compound area created at the

north-western corner of the site. The compound will accommodate a small car park, welfare facilities, weighbridge, gatehouse and wheel washing facilities.

### Operational Details

- 2.5 Prior to excavation a number of site preparation works are required comprising the removal of a hedgerow separating Fields A and B and the stripping and storage of topsoil and subsoils to form 3m high bunds around the perimeter of the site. Dewatering of Field B is required prior to extraction with water pumped to existing ditches south-west of the site within the control of the applicant (within LB Havering). No processing of the sand and gravel deposits are proposed and instead the minerals will be loaded directly to lorries directly by excavator.
- 2.6 Reclamation material for Field B will comprise inert material (clay, sandy clay, chalk, soils etc.) sourced from approved customers and subject to an Environmental Permit operated by the Environment Agency. Final restoration of the site will involve the spreading of subsoils and topsoils across both fields to create a shallow dome-shaped landform to enable the drainage of surface water to attenuation ponds at the south-eastern and south-western corners. After restoration, the fields would return to agricultural use. Proposed hours of operation are 7am to 7pm Mondays to Fridays only.

## **3.0 SITE DESCRIPTION**

- 3.1 The application site is a largely rectangular area of land on the southern side of Dennises Lane, bordered to the south by Baldwin's Farm, land within the applicant's ownership and subject to planning reference 19/01800/FUL to the east, with Pea Lane Fishery beyond, and open land to the west. The application site lies within the Metropolitan Green Belt and is currently used for the grazing of horses.
- 3.2 There is a public right of way (public footpath no. 1) located 150m to the east, adjacent to the M25 and Dennis Road, however this would not be impacted by the proposed development. An underground gas pipeline runs parallel and to the south of Dennises Land within the site. Existing ground levels across both fields range from 16m at the eastern boundary to 20m at the north-western corner of Field B
- 3.3 The wider development site sits astride the local authority boundary between Thurrock and Havering, therefore four separate but linked applications have been submitted. These are summarised in the table below:

Authority	Description	Application Plan
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Thurrock	Mineral extraction and restoration	1616/A/1
Thurrock	Re-restoration engineering	1616/A/2
Havering	Mineral extraction and restoration	1616/A/3
Havering	Re-restoration engineering	1616/A/4

- 3.4 The site of Field B is underlain by sand and gravel deposits (Lynch Hill Gravel) with a typical thickness of 2.2m to 3.2m. There are a number of historic and active landfill sites surrounding Medina Farm and located within both Thurrock and LB Havering. Although not shown on Environment Agency mapping, the applicant suggests that British Geological Survey Mapping and a walkover survey indicate that Field A has been subject to landfilling.

#### 4.0 RELEVANT HISTORY

Application Ref.	Description of Proposal	Decision
19/01800/FUL	Engineering works to improve drainage and re-restore previously worked land	Pending Consideration
20/00035/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Engineering works to improve drainage and re-restore previously worked land (Planning application ref. 19/01800/FUL).	Environmental Impact Assessment Not Required
20/00036/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Extraction of minerals and reclamation material and importation of inert materials, ancillary plant and buildings with restoration back to agriculture (ref. 19/01799/FUL).	Environmental Impact Assessment Not Required
79/01149/MIN	Extraction of material, including overburden, suitable for incorporation in the permanent works of the M25 Motorway	Approved

- 4.1 From the above table it is notable that the excavation of minerals has previously been undertaken on Field A (ref. 79/01149/PMIN).

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

### **5.1 PUBLICITY**

The application has been advertised by way of individual neighbour notification letters and by press advertisement. The application has been advertised as a major development. No responses have been received.

### **5.2 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)

#### **5.3 LB HAVERING:**

No response received.

#### **5.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):**

Recommend that planning conditions are attached to any grant of planning permission.

#### **5.5 ESSEX COUNTY COUNCIL (MINERALS & WASTE):**

No response received.

#### **5.6 CADENT GAS:**

Gas infrastructure is located just outside the northern site boundary of the site. Although work within the designated site will not affect gas infrastructure, the applicant should be aware that Cadent would need to be consulted about the protection methods required should the vehicle movements entering and exiting the site involve those vehicles crossing the pipelines.

#### **5.7 ENVIRONMENT AGENCY:**

No objection, subject to planning conditions referring to ground conditions.

#### **5.8 NATURAL ENGLAND:**

Provide advice relating to SSSI Impact Risk Zones.

**5.9 ENVIRONMENTAL HEALTH OFFICER:**

No air quality, noise or objections to the proposed operations subject to the implementation of recommended mitigation measures.

**5.10 FLOOD RISK MANAGER:**

Maintains a holding objection based on proposed discharge rates, water treatment and off-site flood risk during construction.

**5.11 HIGHWAYS:**

No objections, comments in relation to vehicle routing and the relationship of the site to the applicant's other operations.

**5.12 LANDSCAPE AND ECOLOGY ADVISOR:**

No landscape or ecology objections, subject to conditions.

**6.0 POLICY CONTEXT**

**6.1 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:

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport
- 13. Protecting Green Belt land
- 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
- 17. Facilitating the sustainable use of minerals.

**6.2 National Planning Practice Guidance (PPG)**

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 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
- Flood Risk and Coastal Change
- Green Belt
- Historic environment
- Land affected by contamination
- Land Stability
- Minerals
- Natural Environment
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

6.3 The NPPG states that planning for the supply of minerals has a number of special characteristics that are not present in other development as follows:

- Minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited;
- Working is a temporary use of land, although it often takes place over a long period of time;
- Working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
- Since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
- Following work, land should be restored to make it suitable for beneficial after-use.

6.4 With regards to restoration, the NPPG states that the responsibility for the restoration and aftercare of mineral sites, including financial responsibility lies with the minerals operator and, in the case of default, with the landowner.

## 6.5 Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

### SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

### THEMATIC POLICIES

- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP21 (Productive Land)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP31 (Provision Of Minerals)
- CSTP32 (Safeguarding Mineral Resources)

### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- 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)
- PMD15 (Flood Risk Assessment)

## 6.6 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.

## 7.0 ASSESSMENT

The following key issues are relevant to the consideration and determination of this application:

- I. Plan designation and principle of development
- II. Conformity with mineral policies
- III. Assessment of proposed landform
- IV. Impact upon amenity and air quality
- V. Access and highway impacts
- VI. Effect upon ecology and nature conservation
- VII. Flooding, surface water management and protection of water resources
- VIII. Archaeology and cultural heritage
- IX. Footpath and working areas
- X. Other Matters

### I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

7.1 The site is located within the Green Belt. Paragraph no. 146 of the NPPF states that:

*“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”. The list of “not inappropriate” development includes ‘mineral extraction’ (paragraph no. 146 (a)). As set out below, it is not considered that the proposed development would conflict with any of the following five purposes of including land in the Green Belt detailed at paragraph no. 134 of the NPPF:*

- the development would not give rise to the unrestricted sprawl of any large built-up areas, being located between the settlements of South Ockendon and Upminster;
- the development would not result in the neighbouring towns of South Ockendon and Upminster merging into one another to any material degree;
- it is not considered that the development would result in any long term encroachment into the countryside;
- the proposed development would not impact on the setting and special character of historic towns; and
- the development would not prejudice the regeneration of urban areas.

7.2 With regards to the impact upon openness, the proposal for Field B involves mineral extraction and subsequent infilling and restoration. The mineral workings would, to an extent, be contained within the void created by the mineral extraction. Whilst stockpiles, perimeter bunds, the ancillary office, parking areas and activity associated with the removal of the minerals have an impact on the spatial and visual aspects of Green Belt openness, it is considered that this impact is not significant and would be limited to a temporary period of up to four years. Restoration of the site and the creation of a shallow domed landform would not significantly impact on openness. Consequently, as it is considered that the proposals would not harm openness and would not conflict with the purposes of including land with the Green Belt, the proposals can be considered as appropriate development and it is not necessary to consider whether very special circumstances exist.

## II. CONFORMITY WITH DEVELOPMENT PLAN POLICIES FOR MINERALS

- 7.3 The preamble to adopted Core Strategy policy CSTP31 (Provision of Minerals) states that Thurrock is a Minerals Planning Authority (MPA) and is required to plan for an adequate and steady supply of mineral resource to meet its own material needs and contribute to the region's needs.
- 7.4 Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. At paragraph 207 the NPPF requires MPA's, either individually or jointly by agreement, to produce a Local Aggregate Assessment (LAA). The role of the LAA is to aid in the determination of mineral provision a MPA should set within a minerals planning area. The LAA is required to incorporate an assessment of all potential mineral supply options, including minerals won and those derived from secondary or recycled sources. As such, MPA's set their 'annual apportionment'. Paragraph 207 (f) of the NPPF goes on to state that MPA's should plan for an adequate and steady supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel. Although National Planning Practice Guidance notes that:

*"There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank."* (Reference ID: 27-084-20140306).

7.5 Policy CSTP31 of the Core Strategy states that, in relation to land won minerals:

*'The Council will endeavour to maintain a land bank of at least 7-years and aim to meet the sub-regional apportionment of 0.14 million tonnes (mt) per annum of sand and gravel throughout the Plan period or meet any subsequent change in the period as agreed by national policy or as a result of a review of the regional apportionment'.*

The preamble to the Policy states that Thurrock had permitted reserve, as of January 2008, of 1.54 mt which divided by the annual apportionment (0.14 mt per annum) equated to a land bank of 10.9 years.

7.6 However, the above figure quoted in the Core Strategy is several years old. Data from the Greater Essex Local Aggregate Assessment 2019 (Essex County Council) is set out in the table below:

<b>Permitted Primary Aggregate Sites in Thurrock (31.12.18)</b>			
Operational Sand & Gravel Quarries with Permitted Reserves			
<u>Operator</u>	<u>Site</u>	<u>Material</u>	<u>Cessation Date for Planning Permission</u>
Rio Aggregates	Dansand Quarry, Stanford Road, Orsett	Thanet Sand	2025
Ingrebourne Valley	Mill House Farm, West Tilbury	Sand & Gravel	2020
Ingrebourne Valley	Orsett Quarry, Stanford-le-Hope	Thanet Sand	2042
S Walsh & Sons	East Tilbury Quarry, East Tilbury	Sand & Gravel	2021

7.7 The applicant's supporting statement provides a commentary on the operational sand and gravel quarries quoted in the above table as follows:

- Dansand Quarry – Thanet Sand is excavated at this site which is a fine-grained material unsuitable for construction aggregate purposes, including concrete and more suited to the manufacturing of soils and use in pipe bedding and backfilling. The applicant therefore questions whether this quarry should be included within the landbank of construction aggregates;
- East Tilbury Quarry – this site has been worked for minerals for a number of decades and has been progressively infilled. The applicant understands that the

site has run out of aggregates and is no longer contributing to the landbank. The planning permission for extraction ceases next year;

- Mill House Farm – this site is operated by the current applicant and the current planning permission for extraction and restoration of the site to provide an operation agricultural irrigation reservoir expires at the end of 2020. In practical terms this site no longer contributes to Thurrock's aggregates landbank;
- Orsett Quarry – this is a previously worked site, also operated by the current applicant. The site comprises an empty void space with a 'small' reserve of Thanet Sand. Ingriebourne Valley Ltd has submitted a planning application to the Council (ref. 19/01709/FUL) proposing "Mineral extraction and processing at Orsett Quarry and extension into adjoining land at Walton's Hall Farm, erection of a processing plant and ancillary activities, importation and treatment of reclamation material with progressive restoration to farmland with landscape planting". However, this application is still under consideration and, apart from the 'small' reserve of Thanet Sand does not contribute to the landbank.

Consequently, the applicant considers that, apart from the reserves of Thanet Sand which may have limited use as an aggregate in construction purposes, the landbank of sand and gravel reserves is small and likely to be below the suggested 'minimum'.

- 7.8 As noted above, paragraph 207(f) of the NPPF states that MPA's should maintain *"landbanks of at least 7 years for sand and gravel...whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates.'* Furthermore Core Strategy Policy CSTP31 (Provision of Minerals) also seeks to maintain a land bank of at least 7-years.
- 7.9 Therefore, it is considered that the proposal would assist the Council in contributing to a land bank of at least 7 years during the plan period, in line with national and local planning policies

### III. ASSESSMENT OF PROPOSED RESTORATION, AFTER USE AND AFTERCARE

- 7.10 Paragraph 205(e) of the NPPF states '*When determining planning applications, local planning authorities should.....provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances'*'.

