

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 **7 January 2021**

Due to government guidance on social-distancing and COVID-19 virus the Planning Committee on 7 January 2021 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

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

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 30
To approve as a correct record the minutes of the Extraordinary Planning Committee meeting held on 19 November 2020 and the Planning Committee meeting held on 26 November 2020.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be	

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

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|-----------|--|------------------|
| 4 | Declaration of Interests | |
| 5 | Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting | |
| 6 | Planning Appeals | 31 - 36 |
| 7 | Public Address to Planning Committee | |
| | <p>The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at https://www.thurrock.gov.uk/democracy/constitution Chapter 5, Part 3 (c).</p> | |
| 8 | 20/00905/FUL Land Part of St Cleres Hall Adjacent to James Court, Stanford Road, Stanford Le Hope, Essex (deferred) | 37 - 60 |
| 9 | 20/00957/FUL Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH (deferred) | 61 - 80 |
| 10 | 20/00623/FUL Waterworks, High Road, Fobbing, Essex, SS17 9JW (deferred) | 81 - 156 |
| 11 | 20/00242/FUL Tilbury Football Club, St Chads Road, Tilbury, RM18 8NL | 157 - 202 |
| 12 | 20/00827/FUL Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT | 203 - 240 |
| 13 | 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT | 241 - 288 |

Queries regarding this Agenda or notification of apologies:

Please contact Wendy Le, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **23 December 2020**

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Information for members of the public and councillors

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

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



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

Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Extraordinary Planning Committee held on 19 November 2020 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: *There were no apologies but Councillor Churchman and Potter were not expected to attend this meeting under the Constitution, Chapter 5, Part 3(d), 13.5.*

In attendance: Ian Hunt, Assistant Director of Law and Governance & Monitoring Officer
Michael Bedford, QC at Cornerstone Barristers
Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services
Matthew Gallagher, Major Applications Manager
Julian Howes, Senior Highway Engineer
Caroline Robins, Locum Solicitor
Wendy Le, Democratic Services Officer

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.

60. Item of Urgent Business

There were no items of urgent business.

61. Declaration of Interests

There were no declarations of interest.

62. 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

Members declared receiving an email from the Agent, Gary Coxall which contained information from the Applicant's legal representative, Kevin Leigh, regarding 19/01373/OUT.

63. Monitoring Officer Report On The Decision Of The Planning Committee In Relation To Land Adjacent To Wood View And Chadwell Road, Grays (Application ref 19.01373.OUT)

The report on pages 5 – 32 of the Agenda was presented by Ian Hunt.

Ian Hunt highlighted that:

- Planning application 19/01373/OUT had been called back before Members with the Chairs agreement to review the decision made at the previous committee. This was because of the details in the decision made had raised concerns over the legality of the decision.
- The resolution provided by Members for approving the application had not adequately dealt with the significant test that was set out in the NPPF or the local policies regarding the Green Belt (GB), therefore there had been an omission of the Very Special Circumstances (VSC) test outweighing the harm to the GB. This created uncertainty in the decision made by Members and could be open to a legal challenge.
- It was acknowledged that the Members of the Committee were the decision makers for the application and needed to ascribe weight to VSC with relevant reasoning and explanation within the wider policy and legislative framework to ensure a lawful decision.
- The email that Members had received from the Applicant's barrister, did not fully address the distinction between the two reports (item 6 and 7 of the Agenda) that was before the Committee. The first report asked Members to look at whether their previous decision made on the application was adequately reasoned and sustainable in legal terms. If Members approved recommendation 1.1 to rescind their decision, this would not determine the application, instead they would then go onto consider the application itself afresh in item 7 and Members would not be constrained by their earlier views of 16 July 2020.

Michael Bedford added that the Monitoring Officer's report only asked Members to look at whether there were issues with the decision that they had made at the meeting of 16 July 2020. It was the view of the Monitoring Officer and Michael Bedford, that there were issues with the adequacy of the reasons given for the decision that Members had made on 16 July 2020. The recommendation for Members to rescind that decision provided Members with a chance to resolve those issues through making a fresh decision taking all material factors into account.

The Chair understood that the report recommended that Members rescind their decision due to the reasons given for the decision made so did not think it was Officers looking to necessarily overturn the overall outcome of the decision. He pointed out that other GB applications that Members had made a decision on against Officer's recommendations such as Langdon Hills Golf and Country Club, had also been looked at by the Monitoring Officer and had not returned to Committee.

The Committee was made aware that if recommendation 1.1 was approved, the Committee would then move on to consider the application of 19/01373/OUT immediately after the report.

RESOLVED:

For Members:

- 1.1 To rescind the decision taken by the Planning Committee on 16 July 2020.**
- 1.2 To reconsider planning application 19/01373/OUT and to determine the application setting out legally adequate reasons for the decision to be sustainable.**

64. 19/01373/OUT Land Adjacent Wood View and Chadwell Road, Grays, Essex

The report on pages 33 – 104 of the Agenda was presented by Matthew Gallagher. Members were referred to the seven questions (on pages 46 – 52 of the Agenda) as a means to support their decision making when considering their decision on the application.

Democratic Services read out the Speaker Statements from:

- Shaun Meehan, Resident in objection to the application.
- Joyce Redsell, Ward Councillor in objection to the application.
- Gary Coxall, Agent in support of the application.

Regarding acoustic fencing, Councillor Rice mentioned that he had seen two showroom homes on the Hogg Lane development that had been converted into 40 flats with no acoustic fencing in place. He noted that the current homes in Woodview and other developments also had no acoustic fencing. Matthew Gallagher was unable to comment on the Hogg Lane development as he did not have that information and explained that the standards around noise assessments had changed over time and Woodview was likely to have been built during the war. Other developments may not have had noise issues raised before. He went on to say the Environmental Health Officer had looked at the noise assessment volunteered by the Applicant and following the guidelines of the standards set by the World Health Organisation (WHO) had concluded that acoustic fencing was needed to mitigate the impact of potential noise pollution from the proposed shared gardens and closely built homes.

Councillor Lawrence noted the affordable housing put forward by the Applicant and sought clarification on the education contribution. She felt that the education contribution would help with the demand for school places and residents in the area. Matthew Gallagher explained that the education contribution was a mitigation for the demand in school places that would arise because of the development if it was approved. The Council's Education Team assessed the number of currently available school places against the

potential number of children (requiring a school place) arising from the proposed development and if there were available school places, the Education Team would not have asked for a contribution. By asking for a contribution meant that there were no available school places and a contribution was needed to mitigate the impact of the potential number of children (requiring a school place) arising out of the proposed development.

The Vice-Chair sought clarification on whether the application could be adapted to enable it to be more acceptable for an approval. Matthew Gallagher said that the Officer's report was clear in that the principle issue in the proposed development was inappropriate development and harm to the GB. Members were entitled to undertake a balancing exercise to balance harm against other considerations to reach their conclusion but it was the Officer's views that the Applicant's proposed development and Member's reasons (for minding to approve the application) did not show that the harm was clearly outweighed for VSC to exist, therefore a refusal was the logical outcome.

The Chair commented that the site was GB and if it had potential for development, it should be assessed through the Local Plan process. He went on to say that the need for acoustic fencing around the proposed development clearly suggested that the site was not an ideal area to develop on.

Councillor Rice thought the site was 'scrubland' as it was not used or accessible to anyone. The site was ideal for the development of homes for people who needed it and the Council had a ten year housing waiting list. He went on to say that the Council was failing with no viable or up to date Local Plan; there was a Core Strategy but no call for sites; that the Borough was in a 'growth zone' with the Port of Tilbury and Amazon with people there that needed homes; and that the Council did not have a five year housing supply nor a 20% buffer. He thought that the area of the site had good road, cycle and bus networks with plenty of amenities nearby. He went on to say that the site did not contribute to the GB as the site was not a protected site; was not of special scientific interest; was not a heritage coast or asset; was not a national park; had no flood risk problems; was not near historic towns; but was instead a small area of land that would provide social and economic gains. He pointed out that the Applicant was willing to provide a significant education contribution and noted that the healthcare contribution was £29,000 and felt that if there were healthcare issues, a larger contribution would have been sought.

The Chair pointed out that Ward Councillors and residents did not see the site as 'scrubland' and reiterated the earlier point made about the education contribution which was that it was to mitigate the impact of the potential number of children (requiring a school place) arising out of the proposed development. He pointed out that the development could be placed anywhere else in the Borough and still benefit the 'growth zone' of Port of Tilbury and Amazon. He went on to say that regarding open spaces, he had received an email from Friends of the Earth who had pointed out that Grays had a lack of accessible open green spaces which was not good for mental health.

Clarifying Councillors Rice's points about the site not contributing to the GB, Matthew Gallagher explained that the site was open land which was one of the primary purposes of the defining characteristics of the GB. The openness of the site meant it served a GB purpose and was of use for that purpose. Regarding Councillor Rice's comments (also from the last hearing of the application) on the Council's ten year housing waiting list, pages 91 and 92 of the Agenda summarised with the information provided by the Council's Housing Department which showed the waiting list was less than ten years. Clarifying Councillor Rice's other points made, he went on to clarify that the Council did not have an up to date Local Plan but the Council had an up to date Development Plan on GB policies. He also clarified that the Council had undertaken a call for sites where the Applicant was most likely to promote the site and the healthcare contribution figure of £29,000 had been suggested by NHS England which was to mitigate the impact of the proposed development, but it could not be assumed that there were no healthcare issues in the Borough.

Councillor Byrne thought Councillor Rice's reasons for approving the application was reasonable and felt that if Members were no longer minded to approve the application (which had been the case at the first hearing of the application), it would impact upon other recent GB applications that Members had approved. He stated that he was in favour of the Officer's recommendation to refuse the application. The Vice-Chair disagreed and said that Councillor Rice's reasons were reasonable but not for the proposed development that was before the Committee. He said that he would only look at a GB site as potential development to meet housing needs if the Borough had no available brownfield sites. He felt Officers were clear in that Members' reasons put forward for approval were not sufficient enough to approve building on the GB.

Steve Taylor highlighted that the site was within GB and was protected by this designation so was not scrubland. He pointed out that the application did not state that it would provide social housing so it would not address the Council's housing waiting list for social housing. He went on to say that a new town could potentially be built which was the Arena Essex development and Purfleet-on-Thames (for regeneration) so he did not feel it was justifiable for this proposed development to be approved when there were larger developments that would provide more homes.

The Committee discussed that the decision had been made on 16 July 2020 and was now brought back to Committee with legal advice from Officers to provide legal reasons for their decision. Members felt that future and recent GB applications that Members had approved could potentially be brought back too, where Members would be asked to provide lawful reasons for their decisions. Members said that there had been no legal challenge to the decision on the application that had been made on 16 July 2020. The Chair said that it was not a common occurrence that an application was brought back to Committee for a decision to be rescinded and to be considered again.

Ian Hunt explained that item 6 had covered the reason for the application coming back and that it was a rare occurrence for an application to be brought back to Committee. He said that it was acceptable for Members to put forward an alternative motion to an Officer's recommendation. However, in doing so Members needed to address the key test of whether the identified benefits of the scheme clearly outweighed the harm to the GB and ensure their decision was made within the legal framework. He referred Members to the seven questions (on pages 46 – 52 of the Agenda) to help Members in their decision making process. He said that there had been no judicial review of the decision as planning permission had not yet been issued and therefore such action would be premature.

On the Officer's refusal reason of the 'visual impact of the acoustic fencing', Councillor Lawrence did not feel that weight could be attributed to it as a reason for refusal as the application was for outline planning permission and she had noted that the site had trees surrounding the area which already acted as a barrier to reduce the impact of noise. She went on to say that other special circumstances existed as the SEEVIC and Palmers College may build on the land opposite the site in the future and would have more teachers and the Applicant was providing 35% affordable housing.

Steve Taylor pointed out that the application was an outline application and that the plans were irrelevant as these could change. It was the principle of the design that would be agreed if approved. He said that affordable housing was not social housing and would not address the Council's housing waiting list.

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

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

AGAINST: (4) Councillors Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

The Officer's recommendation was rejected.

Councillor Rice proposed an alternative motion to approve with the following reasons:

1. The Council had no five year housing supply or 20% buffer and was failing on delivering its housing target that was set by Government.
2. The Council did not have a Local Plan and no call for sites.
3. The area of the site was a growth area with Port of Tilbury and Amazon with people there who needed homes.
4. The Applicant was providing 35% of affordable homes.
5. There would be a creation of employment opportunities.
6. The Council had a housing waiting list.
7. The site was not a GB site as it was not a protected site; was not of special scientific interest; was not a heritage coast or asset; was not a

national park; had no flood risk problems; was not near historic towns; but was instead a small area of land that would provide social and economic gains.

8. The appeal decision of APP/M150/W20/3246788 Land of London Road, West of Rhoda Road, North Thundersley, Benfleet, Essex had been in favour of the Applicant on 21 July 2020 which was a case brought against Castle Point.

The Chair pointed out that Members had agreed to rescind the decision from 16 July 2020 and to look at the application afresh but the reasons provided were the same reasons that were given on 16 July 2020. Councillor Rice reiterated his reasons and said that the Prime Minister stated that homes needed to be built. He said that affordable homes could be for key workers, teachers and service workers and would help the infrastructure.

Michael Bedford advised that if Members were to make a decision to approve inappropriate development in the GB, the appropriate tests in the NPPF that was also in the Council's Core Strategy had to be applied which Members had not done. He went on to advise that Members were required to give substantial weight to the harm that would be caused to the GB and to any other harm within the proposal. By not doing so, Members would be disregarding national policy and their decision would potentially be susceptible to a legal challenge. Once Members gave substantial weight to the harm to the GB and to any other harm, Members could then assess the weight to be given to the identified benefits of the proposal. This was the balancing exercise that Members needed to undertake and not just adding up the positives of the proposal. If Members concluded that the identified benefits clearly outweighed the harm to the GB, then it would be a positive decision made that could grant a permission on the basis of VSC. He said that the current reasons put forward by Members had already been assessed within the Officer's report. Regarding the appeal decision on Castle Point, he explained that in GB cases, the test of VSC was site and case specific which did not set a precedent as circumstances in each case differed so could not be used as a reason to permit another case or used in addressing the balancing exercise needed. He referred Members to the seven questions (on pages 46 – 52 of the Agenda) in the Officer's report to help Members in their decision making process.

Councillor Rice suggested adding another reason which was that the site was self-contained physically by the highway and existing development so it would not create unrestricted sprawl, merge towns or cause encroachment other than on the development of the site itself, contrary to what the Officer's report outlined on sprawl and encroachment of the wider countryside. He went on to say that there were no historic town issues and the site was not derelict but was located between developed urban lands. He commented that paragraphs 3.14 and 3.15 on pages 92 and 93 of the Agenda, where Officers had assessed the impact on the GB, were for Members to judge and was another reason in addition to the previous ones given, to depart from policies. He went on to say that it was then up to the Secretary of State to make the decision as it was a departure from the Council's GB policy.

The Committee discussed that the motion put forward could be put to the vote and the process of the application going to the Secretary of State. The Chair felt that the reasons were not enough for VSC to exist and that substantial reasons were needed.

Councillor Lawrence highlighted that the benefits of the proposal was that the area was growing at a rapid speed with many companies and businesses growing and Thurrock did not have the capability to house the people that wanted to work in this area. She said that people were travelling into Amazon to work and that in the future, the Thames Enterprise Park would be there and DP World was constantly expanding. She pointed out that this was a small area that was not encroaching on or joining on areas next to it. She said that the VSC was that the Applicant was offering 35% affordable homes which may not be offered at a later date and along with the other reasons, this should be enough for the balancing exercise required of Members. She pointed out that the site had been neglected and did not look like the photos in the Officer's presentation.

The Committee agreed to suspended standing orders at 8.21pm to enable the rest of the Agenda to be completed.

The Vice-Chair was concerned that Members were expected to think of reasons to meet the required legal tests and was not given enough time as Officers had time to put together the reasons of refusal that was given within the report.

Councillor Rice referred to a paragraph in Kevin Leigh's (legal representative for the Applicant) email and read out:

"I appreciate that the effect on the GB is the driver behind the officers' concern. In this regard it is important to recognise that none of the five purposes of the GB would be undermined by the development. These are set out in paragraph 7.13 of the report dated 25 June 2020. This is also something that can constitute a very special circumstance in itself. Namely that the GB purposes are not actually harmed. The site, being self-contained physically by highway and existing development is naturally constrained. It therefore will neither create unrestricted sprawl, nor merge towns; nor cause encroachment other than the development of the site itself (contrary to what the officers opinion on sprawl and encroachment); the wider countryside will be undisturbed; there are no historic town issues; and the land isn't derelict although it already nestles between developed urban land. I also note the concessions in the later report dated 16 July 2020 in paragraphs 3.14 and 3.15 where the officers accept the impact on the GB in terms of sprawl and the quality of the land are matters of judgment – and therefore matters for the members to judge too."

Councillor Rice said that this paragraph from Kevin Leigh's email was enough to place weight along with the other reasons given to allow a departure (from the GB). He reiterated the reasons and said that Thurrock was within two

miles of a growth zone and the Government's advice was to build homes near a growth zone so people could walk or cycle to work. He said that there was an education contribution and healthcare contribution and the area had a good bus, road and cycle network with lots of parks nearby. The Chair pointed out that the whole of south Thurrock was within two miles of the growth zone but was not a reason to build on every part of the GB there. He said that the visual impact of the acoustic fencing had not been addressed and that the proposal was an outline application with all matters reserved including the acoustic fencing. The issue of the GB still had to be addressed and the QC's (Michael Bedford) advice should be taken into account.

Ian Hunt highlighted that the key test that Members had to undertake was paragraph 3.43 on page 49 of the Agenda where substantial weight to the harm to the GB and to any other harm had to be assessed before weight could be placed on the identified benefits of the proposal. It would be then that Members could conclude that VSC existed.

In regards to the process of the application going to the Secretary of State as discussed earlier, Michael Bedford explained that the Secretary of State could not be used as a safety net to ensure the lawfulness of decisions. A judicial review was used if the decision was seen to be unlawful. The Secretary of State's function was in the operation of the planning system with the power to call in decisions that was brought to his attention or referred to him but his tests were based on policy matters or if the issues raised were more than local importance rather than whether a decision was made lawfully or not. It was for Members to make a decision that was lawful. He referred Members to paragraph 3.43 on page 49 of the Agenda and advised Members to give reasons to indicate that they had applied the test as set out in the NPPF and the Council's policies. He went on to say that the site had been designated as GB regardless of Members' opinions that it was not good quality they had to give it substantial weight to the harm caused to the GB by allowing inappropriate development on it. He reiterated the balancing exercise needed and Members had to show that the policy had been applied in order to make a lawful decision.

Councillor Rice read out:

"In the context of an out-of-date plan, which Thurrock had, where some sacrifice of the GB is unavoidable in order to provide enough homes in the Borough, this scheme provides substantial social benefits relative to its size by the contribution made to the housing need."

Councillor Rice said that this paragraph could also be added to the reasons (for approving the application) as a departure from GB policy. He reiterated the reasons and felt Members could go to a vote and it would be for the Secretary of State to decide.

The legal advice on the key test highlighted on paragraph 3.43 on page 49 of the Agenda was reiterated. Members were advised to acknowledge the harm

that would be caused to the GB. Councillor Rice reiterated his reasons and the paragraphs he had previously read out.

Councillor Lawrence said that the main reason was that the location was ideal in helping Palmer's College as it would provide homes for the college's teachers and there was the Applicant's £600,000 education contribution that would help. She felt this reason outweighed the loss of this GB site. She also suggested that a condition could be included that affordable homes should be made available for key workers first.

Councillor Sammons commented that the site was a small piece of land that could be built on. She said that the Members' views of VSC differed to Officers but that Members had heard the legal advice and that Members had provided VSC to approve.

Michael Bedford reiterated that Members had to acknowledge that there would be substantial harm caused to the GB. Councillor Rice reiterated his reasons and said that the scheme was making use of a viable piece of land. He said that harm was recognised but that the site was self-contained and once developed, the harm would no longer be there.

The Chair noted that the acoustic fencing was a reserved matter and said that the WHO had advised it was needed due to reduce the noise impact to the development. He sought more details on this. Michael Bedford explained that the Council's Environmental Health Officer had advised the need for an acoustic fence based on the guidance on acceptable noise levels issued by the WHO. It was for Members to decide how much weight to give to the Council's Environmental Health Officer's advice and for Members to take into account the adverse visual impact that the acoustic fencing would have in the area when assessing the harms. He referred to paragraph 3.43 on page 49 and reiterated the advice that Members had to acknowledge that there would be substantial harm caused to the GB.

The Chair felt that Members had not addressed the issue of the visual impact of the acoustic fencing and the key test of substantial harm to the GB. Councillor Rice said Members were not lawyers and it was for the legal representatives to guide Members in this decision.

Michael Bedford explained that Members who were minded to approve the application needed to give and acknowledge that there would be substantial harm caused to the GB. Councillor Rice said that Members had recognised and given substantial weight to the harm caused to the GB. He reiterated the reasons for approving the application.

With the key test addressed, Leigh Nicholson stated that if approval was to be granted for this application, the process would be a drafting of the appropriate planning conditions in conjunction with the Chair and himself as the Assistant Director; then referral to the Secretary of State subject to the application not being called in; and then the completion of the section 106 agreements to

secure 35% affordable housing and a financial contribution for health care provision, education provision and for Essex Rams.

The following reasons provided by Members to approve the application were:

1. The Council had no five year housing supply or 20% buffer and was failing on delivering its housing target that was set by Government.
2. The Council did not have a Local Plan and no call for sites.
3. Housing was needed to support the growth area of Port of Tilbury and Amazon as employees there needed homes and to provide homes for teachers in Palmer's College.
4. The Applicant was providing 35% of affordable homes.
5. There would be a creation of employment opportunities through the construction phase.
6. The contribution that the development would make towards the Council's housing waiting list.
7. The site was 'scrubland' as it was self-contained so was not a GB site as it was not a protected site; was not of special scientific interest; was not a heritage coast or asset; was not a national park; had no flood risk problems; was not near historic towns; but was instead a small area of land that would provide social and economic gains.
8. The appeal decision of APP/M150/W20/3246788 Land of London Road, West of Rhoda Road, North Thundersley, Benfleet, Essex had been in favour of the Applicant on 21 July 2020 which was a case brought against Castle Point.
9. There were good bus, cycle and road networks in the area with lots of surrounding parks.

Leigh Nicholson commented that it was unclear what weight had been given to each of the reasons put forward for an approval of the application. Ian Hunt stated that Members must in voting for the proposed motion have given substantial weight to the harm to the GB and any other harms identified within the Officer's report. He highlighted that Members must have given full consideration to the test in paragraph 3.43 on page 49 of the Agenda and to the list of reasons for approval that clearly outweighed the harm to the GB in Members' views to enable them to conclude that VSC existed.

The alternative motion to approve the application having considered the harms to GB and given these substantial weight, and that the balance of the reasons listed outweighed these was proposed by Councillor Rice and seconded by Councillor Shinnick.

FOR: (4) Councillors Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

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

ABSTAINED: (0)

The application was approved subject to a drafting of the planning conditions, referral to the Secretary of State subject to the application not being called in, and then the completion of the section 106 agreements.

The meeting finished at 9.32 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**

Minutes of the Meeting of the Planning Committee held on 26 November 2020 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman (left at 6.40pm due to technical issues), Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England
Representative

In attendance:

Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services
Matthew Gallagher, Major Applications Manager
Chris Purvis, Major Applications Manager
Nadia Houghton, Principal planner
Lucy Mannion, Senior Planning Officer
Julian Howes, Senior Highway Engineer
Caroline Robins, Locum Solicitor
Wendy Le, Democratic Services Officer

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.

65. Minutes

Referring to the Little Thurrock Marshes application, Councillor Rice said that he had mentioned accessibility to residents within the site and outside of the site that would make the area accessible within the list of the reasons given (*Clerk's note – added within the minutes of 22 October 2020*). He said that he had also mentioned the Council's five year housing supply with no 20% buffer and that the Council was failing the Government's targets for new housing (*Clerk's note – was not added within the minutes as this was not mentioned*).

Referring to the Little Thurrock Marshes application, Cllr Lawrence said that she had mentioned that the development would provide a health and wellbeing benefit as it would enable people to walk and cycle to work and to the shops nearby (*Clerk's note – within the minutes*).

Subject to those amendments, the minutes of the Planning Committee meeting held on 22 October 2020 were approved as a true and correct record.

66. Item of Urgent Business

There were no items of urgent business.

The Chair announced that item 11 - 20/00342/FUL Land Adjacent 43 and to rear of 45 to 47, River View, Chadwell St Mary, Essex, was withdrawn from the Agenda as the call-in had been withdrawn.

67. Declaration of Interests

There were no declarations of interest.

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

The Committee declared receiving correspondence from Nick Westlake in regards to application 20/01051/FUL.

The Committee declared receiving correspondence from Jamie McArthur in relation to application 20/00623/FUL.

Councillor Churchman declared receiving an objection letter in relation to 20/00985/FUL.

69. Planning Appeals

There were no questions or comments from the Committee.

RESOLVED:

That the report was noted.

70. 20/01051/FUL 40 High Road, Fobbing, Essex, SS17 9HN (deferred)

The report on pages 27 – 60 was presented by Lucy Mannion.

Councillor Byrne questioned whether labelling properties for over 55's made a difference in planning laws; and in the example of an inheritance, whether someone under 55 could move into the property if the owner (over 55) passed away. Officers explained that the label of over 55's made no difference in planning law and that a planning condition or s106 agreement (if Members were minded to approve the application) could be included to stipulate that properties were for over 55's only. This restriction could be brought in under planning conditions but planning conditions could be changed.

Councillor Lawrence said that planning conditions would govern the proposal. She said that the bungalows proposed within the development were different to other bungalows as these were adapted for over 55's. Councillor Potter said that McCarthy and Stone were a nationwide supplier of over 55's accommodation buildings and had large complex on Crammavill Street, Stifford Clays and were strict on the age restriction. The Chair highlighted that

the issue of over 55's age restriction had already been debated at the last hearing of the application (22 October 2020) and said that clear planning reasons were needed if Members were minded to approve the application.

(Councillor Churchman left the meeting at 6.40pm due to technical issues.)

Councillor Rice highlighted that a report from the Department for Communities and Local Government (DCLG – now known as Ministry of Housing, Communities and Local Government) had researched and identified a need for age related housing especially bungalows which added to the reasons for departing (from the Green Belt (GB)). He went on to say that Thurrock did not have a five year housing supply or a 20% buffer and was failing each year on its housing delivery targets which were more reasons for departure (from the GB). Councillor Byrne pointed out that the report did not highlight building on the GB for housing.

Steve Taylor pointed out that there were a number of bungalows available for sale in Thurrock as of the morning of that day. He went on to say that (in relation to Councillor Potter's comment) McCarthy and Stone leased their properties so were not owned. The proposed bungalows in the proposal would be sold and would be harder to enforce conditions.

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

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

AGAINST: (5) Councillors Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

The Officer's recommendation was rejected.

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, paragraph 7.4 and stated that any harm to the GB, as a point of law, must be given substantial weight and any reasons put forward to overcome this harm must clearly tip the balance the other way to overcome the harm by definition and any other harm identified from the proposal. He added that an appeal decision from a year ago for refusal of four dwellings on the same site should be taken as a material consideration when Members considered the application that was before them. The Inspectorate in that appeal did weigh the need for housing in the balance but did not feel that it clearly outweighed the harm to the GB. He went on to say that Members had to acknowledge that there would be substantial harm arising from an inappropriate development on the GB and any other harm arising from the proposal. Members had to give weight to the factors identified for approving the application and must clearly outweigh the harm to the GB.

Councillor Rice referred to the five reasons on page 28 of the Agenda which were:

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 and adapt to own need)
4. Employment in Construction Phase
5. Shovel Ready (The applicant had stated they would start as soon as they could)

Councillor Rice stated that he maintained the above reasons as given at the last hearing of the application and added the additional reasons for approval which were:

6. The Council did not have a five year housing supply or a 20% buffer and was failing on its housing delivery targets every year.
7. That the DCLG recognised that almost 48% of householders of over 65 years old would represent household growth up to 2026 which suggested a need for age related housing especially bungalows in response to the rapidly growing older population.
8. There would be less stress on the NHS as the bungalows would be on one level and there would be less accidents of falls or trips down the stairs.

Councillor Byrne pointed out that there were chairlifts that could be installed for going up/downstairs. Steve Taylor said that the site was not a sustainable village location as it was close to the Five Bells roundabout and the nearest village was over a mile away with shops being a further mile away from there. He went on to say that the Government's 'shovel ready' projects referred to large infrastructure projects..

Councillor Potter supported Councillor Rice's reasons for approving the application and said that the 1960s had been the baby boom era and those born from that time were now over 55 and needed bungalows. Councillor Rice pointed out that the site had two bus stops nearby which would enable residents within the proposed development travel into the village if they did not have access to a car.

Leigh Nicholson stated that no clear weight and rationale had been given to each reason that Members had given for approving the application. He referred Members to pages 31 – 35 of the Agenda and highlighted that the previous reasons given at the last hearing of the application had been assessed by Officers. He explained that any harm to the GB must be given substantial weight and that the two reasons that Officers had given for refusing the application had to be addressed by Members.

Councillor Rice referred to reasons given before and said that there was significant weight for tailored bungalows and that it was fundamental to take into account the DCLG's report as mentioned earlier. He said that Thurrock was lacking in the supply of bungalows and that it was recognised that there

would be harm to the GB. He highlighted that the reasons given earlier were substantial reasons and that the site was a village location which was 'village infilling'. Councillor Lawrence added that the bungalows were specialist homes as they would be built with extra wide door openings which would be suitable for wheelchair users and kitchens had been adapted as well. These were not normal bungalows and would be built for over 55s.

Leigh Nicholson noted that Members had acknowledged harm to the GB; significant weight had been attributed to the proposed bungalows for over 55s; that local employment opportunities had been attributed some weight; that the Council not having a five year housing supply or a 20% buffer and was failing on its housing delivery targets every year had been given significant weight. He noted that there had been no further clarification on the village location which had been provided as a reason by Members for approving the application at the first hearing of the application. He referred Members back to the appeal decision in 2019 for the same site for the proposal of four dwellings in which the Inspector had dismissed as it had not been considered infilling within a village and that the site was not a sustainable village location. Officers had also covered this within the report on page 32 of the Agenda. He went on to explain that clear evidence and weighting was needed to support the reason provided on the site being a village location and sustainable. He also highlighted that the two reasons that Officers had given for refusing the application on page 38 of the Agenda had to be addressed and highlighted the issues of the introduction of significant built form into open areas and urban designs.

The Vice-Chair commented that there could be potential similar developments to the proposal that had been built. Councillor Rice agreed and said that the Committee would be considering the Waterworks application later that evening which was in the same area of the current proposal which was in Fobbing. He made the comparison that the Waterworks application had 180 proposed dwellings and the current application before the Committee had five proposed bungalows and pointed out that Waterworks was a GB site.

The Chair pointed out that the Waterworks site differed as it was previously developed land whereas the site of the current proposed development had no built form since the war. Leigh Nicholson said that the Waterworks application was previously developed land with a different set of circumstances to the current application. He highlighted that Members needed to address Officer's refusal reason number two and read the refusal reason out. He went on to say that Members had to give rational reasons to address this in approving the application.

Councillor Lawrence felt that the proposed bungalows would not be out of character with the area as houses around the site were different to each other and there had been a recently built modern development in the area. She pointed out that the proposed dwellings in the Waterworks application would be out of character in the area of Fobbing. In regards to sustainability, she felt the location was ideal for people who did not want to live in a big town and people could walk to the shops. There were also bus stops nearby. She also

said that there was a scrapyard behind the site. Steve Taylor pointed out that the map on page 39 of the Agenda showed that the proposed development would be built entirely within the red line boundary which had no development so would look out of character within the area.

Councillor Rice pointed that another site down the road to the current site had been given planning permission two years ago to demolish one bungalow and for nine dwellings to be built in place of it. He thought this showed a demonstrative need for this current proposal.

In relation to Officer's refusal reason number two, Leigh Nicholson noted that Members had reasoned that the homes along the road of the site were varied in design so the proposed bungalows' modern design was acceptable. He noted that Members had also reasoned that other developments of infilling within a village had been accepted in the past.

Caroline Robins advised Members to address the Officer's two reasons for refusal and attribute weight to factors to show these clearly outweighed the harms as set out in the Officer's report. She stated that Members needed to acknowledge these harms.

The Vice-Chair pointed out that Members had acknowledged the harms in which Councillor Rice agreed and reiterated the approval of the other development of nine dwellings from two years ago as mentioned earlier. He said that these were of a similar style to the current proposed bungalows which was sufficient to address Officer's refusal reason number two and highlighted Councillor Lawrence's earlier point that the homes along the road of the site were a mixture in design.

Leigh Nicholson noted that Members had addressed the Officer's two reasons for refusal but the balancing exercise for refusal reason number two had not been undertaken. He said that Members were able to progress forward constitutionally as they had provided clear reasons for Officer's reasons for refusal. He went on to remind Members of the usual process following a decision which required legal assessment for lawfulness by the Monitoring Officer and then subject to it being found lawful conditions in conjunction with the Chair.

Proposer: Councillor Rice.
Secunder: Councillor Potter.

FOR: (5) Councillors Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

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

ABSTAINED: (0)

71. **19/01800/FUL Medina Farm, Dennises Lane, Upminster, Essex, RM14 2XB**

The report on pages 61 – 88 of the Agenda was presented by Matthew Gallagher.

Steve Taylor noted that the application sought permission for four years and said that the Applicant could appeal to request for a longer period of time to continue the works. Matthew Gallagher explained that there was a condition to limit the operations to four years on page 110 of the Agenda. This would apply from the commencement of works. He went on to explain that some sites may require longer periods of time such as Orsett Quarry because it was a large site but the current site should be quick as it was small and constrained in comparison.

The Chair questioned whether there were other concerns in regards to the application other than the additional vehicle movements in the area. Matthew Gallagher said that the area of the site was fairly isolated and the number of residential receptors were limited in Thurrock and that there were more receptors in London Borough of Havering Council. Noise movement could be noticed on the site from the works but the Environmental Health Officer did not have concerns. He said that HGV movements would be coming in from the west which was on the London Borough of Havering side but there were a limited number of receptors. He went on to say that Thurrock Council was satisfied with the application subject to conditions and that there would be a limited impact to residents.

Democratic Services read out the Agent, Amy McDonagh's statement of support.

Councillor Rice said that to reduce the amount of dirt on the roads from HGVs, the service had to ensure that vehicle wheels were properly cleaned. Matthew Gallagher explained that the condition was that HGVs would travel along London Borough of Havering's roads and the impact would be on those roads.

Proposer: The Chair.

Seconder: Councillor Rice.

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

AGAINST: (0)

ABSTAINED: (0)

72. 19/01799/FUL Medina Farm, Dennises Lane, Upminster, Essex, RM14 2XB

The report on pages 89 – 124 of the Agenda was presented by Matthew Gallagher.

Democratic Services read out the Agent, Amy McDonagh's statement of support.

Proposer: The Chair.

Seconder: The Vice-Chair.

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

AGAINST: (0)

ABSTAINED: (0)

73. 20/00342/FUL Land Adjacent 43 and to rear of 45 to 47, River View, Chadwell St Mary, Essex

This item was withdrawn from the Agenda as the call-in had been withdrawn.

74. 20/00957/FUL Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH

The report on pages 135 – 152 of the Agenda was presented by Nadia Houghton. Since the publication of the Agenda, she stated it had been noted that that the site plan attached to the Committee Report was an inaccurate red line plan but the report and planning application considered included all the correct plans and also referred to all the correct plans.

The Chair sought more detail on the bin stores as he noted Officer's refusal reason number two and that the bins were close to the entrance of the site. Nadia Houghton said that the bins were located along the access road of Farm Road and that the bins were currently collected from the properties fronting Farm Road, from Farm Road. She said that in line with highways compliance, the refuse vehicle should be entering into the site at the back of Farm Road to collect the bins as the development was located to the rear of Farm Road which was a narrow road as shown in the site photos in the Officer's presentation.

Councillor Lawrence mentioned that refuse vehicles in her road reversed back out and questioned whether the refuse vehicles could do the same after collecting other bins in the area. Councillor Sammons also pointed out that refuse vehicles were already collecting bins in the same area. Nadia Houghton explained that there were concerns on the design of the access and not just on refuse collection. There were no visibility splays that would allow for vehicles to move out from the road safely. Julian Howes explained that other service and emergency vehicles would also need to access the site and the Applicant had been asked to demonstrate that there were clear visibility splays at the access point and that there was sufficient turning facility for all vehicles to be able to turn around safely.

The Committee agreed to suspend standing orders at 8.26pm to enable the Agenda to be completed.

Democratic Services read out the Agent, Russell Forde's statement of support.

Councillor Rice stated that the site was within his ward and that residents had only objected to the roads. He suggested that a condition be included to ask that the roads be brought up to Council standards and that the application should be approved. He highlighted the DCLG's report which identified a need for age related housing and it was also recognised in the Council's Core Strategy 2015.

Steve Taylor said that the development to the front of the site was originally a single property and the current site before the Committee was the rear/garden of the development's site and was GB. The development to the front of the site was already the maximum permitted development on the site. He highlighted that once the GB was built upon, it would not become a green open space again. The Chair noted that the site had been approved for development in 2018 and was a case of developers requesting for more development on the site. He noted that there were no negative comments from residents but the site was GB.

Councillor Lawrence proposed for a site visit to enable Members to view the access road in regards to the concerns around refuse vehicles and visibility splays. Councillor Byrne seconded this.

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

AGAINST: (0)

ABSTAINED: (0)

The application was deferred for a site visit.

75. 20/00985/FUL Land Adjacent Curling Lane Helleborine and Meesons Lane, Grays, Essex

The report on pages 153 – 174 of the Agenda was presented by Nadia Houghton. Since the publication of the Agenda, there had been two updates. The first update was that the site plan attached to the Committee Report was an inaccurate red line plan but that the application had been considered with the correct red line plan along with all plans submitted with the planning application. The second update related to the Essex Badger Protection Group who had sent their response to the Council stating that they had no objections to the scheme proposed subject to the conditions included in the application.

The Chair questioned whether there was an outcome on the appeal from the previous application for this site yet to which Nadia Houghton confirmed that

there was not an outcome yet as the decision was awaited. He questioned why the Applicant had chosen to submit a new application instead. Nadia Houghton advised it was up to the Applicant as to whether a planning application was submitted, and explained that there may have been potential delays in the appeal process due to the COVID-19 pandemic and that submitting another application was an option to the Applicant.

The Vice-Chair noted that the site was not GB and questioned whether Officers had considered that this site was the only open space in the area that had not been built upon. He also pointed out that Chafford Hundred was overdeveloped but the area of this site was not considered overdeveloped by Officers. He was concerned about over cramping in Badgers Dene. Nadia Houghton explained that the site was designated as residential land so there was no consideration for loss of open space. There was an open space which was a children's recreation play area very close by the site on Meesons Lane. It was considered that the proposal would not result in over cramping with the six proposed dwellings so there were no objections on open space grounds. She also said that each site had to be considered on its own merits and that the current site was on the edge of the estate. The proposal would not be removing any open space in the area and would provide fully compliant garden spaces.

Councillor Lawrence referred to paragraph 6.7 and questioned whether there would be overshadowing. She noted that the design of the proposed dwellings would have 'yellow and red rustic brick cladding' which she questioned whether this would be out of character with the area. She also raised concerns on badgers on the site and asked if this had been checked. She pointed out that badgers could not be seen in the day and highlighted her concerns that planning conditions could be changed.

Nadia Houghton explained that the roofs on the proposed dwellings meant the scheme had high ecological credentials and the development as a whole would provide an almost carbon-free development which was unusual. She referred to paragraph 6.7 and said that it was in relation to overshadowing which related to the panels on the roof that did not require direct sunlight as it functioned on daylight so there were no concerns raised. She explained that the materials for the proposed dwellings were not traditional and that the Applicant had tried to keep these in character with the properties in the area without moving away from their energy efficient credentials and modern construction design. In regards to badgers on the site, she said that the Applicant had produced an updated Ecological Assessment and the Council's Ecology Advisor had undertaken several visits to the site. There were also no objections from the Essex Badger Protection Group.

Steve Taylor noted that there were trees around the site and within the site, he questioned if these would be removed and whether any trees had a Tree Protection Order (TPO). Nadia Houghton answered that there were no TPOs and that many of the trees on the site would be retained.

Tony Fish, Ward Councillor, read out his statement of objection.

Democratic Services read out the Agent, James Wiley's statement of support.

The Chair noted that the appeal from the previous application had not reached an outcome yet. He pointed out that the Applicant had taken Members' comments into consideration at the last application and had put forward a new application with less homes proposed. He thought the development was eco-friendly compared to other recently approved developments and that it had been confirmed that there were no badgers on the site.

Councillor Lawrence said that the Applicant could not compare the site to other recently approved applications as the site was special and treasured by residents living within the area of the site. She noted that the site was not GB but it was not a piece of land that could be built upon now or in a few years' time and she believed there were badgers on the site. The Vice-Chair noted that the application was an improvement to the previous application with the amenity space issues being resolved. However, he was concerned about the appearance of the proposed dwellings that would be out of character with the area and density issues. He felt the proposed development was a 'postage stamped' development that was being shoehorned into the last bit of green space in the area so was against the development. Councillor Shinnick felt the development was small and could still have badgers on the site.

The Chair proposed the Officer's recommendation for approval but there was no seconder so the Officer's recommendation was rejected.

The Vice-Chair suggested an alternative motion to refuse the application on the grounds that the development was not in keeping with the character of the area and there were issues of density and an overdevelopment in the area. Regarding the issue of overdevelopment and density, Nadia Houghton explained that the proposed development fully complied with Council policies with regards layout and amenity space provision and consequently the Vice-Chair removed the reason relating to overdevelopment from the motion put forward to refuse the application.

Councillor Lawrence added that she was concerned over the road condition in the site and that the Applicant had not proposed repairing the road. Officers explained that the road was fully adopted and maintained by the highway and the Applicant proposed to include a new turning head that made the road more policy compliant. There had been no suggestion to upgrade the road.

The Vice-Chair proposed the alternative motion to refuse the application for the following reason:

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.

This was seconded by Councillor Shinnick.

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

AGAINST: (1) Councillor Tom Kelly.

ABSTAINED: (1) Councillor Gary Byrne.

The application was refused.

76. 20/00623/FUL Waterworks, High Road, Fobbing, Essex, SS17 9JW

The report (which can be found on the Council's website <https://democracy.thurrock.gov.uk/ieListDocuments.aspx?CId=136&MId=5884&Ver=4>) was presented by Chris Purvis. Since the publication of the Agenda, there had been some updates:

- The NHS had provided a consultation response that identified the financial amount of £66,400 needed to mitigate the impact on the healthcare sector;
- Updated plans for condition 2.
- Condition 25 had additional text that included surveys in regards to Great Crested Newts and reptiles.
- Paragraph 1.2 should be read as 6 one bed apartments and 15 two bed apartments.
- For the total parking, it should be read as 342 spaces for the allocated/unallocated that was in total and in addition to the visitor spaces which would equate to a total of 388 spaces in the site.
- There were a couple of other minor changes.

Democratic Services read out the Resident, Vicki Barrett's statement of objection.

Catherine Williams, the Agent, read out her statement of support.

Councillor Sammons note the reservoir within the site plans and questioned whether fencing would be placed around it. She went on to ask what type of fencing would be placed there and who would be maintaining that fencing. Referring to the railway barriers in the area of the site, she noted that these were half barriers and raised safety concerns and the dangers over these as her ward area also had half barriers. She noted that there was no response from the railway organisation on the consultation and felt concerned as this would be the near the proposed dwellings of the development and would be their exit route. Chris Purvis answered that there was an existing reservoir on the site that was covered up. He said that the proposal was to remove, infill and build in the location of the reservoir. Regarding the railway barriers, he confirmed that these were currently half barriers that prevented people from crossing over when it was down. He went on to say that the barriers were the responsibility of Network Rail and that Network Rail had been consulted but

had not provided a response which could mean that they had no objections to the proposal.

The Vice-Chair questioned what affordable housing meant for Bellway Homes and how much of the proposed homes were allocated for social housing. The Committee discussed the potential costs of the proposed dwellings. Chris Purvis said that the Applicant's Planning Statement confirmed 59 affordable housing units which was 35% and consisting of a mix of one and two bed apartments; two and three bedroom houses; and four one bed wheelchair units. The tenure of these complied with Council policies in regards to 70% social housing and 30% intermediate housing which complied with NPPF guidelines. There was no detail on the pricing of the proposed properties.