7.11 Adopted Core Strategy policy CSTP29 (Waste Strategy) states at (5) (II.) that; '*proposals for new landfilling will be resisted unless part of a necessary scheme to achieve approved restoration levels at a mineral working site*'. The Core Strategy envisaged that certain saved policies within the Essex Minerals Local Plan (EMLP) Adopted First Review (November 1996) would be replaced within the Minerals and Waste DPD (MWDPD). Given the stage the MWDPD reached, those Policies in the EMLP have not been replaced to date. However, Policy MLP8 of the EMLP remains relevant and contains a number of requirements which are considered to be consistent with the NPPF, most notably;

- *Planning permission will not normally be given for the working of minerals unless the land concerned is capable of being restored within a reasonable time to a condition such as to make possible an appropriate and beneficial after-use.*
- *Where filling material is necessary, permission will not be given until it is shown that suitable material will be available and that the compatibility of the landfill has and leachate monitoring and control structures and processes with the afteruse is demonstrated.*
- *where permission is given, conditions will be imposed to secure;*
  - (i) *Progressive working and restoration*
  - (ii) *Aftercare and maintenance of the restored land for not less than 5-years, and;*
  - (iii) *A beneficial afteruse of the restored land including the use of areas that remain waterfilled*

7.12 Policy MLP9 of the EMLP relates to working and reclamation and states;

*'In considering planning applications for mineral working or related development, the Mineral Planning Authority will permit only those proposals where the provisions for working and reclamation contained in the application are satisfactory and the implementation of the proposals is feasible'*

#### Proposed restoration

- 7.13 It is proposed that the site (comprising both Fields A and B) is restored to a shallow dome-shaped agricultural field, including a small area of hardstanding to be retained in the north western corner of the site.
- 7.14 The application is supported by a Landscape and Visual Impact Assessment which concludes that, while there would be moderate significant effects on landscape character during the works, following restoration the overall effects would be

negligible-beneficial following the restoration of farmland and replanting of a better-quality hedge. The assessment of visual effects found that due to topography and existing vegetation the effects of the scheme would be localised, being experienced not more than 200m beyond the site. The nearest residential properties are screened from direct views and other surrounding land uses are not considered sensitive. The LVIA therefore concludes that the scheme would not have significant adverse visual effects. The Council's landscape and ecology advisor agrees with this assessment.

#### Phased nature of restoration

- 7.15 The NPPG advises Local Mineral Plans to include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place (Paragraph: 037 Reference ID: 27-037-20140306). As detailed in the NPPG progressive or 'rolling' restoration and aftercare minimises the area of land occupied at any one time by the mineral working. This is desirable unless doing so would be likely to adversely affect the standard of reclamation achieved, or would be impractical having regard to the type of operation and nature of the site. EMLP Policy MLP8 has an expectation that proposals will involve progressive working and restoration.
- 7.16 The site will be restored in a progressive manner, being backfilled with inert material as the sand and gravel is excavated. The applicant suggests that the restoration works will be completed no more than four years after the commencement of extraction and it is considered that this is a reasonable timeframe and would ensure the reclamation of the site at the earliest opportunity, in accordance with policy.
- 7.17 Subsoil and topsoil will be spread across the site in its entirety in separate layers once these voids have been completely backfilled. This will be undertaken using a low ground pressure dozer.
- 7.18 The site will be restored to a shallow dome-shaped agricultural field, with a slight increase in height across the two fields to ensure sufficient drainage. For reference, existing levels across Fields A and B range between 16m at the eastern boundary to 20m at the north-western corner. The proposed levels would increase from 21m in the centre of the site to 18m at the boundaries. The drainage gradient would be in the region of a 1 in 40 to 1 in 80 slope, designed to guide surface water to the north, east, south and west of the site where it will be collected by drainage ditches. These drainage ditches lead to the two attenuation ponds, located in the south-east and south-west corner respectively.
- 7.19 Neither the Environment Agency nor Council's Environmental Health Department have raised any objections in relation to the material that is proposed to be used in the restoration, subject to appropriate planning conditions. It should be noted that

the development requires a separate environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.

- 7.20 In conclusion under this heading, subject to suitable conditions there are no objections to the proposed restoration programme.

#### IV. IMPACT UPON AMENITY AND AIR QUALITY

- 7.21 The application is accompanied by an Air Quality Assessment and a Noise Assessment. The site is in a relatively isolated position with regard to neighbouring residential properties, although residential uses are positioned to the south-west of the site at Baldwins Farm and to the east at Medina and Dennises Cottages.
- 7.22 Operational plant would comprise 1 or 2 excavators to be used for stripping of soils and creation of the perimeter bunding in association with articulated dump trucks. The excavation of sand and gravel would be undertaken using a single excavator loading onto HGV's for onward transportation. Reclamation and restoration would also be undertaken by HGV's with a dozer to spread inert materials.
- 7.23 The applicant is proposing operating hours of 07:00 – 18:00 Mondays to Fridays with no works on Saturdays, Sundays or Bank Holidays.
- 7.24 The Noise Assessment concludes that, with appropriate mitigation and control measures, noise levels associated with the excavation, reclamation and restoration of the site would be acceptable and would comply with the requirements of the NPPF. The Council's Environmental Health Officer has reviewed the applicant's Noise Assessment and is satisfied that, if the recommendations within the report are implemented, operations will be in accordance with BS 5228-1+A1. 2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites. Part 1: Noise. This matter can be addressed through use of a planning condition.
- 7.25 The applicant's Air Quality Assessment assesses the potential impacts of road vehicle exhaust emissions and fugitive dust on a number of receptors both within Thurrock and LB Havering. The Assessment concludes that impacts from exhaust emissions (nitrogen dioxide and particulates) are likely to be negligible at all receptors and therefore not significant. An assessment of disamenity dust concludes slight effects at three receptor locations and negligible impacts at one receptor location. Particulates would have negligible impacts on human health. The overall significance of the impacts of fugitive dust is assessed as not significant. In order to keep dust emissions within acceptable tolerances, the applicant's assessment includes a number of in-built or embedded mitigation measures based around good operating and management practices.

- 7.26 The Environmental Health Officer has reviewed the submitted air quality assessment and does not foresee any issues with the operational element of the development. The Officer confirms that all modelled receptors indicate a negligible significance for air quality for the nearest receptors. The proposed mineral extraction and reclamation activities is also far enough away from the declared AQMAs not to cause a significant impact.
- 7.27 In conclusion under this heading, and subject to mitigation measures being secured by planning conditions, it is considered that the proposal would not cause unacceptable effects on the amenities of neighbouring occupiers and as such the proposals accord with Core Strategy Policy PMD1 (Minimising pollution and impacts on amenity).

## V. ACCESS AND HIGHWAY IMPACTS

- 7.28 Vehicular access to the site would be taken from an existing 'farm track' which serves Baldwins Farm which is located to the south. The farm track connects to the local highway network (Dennises Lane) a short distance to the north. It is important to note that the section of farm track in-between the proposed site compound / car park is located within LB Havering. Furthermore, Dennises Lane both east and west of the site is also within LB Havering. Indeed it is only that part of Dennises Lane located east of the M25 motorway which is a 'Thurrock' road.
- 7.29 The applicant has submitted a Transport Assessment which includes the following assessment of trip generation (based on a five-day working week i.e. c.250 operational days per year):

Mineral Extraction –

32 daily HGV arrivals & departures (64 daily two-way HGV movements)

Importation of Restoration Material –

39 daily HGV arrivals & departures (78 daily two-way HGV movements)

Simultaneous Mineral Extraction & Importation of Restoration Material –

71 daily HGV arrivals & departures (142 daily two-way HGV movements)

However, as both the demand for sand and gravel and the availability of inert infill material is reliant on the market, there is likely to be day to day variation in HGV movements. Therefore, the applicant's assessment assumes a worst case of a maximum 100 daily HGV arrivals & departures (200 daily two-way HGV movements), with a maximum AM peak of 20 two-way HGV movements in an hour.

- 7.30 With reference to HGV routing, the assessment confirms that restoration material would be routed to the site via the A13 / A1306 / Launders Lane / Warwick Lane / Bramble Lane / Dennises Lane and extracted sand and gravel would be transported from the site either to Rainham Quarry (within LB Havering) or to the A1306 for onward distribution. Therefore HGV movement associated with both import and export of material would use LB Havering roads to access the strategic road network. It is not intended to route HGV's to the east and therefore Thurrock roads would be avoided.
- 7.31 Consequently, it is a matter for LB Havering to determine whether the impact of HGV movements on the Havering road network would be acceptable. Although pre-submission scoping correspondence with LB Havering highways officers suggests that junction capacity and HGV routing within Havering is not a cause for concern.
- 7.32 A planning condition is suggested to restrict maximum daily HGV movements and require compliance with the proposed HGV routing.

## VI. EFFECT UPON ECOLOGY AND NATURE CONSERVATION

- 7.33 No part of the site forms part of any statutory or non-statutory ecological or nature conservation designation, although the site does lie within impact zones drawn around a nearby SSSI (in this case the Ingrebourne Marshes SSSI within LB Havering). Therefore, Natural England have been consulted and have responded in the form of a 'standard' advice note for minerals and waste applications. This advice note provides a checklist of issues for the local planning authority to consider comprising:
- achieving net gain for environmental outcomes;
  - impacts to groundwater & surface water;
  - noise impacts;
  - impacts of lighting;
  - dust;
  - impacts to any functionally linked land; and
  - biodiversity benefits.

These matters are considered under this heading and elsewhere within this report. Although the Landscape and Ecology Advisor confirms that, having assessed the scheme and the citation for the SSSI it is considered that the scheme would not have any potential adverse effects on it.

7.34 With regard to existing habitats on the site, the applicant's Habitat Survey Report confirms that both Fields A and B comprise improved grassland, with sections of hedgerow in between the fields and along the northern boundary and a tree line along the western boundary of Field B. The open grassland is considered by the applicant to be of low ecological value and although the hedgerow is of more interest it is nevertheless of limited ecological value. The central hedgerow between Fields A and B will be removed although the applicant anticipates that no trees will need to be removed.

7.35 The application is accompanied by species surveys for protected or notable species and the results of these surveys are summarised below:

- Great Crested Newts (GCN)

Although there are no waterbodies on the site, the presence of GCN in the wider landscape is known. The habitats on-site are capable of supporting overwintering newts. Further surveys are recommended.

- Birds

The site provides breeding habitat for birds and the removal of vegetation should be undertaken outside of the breeding season. Mitigation in the form of new planting with bird boxes is recommended.

- Bats

The site provides some roosting, foraging and commuting resources for bats. Further surveys and mitigation (bat boxes / sensitive lighting) is recommended.

- Invertebrates

The habitat on-site has negligible value for notable invertebrates. The proposed restoration scheme offers the opportunity for enhancement of habitat.

- Reptiles

No reptiles were encountered on-site. Further surveys are recommended.

7.36 The Council's Landscape and Ecology Advisor has considered the applicant's ecological appraisal and notes that although the surveys were undertaken in 2017, the habitats remain broadly as described and given the relatively low value of much of the habitat the applicant's assessment is considered to be acceptable. The Advisor confirms that most of the site comprises species poor grassland of negligible ecological value, however features such as the hedges, adjacent watercourses and woodland mean that the site is considered to have some potential to support GCN, bats, reptiles and breeding birds. The applicant's species surveys recorded no reptiles, while low numbers of bats were recorded foraging and commuting along the boundary hedges. The loss of the hedge through the site is considered to have some adverse effects on commuting bats until restored, however given the low level of use

it is agreed that the effects would not be significant.

- 7.37 The Advisor agrees that the proposed provision of attenuation ponds on the southern boundary would be beneficial as they will create improved habitat for foraging. It is also agreed that, while largescale wildflower grassland creation would not be appropriate if the site is to be returned to agriculture, other measures detailed in the ecology report such as providing buffers beside the new hedge and the enhancement of the boundary hedges should be adopted. The applicant confirms the precautionary reptile method statement will be adopted and an ecological clerk of works will oversee the works. Consequently, there are no objections to this scheme on ecology grounds, subject to conditions.

## VII. FLOODING, SURFACE WATER MANAGEMENT AND PROTECTION OF WATER RESOURCES

- 7.38 The site is shown on the Environment Agency's Flood Risk map to be located entirely in Flood Zone 1 (low probability). This represents land assessed as having less than a 1 in 1,000 annual probability of flooding from rivers or the sea. However as the site area exceeds 1Ha a flood risk assessment (FRA) has been submitted, supplemented by a Surface Water Drainage Strategy.
- 7.39 The FRA has considered the risk of flooding from groundwater as the level of groundwater varies between 0.5m and 2m below ground levels. However, the site will be worked using framing and de-watering techniques, thereby reducing the possibilities for flooding from groundwater sources.
- 7.40 Once both Fields A and B have been restored there will be a reduction in infiltration rates and therefore an increase in surface water run-off. The proposed surface water management plan includes the creation of perimeter ditches which will discharge surface water into attenuation ponds located in the south-eastern and south-western corners of the site.
- 7.41 The Environment Agency has been consulted and has provided a consultation response pursuant to their responsibilities for managing risk to controlled waters. Subject to conditions, the Agency raise no objections to the application.
- 7.42 With reference to surface water drainage issues, the Flood Risk Manager has maintained an objection to the proposals based on:
- limitation of discharge rates from the site;
  - confirmation that surface water run-off from the site will be treated; and
  - minimisation of off-site flooding from surface water during construction.

However, it is considered that this ‘objection’ actually seeks compliance with prescribed run-off rates, water treatment standards and a run-off route. Therefore the comments from the Flood Risk Manager do not impede the potential grant of planning permission subject to appropriate planning conditions.

## VIII. ARCHAEOLOGY AND CULTURAL HERITAGE

- 7.43 Although Field A to the east has been previously worked for minerals and subsequently infilled and therefore has no archaeological potential, Field B has been subject to a low degree of ground disturbance. The area surrounding the site has been identified as containing archaeological deposits with extensive multi-period deposits. A planning condition is required to require archaeological investigation prior to commencement of development.
- 7.44 The proposals would not impact to any material degree on any listed buildings or conservation areas located close to the site.

## 8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 8.1 Although this site is within the Green Belt, it is considered that the proposals would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Assessed against planning policies for minerals, the proposed extraction would contribute to the landbank of minerals required by local and national planning policies. Subject to mitigation measures to be secured via planning conditions, there would be no harm to ecological interests and no harm to nearby receptors as a result of noise or impact on air quality. Similarly there are no flood risk or heritage objections, subject to conditions. HGV movements and routing would impact on roads within LB Havering and a number of planning conditions would address highways matters. It is concluded that the proposals comply with relevant policies and, subject to conditions, it is recommended that planning permission is granted.

## 9.0 RECOMMENDATION

Grant planning permission subject to the following conditions:

### TIME LIMIT - COMMENCEMENT

1. The development to which this permission relates must be commenced no later than five years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority for waste and minerals within seven days of such commencement.

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.

## **ACCORDANCE WITH PLANS**

2. The development hereby permitted shall be carried out in accordance with the plans, particulars and specifications submitted and hereby approved:

- Location Plan- Drawing No. 1616/L v2, dated 28/11/2019;
- Application Plan (1) - Thurrock Mineral Extraction - Drawing No.1616/A/1 v5, dated 17/01/20;
- Composite Operations Plan – Drawing No. 1616/CO/1 v5, dated 28/11/2019;
- Illustrative Cross Section - Drainage Scheme- Drawing No. 1616/CS/1 v1, dated 28/06/2018;
- Proposed Fencing Details- Drawing No. 1616/FD/1 v2, dated 28/11/2019;
- Proposed Restoration- Drawing No. 1616/R1 v4, dated 28/11/2019.

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

## **TIME LIMIT - OPERATIONS**

3. The development hereby permitted shall be limited to a period of 4 years, from the notified date of commencement, by which time all operations shall have ceased and the site restored in accordance with Drawing No. 1616/R1 v4 and Drawing No. 1616/FD/1 v5.

Reason: In order to comply with the terms of the submitted application and to ensure the reclamation and restoration of the site at the earliest opportunity in compliance with local and national planning policies for minerals.

## **TEMPORARY PLANT ETC.**

4. Any buildings, plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 4 years from the date of notified commencement.

Reason: In order to comply with the terms of the submitted application and to ensure the reclamation and restoration of the site at the earliest opportunity in compliance with local and national planning policies for minerals.

## TEMPORARY CESSATION OF WORKS

5. In the event that operations are terminated or suspended for a period in excess of 12 months, the excavated area and all other disturbed land shall be restored in accordance with a restoration scheme that has been submitted to and approved in writing by the local planning authority. The approved restoration scheme shall be completed within 12 months of the date on which the local planning authority notified the operator in writing that operations had been terminated or suspended for 12 months.

Reason: To ensure the satisfactory restoration of this Green Belt site in the event that operations are suspended in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## MAXIMUM EXPORT & IMPORT OF MATERIAL

6. The export of mineral from the site shall not exceed 200,000 tonnes during the life of the development hereby permitted. No more than 420,000 tonnes of infill material shall be imported into the site during the life of the development hereby permitted.

Reason: In order to comply with the terms of the submitted application and to ensure that the impacts of the development are within the assessed parameters.

## IMPORTS OF INERT MATERIAL ONLY

7. Only inert waste material, as defined within the Landfill (England and Wales) Regulations 2002, shall be imported into the site for the purposes of infilling and restoration.

Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## RECORDS OF EXPORTS & IMPORTS

8. From the date of commencement, the operator shall maintain records of its monthly output of mineral from the site and imports of inert waste into the site. Such records shall be made available to the local planning authority upon request, within 14 days.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

### **NO STORAGE OR STOCKPILING**

9. With the exception of environmental bunds specifically identified on the approved plans, no storage of materials or stockpiling shall take place on any part of the site.

Reason: In order to protect the visual amenities of the surrounding area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **HGV MOVEMENTS**

10. The total number of heavy goods vehicle (HGV) movements in and out of the site associated with the development shall not exceed 130 movements in and 130 movements out per day in conjunction with the Pinches and Aherns Compound Area. Cumulative HGV movements of these sites shall not exceed 230 movements through the Launders Lane junction.

Reason: In the interests of highway safety and protecting local amenity, in accordance with policies PMD1, PMD9 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **HGV ROUTING**

11. HGVs travelling to and from the site shall abide by the following routing plan; A13/A1306/Launders Lane/Warwick Lane/Bramble Lane/Dennises Lane. HGVs associated with the development are not permitted to deviate from this approved route.

Reason: For the avoidance of doubt and in the interests of highway safety and protecting local amenity, in accordance with policies PMD1, PMD9 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **RECORDS OF HGV MOVEMENTS**

12. A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available to

the local planning authority for minerals and waste, upon request, within 14 days.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

## **OPERATING HOURS**

- 13 Except in emergencies, when the local planning shall be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:
- 07:00 hours to 18:00 hours Monday to Friday; and
  - no other times including Saturdays, Sundays, Bank or Public Holidays.

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

## **ARCHAEOLOGY**

- No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.
- A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.
- No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
- The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason for condition nos 14-17: To ensure that investigation and recording of any remains takes place prior to commencement of development, to ensure that the archaeological history of the site is recorded and to ensure appropriate

assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## CONTAMINATION

18. The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been 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.

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

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

Reason: To ensure that risks from land contamination to 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 Core Strategy and Policies for the Management of Development (2015).

20. No infiltration of surface water drainage into the ground at this site is permitted other than with written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

21. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the operation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

## **SURFACE WATER DRAINAGE**

22. The development hereby permitted shall be undertaken in accordance with the water drainage strategy outlined in the Surface Water Drainage Strategy, dated April 2020. Prior to the development of the site:

- a) details of the sufficient storage and half drain time on site shall be updated to reflect a 1 in 1 Greenfield runoff rate for storm events up to and including the 1 in 100 -year plus 40% allowance for climate change. Alternatively, if restricting to the 1 in 1-year greenfield rate approach is not possible discharge rates can be limited to a range of equivalent greenfield discharge rates (1 in 1, 1 in 30 and 1 in 100 inclusive climate change allowance) with provision of long-term storage;
- b) details of treatment to all surface water runoff in line with chapter 26 of CIRA SuDS manual C753 shall be submitted and approved in writing by the local planning authority; and
- c) a surface routing plan detailing the surface water runoff route and treatment to prevent pollution shall be submitted to and approved by the local planning authority.

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

## **HYDROLOGICAL MONITORING**

23. No development shall take place until an updated hydrological monitoring and mitigation plan has been submitted to and approved in writing by the local planning authority for minerals and waste. This plan shall seek to mitigate for

any adverse hydrological and water quality impacts, if they arise, during the development, and mitigation shall include measures to suspend operations authorised by this permission, until such impacts are resolved.

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

## **ACCORDANCE WITH SURFACE WATER DRAINAGE STRATEGY**

24. The development hereby permitted shall be undertaken in accordance with the submitted Surface Water Drainage Strategy dated April 2020.

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

## **RETENTION OF TOPSOIL**

25. All topsoil, subsoil indigenous to the site and soil making material imported shall be retained on the site and used in the restoration herby permitted.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

## **TOPSOIL HANDLING**

- 26 No topsoil or subsoil shall be stripped or handled unless it is in a dry and friable condition and no movement of soils shall take place when the moisture content of the upper level of the soil is equal to, or greater than, that at which the soil becomes plastic; or when there are pools of water on the soil surface.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

27. No excavation shall take place nor shall any of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and subsoil has been stripped from that part of the site and stored in accordance with the approved details.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

**BUNDS**

28. No development shall take place until details and a programme for the forming, planting and maintenance of soil storage bunds around the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the retention of material on site to achieve satisfactory restoration and in the interests of visual amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**TOPSOIL STRIPPING**

29. No stripping or handling of topsoil or subsoil shall take place until a scheme of soil movement and scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted at least three months prior to the commencement of soil stripping and shall clearly identify the origin, intermediate and final location of soils for use in agricultural restoration together with details of quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

**NOTICE OF SOIL STRIPPING**

30. The operator shall notify the local planning authority for minerals and waste at least five working days in advance of the intention to start stripping soils from any part of the site.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

**NOTICE OF FINAL TOPSOIL PLACEMENT**

31. The operator shall notify the local planning authority at least five working days in advance of the commencement of the final subsoil and topsoil placement to allow a site inspection to take place.

Reason: To enable the local planning authority to monitor activity at the site and

to ensure compliance with this planning permission.

## **RESTORATION MATERIAL**

32. The uppermost 0.5m of the infill material shall be free from rubble and stones greater than 150mm in diameter and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery. The infill material shall be covered with a minimum of 0.8m of even depth subsoil and 0.4m of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To assist in the restoration of the site to a beneficial after use.

## **FINAL LANDFORM**

33. Final landform and surface restoration levels shall accord with the landform, and contours shown on Drawing No. 1616/R1 v4. The restored site shall also include components as depicted on Drawing No. 1616/FD/1 v2. Notwithstanding the detail shown on drawing no. 1616/FD/1 v2 the hardcore-surfaced compound area shall be removed from the site on cessation of all operations.

Reason: To minimise the impact upon the landscape and ensure proper restoration of the site in accordance with the approved plans and in accordance with policies PMD1, CSTP29, CSTP23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **AFTERCARE SCHEME**

34. No infilling shall take place until an aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use has been submitted to, and approved in writing by, the local planning authority prior to commencement of infilling.

Reason: To ensure proper restoration of the site in accordance with the approved plans and in accordance with policies PMD1, CSTP29, CSTP23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **WHEEL WASHING**

35. No development shall take place until vehicle cleansing facilities to prevent mud being deposited onto the public highway during operations have been provided

on site in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **NEW ACCESS**

36. No development shall take place until details of the construction of the new access (located on the western boundary of the site) have been submitted and approved by the local planning authority.

Reason: In the interests of highway safety and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **VISIBILITY SPLAYS**

37. The proposals shall provide a 2.4m by 215m visibility splay to the left of the proposed access and a 2.4 by 94m visibility splay to the right of the proposed access (as shown on Drawing No. IT1682/TA/02 of the submitted Transport Assessment dated October 2019). No development shall take place until a scheme to achieve the aforementioned, outlining measures necessary to facilitate the visibility splays, together with aids proposed to enhance safety has been submitted to and approved in writing by the local planning authority. The visibility splays shall be provided and maintained in accordance with the approved scheme for the duration of the development hereby permitted.

Reason: In the interests of highway safety and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **NOISE LEVELS**

38. Noise levels from operations undertaken in association with the development hereby permitted shall not exceed 55dB(A)LAeq, 1h (free field) when measured at the noise sensitive properties defined in the submitted Noise Assessment. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the aforementioned noise sensitive properties to demonstrate compliance with the above acceptable level.

Reason: In the interests of amenity and to accord with policy PMD1, of the

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

## **NOISE MITIGATION**

39. The development hereby permitted shall be undertaken in accordance with the noise monitoring and control measures outlined within the submitted Noise Assessment, dated December 2019.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **AIR QUALITY**

40. The development hereby permitted shall be undertaken in accordance with the control measures outlined within the submitted Air Quality Assessment, dated 28th March 2019.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **EXTERNAL LIGHTING**

41. No development shall take place until a scheme for the lighting of external areas of the development, including the access roads and working areas but excluding vehicle lights, has been submitted to and approved in writing by the local planning authority for minerals and waste. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights together with proposed hours.

Reason: In the interests of amenity and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **PD ALLOWANCES**

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed in the development details hereby approved or

otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the local planning authority.