Steve Taylor noted the response to the consultation from Highways in regards to the railway barriers and sought further details. He also highlighted issues in the road after the railway line of traffic queues that could potentially risk cars being trapped on the railway line and questioned whether there was a provision for another lane. Chris Purvis explained that Highways had raised the issue of the railway barriers and that Network Rail were responsible for replacing the barriers. On the road issues, he said that the roads mentioned fell outside the boundary of Thurrock Council so could not insist on a mitigation of a right hand turn lane. Julian Howes explained that the Highways Team had raised an issue in regards to the impact of the barriers on traffic queuing. In terms of traffic queue lengths, the Applicant had shown that the tailbacks at the crossing or towards the crossing were not very significant so the Highways Team had not found issues in traffic generations and queuing in and out of the proposed development.

Councillor Lawrence thought the site was a prime location and was disappointed to hear that the majority of the 35% affordable homes offered would be by the railway tracks. She felt the proposed development was a major project and proposed that a site visit be undertaken which Councillor Rice seconded. The Chair was not in favour of a site visit as he said there were no issues from Highways. The Vice-Chair felt there were issues with the railway barriers that had to be addressed.

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

AGAINST: (1) Councillor Tom Kelly.

ABSTAINED: (0)

The application was deferred for a site visit.

The meeting finished at 10.10 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**

7 January 2021	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Jonathan Keen, Interim Strategic Lead - Development Services	
Accountable Assistant Director: Leigh Nicholson, Assistant Director – Planning, Transportation and Public Protection.	
Accountable Director: 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:** 20/00848/FUL

Location: 37 Sanderling Close, East Tilbury

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

3.2 **Application No:** 20/00595/HHA

Location: Lilly Cottage, Kirkham Shaw, Horndon On The Hill

- Proposal: Demolition of existing conservatory and erection of single storey side and rear extensions with rooflights
- 3.3 Application No: 20/00600/HHA**
- Location: 15 Alfred Road, Aveley
- Proposal: Single storey side extension
- 3.4 Application No: 20/00123/HHA**
- Location: 225 Princess Margaret Road, East Tilbury
- Proposal: (Retrospective) Erection of front and side wall with railings and gates.
- 3.5 Application No: 20/00490/HHA**
- Location: 6 Nutberry Close, Grays
- Proposal: Single storey rear extension with three roof lights.
- 3.6 Application No: 20/00813/HHA**
- Location: Martins Cottages, Church Lane, Bulphan
- Proposal: Two storey rear extension, alterations to windows and front canopy
- 3.7 Application No: 19/01229/OUT**
- Location: Sable House, Horndon Road, Horndon On The Hill
- Proposal: Outline Planning Application (All Matters Reserved) for the erection of a two bedroom bungalow
- 3.8 Application No: 20/00452/HHA**
- Location: 12 Balmoral Avenue, Corringham
- Proposal: Single storey rear extension
- 3.9 Application No: 20/00396/HHA**
- Location: 194 Southend Road, Stanford Le Hope

Proposal: Two storey side extension and enclosed lobby area to main entrance with roof lantern

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 19/01390/FUL

Location: The Bungalow, Bells Hill Road, Vange

Proposal: New 2 bedroom dwellinghouse

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be whether the proposal constituted inappropriate development, and if so whether the case of very special circumstances overcame the harm in principle and any actual harm to the Green Belt.

4.1.2 The Inspector noted the site lay outside of any residential areas or established residential frontage and was therefore inappropriate development by definition.

4.1.3 It was found that no very special circumstances had been put forward to overcome the harm to the Green Belt and accordingly the appeal was dismissed as being contrary to Policies PMD6 and CSSP4 of the Core Strategy and the NPPF.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 19/01565/FUL

Location: 97 Sabina Road, Chadwell St Mary

Proposal: Development of a 3-bedroom residential dwelling house adjoining an existing, 2-bedroom residential unit on the land known as 97 Sabina Road, Chadwell St. Mary

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered the appeal on the basis of: i) the effect of the proposed dwelling on the character of the area and on the street scene; ii) its effect on the living conditions of adjoining occupiers (the host dwelling, No.97); iii) the adequacy of the amenity space proposed for the new and host

dwelling; and iv) the adequacy of the vehicular access and provision for parking cars, and highway safety.

4.2.2 In relation to i) the Inspector found that the proposed house would sit awkwardly on its site, and that its massing and appearance would be incongruous in its context. Added to this is the fact that the proposal would reduce the openness that is a characteristic at the end of terraces. Thus the proposal was considered to be detrimental to the character of the area and the street scene, and failed to accord with the requirements of Policy PMD2 of the Core Strategy and Policies for the Management of Development (2015).

4.2.3 In relation to matters ii – iv there was not found to be such harm as to warrant refusal on these grounds.

4.2.4 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	
Total No of Appeals	5	4	5	4	7	0	4	3	0				32
No Allowed	1	0	2	2	0	0	3	1	0				9
% Allowed	20.00%	0%	40.00%	50.00%	0%	0%	75.00%	33.33%	0%				28.13%

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. The planning enforcement files are not public documents and should not be disclosed to the public.

10. Appendices to the report

- None

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Reference: 20/00905/FUL	Site: Land Part Of St Cleres Hall Adjacent To James Court Stanford Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Demolition of existing barns and construction of building containing five apartments with associated hardstanding and landscaping (resubmission of 18/00984/FUL - Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings)

Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing and Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Planning Statement - QC Planning Submission Opinion 	
Applicant: Mr R Lyon	Validated: 22 July 2020 Date of expiry: 11 January 2021 (Extension of time agreed with applicant)

Recommendation: Grant planning permission, subject to conditions and s106 agreement

1.0 BACKGROUND

- 1.1 Consideration of this application was deferred at the 22 October 2020 Planning Committee meeting to enable a site visit to take place. Members visited the site on 17 December 2020.
- 1.2 The application remains recommended for approval subject to conditions and s106 as set out in the attached report.
- 1.3 A copy of the original report presented at the 22 October 2020 meeting is attached.

Documents:

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

www.thurrock.gov.uk/planning

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Planning Committee 22 October 2020	Application Reference: 20/00905/FUL
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Reference: 20/00905/FUL	Site: Land Part Of St Cleres Hall Adjacent To James Court Stanford Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Demolition of existing barns and construction of building containing five apartments with associated hardstanding and landscaping (resubmission of 18/00984/FUL - Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings)

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Reference	Name	Received
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3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing and Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
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The application is also accompanied by:	
<ul style="list-style-type: none"> - Design and Access Statement - Planning Statement - QC Planning Submission Opinion 	
Applicant: Mr R Lyon	Validated: 22 July 2020 Date of expiry: 23 October 2020 (Extension of time agreed with applicant)

Recommendation: Grant planning permission, subject to conditions and s106 agreement

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, T Piccolo, D Huelin, A Watkins and J Halden (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 table below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	0.119ha							
Height (maximum)	Eaves – 4.7m Ridge – 9.75m							
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL	
	Houses							
	Flats	1	4					
	TOTAL	1	4				5	
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL			
	Houses							
	Flats							
	TOTAL				0			
Car parking	Flats: 5 Total allocated: 5 spaces (1 per unit) Total Visitor: 1 space Total: 6							
Amenity Space	Over 800 sqm of communal amenity space							
Density	42 units per ha							

1.2 This application seeks planning permission for the erection of a building which would contain five apartments following the demolition of existing buildings on the site. The proposal also includes associated hardstanding and landscaping.

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

2.0 SITE DESCRIPTION

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

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the relevant planning history:

Application Reference	Description of Proposal	Decision
11/50268/TTGFUL	Erection of 14 dwellings	Approved
14/00547/CONDC	Discharge of conditions 2,3,4,8,9,10,21,22 and 23 on previous planning application 11/50268/TTGFUL.	Advice Given
14/00654/CONDC	Discharge of Conditions 5, 6, 12, 15, 18 and 19 against approved planning application 11/50268/TTGFUL	Advice Given
16/00271/FUL	Demolition of existing car storage building and erection of a residential terrace of 5no. three bedroom dwellings	Refused – Appealed – Allowed
17/01628/CONDC	Application for the approval of details	Advice

Planning Committee 22 October 2020	Application Reference: 20/00905/FUL
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	reserved by condition no. 3 (Hard and soft landscaping), 4 (Construction and waste management plan), 5(Highways management plan) and 8(foul and surface water) of planning permission ref. 16/00271/FUL (Demolition of existing car storage building and erection of a residential terrace of 5 no. three bedroom dwellings)	Given
18/00984/FUL	Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings	Refused – Appealed – Dismissed

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There was one comment received which did not object to the proposal, although it raised concerns on the following matters:

- Access to site
- Additional traffic
- Use of green areas
- Possible excessive noise

4.3 CADENT GAS:

No objection.

4.4 ENVIRONMENTAL HEALTH

No objection, subject to conditions.

4.5 HIGHWAYS

No objection, subject to conditions.

4.6 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions.

4.7 LISTED BUILDING ADVISOR:

Recommend amendments, suggested conditions.

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:

- 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
- 13. Protecting Green Belt land
- 16. Conserving and enhancing the historic 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
- Effective use of land
- Green Belt
- Historic environment
- Housing: optional technical standards
- Housing supply and delivery

- Noise
- Planning obligations
- Tree Preservation Order and trees in conservation areas
- 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:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

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

THEMATIC POLICIES

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

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)

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 2018 planning permission was sought for *Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings*. The application was refused on the following three grounds:

- 1) Green Belt - The proposed development would, by reason of its siting and scale result in a greater impact on the openness of the Green Belt than the previously approved development, representing inappropriate development in the Green Belt which is by definition harmful. In addition the proposal results in a loss of openness due to the substantial increase in the extent of the built form on the site. There are no circumstances put forward by the applicant which would constitute very special circumstances to justify inappropriate development in the Green Belt.,
- 2) Character/ - The proposed development, would by reason of its siting, scale, density and extent of hardstanding result in an overly dominant, incongruous and urban form of development adversely impacting upon the street scene and character of the area
- 3) Impact to listed building - The development, would by reason of its siting and scale result in substantial harm to the setting of the adjacent Grade II* Listed Building, St Clere's Hall. The massing and position of the proposed terrace would dominate the local streetscene and crowd the listed building and block intermittent historic views across the site.

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

Paragraph 10. *The preliminary finding is that there is no existing enforceable requirement to remove the 2 buildings presently located within the red-line site area*

of the present appeal, and that they are available to be considered with regard to the paragraph 145g exception, rather than judging the proposal against the originally intended open space.

Paragraph 25. *As a result, the setting of the former farmhouse should be regarded as extending north and south, but that over the appeal site or the land already developed is of low significance. The further development proposed in this appeal would not have an adverse effect on the setting of the listed building, and the shortcomings identified in the previous main issue in design and layout of the building and its car parking would not affect the setting in any event. It is concluded that the requirements of statute as well as local and national policy on the preservation of heritage assets would be satisfied in this case.*

The current application is within the same site area, but is a significantly different proposal with one building providing five flats with smaller footprint and bulk. Also, there is significantly less hardstanding proposed.

6.1 The assessment below covers the following areas:

- I. Principle of the development in the Green Belt
- II. Layout and design
- III. Impact on listed building
- IV. Impact on amenity
- V. Highways and parking
- VI. Landscape and ecology
- VII. RAMS mitigation

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

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

Whether the proposals constitute inappropriate development in the Green Belt

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

6.3 Paragraph 133 within Chapter 9 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

145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, this includes:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development*

- 6.4 The NPPF defines "Previously developed land" to be: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 6.5 The principle of the residential re-development of the wider site has already been established by the granting of full planning permission under applications 11/50268/TTGFUL and 16/00271/FUL. The principle of redeveloping the site was initially given by the Thurrock Thames Gateway Development Corporation. These developments relied on the redevelopment of a previously developed site where there would be no greater impact upon the openness of the Green Belt than the existing development. The effect of this for the purposes of the assessment of the previous applications was the demolition the pre-existing buildings on site with their replacement considered to be appropriate development in the Green Belt. Part of the reason for the refusal of application 18/00984/FUL was that it was considered the floor area and volume of these buildings had been 'spent' in the previously consented schemes.
- 6.6 Despite this, at the last appeal the Planning Inspector concluded in paragraph 10: *The preliminary finding is that there is no existing enforceable requirement to remove the 2 buildings presently located within the red-line site area of the present appeal, and that they are available to be considered with regard to the paragraph 145g exception, rather than judging the proposal against the originally intended open space.* Therefore, given the Planning Inspectorate's decision the current proposal should be considered on the basis of the existing situation when considering whether it constitutes an exception to inappropriate development within Green Belt.

- 6.7 Before considering the impact of the development it is first pertinent to consider the extent of the site which constitutes PDL. There has been an assessment of the existing buildings, which, based upon the appeal decision, are available to be considered as part of the Green Belt assessment. The proposal is to replace these two buildings with one building which would contain five apartments.
- 6.8 Having clarified that the relevant part of the site does constitute PDL consideration must then be given to whether the development would result in a greater impact upon openness than the existing development on the site. The existing buildings on the site are located centrally within the site and the development would be partly within this footprint, although consolidated to the south west of the site. It is important at this point to consider the relative impact upon openness of these structures when compared with the redevelopment of the site for a building with five flats.
- 6.9 Footprint and volume comparisons are a starting point within the PDL exception test, however the character of the existing structures are also important. The existing buildings on site, which are applicable to use for PDL, are detailed below:

Existing building 1 - volume 477m³ / footprint 106m²

Existing building 2 - volume 636m³ / footprint 130m²

Total existing volume 1,113m³

Total existing footprint 236m²

The proposed building is detailed below:

New building – volume 1,130m³ / footprint 167m²

Difference of proposed volume +17m³

Difference of proposed footprint -69m²

Therefore, the redevelopment would lead to a decrease in footprint and a relatively minor increase in volume.

- 6.10 The proposed building would have a ridge height of 9.75m, the existing buildings have ridge heights of 6.3m and 6.5m. Nonetheless, the proposed building is a single structure which replaces two separate buildings. Additionally, with the proposed building whilst the ridge height is higher than the existing buildings, the ridge is steep with the eaves height a maximum of 4.7m which reduces massing and bulk in the roof. It is considered that the reduction in footprint and design of the building would reduce the visual extent of the built form on the site. Even with the increase of the ridge height of the building over the existing barns the overall extent of the massing

of the proposal is less than the existing situation on site. Therefore, in terms of height and massing, the proposed buildings would have less of an impact on openness.

- 6.11 However, it is also important to consider the character of the buildings to be replaced and the relative impact upon openness. The redevelopment would replace predominantly commercial style buildings with a residential building. These existing buildings and structures are of substantial and permanent construction. As a result it is considered that the impact upon the Green Belt in terms of the character of these existing buildings is relatively similar to the proposed building.
- 6.12 The apartment building would lead to less built in terms of footprint. The landscaping will be conditioned to ensure a more attractive finish with additional planting which will enhance the area. Given the above, the redevelopment would reduce built form on the site in terms of footprint and number of buildings and it is not considered the proposal would result in a greater impact upon openness than the existing development on the site. Additionally, the specific location of the site, is within an area where there are other residential units. Therefore the first exception of paragraph 145 g) is met and the proposal would constitute appropriate development.
- 6.13 Given that the proposal is considered to be acceptable based upon the relative impact in relation to the existing structures on site it is considered appropriate to impose conditions on removal of existing structures.

II. LAYOUT AND DESIGN

- 6.14 The proposed building would be sited to the south west of the wider residential site and would create a functional corner to the overall mews development. The building when compared with the last refused application has been set back away from Stanford Road, so it would not be so visually dominant within the street scene. This is also the case when compared with the existing buildings on the site. Additionally, the roof of the proposed building is pitched away from Stanford Road, which again reduces the visual impact.
- 6.15 The design of the proposed building compliments the existing recent residential developments within the cul-de-sac. The design and features have been inspired by the present houses on the site, such as the steeply pitched roof, black windows and weatherboarding.
- 6.16 In addition to the above, the development would improve the landscape buffer, which separates the proposed building from the road. There is currently a large extent of hardstanding and the proposal would ensure that as well as the removal of the

unsightly barns, the resultants shared amenity area of 849sq.m will lead to improvement of the aesthetics of the site.

- 6.17 Therefore it is considered, that the siting and scale of the proposed building are acceptable and would result in a complimentary building which would fit in with street scene and character of the area. The proposal would, therefore, comply with policies PMD2, CSTP22 and CSTP23 and the NPPF.

III. IMPACT ON LISTED BUILDING

- 6.18 The site is located adjacent to St Clere's Hall, a Grade II* listed former farmhouse. As a Grade II* listed building, St Clere's Hall is a heritage asset of significant value. Therefore great weight should also be given to any harm identified as part of the assessment of the proposal. Any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Within the previous appeal decision the Planning Inspector evaluated that, in terms of setting, the application site is of low significance and that the previous proposed development would not have had an adverse effect on the setting of the listed building.
- 6.19 The Planning Inspector considered the previous application had limited impact on the listed building. As this proposal has a lesser effect there can be no objection on this matter. The Historic Buildings Advisor advises addition of conditions relating to materials and details be imposed, all well as details of all hard and soft landscaping and boundary treatments, to ensure a good quality of design he would not object to the proposal. Therefore, with the conditions suggested by the Historic Buildings Advisor, from a heritage perspective, the proposal would be acceptable in terms of policies CSTP24 and PMD4 and the NPPF.

IV. IMPACT ON AMENITY

- 6.20 The proposed building would be sited a significant distance from the nearest pre-existing dwellings located to the east of the site on Stanford Road. As a result it would not result in a significant loss of light, overbearing impact or loss of privacy to these neighbours.
- 6.21 Given the distance between the buildings and the impact upon a limited number of windows it is considered that this would not result in significant harm to present or future occupiers of the wider development. Any views from the current proposal would be towards the flank of existing properties to the south east and would not directly overlook habitable room windows or private amenity space.

- 6.22 With regards to the proposed parking and turning area this would result in some disturbance to the previously approved properties. However in the context of their siting within an estate where there are likely to be a number of vehicular movements and the close proximity to Stanford Road it is considered that this would not result in an unacceptable impact upon the amenity of future occupiers.
- 6.23 The proposed building would provide units of a sufficient size and with suitable light and outlook to provide an acceptable living environment for future occupiers. The proposed shared amenity area would exceed the recommended standards and would provide sufficient amenity space for future occupiers. As such it is considered that the proposal would provide a suitable living environment for future occupiers.

V. HIGHWAYS AND PARKING

- 6.24 The proposal would be accessed through the estate road associated with the previously approved applications on the site. The proposal is for five additional dwellings which is unlikely to result in a significant increase in vehicular movements. The proposal would provide one parking spaces per unit and a visitor space which is considered to be sufficient for properties of this size in this location and would comply with the requirements of policy PMD8. A cycle store is proposed to be provided on the site.
- 6.25 Refuse collection arrangements would be the same as the previously approved applications. There is a refuse/recycling area provided within the site. Therefore no concerns are raised with regards to refuse storage or collection.

VI. LANDSCAPE AND ECOLOGY

- 6.26 The proposal would incorporate sufficient space for boundary screening and would not adversely impact upon TPO trees on the adjacent site. The Council's Landscape and Ecology Advisor has raised no objection to the proposal subject a condition in relation to a detailed landscaping scheme with particular attention to screening along the boundary with Stanford Road. No concerns have been raised with regards to biodiversity and ecology.

VII. RAMS MITIGATION

- 6.27 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

- 6.28 The mitigation strategy involves a tariff for each residential unit which is £125.58 per unit to mitigate the in-combination effects of recreational disturbance on the Special Protection Area. Having considered the proposed avoidance and mitigation measures above, the Council takes the view that with adopted mitigation the project will not have an adverse effect on the integrity of the European sites included within the Essex Coast RAMS. A unilateral undertaking would be appropriate in order to secure the mitigation costs within the Essex Coast RAMs Zone of Influence.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposed development is sited within the Green Belt and is considered to fall within one of the exceptions to inappropriate development as set out in the NPPF Paragraph 145. The proposal is considered acceptable as it would represent an appropriate form of development which would not affect the openness of the Green Belt. The proposal would rationalise the built form on the site in one area and additional landscaping would improve the appearance of the site.
- 7.2 In relation to design, appearance, layout and scale the proposal would be acceptable and in terms of technical highways matters the level of activity would be acceptable. Other matters of detail are also considered to be appropriate, subject to conditions.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following:

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

RAMS mitigation contribution

and

- ii) the following planning conditions:

TIME LIMIT

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Planning Committee 22 October 2020	Application Reference: 20/00905/FUL
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Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS

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

Plan Number(s):		
Reference	Name	Received
3726_PL01a	Existing Site Plan	19 August 2020
3726_PL02a	Existing Outbuildings	21 July 2020
3726_PL03b	Proposed Floor Plans	19 August 2020
3726_PL04c	Proposed Elevations	19 August 2020
3726_PL05e	Proposed Site Plan	22 September 2020
3726_PL06	Volume Comparison	21 July 2020
3726_PL07b	Existing and Proposed Green Space Comparison	25 September 2020
3726_PL08a	Proposed Roof Plan	19 August 2020
3726_PL09a	Refuse Access	22 September 2020

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

DETAILS OF MATERIALS

3. Notwithstanding the information on the approved plans, no development shall commence above finished ground levels until written details or samples of all 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. The development shall be carried out using the materials and details as approved.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

4. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in

writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (d) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (e) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (f) Measures to reduce dust with air quality mitigation and monitoring,

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

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

BOUNDARY TREATMENTS

5. Prior to the first use or operation of the development, details of the design, materials and colour of the fences and other boundary treatments shown on drawing no. 003 Proposed Site Layout Ground Floor shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

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

SOFT AND HARD LANDSCAPING

6. No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works

shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area and to ensure that the proposed development in the Green Belt does not have a detrimental effect on the environment in accordance with policies CSTP18 and PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS

7. The development hereby permitted shall not be first occupied until such time as the vehicle parking areas shown on the approved plans, have been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking areas shall be retained in this form at all times thereafter and maintained for their designated purpose.

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

REMOVAL OF EXISTING BUILDINGS

8. No works above ground level of the development hereby permitted shall be undertaken until the existing barns on the site, as show on plan numbers 3726_PL01a and 3726_PL02a have been demolished and the resulting material removed from the site.

Reason: The development has only been approved on the basis that the development hereby approved is a replacement of volume and mass of built form in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

REFUSE AND RECYCLING STORAGE – AS PER THE APPROVED PLANS

9. The refuse and recycling storage facilities as shown on drawing number 3726_PL05e shall be constructed and completed prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

CYCLE PARKING – AS SHOWN ON THE APPROVED PLANS

10. The cycle parking facilities as shown on the approved plan(s) shall be provided prior to the first occupation of any of the residential units and retained for such purposes thereafter.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ELECTRIC VEHICLE CHARGING CAPABILITY

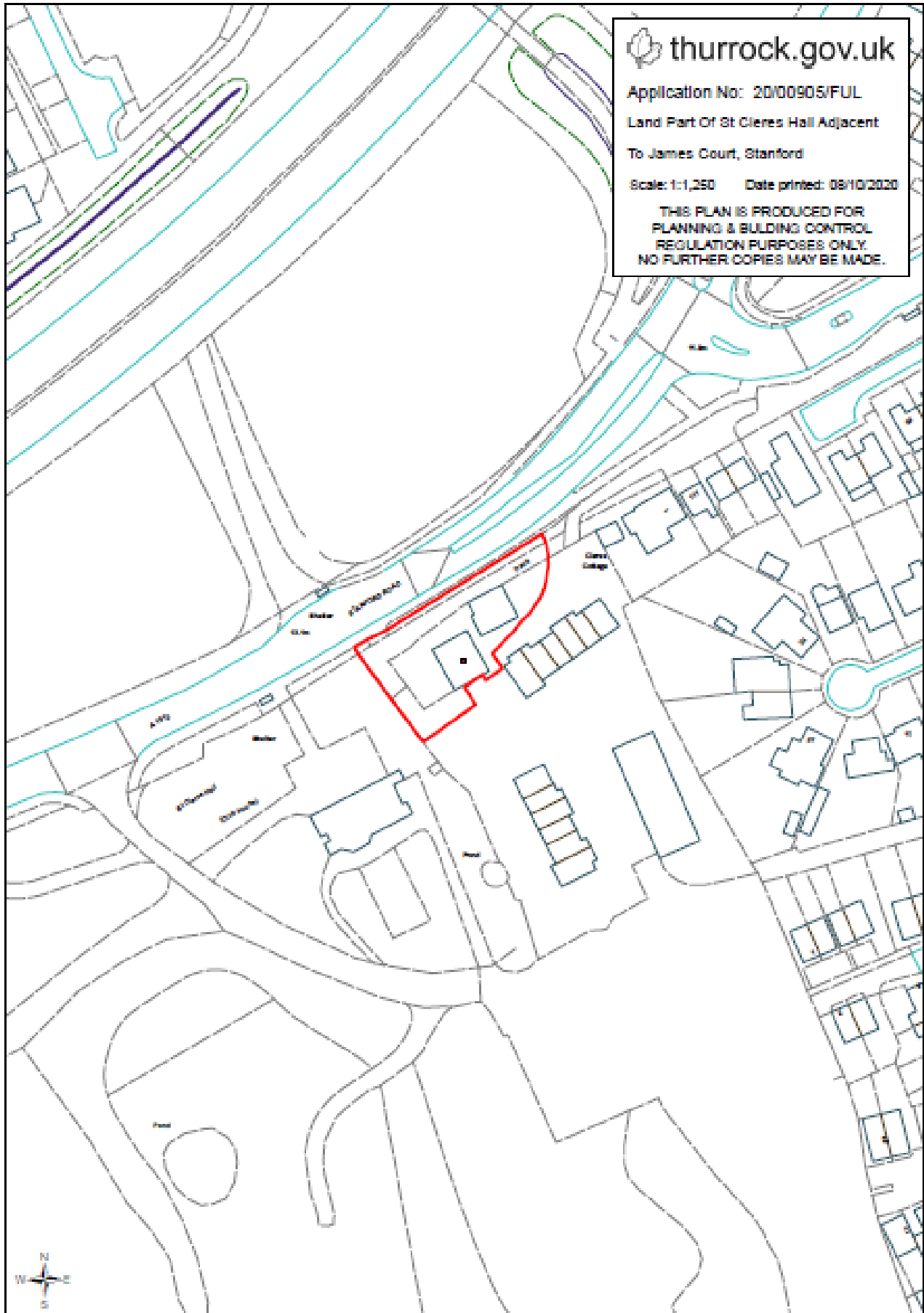
11. Prior to installation of any underground services, details of measures to ensure that the car parking spaces are capable of accommodating electric vehicle charging points shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed measures which shall be retained thereafter.

Reason: To reduce reliance on the use of petrol/diesel cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD1 and PMD2 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



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Agenda Item 9

Planning Committee 7 January 2021	Application Reference: 20/00957/FUL
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Reference: 20/00957/FUL	Site: Barmoor House Farm Road Chadwell St Mary Essex RM16 3AH
Ward: Chadwell St Mary	Proposal: Erection of four detached two bed bungalows

Plan Number(s):		
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

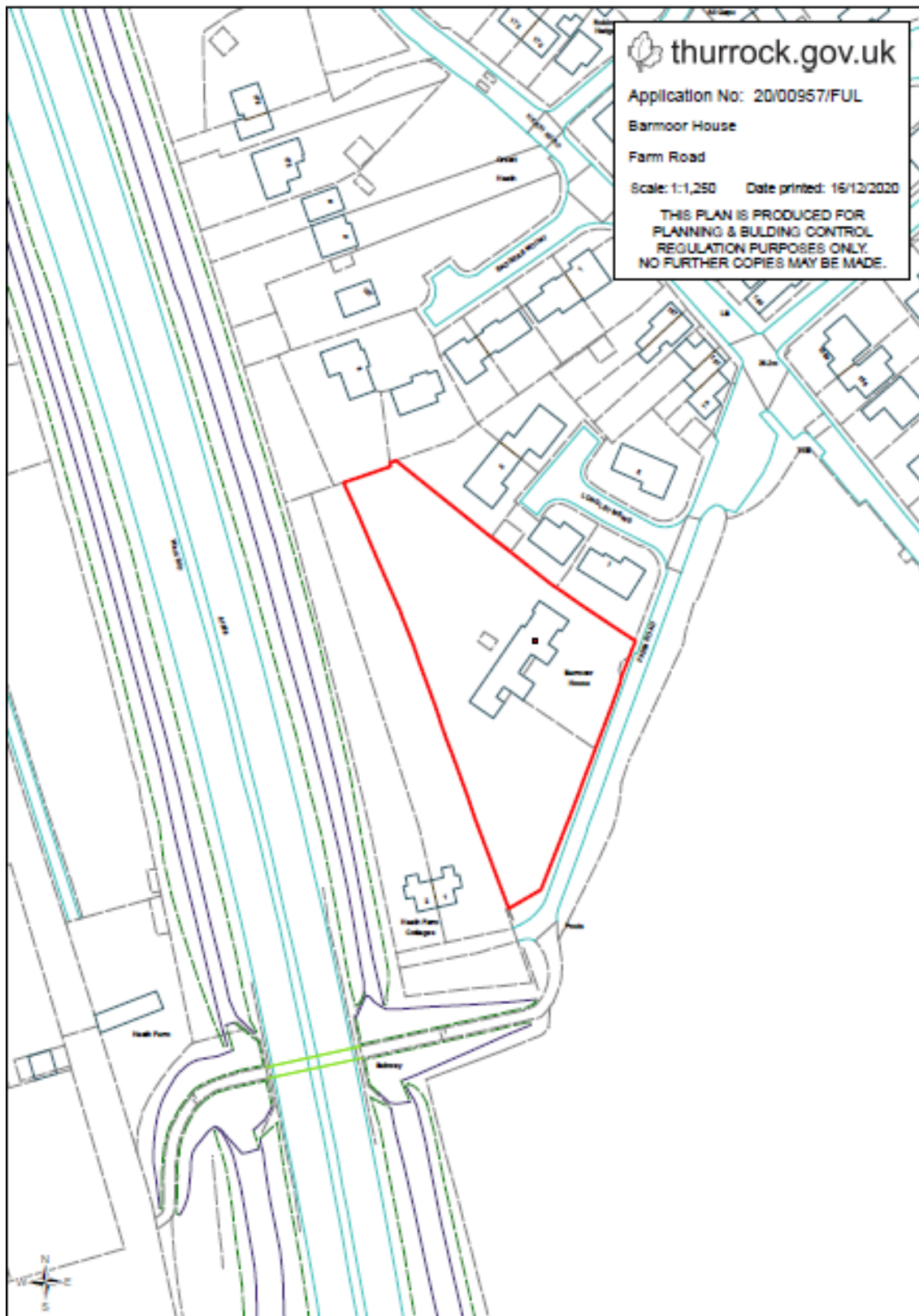
The application is also accompanied by: <ul style="list-style-type: none"> - Cover Letter - Planning Support Statement (Ref. 19.5957) 	
Applicant: Messrs J and M Gatrell	Validated: 28 July 2020 Date of expiry: 11 January 2021 Extension of time as agreed with applicant
Recommendation: To Refuse	

1.0 UPDATE

- 1.1 Consideration of this application was deferred at the 26 November 2020 Planning Committee meeting to enable a site visit to take place.

1.2 Members visited the site on 15 December 2020.

1.3 The application is recommended for refusal as set out in reasons 1 and 2 on the attached report.



APPENDIX 1

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

Plan Number(s):		
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)

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

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 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;

- 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 bene 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:

Simplified Summary of Green Harm and applicant’s case for Very Special Circumstances			
<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 Barmoor 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

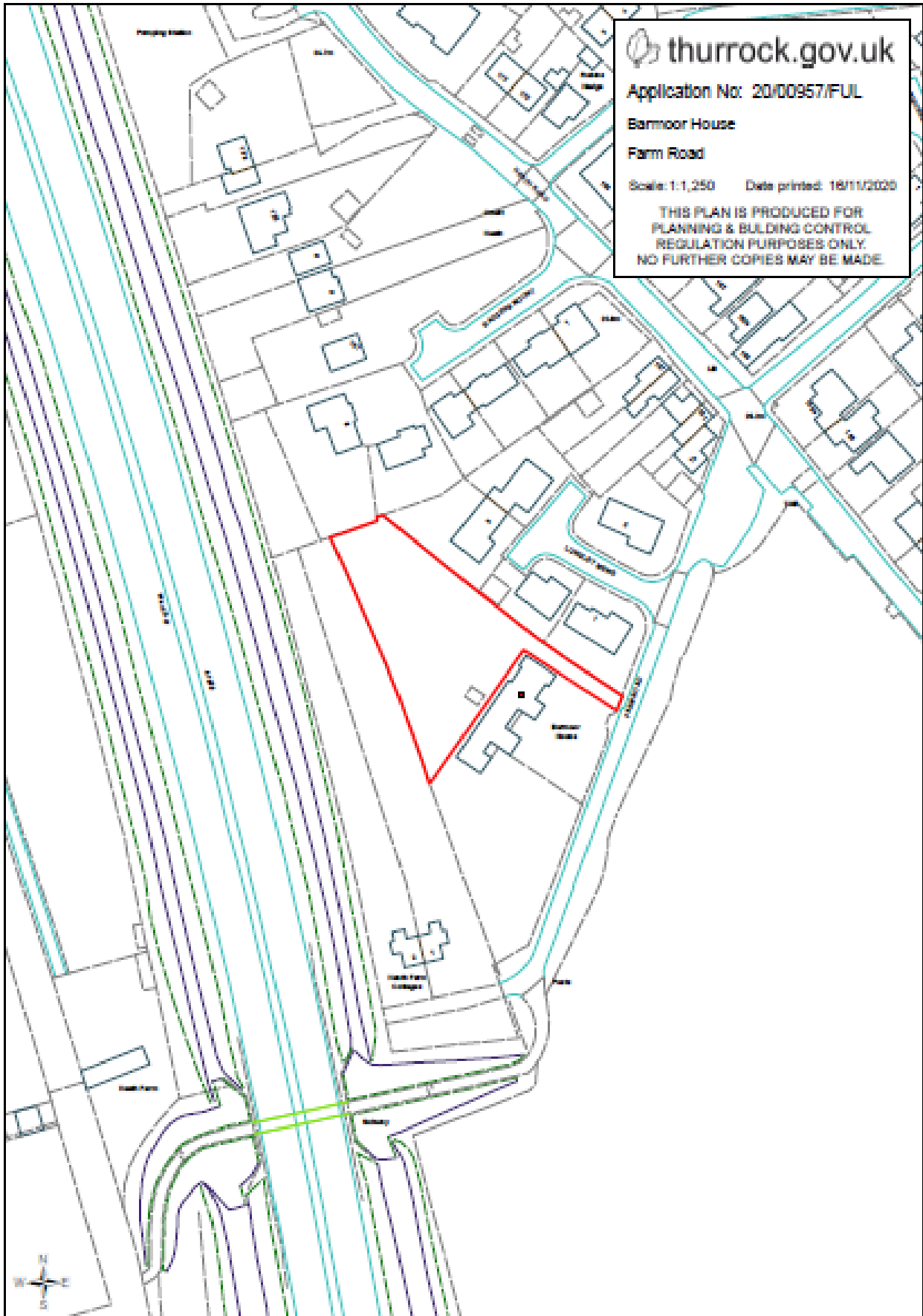
- 8.1 Refuse for the following reasons:

- 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:

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Reference: 20/00623/FUL	Site: Waterworks High Road Fobbing Essex SS17 9JW
Ward: Corringham And Fobbing	Proposal: Demolition of all existing buildings and structures and redevelopment of the site to provide 168 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

Plan Number(s):		
Reference	Name	Received
1338-C-1336	Landscape Sections	1st June 2020
1338-C-1337	Landscape Details	1st June 2020
1338-D-1400B-APT BLK A	Apartment Block A Ground Floor Plan	1st June 2020
1338-D-1401B-APT BLK A	Apartment Block A First Floor Plan	1st June 2020
1338-D-1402B-APT BLK A	Apartment Block A Second Floor Plan	1st June 2020
1338-D-1403B-APT BLK B	Apartment Block B Ground Floor Plan	1st June 2020
1338-D-1404B-APT BLK B	Apartment Block B First Floor Plan	1st June 2020
1338-D-1405B-APT BLK B	Apartment Block B Second Floor Plan	1st June 2020
1338-D-1406B-APT BLK C	Apartment Block C Ground Floor Plan	1st June 2020
1338-D-1407B-APT BLK C	Apartment Block C First Floor Plan	1st June 2020
1338-D-1408B-APT BLK C	Apartment Block C Second Floor Plan	1st June 2020
1338-D-1500A-HT2-GF+1F	HT2 Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1501A-HT2 HANDED-GF+1F	HT2 Handed Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1502A-HT2-GF+1F	HT2a Ground & First Floor Plan Semi-detached	1st June 2020

1338-D-1503A-HT2 HANDED-GF+1F	HT2a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1504A-HT3-GF+1F	HT3 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1505A-HT3- HANDED-GF+1F	HT3 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1506A-HT3A- GF+1F	HT3a Ground & First Floor Plan Detached	1st June 2020
1338-D-1508A-HT4-GF+1F	HT4 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1509A-HT4- HANDED-GF+1F	HT4 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1510A-HT5-GF+1F	HT5 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1511A-HT5- HANDED-GF+1F	HT5 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1512A-HT20- GF+1F	HT20 Ground & First Floor Plan Detached	1st June 2020
1338-D-1513A-HT20- HANDED-GF+1F	HT20 Handed Ground & First Floor Plan Detached	1st June 2020
1338-D-1514A-HT20A- GF+1F	HT20a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1515A-HT20A- HANDED-GF+1F	HT20a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1516A-HT18	HT18 Ground Floor Plan Detached	1st June 2020
1338-D-1517A-HT18	HT18 First Floor Plan Detached	1st June 2020
1338-D-1518A-HT18	HT18 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1519A-HT18	HT18 First Floor Plan Detached	1st June 2020
1338-D-1520A-HT9	HT9 Ground Floor Plan Detached	1st June 2020
1338-D-1521A-HT9	HT9 First Floor Plan Detached	1st June 2020
1338-D-1522A-HT9	HT9 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1523A-HT9	HT9 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1524A-HT10	HT10 Ground Floor Plan Detached	1st June 2020
1338-D-1525A-HT10	HT10 First Floor Plan Detached	1st June 2020
1338-D-1526A-HT10	HT10 Handed Ground Floor Plan Detached	1st June 2020

1338-D-1527A-HT10	HT10 Handed First Floor Plan Detached	1st June 2020
1338-D-1528A-HT16	HT16 Ground Floor Plan Detached	1st June 2020
1338-D-1529A-HT16	HT16 First Floor Plan Detached	1st June 2020
1338-D-1530A-HT16	HT16 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1531A-HT16	HT16 Handed First Floor Plan Detached	1st June 2020
1338-D-1532A-HT17	HT17 Ground Floor Plan Detached	1st June 2020
1338-D-1533A-HT17	HT17 First Floor Plan Detached	1st June 2020
1338-D-1534A-HT17	HT17 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1535A-HT17	HT17 Handed First Floor Plan Detached	1st June 2020
1338-D-1540A-AHT1-GF+1F	AHT1 Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1542A-AHT1A-GF+1F	AHT1a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1543A-AHT1A-HANDED-GF	AHT1a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1544A-AHT2-GF+1F	AHT2 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1545A-AHT2-HANDED-GF+1F	AHT2 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1546A-AHT3-GF+1F	AHT3 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1547A-AHT3-HANDED-GF+1F	AHT3 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1570A	Garages Ground Floor Plans Double & Single	1st June 2020
1338-D-1702A-ELEVATION CC	Elevation CC The Green to the Pond	1st June 2020
1338-D-1704A-ELEVATION EE	Elevation EE Landscape Edge	1st June 2020
1338-D-1800B-APT BLK A	Apartment Block A Elevations	1st June 2020
1338-D-1801B-APT BLK B	Apartment Block B Elevations	1st June 2020
1338-D-1802B-APT BLK C	Apartment Block C Elevations	1st June 2020

1338-D-1850A-HT2+HANDED+2A	H2 & H2 Handed, H2a & H2a Handed Elevations Mid-terrace & Semi-detached Type 1	1st June 2020
1338-D-1851A-HT2+HANDED+2A	H2 & H2 Handed, H2a & H2a Handed Elevations Mid-terrace & Semi-detached Type 2	1st June 2020
1338-D-1852A-HT3+HANDED+3A-ELEVATIONS	H3 & H3 Handed and H3a Elevations Mid-terrace & Semi-detached Type 1	1st June 2020
1338-D-1853A-HT3+HANDED+3A-ELEVATIONS	H3 & H3 Handed and H3a Elevations Mid-terrace & Semi-detached Type 2	1st June 2020
1338-D-1854A-HT4-ELEVATIONS	HT4 Elevations Semi-detached Type 1	1st June 2020
1338-D-1855A-HT4-HANDED-ELEVATIONS	HT4 Handed Elevations Semi-detached Type 1	1st June 2020
1338-D-1856A-HT4-ELEVATIONS	HT4 Elevations Semi-detached Type 2	1st June 2020
1338-D-1857A-HT4-HANDED-ELEVATIONS	HT4 Handed Elevations Semi-detached Type 2	1st June 2020
1338-D-1858A-HT5-ELEVATIONS	HT5 & HT5 Handed Elevations Semi-detached Type 1	1st June 2020
1338-D-1859A-HT5-ELEVATIONS	HT5 & HT5 Handed Elevations Semi-detached Type 2	1st June 2020
1338-D-1860A-HT20+20A+HANDED	HT20 & Handed and HT20a Elevations Semi-detached & Detached Type 1	1st June 2020
1338-D-1861A-HT20+20A+HANDED	HT20 & Handed and HT20a Elevations Semi-detached & Detached Type 2	1st June 2020
1338-D-1862A-HT18-ELEVATIONS	HT18 Elevations Detached Type 1	1st June 2020
1338-D-1863A-HT18-HANDED	HT18 Handed Elevations Detached Type 1	1st June 2020
1338-D-1864A-HT18-ELEVATIONS	HT18 Elevations Detached Type 2	1st June 2020
1338-D-1865A-HT18-HANDED-	HT18 Handed Elevations Detached Type 2	1st June 2020

1338-D-1866A-HT9-ELEVATIONS	HT9 Elevations Detached Type 1	1st June 2020
1338-D-1868A-HT9-ELEVATIONS	HT9 Elevation Detached Type 2	1st June 2020
1338-D-1869A-HT9-HANDED	HT9 Handed Elevation Detached Type 2	1st June 2020
1338-D-1870A-HT10	HT10 Elevations Detached Type 1	1st June 2020
1338-D-1871A-HT10-HANDED	HT10 Handed Elevations Detached Type 1	1st June 2020
1338-D-1872A-HT10-ELEVATIONS	HT10 Elevations Detached Type 2	1st June 2020
1338-D-1873A-HT10-HANDED-ELEVATIONS	HT10 Handed Elevations Detached Type 2	1st June 2020
1338-D-1874A-HT16	HT16 Elevations Detached	1st June 2020
1338-D-1875A-HT16	HT16 Handed Elevations Detached	1st June 2020
1338-D-1876A-HT17	HT17 Elevations	1st June 2020
1338-D-1877A-HT17	HT17 Handed Elevations	1st June 2020
1338-D-1880A-AHT1+AHT1A+HANDED	AHT1, AHT1a and AHT1a Handed Elevations Mid-terrace & Semi-detached	1st June 2020
1338-D-1881A-AHT2+AHT2 HANDED	AHT2 & Handed Elevations Semi-detached	1st June 2020
1338-D-1882A-AHT3	AHT3 Elevations Semi-detached	1st June 2020
1338-D-1883A-AHT3	AHT3 Handed Elevations Semi-detached	1st June 2020
1338-D-1890A	Garages Elevations Double & Single	1st June 2020
1338-D-1000C	Location Plan	30th June 2020
1338-D-1001B	Existing Site Plan	30th June 2020
1338-C-1335 REV B	Hard Landscape Strategy Sheet 7	22nd October 2020
1338-C-1350 REV B	Planting Schedule	22nd October 2020
1338-D-1201D	Parking Strategy Plan	25th November 2020
1338-D-1202C	Boundary Conditions Strategy	22nd October 2020
1338-D-1203C	Refuse Strategy Plan	22nd October 2020

1338-D-1204C	Massing Plan	22nd October 2020
1338-D-1205C	Tenure Plan	22nd October 2020
1338-D-1300J	Site Layout Plan	22nd October 2020
1338-D-1301D	Site Layout Plan East	22nd October 2020
1338-D-1302D	Site Layout Plan West	22nd October 2020
1338-D-1305E	Section Line Plan	22nd October 2020
1338-D-1536	HT7 Ground & First Floor Plans Detached	22nd October 2020
1338-D-1537	HT7 Handed Ground & First Floor Plans Detached	22nd October 2020
1338-D-1700B	Elevations AA – The Lane	22nd October 2020
1338-D-1701B	Elevations BB – Fobbing on the Green	22nd October 2020
1338-D-1703B	Elevations DD – North Drive Apartments	22nd October 2020
1338-D-1705B	Elevations FF – The Island	22nd October 2020
1338-D-1878-HT7	HT7 Elevations Detached	22nd October 2020
1338-D-1879-HT7	HT7 Handed Elevations Detached	22nd October 2020
MBSK201015 -01-15	Swept Path Analysis	22nd October 2020
1338-C-1320 REV C	Tree Planting Plan Sheet 1	22nd October 2020
1338-C-1321 REV C	Tree Planting Plan Sheet 2	22nd October 2020
1338-C-1322 REV B	Outline Planting Plan Sheet 1	22nd October 2020
1338-C-1323 REV B	Outline Planting Plan Sheet 2	22nd October 2020

1338-C-1324 REV B	Outline Planting Plan Sheet 3	22nd October 2020
1338-C-1325 REV B	Outline Planting Plan Sheet 4	22nd October 2020
1338-C-1326 REV B	Outline Planting Plan Sheet 5	22nd October 2020
1338-C-1327 REV B	Outline Planting Plan Sheet 6	22nd October 2020
1338-C-1328 REV B	Outline Planting Plan Sheet 7	22nd October 2020
1338-C-1329 REV C	Hard Landscape Strategy Sheet 1	22nd October 2020
1338-C-1330 REV C	Hard Landscape Strategy Sheet 2	22nd October 2020
1338-C-1331 REV B	Hard Landscape Strategy Sheet 3	22nd October 2020
1338-C-1332 REV B	Hard Landscape Strategy Sheet 4	22nd October 2020
1338-C-1333 REV B	Hard Landscape Strategy Sheet 5	22nd October 2020
1338-C-1334 REV B	Hard Landscape Strategy Sheet 6	22nd October 2020
1338-D-1200D	Unit Mix Plan	28th October 2020
1338-D-1100 REV D	Illustrative Roof Plan	22 October 2020

The application is also accompanied by:

- Outline Landscape Specification – 1338-C-1351
- Flood Risk Assessment Rev B
- Energy and Sustainability Statement – Rev 1.1
- Arboricultural Implications Report – 19103-01b
- Archaeological Desk-Based Assessment
- Earthworks Specification And Remediation Method Statement
- Ecological Report
- Transport Assessment
- Noise and Vibration Assessment
- Geo-Environmental Assessment
- Landscape, Visual and Green Belt Appraisal
- Planning Statement

<ul style="list-style-type: none"> - Technical Note – Drainage - Statement of Community Involvement - Health Impact Assessment - Transport Assessment Addendum - Travel Plan - Accessibility Note - VSC Letter - Technical Note – Noise and Vibration - Landscape, Visual and Green Belt Appraisal Addendum - Design & Access Statement - Landscape - Planning Statement Addendum - Revised Design and Access Statement 	
<p>Applicant: Bellway Homes Ltd (Thames Gateway Division) c/o Catherine Williams, Savills</p>	<p>Validated: 27 May 2020 Date of expiry: 31 January 2021 (Extension of Time agreed with applicant)</p>
<p>Recommendation: Approve subject to conditions and s106 agreement</p>	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 26 November 2020 Members considered a report on the above proposal. After a debate, the application was deferred to allow for a Committee Site Visit to take place in accordance with Part 3(b) – Planning Committee Procedures and in particular Paragraphs 8.2 and 8.3 of the Constitution.
- 1.2 The site visits took place on 10 and 11 December 2020.
- 1.3 A copy of the report presented to the November Committee meeting is attached as Appendix 1.