Reason: In the interests of visual amenity and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **LANDSCAPING SCHEME**

43. A landscape scheme containing details of the replacement hedge, enhancements to the existing hedges and ecological enhancement measures, including a timetable for implementation shall be submitted and approved by the local planning authority prior to the cessation of works. The landscaping scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its surroundings and provides opportunities for new landscaping and habitat creation in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **ATTENUATION PONDS**

44. Details of the design of the attenuation ponds including habitat enhancement measures and a timetable for implementation shall be submitted to and approved by the local planning authority prior to the cessation of works. The attenuation ponds shall be formed in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its surroundings and provides opportunities for new landscaping and habitat creation in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **ECOLOGICAL CLERK OF WORKS**

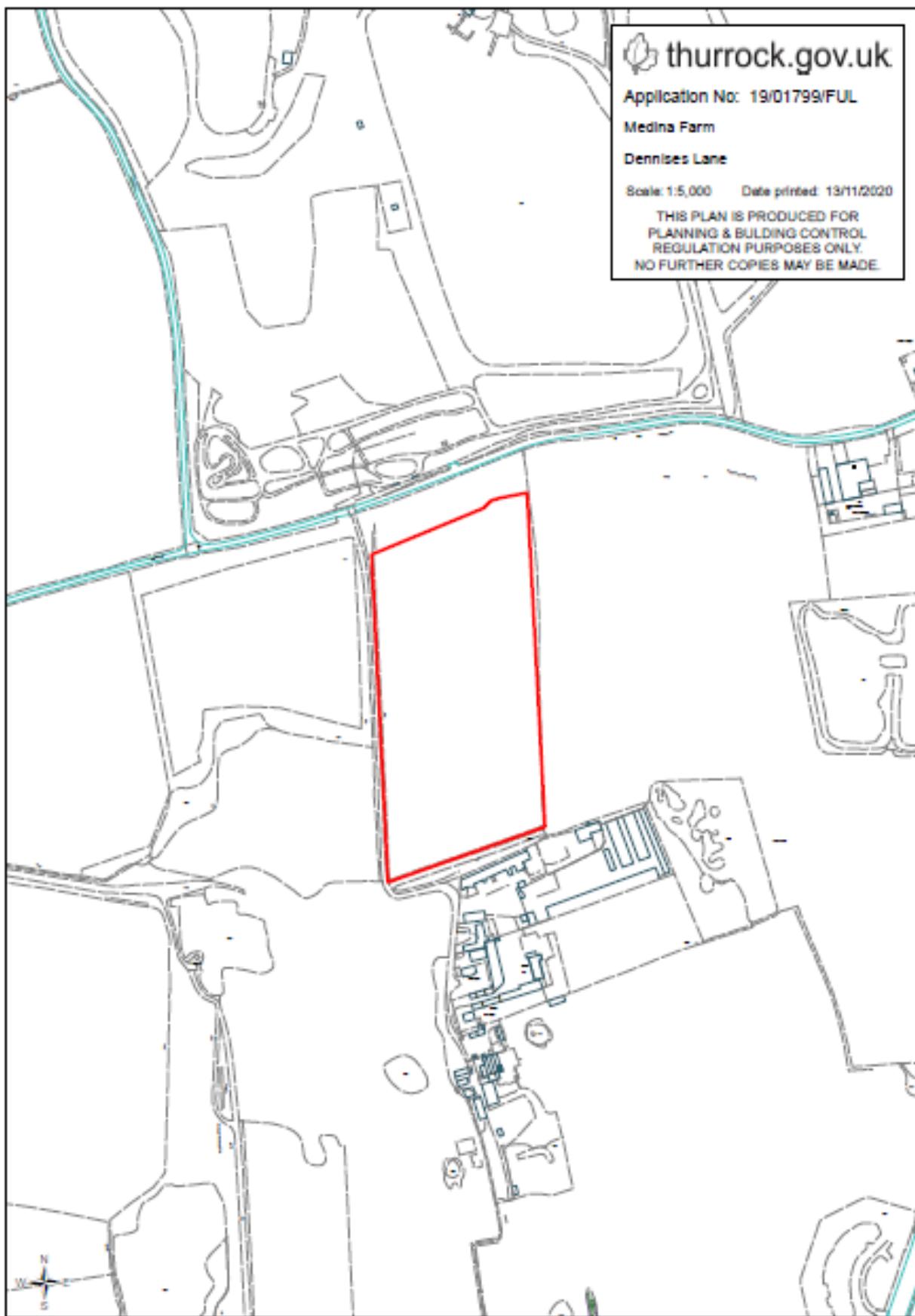
45 A suitably qualified ecological clerk of works will supervise key stages of the works including initial site clearance.

Reason: In order to protect the ecological interests on the site in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Documents:**

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

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



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# Agenda Item 11

Planning Committee: 26 November 2020

Application Reference: 20/00342/FUL

<b>Reference:</b> 20/00342/FUL	<b>Site:</b> Land Adjacent 43 And To Rear Of 45 To 47 River View Chadwell St Mary Essex
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Proposed 4 no 2 bedroom flats with access and associated parking and amenity spaces

<b>Plan Number(s):</b>		
Reference	Name	Received
Bld-1416-LP	Location Plan	30 <sup>th</sup> July 2020
Bld-1416-1	Ground and First Floor Plans	30 <sup>th</sup> July 2020
Bld-1416-2	Roof Plan and Section	30 <sup>th</sup> July 2020
Bld-1416-3	Elevations	30 <sup>th</sup> July 2020
Bld-1416-4	Block Plan	21 <sup>st</sup> September 2020

The application is also accompanied by:

- Design and Access Statement

<b>Applicant:</b> Mr Tony Bowers	<b>Validated:</b> 7 April 2020 <b>Date of Expiry:</b> 30 <sup>th</sup> November 2020 (agreed extension of time)
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application has been called in by Councillors Muldowney, Chukwu, Worrall, Fish, Rice and Fletcher (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution) to consider the application in relation to: overlooking to neighbouring occupiers, parking issues, impact on neighbours, loss of outlook for neighbours, impact on highways safety and impact on the character of the area.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a 2-storey building containing four 2-bedroom flats. 9 car spaces are shown on the proposed site plan; 4 of these would be allocated to the proposed flats, 1 would be for an existing flat in one of the frontage buildings, whilst the remaining 4 spaces would be for visitors. Bin storage for 3 communal bins is proposed adjacent to rear boundary of No 43 Riverview.
- 1.2 The proposed building would sit on a rectangular base with communal amenity space to the rear, within which there are cycle lockers adjacent to the eastern boundary.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site lies on the southern side of River View, to the rear of Nos 43 to 47 which currently consists of first floor flats over a row of shops and offices and a flat on the ground floor. The site itself consists of an area of hardstanding and an outbuilding.
- 2.2 The surrounding area is predominantly residential in character, with the site bounded to the east and south by the rear gardens of the semi-detached dwellings fronting Thames Drive and Stour Road respectively.

## **3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
18/01063/OUT	Outline planning application for the erection of a block of 7 flats to rear of 45 / 47 River View with associated hardstanding parking, and amenity space (all matters reserved)	Refused on grounds of: overdevelopment; lack of amenity space; amenity impact; unsatisfactory residential standards; and insufficient parking provision.
15/01379/FUL	Retention of rear ground floor flat	Approved
13/00706/FUL	Change of use from B1 (office) to A5 (hot food takeaway)	Refused
10/00519/ETL	Extension of time limit to permission 07/00619/FUL - 16 no one bedroom flats and 2 no two bedroom flats and 4 no shop units on the site of 43 - 53 Riverview.	Approved - Not implemented
07/00619/FUL	16 no one bedroom flats and 2 no two bedroom flats and 4 no shop units on the site of 43 - 53 Riverview.	Approved - Not implemented
04/00123/FUL	Ground floor rear infill extension. and change of use from class A2 office to class B1 office (revised scheme)	Approved - Not implemented
93/00111/FUL	Change of use to residential from	Approved

	office	
No 43 Riverview		
15/00298/FUL	Conversion of detached house into 2 no 2 bedroom flats (retention of development)	Approved

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and a site notice. Ten (10) representations were received objecting to the proposal on the following grounds:

- Overlooking property;
- Possible additional noise;
- Access to site;
- Environmental pollution;
- Additional traffic;
- Out of character;
- Litter/smell; and
- The impact on the value of neighbouring properties

### ENVIRONMENTAL HEALTH:

No objection subject to conditions.

### HIGHWAYS:

No objection subject to conditions.

### LANDSCAPE & ECOLOGY:

Raised no objections but expressed concerns at the lack of opportunities to provide adequate screening on the boundaries to mitigate the visual effects on neighbouring properties. Nonetheless, recommended the payment of tariff towards Essex Coast RAMS mitigation.

## 5.0 POLICY CONTEXT

### National Planning Guidance

## National Planning Policy Framework (NPPF) 2019

The NPPF was published on 27th March 2012 and most recently amended on 19th February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

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

- Design
- Determining a planning application
- Use of planning conditions

## **Local Planning Policy**

### Thurrock Local Development Framework (as amended) 2015

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

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

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP7 (Network of Centres)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

Policies for the Management of Development:

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

### 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.

### 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 An outline planning application for 7 flats (Ref: 18/01063/OUT) with details of the design, layout, parking and access was previously considered and refused for the following reasons:

- 1) *The proposed development, would, by reason of its siting, scale, extent of built form on the site, layout and insufficient amenity space result in an incongruous and overly dominant form of development. It would also appear cramped and contrived resulting in the overdevelopment of the site adversely impacting upon the character of the area. The proposal would be contrary to the policies PMD2 and CSTP22 of the Core Strategy 2015 and the National Planning Policy*

*Framework 2019.*

- 2) *The proposed development would, by reason of its siting, layout, limited light and outlook to habitable rooms and lack of amenity space result in and an unacceptable living environment adversely impacting upon the amenities of any future occupiers of the proposed flats. The proposal would be contrary to policies PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*
- 3) *The proposed development, would, by reason of its siting, layout and scale result in an overbearing impact and overlooking of the private amenity space of the adjacent neighbouring properties on Stour Road and Thames Drive which would adversely impact upon the amenity of these neighbours. The proposal would be contrary to policies PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*
- 4) *The proposed development, would, by reason of its siting and layout result in the loss of the existing amenity space for the flats on River View resulting in an unacceptable living environment and adverse impact upon the amenities of occupiers of the existing flats. The proposal would be contrary to the policies PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*
- 5) *The proposed development would fail to provide adequate car parking spaces for both existing and proposed units on the site. The development would also result in the intensification of use of the existing site access which would cause unacceptable adverse impact on the highways safety. The proposal would be contrary to policies PMD8 and PMD9 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*

6.2 This application represents a revised scheme which seeks to address the previous reasons for refusal.

6.3 The assessment of the current application covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Impact on neighbours
- IV. Living standards
- V. Traffic Impact, Access and Car Parking

#### I. PRINCIPLE OF THE DEVELOPMENT

6.4 The application site is previously developed land as defined in the NPPF. It lies in a predominantly residential area, although there are commercial and non-residential facilities close by. The site is in a relatively sustainable location and provides an opportunity for redevelopment to add to the housing stock in the area. There would be no loss of any retail facility within the designated neighbourhood frontage if the proposal were to proceed. In the circumstances, the proposed development is acceptable in principle subject to compliance with the relevant Development Plan policies and taking into account any other material considerations.

#### II. DESIGN AND LAYOUT

6.5 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.
- 6.6 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.
- 6.7 The layout, scale and design, particularly the fenestration and roof profile of the proposed building are similar in many respects to the dwellings and buildings at Thames Drive and River View. With respect to the previous proposals, there were concerns about the layout, scale and size of the building. These have now been addressed by reducing the size and reorientating the building by taking the site constraints into account. The footprint of the previously proposed building measured 20.8m by 12.2m, whilst now the proposed footprint would be 16.5m by 12.2m.
- 6.8 The design of the proposed building is unremarkable, however it is not considered to be unacceptable. High quality materials would need to be used in the construction of the building and the parking court. With the above considerations in mind and the imposition of materials and landscaping conditions to control the appearance of the building and the site, it is considered the design and layout of the proposal would be acceptable.

### III. IMPACT ON AMENITY

- 6.9 The proposed two storey building would be located towards the rear of the site. The closest residential properties would be the flats at first floor level, located above the commercial units along River View.
- 6.10 The distance between the proposed building and the existing dwellings on Stour Road would be at least 35m and those on Thames Drive would be approximately 22m from the proposed building. These separation distances from the boundaries and between the proposed building and existing buildings are sufficient to ensure that the proposed building does not have an overbearing impact on the neighbours nor result in the loss of light.
- 6.11 There would be 2 small bathroom windows on the eastern elevation of the proposed building and facing the rear gardens of the Thames Drive properties. If permission were to be granted, to safeguard the amenity of the neighbours a condition could be imposed to ensure that the windows are obscure glazed and fixed shut in perpetuity. Although there are habitable windows on the south elevation of the proposed building, it is considered that the separation distance from the dwellings on Stour Road is sufficient to prevent mutual overlooking.
- 6.12 The north elevation of the proposed building would face towards the rear of buildings on River View. Given the separation distance between these windows and the nearest properties on River View it is considered that there would not be a significant loss of privacy. It is concluded therefore that the proposed development accords with PMD1 of the Core Strategy and the NPPF.

- 6.13 Some neighbours have expressed concerns about the potential for increased activity and vehicular movements in this area. However, the impact of these vehicular movements would be similar to the existing use of this site. Therefore, this does not constitute a substantive reason to refuse permission.

#### IV. LIVING STANDARDS

- 6.14 National Planning Policy Framework (NPPF) Paragraph 124 states that high quality places are fundamental to the planning and development process and paragraph 127 requires development to function in the long term, including spaces and promotes health and well-being through design and use of land.
- 6.15 Policy PMD1 indicates development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenities of the area or the amenity, health or safety of future occupiers of sites.
- 6.16 The internal layout of the 4 flats complies with both Thurrock and National Space Standards. The communal amenity space at the rear of the proposed building is approximately 80 square metres; the space provided would be a regular shape and usable for the occupiers of the new building. It is considered that the amenity space would be suitable for the potential future occupiers of the units.
- 6.17 The applicant owns number of other properties close to the site, including Nos 43a & 43b Riverview (a two storey building that was a single dwelling house, but converted into flats in 2015) and Nos 45 & 47 River View which form part of the parade of shops.
- 6.18 When permission was granted for the conversion of No 43 (see planning history) this was on the basis of a particular amenity area, of some 97sq.m. The plan for the current application shows that the majority of this amenity space would be lost to allow for the parking and bin store area for the development. The remaining amenity space would be deficient for the existing occupiers of Nos 43a and 43b River View resulting in a substandard living environment for the occupiers of those properties, contrary to Policy PMD1 of the Core Strategy and criteria in the NPPF 2019.

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

- 6.19 There are 9 car spaces shown on the site plan; 4 of these would be allocated to the proposed flats, 1 would be for an existing flat in one of the frontage buildings, and the remaining 4 spaces would be for visitors. Cycle lockers would also be provided at the rear of the proposed building.
- 6.20 The Council's Highway Officer has advised that the parking provision is sufficient in compliance with Core Strategy policy PMD8. However the applicant has been advised of the need to ensure that the access is altered to 5m to ensure that two vehicles are able to pass at the access. Amended plan have since been received which shows a turning circle of 7.4m in-between the rows of car spaces. This sufficiently demonstrates that cars are able to pass side by side, enter and leave the site forward gear to ensure that highway safety is not undermined.

## 7.0 CONCLUSIONS

- 7.1 The current proposal has adequately addressed and overcome the concerns raised by the previous scheme in respect to design and highways matters. The proposed development would be in keeping with the character of the area and would have no adverse impact on the living conditions of the adjoining occupiers in terms of overlooking or loss of privacy. The internal layout of the dwellings is satisfactory and the amenity space provision is acceptable for occupiers of the new units.
- 7.2 However the site area would encroach on land that was part of the allocated amenity space for units at Nos 43a and 43b Riverview. The loss of part of the outdoor space would result in a harmful impact on the living conditions of those occupiers contrary to Policy PMD1 of the Core Strategy and the NPPF.

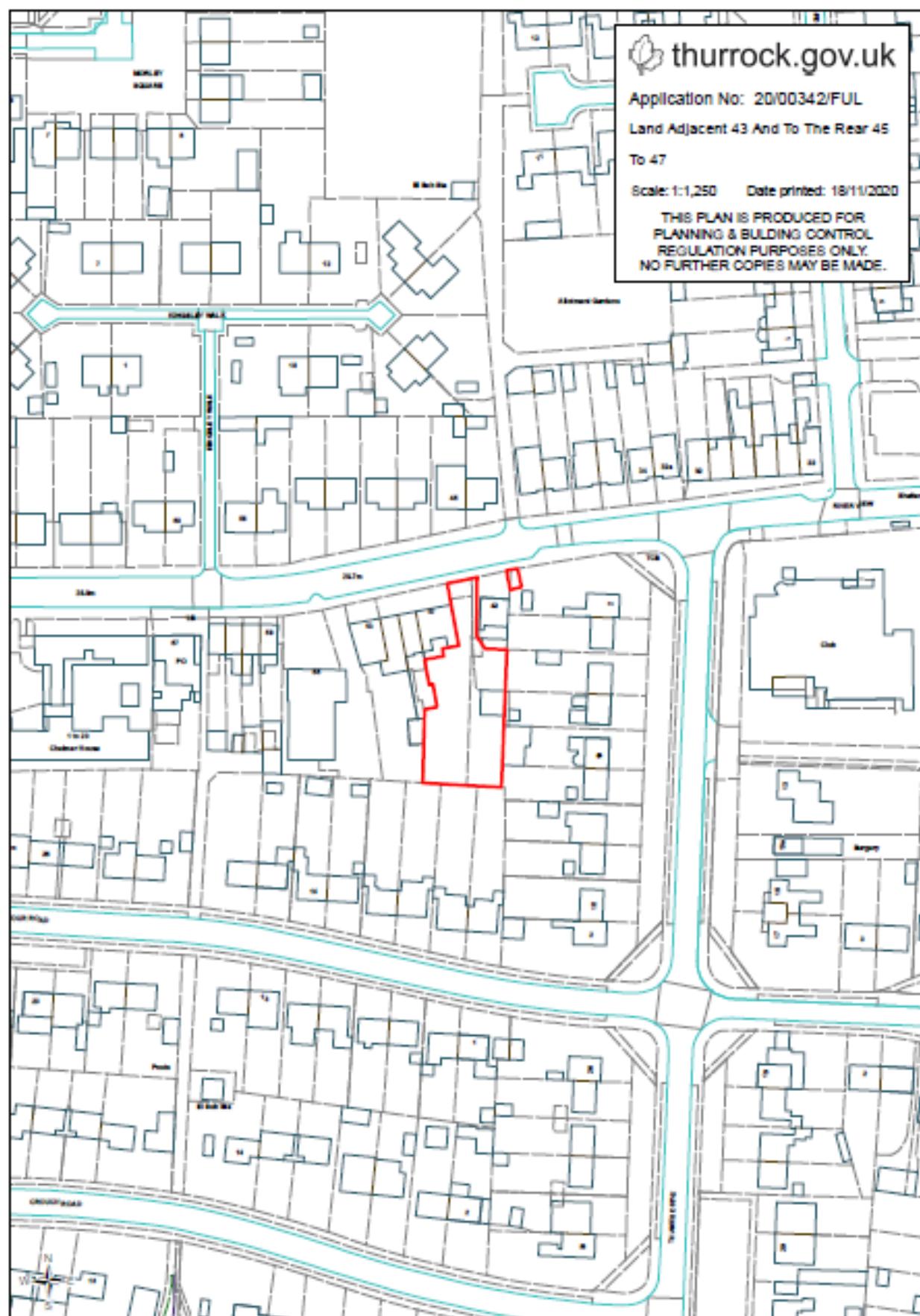
## 8.0 RECOMMENDATION

Refuse for the following reason(s):

- 1 The proposed development, would, by reason of its siting and parking layout result in the loss of part of the area of shared private amenity space which should be provided for the flats at Nos 43a and 43b Riverview, resulting in an unacceptable living environment and adverse impact upon the amenities of the occupiers of those flats. The proposal would be contrary to Policy PMD1 of the Core Strategy 2015 ad the National Planning Policy Framework 2019 in that regard.

### Documents:

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



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# Agenda Item 12

Planning Committee: 26 November 2020

Application Reference: 20/00957/FUL

<b>Reference:</b> 20/00957/FUL	<b>Site:</b> Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Erection of four detached two bed bungalows

<b>Plan Number(s):</b>		
Reference	Name	Received
20010_A1-01	Proposed Elevation Plans	29th July 2020
20010_A2-01	Proposed Site Layout	29th July 2020
20102_A4-02	Existing Site Layout	29th July 2020
19.5957-M001	Location Plan	29th July 2020
19.5957-M002A	Location Plan	29th July 2020
19.5957-M003	Wider Settlement pattern	29th July 2020
19.5957-M004	Settlement Limits of Orsett Heath	29th July 2020

The application is also accompanied by:

- Cover Letter
- Planning Support Statement (Ref. 19.5957)

<b>Applicant:</b> Messrs J and M Gatrell JP & MD Properties Ltd	<b>Validated:</b> 28 July 2020 <b>Date of expiry:</b> 30 November 2020 ( <b>Extension of Time as Agreed</b> )
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr G Rice, Cllr L Worrall, Cllr V Holloway, Cllr S Shinnick and Cllr M Kerin in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to examine Green Belt issues and as the proposal has been advertised as a departure from the Development Plan.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission to erect four detached two-bedroom bungalows on the rear part of the site of the former Barmoor House. The rear garden of the former dwelling would be subdivided for each plot and off-street parking is proposed to be provided for each of the dwellings. Access to the properties would be achieved via Farm Road.

## 2.0 SITE DESCRIPTION

- 2.1 The site measures 0.2 hectares and is a largely triangular shaped plot located on the North West side of Farm Road. The site is within the Green Belt.
- 2.2 Planning permission to demolish the original 4-bedroom chalet dwelling (Barmoor House) and erect six, two-bedroomed detached bungalows was granted on 5th October 2018 (application reference: 18/01143/FUL). Five of the six bungalows are under construction and the application site has been created by omitting the recently permitted bungalow on Plot 1, allowing access to the pocket of land to the rear of the permitted bungalows.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/00763/FUL	Conversion and extension of one residential dwelling to five residential dwellings	Approved
18/01143/FUL	Demolition of house and outbuildings and replacement with 6No. 2 bed detached bungalows	Approved
19/01664/CV	Application for the variation of condition no 2 (plans) of planning permission ref 18/01143/FUL (Demolition of house and outbuildings and replacement with 6No. 2 bed detached bungalows) to extend the front bay window elevation outwards	Approved

The officer report for the 2018 application for the demolition of the outbuildings and the erection of the of 6 new dwellings noted that “*[t]he proposal would result in a 1.2% decrease in volume of buildings across the site .... (1530 cubic metres against 1548.6 cubic metres as existing) and there would be a reduction in built footprint of 19.8sqm from 510.6s.qm to 490.8s.qm... Therefore it is considered that the proposal would represent the redevelopment of previously developed land which would not have a greater impact upon the openness of the Green Belt than the existing development. Therefore, the proposal would fall within one of the exceptions to inappropriate development in the Green as set out in paragraph 145 of the NPPF.*”

The overall site has therefore accommodated the maximum amount of development that would be acceptable in relation to local and national Green Belt policy.

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

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

### PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. No comments have been received.

### HIGHWAYS ENGLAND:

- 4.3 No objection.

### ENVIRONMENTAL HEALTH:

- 4.4 No objection, with conditions.

### HIGHWAYS:

- 4.5 No objection, but further clarification is sought on detail relating to access, and bin store details.

### LANDSCAPE AND ECOLOGY ADVISOR:

- 4.6 No objection, subject to conditions and mitigation.

## 5.0 POLICY CONTEXT

### National Planning Guidance

- 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:

2. Achieving sustainable development;

4. Decision-making;
6. Building a strong, competitive economy;
12. Achieving well-designed places;
13. Protecting Green Belt land;

## 5.2 Planning Practice Guidance

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;
- Green Belt;
- Planning obligations;
- Use of planning conditions.

## **Local Planning Policy**

### 5.3 Thurrock Local Development Framework (as amended) 2015

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

#### Spatial Policies:

- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

#### Thematic Policies:

- 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
- PMD6: Development in the Green Belt
- PMD7: Biodiversity and Development
- 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 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:

With reference to procedure, this application has been advertised as being a departure from the Development Plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would not engage as the description of the development falls outside the ambit of paragraph 4 of the Direction. Therefore, the local planning authority (LPA) can issue the formal decision for the application without submitting to the Secretary of State.

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

- I. Principle of the development
  - II. Design and relationship of the development with its surroundings
  - III. Amenity considerations
  - IV. Access and Parking
  - V. Landscape and Ecology
  - VI. Infrastructure
- 
- I. PRINCIPLE OF THE DEVELOPMENT

#### 6.2 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the 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.

1. Whether the proposals constitute inappropriate development in the GB

- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB to accord with the requirements of the NPPF.
- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the "*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*"
- 6.5 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*".
- 6.6 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.
- 6.7 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.

6.8 The proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. Indeed, from the Planning History section above, Members will note that the site has been subject to the maximum amount of development that would be acceptable in compliance with national and local Green Belt policy. The application site is an open green space with no current built form. Consequently, as the application seeks permission for 4 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Green Belt 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.

6.9 The applicant considers the site is within, a village, and this is assessed further into this report.

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

6.10 Having established that the proposal would represent inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

6.11 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;

- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.12 In response to each of these five purposes:

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

6.13 The site is situated at the very edge of Orsett Heath. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

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

6.14 The site is situated away from nearby towns and therefore would not result in the confluence of any towns. Therefore the development would not conflict with this Green Belt purpose.

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

6.15 With regards to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The proposed development would spread the built form across the site where there is currently no built form. It is important to note that the scale of the development proposed, which includes 4 dwellings, associated hardstanding and vehicle access. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the open character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

6.17 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The erection of 4 dwellings with associated hardstanding/vehicle accesses is inconsistent with the fifth purpose of the Green Belt.