2.0 UPDATED INFORMATION

- 2.1 Since the November Committee meeting the applicant has submitted additional information in seeking to address some of the points raised at the November Committee meeting. This includes:
- 2.2 A 'Level Crossing and Access Summary Note' which explains that the proposal has been developed taking into account the Office for Rail Regulator guidance and in

regard to the Transport Assessment modelling and identifies the following main points:

- When considered against the design guidance, the existing level crossing is an appropriate form to cater for the proposed development;
- The existing level crossing has no history of recorded personal injury accidents;
- The proposed development would significantly reduce the level of daily traffic passing over the level crossing compared to the existing use of the site;
- The proposed site access is being located 173m away from the crossing, compared to the existing separation of 30m. The proposals therefore allow 31 cars to queue at the access before the level crossing would be blocked;
- The site access arrangement has been appropriately modelled and demonstrated to operate satisfactorily without the need for a dedicated right turn lane, as agreed by the Council's Highway Officer;
- The approved modelling identifies a maximum likely queue of less than 1 vehicle waiting to turn right into the site at peak times, which is significantly less than the 31 car stacking capacity before the level crossing would be blocked;

3.0 UPDATED CONSULTATION RESPONSES

3.1 NETWORK RAIL:

No objection.

3.2 NATURAL ENGLAND:

Further consultation response received raising no objections following review of the Council's Landscape and Ecology Advisor's Habitat Regulations Assessment (HRA).

4.0 UPDATED ASSESSMENT

4.1 The Committee site visit inspected the site internally but also externally viewing the railway barriers and the location of the proposed new access along the High Road, which had been marked out by the applicant to assist to in understanding the distance from this access to the railway line.

4.2 With regard to the access, in the addition to the assessment of the highway impact within the report (Appendix 1) the applicant's 'Level Crossing and Access Summary Note' further demonstrates that the new access would be located 173m south of the railway level crossing and this would allow for 31 cars to queue at the access before the crossing would be blocked. Given the associated vehicle movements as identified in the applicant's Transport Assessment and as witnessed at the Committee site visit, which took place over three sessions one afternoon and one morning, the road is

currently not subject to any traffic congestion or significant queueing when the railway level crossing barriers are down. The existing use of the site can be used for significant more vehicle movements than the proposed residential use of the site, therefore the proposal would result in less vehicle movements on site but also within the immediate highway. The existing access would no longer be used, only for emergency purposes and the applicant is willing to install a bollard or barrier to prevent any access. The proposed new access would therefore represent a much safer vehicle access arrangement when compared to the existing access and is considered acceptable having regard to policy PMD9.

- 4.3 With regard to the railway level crossing, the 'Level Crossing and Access Summary Note' demonstrates that there have been no recorded personal injuries or accidents at the level crossing and the proposal would result in less vehicle movements using the site. The railway barriers are half barriers and Network Rail are responsible for these barriers. Further consultation has taken place with Network Rail who raise no objections to the application. Network Rail welcome the emergency use only of the site's existing access and recognise the new vehicle access would be an improvement with the risk of vehicle blocking the level crossing as 'minimal'. If approved the railway level crossing would remain as existing with half barriers as Network Rail are not requiring any upgraded or replacement railway barriers.
- 4.4 The internal site visit showed the extent of the covered reservoir and an extensive concrete hardstanding that forms the roof of the reservoir to which clarifies that this structure constitutes Previously Developed Land, for the purpose of the Green Belt assessment. Elsewhere within the site Members saw the extent of existing hardstandings, structures and how the site is being used for open storage including vehicle storage uses.

5.0 RECOMMENDATION

- 5.1 Approve as set out in the recommendation section of the report attached as Appendix 1 but with the additional condition:

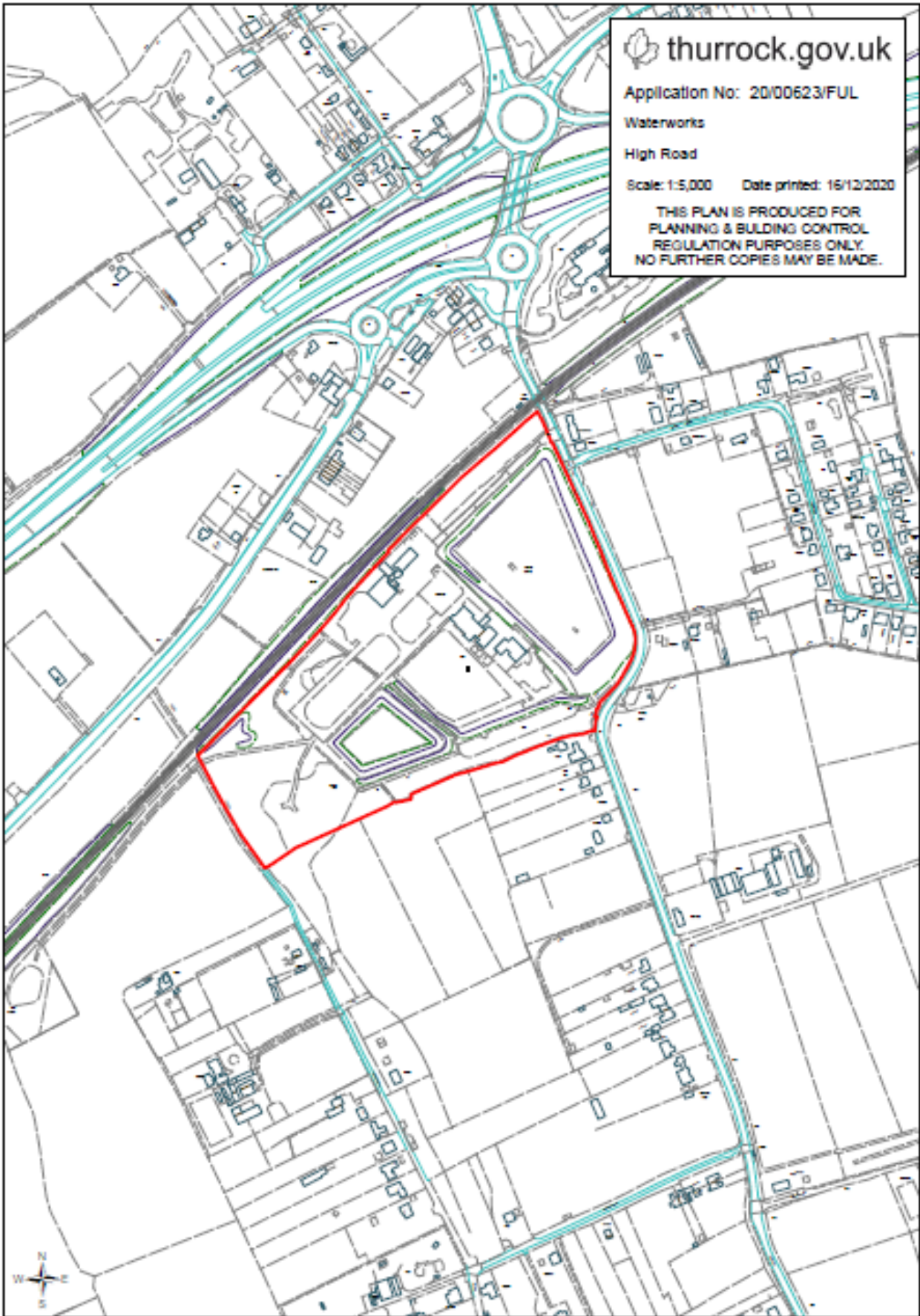
Prior to occupation of the development details of a barrier/bollard/means of enclosure arrangement at the location of the existing vehicular access and the adjacent highway shall be submitted to and approved in writing by the local planning authority. The details as approved shall be implemented prior to occupation of the development and shall be maintained and retained at all times thereafter.

Reason: In the interests of highway safety and visual amenity in accordance with policies PMD2 and PMD9 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:

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



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Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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Reference: 20/00623/FUL	Site: Waterworks High Road Fobbing Essex SS17 9JW
Ward: Corringham And Fobbing	Proposal: Demolition of all existing buildings and structures and redevelopment of the site to provide 168 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

Plan Number(s):		
Reference	Name	Received
1338-C-1336	Landscape Sections	1st June 2020
1338-C-1337	Landscape Details	1st June 2020
1338-D-1400B-APT BLK A	Apartment Block A Ground Floor Plan	1st June 2020
1338-D-1401B-APT BLK A	Apartment Block A First Floor Plan	1st June 2020
1338-D-1402B-APT BLK A	Apartment Block A Second Floor Plan	1st June 2020
1338-D-1403B-APT BLK B	Apartment Block B Ground Floor Plan	1st June 2020
1338-D-1404B-APT BLK B	Apartment Block B First Floor Plan	1st June 2020
1338-D-1405B-APT BLK B	Apartment Block B Second Floor Plan	1st June 2020
1338-D-1406B-APT BLK C	Apartment Block C Ground Floor Plan	1st June 2020
1338-D-1407B-APT BLK C	Apartment Block C First Floor Plan	1st June 2020
1338-D-1408B-APT BLK C	Apartment Block C Second Floor Plan	1st June 2020
1338-D-1500A-HT2-GF+1F	HT2 Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1501A-HT2 HANDED-GF+1F	HT2 Handed Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1502A-HT2-GF+1F	HT2a Ground & First Floor Plan Semi-detached	1st June 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-D-1503A-HT2 HANDED-GF+1F	HT2a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1504A-HT3-GF+1F	HT3 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1505A-HT3- HANDED-GF+1F	HT3 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1506A-HT3A- GF+1F	HT3a Ground & First Floor Plan Detached	1st June 2020
1338-D-1508A-HT4-GF+1F	HT4 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1509A-HT4- HANDED-GF+1F	HT4 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1510A-HT5-GF+1F	HT5 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1511A-HT5- HANDED-GF+1F	HT5 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1512A-HT20- GF+1F	HT20 Ground & First Floor Plan Detached	1st June 2020
1338-D-1513A-HT20- HANDED-GF+1F	HT20 Handed Ground & First Floor Plan Detached	1st June 2020
1338-D-1514A-HT20A- GF+1F	HT20a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1515A-HT20A- HANDED-GF+1F	HT20a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1516A-HT18	HT18 Ground Floor Plan Detached	1st June 2020
1338-D-1517A-HT18	HT18 First Floor Plan Detached	1st June 2020
1338-D-1518A-HT18	HT18 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1519A-HT18	HT18 First Floor Plan Detached	1st June 2020
1338-D-1520A-HT9	HT9 Ground Floor Plan Detached	1st June 2020
1338-D-1521A-HT9	HT9 First Floor Plan Detached	1st June 2020
1338-D-1522A-HT9	HT9 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1523A-HT9	HT9 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1524A-HT10	HT10 Ground Floor Plan Detached	1st June 2020
1338-D-1525A-HT10	HT10 First Floor Plan Detached	1st June 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-D-1526A-HT10	HT10 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1527A-HT10	HT10 Handed First Floor Plan Detached	1st June 2020
1338-D-1528A-HT16	HT16 Ground Floor Plan Detached	1st June 2020
1338-D-1529A-HT16	HT16 First Floor Plan Detached	1st June 2020
1338-D-1530A-HT16	HT16 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1531A-HT16	HT16 Handed First Floor Plan Detached	1st June 2020
1338-D-1532A-HT17	HT17 Ground Floor Plan Detached	1st June 2020
1338-D-1533A-HT17	HT17 First Floor Plan Detached	1st June 2020
1338-D-1534A-HT17	HT17 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1535A-HT17	HT17 Handed First Floor Plan Detached	1st June 2020
1338-D-1540A-AHT1-GF+1F	AHT1 Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1542A-AHT1A-GF+1F	AHT1a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1543A-AHT1A-HANDED-GF	AHT1a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1544A-AHT2-GF+1F	AHT2 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1545A-AHT2-HANDED-GF+1F	AHT2 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1546A-AHT3-GF+1F	AHT3 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1547A-AHT3-HANDED-GF+1F	AHT3 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1570A	Garages Ground Floor Plans Double & Single	1st June 2020
1338-D-1702A-ELEVATION CC	Elevation CC The Green to the Pond	1st June 2020
1338-D-1704A-ELEVATION EE	Elevation EE Landscape Edge	1st June 2020
1338-D-1800B-APT BLK A	Apartment Block A Elevations	1st June 2020
1338-D-1801B-APT BLK B	Apartment Block B Elevations	1st June 2020

Planning Committee: 26 November 2020		Application Reference: 20/00623/FUL
1338-D-1802B-APT BLK C	Apartment Block C Elevations	1st June 2020
1338-D-1850A-HT2+HANDED+2A	H2 & H2 Handed, H2a & H2a Handed Elevations Mid-terrace & Semi-detached Type 1	1st June 2020
1338-D-1851A-HT2+HANDED+2A	H2 & H2 Handed, H2a & H2a Handed Elevations Mid-terrace & Semi-detached Type 2	1st June 2020
1338-D-1852A-HT3+HANDED+3A-ELEVATIONS	H3 & H3 Handed and H3a Elevations Mid-terrace & Semi-detached Type 1	1st June 2020
1338-D-1853A-HT3+HANDED+3A-ELEVATIONS	H3 & H3 Handed and H3a Elevations Mid-terrace & Semi-detached Type 2	1st June 2020
1338-D-1854A-HT4-ELEVATIONS	HT4 Elevations Semi-detached Type 1	1st June 2020
1338-D-1855A-HT4-HANDED-ELEVATIONS	HT4 Handed Elevations Semi-detached Type 1	1st June 2020
1338-D-1856A-HT4-ELEVATIONS	HT4 Elevations Semi-detached Type 2	1st June 2020
1338-D-1857A-HT4-HANDED-ELEVATIONS	HT4 Handed Elevations Semi-detached Type 2	1st June 2020
1338-D-1858A-HT5-ELEVATIONS	HT5 & HT5 Handed Elevations Semi-detached Type 1	1st June 2020
1338-D-1859A-HT5-ELEVATIONS	HT5 & HT5 Handed Elevations Semi-detached Type 2	1st June 2020
1338-D-1860A-HT20+20A+HANDED	HT20 & Handed and HT20a Elevations Semi-detached & Detached Type 1	1st June 2020
1338-D-1861A-HT20+20A+HANDED	HT20 & Handed and HT20a Elevations Semi-detached & Detached Type 2	1st June 2020
1338-D-1862A-HT18-ELEVATIONS	HT18 Elevations Detached Type 1	1st June 2020
1338-D-1863A-HT18-HANDED	HT18 Handed Elevations Detached Type 1	1st June 2020
1338-D-1864A-HT18-ELEVATIONS	HT18 Elevations Detached Type 2	1st June 2020

Planning Committee: 26 November 2020		Application Reference: 20/00623/FUL
1338-D-1865A-HT18-HANDED-	HT18 Handed Elevations Detached Type 2	1st June 2020
1338-D-1866A-HT9-ELEVATIONS	HT9 Elevations Detached Type 1	1st June 2020
1338-D-1868A-HT9-ELEVATIONS	HT9 Elevation Detached Type 2	1st June 2020
1338-D-1869A-HT9-HANDED	HT9 Handed Elevation Detached Type 2	1st June 2020
1338-D-1870A-HT10	HT10 Elevations Detached Type 1	1st June 2020
1338-D-1871A-HT10-HANDED	HT10 Handed Elevations Detached Type 1	1st June 2020
1338-D-1872A-HT10-ELEVATIONS	HT10 Elevations Detached Type 2	1st June 2020
1338-D-1873A-HT10-HANDED-ELEVATIONS	HT10 Handed Elevations Detached Type 2	1st June 2020
1338-D-1874A-HT16	HT16 Elevations Detached	1st June 2020
1338-D-1875A-HT16	HT16 Handed Elevations Detached	1st June 2020
1338-D-1876A-HT17	HT17 Elevations	1st June 2020
1338-D-1877A-HT17	HT17 Handed Elevations	1st June 2020
1338-D-1880A-AHT1+AHT1A+HANDED	AHT1, AHT1a and AHT1a Handed Elevations Mid-terrace & Semi-detached	1st June 2020
1338-D-1881A-AHT2+AHT2 HANDED	AHT2 & Handed Elevations Semi-detached	1st June 2020
1338-D-1882A-AHT3	AHT3 Elevations Semi-detached	1st June 2020
1338-D-1883A-AHT3	AHT3 Handed Elevations Semi-detached	1st June 2020
1338-D-1890A	Garages Elevations Double & Single	1st June 2020
1338-D-1000C	Location Plan	30th June 2020
1338-D-1001B	Existing Site Plan	30th June 2020
1338-C-1335 REV B	Hard Landscape Strategy Sheet 7	22nd October 2020
1338-C-1350 REV B	Planting Schedule	22nd October 2020
1338-D-1201C	Parking Strategy Plan	22nd October 2020

Planning Committee: 26 November 2020		Application Reference: 20/00623/FUL
1338-D-1202C	Boundary Conditions Strategy	22nd October 2020
1338-D-1203C	Refuse Strategy Plan	22nd October 2020
1338-D-1204C	Massing Plan	22nd October 2020
1338-D-1205C	Tenure Plan	22nd October 2020
1338-D-1300J	Site Layout Plan	22nd October 2020
1338-D-1301D	Site Layout Plan East	22nd October 2020
1338-D-1302D	Site Layout Plan West	22nd October 2020
1338-D-1305E	Section Line Plan	22nd October 2020
1338-D-1536	HT7 Ground & First Floor Plans Detached	22nd October 2020
1338-D-1537	HT7 Handed Ground & First Floor Plans Detached	22nd October 2020
1338-D-1700B	Elevations AA – The Lane	22nd October 2020
1338-D-1701B	Elevations BB – Fobbing on the Green	22nd October 2020
1338-D-1703B	Elevations DD – North Drive Apartments	22nd October 2020
1338-D-1705B	Elevations FF – The Island	22nd October 2020
1338-D-1878-HT7	HT7 Elevations Detached	22nd October 2020
1338-D-1879-HT7	HT7 Handed Elevations Detached	22nd October 2020
MBSK201015 -01-15	Swept Path Analysis	22nd October 2020
1338-C-1320 REV C	Tree Planting Plan Sheet 1	22nd October 2020
1338-C-1321 REV C	Tree Planting Plan Sheet 2	22nd October 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
--------------------------------------	-------------------------------------

1338-C-1322 REV B	Outline Planting Plan Sheet 1	22nd October 2020
1338-C-1323 REV B	Outline Planting Plan Sheet 2	22nd October 2020
1338-C-1324 REV B	Outline Planting Plan Sheet 3	22nd October 2020
1338-C-1325 REV B	Outline Planting Plan Sheet 4	22nd October 2020
1338-C-1326 REV B	Outline Planting Plan Sheet 5	22nd October 2020
1338-C-1327 REV B	Outline Planting Plan Sheet 6	22nd October 2020
1338-C-1328 REV B	Outline Planting Plan Sheet 7	22nd October 2020
1338-C-1329 REV C	Hard Landscape Strategy Sheet 1	22nd October 2020
1338-C-1330 REV C	Hard Landscape Strategy Sheet 2	22nd October 2020
1338-C-1331 REV B	Hard Landscape Strategy Sheet 3	22nd October 2020
1338-C-1332 REV B	Hard Landscape Strategy Sheet 4	22nd October 2020
1338-C-1333 REV B	Hard Landscape Strategy Sheet 5	22nd October 2020
1338-C-1334 REV B	Hard Landscape Strategy Sheet 6	22nd October 2020
1338-D-1200D	Unit Mix Plan	28th October 2020

The application is also accompanied by:

- Outline Landscape Specification – 1338-C-1351
- Flood Risk Assessment – 190208 Rev A
- Energy and Sustainability Statement – Rev 1.1
- Arboricultural Implications Report – 19103-01b
- Archaeological Desk-Based Assessment
- Earthworks Specification And Remediation Method Statement
- Ecological Report
- Transport Assessment
- Noise and Vibration Assessment
- Geo-Environmental Assessment

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
--------------------------------------	-------------------------------------

<ul style="list-style-type: none"> - Landscape, Visual and Green Belt Appraisal - Planning Statement - Technical Note – Drainage - Statement of Community Involvement - Health Impact Assessment - Transport Assessment Addendum - Travel Plan - Accessibility Note - VSC Letter - Technical Note – Noise and Vibration - Landscape, Visual and Green Belt Appraisal Addendum - Design & Access Statement - Landscape - Planning Statement Addendum - Revised Design and Access Statement 	
Applicant: Bellway Homes Ltd (Thames Gateway Division) c/o Catherine Williams, Savills	Validated: 27 May 2020 Date of expiry: 31 January 2021 (Extension of Time agreed with applicant)
Recommendation: Approve subject to conditions and s106 agreement	

This application has been called in to be determined by the Planning Committee by Cllr Holloway, Cllr Rice, Cllr Fletcher, Cllr Muldowney and Cllr Shinnick in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) on the road infrastructure, provision of dentists and doctors, local school places and NHS contributions.

1.0 DESCRIPTION OF PROPOSAL

1.1 Full planning permission is sought for demolition of all existing buildings and structures and redevelopment of the site to provide 168 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

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

Site Area (Gross)	9.6 ha (5.27 ha net developable area)						
Height	Up to 2 storey for houses and up to 3 storey for apartments						
Units (All)	Type (ALL)	1- bed	2- bed	3- bed	4- bed	5- bed	TOTAL

	Houses		29	84	31		144
	Apartments	6	18				24
	TOTAL	6	47	84	31		168
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL		
	Houses		16	19	35		
	Apartments	9	15		24		
	TOTAL	9	31	19	59		
Car Parking	Apartments: 30 spaces Houses: 301 spaces Total allocated and unallocated space : 331 spaces (Average of per unit) Total Visitor: 46 spaces (Average per unit) Total: 377						
Cycle Parking	At least 1 per unit						
Amenity Space	42m ² to 127 m ² for houses 5m ² for apartments along with access to shared amenity space						
Density	32 units per ha for the net developable area (5.27 ha)						

- 1.3 Key elements of the proposed development are explained below:
- 1.4 **Demolition:** The proposal would result in the demolition of the existing structures on site
- 1.5 **Access:** The existing site access would be retained for emergency access purposes only and a new vehicular access further to the south centrally along the site's eastern boundary would be formed. This access would link an internal street network serving the development and providing pedestrian and cycle routes.
- 1.6 **Layout:** The proposed layout involves dwellings fronting onto the internal street network with one main road serving the site. In the centre of the site a village green area would be provided in front of a number of houses as the applicant is seeking to create a village context to the development. The houses would be set back from eastern, southern and western boundary by landscaping and existing vegetation.
- 1.7 **Scale:** The development would have 2 storey houses, and the apartments would be 3 storeys high.

- 1.8 **Design and Appearance:** The applicant is seeking to create village like development and housing and apartments follow a more traditional building form including terraced, semidetached and detached house types and three storey pitched roof apartment blocks. The houses and apartments feature gable features, bay windows at ground floor level and corner dual aspect elevations.
- 1.9 There are a total of 15 different private house types, 4 affordable house types and 3 apartment blocks.
- 1.10 **Landscaping and Open Space:** A detailed landscaping scheme is proposed to enhance and complement the existing landscaping at the site. The western part of the site would remain as land used for open space purposes and would include a playspace. Further landscaping would follow the existing watercourse and water features within the site.
- 1.11 **Amenity space:** Each house would have a private garden ranging between 45 to 180m². Each apartment would have a balcony 5m² in size and access to a shared amenity space.
- 1.12 **Surface Water Drainage:** The surface water management strategy is to provide a series of five (5) swales that would be drain to the existing watercourse at greenfield rate.
- 1.13 **Energy and Sustainability:** The proposal includes a range of measures including photovoltaic panels, energy efficient fabrics, materials used from sustainable sources and low water usage fittings.

2.0 SITE DESCRIPTION

- 2.1 The site measures 9.8 hectares and is located to the western side of High Road, north of Fobbing in a semi-rural location. The site is accessed by one single point of access onto the High Road. The site consists of two disused storage reservoirs, a water treatment plant and a pumping station. These disused facilities, associated industrial buildings and areas of hard standing remain on site. A number of the buildings and a large part of the hardstanding is used for a variety of commercial storage uses. Other parts of the site including the manmade lagoons, which are now overgrown. A watercourse runs north south through the site across to an existing pond on the southern boundary.
- 2.2 To the north the backs onto the railway that forms part of the 'Tilbury Loop' serving Pitsea and Southend to the east, Stanford Le Hope, Tilbury, Grays and onto London to the west. Beyond the railway to the north is sporadic ribbon development following the Southend Road and linking to the Five Bells interchange with the A13. To the

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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east is the High Road and a small collection of dwellings and fields. To the south further ribbon development follows the western side of the High Road towards Fobbing. To the west are fields and a public footpath (PF23).

- 2.3 In terms of accessibility, an existing footway on the western side of the High Road would allow pedestrian access to the north across the railway level crossing towards the Five Bells interchange where bus services can be reached, along with the two bus stops to the front of the site.
- 2.4 The site lies within the Metropolitan Green Belt and borders the boundary with Basildon Borough Council to the east.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Application Reference	Description	Decision
50/00255/FUL	Workshop, Store	Approved
61/00448/FUL	Caravan	Approved
64/00143/FUL	Two Pumping Stations	Approved
64/00144/OUT	Two Pumping Stations, Treatment Plant, Sludge Lagoons	Approved
73/01106/FUL	Road Widening Entrance Improvement	Approved
84/00322/FUL	Erection of 650m of 1.8m high chain link fence	Approved
LDC/1/93	General storage use	Approved
98/00504/EA	Consultation by Environment Agency on an application for a waste management licence for an inert-material treatment facility.	Object
20/01087/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Demolition of all existing buildings and structures and redevelopment of the site to provide 178 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure (Planning application ref: 20/00623/FUL)	EIA Not Required

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Twenty-four letters were received in response to this application objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt
- Out of character with Fobbing village
- Unsustainable location
- Impact upon local road network
- Access to the site
- Traffic
- Parking
- Road and pedestrian safety
- Proximity to level crossing with the dangers of people crossing
- Construction traffic
- Pollution
- Litter
- Impact upon local infrastructure
- Impact upon property value
- Noise impact upon future residents
- Flooding
- Impact upon wildlife and local habitats
- Precedent for development in the Green Belt
- Amendments to scheme do not resolve concerns
- Schools and doctors surgeries already oversubscribed
- Overcrowding
- Over-development

4.3 ANGLIAN WATER:

No objection.

4.4 BASILDON COUNCIL:

Object as the development is inappropriate development in this Green Belt location and no Very Special Circumstances have been put forward that would overcome the

substantial harm.

4.5 CADENT:

No objection.

4.6 EDUCATION:

No objection subject to a financial contribution of £873,347.77 towards nursery and primary education.

4.7 ENVIRONMENTAL HEALTH:

No objection subject to conditions regarding noise mitigation, contamination recommendations and a Construction Environmental Management Plan.

4.8 ESSEX POLICE ARCHITECTURAL LIAISON OFFICER:

Recommend that the proposal seeks to achieve relevant Secure by Design accreditation.

4.9 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to condition.

4.10 FLOOD RISK ADVISOR:

No objection subject to conditions requiring a detailed surface water drainage scheme and details of the future management and maintenance arrangements.

4.11 HIGHWAYS:

No objection subject to conditions and a planning obligations to mitigate the impact upon the railway level crossing as full barriers should replace the existing half barrier to improve safety.

4.12 HIGHWAYS ENGLAND:

No objection.

4.13 HOUSING:

No objection to the proposal which would provide a policy compliant 35% of affordable housing and the mix of affordable housing types and unit sizes is acceptable.

4.14 LANDSCAPE AND ECOLOGY ADVISOR:

No objection regarding ecology subject to conditions in relation to mitigation and enhancement measures and a planning obligation to mitigate the impact upon the Thames Estuary and Marshes SPA a financial contribution of £21,097.44 towards the Essex Coast RAMS strategy. Conditions are also necessary for agreeing landscaping details

4.15 NATURAL ENGLAND:

A Habitat Regulations Assessment (HRA) is required and need to be undertaken by the local authority.

4.16 NHS ENGLAND:

No objection subject to a financial contribution to mitigate impact of the proposal on local healthcare services, in particular the Rigg Milner Medical Centre and Sai Medical Centre.

4.17 TRAVEL PLAN CO-ORDINATOR:

No objection subject to the need for a travel plan and an associated monitoring fee of £525 per annum for a minimum of five years.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

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

- 5. Delivering a sufficient supply of homes;
- 8. Promoting healthy and safe communities;

- 9. Promoting sustainable communities;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land;
- 14. Meeting the challenge of climate change, flooding and coastal change;
- 15. Conserving and enhancing the natural environment;
- 16. Conserving and enhancing the historic environment;

5.2 Planning Policy Guidance

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

- Air quality
- Design
- Determining a planning application
- Environmental Impact Assessment
- Green Belt
- Historic environment
- Housing needs of different groups
- Housing supply and delivery
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Rural housing
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability

5.3 Local Planning Policy Thurrock Local Development Framework

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

5.4 Thurrock Local Plan

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

of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

- 6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the GB'.
- 6.2 The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.
- 6.3 The material considerations for this application are as follows:
- I. Principle of the Development and the Impact upon the Green Belt
 - II. Housing Land Supply, Need, Mix and Affordable Housing
 - III. Design and Layout and Impact upon the Area
 - IV. Open Space, Landscaping and Amenity Space
 - V. Landscape and Visual Impact
 - VI. Access, Traffic Impact, and Parking
 - VII. Flood Risk and Surface Water Drainage
 - VIII. Ecology and Biodiversity
 - IX. Air Quality
 - X. Noise
 - XI. Effect on Neighbouring Properties
 - XII. Land Contamination and Ground Works
 - XIII. Refuse and Recycling
 - XIV. Energy and Sustainable Buildings
 - XV. Viability and Planning Obligations
 - XVI. Sustainability

XVII. Other Matters

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

- 6.4 As the site is located within the Green Belt policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *'maintain the purpose function and open character of the Green Belt in Thurrock'*, and policy PMD6 states that the Council will *'maintain, protect and enhance the open character of the Green Belt in Thurrock'*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.
- 6.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.
- 6.6 In terms of Green Belt policy 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;
- 6.7 Paragraph 143 of the NPPF defines 'inappropriate development' as definitional harm to the Green Belt and should not be approved except in very special circumstances.
- 6.8 Paragraph 145 of the NPPF states that local planning authority's should regard the construction of new buildings as inappropriate development but allows 'exceptions' for development in the Green Belt, which through part (g) of the policy allows for redevelopment of previously developed land subject to certain criteria. Policy PMD6 also allows 'exceptions' for allowing certain development within the Green Belt where redevelopment of previously developed land applicable, through part 6 II of the policy.
- 6.9 Before considering the impact of the development it is necessary to consider the extent of the site which constitutes previously developed land. Annex 2 of the NPPF defines 'previously developed land' as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

6.10 In terms of the present condition of the site aerial photography and a site visit demonstrated that there are large portions of the site could be considered to constitute 'previously developed land'. The site includes a number of structures and hardstanding areas along with a large covered reservoir. The site has 5.27 hectares of the sites total area of 9.8 hectares that is previously developed land. Areas that are not 'previously developed land' include the western part of the site that is a woodland and areas to the south which once formed 'sludge lagoons' to the former waterworks use but have since blended into the landscape. However, a lawful development certificate for general open storage was approved in the 1993 (ref LDC/1/93) and this effectively allows for the site to be used for general open storage use.

6.11 In light of the above, the proposal would fall within the 'exception' criteria of policy PMD6 (6 II) and paragraph 145 (g) of the NPPF as the proposal would involve re-use of 'previously developed land' but the proposal's impact upon the openness of the Green Belt needs to be assessed, along with any affordable housing provision for the proposal to fully meet the criteria within paragraph 145 (g) of the NPPF as an 'exception'.

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

6.12 Having assessed the relevant 'exception' criteria above the next step is to consider the impact of the proposal upon the open nature of the Green Belt and the purposes of including land within it.

The Five Purposes of the Green Belt

6.13 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.

6.14 In response to each of these five purposes:

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

6.15 The site is located in a semi-rural location with existing development nearby. Basildon is the nearest large built up area, further to the north of the site with Corringham further to the west. Both large built up areas are further distant from the site with predominantly open land in between with sporadic development. The site itself is contained by the railway line to the north, High Road to the east and the existing physical features such as the water feature to the south and some residential development, along with a public footpath to the west.

6.16 The proposal would therefore not lead to unrestricted sprawl of large built up areas and therefore there would no conflict with this purpose.

b. to prevent neighbouring towns from merging into one another

6.17 The site is in semi-rural location which separates Basildon from Corringham. Given the separation between these towns the proposal would not result in neighbouring towns merging and so there would be no conflict this purpose.

c. to assist in safeguarding the countryside from encroachment

6.18 As the proposal seeks to build on Previously Developed Land this would not lead to encroachment into the countryside, although there would a different visual impact upon the countryside in compared to the existing appearance of the site. However, the proposal would not conflict with this purpose.

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

6.19 As there are no historic towns in the immediate vicinity of the site, the proposal does not conflict with this purpose.

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

6.20 In policy terms, the development should occur in the urban area and does not assist in urban regeneration. In principle there is no spatial imperative why Green Belt land is required to accommodate the proposal however it is recognised the site constitutes Previously Developed Land and the proposal would serve to redevelop the site for

new housing in the Borough. On balance, it is considered that the proposal would not conflict with this purpose.

- 6.21 In light of the above analysis, it is considered that the proposals would not conflict with the 5 purposes of including land in the Green Belt.

Impact upon the Openness of the Green Belt

- 6.22 It has been established that 5.27 hectares of the 9.8 hectares of the site is previously developed land. The applicant's Planning Statement states that the proposed development would occupy 4.46 hectares of the site providing 5.08 hectares of open space and landscaping. Therefore in land area coverage the proposal would occupy less land than the current land use.
- 6.23 In terms of volume the applicant's Planning Statement explains that the existing buildings and structures on site would have a volume of 58,375 m³ and the proposal would result in 64,678m³ and therefore would result in an increase in volume at the site, which is the equivalent of a 10% increase.
- 6.24 In terms of built footprint the current buildings and structures on site, including the covered reservoir, occupy 24,127m² and the proposal would result in less built footprint covering an area of 10,133m². This assessment does not take account of the large areas of existing hardstandings across the site that would also be removed. Therefore the proposal would result in a decrease built footprint and built form across the site.
- 6.25 In terms of height, the majority of existing buildings on site are low rise buildings with the exception of the tower structure that is 17m high. The proposed residential development would mainly form two storey dwellings 8.2m high and three storey apartment blocks 11.6m high. Therefore no building or structure would be as tall as the existing tower structure.
- 6.26 The PPG on Green Belt advises that the consideration '*openness is capable of having both spatial and visual aspects – other words, the visual impact of the proposal may be relevant, as could its volume*'.
- 6.27 The applicant's Landscape, Visual and Green Belt Appraisal has assessed the impact of the development as viewed from external receptors to determine the impact on openness of the Green Belt. It concludes at paragraph 4.3.13 that the '*visibility of proposed changes are likely to be experienced within the urban context of the infrastructure corridor to the south of Basildon and the visible presence of commercial, industrial and residential buildings located around the edge of the town, and the residential dwellings located to the northern edge of Fobbing. The resulting*

perception of change to the openness of the Site is considered to be low/medium, and therefore well below substantial'.

- 6.28 It is therefore acknowledged that the proposal would have a greater impact on the openness of the Green Belt than the existing development on site. However, the site has existing development as Previously Developed Land and the fall-back position of a lawful development certificate allows for the site to be used for an open storage use.

Assessment of Harm

- 6.29 Turning to the assessment of harm and having regard to paragraph 145 (g) of the NPPF, which states:

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

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

- 6.30 It is the applicant's case that the paragraph 145 (g) second bullet point of the NPPF is applicable.

- 6.31 The proposed development would cause harm to the openness of the Green Belt but a judgement needs to be made as to whether that is '*substantial harm*' in regard to paragraph 145 (g) of the NPPF. At present there are large areas of hardstanding at ground level that do not impact upon the openness of the site and the positions of existing buildings are clustered together and are mainly low rise structures with the exception of the tower structure. The site is also well established with landscaping that also reduces the visual impact of the existing development on site including the reservoir which is covered in grass and blends into the landscaping. The proposal would result in a spatial and visual change to the site and would result in a change in character that would impact upon the openness of the site. However, the proposal has been designed to re-use areas of Previously Developed Land and would result in less land coverage, floorspace and height, and would not conflict with the five purposes of the Green Belt, it is considered that the proposal would have an impact upon the openness of the Green Belt but that level of impact would not result in '*substantial harm*'.

6.32 The second part of the bullet point to paragraph 145 of the NPPF is regard to meeting an identified affordable housing need within the area. As recognised through policy CSTP2 there is a need for affordable housing within the Borough and to support the applicant's case a policy compliant level of affordable housing is offered, which is 35% of the development to meet with the requirements of policy CSTP2.

6.33 Policy PMD6 states that the Council will *'maintain, protect and enhance the open character of the Green Belt in Thurrock'* but includes 'exceptions' for allowing certain development within the Green Belt, providing this accords with the requirements of this policy. Relevant to this proposal is the following section of Policy PMD6:

6. Infilling and partial or complete redevelopment of a previously developed site comprising more than a single building.

I. Infilling should:

- i. have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*
- ii. not exceed the height of the existing buildings discounting any abnormally tall existing structures; and*
- iii. not lead to a major increase in the developed proportion of the site.*

II. Redevelopment should:

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

6.34 With regard to policy PMD6 and the criteria set out in point 6 bullet point II, the proposed re-development of the site:

- i. would have greater impact upon on the openness of the Green Belt than existing development but as identified above this would not be 'substantial harm' in regard to paragraph 145 of the NPPF;*
- ii. would not conflict with the objectives for the use of the land within the Green Belt, in regard to the five purposes set out in paragraph 133 of the NPPF;*
- iii. would not exceed the height of existing buildings and tall structures;*
- iv. would result in less land coverage and built footprint than existing buildings and hardstanding, would achieve a reduction in height through the removal of*

the existing tower and overall the proposal would not be detrimental to visual amenity;

- v. has been designed to integrate within its landscape surroundings and all buildings have been designed to occupy previously developed land without sprawling into areas of land that have not been previously developed.

6.35 The proposal would lead to harm to the Green Belt but that level of harm is not considered to be 'substantial harm' when judged with paragraph 145 of the NPPF, which provides the most up to date policy consideration over policy PMD6.

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 the development

6.36 For the reasons set out above no further Green Belt assessment is needed as the 'exceptions' through proposal paragraph 145 of the NPPF and policy PMD6 apply allow for re-use of Previously Developed Land, and therefore there is no policy requirement to assess 'very special circumstances'.

Conclusion to this section

6.37 As ever, in reaching a conclusion on Green Belt issues, a judgement has to be made when considering the impact upon the openness and the level of harm associated with a proposed development.

6.38 In this case the proposal has been carefully designed to re-use areas of Previously Developed Land and would result in less land coverage, floorspace and height, and would not conflict with the five purposes of the Green Belt, it is considered that the proposal would have an impact upon the openness of the Green Belt but that level of impact would not result in 'substantial harm'. Therefore the proposal is acceptable as redevelopment of previously developed land with regard to the criteria set out in policy PMD6 and paragraph 145 of the NPPF and no further Green Belt assessment of 'very special circumstances' is required.

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

6.39 The proposal is for residential development and there is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of paragraph 73 of the NPPF.

6.40 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017]. The SHMA sets out the

housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom apartments.

- 6.41 The proposal would provide 168 dwellings and the dwelling mix would result in 144 houses (2, 3 and 4 bedroom units) and 24 apartments (1 and 2 bedroom units). This would reflect the Borough's housing needs in regard to the latest SHMA and policy CSTP1. There are no objections raised by the Council's Housing Officer as the proposed units would meet the demand as set out in the SHMA.
- 6.42 With regard to affordable housing, policy CSTP2 requires 35% of the development to be allocated for affordable housing. The applicant is offered a policy compliant level of affordable housing comprising totalling 59 affordable dwellings in the form of 35 houses (2 and 3 bedroom units) and 24 flats (1 and 2 bedroom units). The Council's Housing Officer supports the provision being offered subject to the affordable housing being secured through a planning obligation.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.43 Policy CSTP22 requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'* with proposals needed to be considered where there character is a 'rural landscape' and within the 'Green Belt'. Policy PMD2 states *'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'*. Paragraph 124 of the NPPF requires the creation of highway buildings and places and PPG Design: Process and Tools identifies 10 characteristics, which are context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.
- 6.44 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:
- understanding the place;
 - working with site features;
 - making connections; and
 - building in sustainability.

Understanding the Place

- 6.45 The site measures 9.8 hectares and is located to the western side of High Road, north of Fobbing in a semi-rural location. The site is accessed by a single point of access onto the High Road. The site consists of two disused storage reservoirs, a water treatment plant and a pumping station. These disused facilities, associated industrial buildings and areas of hard standing remain on site. A number of the buildings and a large part of the hardstanding is used for a variety of commercial storage uses. Other parts of the site including the manmade lagoons, which are now overgrown. A watercourse runs north south through the site across to an existing pond on the southern boundary.
- 6.46 To the north the backs onto the railway that forms part of the 'Tilbury Loop' serving Pitsea and Southend to the east, Stanford Le Hope, Tilbury, Grays and onto London to the west. Beyond the railway to the north is sporadic ribbon development following the Southend Road and linking to the Five Bells interchange with the A13. To the east is the High Road and a small collection of dwellings and fields. To the south further ribbon development follows the western side of the High Road towards Fobbing. To the west are fields and a public footpath (PF23).

Layout

- 6.47 The proposed layout of the development has been designed to occupy the majority of previously developed land within the site where there are either existing buildings or hardstandings. The proposed layout has also been designed around the existing context of physical features on the site such as existing vegetation, the watercourse and pond. The layout plan shows acceptable distances between buildings and landscape buffers around the site to provide a more spacious layout. The site would be accessed via a new 'T' junction onto the High Road with the existing access to be only used for emergency purposes. The new access roads and pedestrian footways would allow for access, movement and permeability to all properties within the site and the areas of open space. The proposal seeks to retain existing vegetation and enhance with further planting and a detailed landscaping scheme.
- 6.48 The proposed internal layout dimensions for the apartments would all be acceptable.

Scale and design

- 6.49 All houses types would be two storey and the apartment blocks would be three storey. All properties would have pitched roofs. The majority of built form across the site would be seen as two storey with the three storey apartments located adjacent to the raised railway embankment and where existing former tower structure is present.

- 6.50 The proposal is for a traditional housing design approach with a range of house types that would follow a simple built form with dual pitched roofs, gable ends, porch canopy features, balcony and brick soldier coursing. The materials to be used would include buff and red brick, dark weatherboarding, red clay effect and grey slate effect roof tiles. The Design and Access explains this approach is to complement existing development in the immediate area with example images shown of similar design features.
- 6.51 In addition to the built form, the Design and Access Statement includes a detailed landscaping section and the implementation of appropriate landscaping details is essential in this semi-rural location for ensuring the development 'blends in' to its surroundings, which for this site and location is a key element of the placemaking process.

Impact upon the area

- 6.52 The proposal would lead to a change to the current appearance of the site and its immediate context shifting from a former waterworks site that has development that has become established into the landscape in terms of the covered reservoir and former sludge lagoons. The change would result in the creation of residential estate which requires the implementation of a detailed landscaping scheme to integrate its appearance into its surroundings; over time the proposed landscaping would develop and reduce the impact of the development.
- 6.53 Overall, the proposed development is considered to be acceptable in design terms having regard to the Thurrock Design Strategy SPD, policies CSTP22, CSTP23 and PMD2, alongside the requirements of the NPPF and PPG.

IV. OPEN SPACE, LANDSCAPING AND AMENITY SPACE

Open Space and Playspace

- 6.54 The planning application is supported by a number of plans detailing open space and soft landscaping proposals for the site. Around the eastern and southern parts of the site existing features such as existing vegetation, a watercourse and drainage pond would be retained and would be seen as a landscaped buffer to the development. The existing woodland area to the west of the site would be retained apart from a small clearing area where an area of public open space within the existing woodland would be created within this area. A play space would be created comprising of sympathetic materials including timber play equipment, boulders, stepping stones, balancing beams, a log walk clatter bridge and scissor bridge. The exact details of this equipment would need to be secured through planning condition/obligation but

the applicant's approach is to ensure the playspace fits into the natural woodland environment.

- 6.55 The public footpath (PF23) to the west of the site allows public access into the site and this connection has benefits of achieving the sustainable greengrid approach sought through policy CSSP5 but also in regard to improving access as sought through paragraph 98 of the NPPF.
- 6.56 Reference is made to a 'village green' in the centre of the site but this is only a small area of greensward where houses would front onto for visual benefits rather than a traditional village green.
- 6.57 The overall level of open space provision is considered acceptable with regard to the criteria in Appendix 5 'Open Space Standards', policies CSTP20 and PMD5, and paragraph 96 of the NPPF.

Landscaping and Trees

- 6.58 To complement the open space the Design and Access Statement explains landscaping details for this site including hard and soft landscaping details and proposed planting schedules. The Council's Landscape and Ecology Advisor considers that the landscaping approach focusses more on ornamental varieties rather than larger growing specimens that are more typical of this rural location. It is considered that a planning condition is required for the exact details of the landscaping for this site to be agreed and this is necessary in regard to the landscape requirements for new developments in policy PMD2.
- 6.59 There are no trees within the site that are subject of Tree Preservation Orders (TPO's). The applicant's Arboricultural Impact Assessment states that some tree removal is required to facilitate the development, particularly trees in the central part of the site, however, none of trees on site are of high category trees status. For retained trees the Arboricultural Impact Assessment advises that root protection areas would be implemented as recommended on the Tree Protection Plan in the Arboricultural Impact Assessment. The trees to be removed include one English Oak and 12 Crack Willow trees, these trees have all been assessed to be category B and category C trees. A number of trees would be pruned before the site is occupied by residents. The Council's Landscape and Ecology Advisor considers the benefits of maintaining the existing trees in the short term such as the Crack Willow but a more detailed landscape should be provided through condition to look for longer term solutions to allow the development to be acceptable with regard policy PMD2.

- 6.60 In addition to the above, the open space, play space and landscaping of the site shall need to be managed and therefore details of the future management and maintenance arrangements for the site shall need to be secured through a planning condition or obligation (if payment is necessary).

Private Amenity Space

- 6.61 Each apartment would have either a balcony or patio area ranging between 3.7 m² to 4.5 m²; these areas are would be on the public site of the building looking towards the houses on the opposite side of the street. Communal amenity space is also required; the space around the apartments is considered as incidental landscaping areas rather than communal amenity space. Future occupiers would have access to the areas of open space within the site and the woodland area to the west, so this combined with the balcony space would, on balance, provide amenity space for future occupiers of the flats.
- 6.62 For the houses the smallest private amenity space would be 42 m² for a 2 bedroom unit and the largest 127 m² for a 4 bedroom unit. as the proposal includes areas of public open space within the site the level of private amenity space is considered acceptable for the proposed houses on this site with regard to policy PMD2.

V. LANDSCAPE AND VISUAL IMPACT

- 6.63 The Council's Landscape Capacity Study (2005) designates the site within the 'B3 – Fobbing Ridge Rolling Farmland/Wooded Hills' landscape character area. The key landscape characteristics of the two areas, as described by the Capacity Study are:

B3

- *Gently undulating farmland.*
- *Wide scarp slope.*
- *Extensive views to the south and east.*
- *Visual clutter of pylons and power lines.*
- *Large rectilinear fields.*
- *Clipped and/or gappy hedges.*
- *Landmark buildings within the historic cores of Fobbing & Corringham.*

- 6.64 The Council's Landscape Capacity Study refers to the 'overall character' as 'not heavily influenced by urban fringe land uses' but in the 'evaluation' identifies the area as 'highly sensitive' to urban developments. The B3 zone extends to an area much larger than the application site and the application site already includes previously developed land.

- 6.65 The applicant's Landscape, Visual and Green Belt Appraisal states that *'the proposed development would result in some adverse effects and the potential loss of openness but this is perhaps unavoidable considering the open aspect of the eastern edge of the Site and proximity of receptors. The long term landscape effects are limited to being at worst slight adverse, and when the proposed (increased) woodland planting is fully established to a height of over 10 metres, this is perhaps likely to be not significant. The long term visual effects are highly localised, and restricted to being slight adverse on receptor 2 (the immediate east of the site)'*.
- 6.66 The Council's Landscape and Ecology Advisor recognises there are existing buildings and other structures set behind the grass topped reservoir and therefore the east end of the site reads as open and undeveloped. The subsequent on site assessment of key viewpoints taken from the applicant's Landscape, Visual and Green Belt Appraisal confirms that existing vegetation and topography resulted in their being limited visual effects caused by the development and that stepping the development back from the eastern boundary would allow for a more robust planting scheme to be delivered to mitigate the effects. Overall the landscape and visual effects are primarily contained due to existing trees that will be retained, topography and other development. The Council's Landscape and Ecology, on balance, raises no objection on landscape and visual impact and therefore the proposal is considered to be acceptable having regard to policies CSTP22, CSTP223 and PMD2.

VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

Access and Accessibility

- 6.67 The proposal would result in changes to the access and egress into the site. The existing access would be retained as an 'emergency only' access into the site. A new 'T' junction would be created to provide vehicle and pedestrian access further south than the existing access and roughly halfway along the site's eastern boundary. This would result in an improvement when compared to the existing access which is in very close proximity to the railway level crossing where it accesses the High Road. The applicant's Transport Assessment (TA) explains that the proposal would also seek to introduce a 30mph speed limit across the new site access. The new access would serve the internal road layout of the development. The Council's Highway Officer raises no objections and the proposed access arrangement is acceptable with regard to policy PMD9 and paragraph 108 of the NPPF.
- 6.68 In terms of accessibility, an existing footway on the western side of the High Road would allow pedestrian access to the north across the railway level crossing towards the Five Bells interchange, and to the south the footway follows the road all the way into the village of Fobbing. The TA explains the proposal would provide a new

footpath linking to the western boundary and public footpath (PF23). The National Cycle Route 13 is 1.5km to the west.

Traffic Impact

- 6.69 The TA explains that the current commercial use of the site involves a normal operation of 295 arrivals and 295 departures over a 24 hour period but with a potential for a maximum of 561 arriving and 561 departing over a 24 hour period. The proposal would result in a predicted 361 arrivals and 369 departures which is less than the maximum potential of the site as existing. The proposal would result in a residential use so the associated vehicle movements would be different to the existing commercial use of the site with significant less lorry movements. The proposal would not affect current vehicle movements associated with the nearby railway level crossing and would not result in any issues with nearby junction capacities. Therefore this would be acceptable with regard to the surrounding road network in regard to policies PMD9 and PMD10, and paragraphs 108 and 110 of the NPPF.
- 6.70 Highways England raise no objections and the Council's Highway Officer does not object but has raised concerns over the potential impact upon the safety at the level crossing as this only has half barriers crossing the road. Whilst this concern is noted it is the responsibility of Network Rail to ensure safety at the level crossing as they have responsibility for the management and control of the existing level crossing barriers. Despite numerous consultations with Network Rail they have not provided a response so the barriers would remain as existing.

Parking and Travel Plan

- 6.71 The Council's Highway Officer considers the site as a 'low accessibility area' in regard to the draft Parking Standards and this means that the proposal would require a minimum of 1.25 vehicle parking spaces per apartment and a minimum of 2 vehicle parking spaces per house. The applicant's TA demonstrates that each house would have at least two off-street vehicle parking spaces providing 301 spaces for all houses. The apartments would have 30 vehicle parking spaces for 24 apartments. Throughout the site 46 visitor spaces would be provided. Within the ground floor of each apartment would be cycle storage and each house would have access to an outbuilding for cycle parking. The Council's Highway Officer raises no objection but seeks integration of electric vehicle charging points, which can be secured through planning condition. Parking provision for the proposed development complies with the Council's draft standards in regard to policy PMD8 and paragraph 110 of the NPPF.

- 6.72 The proposed development would give rise to the need for a residential Travel Plan to promote sustainable modes of transport to accord with policy PMD10 and paragraph 111 of the NPPF. The applicant's Travel Plan includes targets of decreasing single occupancy car usage, increase walking and cycling to the development, increase bus and train usage, and increase car sharing uses. To promote the proposal would offer welcome parks for new home owners and install a noticeable with travel information. The Council's Travel Plan Co-ordinator raises no objection subject to the need for further details within the travel plan and an associated monitoring fee of £525 per annum for a minimum of five years, which can be secured through a planning obligation.

VII. FLOOD RISK AND SURFACE WATER DRAINAGE

- 6.73 The application site is located within the low risk flood zone (Flood Zone 1) and the PPG advises that there is no requirement for application of the Sequential Test or Exception Test as the development is 'appropriate' within this low risk flood zone. As the site area exceeds 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA) which confirms that the site is not at risk from flooding. There are watercourses to the north of the railway that through a culvert pass north-south across the site to an existing pond along the southern boundary but the Environment Agency do not classify these as a 'main river' and these would not be significantly affected by the proposed development.
- 6.74 The FRA includes surface water details explaining that the surface water discharge rate would be restricted to the greenfield rate and surface water would be discharged into the watercourse and pond via a series of five (5) proposed swales. The applicant intends to offer the surface water drainage system to Anglian Water for adoption. The Flood Risk Manager raises no objection subject to the use of planning conditions requiring a detailed surface water drainage scheme and details of the future management and maintenance arrangements, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.

VIII. ECOLOGY AND BIODIVERSITY

- 6.75 The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). The Council's Landscape and Ecology Advisor has stated that the site falls within the 'Zone of Influence' of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site. The Local Planning Authority is

therefore required to undertake a Habitat Regulations Assessment to understand the impact.

Habitats Regulations Assessment

- 6.76 In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 63 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) *is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
 (b) *is not directly connected with or necessary to the management of that site*

The competent authority must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

- 6.77 The table below is the Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained in the table below with the LPA's response to each stage:

Stage	LPA response
Stage 1 is the Screening Assessment	<p>The eastern half of Thurrock is within the zone of influence (Zoi) for the Essex Coast RAMS. The following developments within the Zoi qualify:</p> <ul style="list-style-type: none"> • New dwellings of 1+ units (excludes replacement dwellings and extensions) • Houses of Multiple Occupancy (HMOs) • Residential care homes and residential institutions (excluding nursing homes) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and travelling show people plots <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered</p>

	<p>either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.</p>
<p>Stage 2 is the Appropriate Assessment</p>	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the 'summary' section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secure in line with the Essex Coast RAMS requirements.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.</p> <p>Natural England must be consulted on the appropriate assessment and proposed mitigation measures.</p>
<p>Summary of the Appropriate Assessment</p>	<p>The application would result in a net increase of 168 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p>Summary of recreational disturbance mitigation package:</p> <p>The application is for a net increase of 168 dwellings. The site is not within or adjacent to the SPA. 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.</p> <p>The current tariff is £125.58 per unit. Therefore the financial contribution should be £21,097.44 and this can be secured through a planning obligation. Natural England advice</p>

	confirms that RAMS is applicable to all net increases in residential dwellings that fall within the ZOI.
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- 6.78 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Natural England have been sent the Habitats Regulation Assessment in response to their consultation response but the responsibility lies with the Council as the competent authority.
- 6.79 Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 6.80 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £21,097.44 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.81 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms 'Recommendation A'.

On Site Ecological Assessment

- 6.82 The applicant's Ecological Report identifies that the site has some ecological value with a range of protected and notable species recorded including badgers, great crested newts, reptiles, bird species, invertebrates and plants. The proposal would result in the demolition of existing buildings, hardstanding and vegetation. The Ecological Report identifies the need for translocation of species and the rich grassland on top of the covered reservoir.
- 6.83 The Ecological Report identifies the following impacts upon ecology:
- Great Crested Newts - The proposal would result in the loss of the water tank in Pond 1 where great crested newts have been recorded and a replacement breeding pond would be created.
 - Badgers - The proposal would also result in the loss of a main badger sett and other setts and therefore replacement artificial setts will be need to be constructed.

- Bats - Within the covered reservoir bats were recorded and these will need to be subject to a series of mitigation measures

- 6.84 All the above are protected species and a licence will be required from Natural England for mitigation purposes before any construction work takes place. The Ecological Report identifies that a Habitat Management Plan would be implemented and this can be subject of a planning condition.
- 6.85 The proposal identifies that a significant amount of established boundary vegetation would be retained to support bird species and for tree protection measures during construction. Invertebrate boxes would be installed at suitable locations in the retained vegetation. Areas of formal and informal public open space within the proposed development would be managed along with lighting. The Ecological Report recommends an Ecological Management Plan as a planning condition.
- 6.86 The Council's Landscape and Ecology Advisor recognises that much of the development is proposed in the existing built footprint areas of habitat and that this would be lost, along with the species rich grassland on the covered reservoir, although it is recognised that this would be translocated and should be retained in Thurrock. Overall the Council's Landscape and Ecology Advisor considers that most of the protected species can be retained on site with appropriate mitigation and therefore a condition should be imposed requiring a plan confirming details of mitigation and enhancement measures to be provided on site.
- 6.87 Planning conditions would be necessary in the form of an ecological mitigation and management strategy to meet the requirements of paragraph 181 of the NPPF and policy PMD7, as policy PMD7 requires *'development proposals to incorporate biodiversity or geological features into the design as far as possible'* and *'where it can be demonstrated that this is not possible, and there is no suitable alternative site available for the development, developers will be required to show that their proposals would mitigate any loss of biodiversity or geological interest'*.

IX. AIR QUALITY

- 6.88 The site is not within an Air Quality Management Area (AQMA). The applicant's Air Quality Assessment concludes that the proposed development would not result in any changes to the existing air quality in the area and would therefore not raise any significant adverse impacts on the health and/or quality of life of existing or proposed receptors, which include future residents of these properties. The Council's Environmental Health Officer has no objections and therefore the proposal would not cause any unacceptable effects from air pollution in regard to policy PMD1 or paragraph 181 of the NPPF.

X. NOISE

- 6.89 The applicant's Noise and Vibration Assessment identifies the main noise sources are the railway line which runs along the site's northern site boundary and further to the north the road noise from the A13, and the Five Bells interchange junction with the A176, A1420, A1464 and High Road. Noise monitoring was undertaken by the applicant over two periods, one in July 2019 and one in January 2020.
- 6.90 The noise modelling indicates a worst case daytime facade noise level of around 64dB and a night-time noise level of around 56dB. To mitigate this impact all dwellings will be fitted with thermal double glazing which would reduce sound internally to around 33dB. Habitable rooms in the affected dwellings would be provided with ventilation systems. Amenity areas would be subject to noise levels below the 55dB standard applied through BS8233 and WHO guidance. The proposal would not lead to vibration effects from passing trains.
- 6.91 The proposed development includes three blocks of apartments and one house type which have windows to the north elevation facing the railway and road noise sources. The rooms affected include habitable rooms such as bedrooms but it is recognised that mitigation measures are proposed and similar approaches have been accepted in other developments in the Borough to ensure internal habitable room sound levels are acceptable for the occupiers. All balconies to these apartments are would be located on the south elevation of the building and therefore screened to some extent by the building acting as a sound barrier.
- 6.92 The Council's Environmental Health Officer has no objections subject to the noise mitigations as set out in the Noise and Vibration Assessment being secured through condition. If so the proposal would be acceptable having regard to policy PMD1 and paragraph 180 of the NPPF.

XI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.93 The nearest neighbouring residential properties are located to the south and east along High Road. To the north side of the railway line there are further residential properties which front onto Southend Road, although a landscaped buffer lies in between these properties and the railway line. The proposal would result in an end to the existing commercial activities at the site and commercial vehicles accessing and egressing the site. Therefore the levels of activity and vehicle movement associated with a residential use would be significantly different and improved in comparison. The proposal would not raise any demonstrable harm to neighbouring residential amenity in terms policy PMD1 and paragraph 180 of the NPPF.

- 6.94 In terms of the proposed built form, the proposed layout plan shows that all residential properties would be set back from the existing eastern and southern site boundaries where physical features such as landscaping and a watercourse currently exist and retained. Therefore there would not be any demonstrable harm to neighbouring residential amenity from the proposed built development policy PMD1.

XII. LAND CONTAMINATION AND GROUND WORKS

- 6.95 The applicant's Geo-Environmental Assessment identifies areas of the site subject to contamination but includes a remediation strategy. The Council's Environmental Health Officer raises no objections subject to the recommendations in the report being implemented and a validation report being submitted to the Council following completion of the groundworks. Such measures shall need to be controlled through the use of a planning condition having regard to the requirements of the policy PMD1.

XIII. REFUSE AND RECYCLING

- 6.96 The applicant's Planning Statement and Design and Access Statement explains the refuse strategy for the proposal. Each house would have a refuse store with a paved area provided in rear gardens for the storage of bins. For the apartments communal refuse stores would be located within the ground floor of the each apartment block, which is preferred to separate detached buildings. The refuse strategy includes a plan to demonstrate the refuse vehicle movement route and reversing areas where needed. All refuse stores would be within 20m of the proposed refuse collection route. There are no objections raised to the proposed refuse strategy with regard to policy PMD2.

XIV. ENERGY AND SUSTAINABLE BUILDINGS

- 6.97 In terms of meeting the requirements of policy PMD13 it is stated in the applicant's Planning Statement that a range of measures including photovoltaic panels, energy efficient fabrics, materials used from sustainable sources and low water usage fittings would be used and this would result in a 35.75% reduction in carbon dioxide. It is stated that through the use of the photovoltaic panels 20% of the sites total energy generated would be via renewable sources which would comply with policies CSTP25 and PMD13, however, details of the proposals would need to be agreed through a planning condition.

XV. VIABILITY AND PLANNING OBLIGATIONS

- 6.98 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section

106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

- 6.99 Following changes in legislation [Community Infrastructure Levy Regulations], in April 2015 the Council produced its Infrastructure Requirement List [IRL] which changed the way in which planning obligations through section 106 agreements can be sought. In September 2019 the pooling restrictions were removed through the updated Community Infrastructure Levy Regulations but the Council continues to maintain the Infrastructure Requirement List [IRL] to provide an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.100 Through the consultation process and assessment of this application the proposed development requires the following planning obligations:
- Housing - For 35% of the development to be for affordable housing provision as required by policy CSTP2..
 - Education – A financial contribution of £873,347.77 towards nursery and primary education provision to mitigate the impact of the development.
 - Healthcare – A financial contribution towards local healthcare to mitigate the impact of the development and this is to be confirmed by the NHS.
 - Highways – A financial contribution of £525 per annum for a minimum of five years for Travel Plan monitoring purposes to mitigate the impact of the development.
 - Ecology – A financial contribution of £21,097.44 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.

XVI. SUSTAINABILITY

- 6.101 Paragraph 7 of the NPPF explains that the purpose of the planning system is to achieve sustainable development and as part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development.
- 6.102 For the economic objective the proposal would create employment opportunities for the construction phase. When the development is occupied new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area.

- 6.103 For the social objective the development would help create a new community at this site. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's five year housing land supply.
- 6.104 For the environmental objective the proposed development would re-use existing previously developed land instead of a greenfield site, it would deliver energy efficient measures, improve landscaping, improve connectivity to footpath 23 and the green grid. The surface water management measures would prevent any off site flooding. As identified above the site is accessible by a range of transport modes.
- 6.105 For these reasons stated above the proposed development can satisfy all three objectives of paragraph 8 of the NPPF.
- 6.106 Paragraph 11 of the NPPF 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 date¹, 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 proposed²; 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.*
- ¹ *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 ...*
- ² *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*
- 6.107 The 'presumption in favour of sustainable development' cannot apply in this instance as the site is located within the Green Belt and as such is contrary to paragraph 11 (d) (i).

XVII. OTHER MATTERS

6.108 For archaeology, the applicant's Archaeological Assessment explains that there are no nationally significant designed heritage assets and the site is likely to have a generally low archaeological potential. The covered reservoir was constructed in 1912 and it is recommended that historic building recording is undertaken prior to demolition of the reservoir. The Council's Archaeology Advisor raises no objections subject to a condition regarding building recording having regard to policy PMD4.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The principle of the proposed development is acceptable as the proposal has been carefully designed to re-use areas of previously developed land within the Green Belt and would result in less land coverage, floorspace and height, and would not conflict with the five purposes of the Green Belt. Whilst the proposal would have an impact upon the openness of the Green Belt that level of impact would not result in 'substantial harm'. Therefore the proposal is acceptable as redevelopment of previously developed land with regard to the criteria set out in policy PMD6 and paragraph 145 of the NPPF and no further Green Belt assessment of 'very special circumstances' is required.

7.2 The proposal would contribute to the Council's housing land supply and would provide a policy compliant level of affordable housing; would provide an acceptable form of development in design terms with associated landscaping enhancements; would create an improved access arrangement onto the High Road when compared to the existing access; and would provide a package of planning obligations to mitigate the impact of the development. All other material considerations are considered acceptable subject to conditions and obligations where necessary.

7.3 Therefore the recommendation for approval of planning permission is subject to referral to the Secretary of State, completion of a section 106 agreement and subject to the planning conditions, this is 'Recommendation B' as before consideration of the planning permission is made a decision is needed to determine that the development would not have a likely significant effect on a European site either alone or in combination with other plans or projects, which is 'Recommendation A'.

8.0 RECOMMENDATION

Recommendation A:

8.1 That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a

likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

8.2 Approve the application for the reasons given in this report and delegate authority to the Assistant Director – Planning, Transport and Public Protection to grant planning permission subject to all of the following:

- i) Referral to the Secretary of State and subject to the application not being called in;
- ii) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
 - Housing - For 35% of the development to be for affordable housing provision as required by policy CSTP2.
 - Education – A financial contribution of £873,347.77 towards nursery and primary education provision to mitigate the impact of the development.
 - Healthcare – A financial contribution towards local healthcare to mitigate the impact of the development and this is to be confirmed by the NHS.
 - Highways – A financial contribution of £525 per annum for a minimum of five years for Travel Plan monitoring purposes to mitigate the impact of the development.
 - Ecology – A financial contribution of £21,097.44 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.
- iii) the following planning conditions:

Standard Time

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

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

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
1338-C-1336	Landscape Sections	1st June 2020
1338-C-1337	Landscape Details	1st June 2020
1338-D-1400B-APT BLK A	Apartment Block A Ground Floor Plan	1st June 2020
1338-D-1401B-APT BLK A	Apartment Block A First Floor Plan	1st June 2020
1338-D-1402B-APT BLK A	Apartment Block A Second Floor Plan	1st June 2020
1338-D-1403B-APT BLK B	Apartment Block B Ground Floor Plan	1st June 2020
1338-D-1404B-APT BLK B	Apartment Block B First Floor Plan	1st June 2020
1338-D-1405B-APT BLK B	Apartment Block B Second Floor Plan	1st June 2020
1338-D-1406B-APT BLK C	Apartment Block C Ground Floor Plan	1st June 2020
1338-D-1407B-APT BLK C	Apartment Block C First Floor Plan	1st June 2020
1338-D-1408B-APT BLK C	Apartment Block C Second Floor Plan	1st June 2020
1338-D-1500A-HT2- GF+1F	HT2 Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1501A-HT2 HANDED-GF+1F	HT2 Handed Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1502A-HT2- GF+1F	HT2a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1503A-HT2 HANDED-GF+1F	HT2a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1504A-HT3- GF+1F	HT3 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1505A-HT3- HANDED-GF+1F	HT3 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1506A-HT3A- GF+1F	HT3a Ground & First Floor Plan Detached	1st June 2020
1338-D-1508A-HT4- GF+1F	HT4 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1509A-HT4- HANDED-GF+1F	HT4 Handed Ground & First Floor Plan Semi-detached	1st June 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-D-1510A-HT5-GF+1F	HT5 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1511A-HT5-HANDED-GF+1F	HT5 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1512A-HT20-GF+1F	HT20 Ground & First Floor Plan Detached	1st June 2020
1338-D-1513A-HT20-HANDED-GF+1F	HT20 Handed Ground & First Floor Plan Detached	1st June 2020
1338-D-1514A-HT20A-GF+1F	HT20a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1515A-HT20A-HANDED-GF+1F	HT20a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1516A-HT18	HT18 Ground Floor Plan Detached	1st June 2020
1338-D-1517A-HT18	HT18 First Floor Plan Detached	1st June 2020
1338-D-1518A-HT18	HT18 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1519A-HT18	HT18 First Floor Plan Detached	1st June 2020
1338-D-1520A-HT9	HT9 Ground Floor Plan Detached	1st June 2020
1338-D-1521A-HT9	HT9 First Floor Plan Detached	1st June 2020
1338-D-1522A-HT9	HT9 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1523A-HT9	HT9 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1524A-HT10	HT10 Ground Floor Plan Detached	1st June 2020
1338-D-1525A-HT10	HT10 First Floor Plan Detached	1st June 2020
1338-D-1526A-HT10	HT10 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1527A-HT10	HT10 Handed First Floor Plan Detached	1st June 2020
1338-D-1528A-HT16	HT16 Ground Floor Plan Detached	1st June 2020
1338-D-1529A-HT16	HT16 First Floor Plan Detached	1st June 2020
1338-D-1530A-HT16	HT16 Handed Ground Floor Plan Detached	1st June 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-D-1531A-HT16	HT16 Handed First Floor Plan Detached	1st June 2020
1338-D-1532A-HT17	HT17 Ground Floor Plan Detached	1st June 2020
1338-D-1533A-HT17	HT17 First Floor Plan Detached	1st June 2020
1338-D-1534A-HT17	HT17 Handed Ground Floor Plan Detached	1st June 2020
1338-D-1535A-HT17	HT17 Handed First Floor Plan Detached	1st June 2020
1338-D-1540A-AHT1-GF+1F	AHT1 Ground & First Floor Plan Mid-terrace	1st June 2020
1338-D-1542A-AHT1A-GF+1F	AHT1a Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1543A-AHT1A-HANDED-GF	AHT1a Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1544A-AHT2-GF+1F	AHT2 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1545A-AHT2-HANDED-GF+1F	AHT2 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1546A-AHT3-GF+1F	AHT3 Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1547A-AHT3-HANDED-GF+1F	AHT3 Handed Ground & First Floor Plan Semi-detached	1st June 2020
1338-D-1570A	Garages Ground Floor Plans Double & Single	1st June 2020
1338-D-1702A-ELEVATION CC	Elevation CC The Green to the Pond	1st June 2020
1338-D-1704A-ELEVATION EE	Elevation EE Landscape Edge	1st June 2020
1338-D-1800B-APT BLK A	Apartment Block A Elevations	1st June 2020
1338-D-1801B-APT BLK B	Apartment Block B Elevations	1st June 2020
1338-D-1802B-APT BLK C	Apartment Block C Elevations	1st June 2020
1338-D-1850A-HT2+HANDED+2A	H2 & H2 Handed, H2a & H2a Handed Elevations Mid-terrace & Semi-detached Type 1	1st June 2020
1338-D-1851A-HT2+HANDED+2A	H2 & H2 Handed, H2a & H2a Handed Elevations Mid-terrace & Semi-detached Type 2	1st June 2020

1338-D-1852A-HT3+HANDED+3A-ELEVATIONS	H3 & H3 Handed and H3a Elevations Mid-terrace & Semi-detached Type 1	1st June 2020
1338-D-1853A-HT3+HANDED+3A-ELEVATIONS	H3 & H3 Handed and H3a Elevations Mid-terrace & Semi-detached Type 2	1st June 2020
1338-D-1854A-HT4-ELEVATIONS	HT4 Elevations Semi-detached Type 1	1st June 2020
1338-D-1855A-HT4-HANDED-ELEVATIONS	HT4 Handed Elevations Semi-detached Type 1	1st June 2020
1338-D-1856A-HT4-ELEVATIONS	HT4 Elevations Semi-detached Type 2	1st June 2020
1338-D-1857A-HT4-HANDED-ELEVATIONS	HT4 Handed Elevations Semi-detached Type 2	1st June 2020
1338-D-1858A-HT5-ELEVATIONS	HT5 & HT5 Handed Elevations Semi-detached Type 1	1st June 2020
1338-D-1859A-HT5-ELEVATIONS	HT5 & HT5 Handed Elevations Semi-detached Type 2	1st June 2020
1338-D-1860A-HT20+20A+HANDED	HT20 & Handed and HT20a Elevations Semi-detached & Detached Type 1	1st June 2020
1338-D-1861A-HT20+20A+HANDED	HT20 & Handed and HT20a Elevations Semi-detached & Detached Type 2	1st June 2020
1338-D-1862A-HT18-ELEVATIONS	HT18 Elevations Detached Type 1	1st June 2020
1338-D-1863A-HT18-HANDED	HT18 Handed Elevations Detached Type 1	1st June 2020
1338-D-1864A-HT18-ELEVATIONS	HT18 Elevations Detached Type 2	1st June 2020
1338-D-1865A-HT18-HANDED-	HT18 Handed Elevations Detached Type 2	1st June 2020
1338-D-1866A-HT9-ELEVATIONS	HT9 Elevations Detached Type 1	1st June 2020
1338-D-1868A-HT9-ELEVATIONS	HT9 Elevation Detached Type 2	1st June 2020
1338-D-1869A-HT9-HANDED	HT9 Handed Elevation Detached Type 2	1st June 2020
1338-D-1870A-HT10	HT10 Elevations Detached Type 1	1st June 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-D-1871A-HT10-HANDED	HT10 Handed Elevations Detached Type 1	1st June 2020
1338-D-1872A-HT10-ELEVATIONS	HT10 Elevations Detached Type 2	1st June 2020
1338-D-1873A-HT10-HANDED-ELEVATIONS	HT10 Handed Elevations Detached Type 2	1st June 2020
1338-D-1874A-HT16	HT16 Elevations Detached	1st June 2020
1338-D-1875A-HT16	HT16 Handed Elevations Detached	1st June 2020
1338-D-1876A-HT17	HT17 Elevations	1st June 2020
1338-D-1877A-HT17	HT17 Handed Elevations	1st June 2020
1338-D-1880A-AHT1+AHT1A+HAND ED	AHT1, AHT1a and AHT1a Handed Elevations Mid-terrace & Semi-detached	1st June 2020
1338-D-1881A-AHT2+AHT2 HANDED	AHT2 & Handed Elevations Semi-detached	1st June 2020
1338-D-1882A-AHT3	AHT3 Elevations Semi-detached	1st June 2020
1338-D-1883A-AHT3	AHT3 Handed Elevations Semi-detached	1st June 2020
1338-D-1890A	Garages Elevations Double & Single	1st June 2020
1338-D-1000C	Location Plan	30th June 2020
1338-D-1001B	Existing Site Plan	30th June 2020
1338-C-1335 REV B	Hard Landscape Strategy Sheet 7	22nd October 2020
1338-C-1350 REV B	Planting Schedule	22nd October 2020
1338-D-1201C	Parking Strategy Plan	22nd October 2020
1338-D-1202C	Boundary Conditions Strategy	22nd October 2020
1338-D-1203C	Refuse Strategy Plan	22nd October 2020
1338-D-1204C	Massing Plan	22nd October 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-D-1205C	Tenure Plan	22nd October 2020
1338-D-1300J	Site Layout Plan	22nd October 2020
1338-D-1301D	Site Layout Plan East	22nd October 2020
1338-D-1302D	Site Layout Plan West	22nd October 2020
1338-D-1305E	Section Line Plan	22nd October 2020
1338-D-1536	HT7 Ground & First Floor Plans Detached	22nd October 2020
1338-D-1537	HT7 Handed Ground & First Floor Plans Detached	22nd October 2020
1338-D-1700B	Elevations AA – The Lane	22nd October 2020
1338-D-1701B	Elevations BB – Fobbing on the Green	22nd October 2020
1338-D-1703B	Elevations DD – North Drive Apartments	22nd October 2020
1338-D-1705B	Elevations FF – The Island	22nd October 2020
1338-D-1878-HT7	HT7 Elevations Detached	22nd October 2020
1338-D-1879-HT7	HT7 Handed Elevations Detached	22nd October 2020
MBSK201015 -01-15	Swept Path Analysis	22nd October 2020
1338-C-1320 REV C	Tree Planting Plan Sheet 1	22nd October 2020
1338-C-1321 REV C	Tree Planting Plan Sheet 2	22nd October 2020
1338-C-1322 REV B	Outline Planting Plan Sheet 1	22nd October 2020
1338-C-1323 REV B	Outline Planting Plan Sheet 2	22nd October 2020
1338-C-1324 REV B	Outline Planting Plan Sheet 3	22nd October 2020
1338-C-1325 REV B	Outline Planting Plan Sheet 4	22nd October 2020
1338-C-1326 REV B	Outline Planting Plan Sheet 5	22nd October 2020

Planning Committee: 26 November 2020	Application Reference: 20/00623/FUL
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1338-C-1327 REV B	Outline Planting Plan Sheet 6	22nd October 2020
1338-C-1328 REV B	Outline Planting Plan Sheet 7	22nd October 2020
1338-C-1329 REV C	Hard Landscape Strategy Sheet 1	22nd October 2020
1338-C-1330 REV C	Hard Landscape Strategy Sheet 2	22nd October 2020
1338-C-1331 REV B	Hard Landscape Strategy Sheet 3	22nd October 2020
1338-C-1332 REV B	Hard Landscape Strategy Sheet 4	22nd October 2020
1338-C-1333 REV B	Hard Landscape Strategy Sheet 5	22nd October 2020
1338-C-1334 REV B	Hard Landscape Strategy Sheet 6	22nd October 2020
1338-D-1200D	Unit Mix Plan	28th October 2020

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

Materials

- Notwithstanding the information on the approved plans, no development shall commence (above ground level) until written details or samples of all 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. The development shall be carried out using the materials and details as approved.

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

Revised Window Designs

- Notwithstanding the details shown on the approved plans, all window designs proposed on the front elevations of all house types shall be continued throughout

all elevations of the house types with details of amended plans to show these changes to be submitted to and approved in writing by the local planning authority. The approved window design shall be implemented with house types and once installed shall be retained and maintained as such thereafter.

Reason: In the interests of visual amenity and to ensure high quality design in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Secured by Design

5. No development above ground level shall commence until details have been submitted to and approved in writing by the local planning authority that demonstrate how the principles and practices of the Secured By Design 2019 have been incorporated into the design. The Development shall be carried out in accordance with the approved details.

Reason: In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Boundary Treatment

6. No development above ground level shall take place until details of the design and materials of the treatment of all boundaries as stated in drawing no. 1338-D-1202 have been submitted to and approved in writing by the local planning authority. The screening as approved shall be completed prior to the occupation of the development and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers, in the interests of the visual amenity of the area and to ensure that the proposed development, in the Green Belt, does not have a detrimental effect on the environment as required by policies PMD1, PMD2 and policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Landscaping Scheme

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

The Soft Landscaping works shall include:

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard Landscaping works shall include:

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

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

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

Tree Retention and Protection

8. All trees, shrubs and hedgerows shown to be retained on the site on the Tree Protection Plan in the Arboricultural Implications Assessment dated October 2020 shall be protected by chestnut paling fencing for the duration of the demolition and 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 that all existing trees are properly protected, in the interests of visual amenity and character of the area to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Provision of Play Equipment

9. No development above ground level shall commence until details of the play area hereby approved has been submitted to and approved in writing by the local planning authority. Such details shall include all items of play equipment, ground surfacing, enclosure of the area incorporating self-closing gates, seating, refuse facilities and safety notices. The play area shall be constructed, completed and available for use prior to the occupation of any dwelling/connection of utility services, whichever is the sooner and be retained as such thereafter.

Reason: To secure appropriate place space facilities within the development in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Provision of Open Space and Play Space

10. Prior to the 20th occupation of the development the area of open space and play space as shown on the approved drawing number(s) 1338-D-1100E (Illustrative Roof Plan) shall be laid out and landscaped in accordance with condition 7 and 9. The open space shall be permanently retained for such amenity purposes thereafter.

Reason: To secure appropriate open amenity space within the development in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Open Space, Play Space and Landscaping Management and Maintenance

11. Prior to the occupation of the development details of the future management arrangements for the maintenance of the open space, play space and landscaping of the site shall be submitted to and approved in writing by the local planning

authority. The management details as approved shall be implemented and managed at all times thereafter.

Reason: In the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Bellmouth Junction onto High Road

12. Prior to the occupation of the development the proposed bellmouth junction with the existing highway, inclusive of cleared land necessary to provide the sight splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Emergency Access

13. Apart from construction purposes the existing vehicular access into the site shall only be used for emergency purposes and for no other means of vehicular access to the site.

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

Estate Road Layout

14. No development shall commence until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Estate Road Construction

15. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

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

Footpath to Western Area

16. The footpath as shown on approved drawing no. 1338C 133B (Hard Landscaping Sheet 5) shall be constructed and surfaced finished prior to the occupation of 20th dwelling unit, and shall be retained and maintained at all times thereafter.

Reason: In the interests of pedestrian access in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Parking Provision

17. Prior to the occupation of the development the vehicle parking areas shown on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be maintained and retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

Electric Charing Points

18. Prior to the occupation of the development details of electric charging points for parking spaces shall be submitted to and approved by the local planning authority. The electric charging points shall installed as approved and shall be maintained and retained in this form at all times thereafter.

Reason: In the interests of sustainability and to ensure that adequate car parking provision is available for electric vehicles in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Travel Plan

19. Prior to the occupation of the development, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the occupation of the development and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

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

Surface Water Drainage Scheme

20. No development, with the exception of demolition, shall commence until the detailed surface water drainage scheme within the Flood Risk Assessment for the site is updated with the following information and has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Limiting discharge rates to 3.3l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient evidence that the pond has capacity within itself to cater for the anticipated flows for all storm events up to and including the 1 in 100 plus 40% climate change storm event.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Surface Water Maintenance Plan

21. No development, with the exception of demolition, shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided and be implemented for all times thereafter.

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

Surface Water Yearly Logs

22. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any Maintenance Plan. These shall be made available for inspection upon the written request of the Local Planning Authority.

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

Foul Drainage

23. No development, with the exception of demolition, shall commence until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented, retained and maintained prior to the first occupation of the development.

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).

Ecological Method Statement

24. Prior to works commencing on site an Ecology Method Statement shall be submitted to, and approved in writing by, the local planning authority. The Ecology Method Statement shall be based on the recommendations proposed within the Ecological Report dated May 2020 accompanying the planning application and shall include details of:

- a) Phasing of operations;
- b) Methodologies for translocation of protected species, in particular great crested newts and reptiles, including where European Protected Species licences are required, details of locations of off-site on on-site receptors and what additional surveys may be required to confirm their suitability as receptors;
- c) Protection measures to minimise disturbance of species to be retained on site during construction, in particular for badgers;
- d) Measures for protection of retained habitat

- e) Details of ecological enhancement measures to be delivered through the development;
- f) External lighting to be used during construction

The Ecological Method Statement shall be implemented in accordance with the approved plan and timescale. Any translocation undertaken shall be verified in writing to the local planning authority by an independent qualified ecologist within 28 days of undertaking the translocation.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) – Should it also refer to ensuring compliance with National and European wildlife legislation?

Habitat Management Plan

25. No development, with the exception of demolition, shall commence until a Habitat Management Plan, based on the guidance contained in the Ecological Report dated May 2020, has been submitted to and approved in writing by the local planning authority. Prior to the occupation of the development the Habitat Management Plan shall be implemented for a 5 year period as stated in the Ecological Report dated May 2020 implementing the following key measures:

- Ongoing population surveys in year 1, 3 and 5.
- If any remedial measures are required to any of the new ponds works should ideally be carried out during autumn or early winter, to avoid the amphibian breeding season, during which the newt and toad larvae are metamorphosing, and before the first frost. Any desilting should be carried out carefully with all arisings left along the edge for a few days to allow any animals the chance to return to the water. After the material has been allowed to dry out it should be disposed of appropriately.
- The ponds are to be kept fish free.
- Although ponds should be left to colonise naturally, planting up of the pond margins with suitable species to provide shelter and breeding habitat may be necessary. If required native species of local provenance should be used.
- Terrestrial habitat should be allowed to colonise naturally, but periodic strimming of certain areas may be required to prevent dominance of bramble scrub, as necessary.
- Details of who is responsible for the management of the Habitat Management Plan

The Habitat Management Plan shall be retained and managed accordingly over the 5 year period as approved.

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

Noise mitigation measures

26. Prior to the occupation of the development the noise mitigation measures as identified in the Noise and Vibration Assessment dated April 2020 shall be installed during the construction of the development to the identified dwellings within the Noise and Vibration Assessment dated April 2020. The noise mitigation measures shall be maintained, where necessary, and retained at all times thereafter.

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

Communal TV/Satellite

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

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

Contamination and Remediation

28. No development shall commence, not including demolition to ground floor slab, until the remediation strategy for decontaminating land as set out in the Geo-Environmental Assessment dated April 2020 has been implemented.