6.18 In light of the above analysis, it is considered that the proposals would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

- 6.19 The application site is currently a vacant open plot of land. It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. By nature of the fact the site is void of built form, the erection of four two-bedroom dwellings with associated residential paraphernalia would inherently harm the open character of the Green Belt. The amount of hardstanding and volume of structures would inevitably increase. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.
- 6.20 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.21 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

6.22 The Planning Support Statement submitted indicates that the applicant considers the proposed development does not constitute inappropriate development in the Green Belt. The applicant considers that paragraph 145 of the NPPF is relevant, in terms of providing an exception to inappropriate development in the Green Belt. The applicant suggests that the following exception to Green Belt development applies:

- e) *limited infilling in villages;*

6.23 The applicant considers that with respect to 'limited infilling' that there are a number of factors capable of being relevant when it comes to considering the concept of openness of the Green Belt including how built up the Green Belt is at present and the views of the proposed works. However, with reference to the application site, the land is void of built form and is in fact open land. While it is appreciated there is residential development adjacent to the site and on the opposite side of the road, this does not negate the fact the application site is essentially an open plot of land. The visual impact is a key part of the concept of openness of the Green Belt and that greenness is a visual quality. Therefore, the Council takes the view that the built form in the immediate locality does not detract from the fact that developing the site would be harmful to the open character of the Green Belt and would, in turn, permanently harm the green character of the site. This is implicit in the NPPF at paragraphs 133-134 since the purposes of the Green Belt seeks to prohibit development by protecting its inherent character.

#### Definition of a village

6.24 There is no definition of what constitutes a 'village' in terms of paragraph 145(e) of the NPPF. The Green Belt washes over this part of the Borough both to the North and East of the Grays / Little Thurrock area however, there are areas of development that have been excluded from the Green Belt and comprise 'islands' of built development within it. One of these is Chadwell St Mary to the south-east of Orsett Heath which has more of the characteristics of a 'village' or a suburban settlement because it is where various local facilities such as schools, a library, doctor's surgeries and a number of shops are located. In contrast the application site lies outside Chadwell St Mary, in Orsett Heath. Orsett Heath, is a location that lacks the amenities and services which would normally be associated with a village and it is not considered that the location could be termed a village for the purposes of the NPPF. It is also notable that the site does not lie within an Established Residential Frontage; (which is an area identified on the Core Strategy Proposals Map wherein development in the Green Belt is acceptable; without the strict criteria which usually apply).

6.25 In light of the above, 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. Consequently, as the application seeks permission for 4 residential units located on an open green space, the proposal clearly comprises inappropriate development in the Metropolitan Green Belt, 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.

- 6.26 The case put forward by the applicant above is not accepted, and for reasons noted above, the Council takes the view that the proposal would constitute inappropriate development. No formal Very Special Circumstances have been submitted, as the applicant does not consider this application represents inappropriate development. However, the applicant has submitted considerations in favour of the development. Given the Council's view of the development these have been assessed in terms of whether they represent benefits which would clearly outweigh the harm to the Green Belt and therefore give rise to very special circumstances for approving the application.
- 6.27 The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

*a) Outdated Local Plan*

- 6.28 The Council has the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] which has been found to be NPPF compliant at that time. This is the current Development Plan for the Borough. The duty in s. 70(2) of the Town and Country Planning Act, which is supplemented by the duty in section s.38(6) of the Planning and Compulsory Purchase Act 2004, is that in making planning decision "the determination must be made in accordance with the plan unless material considerations indicate otherwise". The application site is shown outside of any allocation for housing or other development, on the Proposals Map which accompanies the Core Strategy (2015). As a very special circumstance, no weight is afforded to this factor.

*b) Housing provision – Lack of a 5 year housing supply*

- 6.29 The current proposals would, with 4 units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, recent appeal decisions in Thurrock have clearly stated that this single issue of housing land supply on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

## Green Belt Conclusions

6.30 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. It is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and would reduce the openness of the Green Belt. Furthermore it is considered that the proposals would cause some harm to role which the site plays in fulfilling the purposes for including land in the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant's case no formal very special circumstances have been put forward, but two considerations have been provided. An assessment of the considerations promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

<b>Simplified Summary of Green Harm and applicant's case for Very Special Circumstances</b>			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Outdated Local Plan	No Weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Lack of 5 year Housing Supply	Significant Weight

- 6.31 Within the table above, only one of the two factors promoted by the applicant can be assessed as attracting any degree of 'positive' weight in the balance of considerations. As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and conflict with a number of Green Belt purposes. Two factors have been promoted by the applicant as comprising material considerations required to justify inappropriate development and it is for the Committee to judge:
- i. the weight to be attributed to these factors;
  - ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'very special circumstances'.

6.32 It is considered that the applicant has not advanced any factors which would cumulatively amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD2 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. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

- 6.33 The proposal would provide four detached bungalows which would be situated to the north east of the former Bar Moor House site, set behind the previously approved bungalows which are to be situated along Farm Lane. Vehicular access to the site would continue to be provided from Farm Road, which is a private road.
- 6.34 The development would result in four single storey dwellings finished in either render or brick with a tiled hipped roof. The properties created would be of a traditional bungalow design and largely similar, although some would have a different orientation.
- 6.35 The internal sizing of the dwellings is considered acceptable, as is the private amenity area for each dwelling.
- 6.36 The proposed siting of the proposed dwellings would result in development within an area which is currently open and free from any built development. In addition to the harm to the openness of the Green Belt, the development would negatively impact upon the rural character and appearance of the area.

## III. AMENITY CONSIDERATIONS

- 6.37 The flank of the new dwelling at Plot 4 would be 1.25m from the flank of the property at 3 Longley Mews. This is considered acceptable as the new property is single storey, and the flank wall is that of a detached garage. There is also a window in this flank, this again is considered acceptable with a condition to ensure fencing of at least 1.8m in height is retained on this boundary.
- 6.38 Due to the orientation of the proposed window arrangement and the distance between the new windows and the existing surrounding properties, there are no other amenity concerns.
- 6.39 The Council's Environmental Health Officer has advised that road traffic noise from the A1089 Dock Approach Road would affect the development site. Therefore, if permission were to be granted, a condition should be included on any consent granted to ensure a noise assessment is carried out to determine the acoustic environment for the development and any required mitigation.

- 6.40 The proposal would result in the loss of some of the garden space for the properties that are currently under construction. However the dwellings would still have garden space at a level similar to neighbouring properties in Longley Mews. In addition the gardens would remain of a depth that would ensure the new properties would not be overbearing to these occupiers. However, this does not detract from the assessment that the provision of new dwellings and their associated garden spaces and associated accoutrements would be seriously damaging to the character and openness of the Green Belt.
- 6.41 In light of the above, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF in so far as it relates to the provision of amenity space and living conditions.

#### IV. PARKING AND ACCESS

- 6.42 The proposal shows a total of 8 car parking spaces proposed for the development, equating to 2 spaces per dwelling. The proposal satisfies the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision however, the Council's Highway Officer has raised concerns regarding the lack of visibility site splays shown at the proposed access to Farm Road.
- 6.43 The Highway Officer has also raised concerns regarding the suitability of the access for refuse vehicles. Whilst the existing refuse collection is via Farm Road, access to these additional properties would be via the proposed access, adjacent to the newly permitted bungalows. A refuse storage area has been shown on the proposed site plan nearer to Farm Road, however this shows insufficient space given that Thurrock Council use three waste bins. Similarly, the applicant has failed to demonstrate that service vehicles would be able to access and turn within the confines of the site.
- 6.44 The proposal therefore fails to demonstrate sufficient means of access, servicing and visibility site splays contrary to policies PMD2 and PMD9 of the Core Strategy.
- 6.45 The Council's Highways Officer has further commented in relation to the suitability and upkeep of Farm Road, however it is a private road which is not maintained by the Council. As such the upkeep of the road is a private matter and one that cannot be considered as part of this application. The agent has confirmed that while the client does not own the private road, the land has the benefit of a right of way with or without vehicles over Farm Road leading into Heath Road.

#### IV. LANDSCAPE AND ECOLOGY

- 6.46 It is noted that most of the site is currently being used for site storage during the development of the adjacent site, however there are some larger trees growing at the northern end of the site which are shown to be retained. In principle it is considered that this could be achieved; given the relative distance between the boundary and the proposed plots the retention of these trees would not harm the amenities or living conditions of potential occupiers.
- 6.47 Were permission to be granted a condition requiring submission and approval of an

arboricultural method statement would be reasonable, to ensure adequate protection for these trees during construction. This should consider the effects of the current storage of material close to the trees and determine whether measures are required to remediate the compaction that has occurred around the tree roots.

- 6.48 The Landscape and Ecology Advisor also commented on the ecological impacts of the proposed development. The application site falls within the Zone of Influence (ZoI) within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.49 In the event that planning permission was to be granted this contribution would be secured through a suitably worded legal agreement.

## V. INFRASTRUCTURE

- 6.50 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.51 National Planning Practice Guidance states that local planning authorities must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced.
- 6.52 Other than the request for payment towards the RAMS, there are no other required contributions or mitigation.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are 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.
- 7.2 The proposals are ‘inappropriate development’ in the Green Belt would lead to the loss of openness and would cause harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations.

It is concluded that the benefits of the development do not clearly outweigh harm and consequently the application is recommended for refusal. The site is considered to have reached the limit of development that is appropriate for it, by virtue of the earlier permission for 6 bungalows, which was policy compliant.

- 7.3 In addition to the Green Belt harm, the proposed vehicle access is deficient and would be harmful for manoeuvring, access and highways safety and amenity.

## **8.0 RECOMMENDATION**

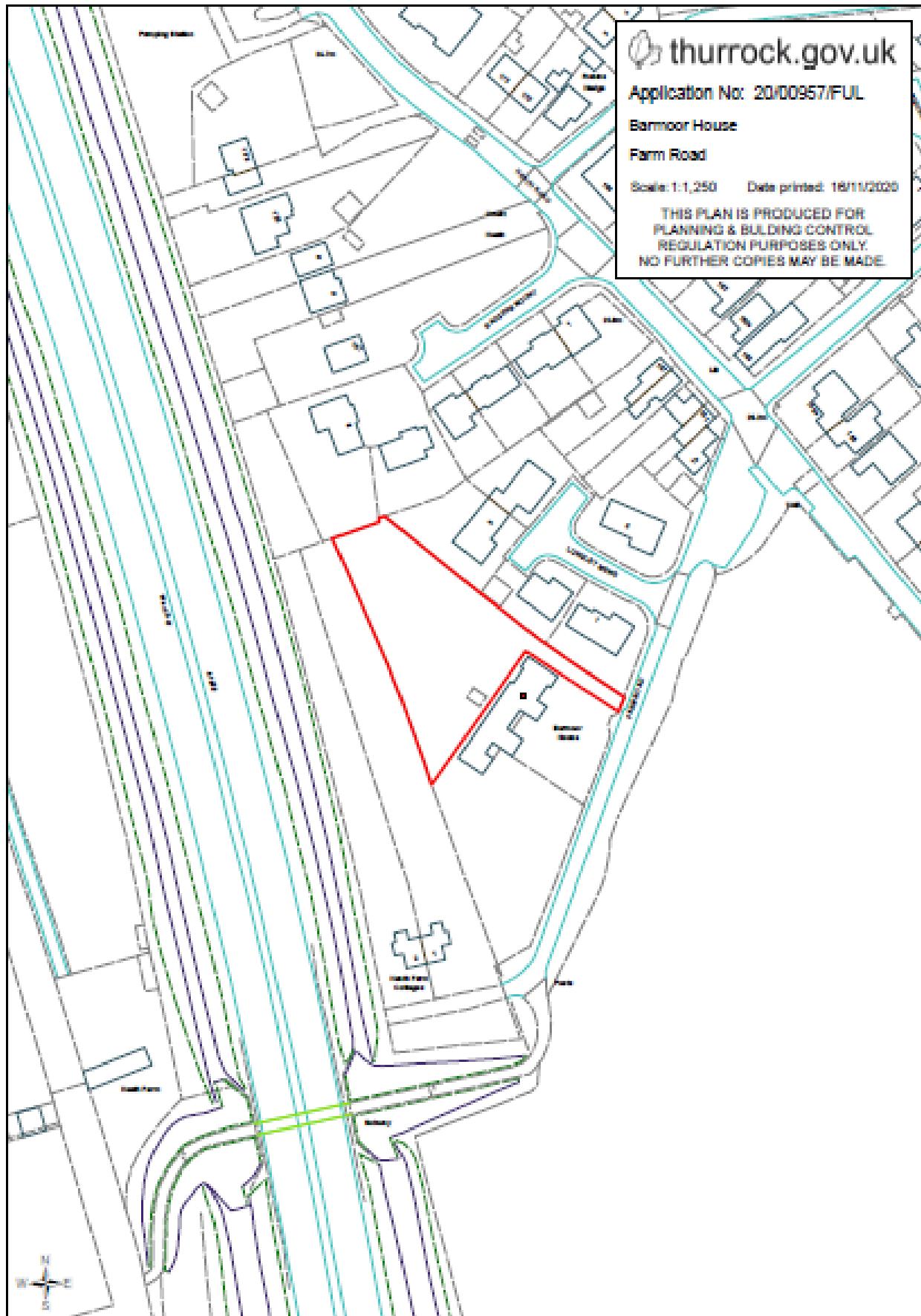
- 8.1 Refuse for the following reasons:

- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock 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 (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 proposed vehicular access would, by reason of its siting, width and lack of visibility site splays, be likely to result in awkward access and manoeuvring of refuse and delivery vehicles and thereby adversely impact on pedestrian and highway safety. The proposal is therefore contrary to Policies PMD2 and PMD9 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.