Reason: To ensure that risks from land contamination to the future users of the 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).

Contamination and Remediation – Validation Report

29. Following completion of measures identified in the remediation strategy for decontaminating land as set out in the Geo-Environmental Assessment dated April 2020 a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land, 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).

Energy and Sustainability Measures

30. Prior to the occupation of the development the measures set out in the Energy and Sustainability Statement dated May 2020 shall be implemented as approved and shall be maintained and retained at all times thereafter, 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 DPD (2015).

External Lighting

31. Prior to the occupation of the development details of any external lighting, with the exception of lighting within residential plots, shall be submitted to and agreed in writing by the local planning authority. The details shall include details of the

spread and intensity of light together with the size, scale and design of any light fittings and supports. The approved external lighting shall only be implemented and operated in accordance with the agreed details.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Historic Building Recording

32. No demolition shall take place until:

- a) A programme of historic building recording in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the local planning authority.
- b) The completion of the recordings in accordance with the WSI submitted.

Prior to demolition and following completion of recordings a report detailing the results of the recording programme and confirmation of the deposition of the archive to an appropriate depository as identified and agreed in the WSI shall be submitted to and approved by the local planning authority.

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

Superfast Broadband

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

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

Construction Environmental Management Plan (CEMP)

34. No demolition or development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development;
- (b) Hours and duration of any piling operations;
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations;
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- (e) Details of construction any access or temporary access, and details of temporary parking requirements; Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP;
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems);
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;
- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (k) Dust and air quality mitigation and monitoring;
- (l) Water management including waste water and surface water discharge;
- (m) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (n) A Site Waste Management Plan;
- (o) Ecology and environmental protection and mitigation;
- (p) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- (q) Details of security lighting layout and design; and
- (r) A procedure to deal with any unforeseen contamination, should it be encountered during development.

Demolition and development on site shall only take place in accordance with the approved CEMP.

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

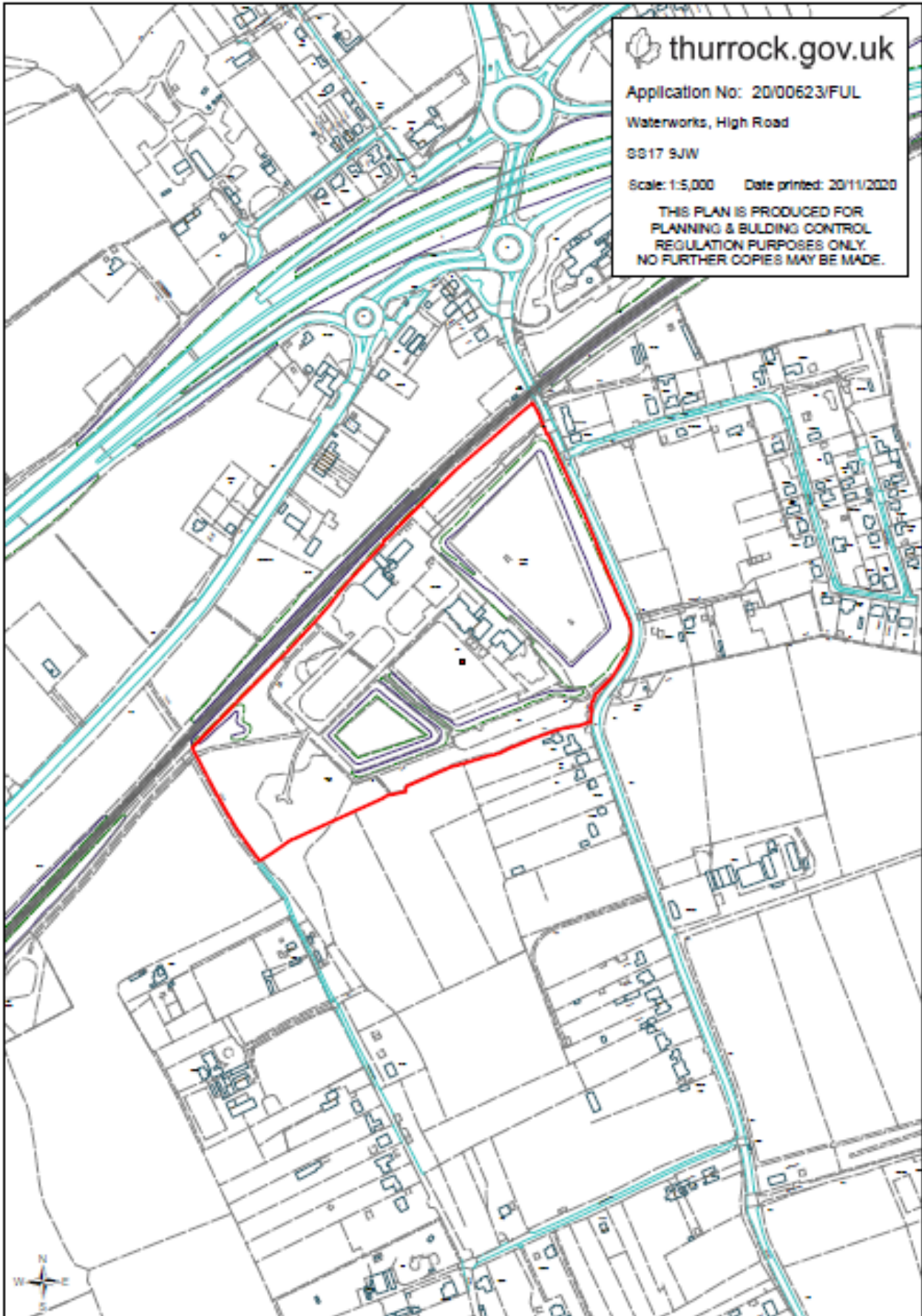
Informative: Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking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

Positive and Proactive Statement

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

Documents:

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



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<p>Reference: 20/00242/FUL</p>	<p>Site: Tilbury Football Club St Chads Road Tilbury RM18 8NL</p>
<p>Ward: Tilbury St Chads</p>	<p>Proposal: Hybrid planning application: Detailed approval sought for the demolition and site clearance of the existing Tilbury FC Stadium (Chadfields) and the erection of a new stadium (clubhouse, stands, lighting, car park etc.) on the site of existing training pitches located to the north-east of the existing stadium. Outline approval sought for the erection of up to 112 new dwellings on the site of the existing stadium, with all matters reserved except for access.</p>

Plan Number(s):		
Reference	Name	Received
863.001 Rev. 03	Existing Site Location Plan	27 February 2020
863.200 Rev. 00	Site Master Plan	27 February 2020
863.201 Rev. 00	Detailed Layout Plan Football Club	27 February 2020
863.202 Rev. 00	Football Club Clubhouse Ground & First Floor Plans	27 February 2020
863.203 Rev. 00	Football Club Clubhouse Elevations	27 February 2020
863.204 Rev. 00	Football Club Clubhouse Roof Plan	27 February 2020
863.205 Rev. 00	Football Club Ancillary Buildings Floor Plans & Elevations	27 February 2020
863.206 Rev. 00	Football Club Streetscene & Site Section	27 February 2020
863.207 Rev. 00	Residential Proposed Storey Heights Plan	27 February 2020
863.208 Rev. 00	Residential - Streetscenes	27 February 2020
863.209 Rev. 00	Proposed Site Parking	27 February 2020
CS098911-01	Tree Retention and Removal Plan	27 February 2020
CS098911-02	Tilbury FC & Housing Landscape Strategy	27 February 2020
CS098911-03	Existing Football Club Character	27 February 2020
CS098911-04	Proposed Football Club Hard Landscape Palette	27 February 2020
CS098911-05	Proposed Football Club Soft Landscape Palette	27 February 2020
CS098911-06	Proposed Housing Hard Landscape Palette	27 February 2020
CS098911-07	Proposed Housing Soft Landscape Palette	27 February 2020
CS098911-101	Housing Landscape Masterplan	27 February 2020

CS098911-103	Chadfields Housing Fencing and Boundary Plan	27 February 2020
CS098911-201	Landscape Masterplan and Sections	27 February 2020
CS098911-202	Football Club Landscape Masterplan	27 February 2020
CS098911-203	Football Club Fencing & Boundary Plan	27 February 2020
CS098911-301	Hard & Soft Landscape Details Sheet 1	27 February 2020
CS098911-303	Hard & Soft Landscape Details Sheet 3	27 February 2020
CS098911-304	Site Furniture Details, Bollards, Litter Bins & Seating	
CS098911-305	Site Furniture Details Cycle Shelter & Cycle Rack	27 February 2020
CS098911-306	Fencing Details	27 February 2020
G-01 REV 1	Seating Plans	27 February 2020
G-02 REV 1	Seating Plans	27 February 2020
G-03 REV 1	Seating Plans	27 February 2020
183700-010	Concept Earthworks Model Sheet 1 of 2	

The application is also accompanied by:

- Air Quality Impact Assessment (updated);
- Arboricultural Impact Assessment;
- Archaeological Desk-Based Assessment;
- Contamination Phase 1 Report;
- Design & Access Statement;
- Financial Viability Assessment;
- Flood Risk Assessment & Drainage Strategy;
- Framework Construction Management Plan;
- Landscape & Visual Appraisal and Green Belt Assessment;
- Lighting Impact Assessment;
- Noise Assessment;
- Planning Statement;
- Reptile Mitigation Strategy;
- Residential Travel Plan;
- Sports Needs Assessment;
- Statement of Community Involvement;
- Supporters Travel Plan;

- Sustainability Statement;
- Transport Statement & Technical Note;
- Training Pitches Quality Assessment; and
- Draft Community Use Agreement

Applicant:
Apex Platinum Investments Ltd

Validated:
12 March 2020
Date of expiry:
11 January 2021

Recommendation: Refuse planning permission

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

1.0 DESCRIPTION OF PROPOSAL

1.1 In summary, this report considers a hybrid planning application which seeks outline planning permission for the redevelopment of the existing Tilbury F.C. stadium site with a residential scheme of up to 112 dwellings and full planning permission for a new football stadium on the site of the existing training pitches. The table below summarises some of the main points of detail contained within the development proposal:

Site Area	Total c.4.3 Ha, comprising existing stadium (c.2 Ha) and existing training pitches (c.2.3 Ha)
Number of Dwellings (maximum)	48 no. one-bedroom flats (indicative) 25 no. two-bedroom houses (indicative) 16 no. three-bed maisonettes (indicative) 23 no. three-bed houses (indicative) Total 112 dwellings No affordable housing is proposed
Non-Residential Floorspace	Total 1,851 sq.m – comprising: • Clubhouse (1,192 sq.m)

	<ul style="list-style-type: none"> • Covered standing / seating areas, turnstiles, toilets, refreshment areas and storage (659 sq.m)
Residential Floorspace (indicative)	One-bedroom flat: 50 sq.m Two-bedroom house: 70 sq.m Three-bedroom maisonette: 84 sq.m. Three-bedroom house: 93 sq.m.
Football Stadium Capacity (spectators)	Covered standing (terraces): 1,200 Covered seating: 858 Total covered 2,058 Total spectator capacity c. 3,000
Building Heights	Clubhouse (two-storey) c. 9.8m Residential: two and three-storey (indicative) maximum c.9.4m
Parking	Football stadium: <ul style="list-style-type: none"> • 132 car parking spaces • 8 car parking spaces for disabled users • 1 coach parking space • 30 cycle parking spaces • 8 powered two-wheel parking spaces Residential development: <ul style="list-style-type: none"> • 192 car parking spaces (indicative)
Residential Density	c. 56 dwellings per hectare

1.2 As noted above, this is a hybrid planning application which seeks outline planning permission for residential development on the existing football stadium site and full planning permission for a new football stadium on the site of the existing training pitches. These two elements are described in more detail below.

1.3 Residential Development

Outline permission is sought for a residential development of up to 112 dwellings comprising an indicative mix of two and three-bedroom houses, one-bedroom flats and three-bedroom maisonettes. Details of access are provided and this is a matter for consideration at this stage. However, details of appearance, landscaping, layout and scale are reserved for future approval, should outline planning permission be granted. Access to the proposed residential development would re-use the existing

vehicular access from Chadfields. In turn, Chadfields connects to the western side of St. Chad's Road (A126).

- 1.4 Although indicative drawings have been submitted showing a potential layout of the residential development, parking arrangements and buildings heights, these details are illustrative and simply provide an indication of how the site could be developed. Similarly, the applicant has submitted a schedule of residential accommodation indicating potential dwelling types, internal floorspace, car parking provision and amenity space. However, as above, these details are submitted for information only. No affordable housing is proposed.

1.5 Football Stadium Development

Full planning permission is sought for the development of a replacement football stadium and ancillary development to be located on the site of the existing training pitches to the north-east of the current stadium. The proposed playing surface would comprise a single all-weather and floodlit artificial grass pitch, measuring c.100m x 64m, with a north-south direction of play. A covered stand containing 622 seats would be located along the western side of the pitch, with dug-outs located either side of the half-way line. Covered standing areas (terraces) each with a capacity for 600 spectators would be positioned behind the goals on the northern and southern side of the pitch. On the eastern side of the pitch would be a clubhouse, including further seating for 236 spectators.

- 1.6 The clubhouse building would be a two-storey building. At ground floor level accommodation would comprise a multi-purpose hall, function room / bar with ancillary kitchen, store and cellar, a café / coffee shop, main 'home' and 'away' team changing rooms, two separate changing rooms, changing rooms for officials, kit room, physio room, first aid room and toilets. At first floor level the proposal includes a board room, director / player lounge (with bar), chairman's office, manager's office, press room, briefing / class room, gym with ancillary toilets, showers and storage. The clubhouse would be flanked to both the north and south by single storey buildings accommodating entrance turnstiles, toilets, refreshments and storage.
- 1.7 Vehicular access for the stadium would be from a new access onto St. Chads Road located a short distance to the north of the existing junction with Handel Crescent. Car parking for 92 vehicles together with a coach parking space would be positioned to the south of the pitch, with the remaining car and other parking areas positioned to the east of the pitch. Development associated with the stadium, comprising pitch and car park lighting, fencing, soft landscaping, a flood compensation area, an area for ecological mitigation and flood defence works are also proposed.

- 1.8 The applicant's Planning Statement notes that Tilbury FC currently compete in the Isthmian League North which is level 8 of the 'football pyramid', with the Premier League comprising level 1. This level also equates to 'Step 4' of the National League system, with Step 1 being the National League (level 5 of the football pyramid). The existing stadium is categorised as 'Grade D' on the Football Association's National Ground Grading Document. The club has an aspiration to play at Step 2 of the National League system (i.e. National League South) and to enable the club to compete at this level the proposed ground will need to be classified as 'Grade B'.

2.0 SITE DESCRIPTION

- 2.1 The site of Tilbury Football Club is generally located at the north-western edge of Tilbury, adjacent to Tilbury Marshes and totals c.4.3 Ha in area. There are two distinct elements to the site comprising the football stadium itself (also known as Chadfields) and training pitches located to the north-east of the stadium.

2.2 Tilbury FC site:

The football stadium comprises the southern part of the application site and covers an area of c.2 Ha. The stadium is arranged around a single grass pitch, with a north-south direction of play. Open standing areas for spectators (terraces) are located to the north and south of the pitch, i.e. behind the goals. On the eastern side of the pitch are further open standing areas and a centrally-located covered stand containing changing rooms at ground floor level with seating above. Various ancillary buildings including toilets, grounds maintenance storage etc. are also positioned to the east of the pitch. To the south of the pitch is a clubhouse building including a bar and function room. Finally to the west of the pitch is a covered terrace and covered seating area for spectators.

- 2.3 Access to the stadium for both vehicles and pedestrians is from Chadfields at the south-eastern corner of the site. Chadfields in-turn connects to St. Chads Road (A126). A car parking area is generally located south of the football pitch and to the east and west of the clubhouse building. Floodlighting columns are arranged on the eastern and western sides of the pitch, with 4 no. columns on each side.
- 2.4 To the east of the stadium are two-storey semi-detached residential properties located in Spindles. To the north and west of the stadium is open land forming part of Tilbury Marshes. South of the site is a travellers site. The stadium is within the Metropolitan Green Belt (GB) and is also within the high risk flood zone (Zone 3a), although the site benefits from flood defences. Finally the stadium site is located within SSSI Impact Risk Zones for the nearby Hangman's Wood & Deneholes SSSI and the Mucking Flats and Marshes SSSI, Thames Estuary & Marshes SPA and Thames Estuary & Marshes Ramsar site.

2.5 Training pitches site:

To the north-east of the stadium is an open grassed area used as a training area for the club and totalling c.2.3 Ha in area. The training area is connected to the stadium site at its south-western corner. This part of the site adjoins St. Chads Road to the east but it largely screened from the road by hedgerow planting. A field gate provides access onto the A126. The northern and southern boundaries of the training pitches are defined by planting, although the western boundary is largely open. The training pitches site is also located within SSSI Impact Risk Zones for the nearby Hangman’s Wood & Deneholes SSSI and the Mucking Flats and Marshes SSSI, Thames Estuary & Marshes SPA and Thames Estuary & Marshes Ramsar site.

2.6 This part of the application site also forms part of the GB. Furthermore the training pitches site forms part of the Tilbury Flood Storage Area, which is considered to be the functional floodplain (Zone 3b) and at the highest risk of flooding. For information, the Tilbury Flood Storage area, which extends across Tilbury Marshes in between the built-up areas of Tilbury and Chadwell St. Mary, is separated from adjoining land within Flood Zone 3a by a low earth bund.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

<u>Ref.</u>	<u>Description</u>	<u>Decision</u>
55/00191/FUL	Use of land for residential purposes (training pitch site)	Refused
56/00195/FUL	Erection of clubhouse	Approved
56/00522/FUL	Clubhouse	Approved
61/00598/FUL	Committee room and store room	Approved
62/00400/FUL	New changing room	Approved
63/00308/FUL	Lavatory block	Approved
64/00214/FUL	Re-building tea rooms and press box	Approved
65/00814/FUL	8 no. 55’ floodlighting towers	Approved
65/00888/FUL	Electrical intake buildings and store	Approved
70/00595/FUL	New football stand	Approved
72/00224/FUL	New social club	Approved
72/00467/FUL	Retail market excluding fish and meat, including parking for vans and car park (training pitch site)	Refused
73/00576/FUL	Earth embankments and small concrete walls forming part of the Authority’s Tilbury Flood Relief Scheme (training pitch site)	Approved

76/00304/OUT	Superstore for retail purposes. Three squash courts and ancillary facilities. (Outline) (training pitch site)	Refused
77/00290/OUT	Shopping facilities, squash courts, play area and swimming pool. (Outline) (training pitch site)	Refused
77/01132/OUT	Bulk buy centre and retail store (Outline) (training pitch site)	Refused
80/00306/FUL	Friday market comprising 99 traders stalls, total trading frontage 302 metres, approx. 60 traders on concrete paved site road and tarmac paved area at southern end of football ground, including traders van park and public car park, market to operate each Friday	Refused
81/00235/FUL	Friday market comprising 79 traders' stalls, total trading frontage 241 metres approx. 40 traders on concrete paved site road and tarmac paved area at the southern end of the football ground, including traders van park and public car park. Market to open to the public each Friday and public Bank Holidays 10 a.m. to 4 p.m. Present use, site access, parking and circulation areas.	Refused
83/00292/FUL	Change of use to a Sunday open air market	Refused
84/00935/FUL	Sunday morning open market	Refused
92/00224/FUL	Change of use to football practice field including floodlights and fencing (training pitch site)	Refused
95/00446/FUL	Ball court	Approved
19/00922/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion - proposed residential development of 120 homes on the current site of the Tilbury Football Club stadium and relocation of football pitch, clubhouse, stadium etc. to adjacent training ground.	EIA not required

3.2 It is clear from the above table that the football stadium has occupied this site since the 1950s and an Ordnance Survey map of the area dating from the early 1950s shows a football ground with a stand and other ancillary structures located on the eastern side of the pitch. Over the decades development of the stadium has included the construction of a clubhouse etc. as indicated in the planning history above.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters sent to c.148 surrounding occupiers, press advert and public site notices which have been displayed nearby. The application has been advertised and publicised as both a major development and a departure from the Development Plan

4.3 Three letters of objection have been received raising the following concerns:

- inadequate / unsafe access to the site;
- additional traffic;
- environmental pollution;
- development would be out of character;
- overlooking property;
- noise generation; and
- sale of alcohol would cause disturbance.

A letter has also been received from the planning agent representing the Port of Tilbury. This letter refers to London Distribution Park site (occupied by Amazon, Travis Perkins etc.) located c.500m from the application site and promotion of further port-related development land at Tilbury Marshes, adjacent to the football club site. The agent queries whether the development currently proposed could prejudice any future port-related development and suggests that planning conditions attached to any planning permission for the football club should future-proof the development.

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

4.5 ANGLIAN WATER:

No objection. Suggested informatives regarding sewerage.

4.6 CADENT:

Advise of the proximity of the site to gas infrastructure locally.

4.7 ENVIRONMENT AGENCY:

No objection, subject to a planning condition requiring a management plan for the flood wall.

4.8 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection.

4.9 EDUCATION:

Request a financial contribution to mitigate the impacts of the residential development on nursery, primary and secondary education.

4.10 EMERGENCY PLANNING:

Refer to the Environment Agency's original holding objection (dated April 2020) – n.b. this objection has now been removed (subject to condition).

4.11 ENVIRONMENTAL HEALTH:

No objection, subject to conditions for a CEMP, Noise Management Plan and lighting/contamination in accordance with submitted information.

4.12 FLOOD RISK MANAGER

No objection, subject to conditions addressing surface water drainage.

4.13 HIGHWAYS:

No objection subject to conditions.

4.14 HOUSING:

Note that no affordable housing offered and consequently the application does not contribute towards the current demand for affordable housing.

4.15 LANDSCAPE AND ECOLOGY:

Subject to the proposed mitigation measures being delivered it is considered that the proposed scheme would not have any significant ecological impacts. A RAMS mitigation payment is required.

The development of the new stadium would result in adverse effects on the landscape character and loss of openness within the expansive marshland landscape.

4.16 NHS:

No objection, subject to £43,700 contribution towards local healthcare provision.

4.17 ESSEX POLICE:

Recommend a planning condition to address secure by design.

4.18 RECREATION AND LEISURE:

No objection.

4.19 SPORT ENGLAND:

No objection, subject to conditions.

4.20 PUBLIC HEALTH:

Recognise that the proposal could deliver benefits and opportunities to the area in terms of additional homes, jobs and improved sporting facilities.

5.0 POLICY CONTEXT

5.1 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:

5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;

9. Promoting sustainable communities;
12. Achieving well-designed places;
13. Protecting Green Belt land;
14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural environment.

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:

- Air quality
- Climate change
- Design: process and tools
- Determining a planning application
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

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

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 Procedure:

With reference to procedure, this application has been advertised as a major development and as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The main issue for consideration in this case is the assessment of compliance with planning policies for and impact on the GB. The assessment below therefore covers the following areas:

- I. Principle of the development and the impact on the GB;
- II. Design and layout issues;
- III. Landscaping and visual impact;
- IV. Traffic impact, access and car parking;
- V. Flood risk and drainage;
- VI. Effect on neighbouring occupiers;
- VII. Ecology and biodiversity;
- VIII. Noise;
- IX. Land contamination;
- X. Energy and sustainable buildings; and
- XI. Viability and planning obligations.

6.3 I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT ON THE GB

It is considered that there are two distinct, though closely related, elements of the proposals: firstly the residential development on the existing stadium site; and secondly the proposed replacement stadium located on the site of existing training pitches. As the entire site is located within the Green Belt, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals, alongside part 13 of the NPPF (Protecting GB land). The Green Belt designation engages adopted Core Strategy policies as follows:

Core Strategy Spatial Policy CSSP4 (Sustainable Green Belt)

1. Balancing competing demands on the Thurrock Green Belt

The Council's policy is to maintain the purpose, function and open character of the Green Belt in Thurrock in accordance with the provisions of PPG2 for the plan period.

The Council will:

- i. Maintain the permanence of the boundaries of the Green Belt, excepting the proposed Urban Extension Broad Locations Identified in this policy, Policy CSSP 1 and as shown on the Proposals Map.*
- ii. Resist development where there would be any danger of coalescence.*
- iii. Maximise opportunities for increased public access, leisure and biodiversity.*

2. Locating sustainable development at Broad Locations adjoining the Thurrock Urban Area and Outlying Settlements.

The Council will direct development to the following Urban Extension Broad Locations subject to the provisions of policies CSSP1, CSSP2, CSSP3, CSTP1 and the provisions set out below:

i. Opportunities for Leisure and Sport in the Green Belt

- i. The Council's policy is that the constructive and positive use of the Green Belt for sports and leisure purposes is an essential component of the Thurrock Spatial Strategy that will underpin the sustainable development and regeneration of Thurrock to the long-term benefit of local people.*
- ii. The Council will actively encourage the pursuit of leisure and sports activities appropriate to the Green Belt by improving connectivity between Thurrock's Urban Areas and the Green Belt to promote this asset for the enjoyment and well being of Thurrock's communities.*
- iii. In particular, the Council will support the development of Sports Hubs in Green Belt land at North East Grays and at Belhus (shown on the Key Diagram and*

included in the Adopted Site Specific Allocations and Policies DPD and identified on the Proposals Map).

- 6.4 Part 1. of this Spatial Policy sets out the Council's objective of maintaining the *"purpose, function and open character of the Green Belt in Thurrock in accordance with the provisions of (the former) PPG2"*. The "Urban Extension Broad Locations" mentioned at part 2. of this policy do not identify Tilbury as a location. A policy of *"constructive and positive use of the Green Belt for sports and leisure purposes"* is referred to by CSSP4 alongside the *"pursuit of leisure and sports activities appropriate to the Green Belt"*. Policy CSSP4 goes on to state that the development of sports hubs on the Green Belt at north-east Grays and Belhus (Aveley) will be supported.
- 6.5 Under the heading of Green Belt considerations it is necessary to refer to the following key questions:
- i. whether the proposals constitute inappropriate development in the Green Belt;
 - ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 - iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
- 6.6 i. whether the proposals constitute inappropriate development in the GB:

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

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

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

6.7 Proposed Residential Development:

It is considered that the proposed development of up to 112 dwellings does not fall within any of the exceptions to the definition of inappropriate development set out by paragraphs (a) to (f) above. With regard to paragraph 145(g) the existing football stadium contains a number of permanent structures (clubhouse, spectator stands, changing rooms etc.) together with associated fixed surface infrastructure (floodlight columns, fencing, car parking etc.). A number of demountable temporary buildings are also present on-site. Therefore, the football stadium could be considered to fall within the definition of previously developed land (PDL) as defined at Annex 2 of the NPPF. Nevertheless, paragraph 145(g) notes that the limited infilling or the partial or complete redevelopment of PDL is only an exception to inappropriate development where it would “*not have a greater impact on the openness of the Green Belt than the existing development*”. In this case it is considered that the development of up to 112 dwellings, with associated vehicular / pedestrian access and residential curtilages etc. would have a significantly greater impact on the spatial and visual aspects of openness than the existing football stadium. As an example, the applicant’s Planning Statement refers to the existing built form on the stadium totalling c.1,260 sq.m. (gross internal area), whereas the proposed residential development would total c.7,600 sq.m. floorspace. Consequently the residential development cannot be considered as an exception under paragraph 145(g) and is therefore inappropriate development.

6.8 Proposed New Stadium Development:

As above, paragraph 145 of the NPPF is relevant to the proposed stadium buildings as follows:

“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”*

- 6.9 Paragraph 145(b) therefore applies two tests apply for development under this heading to qualify as an exception to inappropriate development –
- (1) the provision of appropriate (emphasis applied) facilities for outdoor sport; and
 - (2) provided those (appropriate) facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.10 Although the NPPF provides no interpretation of “*appropriate facilities*” a view could be taken that such facilities are those which function primarily support the outdoor sport use. On this point, and although now replaced by the NPPF, the former PPG2 (Green Belts) (January 1995, amended March 2001) referred at paragraph 3.4 to “*essential facilities for outdoor sport and outdoor recreation*”. At paragraph 3.5 the former PPG2 stated that “*Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it*”.
- 6.11 It should be noted that the NPPF refers to “*appropriate facilities*” whereas the former PPG2 referred to “*essential facilities*” and it could be argued that the NPPF is not as stringent and implies that there should be only be a suitable link between the facilities and the outdoor sport use. However, it would be relevant for the local planning authority to consider whether elements of the proposals (such as the café / coffee shop, multi-purpose hall, function room / bar areas) can be genuinely defined as “*appropriate facilities*” for outdoor sport.
- 6.12 The Football Association’s ‘National Ground Grading’ categories provide some guidance for the facilities necessary at a football ground relevant to position in the National League System (NLS). The football club currently compete at Step 4 of the NLS (Isthmian League – North) and has an aspiration to play at Step 2 (i.e. National League South). A comparison between ground grading categories D (Step 4) and B (Step 2) suggests that the only material differences relate to spectator capacity and how those spectators are accommodated. A Category B ground requires a minimum capacity of 3,000, with minimum covered accommodation for 500 including 250 seats. The application includes provision for 858 covered seats and covered terracing for 1,200, giving a total covered accommodation for 2,058 spectators. This is comfortably in excess of both the FA’s minimum requirements and recent attendances at the ground (2018/9 season average attendance c.145 spectators). It is also notable that the proposed stadium would result in a substantial increase in built floorspace (c.1,850 sq.m) compared to the existing stadium (c. 1,260 sq.m).
- 6.13 The second test set out at paragraph 145(b) of the NPPF refers to the need for appropriate outdoor sports facilities to “*preserve the openness of the Green Belt and not conflict with the purposes of including land within it*”. Under the chapter heading of Green Belt, Planning Practice Guidance (PPG) includes reference to the factors

which can be taken into account when considering the potential impact of development on openness. PPG confirms that openness is capable of having both spatial and visual aspects. As the northern land parcel is currently free of any built development, it is inevitable that the proposed clubhouse, stands, auxiliary buildings, turnstiles, floodlighting columns and pitch / security fencing will have an impact on openness. Consequently, the proposed football stadium does not benefit from the exception at paragraph no. 145(b) and is therefore inappropriate development. Although the replacement of a building is cited by paragraph 145 (d) as an exception to inappropriate development, the replacement should not be materially larger than the one it replaces. As noted in the paragraph above, the proposed stadium would be c.600 sq.m larger in floorspace than the current stadium buildings and this exception does not apply.

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

The analysis in the paragraphs above concludes that the residential and replacement stadium development is inappropriate development. NPPF para. 143 confirms that inappropriate development is, by definition, harmful to the GB. However, it is also necessary to consider whether there is any other harm (NPPF para. 144). As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt s being described as their openness and their permanence.

6.15 Proposed Residential Development:

Although outline planning permission only is sought for the proposed residential development, with details of layout reserved, it is apparent from the submitted indicative drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development on the current football stadium site and would increase the amount of built floorspace from c.1,260 sq.m. to c.7,600 sq.m. Two and three-storey residential development is indicated and it is considered that these storey heights distributed across the existing stadium site would increase the bulk and mass of built development, harming the openness of the Green Belt compared to the existing development. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

- 6.16 It is considered that the proposed residential development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the residential development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the proposed dwellings would generate traffic movements and this activity would also impact negatively on the openness of the Green Belt. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.
- 6.17 Paragraph no. 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 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
- 6.18 In response to these five purposes although the NPPF does not define the term, it is considered that the town of Tilbury does comprise a "large built up area". The site of the existing football club is located at the north-western edge of Tilbury, adjacent to the open area of Tilbury Marshes. Consequently, it is considered that the proposed residential development would, to a degree, harm the Green Belt purpose of checking the unrestricted sprawl of Tilbury. Tilbury is separated from Grays to the west and Chadwell St. Mary to the north by open Green Belt land. Therefore, it is considered that, to a limited degree, the proposed residential development would harm the Green Belt purpose of preventing neighbouring towns from merging. As the existing football stadium site is partly developed it is considered that the proposed residential development would not cause harm to Green Belt purpose (c) which is to assist in safeguarding the countryside from encroachment. The residential development would not result in harm to Green Belt purpose (d). Regarding purpose (e) the proposed residential development is closely linked to the replacement football stadium and is promoted by the applicant as 'enabling development'. In these circumstances it would be unreasonable to expect the residential development to occur within the built-up area and there would be no demonstrable harm to this purpose of the Green Belt.
- 6.19 In summary under this heading it is considered that the proposed residential development would cause some harm to the openness of the Green Belt and would

harm Green Belt purposes (a) and (b). In accordance with paragraph no. 144 of the NPPF substantial weight should be accorded to this harm.

6.20 Proposed New Stadium Development:

Full planning permission is sought for the proposed replacement football stadium and the details of the proposed buildings, car parking and ancillary development are provided in the 'Description of Development' above. The stadium would be located on the site of the existing training pitches, which is an area of open land with no built form. The proposed development of permanent stadium buildings comprising the clubhouse, turnstiles, refreshment areas and covered spectator stands would introduce built form onto open Green Belt land. The introduction of c.1,850 sq.m of floorspace, with buildings up to 9.8m in height, together with associated fencing (up to 10m in height), floodlighting columns (up to c.16m high) and the car parking area would harm the openness of the Green Belt. As above, advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

6.21 It is considered that the proposed football stadium development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the stadium would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the stadium would generate traffic movements and this activity would also impact negatively on the openness of the Green Belt.

6.22 With regard to the impact of the new stadium on the purposes of including land within the Green Belt, and similar to the considerations associated with the proposed residential element of the scheme it is considered that the proposal would cause some harm to GB purposes (a) and (b). However, as the football stadium would be built on land which is currently open, there would be harm to the purpose (c) of the Green Belt in safeguarding the countryside from encroachment.

6.23 In summary under this heading, it is considered that the proposed stadium development would cause harm to the openness of the Green Belt and would harm Green Belt purposes (a), (b) and (c). In accordance with paragraph no. 144 of the NPPF substantial weight should be accorded to this harm.

6.24 iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development

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

6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

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

- i. the application will secure the long term future of Tilbury Football Club and will ensure that it continues to serve the residents of Tilbury;
- ii. the provision of outdoor sports and recreational facilities is appropriate development within the Green Belt;
- iii. the residential development is an enabling development that will directly fund the new stadium and its facilities and is supported by a full viability statement that demonstrates this relationship;
- iv. there is currently a significant shortage of community facilities serving the residents of Tilbury. The provision of a comprehensive community facility, in this accessible location will have significant wider benefits for the community;
- v. the scheme will have a positive impact on health and wellbeing of the residents of Tilbury and the wider area through the provision of first class, modern health and fitness facilities that will be made available to them; and
- vi. in the absence of an up to date Local Plan, and a demonstrable 5 year housing land supply position, the scheme will deliver 112 new homes at a sustainable

location.

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

6.27 *i. the application will secure the long term future of Tilbury Football Club and will ensure that it continues to serve the residents of Tilbury*

Applicant's Case:

The club has an ambition to secure promotion through the football leagues and reference is made to the 'National Ground Grading' categories set out by the FA. The club consider that its future lies in demolition and redevelopment of the stadium and that the residential development is required to enable the new football facilities. Tilbury FC is considered to be a community asset and in a climate where some long-established football clubs have ceased to exist, the proposals would secure the long-term future of the club. In order to maintain its links with the local community the replacement stadium must be within Tilbury, however there are no other sites within the built-up area of Tilbury that could accommodate the proposals.

6.28 Assessment:

It is understandable that any football club, including Tilbury F.C. would wish to secure their financial future, especially considering the low gate income associated with small spectator attendances. Similarly, as football is a competitive game, it is natural that any football club, not just Tilbury FC, would wish to compete at a higher level. The ambition of competing at a higher level and ensuring financial stability are natural aspirations for any football club, but in terms of land use planning it is not considered that these ambitions are compelling arguments which would justify inappropriate development in the Green Belt. The club considers that it is 'community asset' and in this regard Tilbury FC is similar to many lower and non-league football clubs, where the club runs a number of junior and youth football teams in addition to the first team. The wider community benefits of the development are considered in more detail below. The applicant considers that the relocated stadium should be within Tilbury and this aim is understandable. Although the application is not supported by a 'sequential test' to demonstrate whether other non- Green Belt sites are available for the development, it is clear that the built-up area of Tilbury is generally bounded by Green Belt land to the north and Tilbury Docks to the south. The only possible sites within Tilbury for a re-located stadium are existing open spaces such as King George's Field, which are not within the control of the applicant. The applicant's wish to re-provide the football stadium on an adjacent site within its control is natural, but does not necessarily provide a compelling argument to justify inappropriate Green Belt development. Similarly the ambition of the club to compete at a higher level and

secure its financial future is understandable, but not exceptional.

6.29 ii. the provision of outdoor sports and recreational facilities is appropriate development within the Green Belt

6.30 Applicant's Case:

The applicant considers that a large proportion of the development is in compliance with Green Belt policy and refers to paragraph 145(b) of the NPPF (appropriate facilities for outdoor sport). The applicant contends that all of the proposed stadium facilities are appropriate, proportionate and necessary to meet FA requirements. However, the applicant notes that the proposed flexible community space requires further justification (as it does not directly serve the club and is not a FA ground regulations requirement). The applicant considers that the wider community benefits of the flexible space outweigh any Green Belt harm. In relation to the proposed residential development, the applicant states that the new housing will pay for the stadium and that wider benefits outweigh harm. The applicant also refers to NPPF paragraph 145(g) which states that the limited infilling or the partial or complete redevelopment of previously developed land is an exception to inappropriate development. The applicant considers that the NPPF would 'allow' some form of redevelopment on the stadium site and that the harm to the Green Belt is outweighed by other considerations.

6.31 Assessment:

Consideration of whether the proposals qualify from the exceptions to inappropriate development for new buildings under NPPF paragraph no. 145 is provided in the paragraphs above. To recap, paragraph 145(b) sets the following exception to inappropriate development:

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 Green Belt and do not conflict with the purposes of including land within it

This exception could only conceivably apply to the new stadium development as it is beyond doubt that the accompanying residential development is inappropriate development.

6.32 Paragraph 145(b) essentially applies two tests apply for development under this heading to qualify as an exception to inappropriate development –

(1) the provision of appropriate facilities for outdoor sport; and

(2) provided those appropriate facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

6.33 The term “appropriate facilities” is not defined by the NPPF but can be reasonably interpreted as there being a suitable link between the proposed built facilities and the outdoor sport use. In order to operate as a football club and meet the FA’s National Ground Grading requirements, a level of built floorspace / development is required comprising in summary:

- floodlighting
- covered spectator accommodation, including seats
- refreshment facilities
- dressing rooms
- toilets
- adequate car parking.

6.34 The proposals include the above elements and thus are, in principle, appropriate development in the Green Belt. However, the proposed clubhouse building also includes a multi-purpose hall, which the applicant concedes does not directly serve the club. It must also be questioned whether a proposed café / coffee shop within the clubhouse is suitably linked to the outdoor sport use, especially when other refreshment facilities would be provided within the stadium. These elements of the proposals are considered to be beyond the scope of ‘suitably linked’ to footballing activities and therefore must be considered as inappropriate. It has already been noted above that the proposed capacity of covered spectator accommodation, including seats, is 2,058. Club attendances for the 2018/19 season averaged c.145 spectators and although the club understandably wish to ‘future-proof’ the ground for any future promotion, the proposed spectator accommodation, and hence built development in the Green Belt, far exceeds recent attendances. As there are elements of the proposed stadium which are not suitably linked to football activities it must follow that those elements are inappropriate.

6.35 The second test set out at paragraph 145(b) of the NPPF refers to the need for appropriate outdoor sports facilities to “*preserve the openness of the Green Belt and not conflict with the purposes of including land within it*”. Under the chapter heading of ‘Green Belt’, Planning Practice Guidance (PPG) includes reference to the factors which can be taken into account when considering the potential impact of development on openness. PPG confirms that openness is capable of having both spatial and visual aspects. As the proposed site of the replacement stadium is

currently free of any built development, it is inevitable that the proposed clubhouse, stands, auxiliary buildings, turnstiles, floodlighting columns and pitch / security fencing will have an impact on openness. Consequently, the proposed football stadium does not benefit from the exception at paragraph no. 145(b) and is therefore inappropriate development.

- 6.36 The applicant also refers to NPPF paragraph no. 145(g) which provides the following exception to inappropriate Green Belt development comprising new buildings:

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

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

- 6.37 The definition of previously developed land (PDL) includes land which is occupied by *a permanent structure ... and any fixed surface infrastructure*. As set out earlier in this report, the existing football stadium site can be considered to qualify as PDL. However, it is considered that the proposed residential development would have a greater impact on the openness of the Green Belt, for the reasons given above. Furthermore, as no affordable housing is proposed, the second limb of paragraph 145(g) as an argument that the residential development is appropriate.

- 6.38 In conclusion under this heading, there is no dispute that the proposals include facilities which are necessary for the operation of the football club. However, the applicant concedes that the 'flexible community space' does not directly serve the club and is not an FA requirement. Furthermore the exception at NPPF para. 145(b) requires that the outdoor sports facilities "*preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*". The proposed replacement stadium would not pass this test and is therefore inappropriate development. It has already been concluded that the residential development does not benefit from any of the exceptions at NPPF para. 145 and is also inappropriate development. The applicant's case under this heading does not weigh in favour of the proposal.

- 6.39 *iii. the residential development is an enabling development that will directly fund the new stadium and its facilities and is supported by a full viability statement that*

demonstrates this relationship

6.40 Applicant's Case:

It is considered that the existing stadium is 'run-down'. The proposed new stadium relies on the residential development to generate the funds and 'enable' the new football facilities, which will have wider community benefit. A financial viability assessment demonstrates that the 112 dwellings will pay for the new stadium, although the provision of 40% affordable housing will leave the scheme with a negative residual land value and therefore unviable, whereas a solely market housing scheme is economically viable. As the club own all of the site and could not bear the costs of acquisition of a different site, this application secures the long term future of the club.

6.41 Assessment:

The application has been presented on the basis that the redevelopment of the existing stadium for residential purposes will generate the funds to pay for the new stadium and this intention is not questioned. The matter of financial viability and potential s106 obligations is separately considered elsewhere in this report. In summary, the proposals are accompanied by a viability appraisal which has been independently assessed. The 'executive summary' of the independent assessment (which can be made publicly available) concludes that, with a revised build cost of c.£5.97 million for the replacement football stadium, the residual land value of the development is minus c.£418,000 after an allowance has been made for s106 financial contributions. The overall development is therefore financially unviable and cannot support the provision of any affordable housing.

6.42 The financial viability of the development proposals has therefore been 'agreed' between the applicant and the Council-appointed independent assessor. However, the position on viability can be considered to be a technical exercise which would apply to any development proposal and is not necessarily a crucial matter in the key policy test of whether other considerations combine to clearly outweigh Green Belt harm such that VSC exist. The matter of financial viability and the relationship between the proposed residential development as enabling development to facilitate the replacement stadium are factors which would come into play whether the site was located in the Green Belt or not. It is considered that the applicant's case under this heading does not provide a compelling case to demonstrate that harm to the Green Belt is clearly outweighed. The understandable desire of the club to relocate onto an adjacent site within their control is considered, in relation to Green Belt policy, earlier in this report.

6.43 iv. there is currently a significant shortage of community facilities serving the

residents of Tilbury. The provision of a comprehensive community facility, in this accessible location will have significant wider benefits for the community

6.44 Applicant's Case:

The application is supported by a 'Sports Pitch Needs Assessment' which concludes that there is a need for new pitches in Tilbury. The proposed all-weather pitch will serve Tilbury F.C. and Hashtag United primarily, but will also serve the Tilbury F.C. junior and youth sides. Other clubs and teams have also expressed an interest in using the facilities, including Gateway Academy who are interested in using the proposed gym and flexible community space floorspace (multi-purpose hall). The applicant notes that The Martial Academy, currently based in the Civic Square are in need of new accommodation. The applicant considers that the stadium facilities can be put to wider community use.

6.45 Assessment:

The application site currently contains two full-sized football pitches (one within the stadium and one training pitch), plus other areas for training within the northern land parcel. If approved, the development would actually lead a net loss in pitches, however an all-weather playing surface can clearly be used more intensively than a natural grass surface.

6.46 The Council's 'Open Spaces Strategy 2006-2011', 'Community Needs and Open Spaces Study' and 'Outdoor Sports Strategy', which were published to support the Core Strategy all suggest a shortfall in football pitch provision, especially for junior football, in the Tilbury area. These studies also identify a range in the quality of outdoor pitches. The proposed all-weather pitch would clearly represent an improvement in the quality of pitch provision in the area, with the artificial surface and floodlighting allowing for more intensive use compared to a grass pitch. The Council's Recreation & Leisure Services Manager notes that the 3G pitch will increase the capacity and opportunity for training. Sport England raises no objection to the proposals, subject to conditions. Consequently there is no dispute that the proposed playing pitch represents an improvement in quality and carrying capacity on the current situation. The pitch would also add to the existing all-weather pitch provision in the area, which currently comprises a full-size floodlight pitch marked-out for football and hockey, which is located at The Gateway Academy, a short distance to the north.

6.47 In order to secure the wider use of the facilities at the proposed stadium, the applicant has submitted a draft Community Use Agreement (CUA) which sets out a framework for use of stadium facilities by the wider community. This draft agreement, which has not been subject to detailed scrutiny by officers, follows the 'standard' agreement

formulated by Sport England and identifies the Martial Academy, Gateway Academy, Council and applicant as parties. The basic aim of all CUAs is to identify those proposed facilities which will be made available for wider use, including the days and times of community use. It is common for such agreements to establish a management committee in order to set a pricing regime etc. In terms of the proposed facilities which will be 'offered' for community use, it is assumed that the all-weather pitch, associated changing rooms, multi-purpose hall (ground floor of clubhouse) and gym (first floor of clubhouse) will be made available. However, at present the day / times of community use and charging rates for the facilities are not known. The draft CUA includes the Gateway Academy as a party and includes provisions where the Academy will make facilities available to applicant. The Academy has not provided comments to the local planning authority and any such arrangements between the Academy and Tilbury F.C. must be kept separate from a CUA, which can only address those proposed new facilities. Sport England has commented to this effect and the link with the Gateway Academy should not form part of the current planning consideration. In any case, the planning permission for Gateway Academy (ref. 04/01363/TBC) was subject to a planning condition requiring a CUA and research suggests that the fitness suite, gym, sports hall and 3G pitch are available for the community to book.

6.48 Anecdotally it has been recently reported in the local press that the Martial Academy is seeking new premises and their inclusion in the draft CUA is welcomed. As noted above the sporting facilities at the Gateway Academy are already available for community use. However, the addition of further facilities for wider community use is welcomed and is a factor which weighs in favour of the proposals.

6.49 *v. the scheme will have a positive impact on health and wellbeing of the residents of Tilbury and the wider area through the provision of first class, modern health and fitness facilities that will be made available to them*

6.50 Applicant's Case:

The applicant refers to social and demographic data which record that Tilbury is relatively deprived compared to Thurrock as a whole. Reference is made to the following statistics for Tilbury:

- higher proportion of children / younger people;
- higher premature mortality rate; and
- higher adult obesity.

Similar to the 'community facilities' considerations promoted above, the applicant considers that the all-weather pitch, gym and multi-purpose hall will provide healthcare benefits to local residents and will encourage participation in sport and

healthy lifestyles.

6.51 Assessment:

The Council's Public Health Team refers to data for the Tilbury St. Chads ward which confirms the following range of socio-economic factors:

- higher percentage are children aged 0-15 years when compared to Thurrock and England;
- most deprived Ward in Thurrock;
- child poverty higher than the Thurrock and England averages;
- level of council rented homes higher than the Thurrock and England averages;
- overcrowding higher than the Thurrock and England averages;
- child obesity higher than the Thurrock and England averages;
- life expectancy is 3 years lower than the rest of Thurrock and England, with mortality rates from circulatory disease, cancer, coronary heart disease and respiratory disease all higher; and
- unemployment is higher than the Thurrock and England averages.

6.52 It is considered that the issues of potential benefits to the local community (considered above) and benefits to health outcomes are closely related. Although the proposals would have no effect on the age profile, deprivation, poverty, housing tenure, overcrowding or unemployment in Tilbury, it is considered that providing facilities which are made available to the wider community could assist in increased participation in more active lifestyles. Members will be aware of the emerging proposals for an integrated medical centre in central Tilbury which will provide a health 'hub' for a range of healthcare services. However, it may be some time before the new medical centre is delivered and, until it is, residents of the proposed new housing will put additional pressure on existing healthcare infrastructure. The consultation response from the NHS notes that 3 of the 4 healthcare practices located within 2km of the site are already over capacity and so a financial contribution is sought to mitigate the impact of the development. The Applicant is agreeable to payment of the healthcare contribution.

6.53 In conclusion under this headline, subject to a suitable CUA it is considered that the facilities within the stadium (pitch, gym and multi-purpose hall) have the potential to improve access to more active lifestyles. Increased participation in physical exercise could help to address some of the health-related problems listed above. The issues of community use and health are intrinsically related, in that wider community use of

the facilities can lead to better health outcomes. This factor weighs in favour of the proposals.

6.54 vi. In the absence of an up to date Local Plan, and a demonstrable 5 year housing land supply position, the scheme will deliver 112 new homes at a sustainable location

6.55 Applicant's Case:

The applicant considers that, as the Council has no up to date local plan policies and cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development must carry significant weight. Reference is also made to the allocation of the site in early drafts of the site allocations document. The Council's policies are considered to be out of date.

6.56 Assessment:

The existing football stadium site and the site of the adjacent training pitches were both identified within the 'Core Strategy and Policies for the Management of Development Focused Review: Broad Locations and Strategic Sites – Issues and Options' published in January 2013. This consultation document followed the adoption of the original Core Strategy in 2011 and sought to identify potential sites which could deliver community benefits, via infrastructure and facilities, and facilitate a continuing five-year housing land supply. However, as the Council took the decision to embark on the preparation of a new Local Plan in early 2014, work on the Core Strategy Broad Locations and Strategic Sites document was suspended indefinitely. Reference to this document should carry no positive weight in the planning balance.

6.57 The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt. The housing land supply consideration carries significant positive weight for planning applications within the Borough. However, the NPPF's presumption in favour of sustainable development (para. 11) is only engaged for sites or locations with a Green Belt designation after they have been shown to satisfy GB tests (either of being appropriate development or demonstrating VSC). If Green Belt policy provides a clear reason for refusing permission, there is no scope for the presumption to apply. It is clear from the NPPF (para. 133) that the permanence of the Green Belt is one of its essential characteristics, and this is inevitably eroded if Green Belt land is released to meet a shortfall in the five year housing supply or affordable housing needs, and in that context officers consider that the contribution of the proposals towards five year housing land supply is not a sufficiently strong factor to justify a departure from normal planning policies.

6.58 Green Belt Conclusions:

Officers conclude that the proposals for residential development on the site of the existing stadium comprise inappropriate development as the exception at paragraph. 145(g) of the NPPF does not apply as the development exceeds the existing. With regard to the proposed new football stadium, the exception at para. 145(b) of the NPPF sets out the tests of ‘appropriateness and preserving openness along with lack of conflict with the purposes of the Green Belt. Although the majority of the football stadium proposals can be considered ‘appropriate’ for outdoor sport, some elements fall outside this scope. The proposals would also cause some harm to the openness and the purposes of the Green Belt. Consequently, the development would be harmful by definition with reference to paragraph 143. The proposals would reduce the openness of the Green Belt and, with reference to the purposes of the Green Belt defined by NPPF para. 134, would result in a degree of sprawl, coalescence and encroachment contrary to purposes (a), (b) and (c). In accordance with NPPF paragraph 144 “substantial” weight should be given to this harm.

6.59 With reference to the applicant’s case for other considerations, an assessment of the factors promoted is provided in the analysis above. However, for convenience, the weight which can be attached to the factors promoted by the applicant can be briefly summarised as:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Securing the long term future of Tilbury Football Club	Little weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Appropriate development	No weight
		Enabling development	Little weight
		Community benefits	Moderate weight
		Health and wellbeing benefits	Moderate weight
		Five year housing supply	Significant weight

6.60 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 by other considerations, including the benefits of the development, must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and some conflict with the purposes of the Green Belt. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the GB Green Belt (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. 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 VSC.

6.61 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.”

6.62 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case it is considered that the contribution towards housing land supply (albeit with no affordable housing provision) and the linked community and healthcare benefits are material considerations which weigh strongly in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above. It is concluded that the Green Belt arguments are finely balanced. However, the policy 'test' at para. 144 is that harm must be clearly outweighed. For this application it is considered that the benefits of the proposals, although laudable, do not clearly outweigh the Green Belt harm and as a consequence VSC do not apply.

6.63 II. DESIGN AND LAYOUT ISSUES

In addition to the NPPF, which emphasises the importance of good design, Core Strategy policy CSTP22 (Thurrock Design) requires proposals to have, inter-alia, a 'positive response to the local context', and policy CSTP23 (Thurrock Character & Distinctiveness) seeks inter-alia to 'protect, manage and enhance the character of

Thurrock to ensure improved quality and strengthened sense of place'. Policy PMD2 states 'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'.

- 6.64 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide (titled 'Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:
- understanding the place;
 - working with site features;
 - making connections; and
 - building in sustainability.
- 6.65 The layout of the proposed stadium would have the all-weather pitch to the centre with covered seating or standing areas to the north, south and west of the pitch and a two-storey clubhouse to the east of the pitch, which also has covered seating to the front. There would be parking areas to the south and east of the pitch and a flood compensation and reptile refuge area to the north-west corner of the site. As explained above, the improved pitch and facilities would enable the club to have the ability to move from Category D to Category B of the FA requirements, subject of course to promotion.
- 6.66 The new clubhouse would have a monopitch roof which would increase in height into the site. The building would be of a modern appearance and would appear visually more attractive when compared with the current facilities. The clubhouse building would have a frontage on to St Chads Road which would elevate the visibility of the club as they are presently largely hidden from public vantage points.
- 6.67 The proposed housing in the southern half of the site is submitted in outline form, with details reserved for future approval except for access. Nonetheless, an indicative layout has been provided with the application. The layout demonstrates a development which would have a mix of houses and flats with a children's play area and public open space indicated to the central southern section of the housing. This meets the recommendations of Natural England for developments of over 100 dwellings provide additional measures to enhance open space or green infrastructure provision in the vicinity of the development. Core Strategy policy PMD5 also requires new development to provide areas of public open space on-site.
- 6.68 Overall, the proposed development is considered to be acceptable in design terms having regard to the Thurrock Design Strategy SPD, policies CSTP22, CSTP23 and

PMD2, alongside the requirements of the NPPF and PPG. No objections are raised to the detailed design of the stadium, which is largely defined by FA guidance, or the indicative details of the residential development.

6.69 III. LANDSCAPE & VISUAL IMPACT

The northern parcel of the site is positioned on open marshland landscape. The Council's Landscape Capacity Study (2005) designates the northern part of the site as within the 'C5 – 'Tilbury Marshes' landscape character area. The key landscape characteristics of this character area are:

- low lying, level landscape
- horizontal landform
- large scale landscape
- network of linear ditches
- southern skyline of dock cranes, chimneys, pylons and power lines
- close proximity of residential areas.

6.70 A Landscape and Visual Impact Appraisal submitted with the application recognises that the development of the stadium would have adverse effects on landscape character. Nevertheless, the overall effects are considered lower due to the presence of the Gateway Academy to the north. The proposed clubhouse would be c.9m tall and there will be floodlight columns around the pitch. Therefore, the development of the new stadium in the northern field would alter the character of this open landscape, resulting in only a narrow strip of open land remaining between the urban edge of Tilbury and the Gateway Academy. A detailed landscape scheme has been provided which shows that some ornamental and groundcover planting will be provided to enhance the new entrance and car park. The access to the rear of the site will use grass reinforcement to lessen the amount of hard surfacing around the development.

6.71 The southern section of the site is outside of the character area mentioned above and is previously developed land. It is not considered the current football ground makes a particularly positive contribution to the local landscape character. The proposed housing scheme has the potential to enhance visual amenity through improving boundary treatments and landscaping. The housing scheme is outline form except for access; however a detailed landscape scheme has been provided. In principle, this scheme is considered appropriate.

6.72 It is considered that the proposed new stadium would have adverse landscape and visual effects, being out of character with the marshland landscape and reducing the sense of openness on this part of Tilbury Marshes. However, this impact must be balanced with other developments within the character area. Additionally, the design

of the clubhouse will reduce the impacts as seen from St Chads Road.

6.73 In conclusion, it is considered that the development of the new stadium would result in adverse effects on the landscape character and loss of openness within the expansive marshland landscape. The significance of the effects is however reduced by other large scale development within the vicinity, particularly the Gateway Academy building. The Council's Landscape and Ecology advisor, on balance, does not object on the potential landscape and visual impact and therefore the proposal is considered to be acceptable having regard to Core Strategy policies CSTP22, CSTP23 and PMD2.

6.74 IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

The stadium and associated facilities would be served by a new crossover on to St Chads Road (A126). The housing development would be accessed through the existing access within Chadfields, which in turn accesses onto the A126. The new stadium entrance will mean a bus stop would need to be moved, which the Council's Highways Officer does not object to.

6.75 In terms of the overall effect of the proposals on highways, the Highways Officer has stated they do not consider that the proposal would have a significant highways impact. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.76 Proposed car parking provision for the stadium would be 132 spaces, with a further including 8 spaces for disabled users, and 1 coach parking space. The Council's Draft Parking Standards and Good Practice document (2012) suggests maximum car parking provision of 20 spaces per pitch plus 1 space per 10 spectator seats for outdoor sports pitches, giving a recommended maximum figure of 106 spaces. The proposed provision of 140 spaces comfortably exceeds this figure and the extent of the car parking area has implications for impact on the Green Belt which are considered above. However, in purely highway terms an 'oversupply' of car parking could accommodate occasions when the football pitch and gymnasium etc. are fully occupied. FA guidance recommends a level of car parking 'adequate' for the facility, which is perhaps of little use to the consideration of highways matters. The Council's Highways Officer has confirmed they consider the parking is appropriate and it is considered that the number of spaces and parking layout are acceptable for the stadium and associated facilities.

6.77 The housing site is located within a 'medium accessibility' area and as an outline submission, the details of the layout of the roads and parking would be agreed within

a future reserved matters submission, if outline permission were to be granted.

6.78 As the Council's Highways Officer has confirmed that the proposal would not severely adversely affect the local highway network the proposal complies with paragraph 190 of the NPPF and policies PMD8 and PMD9 of the Core Strategy.

6.79 V. FLOOD RISK AND DRAINAGE

The northern part of the site where the proposed stadium would be located lies within the Tilbury Flood Storage Area, which is as designated as at the highest risk of flooding (Flood Zone 3b) and forms part of the functional floodplain. The proposed housing site to the south of the site is located within the Flood Zone 3a, defined by Environment Agency (EA) as having a high probability of flooding.

6.80 When consulted, the EA expressed initial concerns regarding the loss of flood storage capacity and issues related to the design of a new proposed flood wall and its ongoing maintenance. There would be a loss of flood storage of c.680m³ due to the impact of the stadium proposal. This is because of changes of ground levels and the construction of buildings and hardstandings. However, the proposal offers a net gain in the capacity of the Tilbury Flood Storage Area of c.1,025m³, this is due to the alterations to the embankment and new flood wall. The EA have confirmed that the proposals are feasible and would ensure there will be no loss of flood storage volume as a result of the proposals. To ensure the long term management of the flood storage area a condition regarding flood wall maintenance is necessary and relevant to the proposal. Therefore, in terms of flood storage capacity the proposal is acceptable, subject to condition.

6.81 Table 2 of PPG (Paragraph: 066 Reference ID: 7-066-20140306) comprises a 'Flood Risk Vulnerability Classification' for different types of development which, in combination with the flood zone classification, determines whether development is appropriate, should not be permitted or should be subject to the Exception and/or Sequential Tests.

6.82 In terms of the proposed stadium, Table 2 of PPG confirms that 'outdoor sports and recreation and essential facilities, such as changing rooms' can be considered as 'water compatible' development. There are elements of the proposed football stadium development which could be described as 'less vulnerable development', or 'more vulnerable', such as the function room and gym. However, in terms of the overall stadium development, it is considered that it comprises a water compatible use that is appropriate development within flood zone 3b.

6.83 The housing element of the proposal, whilst not within the flood storage area, is located within the high risk flood zone (3a). The proposed residential development

comprises 'more vulnerable' development with reference to Table 2. Table 3 of PPG comprises a 'Flood Risk Vulnerability and Flood Zone Compatibility' table which states 'more vulnerable' residential development should be subject to an Exception Test. In addition to the Exception Test, the development proposals are also subject to the requirements of the Sequential Test, which aims to steer new development to areas with the lowest risk of flooding.

6.84 Sequential / Exception Test

The Thurrock Strategic Flood Risk Assessment (SFRA) has applied the Sequential and Exception tests to the Borough's broad regeneration and growth areas, including the Tilbury urban area. However, this is a Green Belt site outside the urban area and PPG advises for individual planning applications that *'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'*. For individual applications like this, a pragmatic approach needs to be taken to Sequential Testing as all of the Tilbury broad regeneration area (to the south) and land surrounding the site to the north, east and west, as the catchment area, is also located within in the high risk flood zone. It is considered that there are no alternative available sites identified in the Development Plan within this catchment area that could accommodate the proposed development in a lower flood zone. For these reasons the proposal is considered to pass the Sequential Test.

- 6.85 For the 'Exception Test' to be passed, the proposed development needs to provide *'wider sustainability benefits to the community that outweigh flood risk'*, and demonstrate that the development will be *'safe for its lifetime'*. In addition to the reasons stated in the 'Sequential Test' assessment (which also apply here) and based on the site's location, the development is considered to provide *'wider sustainability benefits to the community that outweigh flood risk'*. Paragraph 8 of the NPPF sets out three dimensions to sustainable development, namely economic, social and environmental. The NPPF definition of the economic role includes reference to *"building a strong, responsive and competitive economy ... ensuring sufficient land is available to support growth"*. The definition of the social role of sustainable development includes reference to *"providing the supply of housing required to meet the needs of present and future generations"*. Judged against these definitions of sustainable development, the proposals are considered to pass the first limb of the Exception Test (i.e. there are wider sustainability benefits which outweigh flood risk).
- 6.86 The submitted FRA and associated addendum demonstrates that the development will be *'safe for its lifetime'*. The proposed development will not result in a significant increase in flood risk elsewhere. Flood storage compensation, maintenance of the storage area, finished floor levels, resistance and resilience measures and safe

access and egress have all been designed to incorporate climate change allowances. Safe refuge will be provided above the 1 in 1000 year plus climate change breach level as required by the EA.

6.87 Subject to relevant planning conditions, there are no flood risk or drainage objections to the application.

6.88 VI. EFFECT ON NEIGHBOURING OCCUPIERS

The proposed stadium would be relocated and therefore the disturbance to residents within Spindles from the existing stadium would be potentially reduced in terms of noise and disturbance from football crowds. There would be proposed housing on the existing stadium site, but it is considered unlikely that this would cause the same level of concentrated noise or activity currently experienced at certain times. The levels of activity and vehicle movement associated with a residential use would be different and potentially improved in comparison. Therefore, for those adjoining residents the proposal would generally provide benefit to amenity. The proposed replacement stadium would be brought closer to residents across St Chads Road in Millas Place and Handel Crescent to the east. These properties are set with their flank walls to the road and therefore to the stadium site. The proposed siting of the stadium would generally be further from neighbouring residential properties compared to the exiting situation. The application is accompanied by a lighting assessment which considers the impacts of floodlighting. Subject to suitable conditions it is considered that the effects of light spillage etc. could be adequately controlled.

6.89 The proposed housing layout is indicative only, but there is currently no reason to suggest that the amenities of adjoining residents could not be adequately safeguarded.

6.90 In conclusion under this heading, the proposals would not raise any demonstrable harm to neighbouring residential amenity in terms of Core Strategy policy PMD1.

6.91 VIII. ECOLOGY AND BIODIVERSITY

The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). An Ecological Impact Assessment was submitted alongside detailed species surveys undertaken for great crested newts, bats and reptiles. The Ecological Impact Assessment contains proposed mitigation measures that have been incorporated into the landscape scheme. The Council's Landscape and Ecology Advisor has confirmed that, subject to the proposed mitigation measures being secured and delivered by planning condition, the proposed scheme would not have any significant ecological impacts.

6.92 IX. NOISE

The Council's Environmental Health Officer has no objections subject to the proposed noise mitigation, as set out in the Noise Report, being secured through condition, alongside a site specific management plan regarding noise from the stadium.

6.93 As noted earlier in this report, a letter has also been received from the planning agent representing the Port of Tilbury. This letter refers to the promotion of further port-related development land at Tilbury Marshes, adjacent to the football club site. The agent queries whether the development currently proposed could prejudice any future port-related development and suggests that planning conditions attached to any planning permission for the football club should future-proof the development. In response any port-related expansion onto Tilbury Marshes adjacent to the current site will most likely be promoted through the emerging Local Plan. In these circumstances it is considered unreasonable for the residential element of the development to exceed 'normal' noise insulation requirements.

6.94 X. LAND CONTAMINATION

The applicant has submitted a ground conditions report and the Council's Environmental Health Officer has reviewed this report. The EHO concurs with the recommendations made, that an intrusive investigation should be undertaken in order to clarify the geotechnical and geo-environmental issues pertaining to redevelopment of the site and a ground gas assessment should be undertaken to characterise the site's ground gas regime. Such measures could be controlled through the use of a suitable planning condition, having regard to the requirements of the Core Strategy policy PMD1.

6.95 XI. ENERGY AND SUSTAINABLE BUILDINGS

Policy PMD12 (Sustainable Buildings) of the adopted Core Strategy is applicable to the non-residential element of the proposal and requires a BREEAM 'outstanding' standard, unless it has been demonstrated that this requirement would render the scheme economically unviable. The application is accompanied by a 'Sustainability Statement' which does not commit to a BREEAM rating, but notes that the buildings will:

- minimise water consumption;
- minimise energy use;
- utilise recycled or responsibly sourced materials;

- minimise construction waste; and
- encourage recycling during operation.

6.96 The applicant's financial viability appraisal does not refer to the requirements of policy PMD12 as a factor. Therefore, a planning condition could be used to ensure that the relevant BREEAM standard met for the clubhouse building. The requirements of this policy relating to the Code for Sustainable Homes are no longer relevant as the Code was suspended by the Government a number of years ago.

6.97 Policy PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) is also relevant to both the residential and football stadium elements of the proposals and requires 20% of energy needs to be generated on-site from these sources, unless unviable. As above, the applicant's financial viability appraisal does not refer to the requirements of policy PMD13 as a factor. Therefore, a planning condition could be used to ensure that the development is policy compliant.

6.98 XII. VIABILITY AND PLANNING OBLIGATIONS

The Council's planning policy for the provision of affordable housing (CSTP2) seeks 35% affordable housing. However, part (2.)(ii) of the policy states that the affordable housing requirement will be subject to "*the economics of providing affordable housing*". Part (3.) of policy CSTP2 also recognises that housing land supply on previously developed land is often subject to a variety of physical constraints. Consequently, the "*capacity of a site to deliver a level of Affordable Housing that can be supported financially will be determined by individual site 'open book' economic viability analysis*". As noted earlier in this report, the proposals are accompanied by a viability appraisal which has been independently assessed. The 'executive summary' of the independent assessment concludes that the residual land value of the development is minus c.£418,000 after an allowance has been made for s106 financial contributions. The overall development is therefore financially unviable and cannot support the provision of any affordable housing. Whilst it is disappointing that the development could not support any affordable housing and will not make any contribution to reducing the Council's housing waiting list, adopted Core Strategy policy nevertheless allows for this scenario.

6.99 With regard to potential planning obligations, Part 4 (Decision-making) of the NPPF includes reference to planning conditions and obligations and paragraph 56 states that planning obligations must only be sought where all of the following tests are met:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and

- fairly and reasonably related in scale and kind to the development.

6.100 Core Strategy policy PMD16 (Developer Contributions) is the Council's relevant adopted development plan policy and part (1.) of this policy states that the Council will seek to secure planning obligations under s106 "*where needs would arise as a result of the development*". Part (2.) of this policy notes that through obligations the Council will seek to ensure that development proposals:

- i. where appropriate contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed.
- ii. meet the reasonable cost of new infrastructure made necessary by the proposal.
- iii. mitigate or compensate for the loss of any significant amenity or resource.
- iv. provide for the ongoing maintenance of facilities provided as a result of the development.

6.101 Finally PMD16 refers to a wide range of matters that may be covered by planning obligations including housing, education and training, transport infrastructure, community, cultural and social infrastructure, built environment, environmental sustainability and utilities. In order to inform potential planning obligations for development proposals, and pending the production of the new Local Plan, the Council uses an Infrastructure Requirement List (IRL). The IRL is essentially a list of individual physical, social and green infrastructure schemes on a Borough-wide and Ward-level geographical scale which can potentially be applied to a range of residential and commercial development scenarios.

6.102 Consultation responses received from the NHS and the Council's Education and Landscape & Ecology officers confirm that financial contributions are required to mitigate the impact of the proposed residential development. These contributions would comprise:

Education (nursery, primary and secondary provision) - £433,712.05

Healthcare provision - £43,700

Essex Coast RAMS contribution - £14,064.96

6.103 The education and healthcare contributions listed above are identified on the IRL and the Essex Coast RAMS has been identified by Natural England as a necessary mitigation. It is therefore considered that these financial contributions meet the relevant policy tests.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL/REFUSAL

7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special

circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although both significant and moderate weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. It is considered that the 'harm v. benefit' judgement is finely balanced. However, NPPF para. 144 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. If the Green Belt considerations are finely balanced, as is the case here, then a case for VSC does not exist.

- 7.2 Subject to potential planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise, flood risk or other planning considerations. However, the Green Belt issues remain the primary matter which is of paramount importance in the consideration of this case. Consequently, it is recommended that planning permission is refused.

8.0 RECOMMENDATION

- 8.1 The Committee is recommended to refuse planning permission for the following reason:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes a), b) and c) of the Green Belt, as set out by paragraph 134 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

Positive and Proactive Statement

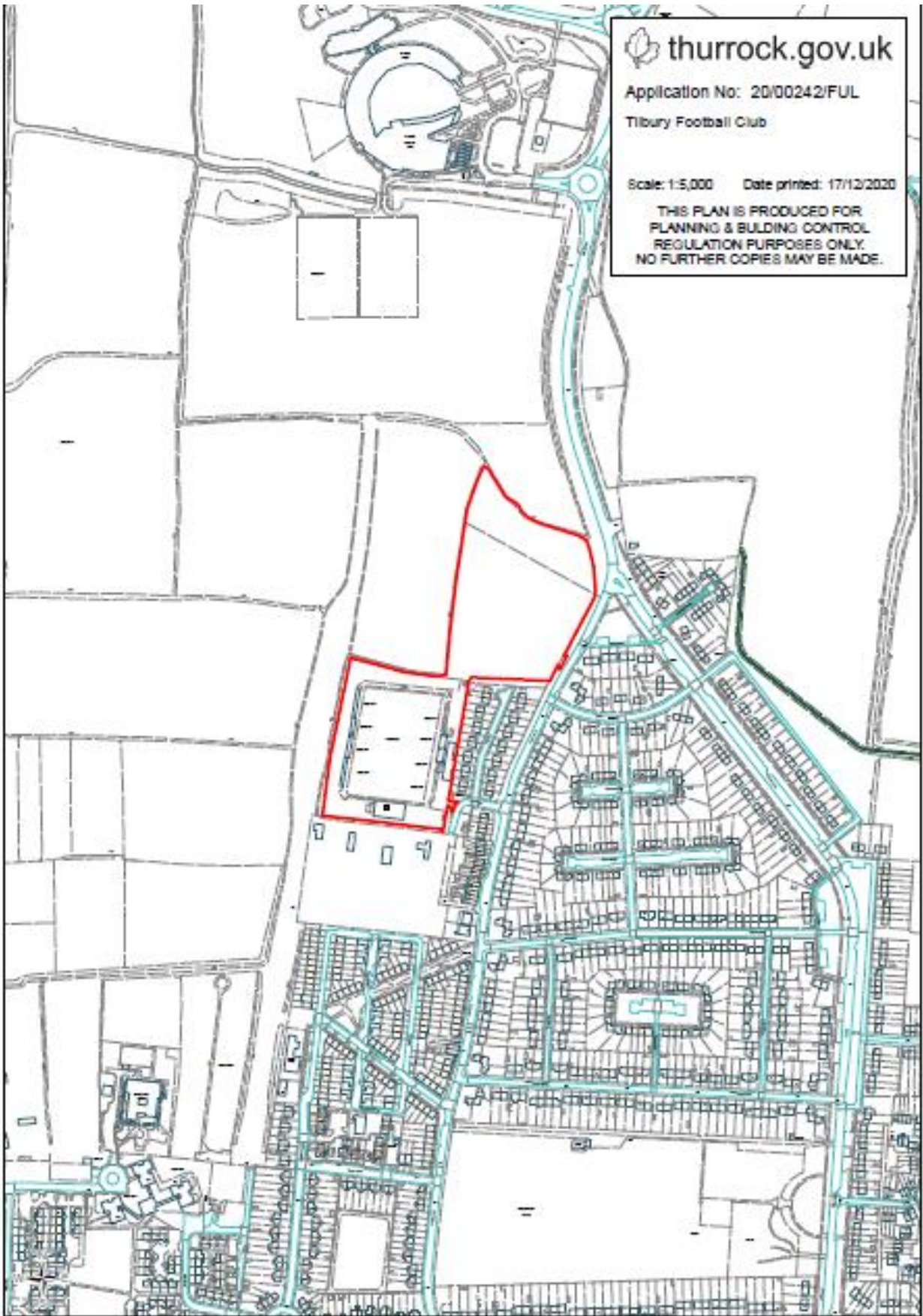
The local planning authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it

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

Documents:

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

www.thurrock.gov.uk/planning



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Agenda Item 12

Planning Committee: 7 January 2021	Application Reference: 20/00827/FUL
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Reference: 20/00827/FUL	Site: Former Ford Motor Company Arisdale Avenue South Ockendon Essex RM15 5JT
Ward: Ockendon	Proposal: The erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping. (Partial revisions to phase 4 of approval 18/00308/REM Dated 12th June 2018)

Plan Number(s):		
Reference	Name	Received
R9052-CUR-20-XX-DR-C-2001-P03	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2002-P04	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2003-P05	Drainage Layout	6th November 2020
R9052-STN-18-00-DR-A-0902-P60	Site Layout	11th December 2020
R9052-STN-18-00-DR-A-0903-P57	Site Layout	6th November 2020
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	6th November 2020
R9052-STN-18-ZZ-DR-A-0905-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0906-P60	Other	11th December 2020
R9052-STN-18-ZZ-DR-A-0908-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0909-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0910-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0912-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	6th November 2020
R9052-STN-20-01-DR-A-1051-P57	Floor Layout	6th November 2020
R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
R9052-STN-20-03-DR-A-1053-P57	Floor Layout	6th November 2020
R9052-STN-20-EL-DR-A-2000-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2001-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2140-P56	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2150-P57	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2160-P57	Elevations	6th November 2020
R9052-STN-20-GF-DR-A-1040-P49	Floor Layout	6th July 2020

R9052-STN-20-GF-DR-A-1050-P57	Floor Layout	6th November 2020
R9052-STN-20-GF-DR-A-1060-P57	Floor Layout	6th November 2020
R9052-STN-20-R0-DR-A-1042-P49	Roof Plans	6th July 2020
R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
R9052-STN-20-R0-DR-A-1062-P57	Roof Plans	6th November 2020
R9052-STN-20-XX-DR-A-4006-P50	Other	6th July 2020
R9052-STN-20-XX-DR-A-4007-P57	Other	6th November 2020
R9052-STN-20-ZZ-DR-A-1000-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1001-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1041-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1061-P57	Floor Layout	6th November 2020
R9052-STN-20-ZZ-EL-A-0920-P57	Elevations	6th November 2020
R9052-STN-18-ZZ-DR-A-0911-P57	Other	6th November 2020
2044 09 General Arrangement Plan	Landscaping	6th November 2020
2044 B POS Sketch Masterplan	Landscaping	6th November 2020
R9052-CUR-20-00-DR-C-2004-P01	Drainage Layout	6th November 2020
R9052-CUR-20-00-XX-RP-C-00001-V06	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-STN-20-XX-DR-A-4007-P57	Floor Layout	6th November 2020
R9052-CUR-18-XX-DR-C-9208-P14	Other	9th December 2020
R9052-CUR-20-00-DR-D-7216-P01	Drainage Layout	4th December 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	11th December 2020

The application is also accompanied by:

- Planning Statement
- Design and Access Statement & Addendum
- Accommodation Schedule
- Air Quality Assessment
- Financial Viability Assessment & Addendum
- Flood Risk Assessment and Drainage Report
- Noise Assessment
- Transport Statement

Applicant:

Mr Owain Williams

Validated:

17 July 2020

Date of expiry:

15 January 2021 (Extension of time agreed with applicant)

Recommendation: Approve subject to conditions and a s106 agreement

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

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 In April 2011 Thurrock Thames Gateway Development Corporation (TTGDC) granted outline planning permission for the *‘Demolition of existing buildings and redevelopment of the site for up to 650 residential dwellings, associated car parking, roads, landscaping and public open space. Outline application with all matters reserved except for the points of access to the site’*, ref: 09/50035/TTGOUT. The outline permission was subject to a number of planning conditions and a s106 legal agreement.

1.2 The outline permission is set out in the planning history but the table below shows the number of dwellings consented through the reserved matters approvals.

Phase	Phase and application reference	Dwelling numbers
1	11/50443/TTGREM	92
2	14/00950/REM	185
3	16/01726/REM	113
4 & 5	18/00398/REM	230
	Total	620

1.3 The outline planning permission, for the wider site area, has now expired as all reserved matters needed to have been submitted by 26 April 2018. Therefore this application seeks full planning permission and would result in an increase in dwelling numbers beyond the 650 dwellings originally permitted with the outline permission for the wider site.

1.4 This full planning application seeks permission for the erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping.

1.5 The proposal represents partial revisions to phase 4 of approval 18/00308/REM. The changes would result in 6 houses instead of 4 houses approved within the central part of the Phase 4 development, and a change from 31 houses to 86 apartments in the form of three blocks of apartments in the central and eastern side of the Phase 4 development. These changes would result in a net increase of 57 dwellings and in total would increase the development to 677 dwellings on the former Ford factory site.

1.6 A summary of the proposed development for this full planning application is stated below:

Site Area (Gross)	1.31 ha						
Height	Up to 4 storeys for the apartments (13.8m) 2 storeys for houses (9.3m high)						
Units (All)	Type (ALL)	1- bed	2- bed	3- bed	4- bed	5- bed	TOTAL
	Houses		4	2			6
	Apartments	27	59				86
	TOTAL	27	63	2			92
Affordable Units	Type (ALL)	1- bed	2- bed	3- bed	TOTAL		
	Apartments	2	4		6		
	TOTAL	2	4		6		
Car parking	Apartments: 1 space per flat Houses: 1 space for 2 bed dwelling and 2 spaces for a 3 bed dwelling Total allocated: 96 spaces (Average of 1.04 space per unit) Total Visitor: 21 spaces (Average 0.23 per unit) Total: 117 (1.27 space per unit)						
Cycle Parking	Total allocated: 128 spaces (Average of 1.4 space per unit) Total Visitor: 30 spaces (Average 0.3 per unit) Total: 158 (1.7 space per unit)						
Amenity Space	Minimum 60m ² for each house Balconies and informal gardens for apartments but have access to public open spaces in the wider development						
Density	70 units per ha for the site area 53 units per ha for the wider site						

1.7 Below is a more detail description of aspects of the proposal.

1.8 **Access:** Vehicular access to the site would utilise the internal road layout approved through phases 3, 4 and 5 of the outline planning permission/reserved matters. The nearest main points of access to Arisdale Avenue is located to the west and north western part of the wider site.

1.9 **Layout:** The layout represents increasing of the number of houses from 4 houses to 6 houses in the central part of the Phase 4 development and replacing the rows of houses in the eastern side of the site with three apartment blocks and associated

parking and amenity areas. Each house would have its own car parking allocation either off street or dedicated on street space. The apartments would have car parking arrangements in parking courts mainly behind the apartments. In between the blocks of apartments a landscaped amenity space would be provided instead of the previously approved road layout. Each house would have a private garden and apartments would have balconies.

1.10 Housing Layout and Mix:

	Type	Floor	
Houses 6 units	2 bedroom		4 units
	3 bedroom		2 units
Apartments 86 units	Block 4 43 units	Ground	10 units 3 x 1 bed & 7 x 2 bed
		First	11 units 4 x 1 bed & 7 x 2 bed
		Second	11 units 4 x 1 bed & 7 x 2 bed
		Third	11 units 4 x 1 bed & 7 x 2 bed
	Block 5 32 units	Ground	9 units 3 x 1 bed & 6 x 2 bed
		First	10 units 4 x 1 bed & 6 x 2 bed
		Second	8 units 2 x 1 bed & 6 x 2 bed
		Third	5 units 1 x 1 bed & 4 x 2 bed
	Block 6 11 units	Ground	3 units x 2 bed
		First	4 units 1 x 1 bed & 3 x 2 bed
		Second	4 units 1 x 1 bed & 3 x 2 bed

1.11 **Scale:** The development would have 2 storey houses, and the apartments would range between 2 and 4 storeys high.

1.12 **Design and Appearance:** Modern contemporary design to reflect continuation of the existing and consented development in the wider site area.

1.13 **Amenity Space:** East house would have a 60m² private garden area and all apartments would have balconies and informal communal gardens. All future

occupiers would have access to the areas of public open spaces between the apartment blocks and access to the nearby area of public open space in the wider development. Trees are proposed to be planted at locations within the site.

2.0 SITE DESCRIPTION

- 2.1 The site is approximately 1.31 hectares of the 12.69 hectare Former Ford Factory wider site situated to the northern edge of South Ockendon. The Former Ford Factory was demolished following the granting of outline planning permission in 2011 and has been built out on a five phase development process following the approval of reserved matters applications between 2011 and 2018.
- 2.2 Phase 3 of the development is located directly to the south of the site. To the north and west of this site is Phase 4 and 5 of the wider development site and access to Arisdale Avenue. To the east is the branch railway line linking Upminster to Grays.
- 2.3 South Ockendon railway station is located to the north-east of the site. A pedestrian scissor bridge across the railway line is located 650m to the south of the rail station and connects Ardmore Road to the west with Tamarisk Road to the east. The site is within walking distance of the shops and services within South Ockendon centre at Derwent Parade to the south west and to Ockendon Village centre to the north east.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
09/50035/TTGOUT Outline Planning Permission	Demolition of existing buildings and redevelopment of the site for up to 650 residential dwellings, associated car parking, roads, landscaping and public open space. Outline application with all matters reserved except for the points of access to the site'. S106 secured; (A) Affordable housing. (B) Public Open Space and play equipment (C) SUD's Management / Maintenance (D) To pay Phased Financial contributions (E) Highway Scheme - The scheme means works of improvement to Arisdale Avenue. (F) Parking management strategy	Approved 28.04.2011

<p>11/50443/TTGREM Phase 1</p>	<p>Submission of Reserved Matters pursuant to Outline Planning Permission ref: 09/50035/TTGOUT with regard to the creation of 92 no. two, three and four bedroom houses and apartments, plus associated roads, paths, drives, car parking, ancillary structures and landscaping</p>	<p>Approved 29.06.2012</p>
<p>14/00950/REM Phase 2</p>	<p>Submission of Reserved Matters pursuant to outline planning permission 09/50035/TTGOUT for the creation of 185 no. two and three bedroom houses and apartments, plus associated roads, paths, drives, car parking, ancillary structures and landscaping.</p>	<p>Approved 17.11.2014</p>
<p>16/01617/CONDC</p>	<p>Discharge of condition 4 from approved planning application 09/50035/TTGOUT – Phase 3 dwelling numbers increased to 113 from 99 as Phase 1 was built with less dwellings than originally Phased</p>	<p>Approved 13.01.2017</p>
<p>16/01726/REM Phase 3</p>	<p>Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 3 of the outline planning permission 09/50035/TTGOUT comprising of the construction of 113 residential dwellings new public open space, car parking and associated infrastructure.</p>	<p>Approved 26.06.2017</p>
<p>18/00308/REM Phases 4 & 5</p>	<p>Approval of reserved matters (layout, scale, appearance, landscaping and internal access) for Phase 4 and 5 of the Arisdale Avenue development (LPA Application Ref. 09/50035/TTGOUT), comprising the construction of 230 residential dwellings, new public open space, car parking and associated infrastructure works.</p>	<p>Approved</p>

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

14 objections raising the following concerns:

- Access to the site
- Additional traffic and congestion
- Road network will continue to struggle
- Parking will be an issue with on street parking
- Environmental Pollution
- Litter/smells
- Possible excessive noise
- Too many people living on a small plot of land/overcrowded
- Insufficient amenities and infrastructure to support it, impact upon local services
- Doctors and schools over subscribed
- Out of character
- No benefit to local people
- Over development
- Visual eyesore
- Increase pressure on trains
- Impact upon adjacent houses, loss of view
- Negative impact upon property values

4.3 ANGLIAN WATER:

No objection subject to a condition requiring details of a surface water strategy.

4.4 EDUCATION:

No objection subject to a financial contribution of £267,187.15 towards nursery, primary and secondary education.

4.5 ENVIRONMENTAL HEALTH:

No objection subject to conditions requiring noise mitigation measures and a Construction Environmental Management Plan (CEMP).

4.6 ESSEX POLICE ARCHIECTURAL LIAISON OFFICER:

No objection subject to the development meeting the Secured by Design accreditation.

4.7 FLOOD RISK ADVISOR:

No objection subject to conditions requiring a detailed surface water drainage scheme, details of the future management and maintenance arrangements, and the requirement for existing pipes within the site to be cleared and restored to a working condition.

4.8 HIGHWAYS:

No objection.

4.9 HOUSING:

It is recognised from the applicant's financial viability assessment that the scheme cannot provide the normal 35% affordable housing and that 10% affordable housing has been provided in Phase 4 of this development.

4.10 LANDSCAPE AND ECOLOGY ADVISOR:

No objection on landscape or ecology grounds.

4.11 NETWORK RAIL:

No response.

4.12 NHS ENGLAND:

No response.

4.13 SOUTH OCKENDON COMMUNITY FORUM:

No response.

4.14 TRAVEL PLAN CO-ORDINATOR:

No objection subject to the requirement of a residential travel plan and monitoring fee of £525 per annum for a minimum period of five years.

4.15 URBAN DESIGN OFFICER:

No objection.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

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

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

5.2 Planning Policy Guidance

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

- Climate change
- Design; process and tools
- Effective use of land
- Flood Risk and Coastal Change
- Healthy and safe communities
- Housing supply and delivery
- Light pollution

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

5.3 Local Planning Policy Thurrock Local Development Framework

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP13 (Emergency Services and Utilities)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 The material considerations for this application are as follows:

- I. Principle of the development
- II. Housing Land Supply, Need, Mix and Affordable Housing
- III. Design and Layout and Impact upon the Area
- IV. Accessibility, Traffic Impact and Parking
- V. Flood Risk and Drainage
- VI. Air Quality and Noise
- VII. Effect on Neighbouring Properties

- VIII. Refuse and Recycling
- IX. Energy and Sustainable Buildings
- X. Viability and Planning Obligations
- XI. Sustainability
- XII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The principle of the residential development on the Former Ford Factory site for up to 650 residential units was established through an outline planning permission granted in 2011 by the Thurrock Thames Gateway Development Corporation and subsequent reserved matters applications which has led to a five stage phasing process for the development. This application seeks amendments to part of the Phase 4 development and given the site's history there is no objection to the principle of the development.

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

- 6.3 The proposal is for residential development and there is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of paragraph 73 of the NPPF. The Council's Housing Delivery Test Action Plan (HDTAP) was published in August 2019 to meet the requirements of paragraph 75 of the NPPF. The HDTAP identifies a housing delivery shortfall of 309 homes over the three previous financial years up until 2017/18. One of the priorities identified in the HDTAP for the Council is to consider opportunities for development at a higher density in urban areas (paragraph 4.6) and this application seeks to achieve a higher density development as part of the wider Arisdale site.
- 6.4 Policy CSTP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest (May 2016) Strategic Housing Marketing Assessment (SHMA) and the update Addendum (May 2017). The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom apartments. The proposed dwelling mix would result in the loss of 31 approved mainly semi-detached in favour of increased 1 and 2 bedroom apartments. This would be beyond the requirements of condition 7 of the outline planning permission. However, it is recognised that the outline planning permission was approved in 2011 and since then a more up to date Strategic Housing Marketing Assessment for South Essex has been undertaken with the latest referred to above. The revised dwelling mix of mainly apartments would provide a revised mix to reflect the Borough's housing needs in regard to the latest SHMA and policy CSTP1. There are no objections raised by the Council's Housing Officer as the proposed units would meet the demand as set out in the 2017 Strategic

Housing Marketing Assessment. The proposal would provide some affordable housing which is assessed below in the 'Viability and planning Obligations' section of this report.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.5 The existing position on site is that parts of Phases 4 and 5 have been constructed and some dwellings occupied, similarly Phase 3, directly to the south, is mainly completed with dwellings occupied. It is necessary for the proposed development to be considered in regard to the character and appearance of the existing built development within the wider site. It is also necessary for this application to have regard to the previous applications, which includes the outline permission, reserved matters and in particular the Design Code.