### **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 13

Planning Committee: 26 November 2020

Application Reference: 20/00985/FUL

<b>Reference:</b> 20/00985/FUL	<b>Site:</b> Land Adjacent Curling Lane Helleborine And Meesons Lane Grays Essex
<b>Ward:</b> Grays Riverside	<b>Proposal:</b> Erection of 6 no. two bedroom semi-detached dwellings with associated access, car parking and amenity areas

<b>Plan Number(s):</b>		
Reference	Name	Received
APPL A 20-06-08 Z05_PL_001_REV X	Proposed Plans	31st July 2020
APPL A 20-06-08 Z05_PL_002_REV X	Proposed Plans	31st July 2020
APPL A 20-06-08 Z05_PL_P101_REV X	Proposed Plans	31st July 2020
APPL A 20-06-08 Z05_PL_P102_REV X	Proposed Plans	31st July 2020
APPL A 20-07-17 M001	Location Plan	31st July 2020
APPL A 20-07-17	Site Layout	31st July 2020
APPL A 20-07-29 Z05_PL_E302	Elevations	31st July 2020
The application is also accompanied by:		
<ul style="list-style-type: none"> <li>- Design and Access Statement (July 2020)</li> <li>- Technical Note: Ecology (AAe Environmental Consultants, October 2020)</li> </ul>		
<b>Applicant:</b> ZED Pods Ltd	<b>Validated:</b> 3 August 2020 <b>Date of expiry:</b> 30 November 2020 (Extension of time agreed)	
<b>Recommendation:</b> Approve, subject to conditions.		

This application is scheduled for determination by the Council's Planning Committee because Members considered a previous planning application for 8 dwellings on the same site at the 13<sup>th</sup> February 2020 Planning Committee.

## 1.0 DESCRIPTION OF PROPOSAL

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

<b>Site Area (Gross)</b>	0.245 Ha							
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4- bed</b>	<b>5- bed</b>	<b>TOTAL</b>	
	Houses		6					
	Flats							
	<b>TOTAL</b>		<b>6</b>				<b>6</b>	
<b>Car parking</b>	Flats: N/A Houses: 12 spaces, including 1 disabled accessible space Total allocated: 1.5 to 2 spaces (Average of per unit) Total Visitor: 0.25 spaces (Average per unit) Total: 12 spaces							
<b>Amenity Space</b>	Minimum 86.8 sq.m Average 113.4 sq.m Maximum 142.8 sq.m							
<b>Density</b>	24 units per Ha for the whole site							

- 1.2 This application seeks permission for the development of the site for 6 x 2 bedroom dwellings comprising three semi-detached pairs, with car parking beneath. The dwellings would be built to reflect the contours of the land. To the western side of the site, where it adjoins Meesons Lane, the dwellings would appear as two storey and to the eastern side they would appear three storey.
- 1.3 Pedestrian access to the dwellings would be from the car parking level and all vehicular access would be via Helleborine.
- 1.4 The application is a new scheme, which revises the previous scheme following the refusal of application ref. 18/00551/FUL on 14<sup>th</sup> February 2020. The previous application for eight dwellings was refused for the following reasons:
- 1. The proposed development would, by virtue of the siting, mass, appearance, detailed design and choice of materials, be likely to result in an incongruous development which would appear out of character with the appearance of residential development in Helleborine and be likely to be harmful to the character of the area and appearance of the street scene. The proposal would consequently be contrary to Policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.*

*2. The proposed development would, by virtue of the provision of inadequate rear garden amenity space, be harmful to the amenities of the occupiers of the dwellings. As such, the proposal is contrary to saved Annex 1.2 of the Thurrock Borough Local Plan (1997) and Policy PMD2 of the Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) (2015).*

- 1.5 The application proposes a change to the design of the dwellings, compared to the previous scheme with an alternative materials palette of pale yellow and rustic red brick cladding along with tile cladding. The main entrances to the dwellings would be from the same level as the car parking area and a decked area is proposed to the first floor leading out to the private garden areas.
- 1.6 Six dwellings are proposed with private amenity areas ranging from 86.8 square metres to 142.8 square metres. The applicant considers that the new application resolves and overcomes the two reasons the previous planning application was refused. The applicant has also appealed the previously refused planning application and the appeal is currently under consideration with the Planning Inspectorate.

## **2.0 SITE DESCRIPTION**

- 2.1 The site measures 0.25 ha and is narrow and broadly rectangular in shape. It sits at the junction of Meesons Lane and Helleborine, with vehicular access from Helleborine only. Pedestrian and cycle access connections are available via the junction between Helleborine and Meesons Lane.
- 2.2 Ground levels slope steeply east to west from Meesons Lane towards Helleborine with the northernmost part of the site featuring the steepest gradient. The site comprises trees and vegetation principally along the western, northern and eastern boundaries with the remainder of the site grassed. Meesons Lane is situated to the immediate west of the application site with the recreation ground beyond. Helleborine borders to the immediate east. Residential properties on Helleborine are located to the immediate north and north east as is the Badgers Dene estate. The continuation of Meesons Lane and the recently developed Persimmon Homes site is situated to the south.
- 2.3 The site is located outside of a high risk flood zone.

## **3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
18/00551/FUL	Revised proposals seeking the development of 8 no. new two bedroom semi-detached low	Refused,Appealed – Appeal Decision Awaited

	carbon dwellings with associated access, car parking and amenity areas.	
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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.

At the time of writing the following have been received:

- a total of 27 letters have been received in objection to the application raising concerns on the following grounds:
- Access to Site
- Additional Traffic
- Loss of Wildlife and Green Space
- Loss of Amenity
- Possible Excessive Noise
- Litter/Smells
- Environmental Pollution
- Materials to be used for the new dwellings would be unacceptable
- Out of Character
- Overlooking of properties
- Structural concerns relating to Meesons Lane

##### **4.3 ANGLIAN WATER:**

No comments to make on application.

##### **4.4 EDUCATION**

No education contribution is required

##### **4.5 ENVIRONMENTAL HEALTH:**

No objection, subject to conditions.

##### **4.6 EMERGENCY PLANNING OFFICER:**

No objection.

4.7 HIGHWAYS:

No objections, subject to conditions.

4.8 HSE:

No objection.

4.9 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions.

**5.0 POLICY CONTEXT**

**National Planning Guidance**

5.1 The NPPF was published on 27 March 2012 and amended on 24 July 2018 and again on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 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>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.*

<sup>6</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.

<sup>7</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.

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 and that the Framework is a material consideration in planning decisions. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

1. Achieving sustainable development;
5. Delivering a sufficient supply of homes;
9. Promoting sustainable transport;
11. Making effective use of land;
12. Achieving well-designed places; and
14. Meeting the challenge of climate change, flooding and coastal change.

### Planning Practice Guidance

5.2 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. PPG contains a number of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change;
- Design;
- Determining a planning application;
- Effective use of land;
- Flood risk and coastal change;
- Noise;
- Travel Plans, Transport Assessments and Statements; and
- Use of planning conditions

5.3 Local Planning Policy

### Thurrock Local Development Framework

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 and amended in 2015. The following Core Strategy policies apply to the proposals:

#### Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

#### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- 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 the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- 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)
- PMD14 (Carbon Neutral Development)

#### Thurrock Local Plan

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

#### Thurrock Design Strategy

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

## **6.0 ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout

- III. Landscaping and Ecology
- IV. Amenity Space
- V. Traffic Impact, Access and Car Parking
- VI. Flood Risk and Drainage
- VII. Effect on Neighbouring Properties
- VIII. Other Matters

## I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site is located in a residential area of Grays on the fringes of the Badgers Dene estate. The site currently forms an open area with landscaping on its boundaries with Meesons Lane. There are no in-principle land use objections to the proposals.

## II. DESIGN AND LAYOUT

- 6.3 The development is set outrunning north to south with the three pairs of dwellings being regularly spaced facing east towards Helleborine, with vehicular access also from Helleborine. Access would comprise two points at the southern end of the site. Within the development a spine road would run north to south featuring a turning head at the northern end of the site.
- 6.4 It is recognised that this end of Helleborine is currently used as a drop-off by parents with children at the nearby Belmont Academy School. The scheme would provide an in-out access which would improve turning facilities at the end of Helleborine.
- 6.5 The proposal has been designed to work with the contours of the land with the built form over three levels featuring parking and main pedestrian entrances to the ground floor with the dwellings above.
- 6.6 The approach to the dwellings is modern, the buildings would not be of traditional construction but would be factory-built homes. These dwellings would have higher levels of energy efficiency than conventional houses, with super-insulation, triple glazing and with heat recovery ventilation. As a result of the method of construction the dwellings would look a little different to more mass market properties.
- 6.7 The layout of the units would minimise any overshadowing of the electricity generating solar roofing panels, or overlooking of adjacent neighbouring gardens or windows. The proposals have been designed specifically to deliver a low/zero energy, zero carbon development by utilising higher construction standards than conventional housing, with dwellings which would be super insulated, triple glazed, with heat recovery ventilation and plenty of daylight. The resulting impact on air quality of the development both during construction and when in operation would be neutral.
- 6.8 The Design & Access Statement and information accompanying the application recognises the context of the site and the physical constraints influencing the

opportunities for development of the site. It also acknowledges that the dwellings would not be of traditional construction.

- 6.9 The proposed dwellings would have pitched roofs and regular window openings. However, given the technology used to ensure the development would be sustainable and carbon-neutral, the external materials and form the dwellings would have a more modern appearance. The proposed use of the two variants of pale yellow and rustic red brick cladding, with tile cladding on the roofs, is considered to be acceptable. The pedestrian entrance point to the car parking level, and creation of a decked area for each unit, are also acceptable. Given the mixed character of the area the proposed detailed design are considered to be acceptable.
- 6.10 Letters have been received objecting to the development of the site on the grounds that the proposals would be out of character with surrounding residential development. The proposed layout would feature semi-detached dwellings reflecting the variety of semi-detached, detached and short terraced dwellings which make up the immediate character of housing locally.
- 6.11 The proposal would seek to use materials which would complement the materials used on surrounding residential development. The proposals make an efficient use of land and the plans submitted show that the number of units can be accommodated on the site in an acceptable form. While it is recognised that the design of the properties would be different from the established properties in the immediate location, this is not considered to warrant a recommendation of refusal.
- 6.12 Accordingly the proposal is considered to satisfy the relevant criteria of Policies PMD1, PMD2 and CSTP22 of the Core Strategy.

### III. LANDSCAPING AND ECOLOGY

- 6.13 The site does not form part of any area designated for nature conservation interest on either a statutory or non-statutory basis. The Essex Badger Protection Group has previously advised that it has no objections to the proposals in relation to badgers, subject to appropriate conditions attached to any subsequent planning approval. An updated ecological survey has been provided which concludes that the site is generally of low ecological value. The same follow up survey has found no evidence of badgers using the site.
- 6.14 The Council's Landscape and Ecology Advisor agrees with the findings of the ecological surveys and has also found no evidence of current use by badgers. The Landscape and Ecology Advisor also agrees with the ecological surveys submitted that the existing trees do not contain features that would make them suitable for roosting bats. Features such as bird and bat boxes should be integrated into the new buildings and an appropriate condition has been included. The Council is satisfied that the development would not adversely affect any protected species.

- 6.15 The belt of trees on the eastern side of the site would be retained, which is welcomed. The Landscape and Ecology Advisor has recommended that any changes in levels to facilitate the construction of the access road will need to consider the root protection area of the trees on Meesons Lane. The Landscape and Ecology Advisor has also recommended that a condition should be included seeking the replacement of an Elm hedge to the Meesons Lane side which should consist of a suitable 'instant hedge' comprising native species that will have ecological value and deliver immediate screening.
- 6.16 Subject to the conditions proposed, it is concluded that the impacts of the proposals on landscape, ecology and biodiversity interests are acceptable.

#### IV. AMENITY SPACE

- 6.17 Each of the dwellings would provide 86.5sqm of floor area, which would be considered an acceptable amount of internal space.
- 6.18 Each dwelling would have its own private amenity area backing on to Meesons Lane. The level of private amenity space provided for each of the dwellings varies from 86.8 sq.m to the largest providing 142.8sq.m. Each dwelling would full comply with Council policy regarding private amenity space provision.

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

- 6.19 The proposed access arrangements, level of car parking provision and cycle storage proposed all comply with Council policy. The Council's Highways Officer raises no objection to the principle of the development on this site subject to conditions. Accordingly, subject to conditions, the proposal is considered to comply with Policies PMD8, PMD9, and PMD10.