Layout

- 6.6 The proposed changes to the layout of the development through the 88 apartments within three blocks would replace the 31 houses from the previous application for Phases 4 and 5. Through the Design Code this part of the site was never considered for apartments as Design Code 'bf1' (block typologies) identifies this area of the wider site to be for medium density development of mainly housing. The introduction of apartments instead would create a higher density area of development. The layout also increases the number of houses from 4 houses to 6 houses in the central part of the Phase 4 development.
- 6.7 The proposed layout follows the general road layout of the previous approved development with the exception of the change in the location of the apartment blocks which would include parking to the north of Block 4 and to the south of Block 5 and 6. This layout approach allows for a landscaped amenity space in between the blocks and represents an amendment to the application following earlier concerns over the lack of amenity space and parking dominance. This revised layout strikes a balance with achieving a useable amenity space for occupiers of the apartments and the wider development as would appear as an extension to the nearby park area in Phase 4. Overall the layout arrangement is considered acceptable with regard to policies CSTP22 and PMD2.

Scale and Design

- 6.8 There are no objections to the proposed scale of the development for the apartment blocks which range between 2/3/4 storeys in height as there are existing apartment blocks of similar height in the wider development site. All houses would be 2 storey which is also similar to the existing development on site. For these reason there are no objections raised to the scale of the development with regard to policies CSTP22 and PMD2.

- 6.9 The design and appearance of the proposal seeks to continue the form and massing levels of the earlier phases of development. The overall design approach follows a simple contemporary form. Some of the design features include gable ends, large windows, solidier coarsing above windows, framing elements around windows, enclosed balconies and porch canopies. The overall design would create uniformity and rhythm throughout. As the design and appearance of the apartments and houses would represent a continuation of the existing and consented development in the wider site area there are no objections raised with regard to policies CSTP22 and PMD2.

Materials

- 6.10 For this development it is important that the materials match those used in Phases 4 and 5 to ensure the development is visually seen in the same context as the approved and existing development. The Design and Access Statement explains that the material palette would accord with the Design Code from the previous permissions, particularly for Phases 4 and 5. The materials would include buff brick, grey weatherboarding, dark grey window frames and all pitched roofs would have a slate coloured roof tiles. In terms of surface finishes, all roads and parking courts within the site would have either asphalt or coloured block paving. The proposed boundary treatment would match existing boundary treatment approved and used within the development.

Open Space

- 6.11 The proposed amenity space between the apartment blocks would create an area of open space for the benefits of occupiers of the apartments but would also be useable by the wider development. The level of open space is considered acceptable within the context of the site and the wider development. Occupiers of this part of the development would also have easy access to the public open space to the north and Local Area of Play (LAP) which is being delivered through the Phase 4 and 5 part of the development. This is acceptable with regard to policy PMD5 and a number of Design Code requirements from the outline permission.

Amenity Space

- 6.12 Given that this proposal would represent modification of the previous outline permission which detailed amenity standards through a Design Code, it is considered necessary to follow the Design Code requirements approach as this proposal would be seen within the context of the previous applications at this wider site.

- 6.13 The replacement dwellings would have a private amenity space in the form of a rear garden space of between 66m² to 96m². This would accord with the previous application's Design Code 'bf13' (garden sizes and private amenity), which stipulates the requirements for the development and garden sizes must be at least 60m². For apartments the previous application's Design Code 'bf13' required the balconies to be 5m² and apartments that are 2 bedrooms or more must have at least 25m² of amenity area provided in close proximity. The open space between the apartment blocks would provide an area of communal amenity space for the occupiers of the apartments, which is acceptable in regard to the requirements of the Design Code and policy PMD2.

Landscaping

- 6.14 The open space between the apartment blocks would be landscaped and would therefore contribute to the wider development. A number of trees are proposed to be planted throughout this part of the site, including street trees, trees in the amenity area and trees within the parking areas. The provision of trees is necessary for meeting the previous application requirement of Design Code 'pr10' (street trees). In addition to trees the development would incorporate hard and soft landscaping in areas such as the 'square'.
- 6.15 In conclusion under this heading, the overall layout, scale, design, materials, open space, amenity space and landscaping of the development is considered acceptable and would accord with policies CSTP22, CSTP23 and PMD2, and the guidance contained within chapter 12 of the NPPF and has been considered in regard to the Design Code from the outline permission.

IV. ACCESSIBILITY, TRAFFIC IMPACT AND PARKING

Accessibility and Access

- 6.16 The site is located within a sustainable location with close access to the nearby Ockendon railway station, via the footbridge to the south of the site, which can be accessed through the wider site. There are bus stops located along Arisdale Avenue, which serve the area. Roads and footpaths lead to South Ockendon town centre where a range of goods and services can be found and this is approximately 1km away for pedestrians and cyclists. The site has good accessibility with regards to transport modes and with regard to paragraph 110 of the NPPF and policy PMD9.
- 6.17 The proposed main vehicular access point is the 'T' junction onto Arisdale Avenue, which is located towards the north west corner of the wider site within Phase 4 area and the red line location plan highlights this as the main access to this part of the site. There are also alternative vehicle access points from the earlier phases onto

Arisdale Avenue and the site can be easily accessed from Phase 3 to the south. There are also pedestrian access points along Arisdale Avenue that allow access to this site. All of these access points accord with the points of access and road layout as approved from the previous permissions and as shown in the Design Code. The only change is the replacement of a section of road with the landscaped amenity area and this section road, shown on the details to the Phase 4 and 5 part of the development would have linked through to Phase 3 from the location of the proposed apartment blocks. This means that access to the car parking areas to Blocks 5 and 6 would only be from the south, instead of providing two access arrangements. This does not raise any objections in highways terms. Overall the access arrangements locations are acceptable and comply with policy PMD9.

Traffic Impact

- 6.18 The proposal would increase the housing density at the site with the addition of 57 extra dwellings. This would give rise to more traffic movements than the previously approved scheme and departs from the original Transport Assessment from the outline planning permission. The applicant's Transport Assessment (TA) has assessed the transport impact in regard to the approved Phase 4 and 5 development (18/00308/REM), which is the most recent of the approved applications at the wider site. The TA demonstrates that the proposed development including the approved Phase 4 and 5 development would result in a revised trip generation of 96 and 109 two way vehicle trips during the AM and PM peak hour respectively. In comparison to the approved Phase 4 and 5 development this application would result in a net increase of 13 two way vehicle trips during both the AM and PM peak hours. The TA states (paragraph 6.4.2) that this 'net increase is not considered a significant variance from the consented scheme' and 'will not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network'. The Council's Highway Officer raises no objection and the traffic impact would be acceptable with regard to paragraph 109 of the NPPF and policy PMD9.

Parking

- 6.19 The parking layout needs to be assessed in regard to the outline permission, subsequent reserved matters and the Design Code as the proposal would be viewed in context of these permissions and the requirements are therefore slightly different to the Council's Draft Parking Standards.
- 6.20 The proposed parking strategy is based on 1 space per flat, 1 space per 2 bedroom house and 2 spaces for a house. There would be 96 allocated parking spaces and 21 visitor spaces provided and this would result in a total of 117 parking spaces for the development which is 1.2 spaces per dwelling so is slightly below the 1.3 to 1.5 space per dwelling as required by the Design Code 'pr6' (parking arrangements) and

condition 15 of the outline permission. The proposal would not change any of the remaining parking provision (outside of the red line area) as approved for Phases 4 and 5.

- 6.21 The houses would have a mix of off street and some on street allocated parking. All apartments would have allocated parking provided in parking courts for each of the three blocks of apartments. All visitor parking would be either on street or allocated within the parking courts to the apartments. A 'Parking Management Strategy' explains that a management company would operate and enforce a permit system for parking on any parking courts or estate roads, and would ensure visitor parking spaces are not used by residents. The 'Parking Management Strategy' also advises that all internal roads within the site will remain private and maintained by a private management company, who will also be responsible for signage, lighting and controlling any unauthorised car parking.
- 6.22 For cycle parking a total of 158 spaces (128 allocated and 30 visitor spaces) would be provided through this application. Each house will be provided within an outbuilding within the rear garden for the property which can be used for covered and secure cycle parking. Each apartment would be allocated a cycle parking space within a communal secure and sheltered cycle parking store. Visitor cycle parking would be provided in the public realm such as within the open space area and within the cycle parking stores for the apartments. The proposed parking arrangements would accord with Design Code 'pr4' (cycle parking/storage), which requires 'on plot cycle parking facilities and cycle parking facilities within the public realm'.
- 6.23 The Council's Highway Officer raises no objection and the proposed car and cycle parking arrangements are acceptable in regard to paragraph 102 of the NPPF and policy PMD8.

Travel Plan

- 6.24 The proposed development would give rise to the need for a Travel Plan to promote sustainable modes of transport to accord with policy PMD10 and paragraph 111 of the NPPF. The applicant's TA refers to the Travel Plan from the outline permission but either that Travel Plan or an updated Travel Plan would need to be secured through a planning condition. The Travel Plan shall require targets of decreasing single occupancy car usage, increase walking and cycling to the development, increase bus and train usage, and increase car sharing and car club uses. The Council's Travel Plan Co-ordinator raises no objection subject to the need for further details within a travel plan and associated monitoring which can be secured through a planning obligation and the details of the Travel Plan secured through planning condition.

V. FLOOD RISK AND DRAINAGE

- 6.25 The site is not within a high risk flood zone as it is located in lowest risk flood zone (Flood Zone 1) but as the development is more than 1 hectare in size the planning legislation requires the submission of a Flood Risk Assessment (FRA). As the site is Flood Zone 1 the Sequential and Exception Tests, as set out in the NPPF and PPG do not need to be applied and the FRA demonstrates the site would be safe from flooding.
- 6.26 In terms of drainage the surface water drainage would use the attenuation system which is included within the previous Phase 4 permission and the Drainage Strategy demonstrates the future flow rates from the site would remain unchanged for this application, when compared to the information approved for Phases 4 and 5. The attenuation system comprises of impermeable surfacing draining via pipes in the roads to attenuation tanks and there are three attenuation tanks proposed within the location of the three blocks of apartments. The Flood Risk Manager raises no objection subject to the use of planning conditions requiring a detailed surface water drainage scheme, details of the future management and maintenance arrangements, and the requirement for existing pipes within the site to be cleared and restored to a working condition, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.
- 6.27 The foul drainage would connect to the foul drainage systems managed by Anglian Water who have no objections.

VI. AIR QUALITY AND NOISE

- 6.28 The site is not within an Air Quality Management Area (AQMA) and the applicant's Air Quality Assessment identifies that existing sources of airborne pollution would be from rail emissions and vehicle emissions. Whilst the proposal would increase vehicle movements in the area the increased traffic would not have a significant impact upon local air quality for future residents in this location. There are no objections raised by the Council's Environmental Health Officer and therefore the proposal would not cause any unacceptable effects from air pollution in regard to policy PMD1 or paragraph 181 of the NPPF.
- 6.29 The site is located adjacent to the branch railway line that links Grays to Upminster and the site is close to Ockendon station. The applicant's Noise Assessment demonstrates that noise level monitoring was carried out in February 2020 to determine the noise climate adjacent to the railway boundary. The Noise Assessment results identify that the typical rail noise level was 59dB. Block 6 is nearest to the railway line but has no habitable room windows facing towards the railway line. Instead windows are located on the north, south and west elevation and would be at

a distance of 19m from railway track. The nearest window facing the railway would be 30m away.

- 6.30 For habitable rooms nearest the railway line mitigation would be required and the Noise Assessment recommends these habitable rooms are fitted with specific glazing units and acoustic rated vents. This approach is similar to the requirements of condition 10 of the outline permission, which required mitigation measures to the early phases of development in the wider site. There are no objections raised by the Council's Environmental Health Officer subject to the noise mitigation measures being agreed through a planning condition and this will ensure the amenities of future residents are not subject to noise disturbance, in accordance with the requirements of policy PMD1 and paragraph 180 of the NPPF.

VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.31 From the previous permissions the Design Code 'bf12' (privacy and back to back distances) required a 22m distance back to back distance from habitable rooms to avoid unnecessary privacy intrusion. The majority of the earlier phases of the development achieved this requirement, with the exception of a few plots. This application shall therefore apply the same requirement as the proposal is part of the wider development area. The plans demonstrate that at least 22m back to back distance on all housing plots, apart from plot 236 which would be 21.5m but given this is one plot that is only fractionally below the previous Design Code requirement this is not considered grounds for refusal. Therefore the proposed layout of housing and apartment blocks would not lead to any significant loss of privacy for the future occupier's dwellings in Phase 4 of the development.
- 6.32 Directly to the south of application site is Phase 3 where there are houses with rear gardens which back onto the site. The proposed housing layout and apartment block 6 would not impact upon these properties in terms of privacy or obtrusiveness. The south elevation of apartment block 5 would be 2m from the common boundary between the houses to the south in Phase 3 and would result in a building to building distance ranging between 11.5m and 13.5m. There would be no windows in the south elevation of Block 5 so no material overlooking/loss of privacy would result. The outlook from these houses would be similar to the approved house type (house type D1) from the reserved matters application (18/00308/REM) with the outlook facing the blank wall. The side elevation of the approved house type was 9.5m high ground to ridge height and the blank wall of Block 5 would be 7.5m ground to parapet height. It is noted that the block steps up high to 3 and 4 storeys but this stepping arrangement is further away from the houses in Phase 3. For these reasons the proposal would not significantly impact upon privacy or result in obtrusiveness to the occupiers to the south of the site.

- 6.33 The proposed layout of the development would involve more traffic movements and some of the ground floor plots to Apartment Block 4 would be in close proximity to parking spaces but the layout is considered acceptable with regard to residential amenity.
- 6.34 Overall the proposal would be acceptable with regard neighbouring impact and policies PMD1 and PMD2.

VIII. REFUSE AND RECYCLING

- 6.35 A 'Site Refuse Strategy Plan' shows that each house would have space within their rear garden for refuse/recycling provision and the apartment blocks would have detached communal refuse/recycling stores within the car parking courts. The plan shows that all refuse/recycling facilities can be accessed for all collection vehicles. The site's refuse and recycling strategy follows the approach taken as a requirement of condition 25 of the outline permission and Design Code 'pr5' (bin storage/recycling) so is consistent with the approach for the wider site. Therefore there are no objections raised with regard to policy PMD2.

IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.36 The roofs of the apartment blocks would include photovoltaic panels and rainwater harvesting plan (water butts) would be provided for each house. These details would accord with the requirements of policies PMD12 and PMD13 for sustainable development and the use of renewable energy sources. Similarly with the outline permission condition 8 required sustainable design and construction for each phase of development so the current proposals are consistent with the previous phases of development at the wider site.

X. VIABILITY AND PLANNING OBLIGATIONS

- 6.37 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.38 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. In September 2019 the pooling restrictions were removed through the

updated Community Infrastructure Levy Regulations but the Council continues to maintain the Infrastructure Requirement List (IRL) to provide an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.

- 6.39 The proposal is a standalone full planning application and so would be different from the requirements of the outline permission for the wider site. From the consultation process planning obligations are sought as follows:
- For 35% of the development to be for affordable housing provision as required by policy CSTP2;
 - An education contribution of £267,187.15 for nursery, primary and secondary education provision;
 - Travel Plan monitoring fee of £525 per annum for at least 5 years.
- 6.40 The application offers the following planning obligations:
- A financial contribution of £198,098 towards nursery and primary education;
 - A financial contribution of £58,000 towards additional healthcare;
 - 6% affordable housing provision.
- 6.41 The planning obligations derive from applicant's Financial Viability Assessment. The applicant's Financial Viability Assessment which has been considered by the Council's independent viability assessors. The independently reviewed report identifies that the scheme can provide £288,122 that can be used to secure an education contribution, a healthcare contribution and the travel plan monitoring fee.
- 6.42 The independently reviewed report has also assessed that 6% affordable housing can be provided for this development. Whilst this level of affordable housing is below what policy CSTP2 requires (35% of the development) the policy does allow an exception where financial viability can be considered on sites in Thurrock that were subject to previously development land and subject to physical constraints. It should also be noted that the previous outline permission allowed for between 10% to 42.5% affordable housing through the s106 agreement subject to financial viability testing, with the majority of the development providing 10% affordable housing provision.
- 6.43 The independent viability advisor states that 'if the Council were minded to grant planning permission then a viability review mechanism should be included within the s106 legal agreement' and it is recommended that the viability review is carried out if development has not substantially started within 24 months of the consent being granted.

XI. SUSTAINABILITY

- 6.44 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.
- 6.45 For the economic objective the proposal would create employment opportunities for the construction phase. When the development is occupied new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area.
- 6.46 For the social objective the development would help create a new community at this site. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's five year housing land supply
- 6.47 For the environmental objective the proposed developments would deliver a high quality designed development consistent with the approach from the previous permissions at the site and in particular a continuation of Phases 4 and 5. Energy efficient measures are proposed through this application and would also be secured through the Building Regulations. The development would be built to surface water management measures to reduce flooding. The implementation of noise mitigation measures would make the apartments adjacent to the railway habitable for future occupiers. As identified above the site is accessible by a range of transport modes.
- 6.48 It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

XII. OTHER MATTERS

- 6.49 Due to previous uses of the land, the site has been subject to a contaminated land report including recommendations for mitigation measures that was discharged through a discharge of condition application, reference 17/01566/CONDC, prior to commencement of development for Phases 4 and 5 and therefore included this site, which forms part of Phase 4. The Environmental Health Officer has identified the need for a verification report to be provided by condition.
- 6.50 Unless removed by way of planning condition, the proposed dwellings would benefit from permitted development rights which include the ability to build limited extensions and outbuildings, and undertake alterations in certain circumstances. Whilst the exercise of permitted development rights for extensions and outbuildings would reduce the amount of garden area, it is considered that this is a matter of choice for

the individual householder and, therefore, it is not recommended that these rights be removed in this instance, which is consistent with the previous permissions for all phases of development at the wider site.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 This proposal would result in a change to the permitted 35 dwellings occupying this part of the site that was approved through fourth and fifth phases of development at the wider site. The change would result in the provision of 92 dwellings on the site and therefore a net increase of 57 dwellings and in total a development of 677 dwellings on the former Ford factory site.

7.2 The increase in dwellings at the site and applicant's immediate build programme would contribute to the Council's 5 year housing land supply and would provide more apartments in this sustainable lactation to meet the housing mix and needs of the Borough, making best use of urban land. The proposal would bring forward a high quality designed development which would represent a continuation of the design approach currently being built in Phases 4 and 5 of the previous permission. All other material considerations are considered acceptable subject to conditions and obligations where necessary.

7.3 Therefore the recommendation for approval of planning permission is subject to completion of a section 106 agreement and subject to the planning conditions,

8.0 RECOMMENDATION

8.1 Approve, subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
 - Provision of 6% Affordable Housing;
 - A financial contribution of £267,187.15 towards nursery, primary and secondary education provision;
 - A financial contribution of £18,282.85 towards NHS healthcare improvements in the local area;
 - Travel Plan monitoring fee of £525 per annum for 5 years (£2,625 in total).

Viability review mechanism

- In the event that development has not reached slab level for 50 plots within 2 years of the grant of planning permission, a financial viability review shall be undertaken by the applicant / developer / owner to

assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.

ii) the following planning conditions:

Standard Time

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

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

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
R9052-CUR-20-XX-DR-C-2001-P03	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2002-P04	Drainage Layout	6th November 2020
R9052-CUR-20-XX-DR-C-2003-P05	Drainage Layout	6th November 2020
R9052-STN-18-00-DR-A-0902-P60	Site Layout	11th December 2020
R9052-STN-18-00-DR-A-0903-P57	Site Layout	6th November 2020
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	6th November 2020
R9052-STN-18-ZZ-DR-A-0905-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0906-P60	Other	11th December 2020
R9052-STN-18-ZZ-DR-A-0908-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0909-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0910-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0912-P57	Other	6th November 2020
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	6th November 2020
R9052-STN-20-01-DR-A-1051-P57	Floor Layout	6th November 2020
R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
R9052-STN-20-03-DR-A-1053-P57	Floor Layout	6th November 2020
R9052-STN-20-EL-DR-A-2000-P49	Elevations	6th July 2020

R9052-STN-20-EL-DR-A-2001-P49	Elevations	6th July 2020
R9052-STN-20-EL-DR-A-2140-P56	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2150-P57	Elevations	6th November 2020
R9052-STN-20-EL-DR-A-2160-P57	Elevations	6th November 2020
R9052-STN-20-GF-DR-A-1040-P49	Floor Layout	6th July 2020
R9052-STN-20-GF-DR-A-1050-P57	Floor Layout	6th November 2020
R9052-STN-20-GF-DR-A-1060-P57	Floor Layout	6th November 2020
R9052-STN-20-R0-DR-A-1042-P49	Roof Plans	6th July 2020
R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
R9052-STN-20-R0-DR-A-1062-P57	Roof Plans	6th November 2020
R9052-STN-20-XX-DR-A-4006-P50	Other	6th July 2020
R9052-STN-20-XX-DR-A-4007-P57	Other	6th November 2020
R9052-STN-20-ZZ-DR-A-1000-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1001-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1041-P49	Floor Layout	6th July 2020
R9052-STN-20-ZZ-DR-A-1061-P57	Floor Layout	6th November 2020
R9052-STN-20-ZZ-EL-A-0920-P57	Elevations	6th November 2020
R9052-STN-18-ZZ-DR-A-0911-P57	Other	6th November 2020
2044 09 General Arrangement Plan	Landscaping	6th November 2020
2044 B POS Sketch Masterplan	Landscaping	6th November 2020
R9052-CUR-20-00-DR-C-2004-P01	Drainage Layout	6th November 2020
R9052-CUR-20-00-XX-RP-C-00001-V06	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-STN-20-XX-DR-A-4007-P57	Floor Layout	6th November 2020
R9052-CUR-18-XX-DR-C-9208-P14	Other	9th December 2020
R9052-CUR-20-00-DR-D-7216-P01	Drainage Layout	4th December 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	11th December 2020

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

Materials

3. The materials to be used on the external surfaces of the development hereby approved, as referred to on the approved 'Site External Materials Plan', shall match those used on the external finishes of the Phase 4 and Phase 5 planning permission from references 09/50035/TTGOUT, 18/00308/REM and 18/00309/CONDC.

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

Secured by Design

4. No development above ground level shall commence until details have been submitted to and approved and in writing by the local planning authority that demonstrate how the principles and practices of the Secured By Design 2019 have been incorporated into the design. The Development shall be carried out in accordance with the approved details.

Reason: In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Boundary Treatment

5. All boundary treatments, as referred to on the approved 'Site Boundary Treatment Plan', shall match those boundary treatments used in Phase 4 and Phase 5 of planning permission from references 09/50035/TTGOUT, 18/00308/REM and 18/00309/CONDC.

Reason: In order to safeguard the amenities of neighbouring occupiers, in the interests of the visual amenity of the area and to ensure that the proposed development, in the Green Belt, does not have a detrimental effect on the environment as required by policies PMD1, PMD2 and policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Landscaping Scheme

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

The Soft Landscaping works shall include:

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard Landscaping works shall include:

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

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

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

Open Space and Landscaping Management and Maintenance

7. Prior to the occupation of the development details of the future management arrangements for the maintenance of the open space and landscaping of the site shall be submitted to and approved in writing by the local planning authority. The management details as approved shall be implemented and managed at all times thereafter following first occupation of the development.

Reason: In the interests of visual amenity and to accord with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management

of Development DPD (2015).

Estate Road Construction

8. The carriageways and footways as shown on the approved plans shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

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

Parking Provision

9. Prior to the occupation of the development the vehicle parking areas shown on the approved 'Site Parking Strategy Plan', including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be maintained and retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

Parking Management Strategy

10. Prior to the occupation of the development a Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced shall be submitted to and approved in writing by the local planning authority. The Parking Management Strategy shall be implemented and thereafter retained for the duration of the residential use in accordance with the agreed Car Parking Management Strategy unless the prior written approval of the local planning authority is obtained to any variation.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted

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

Electric Charging Points

11. Prior to the occupation of the development details of electric charging points for parking spaces shall be submitted to and approved by the local planning authority. The electric charging points shall be installed as approved prior to occupation of the development and shall be maintained and retained in this form at all times thereafter.

Reason: In the interests of sustainability and to ensure that adequate car parking provision is available for electric vehicles in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Cycle Parking Provision

12. Prior to the occupation of the development the cycle parking provision as shown on the approved 'Site Parking Strategy Plan', shall be provided prior to the occupation of the development and retained for such purposes thereafter.

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

Travel Plan

13. Prior to the occupation of the development, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the occupation of the development and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

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

Surface Water Drainage Scheme

14. No development, with the exception of demolition, shall commence until the detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include detailed engineering drawings of each component and feature of the drainage scheme. The detailed surface water drainage scheme shall be implemented as approved prior to occupation of the development and shall be maintained and retained as such thereafter.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Surface Water Maintenance Plan

15. No development, with the exception of demolition, shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided and be implemented for all times thereafter.

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

Surface Water Yearly Logs

16. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any Maintenance Plan. These shall be made available for inspection upon the written request of the Local Planning Authority.

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

Foul Drainage Connection

17. The proposed foul drainage systems shall connect to the existing foul drainage systems for existing development.

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).

Clearance of Existing Water Pipes

18. No development shall commence until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

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

Noise Mitigation Measures

19. Prior to the occupation of the development the noise mitigation measures as identified in the Report on Existing Noise Climate Revision 5 dated 5 November 2020 shall be installed during the construction of the development. The noise mitigation measures shall be maintained, where necessary, and retained at all times thereafter.

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

Contamination and Remediation – Validation Report

20. Following the completion of measures identified in the Remediation Strategy and Verification Plan for discharging condition 20 of 09/50035/TTGOUT an updated validation report that demonstrates the effectiveness of the remediation carried out to this application site shall be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land, 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).

Unforeseen Contamination

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and be submitted for approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Condition.

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).

Piling

22. Piling or any other foundation designs using penetrative methods shall not be used unless a report has been submitted to, and agreed in writing by, the local planning authority demonstrating that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Contamination has been identified at the site. The foundation piles in or through contaminated land has the potential to mobilise contaminants which can result in their release into the groundwater. The groundwater in the vicinity of the site may

be abstracted for industrial or domestic use and hence must be kept free from pollution in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Energy and Sustainability Measures

23. No development shall commence until details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use 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 DPD (2015).

Rainwater Harvesting

24. The rainwater harvesting and water resource efficiency as shown on the 'Site Sustainability Plan' shall be constructed and completed prior to the first occupation of the development and retained for such purposes at all times thereafter.

Reason: To ensure the sustainability of the potable water supply to the development and wider area through efficient use of water resources in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Refuse and Recycling

25. The refuse and recycling storage facilities as shown on the 'Site Refuse Strategy Plan' shall be constructed and completed prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

External Lighting

26. Prior to the occupation of the development details of any external lighting, with the exception of lighting within residential plots, shall be submitted to and agreed in writing

by the local planning authority. The details shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports. The approved external lighting shall only be implemented and operated in accordance with the agreed details.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Superfast Broadband

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

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

All Services to be run underground

28. All electrical and telephone services to the development shall be run underground.

Reason: In the interests of visual amenity and the integrity of the design in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Construction Environmental Management Plan (CEMP)

29. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development;
- (b) Hours and duration of any piling operations;
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations;
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;

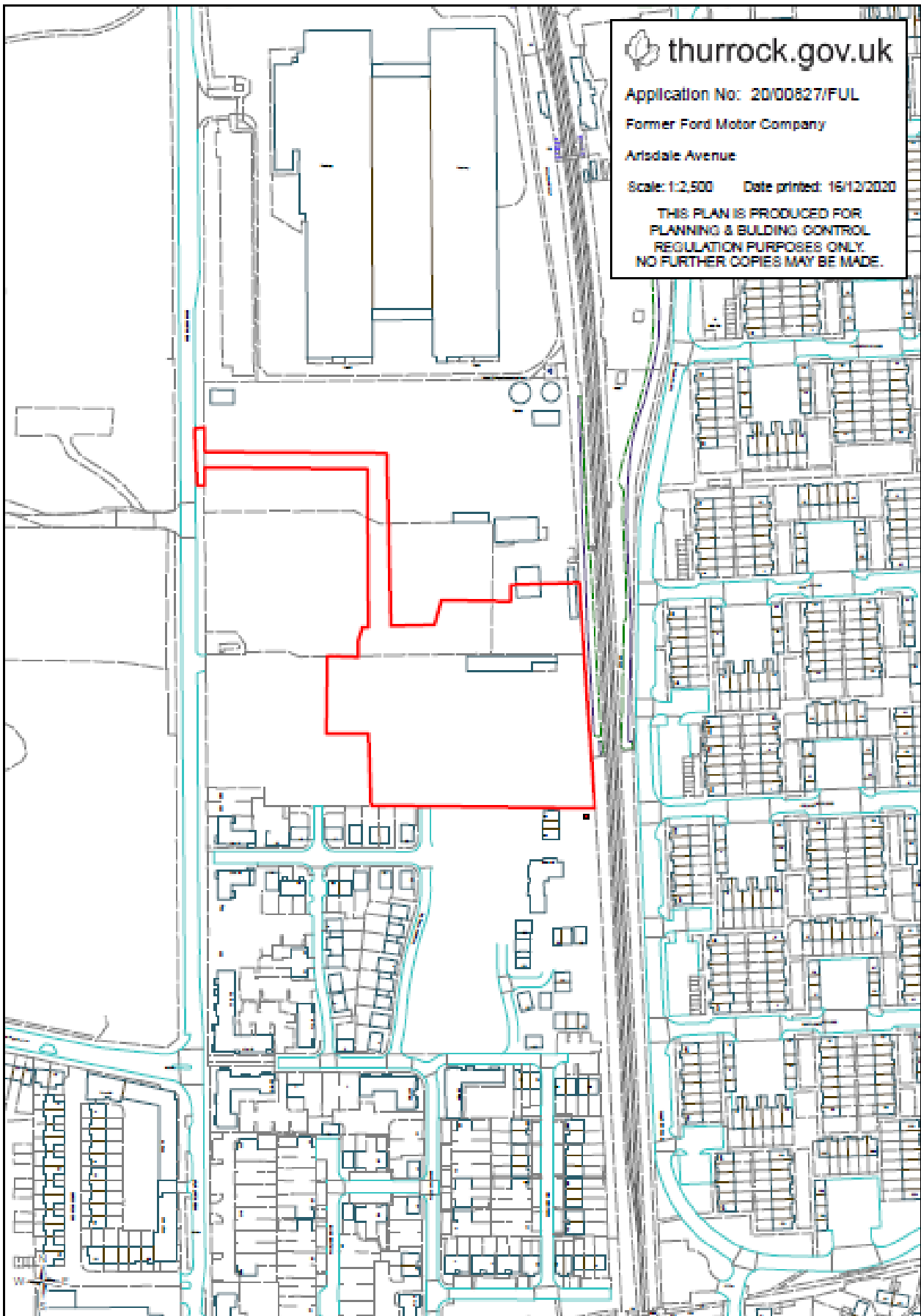
- (e) Details of construction any access or temporary access, and details of temporary parking requirements; Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP;
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems);
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;
- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (k) Dust and air quality mitigation and monitoring;
- (l) Water management including waste water and surface water discharge;
- (m) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (n) A Site Waste Management Plan;
- (o) Ecology and environmental protection and mitigation;
- (p) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- (q) Details of security lighting layout and design; and
- (r) A procedure to deal with any unforeseen contamination, should it be encountered during development.

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

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

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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<p>Reference: 20/00592/OUT</p>	<p>Site: The Springhouse Springhouse Road Corringham Essex SS17 7QT</p>
<p>Ward: Stanford East And Corringham</p>	<p>Proposal: Outline application for the construction of 4no. blocks of residential dwellings (95 units) with associated access roads and parking, one block to include a gym (D2) at ground floor level. Erection of new sports and social club (D2) with associated facilities including bowls pavilion, bowling green and petanque terrain and associated facilities including parking. Formation of two vehicular access points following the removal of existing vehicular access points. Demolition of existing sports club, all associated buildings and removal of hardstanding. To include determination of the matter of access, layout and scale (matters relating to appearance and landscaping reserved).</p>

Plan Number(s):		
Reference	Name	Received
338.D	Proposed Street Scene Locations Plan	11th December 2020
339.B	Proposed Street Scenes A and E	22nd May 2020
340.B	Proposed Street Scenes B and F	22nd May 2020
341.C	Proposed Street Scenes C and G	11th December 2020
342.B	Proposed Street Scene D	22nd May 2020
000.G	Location Plan	11th December 2020
001.C	Existing Site Plan	15th December 2020
002.H	Proposed Block Plan	15th December 2020
004.I	Proposed Site Plan including Ground Floor Plans	11th December 2020
007.D	Proposed Site Plan Public Space and Connectivity	11th December 2020
101.B	Existing Floor Plans	22nd May 2020
102.B	Existing Front and Side Elevations	22nd May 2020
103.B	Existing Side and Rear Elevations	22nd May 2020
104.B	Existing Elevations	22nd May 2020
302.B	Proposed Sports Club First Floor Plans	22nd May 2020
303.B	Proposed Sports Club Roof Plans	22nd May 2020

304.C	Proposed Front and Side Elevations	11th December 2020
306.B	Proposed Section and Side Elevations	22nd May 2020
307.B	Proposed Ground Floor Plan Block A	22nd May 2020
308.B	Proposed First Floor Plan Block A	22nd May 2020
309.B	Proposed Second Floor Plan Block A	22nd May 2020
310.B	Proposed Third Floor Plan Block A	22nd May 2020
311.B	Proposed Fourth Floor Plan Block A	22nd May 2020
312.B	Proposed Rear and Side Elevations	22nd May 2020
313.B	Proposed Front and Side Elevations	22nd May 2020
315.D	Proposed Ground Floor Plan Block B	11th December 2020
316.B	Proposed First Floor Plan Block B	22nd May 2020
317.B	Proposed Second Floor Plan Block B	22nd May 2020
318.B	Proposed Roof Plan Block B	22nd May 2020
319.C	Proposed Basement Floor Plan Block B	15th December 2020
320.B	Proposed Rear and Side Elevations	22nd May 2020
321.B	Proposed Front and Side Elevations	22nd May 2020
323.B	Proposed Ground Floor Plan Block C	22nd May 2020
324.B	Proposed First Floor Plan Block C	22nd May 2020
325.B	Proposed Second Floor Plan Block C	22nd May 2020
326.B	Proposed Third Floor Plan Block C	22nd May 2020
327.B	Proposed Roof Plan Block C	22nd May 2020
328.B	Proposed Rear and Side Elevations Block C	22nd May 2020
329.B	Proposed Front and Side Elevations Block C	22nd May 2020
331.E	Proposed Ground Floor Plan Block D	11th December 2020
332.B	Proposed First Floor Plan Block D	22nd May 2020
333.B	Proposed Second Floor Plan Block D	11th December 2020
334.B	Proposed Roof Plan Block D	22nd May 2020
335.B	Proposed Front and Side Elevations Block D	22nd May 2020
336.B	Proposed Rear and Side Elevations Block D	22nd May 2020
305.C	Proposed Sports Club Rear and Side Elevations	28th July 2020
301.E	Proposed Sports Club Ground Floor Plans	11th December 2020
191970-001 Rev E	Proposed Access Plans	20th August 2020
005	Pitch Diagram	15th December 2020
006	Existing Changing Rooms	15th December 2020
105	Existing Sports Club Elevations	15th December 2020

The application is also accompanied by:

- Arboricultural Impact Assessment
- Flood Risk Assessment Ref 191970-03 Rev A
- Preliminary Ecological Appraisal
- Supporting Design Document
- Affordable Housing Statement
- Framework Travel Plan Ref 191970-05
- Health Impact Statement
- Non-adoptable lighting
- Transport Assessment Ref 191970-02
- FA Pitch and Goalpost Dimensions (Metric)
- Response to Sports England Consultation
- Transport Technical Note Ref 191970-06
- Designer’s Response – Stage 1 Road Safety Audit Ref 191970-07
- Road Safety Audit Stage 1

Applicant:

Mr Rugg and Lowe

Validated:

11 June 2020

Date of expiry:

15 January 2021 (Extension of Time agreed with agent)

Recommendation: Approve subject to conditions and a s106 agreement

This application has been called in to be determined by the Planning Committee by Cllr Worral, Cllr Rice, Cllr Fletcher and Cllr Shinnick in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) as they would like to examine Green Belt issues and to consider buildings on green fields.

1.0 DESCRIPTION OF PROPOSAL

1.1 This is an application for outline planning permission to determine access, layout and scale with matters relating to appearance and landscaping forming the reserved matters.

1.2 The description of development explains that the proposal is for the construction of 4no. blocks of residential dwellings totally 95 units with associated access roads and parking. One of these blocks (Block D) would include gym (D2) at ground floor level. The proposal would also include the erection of new sports and social club (D2) with associated facilities including bowls pavilion, bowling green and petanque terrain and associated facilities including parking. There would be two new vehicular access points to serve the development following the removal of existing vehicular access points. The existing sports club and all associated buildings would be demolished

and the existing hardstanding removed. This application includes the determination of the matters of access, layout and scale with matters relating to appearance and landscaping reserved.

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

Site Area (Gross)	1.7ha						
Height (max)	Block A 13.2m Block B 11.6m Block C 13.2m Block D 11.6m Sports Club 9.5m						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Apartments	55	40	0	0	0	95
	TOTAL	55	40	0	0	0	95
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL		
	Apartments	22	12	0	34		
	TOTAL	22	12	0	34		
Sport Club Floorspace	Club Area 1,032m ² Club Restaurant and Kitchen Area 480m ² Gym Area 236m ² Studio Area 150m ² Bowls Club Pavilion and Indoor Bowling Area 312m ²						
Car parking	Apartments: 98 Sports Club: 70 Total: 168						
Density	55.9 units per ha for the whole site						

The Sports Club

1.4 The existing sports club and all associated buildings would be demolished and the existing hardstandings removed.

1.5 The proposed replacement sports club would be sited towards the south east boundary of the site with a parking area to the front of the site and a bowling green to the rear. The ground floor of the building would comprise of a badminton court, a main bar, a family bar, reception, office, toilets, changing rooms, a cellar and bin

store. The first floor would comprise of a function room, a restaurant, a kitchen, a snooker room and toilets.

- 1.6 The indicative appearance of the building shows a modern designed building with large areas of glazing. The roof of the building is shown to have a green sedum roof for the majority of the roof structure with photovoltaic panels above the badminton court part of the building.
- 1.7 To the east of the building the plans show there would be a large area of outdoor space and a green bowls pitch. Adjacent to the bowls pitch would be 6 petanque courts.
- 1.8 The gym would be sited to the west of the parking area with residential units above Block D but would form part of the sport centre.
- 1.9 There would be a bowls pavilion within the basement and ground floor of Block B and this would be short mat bowls facility, kitchen, store and two changing rooms.

Residential

- 1.10 The description of development explains that the proposal is for the construction of 4no. blocks of residential apartments totally 95 units with associated access roads and parking. The layout of the residential apartments within blocks would be as follows:

Apartments		1-bed	2-bed	TOTAL
Block A	Ground Floor	5	3	8
	First Floor	5	5	10
	Second Floor	5	5	10
	Third Floor	4	2	6
Total				34
Block B	Ground Floor	2	1	3
	First Floor	2	3	5
	Second Floor	2	3	5
Total				13
Block C (Affordable Housing block)	Ground Floor	6	2	8
	First Floor	6	4	10
	Second Floor	6	4	10
	Third Floor	4	2	6
Total				34

Block D	Ground Floor			0
	First Floor	4	3	7
	Second Floor	4	3	7
Total				14
Overall Total		55	40	95

1.11 Each block would include integral refuse stores, cycle stores, lifts and stairwells. Within the ground floor of Block D, in addition to the gym stated above, there would also include a site manager’s officer.

Other development

1.12 Access - There would be two access points into the site, one located centrally which would serve the car park for the residential area with one further towards the south east corner which would serve the club house parking area. The existing accesses would be stopped up.

1.13 Parking - The proposal would involve 70 parking spaces for the sports centre and 98 parking spaces for the flats which would be arranged to the rear and in between the blocks of flats. The residential parking layout would include 32 parking spaces in a podium parking arrangement with double stack parking.

1.14 Energy and Sustainability – The proposal would include renewable energy sources in the form of photovoltaic panels, low energy lighting systems, air source heat pumps (Blocks B and D), electric vehicle charging points and rainwater harvesting measures.

Indicative Information

1.15 Appearance - The indicative appearance of the buildings shows a modern designed building with large areas of glazing. The roof of the buildings would all have a green sedum roof and some would also have photovoltaic panels.

1.16 Landscaping – The illustrative plans and supporting information show the inclusion of grass verges and areas of tree planting throughout the site.

2.0 SITE DESCRIPTION

2.1 The application site relates to the Springhouse Sports Club in Corringham. The site is approximately 1.7 hectares in size and is located on the north east side of Springhouse Road.

- 2.2 The Sports Club is broadly divided into two parts with the majority of the built form and hardstanding located towards Springhouse Road with sports fields to the rear. The application site itself relates to approximately half of the total area of the Sports Club and is focussed upon the existing structures and hardstanding which are predominantly located towards Springhouse Road. The buildings on site are single or two storey and the main sports club building is located centrally within the frontage. The area surrounding these buildings consists of hardstanding to provide parking along with various grassed areas which include bowling greens and part of the sports field. The areas beyond the main sports club building are allocated as existing open space.
- 2.3 To the north is a development called Dove Court and residential properties in Central Avenue, to the east is the sports field and properties in Monfort Avenue backing onto the eastern boundary of the sports field, to the south is an area of public open space, and directly to the west of Springhouse Road are residential properties. The site is in close proximity to Corringham town centre and various local shops and facilities. Springhouse Road includes bus routes.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
20/00642/SCR	EIA Screening Opinion for the construction of 4no. blocks of residential dwellings with associated access roads and parking, one block to include doctors surgery and police office (D1), and gym (D2) at ground floor level. Erection of new sports club with associated facilities including bowls pavilion, bowling green and petanque terrain and associated facilities including parking. Formation of two vehicular access points following the removal of existing vehicular access points. Demolition of existing sports club, all associated buildings and removal of hardstanding.	EIA Not Required
14/00288/FUL	Conservatory to rear to extend the existing family room (9mtrs x 5mtrs)	Approved
80/01338/FUL	New building for sodium hypochlorite storage tanks.	Approved
78/00665/FUL	Alterations to Beer Store.	Approved

76/00029/ADV	Two Illuminated Box Signs	Approved
75/00839/FUL	New Male Lavatory Block. (Revised Plans received 24.9.75.)	Approved
70/00861/FUL	Additional space for club activities.	Approved
70/00861A/FUL	Extension to "Shell" Club (Revised plans)	Approved
70/00861B/FUL	Details of external materials. (As per letter from applicants' Architect dated 20.1.71)	Approved
63/00177/FUL	Gymnasium & Sports Training Facilities	Approved
55/00480/FUL	Bowls Pavilion	Approved
53/00116/FUL	Extension to existing sports ground	Approved
55/00227/FUL	Extension to Club Premises	Approved
55/00072/FUL	Construction of Swimming Pool	Approved
52/00199/FUL	Addition	Approved
48/00024/FUL	Pavilion and provision of Bowling Green and Tennis Courts	Approved

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Representations have been received consisting of 20 letters of objection, 1 comment and 40 letters of support. The responses can be summarised as follows:

Objections

- Overdevelopment
- Loss of green space
- Contrary to policy
- Out of character
- Additional Traffic
- Parking
- Loss of privacy and overlooking
- Overshadowing and loss of light
- Overbearing impact
- Noise and disturbance
- Prevent houses opposite investing in solar panels
- Construction traffic/disturbance

- Impact upon local infrastructure
- Sale of alcohol
- Occupation of affordable units
- Access to site
- Previous statement regarding the residential development of the site
- Flats at bottom of the garden
- Pandemic shown the importance of retaining open space

Comment

- Whether the access is acceptable
- Whether there is enough parking

Support

- Housing and affordable housing
- Employment
- Economic benefit
- Improved sports facilities
- Improved social facilities
- Current clubhouse in poor state of repair
- Provision of new infrastructure
- If not built club may have to close

4.3 ANGLIAN WATER:

No objection subject to condition requiring a surface water drainage strategy to be agreed.

4.4 EDUCATION:

No objection subject to a financial contribution of £148,574.06 towards nursery, primary and secondary education provision.

4.5 ENVIRONMENTAL HEALTH:

No objection regarding air quality and contaminated land subject to condition requiring a Construction Environmental Management Plan.

4.6 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection.

4.7 ESSEX POLICE:

Recommends the developer achieves the Secured by Design accreditation.

4.8 FLOOD RISK ADVISOR:

No objection subject to conditions regarding further details of the surface water drainage strategy with future maintenance and management details.

4.9 HIGHWAYS:

No objection subject to conditions and a planning obligation of £100,000 towards improvements to the junction of Giffords Cross Road and Springhouse Road and £10,000 towards provision of Controlled Parking Zones.

4.10 HOUSING:

No objection subject to 35% of the development to be secured for affordable housing requirements.

4.11 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to conditions and legal agreement in relation to RAMS contribution.

4.12 NHS ENGLAND:

No response.

4.13 PUBLIC RIGHTS OF WAY OFFICER:

No objection subject to public footpath 163 remaining open between Pembroke Avenue and Park Road.

4.14 SPORTS AND LEISURE POLICE AND DEVELOPMENT MANAGER:

No objection subject to condition sports facilities being replaced in advance of demolition and ensuring the Bowling Green meets Sport England's guidance.

4.15 SPORT ENGLAND:

No objection subject to conditions/obligations for phasing and delivery of sports and social club facilities and the bowling green construction and design to follow Sport England requirements.

4.16 STRATEGIC TRANSPORT MANAGER:

No objection subject to submission of travel plans and a monitoring fee of £525 per annum for at least five years, and a financial contribution of £35,000 towards a car club and £40,000 towards bus infrastructure improvements on Springhouse Road and Gordon Road

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

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:

5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
11. Making effective use of land;
12. Achieving well-designed places;
15. Conserving and enhancing the natural environment;

5.2 Planning Policy 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
- Effective use of land
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing needs of different groups

- Housing needs of different groups
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

5.3 Local Planning Policy Thurrock Local Development Framework

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)

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

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Impact upon Sports Uses, Community Uses and Open Space
- III. Housing Land Supply, Need, Mix and Affordable Housing
- IV. Design and Layout and Impact upon the Area
- V. Landscaping and Amenity Space
- VI. Access, Traffic Impact and Parking
- VII. Flood Risk and Surface Water Drainage
- VIII. Biodiversity and Ecology
- IX. Effect on Neighbouring Properties

- X. Energy and Sustainable Buildings
- XI. Viability and Planning Obligations
- XII. Sustainability
- XIII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site is located within the urban area of Corringham and is partly allocated in the Core Strategy Plan Proposals Map as existing open space, outdoor sports and recreational facilities where policies CSSP5, CSTP10 and PMD5 apply. A large part of the site is not allocated for any particular land use. There are no objections to the principle of development in this urban location subject to consideration of the impact upon existing sports facilities, open space and recreational facilities in regard to policies CSTP10 and PMD5, and with regard to all other material considerations.

II. IMPACT UPON SPORTS USES, COMMUNITY USES AND OPEN SPACE

- 6.3 The existing sports facilities including the club facilities, bowls facilities and sports hall which would be redeveloped through this proposal partly through four blocks of residential dwellings and partly through replacement sports and social club facilities. The new sports and social club building would include a replacement sports hall, social club facilities, bowls green as well as a new gym, petanque court and a dedicated bowls pavilion. Approximately 0.3 hectares of the playing field would be lost for the redevelopment scheme but the majority of the club's playing field would be retained. It should be noted that the residential development associated with this proposal is enabling development to fund the new/replacement sports and social club facilities.
- 6.4 The key issues relate to the impact upon the sports and community uses on the site and the impact upon open space and sports pitches.
- 6.5 With regards to the Core Strategy, policy CSTP10 states that the loss of community facilities will only be allowed where *'appropriate facilities of equal or better quality will be provided as part of the development'*. Policy PMD5 states that *'Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted'*, unless alternative facilities of an equivalent or improved facilities can be provided and that proposals would not negatively affect the character of the area.
- 6.6 In terms of the NPPF, paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the following criteria are fulfilled:
- a) *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*
or
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

- 6.7 In terms of the above policies the community use would provide improved facilities than existing and would comply with the requirements of policy CSTP10. With regards to policy PMD5 the proposal would continue to provide a bowling green in replacement of the small area of playing field lost through the development but sufficient playing fields would remain for sporting uses to accord with this policy.
- 6.8 In addition to the planning policies, Sport England's policy on the loss of playing fields is in a similar vein to the planning policies and is a material consideration. Within the Sport England's Playing Fields Policy and Guidance 2018 it sets out that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field or land which has been used as a playing field and remains undeveloped unless, in the judgement of Sport England, the development as a whole meets with specific exceptions. For this proposal there are exceptions to the Sport England policy and therefore consideration must be given to whether exceptional circumstances exist that would justify the loss of part of the playing field.
- 6.9 In terms of exceptional circumstances Sport England considers that the proposal would lead to improved and new facilities that would be superior to the existing situation with modern fit for purpose facilities. While the development would result in the loss of around 0.3 ha of playing fields and reduce the space available the playing field would still be accommodated on the remaining playing field with room for sports pitch markings. The sports & social club building would provide changing facilities that support the sports hall which have been designed so that direct external access could be provided to the playing fields if required. In these circumstances Sport England raise no objection to the application subject to the imposition of appropriate conditions. The Council's Sports and Leisure Policy and Development Manager supports the Sport England's view to this application.
- 6.10 For the reasons stated above the proposal would be acceptable having regard to policies CSTP10, PMD5, paragraph 97 of the NPPF and in light of Sport England's consultation response.

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

- 6.11 There is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of paragraph 73 of the NPPF.

- 6.12 The residential development would constitute enabling works in order to allow for the redevelopment of the sports club and provide additional housing within the urban area. Policy CSSP1 seeks to direct residential to Previously Developed Land in the Thurrock Urban Area in order to protect the Green Belt and surrounding countryside. This also has the benefit of ensuring residential development is more sustainable due to the proximity to existing services, infrastructure and public transport. In order to ensure efficient use of the land a density range of between 30 to 75 dwellings would be appropriate due to the medium level of accessibility of the site. In this instance a density of 55.9 units per hectare is proposed which would ensure the efficient use of the land.
- 6.13 Policy CSTP1 also requires the dwelling mix for new residential developments to be provided in accordance with the latest (May 2016) Strategic Housing Marketing Assessment (SHMA) and the update Addendum (May 2017). The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom apartments. The proposal would provide 95 dwellings in the form of apartments (1 and 2 bedroom units). This would reflect the Borough's housing needs in regard to the latest SHMA and policy CSTP1. There are no objections raised by the Council's Housing Officer as the proposed units would meet the demand as set out in the SHMA.
- 6.14 With regard to affordable housing, policy CSTP2 requires 35% of the development to be allocated for affordable housing. The applicant is offered a policy compliant level of affordable housing comprising totalling 34 affordable dwellings in the form of 22 x 1 bedroom units and 12 x 2 bedroom units. The Council's Housing Officer supports the provision being offered subject to the affordable housing being secured through a planning obligation.

IV. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.15 Policy CSTP22 requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'*. Policy PMD2 states *'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views'*. Paragraph 124 of the NPPF requires the creation of high quality buildings and places and PPG Design: Process and Tools identifies 10 characteristics, which are context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.
- 6.16 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the

determination of planning applications in March 2017. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:

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

Understanding the Place

6.17 The immediate area consists of buildings of varied scale and design. Springhouse Road and Princes Avenue, to the south west and south of the site respectively, generally consist predominantly of two storey detached or terraced dwellings of traditional design. The site is separated from Princes Avenue by an area of public open space. To the north and east of the site are single storey bungalows along Central Avenue and Montfort Avenue. There is a change in character moving north west along Springhouse Road towards Corringham Town centre where there are a number of 3 storey buildings including a number of flat roofed design. There is also a more mixed character with a number of industrial and commercial buildings within this area.

Layout

6.18 The proposed layout of the development shows that two new vehicle accesses would be provided onto Springhouse Road, one for residential access and one for club access. The club access would lead into a car park at the front of the site with the proposed sports centre and outdoor sports areas position behind the car park. The layout for the residential part of the site would feature two apartment blocks fronting onto Springhouse Road and two further apartment blocks set back behind the two front apartment blocks. The access road would pass between the apartment blocks providing access to car parking areas between and to the rear of the apartment blocks. Within the site it is acknowledged that there would be parking areas for the residential use towards the centre and rear of the site with limited views from the public domain. The sport centre parking would be located at the front of the site. Overall, there are no objections raised to the layout of the development.

6.19 The proposed internal layout dimensions for the apartments would comply with the relevant minimum space standards. In addition the outlook and natural light to habitable rooms would be acceptable.

Scale and Appearance

- 6.20 The development would consist of five buildings ranging from the two storey sports club to the three and four storey residential blocks. There would be a suitable level of separation between the residential buildings to ensure there would be some relief in built form. The set back from the road would afford an opportunity for landscaping which would further break up the scale of the buildings. Whilst these buildings would be taller than existing buildings at the site there are larger residential or mixed use buildings found towards Corringham town centre. The fourth floor would represent an additional storey height above the tallest buildings in the general character of the area, however, these elements would be restricted to a small area of the roofs of Blocks A and C, which helps lessen its impact and provides more articulation to the appearance of the building at the lower levels. The scale of the residential development and the indicative/illustrative appearance of these buildings raise no objections.
- 6.21 The sports club would be predominantly two storey with a taller element to accommodate the necessary internal ceiling height for the badminton court within sports club, and this would be positioned towards the rear of the building so its impact upon the front elevation is lessened by this set back. The sports club would be set well back from the road with a suitable separation from the nearest residential block to provide a transition between the differing scales of these buildings. It is considered that the scale of the sports centre would be acceptable in the context of the location and general character of the area. The indicative/illustrative appearance of the sports hall building raises no objections.
- 6.22 The existing site is dominated by hardstandings when viewed from Springhouse Road and the current proposal would reduce the amount of hardstanding allowing space for landscaping to the front of the site which would represent a visual improvement. Therefore it is considered that the reduction in the level of hardstanding would represent an improvement.

Impact upon the Area

- 6.23 The proposal would retain the sports pitch and open field to the rear of the site, would be set in from the side boundaries and given the varied character and appearance of development in the area the proposed development would be acceptable in design terms having regard to the Thurrock Design Strategy SPD, policies CSTP22, CSTP23 and PMD2, alongside the requirements of the NPPF and PPG.

V. LANDSCAPING AND AMENITY SPACE

Landscaping and Trees

- 6.24 Given the extent of existing built form and hardstanding's at the site there is currently only limited of landscaping. The proposal would be likely to result in improvements

in landscaping at the site but a full detailed landscaping scheme would need to be provided through the subsequent reserved matters to satisfy the requirements of policy PMD2.

- 6.25 In addition to the above, the landscaping of the site would need to be managed and therefore details of the future management and maintenance arrangements for the site would also need to be secured through a planning condition or obligation (if payment is necessary).
- 6.26 There are no trees within the site that are subject of Tree Preservation Orders (TPO's). The applicant's Arboricultural Impact Assessment identifies that 11 trees would need to be removed and three of these trees would be category B trees (trees of moderate quality) and the rest category C trees (trees of low quality). Trees remaining on site would need to be subject to tree and root protection measures during the construction period. The Council's Landscape and Ecology Advisor raises no objections and the landscaping scheme through the reserved matters could introduce replacement trees to allow for landscape improvement in line with policy PMD2.

Private Amenity Space

- 6.27 Each apartment would have either a balcony or patio area ranging between 6.5m² to 9.5m². Communal amenity space would also be required within the designated areas main areas between the front and rear apartment blocks. Directly to the south is the recreation ground and Corringham Town Park is also a short within walking distance of the site. It is considered that the level of amenity space would be suitable for future occupiers with regard policy PMD2.

VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

Access and Accessibility

- 6.28 The proposal would reduce the number of access points from 3 to 2, one would serve the redeveloped sports facility and the other would provide access to the residential element of the scheme, so this would be an improvement through less vehicle access points onto Springhouse Road. The Highway Officer advised that a 'controlled parking zone' to manage on street parking in this location could be facilitated but such a requirement is outside of the scope of this planning application. The Highway Officer has raised no objection to the internal road layout and it is considered appropriate for refuse vehicles. No objections are raised in regard to policy PMD9 and paragraph 108 of the NPPF.
- 6.29 In terms of accessibility the site is within close proximity to Corringham town centre for essential shops, services, amenities and multi modal sustainable transport

options including a number of bus routes. The Council's Strategic Transport Manager has identified the need for bus infrastructure improvements including the replacement of the bus shelter on Springhouse Road eastbound and enhancements of the westbound bus stop on Gordon Road with a new shelter and a real time passenger information screen.

Traffic Impact

- 6.30 The applicant's Transport Assessment (TA) identifies that there would be 55 two way vehicle movements in the weekday AM peak hour and 56 two way vehicle movements in the weekday PM. The TA states that the impact of predicted trip generation would be acceptable within the highway network. The Council's Highway Officer has no objection regarding these vehicle movements but has raised concerns regarding the impact upon the junction of Giffords Cross Road and Springhouse Road as a main route into Corringham. The Council's Highways Officer has advised that a contribution of £100,000 towards improvement measures at the junction of Giffords Cross Road and Springhouse Road would be needed to mitigate the impact of the development. Therefore subject to this mitigation the overall principal of the impact upon the surrounding road network is considered to be acceptable having regard to policies PMD9 and PMD10, and paragraphs 108 and 110 of the NPPF.

Parking and Travel Plan

- 6.31 The proposal would provide a total of 98 parking spaces for residential occupiers and for the sports club 70 parking spaces are proposed to the front of the sport centre building. It is considered that the level of parking provision for would be acceptable. In order to ensure that the car park for the sport centre is isn't used by residents a car park management plan would be necessary detailing how parking would be controlled through car parking enforcement, ANPR cameras and similar mechanisms. This can be secured through a planning condition along with a further condition requiring provision of electric vehicle parking and charging facilities. Given the accessibility to local bus services along with local shops and amenities in the nearby town centre and it is considered that the level of parking provision would be acceptable for the residential development in regard to policy PMD8 and paragraph 110 of the NPPF.
- 6.32 With regards to cycle storage the proposal would provide 150 spaces located across three of the residential blocks. There would also be space within the storage area of Block D for mobility scooters and cycles. To encourage cycling to the sports centre it is necessary for cycle parking to be provided within close proximity of the sports centre and this would need to be secured through a planning condition.

- 6.33 Given the accessibility to local bus services along with local shops and amenities in the nearby town centre and it is considered that the level of parking provision would be acceptable for the residential development in regard to policy PMD8 and paragraph 110 of the NPPF.
- 6.34 The proposed development would give rise to the need for a Travel Plan to promote sustainable modes of transport to accord with policy PMD10 and paragraph 111 of the NPPF. The applicant's Framework Travel Plan includes targets of decreasing single occupancy car usage, increase walking and cycling to the development, increase bus and train usage, and increase car sharing and car club uses. The Travel Plan would include welcome parks for new home owners but there is also a need for a travel plan for the sports centre use. The Council's Strategic Transport Manager raises no objection subject to the need for the travel plans to be secured through planning conditions and an associated monitoring fee of £525 per annum for a minimum of five years secured through a planning obligation. The Council's Strategic Transport Manager also requires a financial contribution of £35,000 towards a car club facility and supporting measures for a five year period and this can be secured through a planning obligation.

VII. FLOOD RISK AND DRAINAGE

- 6.35 The application site is located within the low risk flood zone (Flood Zone 1) and the PPG advises that there is no requirement for application of the Sequential Test or Exception Test as the development is 'appropriate' within this low risk flood zone. As the site area exceeds 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA) which confirms that the site is not at risk from flooding.
- 6.36 The FRA includes surface water details explaining that devices such as permeable paving construction for the parking bays would be used in addition to green roofs, shallow swale, and below-ground geocellular attenuation crates. From these features the surface water would discharge would drain into the existing drainage system at the rear of the site at a controlled discharge rate (where necessary a hydro brake would be used). The Flood Risk Manager raises no objection subject to the use of planning conditions requiring a detailed surface water drainage scheme and details of the future management and maintenance arrangements, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.

VIII. BIODIVERSITY AND ECOLOGY

- 6.37 The Council's Landscape and Ecology Advisor has stated that the site falls within the 'Zone of Influence' of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS),

which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site.

Habitats Regulations Assessment

6.38 In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 63 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site*

The competent authority must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

6.39 The table below is the Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained in the table below with the LPA’s response to each stage:

Stage	LPA response
<p>Stage 1 is the Screening Assessment</p>	<p>The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify:</p> <ul style="list-style-type: none"> • New dwellings of 1+ units (excludes replacement dwellings and extensions) • Houses of Multiple Occupancy (HMOs) • Residential care homes and residential institutions (excluding nursing homes) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and travelling show people plots <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects.</p>

	<p>Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.</p>
<p>Stage 2 is the Appropriate Assessment</p>	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the ‘summary’ section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secure in line with the Essex Coast RAMS requirements.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.</p> <p>For development’s under 100 dwelling Natural England need not be consulted on the appropriate assessment and proposed mitigation measures.</p>
<p>Summary of the Appropriate Assessment</p>	<p>The application would result in a net increase of 95 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p>Summary of recreational disturbance mitigation package:</p> <p>The application is for a net increase of 95 dwellings. The site is not within or adjacent to the SPA. 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.</p> <p>The current tariff is £125.58 per unit. Therefore the financial contribution should be £11,930.10 and this can be secured through a planning obligation.</p>

- 6.40 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.
- 6.41 Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 6.42 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £11,930.10 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.43 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms 'Recommendation A'.

On Site Ecological Assessment

- 6.44 The applicant's Ecological Report identifies that the site has limited potential for supporting protected species and contains no habitats of any significance. It is recognised that the proposed green roofs would have the potential to support biodiversity net gain along with planting through a landscaping scheme. The Council's Landscape and Ecology Advisor raises no objection subject to the inclusion of ecological enhancement measures being implemented which can be secured through a planning condition to meet the requirements of policy PMD7 and paragraph 170 (g) of the NPPF.

IX. EFFECT ON NEIGHBOURING PROPERTIES

- 6.45 The nearest neighbouring residential property is to the north in a building known as Dove Court which is approximately 5m from the site's northern boundary. This building has gardens bordering the boundary and windows in the south elevation which face towards the site and overlook the existing bowling green. The view from the properties in Dove Court would partly change as the side elevation of Block C would be located approximately 16.7m away (building to building distance), however, the side elevation would not occupy the length of the common boundary. Given the retained separation distance it is considered that there would not be a significant loss of light or overbearing impact upon the residents of Dove Court, which is supported by the applicant's Daylight and Sunlight Assessment. In terms of privacy there would

be no windows in the north side elevations of Block C and details of the balcony screening for the apartments can be secured through condition/reserved matters. Given the separation distance it is considered that these would not result in a significant loss of privacy. Overall the proposal would not adversely affect the residential amenities of the occupiers of this building.

- 6.46 The side elevation of Block A would be visible from the properties and gardens in Central Avenue, directly to the north. However, there is already a two storey building located within the site at the end of the gardens to some of these properties. This building would be demolished resulting in an improvement. The distance between Block A and the rear wall of properties in Central Avenue would be approximately 48m. Block A would step down to three stories in height towards the common boundary which would be 5.9m from the side wall of Block A. Given the limited nature of these views and the retained separation distance this would not result in a significant loss of privacy, loss of light or overshadowing, which is supported by the applicant's Daylight and Sunlight Assessment. In terms of privacy there would be no windows in the north side elevations of Block A and details of the balcony screening for the apartments can be secured through condition/reserved matters. Given the separation distance it is considered that these would not result in a significant loss of privacy. Therefore the occupiers of these properties and their gardens would not be adversely affected by the development.
- 6.47 The proposed buildings are considered to be suitably separated from neighbours on the opposite side of Springhouse Road to ensure there would not be a significant impact in terms of loss of light, overbearing impact or loss of privacy.
- 6.48 The proposal would result in an increase in the intensity of the use of the site due to the creation of a new sports club and the additional residential use. The sports club would be sited towards the south east boundary of the site and set back from the road and away from residential properties. It is noted that the sports club includes significant social elements including a bar and function room which could result in noise and disturbance in the evenings. However it is recognised that the existing complex already provides a bar and function rooms. In order to ensure that there would not be a significant impact during unsociable hours it is considered necessary to include a condition in relation to the intended hours of operation of the sports club along with an appropriate noise management plan. This would also be particularly relevant in terms of the occupiers of the proposed residential units which would be in closer proximity to this operation.
- 6.49 Subject to the mitigation measures required through planning condition the proposal would not raise any demonstrable harm to neighbouring amenity in terms policy PMD1 and paragraph 180 of the NPPF.

X. ENERGY AND SUSTAINABLE BUILDINGS

- 6.50 In terms of meeting the requirements of policy PMD13 it is stated in the applicant's Design and Access Statement that a range of measures including photovoltaic panels, green walls and roofs, rainwater harvesting, air source heat pumps, heat recovery units, energy efficient fabrics and low water usage fittings would be used throughout the development. It is stated that 20% of the sites total energy generated would be via renewable sources which would comply with policies CSTP25 and PMD13, however, further details of the proposals would need to be agreed through a planning condition.
- 6.51 The BREEAM Feasibility Study demonstrates that an 'Outstanding' rating could be achieved to accord with policy PMD12 and this can be secured through a planning condition.

XI. VIABILITY AND PLANNING OBLIGATIONS

- 6.52 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.53 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. In September 2019 the pooling restrictions were removed through the updated Community Infrastructure Levy Regulations but the Council continues to maintain the Infrastructure Requirement List (IRL) to provide an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.54 Through the consultation process and assessment of this application the proposed development requires the following planning obligations:
- Housing - For 35% of the development to be for affordable housing provision as required by policy CSTP2.
 - Education – A financial contribution of £148,574 towards nursery, primary and secondary education provision to mitigate the impact of the development.

- Highways - A financial contribution of £100,000 towards improvements to the junction of Giffords Cross Road and Springhouse Road as a main route into Corringham
- Strategic Transport – A financial contribution of £35,000 towards a car club facility and associated works for a minimum five year period.
- Strategic Transport – A financial contribution of £40,000 towards bus infrastructure improvements on Springhouse Road and Gordon Road.
- Travel Plan Monitoring – A financial contribution of £525 per annum for a minimum of five years for each Travel Plan for monitoring purposes to mitigate the impact of the development.
- Ecology – A financial contribution of £11,930.10 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.

6.55 The applicant has agreed to meet these required planning obligations to mitigate the development.

XII. SUSTAINABILITY

6.56 Paragraph 7 of the NPPF explains that the purpose of the planning system is to achieve sustainable development and as part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development.

6.57 For the economic objective the proposal would create employment opportunities for the construction phase and for the operational use of sport centre development. When the development is occupied new residents and users of the sport centre would contribute to the local economy. The dwellings would provide an opportunity for local people to live, work and use the leisure facilities at the site and in wider area.

6.58 For the social objective the development would help create a new community at this site. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's five year housing land supply. The sports centre would have provide sports and social benefits for the users of the site.

6.59 For the environmental objective the proposed development would re-use existing previously developed land instead of a greenfield site, it would deliver energy efficient measures, create a high quality designed development, improve visual appearance of the site, increase landscaping, improve connectivity and linkages with Corringham town centre. The surface water management measures would prevent any off site flooding. As identified above the site is accessible by a range of transport modes.

- 6.60 For these reasons stated above the proposed development can satisfy all three objectives of paragraph 8 of the NPPF and where the 'presumption in favour of sustainable development' applies to accord with paragraph 11 of the NPPF.

XIII. OTHER MATTERS

- 6.61 The Council's Environmental Health Officer advises that there would be no issues for air quality or contaminated land considerations. It is recommended that Construction Environmental Management Plan is secured through condition.
- 6.62 Concerns were raised regarding the possible impact upon the ability for the houses on the opposite side of Springhouse Road to invest in solar panels. Given the orientation and separation distances from these houses it is considered that the proposal would not preclude these dwellings from installing solar panels in the future.
- 6.63 The sale of alcohol would not be unusual in such an establishment and would be controlled by separate licensing legislation. There would also be restrictions on hours of use of the sports club to ensure that the proposal would not unacceptably impact upon neighbouring amenity.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposal would allow for the replacement of the existing and ageing sports facilities would a purpose built new sports centre and would allow for significant improvements when compared to the existing facilities. The proposal would make better use of the space at the site and would also allow for residential development on part of the site which is necessary as enabling development to fund the new sports centre and its uses. The proposal would be acceptable having regard to policies CSTP10, PMD5, paragraph 97 of the NPPF. The proposal is also supported by Sport England.
- 7.2 The 95 apartments provided through the re-development of the site would contribute to the Council's housing land supply and identified housing needs with the provision of 35% of the apartments as affordable housing units. The site benefits from a sustainable location and is within in easy access of Corringham town centre. The proposal would lead to visual improvements to the site and the immediate surrounding area.
- 7.3 The proposal is acceptable in regard to all other material planning considerations and the proposal would provide number of planning obligations in terms of affordable housing and financial contributions towards education, healthcare, highway improvements, travel plan monitoring and the Essex RAMS payment.

- 7.4 Therefore the recommendation for approval of planning permission is subject to completion of a section 106 agreement and subject to the planning conditions, this is 'Recommendation B' as before consideration of the planning permission is made a decision is needed to determine that the development would not have a likely significant effect on a European site either alone or in combination with other plans or projects, which is 'Recommendation A'.

8.0 RECOMMENDATION

Recommendation A:

- 8.1 That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

- 8.2 Approve the application for the reasons given in this report and delegate authority to the Assistant Director – Planning, Transport and Public Protection to grant planning permission subject to all of the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
 - Housing - For 35% of the development to be for affordable housing provision as required by policy CSTP2.
 - Education – A financial contribution of £148,574 towards nursery, primary and secondary education provision to mitigate the impact of the development.
 - Highways - A financial contribution of £100,000 towards improvements to the junction of Giffords Cross Road and Springhouse Road as a main route into Corringham.
 - Strategic Transport – A financial contribution of £35,000 towards a car club facility and associated works for a minimum five year period.
 - Strategic Transport – A financial contribution of £40,000 towards bus infrastructure improvements on Springhouse Road and Gordon Road.
 - Travel Plan Monitoring – A financial contribution of £525 per annum for a minimum of five years for each Travel Plan for monitoring purposes to mitigate the impact of the development.
 - Ecology – A financial contribution of £11,930.10 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.

ii) the following planning conditions:

Submission of Outstanding Reserved Matters

1. The development shall be carried out in accordance with plans and particulars relating to the appearance and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

Reason: The application as submitted does not give particulars sufficient for consideration of the reserved matters.

Time limit for the submission of the Outstanding Reserved Matters

2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Time limit for the commencement of Outline Planning Permission

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans List

4. The development shall be carried out in accordance with the plans in regard to the access, layout and scale of the development hereby approved and any plans showing appearance and landscape shall only be used for indicative and illustrative purposes until the appearance and landscape reserved matters have been subsequently approved. The plans approved for this outline permission are listed as follows:

Plan Number(s):		
Reference	Name	Received

338.D	Proposed Street Scene Locations Plan	11th December 2020
339.B	Proposed Street Scenes A and E	22nd May 2020
340.B	Proposed Street Scenes B and F	22nd May 2020
341.C	Proposed Street Scenes C and G	11th December 2020
342.B	Proposed Street Scene D	22nd May 2020
000.G	Location Plan	11th December 2020
001.C	Existing Site Plan	15th December 2020
002.H	Proposed Block Plan	15th December 2020
004.I	Proposed Site Plan including Ground Floor Plans	11th December 2020
007.D	Proposed Site Plan Public Space and Connectivity	11th December 2020
101.B	Existing Floor Plans	22nd May 2020
102.B	Existing Front and Side Elevations	22nd May 2020
103.B	Existing Side and Rear Elevations	22nd May 2020
104.B	Existing Elevations	22nd May 2020
302.B	Proposed Sports Club First Floor Plans	22nd May 2020
303.B	Proposed Sports Club Roof Plans	22nd May 2020
304.C	Proposed Front and Side Elevations	11th December 2020
306.B	Proposed Section and Side Elevations	22nd May 2020
307.B	Proposed Ground Floor Plan Block A	22nd May 2020
308.B	Proposed First Floor Plan Block A	22nd May 2020
309.B	Proposed Second Floor Plan Block A	22nd May 2020
310.B	Proposed Third Floor Plan Block A	22nd May 2020
311.B	Proposed Fourth Floor Plan Block A	22nd May 2020
312.B	Proposed Rear and Side Elevations	22nd May 2020
313.B	Proposed Front and Side Elevations	22nd May 2020
315.D	Proposed Ground Floor Plan Block B	11th December 2020
316.B	Proposed First Floor Plan Block B	22nd May 2020
317.B	Proposed Second Floor Plan Block B	22nd May 2020
318.B	Proposed Roof Plan Block B	22nd May 2020
319.C	Proposed Basement Floor Plan Block B	15th December 2020
320.B	Proposed Rear and Side Elevations	22nd May 2020
321.B	Proposed Front and Side Elevations	22nd May 2020
323.B	Proposed Ground Floor Plan Block C	22nd May 2020
324.B	Proposed First Floor Plan Block C	22nd May 2020
325.B	Proposed Second Floor Plan Block C	22nd May 2020
326.B	Proposed Third Floor Plan Block C	22nd May 2020
327.B	Proposed Roof Plan Block C	22nd May 2020

328.B	Proposed Rear and Side Elevations Block C	22nd May 2020
329.B	Proposed Front and Side Elevations Block C	22nd May 2020
331.E	Proposed Ground Floor Plan Block D	11th December 2020
332.B	Proposed First Floor Plan Block D	22nd May 2020
333.B	Proposed Second Floor Plan Block D	11th December 2020
334.B	Proposed Roof Plan Block D	22nd May 2020
335.B	Proposed Front and Side Elevations Block D	22nd May 2020
336.B	Proposed Rear and Side Elevations Block D	22nd May 2020
305.C	Proposed Sports Club Rear and Side Elevations	28th July 2020
301.E	Proposed Sports Club Ground Floor Plans	11th December 2020
191970-001 Rev E	Proposed Access Plans	20th August 2020
005	Pitch Diagram	15th December 2020
006	Existing Changing Rooms	15th December 2020
105	Existing Sports Club Elevations	15th December 2020

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

Phasing & Delivery of Sports Centre/Uses

- The development shall not be begun until a detailed programme of phasing of the development has been submitted to and approved in writing by the local planning authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall require the replacement sports centre and sporting facilities to be completed and be made available for use prior to the occupation of 34 apartments or within a timeframe to be agreed in writing with the local planning authority prior the commencement of development. The development shall be implemented in accordance with the approved Phasing Strategy.

Reason: To ensure the sports centre and associated uses are implemented on the site prior to completion of all residential uses in order preserve the use of the site for sporting purposes in accordance with policies CSTP10 and PMD5 of adopted Thurrock

LDF Core Strategy and Policies for the Management of Development (2015) and paragraph 97 of the NPPF.

Bowling Green Details

- 6 No development of the bowling green hereby permitted shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the bowling green which identifies constraints which could affect bowling green quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the bowling green will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation, maintenance and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in accordance with the details as approved prior to occupation of the sports centre.

Reason: To ensure that the bowling green is prepared to an adequate standard, is fit for purpose, provides a satisfactory quality of compensatory provision and to accord with policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and paragraph 96 of the NPPF.

Definition of Use

- 7 The sports centre shall only be used such purposes and for no other purpose including any purpose as defined within Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

Details of Materials/Samples to be submitted

- 8 The application for approval of reserved matters shall include details of all materials to be used in the construction of the external surfaces.

Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

Site Levels

- 9 No development shall commence until details of the existing and finished site levels and finished external surface levels, and the finished floor levels of the buildings hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

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

Details of Boundary Screening

10. The application for approval of reserved matters shall include details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers to be used.

Prior to the occupation of the development details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be completed prior to the occupation of the development and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Submission of Landscaping Details for Reserved Matters

- 11 The landscaping details pursuant to the reserved matters referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. These details shall include:

Soft landscaping works:

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

Hard landscape works:

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

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

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

Landscape Management Plan

- 12 No development shall commence until a landscape management plan, including management responsibilities and maintenance schedules for upkeep of all landscaped

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

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

Retention of Identified Trees / Hedges

- 13 The trees and hedges identified for retention on the approved plan within the Arboricultural Impact Assessment which forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the demolition and construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

Reason: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Vehicular Accesses

- 14 No development shall commence until details of the two accesses onto the highway have been submitted to and approved in writing by the local planning authority. The details shall include layout, dimensions, sight splays, visibility splays and construction specification of the accesses. The apartments and/or sports centre shall not be occupied until the junctions has been laid out, constructed and surface finished in accordance with the details as approved.

Reason: To ensure that the access is constructed to the appropriate standard in the

interests of highway safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Electric Gate Details

- 15 The application for approval of reserved matters shall include details of proposed electric gate shown on the approved plans to access to the apartments. The electric gate shall only be installed as approved prior to the occupation of the apartments and shall be retained and maintained as such thereafter.

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

Closure of Existing Accesses

- 16 Immediately the new two accesses hereby permitted are brought into use the existing access shall be permanently closed in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.

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

Parking Provision

- 17 Prior to the occupation of the development the vehicle parking areas shown on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be maintained and retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

Podium Parking

- 18 Prior to the occupation of the development details of the final design of the proposed podium parking system as shown on the approved plans shall be submitted to and agreed in writing with the local planning authority. The details shall include how the

podium parking system operates, identification of how the spaces would be allocated to each apartment and who will be responsible for the maintenance and management of the installed podium parking system. The podium parking system as approved shall be maintained and retained at all times thereafter. The podium parking system shall not be used for any purpose other than the parking of vehicles.

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

Car Parking Management Scheme

- 19 Prior to the occupation of the development details of a Car Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced to prevent residents parking within the sports centre car park and prevent users of the sports centre parking in the residential car park, which shall be submitted to and approved by the local planning authority. The approved Car Parking Management Strategy shall be implemented and thereafter retained for the duration of the use of the site unless otherwise agreed in by local planning authority.

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

Electric Charging Points

- 20 Prior to the occupation of the development details of electric charging points for parking spaces shall be submitted to and approved by the local planning authority. The electric charging points shall be installed as approved and shall be maintained and retained in this form at all times thereafter.

Reason: In the interests of sustainability and to ensure that adequate car parking provision is available for electric vehicles in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Cycle Parking for Sports Centre/Use

- 21 Notwithstanding the detailed on the approved plans, prior to the occupation of the sports centre development hereby approved details of the number, size, location, design and materials of secure and weather protected cycle parking/powered two wheelers facilities to be located in close proximity of the sports centres shall be submitted to and agreed in writing with the local planning authority. The agreed

facilities shall be installed on site prior to the occupation of the sports centre and shall thereafter be permanently retained for sole use as cycle parking/powered two wheelers facilities for the users and visitors of the development.

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

Travel Plan – Residential

- 22 Prior to the occupation of the apartments hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first residential occupation of the apartments hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

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

Travel Plan – Sports Centre

- 23 Prior to the occupation of the sports centre building hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the sports centre building hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the sports centre building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

No additional windows

- 24 For the reserved matters for 'appearance' there shall be no windows installed in the northern side elevation of Block A and C of the residential apartments.

Reason: In the interests of protecting the residential amenities of the properties to the north of the site from overlooking and loss of privacy in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Balcony Screening

- 25 The application for approval of reserved matters shall include details of 1.8m high balcony screening to be located at the sides of each balcony for the apartments located on the northern side elevation of Block's A and C. The balcony screening as approved shall be installed prior to the occupation of the apartments in Block's A and C and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Soundproofing/Noise Insulation

- 26 Prior to the commencement of development a scheme for noise insulation of the proposed dwellings to protect residential amenity from sports associated uses in Blocks B and D of the development hereby permitted shall be submitted to and agreed in writing with the local planning authority. The scheme shall assess the predicted noise impact and shall propose appropriate measures so that all habitable rooms will achieve 'good' internal levels as specified by BS8233:2014. The scheme shall identify and state the glazing specifications for all the affected windows, including acoustic ventilation, where appropriate. The noise insulation measures and specification shall be implemented within the apartments prior to occupation of the development and shall be permanently retained as approved thereafter.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance

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

Removal of PD Rights - Communal TV/Satellite

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

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

Refuse and Recycling Storage

- 28 The refuse and recycling storage facilities as shown on approved plan shall be constructed and completed prior to the occupation of the development and retained for such purposes at all times thereafter.

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

Surface Water Drainage Scheme

- 29 No development, with the exception of demolition, shall commence until the detailed surface water drainage scheme within the Flood Risk Assessment for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in

accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 15l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. • 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 of the development.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Surface Water Maintenance Plan

- 30 Prior to occupation of the development a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and agreed in writing by the local planning authority. Should any part be maintainable by a maintenance company details of long term funding arrangements shall be provided and be implemented for all times thereafter.

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

Surface Water Yearly Logs

- 31 The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any Maintenance Plan. These shall be made available for inspection upon the written request of the Local Planning Authority.

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

Hours of Operation – to be agreed

- 32 Prior to occupation of the sports centre and associated uses hereby permitted details of the proposed hours of use and the hours for deliveries and collections shall be submitted to and approved by the local planning authority. The sports centre and uses shall only be used in accordance with the approved hours of use and hours for deliveries and collections at all times thereafter.

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

Noise Management Plan

- 33 Prior to occupation of the development a noise management plan shall be submitted to and approved by the local planning authority. The details shall include information about any noise generating activities and any use of amplified sound with details of the predicted sound levels to be included in the noise management plan and mitigation measures to prevent sound impact upon the amenities of nearby neighbouring properties. The noise management plan shall be subject to monitoring purposes and shall be made available for inspection by the local planning authority should any complaints be received. The noise management plan and the identified mitigation measures within shall be implemented as approved and all mitigation measures shall be maintained and retained thereafter.

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

Ventilation and Extraction - Food Premises to be agreed

- 34 Prior to the occupation of the sports centre and associated uses full details of equipment to be installed for the extraction and control of fumes and odours, including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority. The use hereby permitted shall not take place other than in accordance with these approved details.

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

External Lighting – Commercial

- 35 Prior to the occupation of the sport centre and associated uses on site details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to occupation of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

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

External Lighting – Residential

- 36 Prior to the occupation of the development details of any external lighting, with the exception of lighting within the apartments and balconies, shall be submitted to and agreed in writing by the local planning authority. The details shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports. The approved external lighting shall only be implemented and operated in accordance with the agreed details.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

Ecological Enhancements

- 37 Prior to the occupation of the development details of ecological enhancement

measures to be implemented shall be submitted to and agreed in writing by the local planning authority. The details shall only be implemented in accordance with the agreed details and shall be maintained at all times thereafter.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

BREEAM

- 38 Prior to the commencement of the development a certificate issued by an accredited Building Research Establishment consultant shall be submitted to the Local Planning Authority to demonstrate that the design of the extensions and building(s) can achieve a BREEAM 'Outstanding' Rating. This shall be supplemented by details of any measures that would need to be secured by the development fit out and a mechanism by which these will be secured. The development shall be built in accordance with the agreed measures and shall achieve a BREEAM 'Outstanding' Rating. A BREEAM post construction review shall be undertaken confirming the BREEAM rating achieved for the extensions and buildings hereby permitted. This shall be submitted to the Local Planning Authority within 6 months of the completion of the development and in any event within 6 months of receipt by the applicant of a written request made by the Local Planning Authority in the event that not all phases are undertaken or completed.

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

Renewable Energy

- 39 Prior to the commencement of development details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the 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).

Superfast Broadband

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

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

Construction Environmental Management Plan (CEMP)

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

- (o) Ecology and environmental protection and mitigation;
- (p) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- (q) Details of security lighting layout and design; and
- (r) A procedure to deal with any unforeseen contamination, should it be encountered during development.

Demolition and development on site shall only take place in accordance with the approved CEMP.

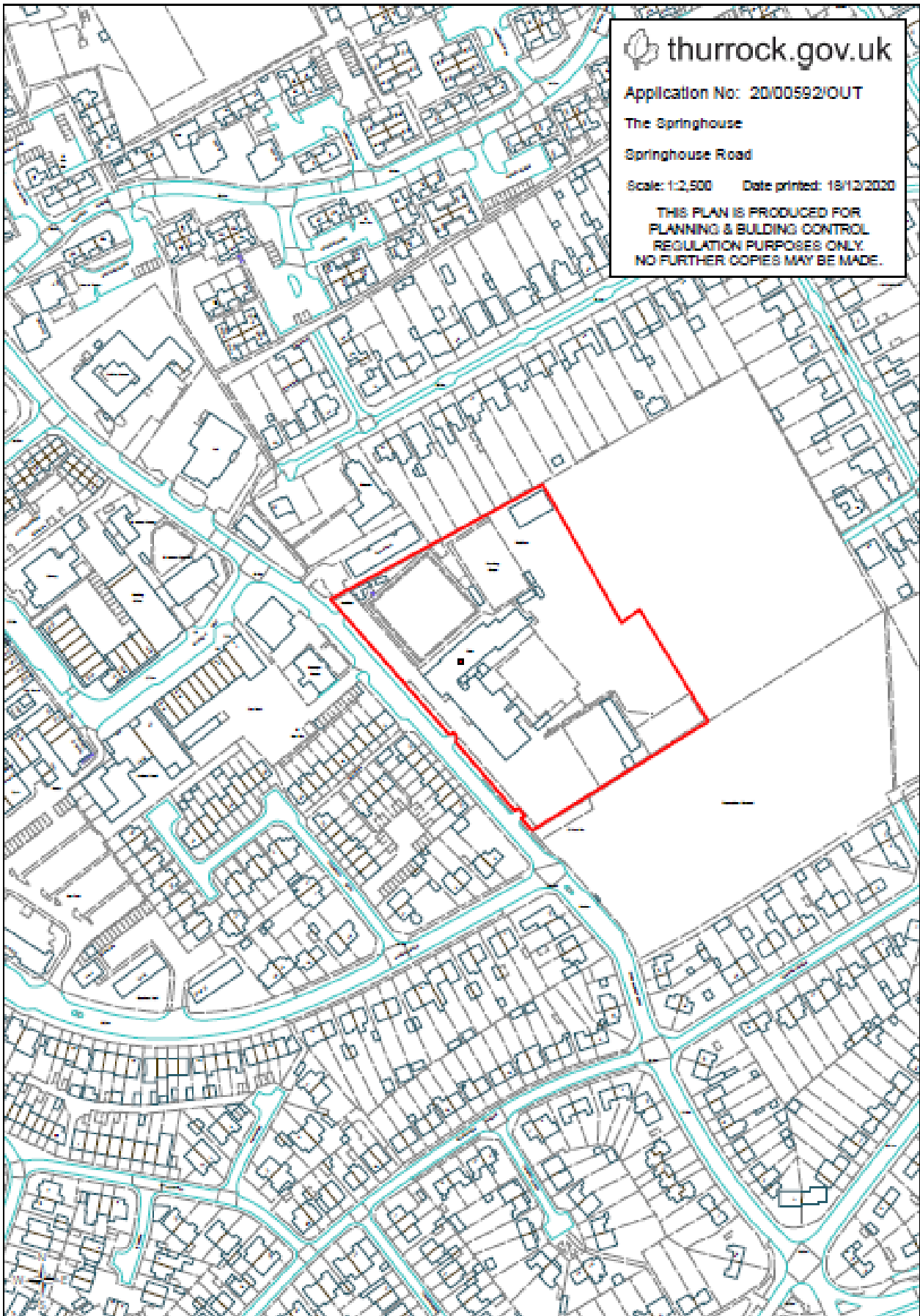
Reason: In order to minimise any adverse impacts arising from the construction of the development and to ensure the construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity, in accordance with Policy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

Positive and Proactive Statement

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

Documents:

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



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