#### VI. FLOOD RISK AND DRAINAGE

- 6.20 The site is not located in a high flood risk zone. The response from the Emergency Planning Officer raises no objections.
- 6.21 Subject to conditions relating to a Surface Water Drainage Strategy being submitted and agreed, the proposal is considered to comply with Policies CSTP25 and CSTP27.

#### VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.22 The closest neighbouring dwellings to the proposed development are those located at the most southerly end of Helleborine at no's 1 to 5 and 15 to 26 (inclusive). Whilst the proposal could be viewed from these neighbouring properties, it is considered none of these neighbours would suffer from any significant loss of privacy, light or

amenity as a result of the development due to the separation distance between principal windows and the orientation of the dwellings.

- 6.23 Accordingly, subject to conditions, the proposal is considered to comply with Policy PMD1.

### VIII. OTHER MATTERS

- 6.24 Several neighbour letters have objected on the basis of concern regarding potential structural impact of the proposal upon Meesons Lane, which is an unadopted road. The applicant has previously carried out his own structural surveys and provided a further Structural Statement which demonstrates that there would be no adverse structural impacts upon Meesons Lane.
- 6.25 The Council's Environmental Health Officer has raised no objections subject to conditions relating to hours of construction, the control and suppression of dust during construction and that construction activities should be carried out using best practice with reference to BS:5228 (Control of noise from construction sites) to minimise the effect of construction on local residents.
- 6.26 Accordingly, subject to conditions, the proposal is considered to comply with Policy PMD1.

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 This application seeks full planning permission for the residential development of the site. The site lies within a residential area and lies within the Badger Dene estate. Accordingly, the principle of the development is acceptable.
- 7.2 The proposed layout and all matters of detail would be acceptable to create a sustainable modern development. Other matters such as surface water drainage, ecology and technical access details can be dealt with by appropriate conditions. The strong energy credentials of the scheme add further weight to the support for the scheme.

## 8.0 RECOMMENDATION

- 8.1 Approve, subject to the following planning conditions

### Time Limit

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

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

## Approved Plans

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

<b>Plan Number(s):</b>		
Reference	Name	Received
APPL A 20-06-08 Z05_PL_001_REV X	Proposed Plans	31st July 2020
APPL A 20-06-08 Z05_PL_002_REV X	Proposed Plans	31st July 2020
APPL A 20-06-08 Z05_PL_P101_REV X	Proposed Plans	31st July 2020
APPL A 20-06-08 Z05_PL_P102_REV X	Proposed Plans	31st July 2020
APPL A 20-07-17 M001	Location Plan	31st July 2020
APPL A 20-07-17	Site Layout	31st July 2020
APPL A 20-07-29 Z05_PL_E302	Elevations	31st July 2020

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

## Materials

- 3 No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt this should include grey window as shown on page 34 of the submitted Design & Access Statement.

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

## Landscaping and Trees

- 4 No development above ground level shall take place until there has been submitted to and approved in writing by the local planning authority, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development in accordance with an Arboricultural Method Statement and a programme of maintenance. All planting, seeding or turfing comprised in the

approved scheme shall have regard to the biodiversity plan to be submitted for approval under condition 6, and shall be carried out in the first planting and seeding season following commencement of the development [or such other period as may be agreed in writing by the local planning authority] and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure the proposed development is satisfactorily integrated into its surroundings & provides for landscaping as required by Policies Cstp18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Landscape Protection - Fencing**

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

**Reason:** To ensure the proposed development is satisfactorily integrated into its surroundings & provides for tree & hedgerow retention/ landscaping as required by Policies Cstp18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Landscape protection – Hand dug excavations**

- 6 Any excavations which are necessary within the canopy spread of the retained trees shall be undertaken by hand and no power tools or machinery shall be used unless otherwise agreed by the local planning authority. If any roots are exposed they should be covered with damp sacking which should remain in place until the roots are permanently re-covered. All roots greater than 25 mm diameter should be retained and worked around. Care shall be taken to minimise damage to retained roots, including the bark around roots. Roots which are inadvertently damaged should be left without further disturbance. Roots in excess of 50 mm diameter shall not be severed without the prior written approval of the local planning authority.

**Reason:** To ensure the proposed development is satisfactorily integrated into its surroundings & provides for tree & hedgerow retention/ landscaping as required by

Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Biodiversity Management Plan**

- 7 Prior to the commencement of development a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the local planning authority. The Biodiversity Management Plan shall have regard to the recommendations and proposed mitigation strategy contained within the submitted Technical Note : Ecology (October 2020) by AA Environmental Limited accompanying the planning application, and shall include details of:
- I. any further survey work undertaken [including 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;
  - II. methodologies for translocation of protected species [where relevant];
  - III. suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
  - IV. the methods for the protection of existing species in situ [where relevant];
  - V. any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement including bat and bird boxes;
  - VI. general ecological mitigation applying to the timing/ program of construction works;
  - VII. an assessment of the works required for management and who will undertake such works,

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 the proposed development makes satisfactory provision for conservation of the site's wildlife interest as required by Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Access roads, streets, footways and cycleways provision**

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

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

### **Junction Sight Splay Details**

- 9 Details of sight splays and speed reduction measures shall be provided at all proposed junctions and bends in the road such details shall be submitted to and approved to the satisfaction of the Local Planning Authority prior to commencement on site. Those sight lines thereafter maintained at all times so that no obstruction is present within such area above the level of the adjoining highway carriageway.

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

### **Vehicle parking and turning areas**

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

**Reason:** In the interests of highway safety, efficiency and amenity and in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Vehicle access sight splays**

- 11 Prior to any vehicle access serving the proposed dwellings being brought into use, clear to ground level sight splays of 1.5m x 1.5m from the back of footway shall be laid out either side of the proposed access within the site, and maintained in the approved form at all times, unless otherwise agreed in writing by the local planning authority.

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

## Temporary Access

- 12 Prior to commencement on site, details shall be submitted to and approved by the Local Planning Authority showing the layout, dimensions and construction specification of any temporary access to the highway.

**Reason:** In the interests of highway safety/to safeguard the amenities of nearby residents.

## CEMP

- 13 Prior to the commencement of demolition, remediation or development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to, details of:

- (a) Hours and duration of works on site
- (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site
- (c) Details of construction access
- (d) Details of temporary hard standing
- (e) Details of temporary hoarding
- (f) Water management including waste water and surface water drainage (g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
- (g) Details of method to control wind-blown dust
- (h) The ecological controls and measures as detailed in the Technical Note: Ecology (October 2020) by AA Environmental Limited and agreed under Condition 7.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

**Reason:** To ensure construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity, and in the interests of landscape and ecology.

## Surface Water Drainage Scheme

- 14 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved

in writing by the local planning authority. The scheme should include but not be limited to:

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

**Reason:** To ensure that a suitable surface water drainage strategy is agreed & implemented & flood risk interests are adequately managed in accordance with Policy Cstp27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

#### **Management of Off Site Flood Risk & Pollution – Construction Phase**

- 15 No development shall commence until a scheme to minimise the risk to offsite flooding caused by surface water runoff and ground water during construction works, and prevent pollution, has been submitted to and approved in writing by the local planning authority. The scheme shall be subsequently implemented as approved, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that a suitable surface water drainage strategy is agreed & implemented for the construction phase & flood risk interests are adequately managed in accordance with Policy Cstp27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

#### **Surface Water Drainage – Maintenance**

- 16 No development shall commence until a Maintenance Plan detailing the maintenance arrangements for the site, including persons/bodies responsible for the respective elements of the surface water drainage system, including the maintenance activities and frequencies, has been submitted for approval in writing by the local planning authority. The applicant or any successor in title, should maintain yearly logs of maintenance carried out in accordance with any approved Maintenance Plan, which should be made available for inspection by the local planning authority upon its reasonable request.

**Reason:** To ensure that a suitable surface water drainage maintenance strategy is agreed & implemented & flood risk interests are adequately managed, in accordance

with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Flood Warning & Evacuation Plan**

- 17 Prior to the occupation of any dwelling on the site, a Flood Warning and Evacuation 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 occupation of the first dwelling and shall be permanently maintained thereafter, unless otherwise agreed in writing by the local planning authority.

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

### **Garages for parking or Domestic Storage only**

- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 and Section 55 of the Town and Country Planning Act 1990, the garages hereby approved/permitted shall only be used for the parking of cars or incidental domestic storage purposes in connection with the residential use of the site and for no other purposes whatsoever. Garage spaces shall also be a minimum of 3 metres width by 7 metres length.

**Reason:** to ensure satisfactory off-street parking provision is maintained, in the interests of highway safety and visual amenities.

### **Bin stores**

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

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

### **Permitted Development Restriction**

- 20 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or any subsequent re-enacting Order, no development falling within Classes A, B, C, D, E or F of Part One of the Second Schedule of that Order shall be carried out on the site.

**Reason:** Given the sustainable design of the buildings, in the interests of neighbour amenity and the character and appearance of the locality in accordance with Policies PMD1, PMD2 and CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## 21 Renewable Energy

Prior to the commencement of development, details of measures to demonstrate how the development generates its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the local planning authority.

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

### Informatics:

#### Any Works within the Highway

- 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.

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

#### Anglian Water Assets

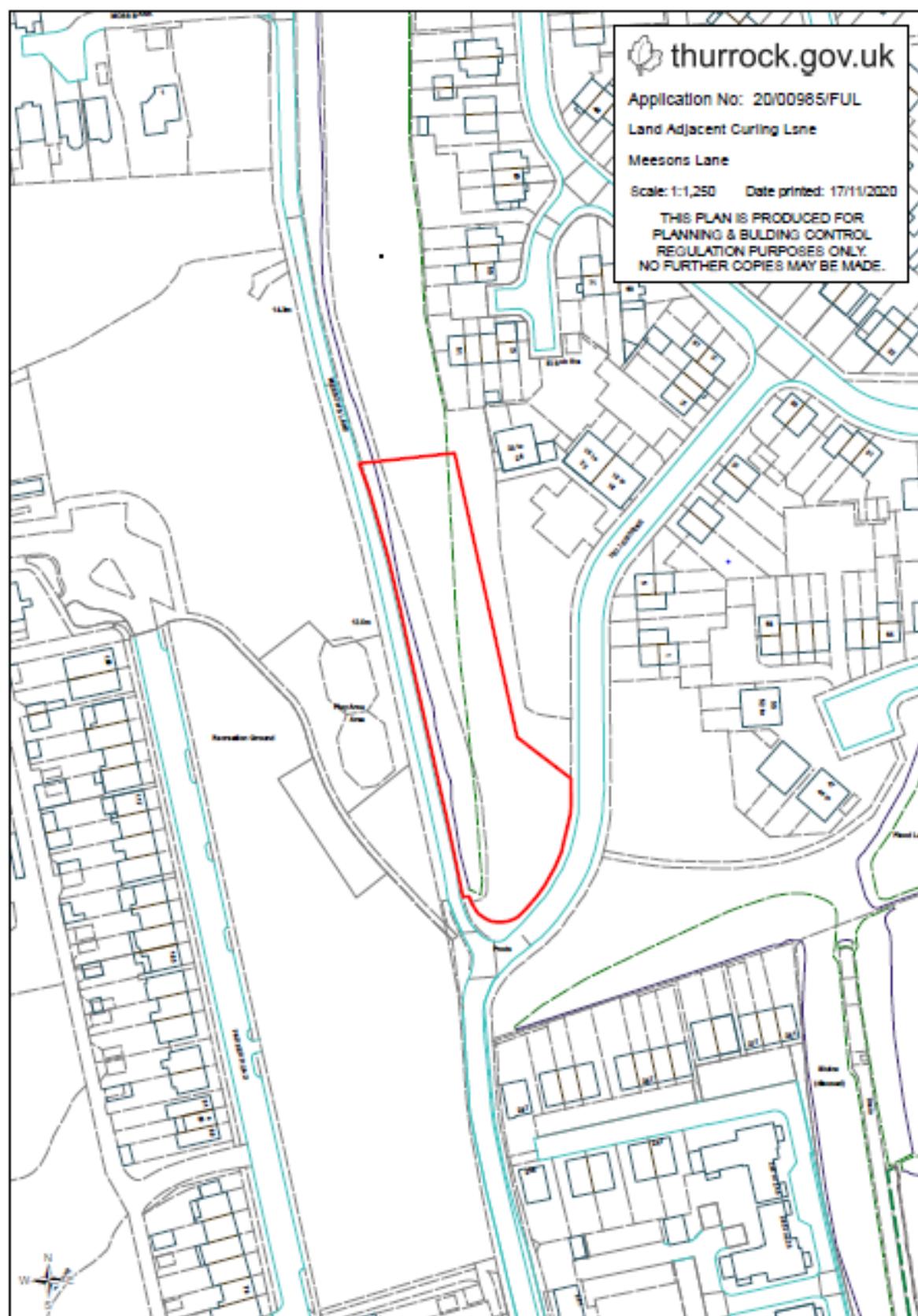
- 2 The applicant is advised that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the

Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

**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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